

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

January 11, 2019

ROLL CALL

The meeting of the Board of Dentistry was called to order at 9:00 a.m. by Dennis Anderson, DDS, Chairperson, in the Staybridge Room at the Staybridge Suites, located at 2700 Fletcher Avenue, Lincoln, Nebraska. The Agenda and Revised Agenda (revised more than 24 hours prior to the commencement of the meeting and posted/available for public inspection at the Board's office more than 24 hours prior to the meeting) were sent to the Board members and other interested parties prior to the meeting. The following members answered the roll call:

Dennis Anderson, DDS, Chairperson
Lisa Kucera, RDH, Vice-Chairperson
Cynthia Gaskill, RDH, Secretary
Yoshiharu Ameku, DDS
Charles Bauer, DDS
David Blaha, DDS
Dean Cope, DDS
Gregory Thomas, JD
John Thomas, DMD

Absent: Mary Sneckenberg

Also present were: Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Ami Huff, Assistant Attorney General; Anna Harrison, RN, BSN, Compliance Monitor; and Jeff Newman, Investigator.

Anderson announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

ADOPTION OF AGENDA

Bauer moved, seconded by J. Thomas, to adopt the Agenda with the ability for the Chairperson to rearrange as necessary. Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

APPROVAL OF MINUTES

October 19, 2018

Page 1: No changes.

Page 2: No changes.

Page 3: Under Approval of Exam Content/Criteria for the Restorative 1 and 2 Permits, line 4, change the word "or" to "and"; line 5, change the word "or" to "and".

Page 4: No changes.

Page 5: No changes.

Page 6: The first paragraph starting with “The Board agreed...”, line 2, change the word “Broad” to Board”.

Page 7: No change.

Blaha moved, seconded by Kucera, to approve the October 19, 2018 minutes as corrected. Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Apking explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department’s website. Blaha moved, seconded by J. Thomas, to continue the same method that the Department has been using to provide public notice of this Board’s meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department’s website. Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

J. Thomas moved, seconded by Ameku, to go into closed session at 9:06 a.m. for the purpose of review and discussion of investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Ameku, Anderson, Bauer, Blaha, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

Cope moved, seconded by J. Thomas, to reopen the session at 9:54 a.m. Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

LICENSURE APPLICATION(S)

Dental Application(s)

No applications to review at this time.

Dental Hygienist Application(s)

No applications to review at this time.

Dental Reinstatement Application(s)

Bauer moved, seconded by J. Thomas, to table the dental reinstatement application of James Smith, DDS for additional information. Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

Reinstatement After Discipline Application(s)

J. Thomas moved, seconded by Cope, to deny the reinstatement after discipline application of Daniel Ellingson, DDS. The basis for this denial is that not enough time has elapsed since the initial probationary terms and conditions were placed on the dental license. Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

The Board members suggested sending all final Orders to them when received.

CONCERNS WITH ALLOWING PUBLIC HEALTH DENTAL HYGIENISTS TO INDEPENDENTLY PLACE SILVER DIAMINE FLUORIDE

Dr. Charles Craft explained that only 43% of Americans annually visit their dentist and thus do not receive regular dental preventive care services. Nebraska is a rural state with access to care challenges, but it has a unique opportunity to utilize public health dental hygienists in community health settings who are positioned to help address dental needs among underserved populations. Dr. Craft and other interested parties are drafting protocols for the proper use of silver diamine fluoride in public health sites and to also address coordination with private dentists to improve continuity of patient care. Some of the protocols discussed include attending an online training course offered by the Association of State and Territorial Dental Directors, attending a webinar conducted by the Office of Oral Health and the Nebraska Dental Hygiene Association and confirming during the oral screening process if the patient has a regular dental home to help determine whether silver diamine fluoride should be considered for use. Also suggested was utilizing informed written consent with visual photos of SDF and clear post application communication with parents or caregivers about follow up care. Dr. Craft recommends that the use of silver diamine fluoride should be consistent among provider groups across Nebraska and the dental hygienists holding a public health authorization could use it for vulnerable populations such as low income children, refugees, and older adults. Dr. Craft realizes that some miscommunication could occur initially but that all parties eventually can be comfortable with the use of SDF which would offer a great public health benefit. There is not a consensus among all interested parties at this time. Anderson asked whether the training course is online and whether the Board should vote on the off label use of silver diamine fluoride to prevent caries. Darlene Carritt commented that the University of Nebraska dental hygiene program has been teaching about silver diamine fluoride for at least the past two years. There was discussions regarding concerns about Medicaid dollars. Some comments that this should be a non-issue because it is preventative medicine and Nebraska citizens are receiving care. The actual concern should be with coordination of care amongst all parties. All agree that a policy needs to be developed. The Board asked Dr. Craft to keep them posted of any final SDF recommendations and thanked for his dental service to the citizens of Nebraska.

COURSE APPROVAL – EXPANDED SCOPE FUNCTIONS

Cope moved, seconded by Kucera, to approve the course titled Dental Hygiene Theory II presented by Iowa Central Community College as an acceptable expanded scope function course to administer and titrate nitrous oxide by dental hygienists as long as the applicant has taken the course within the past three (3) years. Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

CLARIFICATION ON DENTISTS ADMITTING TO HOSPITALS AND COMPLETING HISTORY AND PHYSICALS

Blaha moved, seconded by J. Thomas, to approve the response as "While the Board's position is that DDS oral surgeons are "trained in the admitting of patients into a hospital and performing H & P's." Per Nebraska Statutes they would only be able to provide care in accordance with their Nebraska Scope of Practice for Dentistry.". Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

Cushman will send the response.

QUESTION REGARDING TELE-DENTISTRY

Cushman explained that LB 29 would move language regarding tele-health from the Medicine and Surgery Practice Act to the Uniform Credentialing Act. There is nothing formal at this time.

CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

Nothing to discuss at this time.

AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB)

The AADB Mid-Year meeting is scheduled for March 9-10, 2019 in Chicago. Board members will let Apking know if they wish to attend.

Blaha left the meeting at 11:49 a.m.

Crystal Stuhr, Dental Assistant Program at Southeast Community College, commented that courses for the expanded scope functions should be comparable between programs that are accredited by the Commission on Dental Accreditation (CODA), however they are not. Ms. Stuhr requested that the Board of Dentistry should review all courses to determine approval. Cope moved, seconded by J. Thomas that individual courses offered on expanded scope functions must be approved by the Board. Voting aye: Ameku, Anderson, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Blaha, Sneckenberg. Motion carried.

REGULATIONS UPDATE AND CLARIFICATION REGARDING PERFORMING EXPANDED FUNCTIONS IN NEBRASKA WHILE ENROLLED IN AN APPROVED COURSE

Cushman explained the process for drafting regulations and the approval process.

Cushman provided clarification regarding performing expanded functions in Nebraska while enrolled in an approved course. A dental hygienist or a dental assistant can perform expanded functions in Nebraska under a licensed Nebraska dentist that is recognized under the educational program as being an approved supervising dentist.

PRACTICE QUESTION

A question regarding having an agreement with a specialist to provide a discounted fee for services for referring patients that have joined his in-office saving plan. The Board referred the dentist to contact his own attorney. The Board has no opinion. Recommended staff running the scenario by Department Legal.

ELECTION OF OFFICERS

Ameku moved, seconded by J. Thomas, to keep the current slate of officers which are Anderson as Chair, Kucera as Vice-Chair, and Gaskill as Secretary. Voting aye: Ameku, Anderson, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Blaha, Sneckenberg. Motion carried.

Anderson will review investigations when requested by the Investigations Program Manager.

The following dates are the scheduled Board of Dentistry meeting:

- April 19, 2019
- July 12, 2019
- October 25, 2019
- January 10, 2020

ADJOURNMENT

Gaskill moved, seconded by Kucera, to adjourn the meeting at 12:53 p.m. Voting aye: Ameku, Anderson, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Blaha, Sneckenberg. Motion carried.

Respectfully submitted by,

(signature on file with the Department)

Cynthia Gaskill, RDH, Secretary
Board of Dentistry