

# New Jersey State Board of Dentistry

September 5, 2001

## Public Meeting Minutes

The meeting was called to order at 10:00 A.M. by Dr. Emil Cappetta, President of the Board.

### **OPEN PUBLIC MEETINGS ACT NOTICE:**

Read by Kevin Earle, Executive Director.

### **ATTENDANCE:**

The following members of the Board were in attendance: Dr. Valentine Bloch; Dr. Emil Cappetta; Mr. Louis Cardenas; Dr. Anthony Chibbaro; Patricia Delaney, RDH;; Dr. William Orlacchio; Dr. John Ricciani; Dr. Barbara Rich; Dr. Arnold Rosenheck; Dr. Abraham Samansky.

### **ADDITIONAL ATTENDEES WERE:**

Nancy Costello Miller, Deputy Attorney General; Kevin B. Earle, Executive Director; Bernadette Dudek, Div. Rep.; Michael Dominach, Paralegal

### **ABSENT AND/OR EXCUSED:**

Mrs. Helen Huber

### **APPROVAL OF MINUTES:**

June 20, 2001 - Approved as amended  
July 11, 2001 - Approved as amended  
July 18, 2001 - Approved as amended  
August 1, 2001 - Approved as amended

### **PROPOSED REGULATIONS:**

Proposed Rule concerning the Scope of Practice of Licensed Dental Hygienist; Scope of Practice of Registered Dental Assistant; Nitrous Oxide/Oxygen Inhalation Analgesia; Duties of a Licensed Dentist; Delegation to Licensed Dental Hygienist and Registered Dental Assistant. Review draft and prefatory language.

The Board discussed the proposal and recommended the following changes to NJAC 13:30-1.A.2:

- Subsection (c)1 should say "in a CODA (Council on Dental Accreditation) approved with a College, University or hospital setting.

- Subsection (c)1 should add language that the course should be submitted for Board approval and shall include a course outline, content, objectives, C.V. of instructor and what percentage is devoted to visual, hands-on or lecture.

- Similar language should be added to NJAC 13:30-2.4 with the correct reference to CE for Dental Assistants.

- Each "Scope of Practice section" (NJAC 13:30-1A.2; NJAC 13:30-2.4) should be prefaced with the following language modeled after the Board's PCS regulation: "The monitoring of nitrous oxide/oxygen inhalation analgesia by a registered dental hygienist/registered dental assistant without first having met the minimum standards of training and procedures as stated herein shall constitute a deviation from normal standards of practice required of a licensee."

NJAC 13:30.820, which relates to "Duties of licensed Dentist" should read as follows:

The delegation of the monitoring of nitrous oxide/oxygen inhalation analgesia to a Registered Dental Hygienist or Registered Dental Assistant without first having met the minimum standards of training and procedures as stated herein shall constitute a deviation from normal standards of practice required of a licensee."

- Under scope of practice for RDH and RDA's, subsection (b)5 should delete the word "oxygen" to emphasize that the RDH or RDA must turn off the nitrous oxide upon any untoward reaction of the patient.

Some discussion was held concerning the issuance of a permit however the Board determined not to propose this procedure.

A motion was made by Ms. Delaney, which was seconded by Dr. Rich, to move the amended version to publication in the New Jersey Register as a proposal for public comment. The motion passed with six members voting in favor.

## **COMMITTEE REPORTS:**

### **Dental Applications:**

Dr. Carolyn Norris - The committee discussed this application for a dental license by N.E.R.B. past five years. This applicant meets all requirements for licensure. The committee recommends approval.

Dr. Berthold Kuerer - The committee discussed this application for a dental license by Reciprocity. This applicant meets all requirements for licensure. The committee recommends approval.

Dr. Carl McGloster - The committee discussed this application for a dental license by N.E.R.B. past five years. The committee approved this application pending confirmation of a clean data bank report.

Dr. Ava F. Miedzinski - The committee discussed this application for a dental license by reciprocity. The Board approved this application pending confirmation that New Jersey has reciprocity with Texas.

### **Dental Auxiliaries:**

Toby P. Lazan - The committee discussed this application for a dental hygiene license by credentials. This applicant meets all requirements for licensure. The committee recommends approval.

Arlene M. Cunningham - The committee discussed this application for a dental hygiene license by credentials. This candidate graduated from Baylor (BSDH) in June 2001 and passed the National Boards and WREB. Ms. Cunningham meets all requirements for licensure. The committee recommends approval.

Kathleen Manley - The committee discussed this application for a dental hygiene license by credentials. This candidate has High School GED, National Boards and Florida Boards clinical only. The Board did not approve her application. Ms. Manley must pass NERB.

The committee recommend that the following applications be approved for licensure by N.E.R.B. past five years:

- Lori Morganstein
- Liliana Scire

The Board in a motion by Ms. Delaney, seconded by Dr. Orlacchio approved the committee's recommendations.

## **CONTINUING EDUCATION:**

The Board approved the Continuing Education Committee recommendations as reported by the committee.

## **SECRETARY'S REPORT:**

The Board approved the list of applicants for licensure.

## **EXECUTIVE DIRECTOR'S REPORT:**

Status of Renewals by Kevin Earle, Executive Director. Mr. Earle reported that the licensing period has been extended to November 30, 2001. The Medical conditions form has been eliminated. Pre-renewal information is being updated and renewal forms will be mailed shortly.

Memorandum from Anthony Miragliotta, Deputy Director concerning "New Rulemaking Requirements". The Board took this as informational.

American Association of Dental Administrators (AADA) - Kevin Earle, Executive Director reported on his attendance of this meeting in Providence, Rhode Island. Mr. Earle noted that presentations by Richard Irons, MD of the Professional Renewal Center on the "Therapeutic Covenant" between doctor and patient, as well as, a presentation by Dr. Joseph Rossa of NERB on the Dental Simulated Clinical Exercise (DSCE) and its use to assess clinical skills for reinstatement or assessment after Board required continuing education.

Yoon Euy Hong, DDS - Request for board review to determine whether the continuing education credits provided are acceptable for reinstatement of license. Dr. Hong has been practicing in Korea and has taken the continuing education credits in Korea. The Board determined that since the continuing education and employment are not in the Board's jurisdiction, he must take the NERB Diagnostic Simulated Clinical Exercise in order to reinstate his license in New Jersey.

## **INCIDENT REPORTS:**

Alan Levine, D.D.S  
Dr. Jerome Silverstein, UMDNJ  
Barry Elbaum, D.D.S  
John J. Fitzpatrick, D.M.D  
William E. Kenny, D.M.D.  
Dr. Peter Duda(Maplewood Dental Group)

These reports were taken as informational.

## **REPORT FOLLOWING DISCIPLINARY ACTION:**

Donald Dobrowolski, D.M.D. - The Board reviewed a letter from Raymond F. Hanbury, Jr. Ph.D. concerning the continuity of urine screenings when Dr. Dobrowolski travels. All urines were clean. Dr. Hanbury was also requesting a change in frequency of the urine screening and monthly psychiatric visits. No action was taken on this request at this time.

## **CONTINUING EDUCATION:**

Carolyn L. Young, RDH - Request for waiver of the continuing education courses for licensure renewal. The Board requested that additional information be obtained with regard to her medical condition from her treating physician before making a determination on this request.

## **OTHER MATTERS:**

The Board reviewed a letter from Justine H. Stone, D.D.S. concerning a request he received from Horizon Mercy

Health Care requiring him to "assess the behavioral health needs" of his patients that are members. The Board determined that a letter be sent to Horizon expressing concern that the information collected might imply that the dentist needs such information for diagnostic purposes. The information falls outside the scope of practice of a dentist.

The Board reviewed a letter from BJ Dolan, President of the New Jersey Dental Hygienists' Association requesting clarification of duties that a dental hygienist may perform during bleaching procedures. The Board responds that under its present regulations determined that hygienists cannot perform whitening/bleaching procedures or apply bleaching chemicals. A copy of the Board's regulation will be sent (N.J.A.C. 13:30-1A.2).

Bryon E. Roshong, D.M.D. - The Board reviewed additional information from Dr. Roshong in follow-up to his inquiry as to whether, under specific circumstances, a dental hygienist can perform screenings in order to collect data for the New Jersey Department of Health and Senior Services. The Board in a motion by Ms. Delaney, seconded by Dr. Orlacchio approved this request.

A.D.A - 2000 Survey of Clinical Testing Agencies. Tabled from the last meeting. The Board referred this matter to committee for review. The following members were assigned to the committee to evaluate the material and make a recommendation to the Board with respect to the acceptability of the results of clinical competency testing by other regional boards:

Ms. Delaney  
Dr. Rich  
Dr. Bloch  
Dr. Orlacchio  
Dr. Rosenheck

N.E.R.B. - The Board reviewed a report of the Joint Steering Committee to Study ADA Resolution 58H-1998: Comparability of the written licensure examinations administered by JCNDE and the Dental Simulated Clinical Exercise. The Board took this as Informational.

## **FILED ORDERS:**

### **David W. Hostnik, D.M.D.      DI 14380**

Consent Order filed on July 23, 2001. Rendered treatment to patients in a manner not consistent with the standard of care in this state. ORDERED: Complete twenty eight hours of continuing education including fourteen hours in "didactic" and seven hours in "hands on" crown and bridge as well as seven hours in diagnosis and treatment planning. Reimburse \$500 to patient A.B. and reimburse patient J. M. in the amount of \$2864 and forgive balance of \$1330. Civil penalty of \$500 and costs in the amount of \$292.34.

### **Sandra A. Ferrara, D.M.D.      DI 19636**

Final Order of Discipline filed on August 1, 2001. Failed to comply with the terms of the Consent Order filed by the Board on September 6, 2000. ORDERED: Shall complete the continuing education requirements as set forth in the September 6, 2000 consent order. Failure to complete the continuing education by November 1, 2001 will result in a indefinite suspension. Civil penalty of \$2500.

### **Michael Honrychs, D.M.D.      DI 015703**

Order filed on August 1, 2001. Modifications of the previously imposed restrictions. ORDERED: Submit urine sample four times a month, attend support groups two times per week and shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. May obtain his CDS registration and shall submit copies of triplicate prescriptions for each prescription written, along with patient records to the Board. May apply for modifications of the terms of this Order not sooner than one year following its entry.

**James Cally, D.M.D.      **DI 18713****

Settlement Letter in Lieu of Formal Disciplinary Proceedings entered on July 27, 2001. Significant deviation from the standard of care in treatment and insufficient diagnostic materials such as x-rays and study models and exhibited deficiencies in treatment planning for the patient. Agreed to pay the costs in the amount of \$298.78 and the completion of 28 hours of continuing education to include 7 hours in crown and bridge, 14 hours in diagnosis and treatment planning and 7 hours in record keeping ( to be pre-approved and completed within six months of the signing of the acknowledgment.

**ADJOURNMENT:**

The Public Session adjourned at 12:20 P.M.

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*Posted March 2002*