



## Board of Dental Examiners Public Meeting

Dental Examiners Board

Monday, February 3, 2025 at 8:30 AM EST to Monday, February 3, 2025 at 2:00 PM EST

**Attendees:** Dr. Puneet Kochar DMD – Chair (PK), Virginia Kapetanakis Moore RDH – Vice Chair (VM), Angela Boyle (AB), Dr. Mark Abel DMD MD (MA), Dr. Jay Patel DMD (JP), Dr. Richard Achong DMD MS (RA), Dr. HJ Luddington DDS MScD (HL), Dr. Daniel De Tolla DDS MD (DD)

**Remote:** Linda Tatarczuch (LT)

Dr. Puneet Kochar DMD arrived at 8:59 am

Dr. Jay Patel arrived 10:17 am

**OPLC Staff:** Justin (JB) Frazier – Board Administrator, Carson Hansford – Board Administrator, Elizabeth Eaton Esq – Board Counsel

**The board went to break from 9:49 am until 10:05 am**

**Board went into Non Meeting 10:40 am to 11:22 am**

### Agenda:

**I. Call to Order:** Called to order at 8:30 am (VM)

#### II. Remote Attendance

Meeting called to order. If a voting member has been allowed to attend remotely, identify that member, have them check that they can clearly hear and be heard, and that they are alone in the room. Note that all votes must be via roll call vote if any voting Member is attending remotely.

#### III. Approval of Public Minutes

**A. 01/06/2025- Public Minutes:** Motion to approve January 6, 2025 minutes as amended by VM second by HL. Roll call: 6-0-2 RA abstain (PK and JP absent)

**IV. Public Comment:** No public comments

For guidance on public comment please see the Board's standing order titled "[Standing Order on Public Participation in Meetings Under RSA 310:5 \(11/04/2024\)](#)"

#### V. Rules with Tina Kelley 9:00AM

##### A. Den 304

**1. Den 304 Preliminary Objection, Response to be crafted:** Tina informed that the Board would have the revised objection next meeting.

##### B. Den 300 Various

**1. Conditional Approval Response**

**a. Conditional Approval Response Letter:** Motion to approve by PK second by RA:  
Roll call approved: 8-0-0 (JP absent)

**b. Adoption**

Motion to adopt Den 300 various by HL second by RA: Roll call approved: 9-0-0

### C. Rule Tracker

## VI. Legislative Topics

### A. Legislative Update - Board Counsel, Elizabeth Eaton

**1. Hygiene Anesthesia Permit- RSA Change:** The house will vote on this on 2/6/25

**a. HB144- Prime Sponsor: Rep. Jaci Grote, relative to the practice of dental hygiene**

**2. DMD or DDS for Dentist Initial Licensure- RSA Change:** This was not added even though a discussion was had with the bill sponsor. HL felt that this seems as though it should be in there as a point of safety. Liz will reach out to the sponsor to have that added.

### 3. Dental Compact

**a. SB 187 Prime Sponsor: Sen. Tara Reardon, adopting the dental and dental hygiene licensure compact:** PK advised that VM was already nominated to speak to the hearing regarding the Board's feeling. Liz reiterated that it cannot be stated that it is their position. The Board feels that they should talk to the Governor. HL makes a motion to have VM and JP speak on behalf of the Board second by RA. Roll call: 7-0-1 AB abstain

PK asked Dr. Auerbach what the NHDS position was. Auerbach said their position is bring power back to the Board.

### 4. Sedation in Dental Offices

**a. HB 470 Prime Sponsor: Rep. Jim Kofalt, to relative to the use of general anesthesia, deep sedation, and moderate sedation in dental treatment:**

**Mark Abel DMD, MD:** He spoke about the bill, he is proud of his membership of the AAOMS.

He spoke to why the current rules are necessary, mark ran through the history of dental sedation in NH. Mark talked about how all the changes being seen at from the legislature NOT the board. Mark testified that he has been in their corner this whole time. Mark asked the board what would happen, and the determination was that there was no exemption. Hence a standing order was passed. Concerned about this bill: conflicting standards 12 a F- what if the organizations have different standards? Mark thinks this muddies the water. PG 2- make it say the board must exempt all oral surgeons. Mark feels as if there is unfair, he has been personally targeted.

**Michael Auerbach (NHDS):** Spoke about costs that are being passed onto the patients. Longer wait times. Takes exception to the comment that the Board are the only advocates. Cost issues not resolved. NH Dental Society is concerned about patient safety. Dr. Abel was impressed with the dentist turnout for JLCAR. Felt that it was clear that patient safety and care is the focus. The Board will modify rules as per

JLCAR requests. Speaking as a representative of the NHDS. HL has concerns about the representation of dentists. Auerbach is speaking to what the Board is asking. HL asking clarification if a person under 9 goes for deep sedation, they are billed separately for that. Auerbach could not speak to that. HL spoke that there are 2 statements for costs, procedure and sedation.

**Jonathan Bean DMD:**

Board of Trustees member for NHDS. Regularly provides updates. Of all the people he has spoken to about this, the one opposition has been a member of the Board. As for billing, yes you are billing for the same codes. Most Dentists will underbill the patient. PK supported Dr. Bean's statements regarding the billing for sedation. Dr. Bean spoke to the fact that this is not a financial endeavor as he barely makes overhead when doing a simple extraction. HL asked Dr. Bean if he accepts Medicaid which he does not accept, rather treats. If patient comes from ER, he doesn't bill the person. HL asked clarification on whether he is speaking for himself or for all Oral Surgeons. HL does not know many Oral Surgeons that do free work. PK has said that we are not debating the costs, and we should just focus on what JLCAR is asking.

**5. OPLC Investigations**

**a. SB 185 Prime Sponsor: Sen. Howard Pearl, relative to office of professional licensure and certification investigations:** Liz has stated that she doesn't feel the Board needs to make their thoughts clear regarding this as it will come to light during the hearing.

**VII. OPLC and/or Board Administration Update**

**A. CE Broker Mandatory Starting February 3, 2025**

<https://www.oplc.nh.gov/professional-licensing/ce-broker>

Carson informed the board that CE Broker has gone live today. The board had some questions regarding the logistics of CE Broker.

**B. Update to Legislative Testimony:** Liz explained that the Governor has informed that no Board member can take a position on be half of the board. They can explain the feelings that the board have. Board members are permitted to provide personal testimony if they are commenting on their own behalf being cautious to separate what they have learned from the board meeting.

Linda expressed concern over a HB that limits or removes Board involvement regarding licensing. Liz will investigate that.

**VIII. Licensure**

**A. Active Licenses 12.26.24 through 01.21.25**

Informational No Action Needed

**IX. Committee Reports**

**A. ASEC:**

**Dr. Abel:** Discussed different scenarios that were established for inspection. Committee has been assigned new scenarios. PK has requested: that Hygiene and ASEC minutes added to Dental Examiners.

**B. Hygiene:**

**Angela Boyle** explained that the Committee reviewed local anesthesia rules. Discussion about the committee be more proactive and less so prompted by the Board. Discussion about education and learnings from surrounding states.

**X. Dr. Puneet Kochar:** Approached by NHTI about being on their advisory committee. They were told no Board member could be seated but they would like someone to provide updates from the Board. Many board members were opposed, RA suggested they come to a Board of Dental Examiners meeting and PK will suggest having them review that as an option

**XI. Non-Public Session:** Move to Non Public 9:49 am: Roll call: 8-0-0 JP absent

“The Board will conduct a Non-Public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board’s executive and deliberative privileges.”

**XII. Seal the Minutes of the Non-Public Session:** Motion to seal the Non Public: VM second PK: Roll call 9-0-0

“The Board votes to seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.”

**XIII. Adjourn Meeting – Adjourned 11:24 am**