

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
NOVEMBER 5, 2014

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

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Shirley Birenz, RDH, MS; Elizabeth Clemente, DDS; Peter Clemente, DMD; Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Steven Goldstein, DDS; Roger Kriete, DMD; Richard D. Riva, DDS

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

ABSENT OR EXCUSED: Emil Cappetta, DDS; Beverly Kupiec, PhD, RN

I. APPROVAL OF MINUTES: October 15, 2014 - Approved as amended

II. COMMITTEE REPORTS:

1. **New Jersey Dental Association** - Notice of Petition for Rulemaking concerning the ownership and management of dental practices.

Rachael Glasgow, regulatory analyst, reported that Arthur Meisel from the New Jersey Dental Association has agreed to one month extension to facilitate the receipt and review of information from Mr. Rocco Iossa. The Petition will be placed on the Board's agenda of December 3, 2014 for Board discussion and action.

III. REGULATIONS:

1. Third Party Care Financing - Regulatory analyst Rachel Glasgow appeared to discuss the current draft of the regulations. The regulations committee requested that the full Board provide feedback on the draft so that it may proceed with input from the Board. The Board discussed the need for informed consent, and also the various places in the record that would reject such consent.
The Board referred this matter back to the regulations committee. The committee will review the language for the various consent forms currently being used (e.g., ADA, insurance companies).

IV. LEGISLATION:

1. A-3804 - Requires State agencies to periodically review administrative rules and regulations to ensure continued efficacy.

On a motion by Dr. DeRobertis, seconded by Dr. Riva, the Board determined to support the legislation, with a request for clarification for unquantifiable attributes that would need to be assessed.

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

1. Dr. Elon T. Elisha - Referred to executive session. Request additional information.
2. Dr. Christina Lee - Referred to executive session. Request additional information.
3. Dr. Jason Slomovitz - Referred to executive session. Request additional information.
4. Dr. Michelle Mirza (2 reports) - Referred to executive session. Request additional information.
5. Dr. Gail S. Hutnick - Received as informational.
6. Dr. Priyu Gupta - Received as informational.

VI. INQUIRIES FOLLOWING ACTIONS FILED BY THE BOARD:

1. Dr. Frank Conte - The Board reviewed correspondence from the Professional Assistance Program in follow-up to the Consent Order of Voluntary Surrender of Licensure filed on January 13, 2014. This matter was referred to executive session. The Board returned to public session and determined that additional information be obtained.

VII. ORDERS/SETTLEMENT LETTERS FILED BY THE BOARD:

1. Dr. Alexander Rockwell - Received as informational.
2. Dr. Roben Brookhim (Not on the agenda) - Update from the Receiver assigned by the Court concerning the disposition of the remaining dental records. The Board determined that the receiver, having made repeated efforts to publicize the availability of records, may destroy the remaining records.

VIII. OTHER MATTERS:

1. Dr. Anthony Terra - The Board reviewed additional information in follow-up to the continuing education credits required for licensure renewal. Received as informational.

The Board also discussed the possibility of drafting a regulation concerning continuing education for volunteer work. This matter was referred to the regulations committee for review.

2. The Board reviewed correspondence from Elliot P. Schlang, DDS, President, Big Smiles concerning an in-school dental program. The Board directed that the executive director contact other state boards to determine whether there have been any issues with this organization, or similar organizations.

3. Inquiry from Dana Bonuomo, dental hygienist, questioning whether a hygienist is allowed to “do prophylaxis/varnish on pediatric patients without getting an exam/check with the dentist.” The Board determined that additional information be obtained. Is this a patient of record? When was the last assessment/exam by the dentist? What is the treatment plan?
4. Inquiry from Rebecca Welch Pugh, Executive Director of the New Jersey Dental Hygienist Association, concerning what dental hygienists may do in long-term care facilities concerning screenings, application of fluoride, and demonstrating and conducting training in oral home care.
After discussing the matter, the Board determined that hygienists, under general supervision, may demonstrate home care, may provide daily home care for patients, may perform screenings with a mirror and tooth brush to provide referrals for needed dental care, and may apply fluoride. As for the final question, which states “Is Dr. Zwetchkenbaum’s development, management and oversight of this program acceptable as far as supervision laws?” it is not related, as it is about the management by a dentist.
5. Information from Kim McMahon, Legislative Chair, New Jersey Dental Assistants Association, concerning correspondence sent to the Board by Dr. Carolyn Breen, Chair of the Department of Allied Dental Education, School of Health Related Professions in Rutgers University.
Ms. McMahon was present and stated that the 12-hour course developed by Rutgers-SHRP is intended as a model for training a non-trained dental auxiliaries in infection control.
The target audience is intended to be unregistered dental employees, and the Board does not have the authority to require course work to be completed by these individuals. The Board reiterates that dentists are responsible for infection control practices in their offices and persons assigned to perform those tasks should have appropriate training. The Board appreciates the work of Rutgers-SHRP to develop this course, and wishes it well with offering this training to dental offices in New Jersey.
6. Invitation from Commission on Dental Accreditation for members of the State Board to participate in accreditation site visits in 2015. This was received as informational.
7. News articles concerning oral argument in the United States Supreme Court on North Carolina State Board of Dental Examiners v. Federal Trade Commission (13-534). This was received as informational.

IX. PUBLIC COMMENT:1. Paul Bent, New Jersey Dental Hygienist Association -

- Requesting an update from the August meeting concerning the use of water and pumice vs. prophy paste. The regulations state that only water and pumice may be used, so that no one can be confused about the use of prophy paste (which contains flouride). The Board determined that prophy paste may not be used by registered dental assistants.

- May a dentist take an NJDHA approved course in order to fulfill the continuing education requirements for dentists. The Board noted that if the course is approved for hygienists only, the dentist could take the course, but not receive continuing education credit. If it is a general course that is approved for all licensees, than a dentist may take the course and use the credits toward continuing education required for renewal.

- Questions concerning the continuing education requirement for dental hygienists who hold local anesthesia permits. The regulations state that four hours of continuing education must be completed in every other biennial renewal period. It is calculated individually depending on the licensee's initial permit date.

X. 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.