

These minutes have not been reviewed or approved by the Board of Dentistry.

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

July 13, 2018

ROLL CALL

The meeting of the Board of Dentistry was called to order at 9:06 a.m. by Dennis Anderson, DDS, Chairperson, in the Lincoln Room at the Country Inn & Suites, located at 5353 North 27th Street, 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
Cynthia Gaskill, RDH, Secretary
Yoshiharu Ameku, DDS
Charles Bauer, DDS
David Blaha, DDS
Mary Sneckenberg
John Thomas, DMD

Absent: Dean Cope, DDS
Lisa Kucera, RDH, Vice-Chairperson
Gregory Thomas, JD

Also present were: Becky Wisell, Administrator; 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

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

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Blaha moved, seconded by J. Thomas, to go into closed session at 9:08 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, Sneckenberg, J. Thomas. Voting nay: None. Absent: Cope, Kucera, G. Thomas. Motion carried.

G. Thomas joined the meeting at 9:09 a.m.

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G. Thomas recused himself from the meeting at 9:21 a.m.

G. Thomas returned to the meeting at 9:23 a.m.

Bauer recused himself from the meeting at 9:33 a.m.

Bauer returned to the meeting at 9:35 a.m.

Sneckenberg moved, seconded by Gaskill, to reopen the session at 10:18 a.m. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Kucera. Motion carried.

Teresa Hampton, Department Legal, joined the meeting at 10:18 a.m.

LICENSURE APPLICATION(S)

Dental Hygiene Application(s)

Gaskill moved, seconded by J. Thomas, to recommend issuing a dental hygiene license to Stacie Strehlow after meeting all licensure requirements. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Kucera. Motion carried.

Minimal Sedation Application(s)

Sneckenberg moved, seconded by Ameku, to deny the minimal sedation permit application of Scott Green, DDS. The basis for this denial is previous history of disciplinary actions. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Kucera. Motion carried.

E-Mail Ballot(s) Since Last Meeting

Since the last Board meeting, the Board voted via e-mail ballot on the following:

- Voted to approve the Board of Dentistry meeting minutes from April 13, 2018 on May 11, 2018; and
- Voted to reinstate the Dental Hygiene license of Jessica Beisner which was reinstated on June 13, 2018.

VOTING PROCESS FOR E-MAIL BALLOTS ACCORDING TO THE OPEN MEETINGS ACT

A question was raised regarding e-mail ballots and whether the vote should continue when a Board member requests additional information. Hampton explained that you should reply only to the sender. If there is a request for additional information the voting should cease and an e-mail sent stating the additional information has been requested. Once the additional information is received a new e-mail ballot should be sent to the Board.

DISCUSSION of CE BOARD REQUIREMENT RELATING TO LB731

Wisell explained that LB731 will go into effect on July 19, 2018, which requires all licensees that prescribe controlled substances to obtain at least 3 hours of continuing education biennially regarding prescribing opiates. The question for the Board is whether the 3 hours of continuing

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education will be included in the required 30 hours of continuing education or if the Board wants the 3 hours of continuing education on prescribing opiates in addition to the required 30 hours of continuing education. If the Board wants the later, then a change to the regulations will need to be made. The Board members commented that the 3 hours of continuing education on prescribing opiates can be included in the required 30 hours of continuing education.

Blaha questioned why the Prescription Drug Monitoring Program (PDMP) only offer continuing education credit for PDMP training to physicians and pharmacists. Wisell will ask the PDMP and let Dr. Blaha know.

APPROVAL OF TESTING MECHANISM FOR EXPANDED FUNCTIONS

The Board members discussed that Central Regional Dental Testing Service (CRDTS) is aware that Nebraska would like to start testing for expanded functions as early as October 2018. Anderson mentioned that a candidate might be able to take a combined examination on both the simple restoration and a complex restoration. The Board questioned whether CRDTS could offer or allow a candidate to only take one part of the examination. The Board members attending CRDTS Annual Meeting will have a conversation with Kimber Cobb, Executive Director about what CRDTS can offer on the expanded functions examination.

Gaskill will forward the CRDTS Candidate Guide on testing for restorative procedures offered to dental hygienists and dental assistants to Department staff.

PRACTICE QUESTION(S)

1. One additional question per our 6/27/2018 telephone conversation. Can the Dental Assisting National Board Certified Orthodontic Assistant exam be used in place of the CDA?

The Board reviewed the examination pathways and content of both the Certified Dental Assistant (CDA) examination and the Certified Orthodontic Assistant (COA) and determined that the COA examination is not substantially equivalent to the CDA examination. Therefore the COA examination will not meet the examination requirement to obtain a dental assistant license.

2. Is the University of South Dakota "Nitrous Oxide/Oxygen Sedation Certification" Course an Acceptable Course for Dental Hygienists to Administer and Titrate Nitrous Oxide?

Gaskill moved, seconded by J. Thomas to approve the University of South Dakota "Nitrous Oxide/Oxygen Sedation Certification" course as an acceptable course for dental hygienists to administer and titrate nitrous oxide. Voting aye: Ameku, Anderson, Blaha, Bauer, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Kucera. Motion carried.

3. Is the University of Missouri-Kansas City "Nitrous Oxide for Dentist, Dental Hygienist, & Dental Assistant" Course an Acceptable Course for Dental Hygienists to Administer and Titrate Nitrous Oxide?

Anderson requested additional information on the content and hours of this course. Staff will gather the additional information requested and send out an e-mail ballot.

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CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

Annual Workshop and Meeting – August 24-25, 2018 in Kansas City, MO

The following Board members are interested in going to this meeting:

Ameku, Anderson, and J. Thomas

Staff will check with Kucera and Cope. Wisell questioned whether there was still a meeting for Board staff so that Jesse Cushman could become familiar with the CRDTS organization. Staff will submit travel authorization requests and let the interested members know when travel is approved.

Creighton University Only Offering American Board of Dental Examiners (ADEX Examination Administered by the Commission on Dental Competency Assessments (CDCA)

Blahe clarified that Creighton University will also be offering the Western Regional Examining Boards (WREB) based on student requests.

AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) 135TH ANNUAL MEETING – SEPTEMBER 22-23, 2018 IN CHICAGO, IL

Anderson and J. Thomas are interested in attending this meeting. Staff will submit travel authorization requests and let the interested members know when travel is approved.

STATE BOARD PARTICIPATION ON ACCREDITATION SITE VISIT – UNIVERSITY OF NEBRASKA COLLEGE OF DENTISTRY – SEPTEMBER 27, 2018

Anderson volunteered to be the Board of Dentistry's representative.

CONSIDERATION OF BOARD APPROVED EDUCATION AND EXAM REQUIREMENTS FOR EXPANDED FUNCTIONS PERMITS; AND NEXT STEPS FOR DRAFT REVISED REGULATIONS

172 NAC 56 – Dentists

The Board review 172 NAC 56 draft regulations page by page. Anderson described changes that were already made.

- Page 1 – change title to “Licensure of Dentists”;
- Page 5 – leave remedial course information because this is required by statute;
- Page 7 - change all “well-being/substance abuse to “well-being or substance abuse” throughout the document; and make sure that one hour of continuing education is 50 minutes not 60 minutes;
- Page 8 – make information regarding webinars a stand-alone comment; under 006.05 (E) change “maximum” to “minimum”;
- Page 10 – under 007.02(U) make sure “general anesthesia or deep sedation” says “general anesthesia and deep sedation”; search document make similar changes throughout the document;

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- Page 13 – under 008.07(A)(viii)(7) use the word “Precordial”;
- Page 16 – make 010(D)(v)(4) the same language as used in 008.03(A)(ii) which states “For moderate sedation a current certification from an appropriate emergency management course for anesthesia and dental sedation approved by the board as substantially equivalent.”; and
- Page 17 - make sure fees that are not listed in 172 NAC 2 are listed out under 013.

J. Thomas moved, seconded by Ameku, to approve 172 NAC 56 as amended. Voting aye: Ameku, Anderson, Bauer, Blaha, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Kucera. Motion carried.

172 NAC 57 – Dental Hygienists

The Board review 172 NAC 57 draft regulations page by page. Anderson described changes that were already made and suggested changes made by the Ad Hoc committee of the Nebraska Dental Association (NDA).

- Page 2 & 3 – make sure that any definitions listed is also used within the body of the regulations;
- Page 4 – leave in title of separate jurisprudence examination;
- Page 5 – leave information on remedial course because it is required in statute;
- Page 7 - change all “well-being/substance abuse to “well-being or substance abuse” throughout the document;
- Page 8 - make information regarding webinars a stand-alone comment;
- Page 9 - under 006.05 (E) change “maximum” to “minimum”; and
- Page 16 - make sure fees that are not listed in 172 NAC 2 are listed out under 015.

Gaskill moved, seconded by J. Thomas, to approve 172 NAC 57 as amended. Voting aye: Ameku, Anderson, Bauer, Blaha, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Cope, Kucera. Motion carried.

Blaha left the meeting at 1:30 p.m.

172 NAC 53 – Dental Assistants

The Board review 172 NAC 53 draft regulations page by page. Anderson described changes that were already made and suggested changes made by the Ad Hoc committee of the Nebraska Dental Association (NDA).

- Page 2 & 3 – make sure that any definitions listed is also used within the body of the regulations;
- Page 4 – need to add language regarding an unlicensed dental assistant and what duties they can perform;
- Page 6 – change the expiration date to March 1st of odd years; and add the word “dentistry” before the word “dental assisting” in 005.01(C);
- Page 7 - change all “well-being/substance abuse to “well-being or substance abuse” throughout the document; ; and add the word “dentistry” before the word “dental assisting” in 005.03(B) and 005.04(A);
- Page 8 - make information regarding webinars a stand-alone comment;
- Page 13 – under 010.03(C) change language so an applicant can take either one examination for either simple and complex restorations or they can take a combined examination that includes both simple and complex examinations; and

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- Page 14 – make sure fees that are not listed in 172 NAC 2 are listed out under 014.

Gaskill moved, seconded by Sneckenberg, to approve 172 NAC 53 as amended. Voting aye: Ameku, Anderson, Bauer, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Blaha, Cope, Kucera. Motion carried.

ADJOURNMENT

Gaskill moved, seconded by Sneckenberg, to adjourn the meeting at 2:30 p.m. Voting aye: Ameku, Anderson, Bauer, Gaskill, Sneckenberg, G. Thomas, J. Thomas. Voting nay: None. Absent: Blaha, Cope, Kucera. Motion carried.

Respectfully submitted by,

Cynthia Gaskill, RDH, Secretary
Board of Dentistry