

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

July 12, 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
Yoshiharu Ameku, DDS
David Blaha, DDS
Mary Sneckenberg
John Thomas, DMD

Absent: Dean Cope, DDS
Charles Bauer, DDS
Cynthia Gaskill, RDH, Secretary
Gregory Thomas, JD

Also present were: Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Ami Huff, Assistant Attorney General; 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

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

APPROVAL OF MINUTES

April 19, 2019

Page 1: No changes.

Page 2: No changes.

Page 3: No changes.

Page 4: No changes.

Page 5: Under REGULATION UPDATE AND APPROVAL, third paragraph, second line, delete the word "within".

Page 6: Under CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS), the word “Noting” should be “Nothing”.

Kucera moved, seconded by Blaha, to approve the April 19, 2019, minutes as corrected. Voting aye: Ameku, Anderson, Blaha, Kucera, J. Thomas. Voting nay: None. Absent: Bauer, Cope, Gaskill, G. Thomas. Abstain: Sneckenberg. Motion carried.

PRESENTATION OF THE UNIVERSITY OF MINNESOTA EXPANDED FUNCTION COURSE – MAUREEN OHLAND, DDS, MS, MLS

Dr. Ohland introduced herself to the Board members and provided some background about herself and the expanded function course.

G. Thomas joined the meeting at 9:06 a.m.

Bauer joined the meeting at 9:09 a.m.

Dr. Ohland explained that in 2017 the course only required 12 patient experiences and the course now requires at least 20 patient experiences. The course used to be material driven but it is now patient driven. Dr. Ohland provide the statistics from the program from 2017 and 2018. She also explained how the calibration kit works. Each office decides the standard of care, they record/ log their activity including outcome notes. She explained that the course is 80 hours (4 weekends), 20 minimum students (currently there is a 2 year waiting list), there is 1 faculty per 12 students, they train both dental hygienists and dental assistants, and the cost of the course is \$3,000. She commented that they offered this course within the dental hygiene curriculum however it seems to be under-utilized because most offices hire new graduates to perform just dental hygiene duties. Restorative is not for all dental hygienist or dental assistants and seems to fit individuals that have had several years of practice. The restorative course participants are required to meet lab competency before being released to perform the clinical portion of the course. The Board members thanked Dr. Ohland for her presentation.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Ameku moved, seconded by J. Thomas, to go into closed session at 10:18 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, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

Sneckenberg moved, seconded by J. Thomas, to reopen the session at 11:13 a.m. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

LICENSURE APPLICATION(S)

Dental Application(s)

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

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

Dental Hygienist Application(s)

Kucera moved, seconded by J. Thomas, to table the dental hygiene licensure application of Lauren McAllister for a pre-licensure investigation. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

Dental Reinstatement Application(s)

J. Thomas moved, seconded by Kucera, to recommend approving the 15 hour refresher course given by Dr. Durham, Creighton University so Sherrill Domet, DDS can reinstate her dental license. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

Blaha moved, seconded by Sneckenberg, to table the dental reinstatement application of George Weber, DDS for a pre-reinstatement investigation. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

Dental Hygiene Reinstatement Application(s)

Blaha moved, seconded by Sneckenberg, to table the dental hygiene reinstatement application of Mary Jeanne Brown to obtain an eight (8) hour dental hygiene refresher course. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

E-MAIL BALLOTS SINCE THE LAST MEETING

No e-mail ballots since the last meeting.

COURSE APPROVAL – EXPANDED SCOPE FUNCTIONS

J. Thomas moved, seconded by Kucera, to recommend approval of the course titled Nitrous Oxide Sedation presented by the Minnesota State University Dental Hygiene Program. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

Anderson requested volunteers to be on a committee to review all courses for expanded scope functions and expanded functions. The Committee's charge would be to review course content for all requests to approve courses for expanded scope functions and expanded functions. Kucera and Ameku volunteered. Anderson mentioned having Cope participate also. Members of the committee will be Kucera, Ameku, and Cope. Anderson moved, seconded by J. Thomas, to recommend tabling approval of requests to approve courses for both the expanded scope functions and expanded functions. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

Staff will forward all course materials (including previous approved courses) that need to be reviewed to the Committee members and set up a meeting date to discuss.

PRACTICE QUESTION – CAN A PUBLIC HEALTH HYGIENIST WHO ALREADY SUPERVISES DENTAL STUDENTS IN AN ELEMENTARY SCHOOL SETTING ALSO SUPERVISE NURSING STUDENTS WHO WANT TO LEARN HOW TO PLACE FLUORIDE VARNISH?

Kucera moved, seconded by J. Thomas, that the Board of Dentistry believes that a Public Health Hygienist who already supervises dental students in an elementary school setting could supervise nurse students who want to learn how to place fluoride varnish. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

Please note that it would still need to be approved by the nursing programs and/or the Nebraska Board of Nursing.

REGULATION REVIEW FOR 172 NAC 53, 56, AND 57

Jesse Cushman explained the draft hearing summary comment by comment. He will clean up the comments. Staff will send out dates to the Board members to schedule a meeting in August to discuss just these regulations.

CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

Nothing to discuss at this time. Kucera, Ameku, J. Thomas, and Gaskill will be attending the CRDTS Annual Meeting scheduled for August 23-24, 2019 in Kansas City, MO. Staff will submit travel authorizations.

AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) – ANNUAL MEETING, OCTOBER 19-20, 2019 – LAS VEGAS, NV

Anderson, Kucera, and J. Thomas are interested in attending the AADB Annual Meeting. Staff will submit travel authorizations.

ADJOURNMENT

J. Thomas moved, seconded by Kucera, to adjourn the meeting at 1:12 p.m. Voting aye: Ameku, Anderson, Bauer, Blaha, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Gaskill. Motion carried.

Respectfully submitted by,

Lisa Kucera, RDH, Vice-Chairperson
Board of Dentistry

REINSTATEMENT HEARING BEFORE THE BOARD OF DENTISTRY

J. Thomas moved, seconded by Kucera, to open the hearing before the Board of Dentistry regarding the reinstatement after discipline application of Daniel Ellingson, DDS. Voting aye: Ameku, Anderson, Bauer, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Blaha, Cope, Gaskill. Motion carried.

Teresa Hampton, Department Legal will act as the hearing officer.

Ami Huff, Assistant Attorney General is presenting the Department on this matter.

Exhibits were offered and received by the Department and the defendant Daniel Ellingson, DDS.

Huff waived opening statement.

Ellingson provided an opening statement.

Jesse Cushman, Program Manager, Licensure Unit provided testimony on behalf of the Department.

Marty Matz, DDS provided testimony on behalf of Daniel Ellingson, DDS.

Daniel Ellingson, DDS provided testimony on behalf of himself.

Huff give closing arguments.

The Board of Dentistry went into closed session to discuss at 2:47 p.m.

The Board of Dentistry came out of closed session at 3:25 p.m.

Kucera moved, seconded by Sneckenberg, to recommend modifying the probationary condition 7H to remove the requirement that a dentist be present on the premises at all times and retain the remaining condition as originally set forth. The basis for this recommendation is that Dr. Ellingson has demonstrated that he is working his recovery program and that he is compliant with the Department's probationary terms and conditions and also with his criminal probation. Voting aye: Ameku, Anderson, Bauer, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Blaha, Cope, Gaskill. Motion carried.

Kucera moved, seconded by J. Thomas, to adjourn the hearing before the Board of Dentistry at 3:27 p.m. Voting aye: Ameku, Anderson, Bauer, Kucera, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Blaha, Cope, Gaskill. Motion carried.