



Board of Dental Examiners Public Meeting Minutes
Dental Examiners Board
Monday, January 6, 2025

Present: Puneet Kochhar, DMD – President (PK), Virginia Kapetanakis Moore, RDH – Vice President (VM), Mark D. Abel, DMD, MD (MA), Angela Boyle RDH (AB), Daniel H. De Tolla, DDS, MD (DD), H.J. Ludington, DDS, MsD (HL), & Linda Tatarczuch, MSW (LT).

Absent: Jay Patel, DMD (JP), Roger Achong, DMD, MS (RA),

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

The Board entered a non-meeting from 9:00AM to 9:18AM
The Board took breaks from 10:07AM to 10:24AM & 12:00PM to 12:25 PM

I. Call to Order

PK called the meeting to order at 8:39 AM

II. Approval of Public Minutes

A. 11/04/2024- Public Minutes

Motion: Upon a motion by HL and a second by PK the Board voted to approve as amended; unanimous.

B. 12/02/2024- Public Minutes

Motion: Upon a motion by HL and a second by MA the Board voted to approve as amended; unanimous.

PK Abstained.

III. Public Comment

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

C. American Society of Dentist Anesthesiologists

The American Society of Dentist Anesthesiologists (ASDA) testified through a letter dated December 1, 2024. The ASDA's letter was in opposition to Den 304 as drafted for 5 reasons. 1) Impose Unnecessary Barriers to Care, 2) Disregard of the ASDA/ AAOMS/ AAP model legislative document, 3) Undermine Specialist Expertise and Disregard National Educational and Practice Standards, 4) Conflate Moderate, Deep Sedation and General Anesthesia, 5) Severely limit widely accepted techniques to treat patients. The ASDA urged the Board to reconsider the proposed rules and engage with stakeholders, including the ASDA, to ensure that the final regulations strike a fair balance between maintaining patient safety and supporting the provision of essential anesthesia services. Recommending the board look at the ASDA/ AAOMS/ AAP model legislation document to aid in these revisions.

D. Question/Comment from Gokhan Ozdener, DMD

Gokhan Ozdener testified through a letter dated December 20, 2024. Dr. Ozdener explained that the guidelines for a minimal sedation permit are not clear. He would like to know if it would be worth it to offer a minimal sedation in his clinic. He does not think that dentists would invest equipment for the moderate sedation that is listed in your proposal and to be able to apply minimal sedation.

E. Dwayne Thibeault, DNP.

Dwayne Thibeault asked the Board to give direction to the ASEC Committee. The Board took this business up during the ASEC committee report.

F. Jonathan Bean, DMD, MD

Jonathan Bean testified to the dental board that he is optimistic about Den 304. He wishes to keep working on the rules. He believes the current models being used the board fails to look at the application to the real-world scenarios in the office. Rather he pointed to the AAOMS and AADP model that, he believes, does take cases into consideration. He further explained there was communication from AAOMS, to the Board and that AAOMS represents 95% of all oral surgeons so they speak for the oral surgery community. He testified that the Board did not consider the wishes and the recommendations of the AAOMS. He testified that the model proposed was a major compromise on AAOMS's part. Dr. Bean said he said the board can score a political win by still passing the most restrictive in the county.

PK made it clear that the board is not there for a political win. PK made it clear that the board is not a political body.

Dr. Bean apologized for offending the Board

G. Micheal Auerbach

Testified to the JLCAR hearing and asked to dial down the rhetoric and feelings. He would like a response to JLCAR to include all people. He would like everyone to come back to the table and work together.

The Board closed public comment at 9:00AM, with all members of the public having the opportunity to be heard.

IV. Required Reporting

V. Legislative Topics

H. Legislative Update - Board Counsel, Elizabeth Eaton

1. Hygiene Anesthesia Permit- RSA Change

a. LSR 2025-0338- Prime Sponsor: Rep. Jaci Grote, relative to the practice of dental hygiene

2. DMD or DDS for Dentist Initial Licensure- RSA Change

3. Dental Compact

a. LSR 2025-0997- Prime Sponsor: Sen. Tara Reardon, adopting the dental and dental hygiene licensure compact.

Motion: Upon a motion by PK and a second by HL the Board authorized VM to begin work on this to defend the Board's current positions; the motion carried.

AB abstained.

4. Sedation in Dental Offices

a. LSR 2025-0713- Prime Sponsor: Rep. Jim Kofalt, to relative to the use of general anesthesia, deep sedation, and moderate sedation in dental treatment.

5. OPLC Investigations

a. LSR 2025-0964- Prime Sponsor: Sen. Howard Pearl, relative to office of professional licensure and certification investigations.

VI. Rules with Tina Kelley 10:00AM

I. Den 300

1. Conditional Approval Request

2. Meeting Packet for Board Review

Motion: Upon a motion by HL and a second by LT the Board voted to approve as amended; unanimous.

J. DEN 304

1. Preliminary objection

The Board spoke to the current situation and how they got to where they are in the rules. AB spoke and asked that the Board listen to those providing the testimony. MA talked about how there are three major areas to be rewritten.

The Board shared concerns about now having to require all dentists to obtain a minimal sedation permit. Initially the Board had not wanted to do this as it would create extra paperwork and headache for members of the community.

Motion: Upon a motion by PK and a second by LR the Board voted to request a waiver of the rules allow the Board to continue work until 04/16/2025; unanimous.

2. Discussion Question from Dr. Abel

3. Den 304 Authorization

Motion: Upon a motion by PK and a second by VM the Board voted to authorize HL and MA to speak with Representatives and Senators relating to Den 304 as it was before JLCAR on December 19th, 2025; unanimous.

4. Den 304 Standing Order

The Board began discussing ways it could exempt oral surgeons from the current requirement to have two providers. The Board decided the most expedient option would be to adopt a standing order to address this issue.

Motion: Upon a motion by HL and a second by MA the Board voted to adopt the standing order with the ability to add more ways; unanimous.

K. DEN 500

1. Conditional Approval Response

2. Conditional Approval Response Cover Letter

Motion: Upon a motion by HL and a second by PK the Board voted to approve; unanimous.

3. Adoption

Motion: Upon a motion by PK and a second by HL the Board voted to adopt Den 500 various with a 03/07/2025 effective date; unanimous.

L. Rule Tracker

VII. OPLC and/or Board Administration Update

M. CE Broker Mandatory Starting February 3, 2025

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

The Board would like Carson to ensure an email is sent out to all licensees explaining CE Broker and resources available.

N. Den 100 Adopted Communication Sent Out

O. PLC 308.15 Proposed Interim Rule

VIII. Licensure

P. Active Licenses 11.18.24 through 12.26.24

IX. Committee Reports

Q. ASEC

MA spoke to the ASEC report, ASEC met and worked on scenarios, the committee had requested to see the rules and be able to give their input on the rules.

Motion: Upon a motion by PK and a second by HL the Board voted to assign the committee to work on more scenarios with pediatric, adult, moderate and deep sedation being the focus; unanimous.

1. Inspection Forms

a. Facility Permit

Motion: Upon a motion by HL and a second by AB the Board voted to adopt; unanimous.

b. Facility Hosting

Motion: Upon a motion by HL and a second by AB the Board voted to adopt; unanimous.

c. Simulated Emergency

The Board would like a separate collum for what scenario was performed.

Motion: Upon a motion by HL and a second by AB the Board voted to adopt as amended; unanimous.

R. Hygiene

The Board would like the Hygiene committee to work on local anesthesia rules and provide recommendations to the Board in perpetration of RSA changes.

Motion: Upon a motion by PK and a second by HL the Board voted to assign the committee to work on local anesthesia rules and provide recommendations to the Board in perpetration of RSA changes; unanimous.

X. Non-Public Session

Motion: Upon a motion by PK and a second by MA the Board voted to enter 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 via roll call. *Roll Call: 7-0-0*

XI. Seal the Minutes of the Non-Public Session

Motion: Upon a motion by VM and a second by PK the Board voted 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; unanimous.

XII. Adjourn Meeting -

Board adjourned at 1:46PM