

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

April 14, 2023

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
Lisa Kucera, RDH

Absent: John Thomas, DMD

Also present were: Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Jennifer Miralles, Department Attorney; Teresa Hampton, Department Attorney (via WebEx); Danielle Sund, Department Attorney (via WebEx); Emily Yslas, Department Attorney (via WebEx); Shanerika Flemings, Department Attorney (via WebEx); Mindy Lester, Assistant Attorney General; T.J. O'Neill, Assistant Attorney General; Lindsay Braddock, Administrator (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.

Cope provided an overview of the Board of Dentistry's purpose.

ADOPTION OF AGENDA

Kucera moved, seconded by Giles, to adopt the agenda as rearranged per Chairperson. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

APPROVAL OF MINUTES

January 6, 2023

Page 1: No changes.

Page 2: Under APPROVAL OF MINUTES; page 6 first line change “Boar’s” to “Board’s”.

Page 3: No changes.

Page 4: No changes.

Page 5: No changes.

Page 6: No changes.

Page 7: No changes.

Steckelberg moved, seconded by O’Hara, to approve the January 6, 2023, minutes as corrected. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Medhi, O’Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

Cope provided an overview of the Board’s responsibilities under statutes which includes protecting the citizens of Nebraska and recommending requirements for Nebraska dental, dental hygiene, and dental assisting licensure which includes determining acceptable clinical examinations.

QUESTIONS REGARDING ACCEPTABLE CLINICAL EXAMINATIONS

Sophia Pankratz, Dental Student
UNMC College of Dentistry
4000 East Campus Loop
Lincoln NE 68583

Ms. Pankratz presented several questions to the Board. One of the questions, included how the Board made their decision regarding comparability/equivalency of other clinical examinations, including the American Dental Examination (ADEX) and what areas this examination is not considered as comparable/equivalent to the Central Regional Dental Testing Service (CRDTS). Steckelberg explained that CRDTS is identified in statutes as the clinical examination that all other examinations should be compared to and the differences in the other clinical examinations came to light when each examination started offering simulated portions during the pandemic. The Board had diligently reviewed each clinical examinations and determined which were acceptable every year. O’Hara mentioned that the Board did not chose CRDTS the legislators did.

David O’Doherty, Executive Director
Nebraska Dental Association
7160 S 29th St #1
Lincoln NE 68516

Mr. O’Doherty explains the CRDTS was amongst several regional examinations offered and past and was mentioned in the Nebraska Statutes back in 1988 because it was predominantly offered in the Midwest region of the United States.

The Board explained that periodontal section was not the only section that was deemed not comparable/equivalent to the CRDTS periodontal portion. The Board discussed that ADEX offers a full metal crown and CRDTS offers crowns using different materials. Steckelberg mentioned that when ADEX moved to a simulated examination students were given the different tooth typodont with varying depths of decay and students are allowed modification requests.

CRDTS offers typodont teeth with the same depth of decay for all candidates and does not allow modification requests which the Board feels is an even playing field of the examination candidates.

Another question was whether complaints increased or decreased between Nebraska dentists that took CRDTS versus ADEX clinical examinations. Staff explained that this information is not tracked.

How does this decision affect periodontal residency students from different states. Dr. Jacoby mentioned that CRDTS has an independent testing service.

Samuel Jacoby, DDS, Executive Committee President
Central Regional Dental Testing Service (CRDTS)
1725 SW Gage BLVD
Topeka KS 66604

Cushman explained that residency students would need to obtain a license in another state or jurisdiction to qualify for the temporary dental license. Reciprocity licensure requirements include practicing for three years, with one year being within the last three years. Cope mentioned that statutes allow residency practice to qualify for meeting the practice requirement for licensure by reciprocity. Cushman also explained the requirement for reciprocity under Neb. Rev. Stat. §38-129.02.

Another question was regarding retakes. Candidates are allowed to retake portions of the examination within the same weekend of the examination at no additional costs however, if the candidate chooses to take at a later date additional cost would be required. Dr. Jacoby mentioned that a failure is considered a critical error.

Jillian Wallen, BDS, MS, Professor and Dean
Creighton University School of Dentistry
2109 Cummings ST
Omaha NE 68102

Dean Wallen expressed her concerns regarding the timing of the decision as dental schools have had their chosen clinical examination established at least 18 months prior to offering the examination within their program and that most students are required to decide what examination they will take at least 9-10 months in advance to taking the examination. This type of decision affects the expenses of the dental programs that need allocating with the programs budget much in advance. Dean Wallen recognizes that all examinations have their own strengths and weakness and that there are 31 states that accept all five clinical examinations. Portability and recruitment are affected as there are 70 dental programs across the United States and all dental programs are bidding for strong faculty members. Dean Wallen suggested reviewing clinical examinations on a 12–18-month basis using the same process for consistency. There is a need to have flexibility. Dean Wallen explained that each dental program in Nebraska offers the clinical examination on different weekends but they are still limited to the space available for testing so the dental programs cannot guarantee available space for any additional candidates outside their own program.

Dr. Jacoby mentioned that dental and dental hygiene have different testing cycles and the academic calendar year is used to determine when the CRDTS examinations are offered.

Dean Wallen also mentioned that the school does not get involved with vendor differences, their focus is making sure their students are prepared to practice upon graduation. There is a wide

variety amongst states and accepted examinations which also affects access to care within states. Students are encouraged to stay in Nebraska after graduation.

Steckelberg clarified how the Board reviewed the comparability of the clinical examinations. Dr. Jacoby offered background of how CRDTS allows its member states to have a say in creating, modifying, and maintaining the CRDTS examinations. CRDTS conducts an occupational survey every 5-7 years and CRDTS reports examination analysis back to the member states and uses the data to determine changes needed to the examinations.

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

Ms. Cobb provided background for examination and how changes are suggested.

Jennifer Hasslen, DDS, Assistant Dean for Student Progression
Creighton University School of Dentistry
2109 Cummings ST
Omaha NE 68102

Dr. Hasslen commented that Creighton's student base is diversified that offering both examinations would be acceptable to the students but not feasible for the University and faculty. It seems that this burdens the students with additional debt. Dr. Hasslen reiterates that each dental program offering a separate examination still would not meet the overall needs to the students because the testing space does not allow for additional students above that of those in each program.

Cope understands the financial burden for both dental programs and the students. O'Hara questioned when the dental programs would need to know what clinical examinations are acceptable for licensure. Dr. Jacoby explained that the CRDTS Examination Review Committee (ERC) reviews the examination content prior to the first of the year. Ms. Cobb explained that ADEX publishes their examination candidate manual prior to July 1st.

Madisen (Maddie) Diehl, Dental Student
Creighton University School of Dentistry
2109 Cummings ST
Omaha NE 68102

Ms. Diehl commented that the sooner the acceptable examinations could be determined and communicated to the dental students can help with the financial burden to the students. Ms. Diehl mentioned that there is a push to move to a national examination. Steckelberg commented that making sure that the examination is a level playing field for all candidates is a priority. There was some discussion regarding which states do not accept CRDTS. There was a question regarding who could lobby for a statutory change. Ms. Cobb commented that there are 20 states that only accept ADEX. There is a need for standardization but currently students need to look at where they are going to practice currently not where they might practice years down the road.

Jesus Santiago, Dental Student
Creighton University School of Dentistry
2109 Cummings ST

Omaha NE 68102

Mr. Santiago commented that students need to trust that the educational institution has educated them correctly and should trust that they can use their clinical judgment taking any clinical examination.

Charles Craft, DDS
DHHS – Office of Oral Health
NE State Office Building
Lincoln NE 68508

Dr. Craft mentioned that decay rates in rural Nebraska are above the national average in identified shortage areas. There are several loan repayment plans to attract dentists to these locations and we should continue to look for ways to encourage new graduates to consider these opportunities to improve access to dental care in Nebraska

TEMPORARY EDUCATIONAL LICENSE – DR. ZETTERMAN

Rowen Zetterman, MD, Interim Dean
UNMC College of Dentistry
4000 East Campus Loop
Lincoln NE 68583

Dr. Zetterman provided some background for this discussion on attracting qualified internationally trained dentists to their open faculty positions. These individuals not qualify for the current temporary dental license and they do not meet the requirements for either reciprocity licenses. Dr. Zetterman reviewed what the medical statutes require for foreign trained physicians and questioned why the dental statutes do not mimic the medical statutes. Cushman explained that this would need a legislative change. The deadline for possible legislative changes introduced by the Department has already passed therefore another entity would have to introduce this type of legislative change. Ms. Lester provided some background on the medical statutes. Cope commented that he is willing to look at a legislative change and additional discussion can take place at the July meeting.

Ms. Lester left the meeting at 11:39 a.m.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

O'Hara moved, seconded by Ameku, to go into closed session at 11:54 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, Kucera, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

The Board returned to Open Session at 12:54 p.m.

APPLICATION REVIEW – OPEN SESSION

Reinstatement After Discipline Application(s)

Lanphier moved, seconded by O'Hara, to recommend denying reinstatement. The basis for denial is that there was insufficient evidence provided to support removing the limitation from Dr. Todd Pieper's dental license. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

Dental Reinstatement Application(s)

Lanphier moved, seconded by Steckelberg, to recommend reinstating the dental license of Phillip Brigden. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

Steckelberg moved, seconded by O'Hara, to postpone recommendation on the application to reinstate the dental license of William Reardon for additional information. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

Dental Assistant Reinstatement After Discipline Application(s)

Giles moved, seconded by Kucera, to recommend reinstating the dental assistant license of Laura Biga without probationary terms and conditions. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

E-MAIL BALLOTS SINCE THE LAST MINUTES

Cope read the following e-mail ballots into the record:

- The approved the Remedial Course for Samantha Sandhoefner offered through Creighton University on March 31, 2023.

LEGISLATIVE UPDATE

The Board agreed that there needs to be discussion regarding the requirements for a temporary license for foreign graduates so that the dental schools can recruit qualified individuals for open staff positions. The Board recommended having further discussion at their July meeting.

REGULATIONS UPDATE

The Board discussed the changes made to 172 NAC 56 based on past Board discussions and the last hearing summary. There was discussion focused on sedation requirements and consistency among the different levels of sedation permits. Steckelberg moved, seconded by O'Hara, to recommend approval of the changes to 172 NAC 56. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

PRACTICE QUESTION – COPYING MEDICAL RECORDS TIMEFRAME – MELANIE STECKELBERG, DDS

The Board discussed that a written request for records for oneself or sending to another office can be received via email. Steckelberg mentioned that it would be beneficial to have an article regarding the timeframe requirement for medical records. The State has statutes pertaining to access to medical records and that the federal government also has requirements. Ms. Hampton mentioned that practitioners should comply with the more restrictive requirement.

PRACTICE QUESTION – CAN EXPANDED FUNCTION DENTAL HYGIENIST/DENTAL ASSISTANT USE A HIGH-SPEED HANDPIECE? – DEB SCHARDT, RDH

The Board discussed that the opinion of the Board was that a dental hygienist and a dental assistant should not be using a high-speed handpiece inside the mouth. Steckelberg moved, seconded by Lanphier, it is the Board's opinion that dental auxiliaries can only use a high-speed handpiece outside of the mouth. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Medhi, O'Hara, Randell, Steckelberg. Voting nay: None. Absent: Thomas. Motion carried.

PRACTICE QUESTION – WHAT IS THE RESPONSIBILITY OF THE DENTIST WHEN A PHYSICIAN PRESCRIBES THE MEDICATION FOR MINIMAL SEDATION

The Board discussed that the dentist needs to be aware of issues that can arise with patients that come in for dental treatment after taking a medication prescribed by their physician. The goal is to practice safely and using one's professional judgement when treating a patient under medication prescribe by their physician.

AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) MID-YEAR MEETING REPORT – MICHAEL O'HARA, JD, PHD

O'Hara mentioned that topics of interest have been the dental compact, anti-trust laws, military licensure issues, dental therapy, and the dental assistant shortage. There has also been discussion about violence in the workplace and practicing affected by the use of marijuana in state that have legalized this substance.

CRDTS ANNUAL MEETING – AUGUST 25-26, 2023 – KANSAS CITY, MO

Kucera, cope, O'Hara, Giles, and Randell expressed their intention of attending the CRDTS Annual meeting in Kansas City, MO in August 2023. Staff will start preparing travel authorizations for this meeting.

The next meeting is scheduled for July 7, 2023.

ADJOURNMENT

The Board adjourned the meeting at 2:27 p.m.

Respectfully submitted by,

(signature on file with the Department)

Melanie Steckelberg, DDS, Vice-Chairperson
Board of Dentistry