

Nebraska Board of Dentistry

Newsletter

MARCH 2000

Roger Gerstner DDS
Omaha

Robert Hinrichs DDS
Lincoln

Sarah Bauman
Lincoln

Carol Brown RDH
Omaha

John Giddings DDS
Syracuse

James Murphy DDS
Norfolk

Doris Schrader
York

Joan Sivers DDS
Lincoln

Jane Stratman RDH
Geneva

Paul Tamisiea DDS
Omaha

President's Message

Individuals serve on the Board of Dentistry for a five-year term and may be re-appointed for a second term. In December, two members completed and two members began their service on the Board.

Ms. Joyce Pocras, a public member of the Board, resigned her position in September when she moved to Arizona. When appointed to the Board in December of 1994, Joyce practiced law in Lincoln, but she recently retired and decided to move to a warmer climate where she could play golf year round. Because of her legal training, Joyce always added a distinct perspective and candid comments to Board discussions.

Ms. Darlene Carritt, RDH, completed her tenth year on the Board. Darlene served as Secretary of the Board for several years and also was the Board's representative on the Steering Committee of the Central Regional Dental Testing Service (CRDTS) for the last three years. Darlene's public service is not finished though; she will continue to serve as a hygiene examination coordinator for CRDTS. Darlene always represented dental hygiene in a very professional manner. She was never reluctant to express her opinion, but equally important, respected others with differing opinions. All Board members will miss her.

Ms. Sarah Bauman of Lincoln was appointed as the new public member of the Board. Sarah is an artist and art teacher. Her husband is a professor for the UNL - Teachers College. Sarah says she has had extensive dental work over the years and has had contact with many dentists. In fact, her present dentist is a Board member, Dr. Joan Sivers, who encouraged Sarah to submit her name for appointment to the Board.

Ms. Jane Stratman, RDH, was appointed as the new dental hygiene member of the Board. Jane received her BS in Dental Hygiene from the UNL School of Dentistry in 1970. She has been an instructor in the dental hygiene program at Central Community College in Hastings since 1984 and has served as president of the Nebraska Dental Hygienists Association. Jane's family is also into "dental health." Her brother, Dr. Richard Pedersen, is a dentist in Burwell; and her daughter, Dr. Amy Frazier, is a 1999 graduate of UNMC College of Dentistry and practices in Central City. Jane's sister is a dental hygienist in Georgia. Jane is highly respected by all who have been associated with her. She will make an outstanding member of the Board.



Meeting Highlights From 1999

January, 8 1999 - The Board elected new officers for the year. They discussed the upcoming news report of child anesthesia deaths by 60 Minutes II and what precautions Nebraska has already taken on the issue. They also discussed improvements for the CRDTS examination for the year 2000.

April 9, 1999 – The Board discussed the interest of comparing strengths and weaknesses of the other regional exams with CRDTS. They made nominations for AADE’s Citizen of the Year award.

July 16, 1999 – The Board discussed the use of lasers in dentistry. They also developed the changes for the new regulations.

October 1, 1999 – The Board discussed the budget for the upcoming year. The Board listened to a presentation by dental students emphasizing the need for mutual acceptance of all the regional clinical licensure exams (CRDTS, NERB, WREB, and SRTA).

Know License Status Options

Dental professionals who are considering not maintaining an active Nebraska license have two options available:

Inactive status means the voluntary termination of the right or privilege to practice dentistry or dental hygiene in the State of Nebraska. The licensee retains the right or privilege to represent oneself as having an inactive Nebraska license.

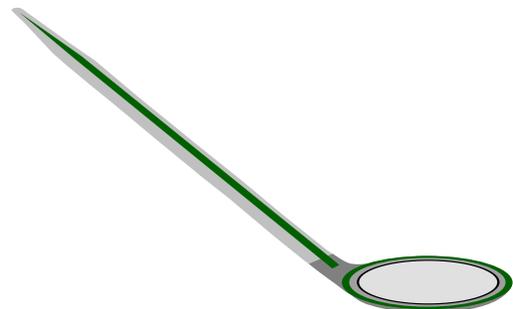
Lapsed status means the voluntary termination of the right or privilege to represent oneself as a licensed person and to practice dentistry or dental hygiene in the State of Nebraska. If you wish to regain a license after choosing lapsed status, it is more difficult. You will be required to meet requirements in place for a new licensee.

If there is a remote chance that you may wish to practice your profession again in our great State of Nebraska, please consider these two options carefully.

General Anesthesia and Parenteral Sedation Permits

The Board has recommended to its general anesthesia and parenteral sedation inspectors, that each permit site be inspected within six months of permit expiration. This will allow sufficient time to adequately provide inspection services. Please check your permit expiration date and expect a notification of expiration six months prior. If you have changed or added practice sites since permit issuance, you must notify the Department for re-inspection. If practicing from multiple sites, a permit must be issued for each individual site. The same is true for inhalation analgesia permits.

Neb. Stat. 71-193.32 Inspection of practice location. All practice locations of a dentist applying for a permit pursuant to sections 71-193.26, 71-193.27, and 71-193.29 may be inspected at the discretion of the board. The board may contract to have such inspections performed. The board shall not delegate authority to review and to make recommendations on permit applications or to determine the persons or facilities to be inspected. Source: Laws 1986, LB 438, §11; Laws 1988, LB 1100, §34. Operative date April 8, 1988.



License Renewals

The Department of Regulation and Licensure completed the renewals for March 1999 in May. We encourage each of you to look at your renewal card and be sure you have an active license.

Suggestion...next staff meeting, please take a few minutes to have all licensed employees show their active license and local anesthesia permit. While you're at it, check your inhalation analgesia permit, general anesthesia permit, parenteral sedation permit, and controlled substances log...housekeeping to insure compliance.

Use of Lasers Endorsed

The Board has issued an opinion concerning the use of lasers for dental treatment. As suggested by the Academy of Laser Dentistry, the Board has endorsed Category II: Guidelines for Basic Level Education Dental Laser Courses. Copies of the Category levels of education are available from:

The Academy of Laser Dentistry
10435 Vernon Avenue
Huntington Woods MI 48070
www.laserdentistry.org

Dental assistants are not authorized to use dental lasers. Dental hygienists are authorized to use lasers pursuant to appropriate Category II educational standards and only for those procedures authorized by their scope of practice statutes.

Licensing Exams on Computer?

Dr. Paul Tamisiea is presently studying the feasibility of developing a computerized exam for reciprocity candidates. We will keep you informed.



Don't Touch That Dial

Once again the Board reminds you that dental assistants and dental hygienists may only monitor nitrous oxide inhalation in Nebraska. **Under no circumstances are dental assistants or dental hygienists authorized to administer nitrous oxide.**



Dental assistants and dental hygienists are **not authorized** to establish an IV line, draw sedative drugs into a syringe, or administer drugs into an IV line.

Rules and Regulations Revised

The Department has completed the lengthy task of reviewing and revising the Regulations Governing the Practice of Dentistry and Dental Hygiene. Among the revisions:

- *Correcting the Health and Human Services System Agency names.*
- *Changing the passing score for the CRDTS clinical exam to 75%, reflecting CRDTS recommendations.*
- *Elimination of application forms in the text of regulations. Language was added to specify information requested so applicants would have flexibility in the application process.*
- *Addition of questions regarding discipline issues in the license and reinstatement process.*
- *Grounds on which the Department may deny, refuse renewal of, or discipline a license... Section 10.*
- *Respiratory arrest is listed as a medical emergency concerning the use of general anesthesia and parenteral sedation.*

- *Mandatory reporting of a death in the dental office. Including in “unprofessional conduct” statutes: allowing dental assistants to expose radiographs or polish without authorized training.*

Legislative Activities of Interest to Dental Professionals

The following bills have been signed by Governor Johanns:

LB 800 –Concerns language which changes “auxiliaries” to “dental hygienists and dental assistants.” Included in the bill was deletion of the “infra-orbital injection” in statutes pertaining to local anesthesia permits for dental hygienists.

LB 17 –Concerns providing copies of medical records to patients. You will be able to find the following under the Uniform Licensing Law:

71-8401. Legislative findings. The Legislature finds that medical records contain personal and sensitive information that if improperly used or released may do significant harm to a patient's interests. Patients need access to their own medical records as a matter of fairness to enable them to make informed decisions about their health care and correct inaccurate or incomplete information about themselves.

Source: Laws 1999, LB 17, § 1.
Effective date August 28, 1999.

71-8402. Terms, defined. For purposes of sections 71-8401 to 71-8407: (1) Medical records means a provider's record of a patient's health history and treatment rendered;

(2) Mental health medical records means medical records or parts thereof created by or under the direction or supervision of a licensed psychiatrist, a licensed psychologist, or a mental health practitioner licensed or certified pursuant to sections 71-1,295 to 71-1,338;

(3) Patient includes a patient or former patient;

(4) Patient request or request of a patient includes the request of a patient's guardian or other authorized representative; and

(5) Provider means a physician, psychologist, chiropractor, dentist, hospital, clinic, and any other licensed or certified health care practitioner or entity.

Source: Laws 1999, LB 17, § 2.
Effective date August 28, 1999.

71-8403. Access to medical records. (1) A patient may request a copy of the patient's medical records or may request to examine such records. Access to such records shall be provided upon request pursuant to sections 71-8401 to 71-8407, except that mental health medical records may be withheld if any treating physician, psychologist, or mental health practitioner determines in his or her professional opinion that release of the records would not be in the best interest of the patient unless the release is required by court order. The request and any authorization shall be in writing and shall be valid for one hundred eighty days after the date of execution by the patient.

(2) Upon receiving a written request for a copy of the patient's medical records under subsection (1) of this section, the provider shall furnish the person making the request a copy of such records not later than thirty days after the written request is received.

(3) Upon receiving a written request to examine the patient's medical records under subsection (1) of this section, the provider shall, as promptly as required under the circumstances but no later than ten days after receiving the request: (a) Make the medical records available for examination during regular business hours; (b) inform the patient if the records do not exist or cannot be found; (c) if the provider does not maintain the records, inform the patient of the name and address of the provider who maintains such records, if known; or (d) if unusual circumstances have delayed handling the request, inform the patient in writing of the reasons for the delay and the earliest date, not later than

twenty-one days after receiving the request, when the records will be available for examination. The provider shall furnish a copy of medical records to the patient as provided in subsection (2) of this section if requested.

(4) This section does not require the retention of records or impose liability for the destruction of records in the ordinary course of business prior to receipt of a request made under subsection (1) of this section. A provider shall not be required to disclose confidential information in any medical record concerning another patient or family member who has not consented to the release of the record.

Source: Laws 1999, LB 17, § 3.
Effective date August 28, 1999.

71-8404. Access; charges. Except as provided in sections 71-8405 and 71-8407, for medical records provided under section 71-8403 or under subpoena by a patient or his or her authorized representative a provider may charge no more than twenty dollars as a handling fee and may charge no more than fifty cents per page as a copying fee. A provider may charge for the reasonable cost of all duplications of medical records which cannot routinely be copied or duplicated on a standard photocopy machine. A provider may charge an amount necessary to cover the cost of labor and materials for furnishing a copy of an X-ray or similar special medical record. If the provider does not have the ability to reproduce X-rays or other records requested, the person making the request may arrange, at his or her expense, for the reproduction of such records.

Source: Laws 1999, LB 17, § 4.
Effective date August 28, 1999.

71-8405. Charges; exemptions. (1) A provider shall not charge a fee for medical records requested by a patient for use in supporting an application for disability or other benefits or assistance or an appeal relating to the denial of such benefits or assistance under:

(a) Sections 43-501 to 43-536 regarding assistance for certain children;

(b) Sections 68-1018 to 68-1025 relating to the medical assistance program;

(c) Title II of the federal Social Security Act, as amended, 42 U.S.C. 401 et seq.;

(d) Title XVI of the federal Social Security Act, as amended, 42 U.S.C. 1382 et seq.; or (c) Title XVIII of the federal Social Security Act, as amended, 42 U.S.C. 1395 et seq.

(2) Unless otherwise provided by law, a provider may charge a fee as provided in section 71-8404 for the medical records of a patient requested by a state or federal agency in relation to the patient's application for benefits or assistance or an appeal relating to denial of such benefits or assistance under subsection (1) of this section.

(3) A request for medical records under this section shall include a statement or document from the department or agency that administers the issuance of the assistance or benefits which confirms the application or appeal.

Source: Laws 1999, LB 17, § 5. Effective date August 28, 1999.

71-8406. Provider; immunity. A provider who transfers or submits information in good faith to a patient's medical record shall not be liable in damages to the patient or any other person for the disclosure of such medical records as provided in sections 71-8401 to 71-8407.

Source: Laws 1999, LB 17, § 6. Effective date August 28, 1999.

71-8407. Sections; applicability. Sections 71-8401 to 71-8407 do not apply to the release of medical records under the Nebraska Workers' Compensation Act.

Source: Laws 1999, LB 17, § 7. Effective date August 28, 1999.

License Statistics

Licenses/Permits/Certifications (as of 1/1/2000)

	<u>Total Active</u>	<u>Issued in 1999</u>	<u>Issued by Reciprocity</u>
Dentist Licenses	1365	47	10
Dental Hygienist Licenses	718	48	6
General Anesthesia Permits	26	1	
Parenteral Sedation Permits	36	8	
Inhalation Analgesia Permits	364	24	
Local Anesthesia Certifications	349	59	

**Disciplinary Actions Since Last Newsletter
(December 1998)**

Name	Date of Petition	Charge	Disposition	Date
December 1998				
Chris Lippold DDS	07/98	Unprofessional Conduct Probation Violation	Probation 3 yrs	12/29/98
Steven Tipp DDS	11/98	Probation Violation	Probation 2 yrs	12/29/98
May 1999				
Paul Wachter DDS	2/99	Unprofessional Conduct	Voluntary Surrender	5/5/99
June 1999				
Jan O. Ervin RDH	5/99	Uniform Controlled Substances Act Violation Failure to Report Misdemeanor Misrepresentation of Facts Dishonorable Conduct	Revocation	6/1/99
November 1999				
Perry Williams DDS	8/99	Uniform Controlled Substances Act Violation Controlled Substance Violation Dishonorable Conduct	Suspension/90 days	11/19/99

Change of Address?

If you have moved or changed your business or mailing address, please remember to contact the Department staff with the new information. The US Postal Service has limitations on forwarding mail to a new address. You are responsible for meeting all renewal dates. If we can't find you, you are still not released from your professional responsibilities to maintain your license.

Any questions??? Please contact the staff at:
Department of Health and Human Services
Regulation and Licensure
Credentialing Division
PO Box 94986
Lincoln NE 68509-4986

Phone: 402/471-2118
Fax: 402/471-3577

Becky Wisell
Section Administrator

Vonda Apking
Credentialing Specialist

AADE Citizen of the Year Is from WHERE?

The Board of Dentistry would like to extend their congratulations to W. Thomas Cavel, DDS for being chosen as AADE Citizen of the Year. The announcement and presentation of this honor took place at the Annual AADE October 1999 meeting in Hawaii. Dr. Cavel graduated from Creighton University. He spent two years in the United States Army and then returned to the Omaha area to join the Creighton University faculty, where he currently holds the position of Chairman of Operative Dentistry. He served on the Board of Dentistry for 13 years and still remains a Nebraska CRDTS examiner. He is actively involved in the dental community. The Good Life holds true in **NEBRASKA**.

Board of Dentistry Officers Elected for the year 2000.

On January 7, 2000 the Board of Dentistry elected new officers.

Joan Sivers, DDS -- Chairperson

Robert Hinrichs, DDS -- Vice-Chairperson

Carol Brown, RDH -- Secretary

They also determined the CE Review Committee, which includes:

Robert Hinrichs, DDS
Roger Gerstner, DDS
Carol Brown, RDH

MEETING DATES

The Board has set the following dates for Board meetings in 2000:

January 7, 2000

March 31, 2000

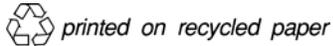
July 14, 2000

October 6, 2000

NEBRASKA HEALTH AND HUMAN SERVICES



The Nebraska Health and Human Services System is committed to affirmative action/equal employment opportunities and does not discriminate in delivering benefits or services.



Department of Health and Human Services
Regulation and Licensure
Credentialing Division
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