Chairperson’s Message

It seems that I just was writing the previous letter, but of course a year has gone by. During this year we had two board members retire. We thank Dr. Julie Marshall for the many ways in which she helped the board during her years of service. She was a very active examiner, and also helped construct the CRDTS exams. We welcome her replacement from the University of Nebraska Dental School, Dr. Joan Sivers. Dr. Sivers served previous terms on the board, so we welcome her back. It is traditional that both or our schools have a representative on the board (I represent Creighton). We also lost Dr. John Ahlschwede, who will be replaced by Dr. Dennis Anderson. Dr. Ahlschwede was also an active examiner, and contributed greatly with his wisdom and experience. Dr. Anderson is a periodontist who practices in Omaha, and has been active in organized dentistry. Many thanks and best wishes to Drs. Marshall and Ahlschwede.

One of our more troubling and persistent issues concerns bleaching performed by non-dental personnel. Most of the people who do this are well aware of the laws, and they have their customers place the trays, material and lights so that the service is “self-administered”. There have been a number of court cases throughout the country concerning board regulation, with conflicting results. In North Carolina, the FTC sued the board for restraint of trade for attempting to regulate this activity, while in Alabama a court found that bleaching is a dental service, and supported the Board’s decision. Fortunately, these bleaching enterprises are fairly rare in Nebraska, and many go out of business before they even come to our attention (perhaps we have more knowledgeable consumers). But we are monitoring this situation, and will do our best to protect the public.

The board is also closely monitoring the mid-level provider situation. A number of state legislatures have created and funded these positions, most generally to increase geographical or economic access to care. Some of these mid-level graduates were recently tested in Minnesota by CRDTS, who stepped up and developed a new testing protocol. One of the problems is that these states have developed differing mid-level programs, so there is very little uniformity or mobility for these positions. I am presently not aware of any legislative efforts to introduce these positions in Nebraska. Physicians faced a similar issue some years ago with the introduction of Physicians Assistants and Nurse Practitioners.

In closing, I would especially like to thank the members of the Board, who continue to provide an excellent service for both the citizens and practitioners in our state, with very little compensation. And I would also like to thank the Dental Associations of Nebraska (NDA, NDHA, NDAA) for their collaborative efforts to improve the dental health of our citizens. I think that all of the members of the Nebraska dental community can be proud of the service that we offer to the public.

Sincerely

[Signature]

Terry Wilwerding, DDS
Chairperson
Omaha

R. Mark Hinrichs, DDS
Vice-Chairperson
Lincoln

Cynthia Gaskill, RDH
Secretary
Aurora

Dennis Anderson, DDS
Omaha

Charles Bauer, DDS
Hastings

David Blaha, DDS
Lincoln

Judith Kissell, PhD
Omaha

Jane Lott, RDH
York

Joan Sivers, DDS
Lincoln

Mary Sneckenberg
Lincoln
**Controlled Substances In The Dental Office**  
*By David Blaha, D.D.S.*

The appropriate administration and/or dispensing of controlled substances in the dental office can be a win-win situation for both dentists and patients. Administering oral and/or intravenous drugs in the office and dispensing post-operative medications can be more effective and convenient for all concerned. There are, however, some very detailed rules and regulations governing such activities. Familiarity with the specifics of controlled substance logs and records will help avoid any potential disciplinary actions by your licensing board.

The Uniform Controlled Substances Act (Neb. Rev. Stat. 28-411(1) (Reissue 2008)) requires that every practitioner who is authorized to administer or professionally use controlled substances shall keep a record of such controlled substances received by him or her and a record of all such controlled substances administered or professionally used by him or her.

Such records are addressed in Neb Rev. Stat. 28-411(3) and include the following:

a) date of receipt, b) name, address and DEA number of person receiving the controlled substances, c) name, address and DEA number of the person from whom received, d) date of selling, administering or dispensing, e) name and address of the person to whom or for whose use the controlled substances were sold, administered, or dispensed, and g) the kind and quantity of controlled substances.

For those of us who choose to dispense narcotic medications in our office, it’s helpful to keep in mind that the permit allowing practitioners to dispense is essentially a pharmacy license. As such, you are bound by all the same requirements a pharmacy has for security, recordkeeping, storage, labeling, counseling, etc.

Another pertinent and related issue is found in Neb. Rev. Stat. 38-179(12) which identifies the following act of unprofessional conduct:

Prescribing any controlled substance to (a) oneself or (b) except in the case of a medical emergency (i) one’s spouse, (ii) one’s child, (iii) one’s parent, (iv) one’s sibling, or (v) any other person living in the same household as the prescriber.

Regardless of personal thoughts and opinions on the appropriateness of treating family members in general, the law is quite clear that administering or prescribing controlled substances to family members is expressly prohibited.

Our licenses afford us the privilege of utilizing controlled substances for the benefit of our patients in a variety of ways. But we are obligated to be aware of, and abide by, the laws regulating those agents. The maintenance of accurate and detailed drug logs and records is simply part of the deal.

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**Sedation**  
*By John Ahlschwede, D.D.S.*

The Nebraska Board of Dentistry is reviewing the current regulations in regard to sedation dentistry. The Board will be looking at all aspects of dental sedation including drugs delivered by inhalation, oral, and intravenous routes. The American Dental Association provided guidelines in 2007 for states to follow in formulating each state’s statutes based on input from many resources and what can be backed up with science.

Nebraska’s Board is also reviewing the use of nitrous oxide in the dental practice. The Board is investigating a broader scope of practice for both the hygienist and chair side assistant in the use of nitrous in the treatment rooms. Our guidelines will separate the different levels of sedation and the level of education needed to be able to deliver sedation dentistry to our patients.

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**Dental Student Requesting to Perform Dental X-rays as a Dental Assistant Based Upon Passing the X-ray Course in the Dental School Curriculum**

It is the Board’s opinion that dental and dental hygiene students that have completed the radiograph course required by their dental or dental hygiene program have met and/or exceeded the requirements that a dental assistant is required to meet in order to take dental radiographs.

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**Meeting Highlights From 2011**

**January 7, 2011** – The Board discussed dental and dental hygiene students performing x-rays upon completing the radiograph course in their prospective programs.

**March 1, 2011** – The Board reviewed proposed language change to LB 542 (Dental Assisting).

**April 8, 2011** – The Board discussed allowable duties for dental assistants.

**July 15, 2011** – The Board issued an advisory opinion statement regarding dental assistants performing sealants.

**September 30, 2011** – Department Legal informed the Board that they can issue advisory opinion statements. The Board established acceptable dental and dental hygiene clinical examinations for 2012. The Board reviewed the Joint Board Dermatologic Workgroup’s final report.

Minutes are available on the Department website at: [http://dhhs.ne.gov/publichealth/Pages/crl_brdminutes.aspx](http://dhhs.ne.gov/publichealth/Pages/crl_brdminutes.aspx)
## ACCOUNTABILITY RECORD FOR CONTROLLED SUBSTANCES INVENTORY

### RECORD OF CONTROLLED SUBSTANCES PURCHASES

<table>
<thead>
<tr>
<th>Registrant Name</th>
<th>DEA Registration Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Product Name</td>
<td>Amount Purchased</td>
</tr>
<tr>
<td></td>
<td>Date Received</td>
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<td>Company Purchased from and DEA Number</td>
</tr>
<tr>
<td></td>
<td>Invoice or Shipping Document Number</td>
</tr>
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</table>

**NOTE:** To insure a comprehensive record, file a copy of the invoice or shipping document in folder. Insure the date of the receipt is recorded on the invoice or shipping document.
MEETING DATES FOR 2012:

March 30, 2012
July 13, 2012
October 12, 2012

You can find the 2012 meeting dates posted on the Department website at:

http://dhhs.ne.gov/publichealth/Pages/crl_brdmtgs.aspx

BOARD COMMITTEE APPOINTMENTS

Anesthesia Committee members are:
Charles Bauer, DDS; David Blaha, DDS; and Jane Lott, RDH and John Ahlschwede, DDS

Nebraska Examination Review Committee members are:
R. Mark Hinrichs, DDS; Terry Wilwerding, DDS; and Jane Lott, RDH

The CE Review Committee members are:
Terry Wilwerding, DDS; David Blaha, DDS; and Cynthia Gaskill, RDH

License Statistics

Licenses/Permits/Certifications Totals (as of 2/1/2012)

*This column is based on those licenses/permits/certifications issued since 4/1/2010.

<table>
<thead>
<tr>
<th>License Type</th>
<th>Total Active</th>
<th>Issued*</th>
<th>Issued by Reciprocity</th>
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</thead>
<tbody>
<tr>
<td>Dentist Licenses</td>
<td>1497</td>
<td>134</td>
<td>26</td>
</tr>
<tr>
<td>Dental Hygienist Licenses</td>
<td>1193</td>
<td>144</td>
<td>12</td>
</tr>
<tr>
<td>General Anesthesia Permits</td>
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<tr>
<td>Parenteral Sedation Permits</td>
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<tr>
<td>Inhalation Analgesia Permits</td>
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<td>Local Anesthesia Certifications</td>
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<td>139</td>
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<td>Public Health Authorizations</td>
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<td>Dental Temporary Licenses</td>
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<td>Dental Faculty Licenses</td>
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<tr>
<td>Locum Tenens</td>
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</tr>
</tbody>
</table>

Board of Dentistry Officers are:

Terry Wilwerding, DDS, Chair
Mark Hinrichs, DDS, Vice-Chair
Cynthia Gaskill, RDH, Secretary

Joan Sivers, DDS, has been appointed to the Board. Her term is from 12/1/2010 thru 11/30/2015.

Dennis Anderson, DDS, has been appointed to the Board. His term is from 12/1/2011 thru 11/30/2016.

Office of Medical & Specialized Health

Becky Wisell
Administrator

Vonda Apking
Health Licensing Coordinator

Nicole Carnes-Woutzke
Health Licensing Specialist
## Licensure Violations

The following is a list of licensure actions taken between March 31, 2010 to December of 2011, additional information on any of these violations is available on the Department website at [http://www.nebraska.gov/LISSearch/search.cgi](http://www.nebraska.gov/LISSearch/search.cgi) or by calling 402/471-4923.

<table>
<thead>
<tr>
<th>Licensee</th>
<th>Action(s)</th>
<th>Violation(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gregory Blome, DDS</td>
<td>Censure</td>
<td>Petition to revoke probation for failure to maintain records for destroyed controlled substances. Require to complete the Controlled Substances Education course as set forth in the proposed course outline within 60 days of the Order on Agreed Settlement.</td>
</tr>
<tr>
<td>Larry D. Owens, RDH</td>
<td>2 year Probation</td>
<td>Diagnosis of alcohol abuse; violation of the Uniform Credentialing Act pursuant to a misdemeanor conviction of Driving Under the Influence.</td>
</tr>
<tr>
<td>Marie A. Keese, RDH</td>
<td>Voluntary Surrender</td>
<td>Petition to revoke probation for consuming alcohol and refusal to release her entire intake assessment to the Department Compliance Monitor.</td>
</tr>
<tr>
<td>Earl R. Barney, DDS</td>
<td>Censure</td>
<td>Prescribed antibiotics to a person without establishing a proper dentist-patient relationship.</td>
</tr>
<tr>
<td>Alan Beck, DDS</td>
<td>Temporary Suspension</td>
<td>Petition for disciplinary action and temporary license suspension for theft of hydrocodone from his patients, diagnosed with opioid dependence and alcohol dependence, failure to complete the IC and LAP treatment programs, violation of the Uniform Controlled Substances Act for theft of hydrocodone from his patients.</td>
</tr>
<tr>
<td>Scott Green, DDS</td>
<td>90 day Suspension</td>
<td>Petition to revoke probation for disruptive behavior, failure to appear for body fluid screens, failure to notify the Compliance Monitor when he ceased employment, entering into a physical altercation with another dentist in the clinic while patients were present, failure to submit sponsor verification forms to the Department Compliance Monitor.</td>
</tr>
<tr>
<td>Mark Brouillette, DDS</td>
<td>5 year Probation</td>
<td>Reinstatement after discipline.</td>
</tr>
</tbody>
</table>

## USE OF LASERS

The Board has issued a recommendation that lasers can be used by dentists and dental hygienists for dental procedures as defined in their scope of practice. Dental assistants are not authorized to use dental lasers. This recommendation has changed from the previous recommendation of the Board issued in 2005, which required a certification from the Academy of Laser Dentistry.

## CONTINUING COMPETENCY AUDIT

Following every biennial license renewal period, a percentage of licensees who have renewed are selected randomly for an audit of continuing competency. A notice of audit is sent that explains the requirement to submit documentation to prove their completion of at least 30 hours of acceptable continuing competency activities. Audit documentation is not returned to licensees, so they are requested to submit copies and retain the original certificates of completion. Licensees are notified in writing of their successful completion of the audit.

The license of any person who fails to comply with the audit will expire 30 days after notice and an opportunity for a hearing. The expiration of the license becomes final 30 days after the notice is mailed unless the Department receives a written request for a hearing from the licensee. At the hearing, the licensee may present any evidence which may be pertinent to continued licensure. If the license is expired, the person must apply for reinstatement. In addition, the license may be disciplined for failure to comply with the audit.
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 or you can update your address online by using the following link: https://nebraska.mylicense.com/. The US Postal Service has limitations on forwarding mail to a new address. You are responsible for meeting all renewal dates. If our mailings do not reach you, this does not release you from your professional responsibilities to maintain your license.

Any questions? Please contact the staff at:
Department of Health and Human Services
Division of Public Health
Licensure Unit
301 Centennial Mall South
PO Box 94986
Lincoln NE 68509-4986

Phone: 402/471-2118
Fax: 402/471-8614
E-Mail: nicole.carneswoutzke@nebraska.gov