

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

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

July 17, 2020

ROLL CALL

The meeting of the Board of Dentistry was called to order at 9:05 a.m. by Dennis Anderson, DDS, Chairperson, in the Licensure Unit Conference Room 1 at the State Office Building, located at 301 Centennial Mall South, 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 – via WebEx
Lisa Kucera, RDH, Vice-Chairperson – via WebEx
Michael J. O'Hara, JD, PhD, Secretary – via WebEx
Yoshiharu Ameku, DDS
Dean Cope, DDS – via WebEx
Melanie Steckelberg, DDS
John Thomas, DMD – via WebEx
Hannah Randell, RDH – via WebEx

Absent: David Blaha, DDS
Public member – vacant

Also present were: Jesse Cushman, Program Manager (via WebEx); Vonda Apking, Health Licensing Coordinator; Natalee Hart, Assistant Attorney General; Anna Harrison, RN, Compliance Monitor (via WebEx) ; Larry Wiehn, Investigator; 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

Steckelberg moved, seconded by Ameku, to adopt the Agenda with the ability for the Chairperson to rearrange as necessary. Voting aye: Ameku, Anderson, Cope, Kucera, O'Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Blaha, Public member. Motion carried.

APPROVAL OF MINUTES

April 10, 2020

Page 1: Under DISCUSSION ON COVID-19 ISSUES, line change "(HAN)" to "(HAA)"; and under INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION, second paragraph, line one, change the time that the Board came out of closed session to 2:56 p.m.

Page 2: No changes.

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Page 3: No changes

Page 4: In the first paragraph, line five, change the word “raked” to “ranked” and line 10, change “packet” to “pocket”.

Page 5: No changes.

Kucera moved, seconded by Cope, to approve the April 10, 2020 minutes as presented. Voting aye: Ameku, Anderson, Cope, Kucera, O’Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Blaha, Public member. Motion carried.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Steckelberg moved, seconded by O’Hara, to go into closed session at 9:11 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, Cope, Kucera, O’Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Blaha, Public member. Motion carried.

Blaha joined the meeting at 9:13 a.m.

O’Hara moved, seconded by Ameku, to reopen the session at 10:14 a.m. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O’Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried.

LICENSURE APPLICATION(S)

Dental Application(s)

Nothing discussed at this time.

Dental Hygienist Application(s)

Thomas moved, seconded by Kucera, to recommend issuing a dental hygiene license to Kelly Soucie. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O’Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried.

Dental Assistant Application(s)

Thomas moved, seconded by O’Hara, to recommend issuing a dental assistant license to Zimmie Marks. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O’Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried.

Local Anesthesia Application(s)

Kucera moved, seconded by Thomas, to require Barbie Peldo to take a refresher course on the administration of local anesthesia. The basis is that the Board is unable to verify that the local anesthesia course Ms. Peldo took at North Dakota State College of Science in 2002 included all the requirements pursuant to the current 172 NAC 57 regulations. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O’Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried.

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Kucera moved, seconded by Steckelberg, recommended tabling the local anesthesia application of Megan Northup for additional information. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O'Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried.

Kucera moved, seconded by Steckelberg, recommended tabling the local anesthesia application of Susan Liebig for additional information. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O'Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried.

DENTAL BOARD MEMBER ROLE AND RESPONSIBILITIES

Jesse Cushman explained the roles and responsibilities of the Board members. Mr. Cushman explained that the new public member resigned and the Board has a public member vacancy.

E-MAIL BALLOTS SINCE THE LAST MINUTES

Staff corrected the email ballot read into the minutes at the April 10, 2020 meeting so it reads as follows:

- Voted to approve the modified radiography course offered by UNMC College of Dentistry on March 20, 2020.

Staff read the following email ballots that the Board voted on for the record:

- Voted to allow successful completion of the Central Regional Dental Testing Service (CRDTS) and the Western Regional Examining Boards (WREB) clinical examination with a manikin restorative section and not requiring a clinical periodontal portion of the examination for initial licensure for 2020 on April 24, 2020.
- Voted to allow Dr. Dennis Anderson to speak with the Nebraska Dental Association on behalf of the Board of Dentistry on May 12, 2020.
- Voted to approve a modified coronal polishing course due to COVID-19 offered by Central Community College (CCC) on May 7, 2020.
- Voted to allow successful completion of the Commission on Dental Competency Assessment (CDCA/ADEX) dental examination with a manikin restorative section and not requiring a clinical periodontal portion of the examination for initial licensure for 2020 on May 29, 2020.
- Voted to approve an updated Board of Dentistry statement regarding COVID-19 on June 4, 2020.
- Voted to approve a modified coronal polishing course due to COVID-19 offered by University of Nebraska Medical Center (CCC) on June 8, 2020.
- Voted to allow successful completion of the Central Regional Dental Testing Service (CRDTS) dental hygiene examination with a manikin for initial licensure for 2020 on June 1, 2020.

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REVIEW OF THE HEARING SUMMARIES AND ADOPTION OF THE REGULATIONS

172 NAC 53

Cushman gave a brief summary of the hearing comments on 172 NAC 53 (Dental Assistant Licensure).

Anderson moved, seconded by Thomas, to adopt 172 NAC 53 as presented. Voting aye: Ameku, Anderson, Blaha, Cope, O'Hara, Steckelberg, Thomas. Voting nay: Kucera, Randell. Absent: Public member. Motion carried with a 7 aye to 2 nay vote.

172 NAC 56

Cushman gave a brief summary of the hearing comments on 172 NAC 56 (Dental Licensure).

Cope moved, seconded by O'Hara, to adopt 172 NAC 56 as presented. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O'Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried with a 9 aye to 0 nay vote.

172 NAC 57

Cushman gave a brief summary of the hearing comments on 172 NAC 57 (Dental Hygiene Licensure). The Board members recommended adding the word "dental" before the words "treatment planning" on page 8.

O'Hara moved, seconded by Thomas, to adopt 172 NAC 57 as presented. Voting aye: Ameku, Anderson, Cope, Kucera, O'Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Abstain: Blaha. Motion carried with an 8 aye to 0 nay to 1 abstain vote.

PRACTICE QUESTION

Clarification on Continuing Education Requirements for 2021 Renewal

The Department is developing a waiver form for partial or all continuing education for licensees that are due to renew.

Clarification of Use of Nitrous Oxide When Performing Minimal Sedation

Clarification of Acceptable Duties that Can be Performed by Unlicensed Dental Hygienists and Dentists

Anderson moved, seconded by Cope, that it would be acceptable for dental hygienist that have graduated from their dental hygiene program but not yet licensed to perform coronal polishing and radiography under general supervision of a licensed dentist. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Public member. Abstain: Thomas. Motion carried.

Cope moved, seconded to Kucera, that it would be acceptable for dental graduates but not yet licensed to perform coronal polishing and radiography. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O'Hara, Randall, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried.

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Providing IV Therapy

The Board is tabling discussion on this practice question until their October meeting.

Portable Dental Services

The Board is tabling discussion on this practice question until their October meeting.

Teeth Whitening

The Board decided not to comment on this practice question.

Reimbursement for Patient Referrals

The Board members discussed several difference scenarios. Teresa Hampton, Department Legal explained that fee splitting is defined in the Uniform Credentialing Act under Neb. Rev. Stat. §38-179 (2).

REQUEST TO ACCEPT THE COMMISSION ON DENTAL COMPETENCY ASSESSMENT (CDCA) DENTAL HYGIENE EXAMINATION FOR INITIAL LICENSURE

Kucera moved, seconded by Thomas, to not accept the CDCA Dental Hygiene examination for initial licensure. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O'Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried

DISCUSSION ON COVID-19 ISSUES

Nothing to discuss at this time.

CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

Thomas explained that CRDTS has developed their first stimulated dental hygiene manikin examination for initial licensure. The Board will review the examination and determine whether it would be acceptable moving forward. CRDTS does have a virtual meeting planned and Thomas will give a report at the October meeting.

AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB)

Nothing to discuss at this time.

The next meeting is scheduled for October 9, 2020.

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ADJOURNMENT

Anderson moved, seconded by Kucera, to adjourn the meeting at 12:26 p.m. Voting aye: Ameku, Anderson, Blaha, Cope, Kucera, O'Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Public member. Motion carried.

Respectfully submitted by,

(signature on file with the Department)

Michael J. O'Hara, JD, PhD, Secretary
Board of Dentistry