

NEW YORK STATE BOARD FOR DENTISTRY
Friday, June 16, 2023, at 9:00 a.m.
New York State Education Department
89 Washington Ave.
Catalogue Room (Second Floor)
Albany, NY 12234

ATTENDANCE

BOARD MEMBERS: Ronald Kosinski, Chairperson, Suzanne Cassata, Vice Chairperson, Lorraine Carhart, Paul Chu, Karl Dixon, Payam Goudarzi, Charles Grannum, Patricia Haberman, Tera Jenkins, Wayne Kye, Aristotle Lyssikatos, Kerry McEntee, Michael McGarvey, Karen Palleschi, Salim Rayman, Ernest Robertson, Stanley Smith, Julie Varney

SED STAFF: Dolores Cottrell, Penni Newman, Michael Puspurs, Timothy Winner, Sarah Benson, Owen Donovan

ABSENT: Evelyn Salgado, Eleanor Coney

EXTENDED MEMBERS: Richard Maitland, Ronnie Myers, and Richard Reisman

GUESTS: Betsy Bray (NYSDA); Greg Hill (NYSDA); Donna Hickey (NYDHA); Beth Krueger (NYDHA); Briana McNamee (NYSDA); Matthew Smalls (MIRIAM Group); Jim Walsh (Manatt); Barbie Vartanian (NYU)

WELCOME & INTRODUCTIONS

The meeting was called to order at 9:05am. Dr. Cottrell introduced Deputy Commissioner Sarah Benson & Owen Donovan, Professional Practice Executive Coordinator. She expressed appreciation for their high level of support of OP. Board members and guests made brief introductions.

Mr. Donovan introduced himself and briefly explained that his role exists to provide support and guidance to Board offices across all the professions and help to achieve consistency.

Deputy Commissioner Benson thanked Board members for their ongoing commitment and expertise. She stated that Board members are sincerely valued by the Office of Professions and by the Board of Regents; she noted how their advisory role is critical in informing the work of the Department.

DEPUTY COMMISSIONER PRESENTATION – LICENSURE COMPACTS

Deputy Commissioner Benson provided background information prior to her presentation about licensure compacts, explaining that the Board of Regents asked that the Department undertake research to learn more about compacts and their potential impact for NYS. Deputy Commissioner Benson's presentation on licensure compacts included an overview of compact definitions, models, and the complications of implementation under current New York laws.

CHAIRPERSON'S REPORT

Dr. Kosinski welcomed everyone to the historic Education Department building. He reports that he has provided service to a high number of OPD cases in the past two months. Dr. Kosinski referred to the

recent report from the Centers for Medicare and Medicaid (CMS) and noted that meeting guest, Barbie Vartanian, would be speaking on the report this morning.

VICE CHAIRPERSON'S REPORT

Dr. Cassata stated that on March 17, she participated in a CODA site visit for Touro College of Dentistry's new Orthodontic Program. She also reported that she worked with the Practical Review of Dental Regulations Committee on researching the issue of licensure compacts.

EXECUTIVE SECRETARY'S REPORT

Dr. Cottrell reviewed a US Senate bill passed in December 2022 requiring controlled substance prescribers to complete 8 hours of one-time training on safe controlled substance prescribing as a condition of receiving or renewing their DEA registration beginning June 27, 2023. This is known as the MATE Act (Medication Access and Training Expansion). We will accept the 8 hours toward the CE requirements for registration renewals.

Dr. Cottrell announced that all active Board members must take an annual Ethics training. Extended members will also have to complete an ethics training, but it will not be in live format.

Dr. Cottrell stated that effective June 28, 2023, in order to implement a federal law, NYS will allow service members and spouses of service members in licensed professions who meet certain requirements to practice in the state with a valid out-of-state license in the same profession.

Dr. Cottrell reported that non-clinical residencies eligible for licensure requirements (dental public health, orofacial pain, and oral medicine) are currently in effect under an emergency regulation from the May meeting of the Board of Regents. The proposed permanent adoption is anticipated September 27, 2023.

Dr. Cottrell ended her report by noting that she attended the Friday (June 2) session of the NYSDA House of Delegates meeting, where our former Board member, Jim Orcutt, was honored as a past president of NYSDA.

APPROVAL OF MINUTES FROM January 20, 2023

A motion was made for approval of the January 20, 2023, draft board meeting minutes as amended (Carhart/Smith).

A motion was made to move the items on the agenda (Haberman/Grannum).

COMMITTEE REPORTS:

Special Needs Committee – Dr. Chu, chair; summarized issues regarding the sedation needs of special needs patients and how they vary from the general population. He noted that reimbursement does not meet the cost of covering care to the population.

Presentation (via Zoom): Dr. Kosinski introduced Barbie Vartanian, Director of Patient Advocacy, NYU Oral Health Center for People with Disabilities. Ms. Vartanian provided summary information about the National Council on Disability report that came out on April 5, 2023. The report was based on data gathered from three focus groups (1) self-advocates (2) parents/caregivers, and (3) advocates/policy-

makers/payers & providers, as well as national survey results. Included in the report were takeaways and recommendations to the President:

- (1) Update definition of the medically underserved to include individuals with intellectual and developmental disabilities (IDD). Seek funding benefits, research, and loan forgiveness for providers who serve this population.
- (2) Coverage of medically necessary oral healthcare services in Medicaid programs should be mandated for IDD. This was noted as a short-term solution within the current system.
- (3) Department of Health & Human Services must explore new and value-based programs specifically for IDD population.

Dr. Kosinski thanked Ms. Vartanian for her presentation. Further discussion ensued regarding dental education requirements and the need to increase practitioners. Dr. Cottrell ended the discussion by briefing the Board on three OMH budget initiatives for 2024 to be reported on the August Medicaid budget score card.

Webpage: Dr. Kye, Chair; reminded Board members to save a bookmark for SharePoint for the access of Board member materials. The changes submitted to change “certified” to “registered” dental assisting have been completed.

Corporate Practice - Dr. Robertson Chair; stated that the Committee did not meet

Anesthesia – Dr. Kosinski, Chair; stated he had nothing to report.

Practical Review of Dental Regulations – Dr. Cassata, Chair; stated that the committee met virtually on May 30 to discuss the Dentist and Dental Hygiene compact. She reported on the current status of the compact. Dr. Goudarzi stated that ADA is supportive of compacts. He noted that there are already four states currently that are signed on, and three 3 others have pending legislation. Currently, two of our neighboring states (New Jersey and Pennsylvania) are considering the legislation.

Legislative: Mr. Rayman, Chair; briefly referenced pending bills for Dental Laboratories and Dental Hygiene Block Anesthesia. Dr. Cottrell discussed two vaccine bills; one for HPV and the other for COVID, influenza and vaccines related to declared public health emergencies.

Scope of Practice – Ms. Carhart, Chair – read the updated language for the Sleep Apnea practice alert worked on since the last meeting.

Licensure – Dr. Chu, Chair; stated that the topic of licensure compacts has already been addressed during the meeting.

Dental Assistant Laws, Rules & Regulations Committee – Ms. Carhart, Chair; explained that the Office of Professions has chosen Registered Dental Assisting to be a featured profession on the OP website for the months of June and July. The Board had a lengthy discussion on ways to improve the draft. The committee will complete a revised draft within two weeks.

Tele-Dentistry – Dr. Cottrell on behalf of Dr. Salgado; Chair (absent); stated that a report is not available and is being worked on.

AADB- Dr. Haberman, Chair; referred the Board to her written report.

CDCA – Mr. Rayman, Chair; stated that CDCA merged with WREB CITA. Forty-eight states were running the exam at the same time and as a result, there was a high need for examiners. The last live patient exam was in January. Currently, all dental and dental hygiene exams are manikin. However, they will run a live patient exam if a state requests it.

ADEX – Mr. Rayman, Chair; had no report.

Wellness –Dr. Cassata, Chair; stated the purpose of this voluntary fund by members. She informed Board Members of the fund balance and what the funds were used for since the prior meeting. Dr. Cassata read a thank you note from Ms. Hamm for her retirement gift.

Dr. Goudarzi provided information about the Wellness Ambassadors program through the ADA and reported the results of a member survey which indicated that wellness was one of the top three identified issues. He outlined issues and programs for professionals in need of assistance, such as for substance abuse. Dr. Cottrell discussed the NYS program - Professional Assistance Program (PAP).

OLD BUSINESS:

Dental Assistant Shortage – Ms. Carhart referred to a flowchart created by Julie Varney. Ms. Varney explained the chart which proposes revised pathways for becoming registered. She noted the persistent barrier of passing the chairside exam that is addressed by the creation of a pathway that does not require it. She summarized the three pathways: (1) registered program, (2) alternate program - already working uncertified (3) limited permit (based on passing the Infection Control [ICE] and Radiation Health & Safety [RHS] exams), working for a year and then apply for full licensure. Dr. Cottrell stated that the goal is to create an option that encourages already employed assistants to become licensed.

JCNDE Dental Therapist Survey Response – Dr. Cottrell reported briefly on the survey from JCNDE about whether states should recognize Dental Therapists as licensed professionals. The responses were confidential; however, Dr. Cottrell wanted to make known the aggregate response of 50% of the Board members weighing in as Yes and 50% No.

NEW BUSINESS:

Senate Bill S7214 Dental Laboratories – Jim Walsh (from the Manatt firm, representing National Association of Dental Laboratories) pointed out three main goals of the bill: (1) to require registration for dental labs in NYS and for foreign labs that are doing business with dental labs located within NYS, (2) to ensure a minimal level of qualification requiring that every dental lab have at least one certified dental technician with either a national certification or continuing education of 36 CE for a three-year period, and (3) to gain more consistent understanding of materials content disclosures.

FUTURE MEETING DATE:

September 15, 2023

ADJOURN: Motion for adjournment 12:52 pm (Grannum/Lyssikatos).
Motion to go into Executive Session 12:53 p.m. Motion was unanimous.
Presentation from the CRDTS program – a professional assistance/remediation program.
Discipline Cases were discussed.
Motion to move out of Executive Session at 2:33p.m. (Kye/Smith)