

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
JUNE 3, 2015

NOTE: The Public Session was called to order at 10:00 A.M. by President, Shirley Birenz, RDH.

ATTENDANCE: The following members were in attendance:

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

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

ABSENT: Roger Kriete, DMD

I. COMMITTEE REPORTS:

A. Applications:

1. Dr. Jay D. Kim - Application for a dental license. Dr. Kim took the WREB dental exam in June 2009. WREB reports a passing score for all categories for Dr. Kim. They indicate that successful completion of the exam requires passing each of the five sections. A passing score corresponds to a minimally acceptable level of 75%. This matter was moved to public session for deliberation. Upon return to public session the Board approved this application subject to WREB confirming that Dr. Kim passed each section with a 75% of higher.
2. Dr. Raquel M. Rozdolski - Application for a dental license. Dr. Rozdolski took WREB in March 2012. WREB states a passing score for all categories for Dr. Rozdolski. They indicate that successful completion of the exam requires passing each of the five sections. A passing score corresponds to a minimally acceptable level of 75%. The Board approved this application subject to WREB confirming that Dr. Rozdolski passed each section with a 75% of higher.
3. Dr. Mandana Kouroshnia - Application for a dental license. Dr. Kouroshnia took the California dental exam in 2004. The Board accepted this exam as comparable to the ADEX exam. The Board approved this application.
4. Dr. John E. Bell - Application for reinstatement of his dental license. This matter was moved to Executive Session for deliberation. Upon return to public session the Board determined that additional information be obtained.

B. Continuing Education:

The Board in a motion by Dr. Battaglia, seconded by Dr. Cappetta, approved the continuing education committee's recommendations.

C. Report of committee on regulatory initiatives:

1. Amendments to regulations to implement provisions of P.L. 2013 Chapter 49, concerning the issuance of licenses to military veterans with equivalent training.
Regulatory Analyst Rachel Glasgow presented a draft of the model rules implementing the provisions of P.L. 2013, Chapter 49. Amendments must be made to 13:30-1A.7 and 13:30-2.7 affecting RDH and RDAs. No changes are needed to the qualifications for a dentist, as the military requires a dental license and does not provide for alternative training to obtain a dental license.
On a motion by Dr. Riva, seconded by Dr. DeRobertis, the Board approved the proposal for publication in the NJ Register.

2. Petition for Rulemaking - Scope of Practice of Dental Auxiliaries in an Orthodontic Office – LRDA-O.

The Petition filed on January 16, 2014 by the New Jersey Association of Orthodontists was referred to the rules and regulations committee for deliberation and further study. Two extensions have been granted, with the current deadline being in August 2015. The Board reviewed a letter of support from the New Jersey Dental Association, a letter of opposition from the New Jersey Dental Assistants Association, and a report from the Dental Assisting National Board (DANB) concerning the ability of the Board to utilize the testing resources offered by the DANB.

The petitioner is requesting that LRDA-O's be allowed to perform the following functions already permitted by the RDH and RDA:

1. Hold and apply a curing light
2. Apply topical anesthetic
3. Apply topical fluoride
4. Place and ligate archwires
5. Prepare teeth for bonding, i.e.-polish, etch and seal

The petitioner is also asking that RDH's, RDA's and LRDA-O's be permitted to:

1. Take impressions for orthodontic appliances
2. Place orthodontic separators
3. Remove bands and brackets without the use of rotary instruments
4. Remove primary adhesive after debanding/debonding without the use of rotary instruments
5. Perform intra-oral scanning for the purpose of obtaining digital study models or orthodontic appliances
6. Under direct supervision, perform emergency treatment to provide immediate relief from an offending appliance, e.g., clip a protruding archwire or remove a loose bracket

The Board determined the following:

Part 1 - Expanding the scope of the LRDA-O to grant #1, #2, #3, #4 and #5.
With an amendment in the petition language to “use a curing light”, which is what is being proposed in the RDH and RDA scope regulations.

Part 2 - Expanding the scope of all dental auxiliaries.

For all 3 categories (RDH, LRDAO, RDA) - #1, #2, #3 and #6 - under direct supervision

For RDH only - #4 under general supervision

Deny #4 for RDA and LRDA-O

Denying #5, as it’s own number, but add to become as part of #1

And include a statement that the final impression must be reviewed by the dentist, and the insertion of appliances must be by the dentist

Part 3 - Pathway to licensure

Require that candidates for the LRDA-O successfully pass the Orthodontic Assisting exam, Topical Flouride exam, and coronal polishing exam, all of which are administered by the DANB.

Also amend the proposed language to specify that an LRDA-O may work under the direct supervision under the direction of a “licensed dentist”.

The Board in a motion by Dr. DeRobertis, seconded by Dr. Goldstein, voted to grant in part and deny/modify in part. The Board’s action will be summarized and printed in the NJ Register, and the rulemaking process will proceed along a “fast track” in order to comply with the time requirements for a petition for rulemaking.

Dr. E. Clemente, Dr. Battaglia and Dr. Riva abstained.

II. REQUEST FOR LICENSURE REINSTATEMENT:

1. Dr. Judd Garson - Request for reinstatement of license along with a report from the Professional Assistance Program. On July 7, 2010, an Order was filed requiring that Dr. Garson provide the Board with a current report from a psychiatrist or psychologist attesting to his ability to practice dentistry with reasonable skill and safety. This matter was moved to Executive Session for deliberation. Upon return to public session the Board requested that additional information be obtained.

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

1. Dr. Shahid R. Aziz - The Board took this as informational.
2. Dr. James Salman - The Board took this as informational.
3. Dr. Shawn Kelly - The Board took this as informational.
4. Dr. Abdul Mahmood/Dr. Mary Voytus(Hackensack UMC Mountainside) - The Board took this as informational.

IV. ORDERS/SETTLEMENTS FILED WITH THE BOARD:

1. Deborah A. Turi, RDA - Order of Summary Suspension filed on May 4, 2015.
2. Dr. Ira M. Klemons - Final Consent Order filed on May 4, 2015(nunc pro tunc 4-15-15).
3. Dr. Janet Crain - Final Consent Order filed on May 16, 2015(nunc pro tunc 4-15-15).
4. Dr. Francis James O'Bosky, Jr. - Settlement Letter filed on May 5, 2015.
5. Dr. Genevieve Fernandes - Consent Order of Suspension filed on May 11, 2015.

V. HAND-OUT:

1. DrBicuspid.com - Article dated May 29, 2015, reporting the NJ Board's decision concerning whether dentists are permitted to perform diabetes testing in the office. The Board took this as informational.

VI. 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.