

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

September 23, 2022

ROLL CALL

The meeting of the Board of Dentistry was called to order at 9:00 a.m. by Dean Cope, DDS, Chairperson, in the Husker Room at the Hampton Inn & Suites, located at 7343 Husker Circle, Lincoln, Nebraska, 68504. 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:

Dean Cope, DDS - Chairperson
Melanie Steckelberg, DDS, Vice-Chairperson
Michael J. O'Hara, JD, PhD – Secretary
Yoshiharu Ameku, DDS
Terrence Lanphier, DDS
Hannah Randell, RDH (via WebEx)
Gene Giles, DDS
Lynlee Medhi

Absent: Lisa Kucera, RDH
John Thomas, DMD

Also present were: Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; T.J. O'Neill, Assistant Attorney General; Teresa Hampton, Department Attorney (via WebEx); Anna Harrison, RN, BSN, Compliance Monitor; and Jeff Newman, Investigator.

Cope 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

Giles moved, seconded by Steckelberg, to adopt the Agenda with the ability for the Chairperson to rearrange as necessary. Voting aye: Ameku, Cope, Giles, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Kucera, Thomas. Motion carried.

APPROVAL OF MINUTES

July 22, 2022

Page 1: No changes.

Page 2: No changes

Page 3: Under SEDATION PERMITS CONTINUING EDUCATION REQUIREMENTS; line 3, change the word "and" to "with"; add another sentence after the word "examination" to read as

“The intent is that the hands-on component requirement for moderate sedation and general anesthesia/deep sedation will be met by the hands-on portion of ACLS.

Page 4: No changes.

Page 5: No changes.

Page 6: No changes.

O’Hara moved, seconded by Thomas, to approve the July 22, 2022, minutes as corrected. Voting aye: Ameku, Cope, Giles, Lanphier, Medhi, O’Hara, Randell, Steckelberg. Voting nay: None. Absent: Kucera, Thomas. Motion carried.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Giles moved, seconded by O’Hara, to go into closed session at 9:22 a.m. for the purpose of review and discussion of investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Ameku, Cope, Giles, Lanphier, Medhi, O’Hara, Randell, Steckelberg. Voting nay: None. Absent: Kucera, Thomas. Motion carried.

The Board returned to Open Session at 11:12 a.m.

APPLICATION REVIEW – OPEN SESSION

Nothing to review at this time.

E-MAIL BALLOTS SINCE THE LAST MINUTES

Nothing to read into the record at this time.

LEGISLATIVE UPDATE

Cope moved agenda item 16 “DENTAL LICENSURE COMPACT DISCUSSION” and discuss under this agenda item. Cope explained that there was a video presentation provide regarding the compact. Department of Defense is the driver on this legislation. Legislature needs to be approved. They are currently taking stakeholder comments. Comments deadline is January 6, 2023.

DISCUSSION REGARDING LANGUAGE OF NEB. REV. STAT. 38-1117(1)(C)

Cope read the statute regarding the requirement for a clinical examinations and examinations found to be equivalent by the Board of Dentistry. O’Hara explained that the Board was informed that the clinical examination servicers were not given same access to students to offer their clinical examinations. The Deans are not aware of any arrangements. Deans will look into whether there were, any exclusivity given to one testing servicer over other testing servicers. Cope asked how examinations are determined. The Department will send a formal letter to the Deans with specific questions that the Board has so Deans can provide responses prior to the Next Board meeting.

ADMINISTRATION OF CLINICAL EXAMINATIONS

The Board also asked the Deans about a couple of concerns regarding the administration of the ADEX examination at University of Nebraska. Steckelberg explained some unfair treatment of students and patient being admitted take the clinical examination. Steckelberg explained another concern was about the radiographs provided to the students. Another concern described by Steckelberg was regarding another incident regarding tricking an examination candidate regarding cell phone use during a CRDTS clinical examination.

Cushman explained that information will be provided to the Deans to address the Boards concerns.

DISCUSSION REGARDING LANGUAGE OF NEB. REV. STAT. 38-1117(1)(C) – CONT'D

Cope explained that all examination candidates need to be on an even playing field. Not necessary looking at changing language. O'Hara proposed motion and requested Cushman to include in the information provided to the Deans. Hampton commented that the Deans were not aware of any exclusivity contracts.

Kimber Cobb, RDH, BS, CDCA/WREB/ADEX
Director, Dental Hygiene Examinations
National Director, Licensure Acceptance and Portability
1304 Concourse Drive, Suite 100
Linthicum, MD 21090

Ms. Cobb explained that ADEX does not require an exclusivity contract to administer clinical examinations.

Giles explained that students and decide what clinical examinations they want to take but the schools cannot exclude testing agencies from accessing the students to provide information about their clinical examinations. Students need to be provided enough information from all available clinical examinations so the students can make an informed decision about what clinical examination are offered and will appease a majority of the students.

David O'Doherty, Executive Director, NDA
7160 S 29th St #1
Lincoln, NE 68516

Mr. O'Doherty requested that the Board ask the Deans to allow all testing agencies be provided the same access to the students before any decision is made on clinical examinations offered by the school.

Ameku explained that the University of Nebraska College of Dentistry historically offered both clinical examinations. Administering a clinical examination is hard work. The Board determines acceptability of clinical examinations and whether the clinical examinations are equivalent. Steckelberg made comments about standardization goals and that it is her opinion that the ADEXs restorative and periodontal clinical examinations are not equivalent.

Dr. Benjamin Wall, Director of Examinations, CDCA/WREB/ADEX
1304 Concourse Drive, Suite 100
Linthicum, MD 21090

Dr. Wall commented regarding the standardization of the tooth offered to students so they can make clinical judgements. Variability is there for clinical judgement and if the student is asking for multiple modifications they are penalized. Cobb explained that variability exists in live patients also. Clinical judgement was a primary goal of the clinical examination. The radiographs are representative of the lesion, but they may not show the extent of the lesion.

Dr. Edwards, Director of Dental Examinations, CRDTS
1725 SW Gage BLVD
Topeka KS 66604-3333

Dr. Edwards explained that he had seen a presentation from CITA/WREB regarding statistics on modification requests. Dr. Wall explained that the stimulated tooth design is made for candidates to ask for modification however they have statistics on those that never requested modification requests and then failure rate of those that never asked for modification. Dr. Wall also reminded that points are deducted when modification is requested, so a candidate that continues to ask for modification could fail the examination for asking for modification multiple times whether modification is granted or not.

Richael "Sheli" Cobler, Executive Director, CRDTS
1725 SW Gage BLVD
Topeka KS 66604-3333

Ms. Cobler mentioned she would like to understand from clinical perspective if candidates are continuing to return and ask for modifications and you are testing them on clinical judgement. Dr. Wall explained that their examination charges the candidates clinical judgment skills because points are deducted whether the candidate receives approval of the modification or not. If the candidate asks for a modification for something that doesn't exist there is a higher point deduction. Ms. Cobler mentioned that CRDTS allows stakeholders to develop their examination. Information from CRDTS stakeholders expressed that the candidates should bring in the ideal lesion and not use modification requests to reach the ideal lesion.

Cushman reminded CRDTS and ADEX to send their manual comparability to Vonda Apking. Cope mentioned that there is a difference in periodontal portion of the examinations. Dr. Wall explained that ADEX utilizes an OSCE to evaluate the candidates scaling and probing skills. Giles commented that candidates should be tested on these skills. Dr. Edwards explained that an occupational survey of 2018 that identified that periodontal clinical decisions are important and should be tested. The Boards goal is to determine whether the examinations are comparable.

CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS) ANNUAL MEETING REPORT – DEAN COPE, DDS

Cope was unable to attend. O'Hara attended and found that infectious disease presentation informative and the periodontal presentation was interesting.

REGULATIONS UPDATE

Cushman explained that a hearing is set for September 26, 2022, for 172 NAC 53, 56, 57, 58

LEGISLATIVE UPDATE

Steckelberg is concerned with the usage of evaluation or clinical assessment versus examination throughout the language. This is not going to our legislature however they are looking for stakeholders.

Thomas joined that meeting at 1:00 p.m.

Randall's opinion is that the compact can be useful for those the want to travel and provide their services. It seems that if licensed under the compact you would need to practice under the state rules and regulations of where practice occurs and also whether the individual has training in such procedures. Hampton explained that each compact is usually individualized.

Thomas commented that the Board does not have enough information regarding the dental compact and does not see the benefit for Nebraska to make a decision regarding the acceptance of the dental compact language. Cope acknowledges that the Board received the information, but no comment will be provided at this time.

EXPANDED FUNCTION EXAMINATION APPROVAL

Thomas moved, Lanphier seconded, requesting Teresa Fee to take CRDTS Restorative Auxiliary examination. Voting aye: Ameku, Cope, Giles, Lanphier, Medhi, O'Hara, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Kucera. Motion carried.

CRDTS CANDIDATE MANUALS

The Board requested candidate manual comparability from CRDTS and ADEX. This will be discussed at the January 2023 meeting.

CDCA/WREB/CITAB PROVIDE CLARIFICATION AND QUESTIONS & ANSWERS REGARDING ADEX EXAMINATION – KIMBER COBB, RDH, BS, NATIONAL DIRECTOR, LICENSURE ACCEPTANCE & PORTABILITY

Dr. Wall explained yes, Nebraska can be a member state of ADEX. It was also explained that ADEX develops the examination and CDCA/WREB/CITA only administers the ADEX examination.

ACCEPTABLE CLINICAL EXAMINATIONS FOR 2022-2023 TESTING SEASON

The Board will discuss this at the January 6, 2023 meeting.

PRACTICE QUESTION – EXPANDED SCOPE FUNCTION – DENTAL IMPRESSION SCANS

The following practice questions was received by Courtni Juno, RDA, CDA and discussed:

1. Online the website mentions that EFDA can take dental impressions for fixed prosthetics. According to Nebraska licensure, do digital scan impressions count the

same as traditional impressions in which the website mentions, meaning if an assistant cannot take a traditional impression, could they however take digital scans? **It is the Board's opinion that if an assistant cannot take a traditional impression, they cannot take a digital scan.**

2. Under a Registered Dental Assistant license, can an assistant switch out a healing abutment with a scan body for the final scan? Or do they have to have expanded functions? **It is the Board's opinion that an assistant cannot switch out a healing abutment with a scan body for the final scan.**
3. If someone has expanded functions in the state of Iowa through Iowa Western Community College, are they able to use that licensure for expanded functions in Nebraska as well, or do they need separate licensure in Nebraska for EF? **It is the Board's opinion that a separate license is needed for expanded functions in Nebraska per statutes.**

The next meeting is scheduled for January 6, 2023.

ADJOURNMENT

The Board adjourned the meeting at 2:16 p.m.

Respectfully submitted by,

(signature on file with the Department)

Michael J. O'Hara, JD, PhD, Secretary
Board of Dentistry