

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

January 16, 2015

ROLL CALL

The meeting of the Board of Dentistry was called to order at 8:36 a.m. by Terry Wilwerding, DDS, Chairperson, in the Lighthouse Room at the Country Inn and Suites, located at 5353 N 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:

Terry Wilwerding, DDS, Chairperson
Robert M. Hinrichs, DDS, Vice-Chairperson
Cynthia Gaskill, RDH, Secretary
Lisa Kucera, RDH
John Thomas, DMD
Joan Sivers, DDS
Dennis Anderson, DDS
Mary Sneckenberg
Gregory Thomas, JD

Absent: Charles Bauer, DDS

Also present were: Becky Wisell, Administrator; Vonda Apking, Health Licensing Coordinator; Lisa Anderson, Assistant Attorney General; Larry Wiehn, Investigator.

Wilwerding 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.

The Board welcomed the three new Board members and all members introduced themselves and provided a brief background.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

October 24, 2014

Sivers mentioned that the location needs to be corrected.

Gaskill moved, seconded by Sivers, to approve the October 24 2014, minutes as corrected. Voting aye: Anderson, Gaskill, Sivers, Sneckenberg, Wilwerding. Voting nay: None. Absent: Bauer. Abstain: Hinrichs, Kucera, G. Thomas, J. Thomas. Motion carried.

November 12, 2014

Sivers moved, seconded by Gaskill, to approve the November 12, 2014, minutes as presented. Voting aye: Anderson, Gaskill, Hinrichs, Sivers, Sneckenberg, Wilwerding. Voting nay: None. Absent: Bauer. Abstain: Kucera, G. Thomas, J. Thomas. Motion carried.

December 19, 2014

J. Thomas mentioned that he holds a DMD degree not a DDS degree.

Sneckenberg moved, seconded by Gaskill, to approve the December 19, 2014, minutes as corrected. Voting aye: Anderson, Gaskill, Hinrichs, Kucera, Sivers, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Wisell explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department's website. Sivers moved, seconded by Hinrichs, to continue the same method that the Department has been using to provide public notice of this Board's meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department's website. Voting aye: Anderson, Gaskill, Hinrichs, Kucera, Sivers, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Anderson moved, seconded by Sneckenberg, to go into closed session at 8:49 a.m. for the purpose of hearing investigational reports, probation compliance monitoring reports, and application review. Voting aye: Anderson, Gaskill, Kucera, Sivers, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

Anderson moved, seconded by Gaskill, to reopen the session at 9:58 a.m. Voting aye: Anderson, Gaskill, Kucera, Sivers, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

Hampton joined the meeting at 9:59 a.m.

2015 LEGISLATION

LB 37 – Adoption the Prescription Drug Safety Act and Change and Transfer Pharmacy, Prescription and Drug Provisions

This legislation creates a new Prescription Drug Safety Act, it will creates provisions for the oversight of drug compounding, and updates the Pharmacy Practice Act.

LB 80 – Provide, change, and eliminate anesthesia and sedation permit provisions under the Dentistry Practice Act

This legislation will bring Nebraska's dental anesthesia requirements in comparison with national standards. Anderson moved, seconded by Gaskill, to approve the final version of LB80 as presented to the legislature. Voting aye: Anderson, Gaskill, Kucera, Sivers, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

LB 115 – Prohibit certain actions related to social security numbers

This legislation addresses who can request an individual's social security number and for what purpose.

LB264 – Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training or experience

Wisell explained that this is similar to the bill introduced last legislative session but it only includes the military applicant not the military applicant's spouse. The Board discussed the bill and had concerns with the way it is written because it doesn't clarify how this will affect dentistry licensure. Hinrichs moved, seconded by Anderson, to send a letter of communicating the Board of Dentistry's concerns. Voting aye: Anderson, Gaskill, Kucera, Sivers, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

Wisell asked the Board if they wanted to send a letter of support for LB80. J. Thomas moved, seconded by Anderson, to send a letter of support on LB80. Voting aye: Anderson, Gaskill, Kucera, Sivers, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

The Board decided to watch LB37 and LB115.

David O'Doherty, Nebraska Dental Association (NDA), mentioned LB50 which would eliminate Medicaid reimbursement for many provider services. Mr. O'Doherty also mentioned LB82 which will appropriate funds to support dental services. Wisell explained that LB82 is a bill that would help the Office of Oral Health. Hampton mentioned that LB82 doesn't clarify how the funds would be spent. The Board chose to monitor both of these legislative bills.

Cindy Cronick and Crystal Stuhr, Nebraska Dental Assistants Association, provided the Board with an update on the 407 Credentialing Review for Dental Auxiliaries. The Public Hearing was held on January 8, 2015 and comments can be received until January 18, 2015. The Technical Review Committee will meet February 12, 2015, to address the comments received. No legislation will be introduced regarding dental auxiliaries during this legislative session.

SUBCOMMITTEE REPORTS

Dental Anesthesia Subcommittee

The Board had nothing to discuss at this time.

Continuing Education Review Subcommittee

The Board had nothing to discuss at this time.

Nebraska Examination Review Subcommittee

The Board had nothing to discuss at this time.

CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

Examination Reimbursement

Wisell explained Department policy including statutes and regulations regarding expense reimbursement for out-of-state travel. Wisell also explained that Board members are considered employees and the deputy examiners are considered contractual employees. Staff tries to catch all of the assigned CRDTS examinations at the beginning of the year however it is difficult to know whether examiners are asked to participate in additional examinations unless the examiner or CRDTS notifies the Department. Department accounting does not allow for any exceptions under their expense reimbursement policy. Wilwerding will communicate with the CRDTS Steering Committee the issues with reimbursement and request that CRDTS sends notification of additional examinations assigned to Nebraska examiners and the examination assignments for July to December. Staff will notify CRDTS regarding Kucera and J. Thomas becoming examiners.

Examiner Assignments for 2015

Board noticed that Nebraska examiners were not assigned to very many examinations.

Deputy Examiner Contracts

Staff informed the Board that contracts have been provided to the deputy examiners for signatures.

AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) ITEMS

AADB – Mid-Year Meeting – April 26-27, 2015 in Chicago, IL

Wilwerding, Kucera, Hinrichs, and J. Thomas are interested in attending this meeting. Hinrichs suggested that the Program Manager and the Assistant Attorney General attend this meeting. Staff will submit travel authorizations for the Board members.

AADB – Call for AADB Appointee to American Dental Association (ADA) Councils and Commissions

Wilwerding explained that Curriculum Vitae were due on 1-15-15. The Board had nothing to discuss at this time.

American Student Dental Association (ASDA) Survey on Patient Based Clinical Examination for Initial Licensure Process

Wilwerding explained that students are against clinical examinations. Wisell explained United States Medical Licensing Exam (USMLE) for practicing medicine and surgery and that there was a legislative bill introduced for a MD interstate compact this legislative session. The language in the bill is similar to the language of the nursing compact statutes.

JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS (JCNDE) – VACANCIES ON TEST CONSTRUCTION COMMITTEES FOR 2015

Gaskill informed the Board that she is submitting an application for a vacancy and would appreciate a letter of support by February 15, 2015. Wilwerding moved, seconded by Hinrichs, to send a letter of support to JCNDE regarding Cindy Gaskill. Voting aye: Anderson, Kucera, Sivers, Sneckenberg, G. Thomas, J Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Abstain: Gaskill. Motion carried.

ELECTION OF OFFICERS

Hinrichs moved, seconded by Gaskill, to nominate Wilwerding for Chair. Voting aye: Anderson, Gaskill, Kucera, Sivers, G. Thomas, J Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Abstain: Sneckenberg. Motion carried.

Gaskill moved, seconded by Hinrichs, to nominate Anderson for Vice-Chair. Voting aye: Anderson, Gaskill, Kucera, Sivers, Sneckenberg, G. Thomas, J Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

Sneckenberg moved, seconded by Kucera, to nominate Gaskill as Secretary. Voting aye: Anderson, Kucera, Sivers, Sneckenberg, G. Thomas, J Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Abstain: Gaskill. Motion carried.

The Anesthesia Subcommittee members are Anderson, Bauer, and J. Thomas.

The Continuing Education Subcommittee members are Kucera, Gaskill, and Wilwerding.

The Board will decide which Board members will be on the Nebraska Examination Review Committee at the April meeting.

The Investigations Consultant is Wilwerding.

David O'Doherty, NDA, asked whether the Board discussed LB369. Wisell explained that LB369 clarifies provisions for the three physician panel and brings Nebraska law more in line with the Americans with Disabilities Act. The bill allows the Department to address problems without resulting in discipline for the licensee. The Board will watch this legislation.

Gaskill mentioned that there was a lot of confusion regarding the public health authorization survey. Wisell will share this information with the Office of Oral Health.

ADJOURNMENT

Anderson moved, seconded by Sivers, to adjourn the meeting at 11:43 a.m. Voting aye: Anderson, Gaskill, Kucera, Sivers, Sneckenberg, G. Thomas, J Thomas, Wilwerding. Voting nay: None. Absent: Bauer. Motion carried.

Respectfully submitted by,

Cynthia Gaskill, RDH, Secretary
Board of Dentistry