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NEW JERSEY STATE BOARD OF DENTISTRY
REGULARLY SCHEDULED MEETING
PUBLIC SESSION MINUTES
AUGUST 2, 2023

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The August 2, 2023 meeting of the New Jersey State Board of Dentistry was not held at 124 Halsey Street, Newark, New Jersey, but was conducted electronically only as authorized by P.L. 2020, c. 11 (N.J.S.A. 10:4-9.3). Pursuant to the Open Public Meetings Act, notice was provided electronically within 72 hours of the scheduled meeting, and has been provided by mail to the Office of the Secretary of the State of New Jersey, The Newark Star Ledger, The Trenton Times, The Bergen Record and the Courier Post and also posted on the Board’s web page. The meeting began at 10:08 A.M., and was accessible to the public by a link provided on the Board’s public agenda.

I. OPEN PUBLIC MEETINGS ACT NOTICE

Read by Executive Director Magrath

II. ROLL CALL

Board members:	Present	Excused/Absent
Daniel Barabas, D.D.S., M.S.D.	(x)	()
Elizabeth Clemente, D.D.S.	()	(x)
Nicole DeMuro, Esq.	()	(x)
Nicholas DeRobertis, D.M.D.	(x)	()
John Feeney, D.D.S.	(x)	()
Dawn Forbes, D.D.S.	(x)	()
Darwin Hayes, D.D.S. (joined 10:20)	(x)	()
Eileen Hoskin, D.M.D.	(x)	()
Amy Palagano, R.D.H.	(x)	()
Kevin Reich, Esq.	()	(x)
Asad Sadiq, D.M.D.	()	(x)
Asha Samant, D.M.D.	(x)	()
Brooke Skolnick, D.M.D.	()	(x)

Staff present: Deputy Attorneys General Nancy Miller and Joseph Donofrio, Regulatory Analyst Ketura Datus, Executive Director Joanne Magrath, Board Staff Rhonda Frobose and Melba Rodriguez, and Board Consultant Dr. Stephen Barbell.

Any public comments were to be submitted by 5:00 p.m. on August 1, 2023 by emailing MagrathJ@dca.njoag.gov.

III. MINUTES

Minutes not available

IV. EXECUTIVE DIRECTOR'S REPORT

Dental license renewal notices will be going out shortly. Recent requests for issuance of branch licenses are on hold as they cannot be processed until dental licenses are first renewed.

Ms. Magrath noted that the Division is no longer offering an "inactive-paid" status. Notice of that change was sent to those dentists in inactive paid status, advising them that they may renew inactive without paying any fee. Dentists in active status who choose to reactivate their license are instructed to contact the Board office for a re-activation application. Board staff has assured callers inquiring about the change that they may continue to hold their licenses in inactive status.

V. COMMITTEE REPORTS

1. Dental Committees 2023

The Committee list was presented as informational.

VI. REGULATORY AFFAIRS

1. A5632/S3938 Dentist & Dental Hygienist Compact

DAG Miller reported that the committee met following the last meeting to discuss the proposed Dentist and Dental Hygienist Compact, which has passed the New Jersey Assembly and has been introduced in the Senate. The committee identified areas of concern and need for additional information. Regulatory analyst Datus, Ms. Magrath, and DAG Miller had a telephone conference with representatives from the non-profit Council on State Governments (CSG) to obtain additional information. The CSG representatives stated that those practicing under compact privileges would be required to adhere to laws and regulations governing the practice of dentistry and dental hygiene. They were unable to answer some questions related to scope of practice and other issues, but will forward additional information for the committee's review.

The committee also learned that the American Association of Dental Boards has drafted alternative compact legislation modeled after the compact created by the Federation of State Medical Boards to facilitate licensure and professional mobility. The AADB compact model legislation is expected to be released within the next few months.

Because the committee has remaining questions and concerns related to the pending compact legislation and with the upcoming release of an alternative compact model, the committee was unable to make a firm recommendation to the Board regarding the pending legislation. Additional time is needed for the committee to assess whether one or the other compact or no compact is preferable and what outcome would best protect the public health safety, and welfare of the people of New Jersey.

Briefly, questions on the pending legislation included, but were not limited to, the fiscal impact of the compact (amount of assessment against Board and all licensees to fund Compact Commission operations and impact on Board staff to implement requirements to participate); licensing requirements that differ among states and effects of future changes

other states may make regarding qualifications; concerns that persons convicted of certain sex crimes that are disqualifying in this State would be able to be licensed in another state and then practice under compact privileges in New Jersey.

The CSG representatives suggested that other New Jersey professional boards that have entered into compacts may be a good source of information. Ms. Magrath will obtain this information. At its July meeting, the Board was advised that A5632 had passed the Assembly.

On a motion made by Dr. Hoskin, seconded by Dr. Samant, the Board voted for the reasons outlined above, the Board is not ready to support the compact (A5632/S3938). The vote of the Board was unanimous.

2. A5656; Provides for regulation of dental therapists

Regulatory Analyst Datus summarized A5656, which would recognize dental therapists. To qualify for a dental therapy license, an individual must be 18 years old, provide proof of good moral character, graduate from a dental therapy program accredited by CODA or any other entity recognized by the Department of Education. An applicant must demonstrate clinical competency to provide services and pass the jurisprudence exam. The bill would require a dental therapist to enter an agreement with a licensed dentist in New Jersey.

Dr. Feeney noted the Board had reviewed and not supported a prior bill related to dental therapists. He highlighted differences from the earlier bill, including sections 13-20. He recommended forwarding this bill to the Auxiliary Committee for its review and recommendation.

On a motion made by Dr. Feeney, seconded by Dr. Forbes, the Board voted to move the discussion of A 5656 to the Auxiliary Committee for its review and response. The vote of the Board was unanimous.

VII. CORRESPONDENCE

No correspondence was received.

VIII. DAG REPORT

No report was provided.

IX. PUBLIC COMMENTS

Mr. Bent commented on A5656, which is an initiative of the New Jersey Dental Hygiene Association (NJDHA). He noted that the earlier bill referenced by Dr. Feeney contained provisions that the NJDHA did not fully support and appreciated Dr. Feeney's motion to refer it to the Auxiliary Committee. Mr. Bent offered to provide information for the committee's consideration, whether as part of a meeting or in writing. He noted that given the legislative calendar, the bill may be carried over and introduced in the next legislative session. Mr. Bent responded to Board member questions about the membership of the NJDHA and its past support of a dental therapist bill. (Mr. Bent noted that the Board has in

past allowed members of the public to speak at the time during the meeting when an issue is discussed; they were not asked them to wait for the public comment portion of the meeting. He asked to be given that courtesy as well.)

Dr. Maxine Feinberg informed the Board that the AADB expects to have its final draft of its proposed compact done by August 15, 2023. Dr. Feinberg highlighted concerns that the pending compact legislation gives the Compact Commission authority to adopt regulations that may change the scope of practice for dentists and dental hygienists, particularly the section that referenced scope of practice as determined by a court of competent jurisdiction. She asked if that concern was noted by the committee.

DAG Miller informed Dr. Feinberg that a question on that provision was posed to the representatives of the Council on State Governments who were unable to answer the question at that time. They were asked to provide further clarification.

The Board, at Dr. Feeney's request, observed a moment of silence on the passing of Lieutenant Governor Sheila Oliver.

X. ADJOURNMENT: Next meeting is scheduled for September 6, 2023.

On a motion made by Dr. Samant, seconded by Dr. Feeney, the Board voted to close the public portion of the meeting at 10:21 A.M. and moved to executive session for investigations and advice of counsel. When and if action is taken, it will be announced during public session. The Board did not anticipate any actions to be taken following the executive session.

The Board returned to public session to adjourn the Board meeting at 2:49 P.M.