

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
JANUARY 7, 2015

NOTE: The Public Session was called to order at 10:00 A.M. by Vice-President, Emil Cappetta, DDS.

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Emil Cappetta, DDS; Elizabeth Clemente, DDS; Peter Clemente, DMD; Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Steven Goldstein, DDS; Roger Kriete, DMD; Beverly Kupiec, PhD, RN; Richard D. Riva, DDS

OTHER ATTENDEES: Deputy Attorneys General Miller and Oo; Executive Director, Jonathan Eisenmenger; Cecilia Moreira, Senior Management Assistant

ABSENT: Shirley Birenz, RDH

I. APPROVAL OF MINUTES: December 17, 2014 - Approved as amended.

II. COMMITTEE REPORTS:

A. Continuing Education: Dr. Cappetta reported on a continuing education course request that was originally denied credit. The Board sustained its previous decision indicating the course content was only peripherally related to dentistry.

III. PROPOSED LEGISLATION:

1. S-2370 - Requires pharmacies and prescribers to notify patients about how to ensure proper and safe disposal of unused prescription drugs.

While recognizing the good intentions behind this bill, the Board is unable to support this proposed legislation.

The bill would require persons authorized to prescribe (including dentists) who dispense drugs or medicines to not dispense more than a seven day supply to any patient and would require the drugs or medicines to be dispensed at or below cost, plus an administrative cost not to exceed ten percent of the cost of the drug or medicine. Additionally, dentists would be required to provide a notice prepared by the Division of Consumer Affairs regarding proper and safe disposal of controlled dangerous substances. The Board noted these requirements may cause licensees to cease dispensing medications in their practices and would place an onerous burden on licensees.

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

1. Dr. Yashodhara Kumar - Moved to executive session for deliberation.
Upon return to public session, the Board determined to take this report as informational.
2. Dr. Seth Marguiles - Moved to executive session for deliberation.
Upon return to public session, the Board determined to obtain additional information.
3. Dr. Douglas Seeger - Moved to executive session for deliberation.
Upon return to public session, the Board determined to take this report as informational.

V. REQUESTS FROM THE PROFESSIONAL ASSISTANCE PROGRAM FOLLOWING BOARD ORDER:

1. Dr. Walter Bilotta - The Board reviewed additional information from the Professional Assistance Program requested by the Board at its December 3, 2014 meeting.
The Board moved this matter to executive session for deliberation.
Upon return to public session, the Board determined to remove the restrictions placed on Dr. Bilotta's license.

VI. ORDERS FILED BY THE BOARD:

The Board took the following as informational:

1. Dr. Daniel Reich - Consent Order filed on December 3, 2014.
2. Dr. Nickolas Romanides - Consent Order filed on December 9, 2014.
3. Dr. Melba P. Bonelli - Settlement Letter filed on December 8, 2014.

VII. OTHER MATTERS:

1. AADB - Request for individuals interested in serving as an AADB appointee to ADA Councils and Commissions. Dr. DeRobertis expressed interest in serving and will follow up with AADB.
2. The Board reviewed follow-up correspondence from Carolyn Breen, Ed.D., CDA, RDA, RDH, Department of Allied Dental Education Rutgers School, concerning the proposed infection control initiative.

Gail Woller, RDH, the current president of the New Jersey Dental Hygiene Association spoke about the letters sent in by Dr. Breen urging the Board to consider the request.

Arthur Meisel, NJDA, stated that the OSHA has annual requirements for all employees to meet in terms of health and safety protocols.

The Board noted that the twelve hour course has been reviewed and approved for continuing education credit. The Board thanks Dr. Breen for her efforts in developing this course. However, it is the dentist's professional obligation to ensure that infection control procedures are understood and complied with in his or her office, including training staff. The Board declines to create a requirement for credentialing all staff who may assist in office cleaning and sterilization procedures.

VIII. HANDOUTS:

1. Delta Dental - Douglas Sanborn, Esq., and Dr. Keith Libou, of Delta Dental were present to respond to questions related to an inquiry concerning whether it is within the scope of practice of dentistry to administer blood sugar testing protocols in the dental office.

Board noted that dentists play an important role in addressing patients' health care needs. Screening patients for blood sugar levels, as described in Delta's inquiry is within the scope of practice of dentistry. Any such test must be performed in an appropriate manner. Dentists providing such tests should give results to patients and refer patients to their medical doctors for diagnosis and possible treatment, and are expected to be familiar with medications and other physical conditions of patients.

The Board, in discussing the issue, questioned whether were this screening to be required by a benefits provider as part of a comprehensive examination, would the benefits provider compensate the dentist for performing such screening. Mr. Sanborn indicated that question was still under review. The Board further noted that although within the scope of practice, such testing is not presumed to be the standard of care.

- IX. ADJOURNMENT:** The Board adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.