

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

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

April 8, 2016

ROLL CALL

The meeting of the Board of Dentistry was called to order at 9:00 a.m. by Terry Wilwerding, DDS, Chairperson, in the Lighthouse Room at the Country Inn & Suites 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:

Terry Wilwerding, DDS, Chairperson
Dennis Anderson, DDS, Vice-Chairperson
Charles Bauer, DDS
John Thomas, DMD
Timothy Durham, DDS
Lisa Kucera, RDH
Dean Cope, DDS
Gregory Thomas, JD
Mary Sneckenberg

Absent: Cynthia Gaskill, RDH, Secretary

Also present were: Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Christopher J. Roberts, Department Legal; Ami Huff, Assistant Attorney General; Peggy Persell, RN, Program Manager (Investigations); and 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.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

January 15, 2016

Cope moved, seconded by Anderson, to approve the January 15, 2016 minutes as corrected. Voting aye: Anderson, Bauer, Cope, Durham, Kucera, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Abstain: Sneckenberg. Absent: Gaskill. Motion carried.

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

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Sneckenberg moved, seconded by Anderson, to go into closed session at 9:04 a.m. for the purpose of hearing investigational reports, probation compliance monitoring reports, proposed agreed settlements and application review. Voting aye: Anderson, Bauer, Cope, Durham, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

C. J. Roberts left the meeting at 9:04 a.m.

C. J. Roberts returned to the meeting at 9:40 a.m.

Sneckenberg moved, seconded by Anderson, to reopen the session at 9:45 a.m. Voting aye: Anderson, Bauer, Cope, Durham, Gaskill, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

APPLICATION REVIEW – OPEN SESSION

Dental Application(s)

Anderson moved, seconded by Sneckenberg, to recommend issuing a dental license to Chin-Lo Hahn upon meeting all requirements for licensure. Voting aye: Anderson, Bauer, Cope, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Abstain: Durham. Motion carried.

Anderson moved, seconded by J. Thomas, to recommend issuing a dental license to David Seager upon meeting all requirements for licensure. Voting aye: Anderson, Bauer, Cope, Durham, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

J. Thomas moved, seconded by Anderson, to recommend issuing a dental license to Christopher Jones upon meeting all requirements for licensure. Voting aye: Anderson, Bauer, Cope, Durham, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

Dental Hygiene Reinstatement Application(s)

Sneckenberg moved, seconded by Kucera, to recommend reinstating the dental hygiene license of Rachel Stafford. Voting aye: Anderson, Bauer, Cope, Durham, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

E-Mail Ballots Since the Last Board Meeting

Since the last Board meeting, the Board voted to issue a dental hygiene license to Kaitlyn Bruening.

DENTAL REMEDIAL COURSE(S)

J. Thomas moved, seconded by Anderson, to recommend approval the remedial course presented by the University of Buffalo Amine Bellil, DMD. Voting aye: Anderson, Bauer, Cope, Durham, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

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

REGULATIONS DEVELOPMENT

172 NAC 56 (Dental and Dental Hygiene Licensure)

Anderson posed the question regarding whether individuals being licensed to administer moderate sedation would be required to be trained to handle medical emergencies at the higher level of anesthesia/sedation. Bauer suggested some changes in the locum tenens, continuing education, and unprofessional conduct sections of the regulations. Board discussed adding language regarding offices providing anesthesia/sedation services by a Certified Registered Nurse Anesthetists (CRNA). Anderson suggested some changes in the sedation/anesthesia section of the regulations. Bauer moved, seconded by Anderson, to approve the draft regulations for 172 NAC 56 as corrected. Voting aye: Anderson, Bauer, Cope, Durham, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

172 NAC 58 (Dental Faculty Licensure)

Wilwerding moved, seconded by Anderson, to approve the draft regulations for 172 NAC 58 as presented. Voting aye: Anderson, Bauer, Cope, Durham, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

2016 LEGISLATION

Lueke explained that LB 471 was approved by the Governor on February 24, 2016. There will be subcommittees from for potential training and implementation of the legislation. Lueke will keep the Board informed.

Lueke commented that LB 901 was made a speaker priority bill on February 22, 2016. If this bill passes the Board should start developing regulations. Wilwerding suggested having volunteers for a tentative subcommittee. The following individuals expressed interest in participating on the subcommittee: Kucera, Durham, G. Thomas, Cindy Cronik, and Crystal Stuhr. Kucera mentioned that Gaskill might be interested in participating.

Lueke provided back ground of LB 859. The bill would allow the Department to issue a Cease and Desist letter upon Board recommendation.

Roberts provided an explanation of LB 867. This bill gives guidance in the development of regulations.

SUBCOMMITTEE REPORTS

Dental Anesthesia Subcommittee

The Board had nothing to discuss on this issue at this time.

Nebraska Examination Review Subcommittee

The Board had nothing to discuss on this issue at this time.

Kucera mentioned that she will be observing a WREB examination sometime before July.

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

CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

Annual School's Report

The Board reviewed the statistics provided but had nothing to discuss on this issue at this time.

Annual Meeting & Workshop – Kansas City, MO – August 25-27, 2016

The following Board member expressed interest in attending the CRDTS annual meeting and workshop: Anderson, Kucera, J. Thomas, and Wilwerding. Staff will ask Gaskill.

AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB)

AADB – Mid-Year Meeting – April 10-11, 2016 in Chicago, IL

Bauer and Wilwerding will be attending the AADB Mid-Year meeting in Chicago, IL.

AADB – Annual Meeting – October 2016 in Denver, CO

Anderson and Cope are interested in attending this meeting.

Durham asked for a description of the Buffalo model students are discussing. Wilwerding explained that there has been a push to end live patient testing. Minnesota and New York have licensed individuals without requiring them to take a clinical examination. The University of Buffalo allows students to prove competency during their schooling. There are concerns with ethical issues because teachers are grading their own students on different procedures when using the Buffalo model.

TEXAS SUPREME COURT

Wilwerding had asked Huff and Roberts to review the Texas Supreme Court ruling on advertising in Texas and whether it would have any impact on Nebraska licensees. Huff explained that the Texas Supreme Court ruling does not set precedence in Nebraska. Roberts explained the Nebraska dentists would still need to follow the Nebraska regulations pertaining to advertising and that the Board would just need to be careful when enforcing the regulations.

DENTAL ASSISTANTS – FLUORIDE VARNISH

Mark Latta, DMD, MS (Dean) and Kim McFarland, DDS, MHSA sent a letter requesting that dental assistants be allowed to provide fluoride varnish when instructed to do so by a licensed dentist or dental hygienist. Anderson moved, seconded by Bauer, to allow dental assistant to apply fluoride varnish when instructed to do so by a licensed dentist or licensed dental hygienist. Voting aye: Anderson, Bauer, Cope, Durham, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: Kucera. Absent: Gaskill. Motion carried.

Wilwerding explained Dental Support Organization (DSOs). This could be a discussion topic at the AADB Mid-Year meeting.

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

ADJOURNMENT

Anderson moved, seconded by J. Thomas, to adjourn the meeting at 11:49 a.m. Voting aye: Anderson, Bauer, Cope, Durham, Kucera, Sneckenberg, G. Thomas, J. Thomas, Wilwerding. Voting nay: None. Absent: Gaskill. Motion carried.

Respectfully submitted by,

Dennis Anderson, DDS, Vice-Chairperson
Board of Dentistry