

NEW YORK STATE BOARD FOR DENTISTRY

Friday, January 19, 2024 at 9:00 a.m.

New York State Education Department

1411 Broadway, 10th floor, Regents Room

New York, NY 10018

ATTENDANCE: Ronald Kosinski, Chairperson, Suzanne Cassata, Vice Chairperson, Paul Chu, Eleanor Coney, Karl Dixon, Charles Grannum, Payam Goudarzi, Patricia Haberman, Tera Jenkins, Aristotle Lyssikatos, Kerry McEntee, Michael McGarvey, Roya Mohajer, Evelyn Salgado, Stanley Smith, and Julie Varney.

SED STAFF: Dolores Cottrell, Lisa (Penni) Newman

ABSENT: Lorraine Carhart, Karen Palleschi

EXTENDED MEMBERS:

GUESTS: Briana McNamee (NYSDA); Beth Krueger (NYDHA); Donna Hickey (NYDHA)

WELCOME & INTRODUCTIONS:

The meeting was called to order at 9:00 AM. Welcome and introductions were made.

CHAIRPERSON'S REPORT:

Dr. Kosinski welcomed the group and thanked everyone for traveling. Noting a busy agenda, he did not offer a formal report. Dr. Kosinski requested for the agenda to be moved forward.

VICE CHAIRPERSON'S REPORT:

Dr. Cassata began by stating that she has applied for membership with the American Association of Dental Boards (AADB).

Dr. Cassata briefly noted her prior communication with the Board on the following items: the closure of Smile Direct Club (SDC) and the reduction of lab fees offered by Invisalign for verified former patients of SDC; an AADB article reminding dentists that California still requires patient shielding for radiographs, an article from the New York State Society of Orthodontists (NYSSO) and subsequent communication on behalf of the Board with Dr. Malsch regarding NYSSO's desire to propose legislation for the creation of licensed orthodontic assistants.

Dr. Cassata reports that she is continuing to monitor other state's involvement in the dental and dental hygiene licensure compacts.

She ended her report noting that she has completed a draft revision of the practice alert on DIY dental and orthodontic treatment.

EXECUTIVE SECRETARY'S REPORT:

Dr. Cottrell began her report by wishing everyone a Happy New Year and thanking Board members and staff for their dedicated service. She acknowledged absences for today's meeting.

New York State Board for Dentistry

1

January 19, 2024 Meeting Minutes

Z:\Board Materials\Meeting Agendas and Minutes\Minutes\Minutes 2024

Dr. Cottrell expressed appreciation for the high responsiveness to the CODA site visit requests for the prior year's cycle. Two requests were received. She thanked participating members for their service.

Dr. Cottrell informed members that in October, she was appointed Executive Secretary to the Professional Assistance Program (an alternative to disciplinary action for some professionals with substance abuse problems). She is honored to serve in this capacity and noted the importance of having such a program.

Dr. Cottrell announced the upcoming retirement of Deputy Commissioner Benson in February and acknowledged her very high level of support for Board needs and activities.

Dr. Cottrell reported briefly on her participation in the following meetings and events:

- October 22-23: attended the AADB meeting as a virtual participant. Dr. Cottrell favorably noted the organization's current restructuring under the new leadership.
- October 24: virtually attended (with Deputy Commissioner Benson) the annual meeting with the deans of NYS schools of dentistry to discuss current program statuses, institutional goals and to offer Department support.
- October 26-27: attended the Early Childhood Oral Health Summit (annual meeting of the NYS Oral Health Coalition) in Troy.
- November 9: met with Deputy Commissioner Benson, Commissioner Rosa, and NYSDOH Acting Commissioner McDonald to discuss the dental workforce and access to care.
- November 15-16: visited DOCS in Lexington, KY to observe their anesthesia training.
- January 10 and January 12: Dr. Cottrell, Dr. Salgado and Ms. Carhart participated in the CDCA/WREB/CITA State Board Leadership and General Assembly meetings.

Dr. Cottrell ended her report by sharing that she has accepted the offer to co-chair a DANB workgroup whose charge is to build a new national framework toward achieving consistency in dental assisting training, education, qualifications, scope of practice, and to provide states with tools for implementation such as model legislation and regulations. The first meeting will be on February 26.

APPROVAL OF MINUTES FROM September 15, 2023:

A motion was made for approval of the September 15, 2023, draft board meeting minutes (Haberman/Chu). Minutes approved unanimously.

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

COMMITTEE REPORTS:

Webpage – Dr. Cottrell noted a current vacancy chair for this committee. Dr. McEntee volunteered to fill the current vacancy Chair for this committee. Dr. Cottrell encouraged Board members to notify staff if they discover issues (e.g., dead links) with the website.

Legislative – Dr. Grannum (on behalf of Ms. Palleschi) summarized the current dentistry and dental-hygiene related bills: block anesthesia RDH, administration of flu and covid vaccines by

dentists, admin of HPV by dentists, dental therapy, fluoride varnish change of scope for dental assistants and LPNs, dental labs, dental faculty loan forgiveness, and dental hygiene collaborative practice. No bills have had action since the last Board meeting, and all are currently pending senate or assembly action. The Board and guests had substantive discussion pertaining to the proposed legislation and the potential impacts to public health, provider workload, funding and Medicaid reimbursement issues, as well as access to care in underserved communities.

Scope of Practice – Dr. Cottrell (on behalf of Ms. Carhart, Chair) stated that the committee met and discussed the two vaccine bills, as well as the dental therapy and RDH expansion of collaborative practice bills. It was noted that there are currently 3 different bills and one proposal relating to dental scope of practice. A comprehensive approach addressing all needs with one amendment of §6601 should be considered.

Corporate Practice – Dr. Cottrell announced that Dr. Goudarzi has offered to fill the chair vacancy. The committee has met once since the last Board meeting and discussed the increased in DSOs, nationwide and within NYS. The committee will meet and provide future reports.

Anesthesia – Dr. Kosinski, Chair; stated that committee met to discuss Dr. Cottrell's recent observation of the DOCS sedation training program (Lexington, KY). Dr. Cottrell shared with the Board her detailed report of the site visit to the Deputy Commissioner and the professional practice co-chairs. Dr. Kosinski stated that the committee voted in favor of Dr. Cottrell's recommendation to approve DOCS, with the stipulation that program re-evaluations for non-residency programs every 5 years be put into effect with the next amendment to the anesthesia regulations. A lengthy discussion to clarify regulatory requirements and constraints ensued. Dr. Cottrell called for a full Board vote on the committee's recommendation. The Board approved with a vote of 12 in favor and 4 opposed.

Practical Review of Dental Regulations – Dr. Cassata, Chair; reported that the committee met on 12/20/23 and noted no substantial updates regarding licensure compacts. Dr. Cassata gave a brief accounting of the states who have joined and those with pending legislation.

The Board had a lengthy discussion regarding issues related to patient-shielding and the fact that that emerging science and statutes are not in sync. Dr. Haberman will pull together information for further study by the committee.

Licensure – Dr. Goudarzi brought forward an ADA report about the number of dentists migrating out vs. coming into NYS, and that portability was reported to be a top issue. Dr. Haberman sought clarification about the data in the report. The Board had a substantive discussion about factors that set NYS apart from its neighbors. The need to continue to explore alternative pathways for licensure was discussed.

Dental Assistant Laws, Rules & Regulations Committee – Ms. Varney (on behalf of Ms. Carhart, Chair); reported that the committee's work is on hold pending progress on the implementation of the DANB/DALE Foundation's 2023-2028 strategic plan focused on the

dental assisting workforce. It was noted that DANB is now offering its exam in Spanish and DALE Foundation is now offering a new certification for infection control.

Tele-Dentistry – Dr. Salgado, Chair; reviewed draft of practice guidelines. Dr. Salgado will send corrections to Dr. Cottrell and continue to move toward completion. Dr. Salgado noted that the guidelines have also been reviewed to assure there is alignment with similar guidance from ADA, NIH, and additional sources relevant to public health.

Special Needs – Dr. Chu; reported that there was an OPWDD task force meeting on 12/13/23 at which ongoing issues for special needs patients needing care in the OR was discussed. Dr. Chu discussed the recent memo that outlines the recent increase by CMS for dental reimbursement for certain billing items. He noted that the amounts are low but that multiple applications are approved. Medicaid has also started to reimburse N₂O and oral sedation.

AADB – Dr. Haberman, Chair; stated that Dr. Cassata has joined AADB. Dr. Haberman reports that there have been no changes to their website and Dr. Cassata stated she will keep the Board apprised of updates.

CDCA and ADEX – Dr. Cottrell reported on behalf of both committees. She announced that the CDCA and ADEX committees will now be combined into one and that going forward, it will be chaired by Mr. Dixon. Dr. Cottrell reported from the General Assembly meeting held on 1/12/24. Items covered related to exam administrations and licensure compacts. Dr. Cottrell encouraged active Board members to consider participation with ADEX. Board members report conflicting information given regarding requirements for being examiners. Dr. Cottrell will seek clarification in an effort to increase Board participation. The next CDCA-WREB-CITA meeting is September 27 & 28 in Louisville, KY.

Wellness – Dr. Cassata, Chair explained the purpose of the voluntary fund and solicited 2024 contributions. She informed Board Members of expenditures and the current fund balance.

OLD BUSINESS:

Licensure Compact update – Dr. Cottrell noted that this was addressed in several of today's committee reports. She requested that members to read both the CSG and AADB versions of the compacts with attention to the highlighted areas for discussion at the next Board meeting.

DIY Orthodontics - Dr. Cassata discussed proposed edits to practice guidelines: current "examples of treatments include", suggested to add the language "but are not limited to"; and to add "at-home tooth replacement including crowns and veneers". Dr. Cassata also proposed to add "what will happen if the company you are working with goes out of business"? Dr. Cassata read the proposed guidance that the item presents in Q&A format. Dr. Cottrell solicited ideas for additional questions/topics to cover/change.

Promoting the Dental Assisting Profession – Dr. Cassata presented a video produced by her office to promote the RDA and RDH professions. This was received very favorably by the group. With Dr. Cassata's permission, Dr. Cottrell will share it with the Office of Professional Connections which reaches out to schools and workforce development entities. Dr. Haberman

reported that the Eighth District Component Society is planning a HS fair for dental professions in October 2024. Ms. Varney noted a recent health sciences event at Citi BOCES which garnered 15 enrollees for the RDA program.

DOH protocol for non-sterilized tissue - Dr. Cottrell explained precautionary information she received from DOH in response to questions from the last Board meeting regarding the screening of allogenic donor tissue. She stated that the outreach from DOH was for informational purposes based on an isolated incident of a NYC dentist who reported TB infections from infected tissue he received. The article provided includes recommendations. This information will also be shared with NYSDA leadership so that they can get the word out.

NEW BUSINESS:

Patient Shielding – covered during the Practical Review of Dental Regulations report above.

RDHs and Myofunctional Therapy – a website practice alert has been suggested by the Board office to address a recent influx of inquiries regarding RDH's authority to perform myofunctional therapy. Initial draft language was composed by the Board to be forwarded for legal review: Dental Hygienists performing myofunctional therapy is not permitted in NYS as per §6606 education law, which is the definition of the practice of dental hygiene. NYDHA indicates that once the draft is finalized and approved, they will help disseminate the alert as well.

FUTURE MEETING DATE:

Friday, May 31 in Verona NY (to coincide with NYSDA House of Delegates) with an alternate location of Albany discussed (same date).

ADJOURN:

Motion for adjournment 12:47 p.m. (Dixon/Lyssikatos).

Motion to go into Executive Session 12:48 p.m. (Salgado/Lyssikatos)

Discipline Cases were discussed.

Motion to move out of Executive Session at 1:35p.m. (Smith/Salgado)