

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

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

July 7, 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
Yoshiharu Ameku, DDS
Terrence Lanphier, DDS
Hannah Randell, RDH (via WebEx)
Gene Giles, DDS
John Thomas, DMD
Lisa Kucera, RDH

Absent: Michael J. O'Hara, JD, PhD – Secretary
Lynlee Medhi

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

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

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

APPROVAL OF MINUTES

April 14, 2023

Page 1: No changes.
Page 2: No changes.

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Page 3: Fourth paragraph, line 3, needs to read “years, with one year within the last”; sixth paragraph, line 5, change the word “expensive” to “expenses”.

Page 4: No changes.

Page 5: No changes.

Page 6: No changes.

Page 7: No changes.

Page 8: No changes.

Giles moved, seconded by Randell, to approve the April 14, 2023, minutes as corrected. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Medhi, O’Hara. Motion carried.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Lanphier moved, seconded by Kucera, to go into closed session at 9:09 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, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Medhi, O’Hara. Motion carried.

Dennis Scott from the DHHS Investigations Unit arrived at 9:10 a.m.

Steckelberg recused herself from the meeting at 9:11 a.m.

O’Hara joined the meeting via WebEx at 9:11 a.m.

Steckelberg rejoined the meeting at 9:26 a.m.

Mr. Scott left the meeting at 9:26 a.m.

Harrison left the meeting at 9:36 a.m.

The Board returned to Open Session at 10:13 a.m.

APPLICATION REVIEW – OPEN SESSION

Dental Reinstatement Application(s)

Thomas moved, seconded by Randell, to recommend reinstating the dental license of William Reardon. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Medhi, O’hara. Motion carried.

Dental Assistant Application(s)

Lanphier moved, seconded by Steckelberg, to recommend issuing a dental assistant license to Fabiola Quintero. Voting aye: Ameku, Cope, Giles, Kucera, Lanphier, Randell, Steckelberg, Thomas. Voting nay: None. Absent: Medhi, O’Hara. Motion carried.

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Reinstatement After Discipline Application(s)

Nothing to discuss at this time.

E-MAIL BALLOTS SINCE THE LAST MINUTES

The Board did not review or vote on any e-mail ballots since their last meeting.

REGULATIONS UPDATE

Mr. Cushman explained that all sets of regulations have been forward to the regulations office and we are waiting to have a public hearing date set. Steckelberg requested to have the proposed sets of regulations forwarded to her.

DISCUSSION REGARDING OTHER STATUTES AND REGULATIONS AND HOW THEY IMPACT DENTISTRY

Steckelberg discussed other statutes such as “requiring dentists to search the PDMP” and Medicaid and CMS regulations and their impact on the practice of dentistry. Steckelberg suggested that these could be future articles topics for the next Dental Newsletter.

DENTAL ASSISTING COURSES – CORONAL POLISHING, SEALANT PLACEMENT, AND FLUORIDE APPLICATION – ASHLEY HEENAN, RDH, BS

Board requested the letter be sent to Board members by email ballot.

USE OF HIGH-SPEED HANDPIECE BY EXPANDED FUNCTION DENTAL ASSISTANTS AND DENTAL HYGIENISTS – JESSICA MEESKE, DDS, CHARLES BAUER, DDS, AND DENNIS ANDERSON, DDS

Holly Randone, DDS
601 N Saint Joseph Ave
Hastings NE 68901

Dr. Randone provided background information regarding their pediatric practice. Explained what their expanded function auxiliaries received education, training, and examinations. A background explanation of how expanded function permit came about in Nebraska. Dr. Randone explained that the technical review committee approved the use of high-speed handpiece by licensed expanded function dental hygienists and dental assistants. She also provided how their practice determines which auxiliaries are chosen to be extended the option to received expanded function education.

Gary Lehn, DDS
601 N Saint Joseph Ave
Hastings NE 68901

Dr. Lehn provided information regarding the education, training, and examination requirements. He also provided information regarding how not allowing their expanded function auxiliaries to

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use high-speed handpiece as they have received, education, training, and passed a clinical examination which they had to do in order to obtain the expanded function permits.

Charles Bauer, DDS
2115 N Kansas AVE STE 202
Hastings NE 68901

Dr. Bauer provided background on the information that was gathered prior to seeking the 407 Credential review process. He explained that usage of a high-speed handpiece was a high topic of discussion. Explanation regarding the use of low-speed handpiece is not effective or safe was provided. Steckelberg explained that the length of time it took to promulgate regulations for the expanded functions. Dr. Bauer explained that he was a Board member and he acted as a representative for the Nebraska Dental Association.

Jessica Meeske, DDS
601 N Saint Joseph Ave
Hastings NE 68901

Dr. Meeske specifically asked the Board to reconsider the Board's previous opinion on the use of a high-speed handpiece by expanded function auxiliaries. She explained that developing regulations should focus on the "what" not the "how". Focus on the data before making opinions. Inherent risks do exist and the dentists in her practice determine which patients, and which expanded function auxiliaries should be used to perform which procedures. The 407 Technical Committee did review the data before making a recommendation.

Steckelberg explained how the question was presented and that it was not the intent of the Board to change the standard of practice. There are several challenges with the new higher RPM handpieces available. Cope also explained there was no intent by the Board to change the standard of practice.

Samuel Jacoby, DDS
Central Regional Dental Testing Services (CRDTS)
1825 SW Gage ST
Topeka KS

Dr. Jacoby explained that CRDTS created the expanded function clinical examination and have had several individuals ask the question about using high-speed handpieces during the examination and CRDTS had always said no. Dr. Meeske had her auxiliaries that have taken the CRDTS examination for restorative auxiliaries used a high-speed handpiece during both their mock examinations and the CRDTS examinations. Giles mentioned that if the education trains the individuals on the use of high-speed handpiece, then the Board can be assured that these individuals received the proper training and the Board needs assurance that the clinical examinations test the individuals on the use of high-speed handpiece. Dr. Meeske explained that Iowa's program tailors the program to the state laws.

Crystal Stuhr, DA
1510 Shire LN
Eagle NE 68347

Ms. Stuhr explained that she is educator and has been involved since the start of this whole process. As an educator, she has seen a lack of consistence between the different training programs that the Board has reviewed and approval. Her program has decided not to offer expanded functions because of not knowing what is right and wrong. The development of

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expanded functions for a small percentage of individuals and dentists still have to be approved by the Board. Each of the individuals have taken the Board approved education and had to pass a clinical examination that has been approved by the Board, so what is the issue because these individuals received the same permit. Steckelberg explained that the Board has requested to review the programs that were approved prior to the passing of the regulations and are having problems with receiving updated information from each of the programs previously approved. Thomas commented that the Board does not dictate that the education taught at the schools and there may need to be changes made to the regulations or even to the statutes. Steckelberg questioned the information provided to the Board regarding this issue. Mr. Cushman had pulled information from other Board's that had comments on this issue from other states. Dr. Jacoby verified with CRDTS, and that last restorative auxiliary examination offered by CRDTS was in late December 2022 and the candidates were not allowed to use a high-speed handpiece according to the chief floor examiner. Dr. Jacoby noted that CRDTS does not have an opinion on whether or not these individuals can use a high-speed handpiece.

David O'Doherty, Executive Director
Nebraska Dental Association (NDA)
7160 S 29th ST STE 1
Lincoln NE 68516

Mr. O'Doherty mentioned that he too has been involved since the beginning of this process. He believes that if someone started the restoration then they should be able to finish the restoration. He indicated that the regulations are open to provide a clarification of this in the regulations.

Patricia Kirkegaard, RDH
6940 S Marian RD
Hastings NE 68901

Ms. Kirkegaard mentioned that the acceptable practice match what education is being taught during the course. Steckelberg mentioned that the Board needs to help Department legal understand how the standard of dental practice in Nebraska. Dr. Ameku commented that by looking at the comments from the Virginia Board of Dentistry that these clearing is an issue for other Boards, and we need to decide how the Nebraska Board is going to move forward.

Ms. Hampton does not have enough information to make an opinion and indicated that the regulations address what cannot be done. If the Board decides to make further changes to the regulations, there may need to be another public hearing. Dr. Meeske explained the process of decided what patients would be a likely candidate and which of their expanded function licensee would be the best fit to perform the procedure. Steckelberg indicated that the Board was just answering a practice question. The Board members use the experience to answer the questions but not the scientific evidence to back it up. Dr. Meeske commented that the regulations should not be descriptive. Steckelberg mentioned that examples are more about what a dentist to do and not what the auxiliaries can or cannot do. Kucera mentioned other areas that are limiting safety practices in dentistry and there are several educational trainings provided to students that some will never get to use because of the limitations of regulations. Randell commented that we should not be taking steps backwards and look at what safety concerns have reported to the Board since these licenses were put in place. Randell mentioned that if we take away the ability of these individuals to use a high-speed handpiece, we could be taking away the proper dental care available to a section of Nebraska citizens. Steckelberg requested what the Board members opinion was to expanded function licensees adjusting occlusions. Education, training, and passing a clinical examination seemed to be the consensus of the Board members.

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Thomas moved, seconded by Randell, to recommend that the Board reconsider their current opinion regarding the use of a high-speed handpiece in the mouth by dental hygienists and dental assistants that hold an expanded functions license. Voting aye: Cope, Giles, Lanphier, O'Hara, Randell, Steckelberg, Thomas. Voting nay: Ameku, Kucera. Absent: Medhi. Motion carried.

There was continued discussion regarding the expanded function training requirements such as training taken through an approved program and passing a clinical examination that includes polishing a restoration in the mouth with a high-speed handpiece.

Jane Broekemeier, RDH
16753 L CIR
Omaha NE 68135

Ms. Broekemeier mentioned that she is concerned that the Board opinion only includes individuals that hold the expanded functions for Restorative 1 and Restorative 2 permits.

Giles moved, seconded by Thomas, it is the Board's opinion that expanded function Restorative 1 and Restorative 2 permit holders can use a high-speed handpiece for polishing restorations inside of the mouth, if trained. Voting aye: Cope, Giles, Lanphier, O'Hara, Randell, Steckelberg, Thomas. Voting nay: Ameku. Abstain: Kucera. Absent: Medhi. Motion carried.

AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) – PRIMARY CARE SURVEY

The Board discussed their answers to the survey questions. Question 1 should be NO, question 2 should be UNSURE, and question 3 should be NO. Staff will prepare the response to the survey.

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

O'Hara provided a written report to the Board. Main topics of discussion included impaired practitioner programs, dental compacts, insights from medical healthcare regulators, and biofilm and waterline updates for dental practices. The Board thanked O'Hara for the report.

DISCUSSION ON LICENSING FOREIGN GRADUATES

Mr. Cushman explained that a statutory change would be required for this type of licensing. Once legislation is introduced then the Board can decide whether to provide their support or not.

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

Kucera, Cope, O'Hara, Giles, Thomas, 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.

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The Board members approved August 18, 2023, at 1 p.m. for holding a public hearing before the Board on appeal of a denial of lifting the limitation on the dental license of Todd Pieper, DDS and also agreed to having a public meeting to discuss the ADEX and CRDTS examinations.

The next regular meeting is scheduled for October 13, 2023.

ADJOURNMENT

The Board adjourned the meeting at 1:45 p.m.

Respectfully submitted by,

(signature on file with the Department)

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