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NEWSLETTER

APRIL 2018

CHAIRPERSON'S LETTER

I am happy to report that we have a full membership at the Board of Dentistry with the addition of some new members since the last newsletter was published. Since then, we have welcomed Dr. Dean Cope, Gregory Thomas, JD, Dr. Yoshiharu Ameku representing UNMC, and a return to the board of Dr. David Blaha, now representing Creighton University School of Dentistry. I would like to express my thanks to all of the board members for the tremendous effort they put forth to prepare for each meeting, which involves reviewing a large volume of material in a short amount of time, arriving at the meeting fully prepared to discuss all of the agenda items. It is only with the support of these dedicated individuals that our dental board continues to function as it should to protect the citizens of Nebraska—our primary mission. While some dental boards across the country are scrambling to comply with new FTC regulations to legally govern the members of our profession, the role of a professional board in Nebraska allows our board to function within the guidelines. I would also like to express my thanks to Dr. John Thomas for representing the State of Nebraska on the Steering Committee at Central Regional Dental Testing Services.

One of the privileges of serving on the Board of Dentistry is a membership in the American Association of Dental Boards—an organization that brings together board members from all over the country in an effort to provide education and guidance to our position on the dental board. I have attended five such meetings and after every one, I am glad to report that Nebraska is a great place to practice dentistry among colleagues dedicated to providing excellence in dentistry. During the spring meeting this year, the ADA's Council on Dental Education and Licensure recommended the development of a business plan for a "National Objective Structured Clinical Examination (OSCE)" that does not include any live patient care as part of the exam, prior to applying for licensure. The development of this exam in itself, as well as the idea that the ADA will be the testing agency, has created a very hot topic of debate nationally. At this time the individual state boards are influential in establishing the requirements for licensure so even if the exam is created, there is no indication that it will become the national standard for testing candidates prior to granting them a license. Stay tuned for more updates on the subject—the dust has hardly settled on this topic.

LB 18 (allowing for the expansion of duties for dental hygienists and dental assistants) has passed the Legislature and was approved by the Governor on March 29, 2017. The next task is the writing the rules and regulations that put the statutes into practice. The Nebraska Dental Association in preparation for the 407 process, had already created a very detailed document outlining how the mechanics of expanding the duties of hygienists and assistants will take place. The board has been involved in developing and revising draft regulations for licensing dental assistants and granting the expansion of duties for both dental auxiliaries.

Recurring topics that come before the board relate to how we advertise our practices. Please take the time to review the contents of your websites or print ads for accuracy and to insure that they do not include testimonials or references to dental specialties not granted by the ADA. Other credentials can be listed; however, it must be stated that they are not part of the specialties recognized by the ADA. Also, be aware that HIPAA grants the patient the legal right to request a copy of their records, even if they still have an outstanding balance for dental care provided. Part of our duty involves reviewing complaints by patients or the public, and the board reviews clinical records associated with the complaint. We find a number of providers falling short on the documentation for routine dental treatment. Please take the time to insure that you are including all of the appropriate information regarding patient care in a legible format.

Prior to becoming involved on the dental board, or even getting involved in organized dentistry, I failed to recognize the number of dental volunteers who so selflessly give of their time and talents to insure that our profession continues to function at the highest level. I am continuously discovering new positions and committees working in the background to provide support to dentistry as we know it. I would call on anyone interested in supporting the profession to seek out positions to help maintain and improve our current level of dental practice.

Sincerely,



Meeting Highlights from 2017

January 13, 2017—The Board reviewed proposed legislation regarding credentialing of dental assistants and changes to the current credentialing of dental hygienists. They also discussed sedation courses regarding pediatrics versus adults. Staff from the Nebraska Prescription Drug Monitoring Program (PDMP) presented to the Board an update regarding the grants DHHS received for establishing a PDMP in Nebraska. The Board continues to advocate for 172 NAC 56 regulations to be set for another public hearing.

April 21, 2017—The Board received another update from the staff working with the Nebraska PDMP regarding the strategies and progress that has been made with each grant received and provided pharmacy data reported to the PDMP. The Board continued to monitor pending legislation and noted that LB 18 had been approved by the Governor.

July 14, 2017— Staff from the PDMP provided the board members with a draft copy of the DHHS Pain Guidance Document. With passing of LB 18 (legislation for credentialing dental assistants and changes the current credentialing of dental hygienists) the Board reviewed draft regulations for credentialing dental assistants and dental hygienists.

October 20, 2017— The Board updated the list of acceptable dental and dental hygiene licensure clinical examinations for the 2017-2018 examining season. The Board reviewed and voted to approve the Restorative Expanded Functions: An 80-hour Training Program offered by the University of Minnesota - School of Dentistry. The Board stated that they would review other courses regarding Restorative Expanded Functions to determine whether the courses meet the Board's established criteria for approval.

UPDATE ON CREDENTIALING OF DENTAL ASSISTANTS AND DENTAL HYGIENIST

On December 22, 2017, a letter was mailed to all active dentists providing an overview of what LB 18 means for dental assistants in Nebraska, the requirements to become a licensed dental assistant, and where to find more information.

The requirements for an unlicensed dental assistant to perform dental x-rays and coronal polishing have not changed. Beginning January 1, 2018, all dental assistants may apply topical local anesthesia when under the indirect supervision of a licensed dentist. Per Neb. Rev. Stat. § 38-1110, indirect supervision means the supervising licensed dentist is physically on the premises during the procedure. In addition to applying topical local anesthesia, all dental assistants with a valid board-approved CPR certification may monitor nitrous oxide analgesia when under the indirect supervision of a licensed dentist. A licensed dental assistant who has demonstrated their qualifications and may perform all procedures authorized for a dental assistant.

Qualification to become licensed as a dental assistant may be through education or experience. An applicant must be one of the following: a graduate of a Commission on Dental Accreditation (CODA) accredited dental assisting program, a dental assistant with at least 1,500 hours of experience (verification form enclosed) within the last five years, or a person who received similar training or education while serving in the armed forces of the United States. In addition to proof of meeting either the education or experience qualification, an applicant will need to provide a completed application with fee payment and documentation of:

- Age (19 years old or older)
- Citizenship/Lawful presence
- Graduation from high school (or equivalent, see <https://www.education.ne.gov/aded/>)
- Results of Certification Exam for Dental Assistants (CDA) sent directly from the Dental Assisting National Board (DANB) to the Licensure Unit
- Passing score on the Nebraska jurisprudence exam

In addition, the legislation provides for permits related to expanded functions for both licensed dental assistants and licensed dental hygienists (licensed dental hygienists will receive a separate letter explaining their permits at a later date). Once licensed, a dental assistant will be able to apply for additional permits to perform various competencies. After working 1,500 hours as a *licensed* dental assistant, and with the completion of board-approved education, a licensed dental assistant may apply to hold a specific permit issued by the Licensure Unit for each of the following additional competencies:

- Take dental impressions for fixed prostheses
- Take dental impressions and make minor adjustments for removable prostheses
- Cement prefabricated fixed prostheses on primary teeth
- Monitor and administer nitrous oxide analgesia (valid healthcare provider CPR certification required)

As you can see, a licensed dental assistant can tailor their scope of practice into one that greatly benefits both their dental team and their career. Information will be posted on the DHHS website pages for dental professions in 2018.

Dental Anesthesia and Sedation

The statute for updating dental sedation has passed, the draft regulations have been written, and now a number of questions remain to be answered. If you plan on using a Certified Registered Nurse Anesthetists (CRNA) in your office for sedation, a few requirements need to be met. The board has determined that even if you do not have a sedation permit issued in your name but plan to have sedation administered by a CRNA for procedures in your office, you will be required to maintain the same list of equipment and emergency medications as if you had that level of permit. (There will be no inspection of your office prior to sedating patients). CRNAs are licensed to provide sedation, but in this state they are required to work in collaboration with a physician, which means that a history and physical (H&P) needs to be completed on your patient by either an MD or DO clearing the patient for sedation prior to the procedure. If you are a dentist with a sedation permit but the CRNA is providing anesthesia, you as a dentist do not have the credentials to legally complete the H&P. If you are a dual degree OMFS, then you can legally complete the H&P. If you acquire the services of an anesthesiologist, then that MD/DO can provide the H&P and sedation.

If you are considering a course for moderate sedation, DHHS has a list of courses that the board has previously approved for this purpose. If the course has not been previously approved, you can submit the course outline to include didactic and clinical hours to DHHS who can forward the information to the board members for approval. The board has determined that you need to take age appropriate courses for the patients you plan on sedating, i.e. a pediatric course for pedo patients and an adult course for other than pedo patients. The draft regulations require six hours of CE in sedation every two years. ACLS, PALS or BCLS do not count as hours toward this sedation requirement.

Dr. Bruce Bavitz provided a course earlier this year to fulfill the six hour CE sedation requirement for sedation permit renewal. The lecture provided a great deal of valuable information about sedation including airway management. One of the recommendations from this course was to provide the patient with a consent form not only for moderate sedation and general anesthesia but also minimal sedation. He referenced an article in *Compendium* Vol 27:6,2006. If you search this reference online you will come across a PDF document of slides given by Dr. Bavitz in 2008 for the Iowa Dental Association. A copy of the suggested minimal sedation form is found about half way through the set of slides.

If you have any remaining questions concerning sedation, you can submit them to DHHS for clarification. If the answer has not been spelled out in the regulations; the question can be submitted to the board for review as a practice question.



DISCIPLINARY ACTIONS SINCE MAY 2014



Licensee	Action(s)	Violation(s)
MacKenzie Jean Borer, RDH	2 year Probation	Misdemeanor conviction; Misrepresentation of material facts; and Alcohol Use Disorder-Mild
Regina K Kendall, RDH	1 year Probation	Initial license placed on probation for misdemeanor convictions.
Emily McMann, RDH	Censure Civil Penalty \$500	Misdemeanor conviction.
Allie Rae Ohlinger, RDH	1 year Probation - Released from probation early	Initial license placed on probation for a misdemeanor convictions.
Erica Ann Willey, RDH	1 year Probation	Misdemeanor conviction and Alcohol Abuse diagnosis
Henry Furst, DDS	Limitation-Disciplinary Limitation removed	Unprofessional conduct and a Pattern of negligence regarding his prescribing habits. The limitation is that he shall not prescribe Schedule I and Schedule II controlled substances. Limitation was removed 12/1/2016.
Scott Green, DDS	Censure Civil Penalty \$8,000	Practicing the profession fraudulently, practicing the profession beyond its' authorized scope, violating the Uniform Controlled Substances Act, and Unprofessional conduct.
Kenneth J. Hagen, Jr, DDS	Censure Civil Penalty \$1,000	Administering inhalation nitrous oxide/analgesia without a permit.
Travis Zea Kirkland, DDS	Censure Civil Penalty \$20,000	Permitting, aiding, or abetting the practice of a profession or performance of activities requiring a credential by a person not credentialed to do so.
Todd Bryant Pieper, DDS	Limitation-Disciplinary	Failure to perform appropriate diagnosis and treatment does not conform to the standards of acceptable and prevailing practice of dentistry, failure to keep and maintain adequate records of treatment or service, and Pattern of negligent conduct. The limitation is that he shall not perform surgical placement of dental implants.
Greg Stuart Samuelson, DDS	1 year Probation	Failure to Keep Adequate Records, Pattern of Negligence, and Unprofessional Conduct.
Lourdes Maria Secola, DDS	1 year Probation	Failure to Keep Adequate Records and Violation of the Uniform Controlled Substances Act.
Philip E Strevey, DDS	1 year Probation Censure	Alcohol Abuse, Misdemeanor Conviction, and a Probation Violation.
Thomas Joseph Swartz, DDS	5 year Probation	Alcohol Dependency, Controlled Substance Dependence, Dishonorable Conduct, Misdemeanor Conviction(s), Obtained Drug Unlawfully, Unprofessional Conduct, and Violation of the Uniform Controlled Substances Act.
Daniel Lee Ellingson, DDS	60 day Suspension 5 year Probation	Alcohol Use Disorder Severe, Controlled Substance Dependence, Dishonorable Conduct, Felony Conviction(s), Unprofessional Conduct, and Violation of the Uniform Controlled Substances Act



MEETING DATES FOR 2018:

March 8, 2018 (Conf Call)

April 13, 2018

July 13, 2018

October 19, 2018

January 11, 2019

You can find the 2018 meeting dates posted on the Department website at:

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

Board of Dentistry Officers:

Dennis Anderson, DDS, Chair

Lisa Kucera, RDH, Vice-Chair

Cynthia Gaskill, RDH, Secretary

Office of Medical & Specialized Health

- ◆ Kathie Lueke, Program Manager
- ◆ Vonda Apking, Health Licensing Coordinator
- ◆ Tressa Waterman, Health Licensing Specialist
- ◆ Ranae Underwood, Health Licensing Specialist

License Statistics

License/Permit/Certification Totals (as of 2/15/2018)

*This column is based on those licenses/permits/certifications issued since 1/1/2014.

	<u>Total Active</u>	<u>Issued*</u>	<u>Issued by</u> <u>Reciprocity</u>
Dentist Licenses	1579	305	73
Dental Hygienist Licenses	1428	331	44
General Anesthesia Permits	73	39	
Moderate Sedation Permits	46	21	
Minimal Sedation Permits	266	277	
Local Anesthesia Certifications	1210	317	
Public Health Authorizations			
• For Treating Children	13	19	
• For Treating Children & Adults	80	36	
Dental Temporary Licenses	22	31	
Dental Faculty Licenses	9	3	
Locum Tenens	0	13	
Licensed Dental Assistants	21	21	

Department of Health and Human Services
Division of Public Health
Licensure Unit
PO Box 94986
Lincoln NE 68509-4986

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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 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: 402/742-8355
E-Mail: dhhs.medicaloffice@nebraska.gov

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