

Memo

To: Lauren Jaccodine, Vicky Fedor, Becky Pugh, Susan Singer, Debbie Myers, Gail Woller, Natale Carmela, Mia LoGiudice, Carolyn Breen, Rhoda Gladstone, Christine Casile

From: Paul J. Bent

CC: Russell F. Bent

Date: April 5, 2013

Re: NJ State Board of Dentistry Public Session

On Wednesday, April 3rd, I had the pleasure of attending the meeting of the NJ State Board of Dentistry Public Session. The meeting was held at the Board Office in Newark and covered the following:

I. APPROVAL OF MINUTES: March 20, 2013 – Approved with minor corrections.

II. COMMITTEE REPORTS:

1. Applications:

- Dr. Jerome M. Horowitz - Application for reinstatement of his New Jersey dental license. Former Board of Dentistry member who sold his practice and retired a number of years ago. Now looking to come out of retirement to be a NERB examiners and needs to have his license reinstated. Appears to meet all of the requirements for reinstatement. Board moved this to Executive Session to discuss with legal counsel.

No other applications were reviewed.

2. Continuing Education

- A dentist, working in Kuwait has asked the Board if it will accept non-ADA approved CE courses. The Board will respond that they do accept such CE on a case by case basis.

- Some CE course approval applications being sent to the Board have been in electronic format on CD's. There is a question about what the policy is regarding the CD's (does the Board keep them, destroy them, return to the applicant, etc.). The Board has indicated that, for the time being, they are unable to accept electronic media for course approval and that all applications must be in "paper" format including all supporting documentation.

- A botox CE course was moved to Executive Session without explanation.

3. Beach Bum Tanning

While only partially related to the Beach Bum Tanning lawsuit, the Board's ad hoc committee on Tooth Whitening presented its report to the full Board. The ad hoc committee found:

- The sale of over-the-counter tooth whitening products is NOT the practice of dentistry.
- The sale AND offer of services that include a 14 point list of activities (including such things as examinations, diagnoses, inserting anything into the mouth, etc.) is the practice of dentistry.

The ad hoc committee report was moved to Executive Session for further discussion with legal counsel. The Board will make copies of this report available at an unspecified later date.

III. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:

1. Dr. Antonella Maietta – 75 year old female presenting with a "sharp edge on #5" experienced a grand mal seizure while being treated. It was noted that no anesthesia had been given prior to the seizure. Patient was taken to the ER by ambulance and later reported to be

doing OK. Board is going to ask that the patient record be sent to the Board for further review.

IV. REPORTS FROM THE PROFESSIONAL ASSISTANCE PROGRAM:

1. Dr. Edward Wallendjack
2. Dr. W. Thomas Breithaupt
3. Dr. Walter Bilotta

All three were moved to Executive Session with no explanation given.

V. OTHER MATTERS:

1. Additional information from Dr. Elana Wolf-Silver in follow-up to her request to use the passing of the American Board of Pediatric exam towards the continuing education requirements for licensure renewal.

She is seeking 60 credits of CE for her successful passage of the American Board of Pediatric Dentistry exam. 60 is how many credits the American Board of Pediatric Dentistry said its exam is worth. Board directed staff to reach out to the Board of Pediatric Dentistry to see how they calculated 60.

Staff will also reach out to Dr. Wolf-Silver to see if she took any prep courses which are typically allowed for CE credit.

2. NERB - Correspondence from Ellis H. Hall, DDS, NERB Director of Examinations, questioning whether the Board would recommend the following to become examiners for NERB:

- Barbara Jacobs, Hygienist
- Dr. August D. Pellegrini

The Board was not familiar with the applicant so they were referred to the Board's NERB subcommittee for review. Also, the Board was upset that NERB brought these names forward when the Board had been told that NERB did not need any more examiners and that the names provided were not from a list of approved individuals sent to NERB from the Board previously. Staff will be contacting NERB find out the

status of the previous lists the Board has sent as well as to get an idea of how many examiners NERB is looking to bring on.

3. Dr. Edward Feins - Inquiry concerning a Preferred Patient Program he is proposing to offer to their patients without dental insurance.

Dr. Feins is offering a program in which people without dental insurance can pay (I believe it is \$300 a year) for free prophys and other discounted services throughout the year. He is asking if such a program is permissible.

The Board will respond that such programs are allowed so long as it is available to everyone regardless of third party coverage.

4. Dr. Robert DeRosso - Inquiry concerning entities like, Groupon, Living Social and other internet services to market services as a discount.

Dr. DeRosso is asking if such programs are permissible or if they run afoul fee shifting regulations and the like. Board tabled this issue and has asked staff to provide it with updated information regarding this issue.

5. Request from Debra D. Wales for interpretation of Board regulations concerning duties of Registered Dental Assistants.

Ms. Wales provides practice management to an orthodontist and is asking if a Registered Dental Assistant can "cement bands"; care for "loose brackets" and "make repairs to a prosthesis" both when the dentist present or absent. The Board will respond by providing Ms. Wales with a copy of their regulations.

6. Inquiry from Dr. BettyJo Simas questioning whether a dentist is allowed to administer a home sleep test to monitor the oral appliance after it is inserted.

The Board held a lengthy discussion about the dentists role in the care for people with sleep apnea. Ultimately, no decision was made and

the Board voted to get additional information about home based sleep apnea tests and to have staff look into developing a "panel" in an effort to educate the Board about the current treatments for sleep apnea.

Off Agenda:

Art Meisel, representing the NJDA, asked about the availability of CE courses for conscious sedation. Board staff will get back to Mr. Meisel with details about the courses currently approved by the Board.

I had asked the Board for information regarding an item on their agenda last month dealing with general supervision. The Board's Executive Director e-mailed me a copy of the minutes of that meeting in response to my question. The minutes read:

Inquiry from Valerie Scalley concerning the "new general supervision law for dental hygienists." Specifically, Ms. Scalley requests clarification concerning whether a patient must have had a dental exam within the past 365 days, in order for a dental hygienist to perform a "prophy"; can that patient have just a "prophy" if they sign a waiver refusing examination by the dentist? The Board will refer the hygienist to the statutory language. NJSA 45:6-69.2 refers to hygienists providing preventative measures in a school setting and requires that the hygienist has a reasonable belief that the recipient of the service has been examined by a dentist within the past 365 days. When practicing in a dental office, clinic or institution, the hygienist may treat existing patients of record provided she holds a current certification in Basic or Advanced Cardiac Life Support and the office has emergency equipment NJSA 45:6-62.

Lastly, the Board was questioned about the delay they have been experiencing in starting their public sessions. This is the second month in a row in which they started an hour after their scheduled start time of 9:30. The Board indicated that they have been having committee meeting prior to the public session that has been causing the delay. They are going to move their public session to 10am and try to move their committee meetings along in hopes of starting on time.

VI. ADJOURNMENT: