

# Nebraska Board of Dentistry

## Newsletter

### SEPTEMBER 2005

#### Chairperson's Message

Dear Colleagues:

The Board of Dentistry is currently involved with several issues of interest to you as practitioners:

1. Potential changes in providing expanded functions for auxiliaries

Throughout the state (and the nation for that matter) there has been a continuing concern about access to care. The legal provision of additional duties for dental auxiliaries would help to alleviate some of this problem but it must be counterbalanced by the need to protect the public.

It will take time, but I foresee changes in the future. It will require additional education on the part of auxiliaries, and in some cases, require certification and regulation for certain tasks. We will be working with the NDA, NDHA, and the NDAA in obtaining feasible changes.

2. Legislative Bill 89 – Effective September 4, 2005

This law allows dental and dental hygiene license holders in other states to practice in Nebraska for a limited time with the intent to provide temporary services for one of several reasons:

- A. To substitute for Nebraska practitioners in cases of emergency due to the practitioner's disabling sickness, injury, or death.
- B. To provide voluntary, charitable services for indigent or underserved populations.
- C. For visiting clinicians to demonstrate treatment techniques and methods during education courses for other practitioners or students.

Such laws are becoming increasingly common in other states and in other professions.

3. Enteral Conscious Sedation

Abuse regarding the utilization of enteral conscious sedation (so-called "Sleep Dentistry") is a growing concern. The advertising about this method of sedation is sometimes misleading. In addition, there is a potential for serious consequences when it is over employed during treatment. We will be advocating for the need to regulate the use of the medications used for this purpose.

Education and certification are the keys to providing safeguards.

4. Licensing Fee

After several years of discussion, changes within the policies for Nebraska credentialing have resulted in a decrease in our licensing fee. This should be a welcome outcome for all dentists/hygienists in our state.

Sincerely,



Paul Tamisiea, DDS  
2005 Chairperson  
Omaha

John P. Giddings, DDS  
2005 Vice-Chairperson  
Syracuse

Doris Schrader  
2005 Secretary  
York

Judith Kissell  
Omaha

Jane Lott, RDH  
York

Jane Stratman, RDH  
Geneva

Sam Jacoby, DDS  
Bridgeport

James Murphy, DDS  
Norfolk

Joan Sivers, DDS  
Lincoln

David Mlnarik, DDS  
West Point

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## **Introducing 4 New Board Members**

**Judith Lee Kissell, PhD** - Assistant Professor in the Center for Health Policy and Ethics and the School of Medicine, Creighton University. Dr. Kissell is active in the education of both healthcare students and professionals. In addition to being a guest editor for a special issue of Theoretical Medicine, she has authored numerous articles in journals and books in the United States and Europe and has been a consulting ethicist at the Centers for Disease Control in Atlanta. She co-edited a book, *The Healthcare Professional as Friend and Healer*, Georgetown University Press. Dr. Kissell is a regular contributor at national and international conferences on philosophy and bioethics, and she coordinates the philosophy interest section of the American Society of Bioethics and Healthcare. She serves as Book Review Editor for *Theoretical Medicine* and the *Journal of Medical Humanities*.

**Sam Jacoby, DDS** - I was born and raised on a farm east of Lincoln that was homesteaded by my great grandparents in the 1860's. Undergrad and dental school at UNL. My primary practice of 27 years is in Bridgeport and I satellite to Hemingford one day a week. I served on the volunteer faculty at U of N for years as a preceptor and have provided practical training in my office for students from UNL and several dental hygiene and dental assisting schools in Nebraska and Wyoming. I have served the NDA as president of the West District and a member of the House of Delegates. Currently I am on the surgical staff of two hospitals and dental consultant for three nursing homes. Community service includes eight years on the school board and charter member of the Bridgeport Community Foundation. My favorite pastimes are hunting and fishing and just relaxing with friends and family at our log cabin on the banks of the North Platte River. My wife is Rosemary who teaches school in Bridgeport. We have two children--Ben, a UNL business school grad, owns and operates the Outlaw Steakhouse and Saloon in Garland, NE just 17 miles west of Lincoln on Hwy 34, famous for his original mesquite smoked prime rib and steaks and Lisa who is a junior at the Cornish College of the Arts in Seattle and Studio Assistant for Judith Kindler.

**David Mlnarik, DDS** - I grew up in Dodge, Nebraska and graduated from Dodge High School in 1967. Attended Creighton University in Omaha receiving a B.S. degree in Biology in 1971. I then attended Creighton Dental School and graduated in 1976. Spent 2 years as a dentist in the Army at Fort Leonard Wood, Missouri. Our family moved to West Point, Ne in 1978 and I have been a family practice dentist there since that time. I have been active in numerous community and church organizations. I have been a member of the ADA and the NDA since 1978. I was a delegate to the NDA for over 20 years; Cuming County Dental Health Consultant for over 15 years; State Chairman Dental Health Month 2 years. My wife is Jan. We have been married for 36 years. We have three grown children and four grandchildren. Hobbies include traveling, gardening, hunting, fishing and reading.

**Jane Lott, RDH** - I have been involved in various aspects of dentistry for 28 years in private practice with my husband, Dr. John Lott. I began as a certified dental assistant for him, and transitioned into the dental hygiene position. Since 1991, I have also served the State of Nebraska by providing hygiene care at the Nebraska Center for Women. This experience has revealed to me needs for better oral health practices and education of our citizens.

Six years on staff at the University of Nebraska Medical Center College of Dentistry Hygiene Department has given me a perspective from the academic side of dentistry. For the past seven years I have been a Deputy Hygiene Examiner for the Central Regional Dental Testing Service.

In June of 2000 we had the pleasure of bringing into our practice our daughter and son-in-law Dr's Katie and Toby Comer. Since that time Toby has completed the endodontic graduate program, and has opened the new Platte Valley Endodontic practice in Grand Island. Katie has continued to practice part-time in the York office.

I have four wonderful grandchildren: Kaylie (6yr), Landon (3yr), Elijah (2 1/2yr) and Brody (14 mo.). I enjoy as much time as I can playing and taking care of them. Besides playing with grandchildren, I look forward to attending Husker football and basketball games, reading and spending time with friends.

I am looking forward to serving as a board member as we endeavor to help maintain and further enhance the fine oral health our state has to offer the public.

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## **Clinical Licensure Examinations- EXTREME MAKEOVER?**

By Joan Sivers, DDS

Dental and Dental Hygiene graduates must pass designated licensure exams before they can obtain licensure credentials in individual states. The responsibility of overseeing this aspect of licensure traditionally (and statutorily) lies with an individual state's Board of Dentistry. The ultimate goal of this process for the dental board is protection of the health and welfare of the public in ensuring that licensees meet minimum entry levels of clinical competence.

Evolution of dental and dental hygiene licensure exams has been rapid over the last couple of years. Some of this change is in response to concerns by dental and dental hygiene candidates. These concerns include questions of reliability and validity of the exams, ethical concerns regarding treatment of patients, candidate stress during the exam and mobility (or lack thereof) of licensees across the country.

Currently, Nebraska participates along with eleven other states to form the Central Regional Dental Testing Service, Inc. (CRDTS). CRDTS was incorporated in 1972 and has since provided the mechanism for clinical testing in the mid-western and some western states for thirty years. During that time, several attempts have been made to move toward a common clinical licensure exam that would

be accepted across the entire country- or at least in multiple licensing jurisdictions.

In 1995, CRDTS merged with the Northeast Regional Board (NERB) to form CORE, the Combined Regional Exam. Although this merge lasted only one year, important groundwork was laid for the future.

More recent attempts at expanding the acceptance of licensure exams have included exchanging examiners between CRDTS and WREB (Western Regional Examination Board) and the mutual acceptance of test results of these two agencies by all participating states. Recently added to this exchange is the Southern Regional Testing Agency (SRTA). CRDTS, WREB and SRTA are also currently engaged in a business venture to develop computerized testing for prosthodontics and periodontal treatment planning. Parts of this venture are expected to be used in the 2006 testing season.

The most recent proposed changes for licensure exams began with an historic meeting in June of 2004 where representative of CRDTS, NERB, SRTA, and many independent testing authorities (including California, Florida, Hawaii and the states of the Coalition of Independent Testing Agencies - primarily southern states) came together with the sole purpose of developing nationally recognized clinical licensure examinations in dentistry and dental hygiene which are deemed to be psychometrically sound for reliability and validity and are legally defensible. Currently, this effort is representing forty-two of the licensing jurisdictions of the United States. At this time, the Western Regional Examinations Board is not participating in these efforts, but is monitoring the progress of the group. This large group of licensing authorities has incorporated to form a new entity, the American Board of Dental Examiners (ADEX). The design of this group is similar to the National Board of Medical Examiners and the Federation of State Medical Boards which have administered a uniform medical exam since 1992. Many meetings have occurred since June of 2004 to help develop the new National exam that has common content and criteria, format, scoring and administration procedures. The intent is that this common exam will be administered by states or regional agencies and the result would be accepted for licensure across the country. The ADEX would be administered by a Board of Directors that would include a licensed dentist from each of the twelve districts, two dental hygienists, two public members, one member from the American Association of Dental Examiners and three ex-officio members. The bylaws also allow for direct input from the ADA, ADEA (American Dental Education Association) and the student groups. It is anticipated that many of the licensing authorities will begin using the new exam for the 2006 testing season. It is also anticipated that there will be the future flexibility of administering this exam as a part of the curriculum of dental school. Separate portions of manikin testing, computer testing and patient care would be integrated into the fourth year of dental school and would allow for remediation and retakes to be completed by a candidate prior to graduation. Stay tuned for further developments of

these unprecedented changes occurring in dental licensure examinations.

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## **Working Without A License or Permit**

By Vonda Apking, Credentialing Coordinator

There has been an influx of applications being received by the Department from dentists that did not realize they needed a permit to administer inhalation analgesia. The statute for anesthesia permits became effective in July of 1986 and the regulations became effective years after that. The Department sent notices to all active dentists at the time the statutes and regulations became effective. Each location where anesthesia is being used needs a permit.

Recently the statutes changed to allow the Department to assess an administrative penalty to applicants that practice without a license or permit and to licensees that practice after their license or permit has expired. Applicants and licensees are required to answer a question on their application for licensure and on their application for renewal. The administrative penalty is \$10.00 per day up to \$1000. The Board could also impose additional discipline to those applicants and licensees for practicing without a license or permit.

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## **Meeting Highlights From 2004**

**January 16, 2004** – The Department developed a list of dentists that agreed to be expert witnesses.

**March 26, 2004** – The Board approved the introduction of a 2005 legislative concept for dental hygienists to have the ability to administer nitrous oxide. The Department decided not to move forward with this legislative concept.

**July 9, 2004** – Dr. Gerstner, Dr. Tamisiea, and Carol Brown met with oral surgeons to discuss enteral conscious sedation and administering inhalation analgesia by dental hygienists. AADE started developing the National Uniform Dental and Dental Hygiene Clinical Examination. NDA started discussing Dental Assistant certification.

**October 15, 2004** – The Board continued to discuss such issues as enteral conscious sedation, administration of inhalation analgesia by dental hygienists, and the National Uniform Clinical examination.

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## Use of Lasers Endorsed

The Board has issued a recommendation concerning the use of lasers for dental treatment. The Board has endorsed the **Standard Proficiency Certification** (formerly called Category II: Guidelines for Basic Level Education Dental Laser Courses), provided by the Academy of Laser Dentistry. The certification is available from:

**The Academy of Laser Dentistry**  
**10435 Vernon Avenue**  
**Huntington Woods MI 48070**

[www.laserdentistry.org](http://www.laserdentistry.org)

The Board recommends that practitioners obtain this certification prior to using lasers for dental treatment.

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

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## Assessing Discipline for Continuing to Practice After Your License Has Expired

The 2005 renewal period was the first time the Department assessed an administrative penalty of \$10/per day up to \$1000 to those licensees that continued to practice after their license expired. **The Board is notifying all licensees** that during the 2007 renewal period, the Board will recommend disciplinary action against those licensees who continue to practice after their license expires. The recommendation for disciplinary action will be in addition to the non-disciplinary administrative penalty that the Department assesses to the licensee.

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## Advertising By Dentists

The Board would like to bring to your attention that the State of Nebraska has regulations governing professional advertising by dentists. The regulations are Title 172 NAC 54, and can be obtained by calling the Department at 402-471-2118 or on the Department's website at:

[www.hhs.state.ne.us/regs/regs.htm](http://www.hhs.state.ne.us/regs/regs.htm)

The Board would like to mention some important "DON'Ts" about advertising:

- Don't be fraudulent, misleading or deceptive in any statement or claim used in advertising.
- Don't advertise testimonials.
- Don't hold yourself, staff, service or method of delivery of dental services as superior to that of other practitioners.
- Don't advertise a specialty in which you do not have current certification from, or eligibility for current certification from, a specialty board recognized by the American Dental Association (ADA).

Please remember that noncompliance by a licensed dentist with these regulations is considered unprofessional conduct and could subject the licensee to disciplinary action.

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## **Acceptable Continuing Education**

The Board of Dentistry would like to remind licensees that they must complete 30 hours of acceptable continuing education during the 24 months preceding the renewal date. Each licensee is responsible for maintaining their own personal file of certificates or records of credit received for attending acceptable continuing education courses. A program's topic and/or objectives must relate directly to the theory or clinical application of theory pertaining to the practice of dentistry or dental hygiene. The following are some examples of acceptable continuing education:

- Portions of any state or national meetings such as the American Dental Association (ADA), American Dental Hygiene Association (ADHA), National Dental Association, and/or educational programs sponsored by the recognized specialty groups in dentistry of the ADA that are clinical in nature.
- Any clinical portions of district meetings or study clubs. In order to qualify as a study club in the State of Nebraska, the Dental Study Club must have a charter or constitution, officers and consist of at least four licensed members.
- Formal education courses which relate directly to the practice of dentistry or dental hygiene.
- University-sponsored courses in continuing education in dentistry or dental hygiene.
- Table clinics, which has a limit of 2 hours per 24-month renewal period.
- Home study courses that relate to the practice of dentistry or dental hygiene that have a testing mechanism. Home study courses are limited to 10 hours per 24-month renewal period.
- Direct clinical observation, i.e. being shown a new procedure for dental treatment. Direct clinical observation is limited to five hours per 24-month renewal period.
- Initial Cardiopulmonary Resuscitation (CPR) certification or CPR re-certification. Initial certification is limited up to 10 hours per 24-month renewal period and re-certification is limited to 4 hours per 24-month renewal period.
- Dental Hygiene programs related to behavior modification, patient management, competence assurance and standards of practice are acceptable, but limited to 10 hours per 24-month renewal period.
- Course presenters may only receive credit for the initial presentation during a renewal period.

Please remember that practice management is **NOT** acceptable continuing education.

At present, these are considered to be acceptable for meeting the continuing education requirement. Revisions, however, are being considered for acceptance towards continuing education credit by an ad hoc sub-committee of the Board. Submissions of continuing education courses are still being evaluated by the continuing education committee for acceptance.

### ***Disciplinary Actions***

<b>Name</b>	<b>Date of Petition</b>	<b>Charge</b>	<b>Disposition</b>	<b>Date</b>
Steven Kruse, DDS	2/04	Habitual intoxication, Misdemeanor conviction	Probation	03/01/04 to 03/01/09
William Logan, DDS	03/04	Alcohol addiction, court Conviction, Failure to file a mandatory report	Voluntary Surrender	03/01/04
Gerald Thalken, DDS	05/04	Unprofessional conduct; Failure to keep adequate records	Probation Civil Penalty	05/26/04 to 05/26/05
Mark Frill, DDS	05/04	Unprofessional conduct; Failure to keep adequate records	Censure Civil Penalty	07/13/04
James Becker, DDS	08/04	Unprofessional conduct	Censure Civil Penalty	09/22/04
Marse McCann-Carpenter, DDS	08/04	Failure to file a mandatory report	Censure Civil Penalty	09/22/04

### ***Initial Licenses Issued on Probation***

Carl Braun, DDS	Initial license issued on Probation for past criminal convictions	Probation	07/30/04 to 07/30/09
Liza Bumgarner, RDH	Initial license issued on probation; past criminal convictions; Misrepresentation of facts.	Probation	12/09/04 to 12/09/05

### ***License Statistics***

Licenses/Permits/Certifications (as of 3/1/2005)

	<b><u>Total Active</u></b>	<b><u>Issued</u></b>	<b><u>Issued by Reciprocity</u></b>
Dentist Licenses	1314	74	16
Dental Hygienist Licenses	856	74	12
General Anesthesia Permits	42	10	
Parenteral Sedation Permits	30	4	
Inhalation Analgesia Permits	400	34	
Local Anesthesia Certifications	564	74	
Dental Temporary License	4	2	
Dental Faculty License	4	1	

**LAST MEETING DATE FOR 2005 IS:**

October 14, 2005

The Board will be setting the 2006 meeting dates at their January 2006 meeting. You can find the 2006 meeting dates posted, after that meeting, on the Department website at:

[www.hhs.state.ne.us/crl/brdmtgs.htm](http://www.hhs.state.ne.us/crl/brdmtgs.htm)

**Board of Dentistry Officers Elected for 2005**

On January 14, 2005 the Board of Dentistry elected new officers.

**Paul Tamisiea, DDS -- Chairperson**

**John P. Giddings, DDS -- Vice-Chairperson**

**Doris Schrader -- Secretary**

The CE Review Committee members are:

**John P. Giddings, DDS, David Mlnarik, DDS, and Jane Stratman, RDH**

Practice Act Changes Ad Hoc Committee members are:

**Sam Jacoby, DDS, Jane Lott, RDH, and Jane Stratman, RDH**

Alternatives for Expanding Continuing Competency Acceptance Ad Hoc Committee members are:

**John P. Giddings, DDS, David Mlnarik, DDS, and Jane Stratman, RDH**

Enteral Conscious Sedation Ad Hoc Committee members are:

**Joan Sivers, DDS, Paul Tamisiea, DDS**

Expanded Duties for Dental Auxiliaries Ad Hoc Committee members are:

**James Murphy, DDS, John P. Giddings, DDS, Jane Lott, RDH, Jane Stratman, RDH, and Judith Kissell, PhD.**

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## **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 Coordinator**

**Vacant position  
Credentialing Specialist**

**The Board wishes to bring your attention to the ADA Principles of Ethics and Code of Conduct:**

[www.ada.org/prof/prac/law/code/index.asp](http://www.ada.org/prof/prac/law/code/index.asp)

**NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM**



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