

CERTIFIED TRUE COPY

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 10-25-91 cm

ROBERT J. DEL TUFO
ATTORNEY GENERAL OF NEW JERSEY

By: Kathy Rohr
Deputy Attorney General
Division of Law, 5th Floor
124 Halsey Street
Newark, New Jersey 07102
Tel: (201) 648-4735

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of)	
)	Administrative Action
BARRY LUSTIG, D.M.D.)	
)	CONSENT ORDER
Licensed to Practice Dentistry)	
in the State of New Jersey)	
<hr/>)	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information which disclosed that Barry Lustig, D.M.D., permitted an assistant in his dental practice to perform duties reserved for licensed dental hygienists and/or registered dental assistants notwithstanding that she had no license or authority to perform these duties. It appearing that the parties wish to resolve this matter without recourse to formal proceedings and for good cause shown,

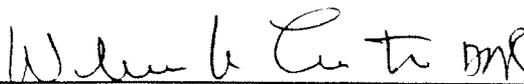
IT IS ON THIS 24th DAY OF OCTOBER, 1991,

HEREBY ORDERED AND AGREED THAT:

1. Dr. Lustig is hereby assessed a civil penalty in the amount of \$2,500.00. Said penalty shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board within thirty (30) days of the

entry date of this Order.

2. Dr. Lustig shall cease and desist from permitting an unlicensed assistant to perform any acts which are not authorized and permissible pursuant to The Dental Auxiliaries Act, N.J.S.A. 45:6-48 et seq., and the Board's regulations, N.J.A.C. 13:30-2.1 et seq. A Board of Dentistry chart which demonstrates with an "X" the duties which may be permissibly delegated to dental auxiliaries is attached hereto and is made a part of this Order by reference.

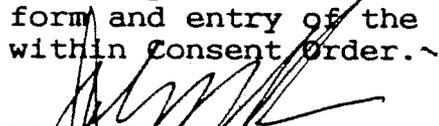


William R. Cinotti, D.D.S.
President
Board of Dentistry

I have read the within Consent Order and understand its terms. I hereby consent to its form and entry.


Barry Lustig, D.M.D.

I hereby consent to the form and entry of the within Consent Order.


John Paul Dizzia, Esq.
Counsel for Dr. Lustig

DUTIES OF THE LICENSED DENTAL HYGIENIST (RDH) WITH EXPANDED FUNCTION (RDH-EXF),
 LICENSED DENTAL HYGIENIST (RDH), REGISTERED DENTAL ASSISTANT (RDA) AND DENTAL ASSISTANT (DA)
 (Excerpt from N.J.A.C. 13:30-2.3 and 13:30-2.8, October 1990)

DELEGABLE FUNCTION		RDH EXF	RDH	RDA	DA
1.	Polish amalgam restorations.	X			
2.	Remove excess cement from crown and orthodontic bands (by hand or mechanical instrument).	X			
3.	Fabricate athletic mouth guard appliances.	X			
4.	Apply pit and fissure sealants.	X			
5.	Perform a complete prophylaxis including removal of all hard and soft deposits from all surfaces of human teeth to the epithelial attachments, polish natural and restored teeth, root planing, and curettage as part of the prophylaxis.	X	X		
6.	Provide prophylactic and preventive measures such as the application of fluorides and other recognized topical agents for the prevention of oral disease and discomfort.	X	X		
7.	Examine soft and hard tissue of the head, neck and oral cavity, note deformities, defects and abnormalities.	X	X		
8.	Place and remove rubber dams.	X	X	X	
9.	Place and remove matrices and wedges.	X	X	X	
10.	Place temporary sedative restorations.	X	X	X	
11.	Remove excess cement from crowns or other restorations and orthodontic appliances.	X	X	X	
12.	Remove sutures.	X	X	X	
13.	Fabricate and cement temporary crowns and bridges after preparation of tooth (teeth) by a dentist. This does not include intra oral occlusal adjustments.	X	X	X	
14.	Take impressions for diagnostic models and models to be used as counters for fixed and removable prosthesis.	X	X	X	
15.	Place amalgam and gold foil in a tooth for condensation by the dentist.	X	X	X	
16.	Place and remove retraction cords and medicated pellets.	X	X	X	
17.	Perform bite registration procedures to determine occlusal relationship of diagnostic models only.	X	X	X	
18.	Place and remove periodontal dressings and other surgical dressings.	X	X	X	
19.	Trial size (pre-select) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally.	X	X	X	
20.	Prepare teeth for bonding not to include prophylaxis.	X	X	X	
21.	Remove arch wires and ligature wires.	X	X	X	X
22.	Make radiographic exposures as permitted by the Department of Environmental Protection.	X	X	X	X
23.	Provide oral health education such as but not limited to dietary analysis and clinical instruction in order to promote dental health.	X	X	X	X
24.	Apply topical anesthetic agents.	X	X	X	X
25.	Take and record vital signs.	X	X	X	X
26.	Retract patient's cheek, tongue or other tissue parts during a dental operation.	X	X	X	X
27.	Remove such debris as is normally created in the course of treatment during and after dental procedures by vacuum devices, compressed air, mouthwashes and water.	X	X	X	X
28.	Isolate the operative field, not to include rubber dam.	X	X	X	X
29.	Trial size (pre-select) orthodontic bands, wires, stainless steel crown, and temporary crowns on a diagnostic model.	X	X	X	X
30.	Analyze saliva and prepare smears.	X	X	X	X
31.	Take dental photographs.	X	X	X	X
32.	Assist a licensed dentist in the administration of nitrous oxide, provided the dentist is physically present at all times during the procedure.	X	X	X	X

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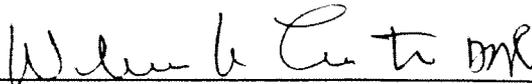
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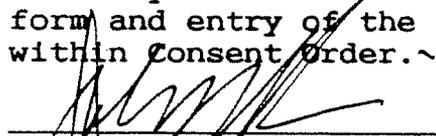
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