

MINUTES OF THE MEETING  
OF THE  
BOARD OF DENTISTRY

April 19, 2019

ROLL CALL

The meeting of the Board of Dentistry was called to order at 9:02 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  
Mary Sneckenberg  
Gregory Thomas, JD  
John Thomas, DMD

Absent: Dean Cope, DDS

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

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

APPROVAL OF MINUTES

January 11, 2019

Page 1: No changes.  
Page 2: No changes.  
Page 3: No changes.  
Page 4: No changes.  
Page 5: No changes.

March 13, 2019

Page:1: No changes.

Page 2: No changes.

March 21, 2019

Page:1: No changes.

Page 2: No changes.

Gaskill moved, seconded by Blaha, to approve the January 11, 2019, March 13, 2019 and March 21, 2019 minutes as presented. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Abstain: Sneckenberg. Motion carried.

#### INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Blaha moved, seconded by J. Thomas, to go into closed session at 9:05 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, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

Cope moved, seconded by J. Thomas, to reopen the session at 11:01 a.m. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

#### LICENSURE APPLICATION(S)

##### Dental Application(s)

J. Thomas moved, seconded by Gaskill, to recommend issuing a dental license to Jason May. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

Kucera moved, seconded by J. Thomas, to recommend issuing a dental license to Scott Kalinz. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

##### Dental Hygienist Application(s)

No applications to review at this time.

##### Dental Reinstatement Application(s)

J. Thomas moved, seconded by Gaskill, to recommend denying the dental reinstatement application of James Smith, DDS. The basis for this denial is that Dr. Smith has not met the experience requirement. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

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

Bauer moved, seconded by Gaskill, to recommend reinstating the dental license of Craig Schlie, DDS. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

#### Minimal Sedation Application(s)

Blaha moved, seconded by J. Thomas, to recommend issuing a minimal sedation permit to Alan Hergenrader, DDS. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

#### Dental Hygiene Reinstatement Application(s)

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

### E-MAIL BALLOTS SINCE THE LAST MEETING

Staff read the following e-mail ballot results into the record:

- Voted to Approve the Expanded Scope Function Courses offered by Southeast Community College Dental Assisting Program – **February 2019**
- Voted to Approve the Expanded Scope Function Courses offered by Metro Community College Dental Assisting Program – **February 2019**
- Voted to Approve the Expanded Scope Function Course on Nitrous Oxide offered by the University of South Dakota Dental Hygiene Program – **February 2019**

### COURSE APPROVAL – EXPANDED SCOPE FUNCTIONS

Gaskill moved, seconded by J. Thomas, to approve the DHY 288-01 Local Anesthesia and Pain Control course presented by Iowa Western 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 five (5) years. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Abstain: Kucera. Motion carried.

Gaskill moved, seconded by J. Thomas, to approve the DH101 Dental Hygiene I, DH102 Dental Hygiene II, DH206 Dental Pharmacology, and DH301 Dental Hygiene V courses presented by Concorde Career College as an acceptable expanded scope function course for writing prescriptions for fluoride and fluoride products and to administer and titrate nitrous oxide by dental hygienists as long as the applicant has taken the course within the past five (5) years. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

Gaskill moved, seconded by Blaha, to approve the Orientation to Prescription Writing for the Dental Hygienist course presented David Shaw, Ph.D. at the University of Nebraska - College of Dentistry as an acceptable expanded scope function course for writing prescriptions for fluoride and fluoride products by dental hygienists as long as the applicant has taken the course within the past five (5) years. Voting aye: Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Abstain: Ameku. Motion carried.

Gaskill moved, seconded by J. Thomas, to table the approval of the course titled Nitrous Oxide Review for the Registered Dental Hygienist presented by Bruce Bavtiz, DMD at the University of Nebraska - College of Dentistry for additional information. Voting aye: Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Abstain: Ameku. Motion carried.

Gaskill moved, seconded by Kucera, to approve the Restorative 1 Permit and Restorative 2 Permit – Expanded Function Dental Assistant/Dental Hygienist courses offered by Luana Oliveira-Haas, DDS, MS, PhD at the University of Nebraska – College of Dentistry as an acceptable expanded function course to perform simple and complex restorations by dental hygienists and dental assistants as long as the applicant has taken the course within the past five (5) years. Voting aye: Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Abstain: Ameku. Motion carried.

Gaskill moved, seconded by J. Thomas, to table the re-approval of the restorative course offered by the University of Minnesota for additional information about their take home calibration kits for supervising dentists. Voting aye: Ameku, Anderson, Blaha, Bauer, Cope, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Sneckenberg. Motion carried.

Teresa Hampton, Department Legal joined the meeting at 11:52 a.m.

Gaskill moved, seconded by J. Thomas, to table the approval of the course titled Temporary Dental Materials and placement for the Expanded Function Dental Hygienist and Expanded Function Dental Assistant presented by James Jenkins, DDS at the University of Nebraska - College of Dentistry for additional information. Voting aye: Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Abstain: Ameku. Motion carried.

#### HOW IS THE STATE OF NEBRASKA IDENTIFYING EXPANDED FUNCTION AUXILIARIES?

Gaskill moved, seconded by Kucera, to identify dental auxiliaries that have obtained the expanded function permits as follows:

- Expanded Function Licensed Dental Assistant (EFLDA); and
- Expanded Function Registered Dental Hygienist (EFRDH).

Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope. Motion carried.

## CLARIFICATION OF ALLOWABLE DUTIES OF A PUBLIC HEALTH DENTAL HYGIENIST

Dr. Charles F. Craft, from the DHHS Office of Oral Health (OOHD), provided some background information concerning allowable duties for individuals who hold public health authorizations (PHRDHs). He mentioned that the OOHD had received a Health Resources and Services Administration (HRSA) grant starting in 2016 that utilized about 12 to 15 PHRDHs through rural Local Health Departments. He looked at Neb. Rev Stat. §38-1130 at that time and noted that only the words “oral prophylaxis” were used to describe the performance of dental cleaning functions for PHRDHs, the word “debridement” was not mentioned. The ADA defines oral prophylaxis as “the removal of coronal plaque, calculus and stains” while debridement involves the “removal of supra and sub gingival plaque and calculus”. The grant runs through August 31, 2019 and only allowed PHRDHs to provide prophylaxis services (D1110) and therefore Dr. Craft recommended to the PHRDHs involved with the grant that they avoid performing deep scaling and root planning (D4341) in a public health setting. A future clarification was needed to see if PHRDHs could perform debridements (D4355). That clarification came at the October 19, 2018 meeting where the Board of Dentistry voted their opinion that debridement is part of oral prophylaxis and could be performed in a public health setting by a dental hygienist holding a public health authorization. Future OOHD grant activities and allowable PHRDH services will reflect this clarification.

Sneckenberg left the meeting at 12:28 p.m.

Lindsay Hays a new Expanded Function Registered Dental Hygienist (EFRDH) provided the Board members with a brief explanation of her experiences with the expanded function course and how it has been since she received her expanded functions permit.

## REGULATION UPDATE AND APPROVAL

The Board reviewed the letter from Dr. Anderson addressing the concerns that were discussed at a meeting with the Nebraska Dental Association (NDA).

Discussion regarding the addition of language to identify prohibited services for both dental hygienists and dental assistants under a section titled “Additional Information”. J. Thomas moved, seconded by Ameku, to include language regarding prohibited services in a section titled “Additional Information” in both 172 NAC 53 and 172 NAC 57. Voting aye: Ameku, Anderson, Bauer, Blaha, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Sneckenberg. Motion carried.

Discussion regarding the concern about when training for the expanded functions could be obtained and whether the course needed to be a stand-alone course or offered in a dental hygiene or dental assisting program. J. Thomas moved, seconded by Bauer to require applicants to first have the required 1500 hours under a license and that the expanded function course needs to be a stand-alone course. Voting aye: Ameku, Anderson, Bauer, J. Thomas. Voting nay: Blaha, Gaskill, Kucera, G. Thomas. Absent: Cope, Sneckenberg. Motion does not carry.

Discussion regarding the failure to supervise a dental auxiliary could be considered unprofessional conduct.

## LEGISLATION UPDATE

Jesse Cushman, Program Manager, explained that LB 29 (tele-health bill) was approved by the Governor on March 21, 2019.

## CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

Nothing to discuss at this time.

## AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) – REPORT FROM MID-YEAR MEETING, MARCH 2019 – DR. THOMAS

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.

## DISCUSSION AND SET-UP REOCCURRING MEETINGS WITH THE DEAN OF BOTH DENTAL SCHOOLS

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, Blaha, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Sneckenberg. Motion carried.

## ADJOURNMENT

Gaskill moved, seconded by Kucera, to adjourn the meeting at 2:53 p.m. Voting aye: Ameku, Anderson, Bauer, Blaha, Gaskill, Kucera, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Sneckenberg. Motion carried.

Respectfully submitted by,

Cynthia Gaskill, RDH, Secretary  
Board of Dentistry