

# Newsletter

*North Dakota State Board of Dental Examiners*

Fall 2000

## PRESIDENT'S MESSAGE

The end of my five-year term on the board is rapidly approaching. It has been an honor to serve my profession and most importantly, the people of North Dakota. I have often expressed how lucky I feel to have made my home in North Dakota, having had many other potential options when I entered the Air Force twenty-five years ago in Minot.

As has been mentioned in past newsletters, we are especially fortunate to have so few dental complaints. Most of the disputes presented can be handled through the peer review process. I would encourage the NDDA to **foster and maintain** this quality program by continuing to train interested individuals.

I must single out three of the many wonderful people with whom I've served. First, Mavis Patchen, our public member, has truly been the voice of the people. Her perspective is invaluable and her questions pertinent. Rita Kunz, RDH has done an exemplary job. She has completed her tasks with thoroughness, whether it be prepared detailed pie charts in the treasurer's report or completing hours of research concerning the hygiene

anesthesia issue. I will always treasure her gift of *Robert's Rules* (in plain English). The other person is our Executive Director Dr. Wayne Mattern. Wayne is the glue that holds the board together. The importance of a competent person, like Wayne, cannot be overemphasized. His many years of service as Executive Director and/or board member are invaluable keeping the board functioning smoothly and not constantly "reinventing the wheel" which can often happen on constantly changing boards.

One of the most encouraging recent developments is the decision of CRDTS and WREB to accept each others' results, in effect opening licensure in all twenty-one states involved to those who pass either test. Hopefully, this trend will continue throughout the rest of the country as other states and testing agencies elevate their level of testing and validation to the level of CRDTS and WREB.

I want to invite everyone who has comments concerning dental assistants placing sealants to attend the January board meeting.

John Fishpaw  
President, ND Board of Dental Examiners

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## ANESTHESIA UPDATE by Dr. Scott Preisler

Recent anesthetic related deaths in dentistry and medicine have caused concern with respective state boards throughout the country. This is evidenced by the pediatric deaths in California reported by the CBS program 60 Minutes II in January of 1999 and most recently in August 2000, the Florida medical board banned office based surgeries for 90 days secondary to five deaths in five

months. These deaths were related to elective office based plastic or cosmetic surgeries. With any type of anesthesia, there are associated inherent risks, but it is felt that some complications can be prevented through proper training, appropriate equipment usage, and continuing education or competency. Many state regulatory agencies, including dental and medical boards are in some stage of revising their respective anesthesia regulations because of such incidences.

Dentistry has been very pro-active with regard to providing model regulations for use of anesthesia by

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# SUMMARY OF UPCOMING CHANGES TO THE DENTAL PRACTICE ACT

The board has reviewed the Dental Practice Act over the past 18 to 24 months and decided on three main areas of change:

- Renewal Periods
- Hygienists working in satellite offices
- Changes to the structure

A committee is researching whether hygienists should be allowed to practice under general supervision at satellite offices.

## Renewal periods

The Board is proposing to change the renewal period from 12 months to 24 months. By doing this, the 24 month renewal cycle would coincide with the 24 month CPR and Infection Control cycles. Also, the CE cycle would be changed to a 24 month cycle for dentist and hygienists instead of a 5 year cycle. The requirements would be scaled down proportionately to equal the existing requirement. The Board feels all four of these areas, renewal cycle, CPR, Infection Control, and CE Cycle, should be on a 24 month basis. The Board also is open to the possibility of moving the renewal cycle to a different time of the year.

## Hygienists working in satellite offices

Currently, section 43-20.03 of the Practice Act does not allow hygienists to practice under general supervision at satellite offices. A committee consisting of Dr. Jim McDonald, Rita Kunz, and Leslie Pfeifle, RDH are researching this topic and will make a proposal to the Board with the specifics of how many days a hygienist may work in a satellite office under general supervision.

## ANESTHESIA UPDATE (cont. from page 1)

dentists as far back as 1975. Subsequent revisions have been made reflecting contemporary training, new anesthesia modalities, pharmaceuticals, and equipment. The American Dental Association's *Guidelines for Teaching the Comprehensive Control of Anxiety in Pain in Dentistry* as well as the ADA's policy statement *The Use of Conscious, Deep Sedation and General Anesthesia in Dentistry* have been very instrumental in recent revisions by state dental boards.

The North Dakota Dental Examining Board instituted specific anesthesia certification in 1994 but since that

## Changes to the board offices and structure

The Dental Board is in the process of making changes to section 43-28.05 of the Practice Act. The Board wishes to establish an office of Immediate Past President and list the duties for this office. The Board feels it would be extremely valuable to keep the President on the board for one more year after finishing the office of President.

The Board would like to list Executive Director instead of Secretary/Treasurer in several areas in section 43-28.05 of the Practice Act. The Board feels the office of Executive Director needs to be delineated regarding its duties versus the Secretary/Treasurer office duties.

Also, the Board is discussing the possibility of a new position of President Elect instead of Vice President.

The Board is considering changing the compensation for board members while engaged in board duties from \$90.00 per day to \$110.00 per day.

These changes will be discussed at the 1-19-01 meeting in Bismarck. All changes will go before the legislature and input by all is always allowed at the legislative committee meetings.

time no revisions have been made. With the recent climate, the North Dakota Dental Examining Board felt the rules and regulations Section 20-02-01-05 should be reviewed. The American Association of Oral and Maxillofacial Surgeons have supplied all state dental boards with new model regulations to assist in formulating and updating said anesthetic regulations. Dr. Wayne Mattern and Dr. Scott Preisler will be reviewing these model regulations to ensure North Dakota is compliant with the ADA recommendations.

# New Board Members

In March of 2000 Governor Schafer appointed Scott Preisler D.D.S., M.S. to a five year term. Dr. Preisler replaces Dr. Mark Malmberg.

A Wisconsin native, Dr. Preisler studied biomedical engineering at Marquette University and subsequently received his dental degree from Marquette University of Dentistry in 1985. He served his general residency internship at Madison General Hospital in Madison, Wisconsin, and his oral and maxillofacial surgery residency at the University of Iowa Hospitals and Clinics where he received his masters degree in oral and maxillofacial surgery in 1990.

Dr. Preisler was in private practice in Green Bay, Wisconsin from 1990 to 1992 and joined Face and Jaw Surgery Center in 1993. Dr. Preisler is a diplomate of the American Board of Oral & Maxillofacial Surgery and maintains fellowship in the American Association of Oral & Maxillofacial Surgeons. He is also a member of the American Society of Osseointegration. He is an active member of numerous national, regional, and local professional organizations.

Face and Jaw Surgery Center has recently opened an office in Fargo, ND. Dr. Preisler has relocated to Fargo to better serve the needs of our dental population. Dr. Preisler's background and specifically his familiarity with anesthesiology specs will be a tremendous asset to the Board.

In July of 2000, Dr. John Mullen resigned from the Board, necessitated by a move to California. Joan Pope D.D.S. replaced him in September. A note from Joan follows:

*Dear North Dakota Professionals:*

*I was recently honored by being appointed by Governor Schafer to the North Dakota State Board of Dental Examiners to complete the remainder of the term of Dr. John Mullen. My term will extend until March 2003.*

*Previously, I was on the Board from 1993-1998. I remember the state of that term due to the fact that I missed my first board meeting because my daughter was born a few days earlier.*

*My experiences on the Board were very interesting and educational and I am extremely excited to have an opportunity to participate on the Board of Examiners again.*

*My life as a dentist began in September 1981 when I returned to Wahpeton to join my father, Dr. Jack Pfister, in practice. I had recently graduated from Creighton University Dental School and was now ready to really learn some dentistry!*

*My husband, Randy, and my kids, Zach, Tony and Maggie are the best part of my life; and overall; Life is Good!*

*All my best,  
Joan E. Pope*

*Dr. Mark Malmberg, DDS, Immediate Past President; Mrs. Rita Kunz, Board Member; Catherine Cornell, RDH; Dr. Joan Pfister, DDS, new member*



*Dr. Daniel Kelly, DDS; Dr. William Hunter, DDS; Dr. Lori Witteman, DDS; Dr. Roger Hasey, DDS; Dr. Mark Malmberg, DDS*



*Dr. Robert Kemp, DDS; Dr. Lawrence Gjerstad, DDS; Dr. Thomas Lengowski, DDS; Dr. Myron (Mike) Pudwill, DDS, Past ADA 10th District Trustee*



As an aside, I found it very noteworthy and heart warming that upon the resignation of Dr. Mullen the three people who stepped forward are all former board members (Dr. Brad Jarvey of Grand Forks, Dr. Mark Malmberg of Oakes, and Dr. Joan Pfister of Wahpeton). In most states in the region, serving on the dental board is a time consuming arduous task. So what is wrong with these people, are they masochistic? I do not believe they are. Rather, they realize the people in North Dakota providing dental services (dentists, hygienists and assistants alike) are generally extremely dedicated professionals with a high ethical code. Hours reviewing existing and new complaints are not a routine part of a North Dakota Dental Board Meetings. The Board extends a very sincere thank you to the people providing the dental care; your level of professionalism and high ideals make it a pleasure to serve. The photos are of former and in the case of Joan, current board members taken at the Past President' Breakfast at the fall meeting.

# COMMENTS FROM SHARYL JACOBS

## (DENTAL ASSISTANT BOARD LIAISON)

At their general assembly meeting in Grand Forks in 1999, the officers of the North Dakota Dental Assistants Association were asked by the membership to investigate whether properly trained and registered assistants could apply sealants as an expanded function. The NDDAA board surveyed the dentists in the state and found that dentists alike were in favor of this. We then took our findings to the North Dakota Board of Dental Examiners, who voted to table the issues along with documented study cases from different journals in support. After discussion, the Dental Examiners felt this would be a rules change rather than a practice act change. Many dentists testified at the meeting on the behalf of the expanded functions along with many handwritten testimonials in favor. A motion was made to move forward with this issue. The board voted a 3-3 split decision. Further discussions will be held after the new member of the Board of Dental Examiners is present, and the board has reviewed the information given them.

The North Dakota Dental Assistants Association is anxious to move forward with this expanded functions so that they may be more helpful to their dentists and patients.

The following are the NDDAA officers for 2000-2001:

President	Lucinda Johnson Wahpeton
President Elect	Jeannie Aasand Bismarck
Immediate Past President	Janice Kuchar Edmore
Vice President	Connie Christianson Mandan
Secretary	Gerene Erickson Hillsboro
Treasurer	Judith Kopp Bismarck
State Representatives	Karla Dosch Holly Ottmar Bismarck
Historian	Robyn Schwingler Bismarck
Liaison	Sharyl Jacobs Fargo

# THE NATIONAL PRACTITIONER DATA BANK, REVISITED

As the National Practitioner Data Bank (NPDB) enters its tenth year of operation in 2001, it is a good time to review the Data Bank's purpose and its mandatory reporting requirements.

The NPDB was created through legislation because Congress perceived the increasing occurrence of medical malpractice litigation and the need to improve the quality of medical care to be two problems that had become nationwide in scope and too large for states to address individually. When the Health Care Quality Improvement Act of 1986 became law, dentists found themselves included in the legislation alongside physicians, nurses, dietitians, optometrists, pharmacists and other licensed healthcare practitioners. The NPDB actually began collecting and disseminating information on September 1, 1990.

Operated by the Department of Health and Human Services, the NPDB serves as a flagging system to facilitate comprehensive review of healthcare practitioners'

professional credentials. The information in NPDB is used by healthcare entities, state licensing boards and professional societies when granting clinical privileges or making employment, affiliation or licensure decisions.

Two types of reports are submitted to the NPDB: malpractice payment reports and adverse action reports.

### Malpractice Payment Reports

When a insurance company or other entity (see below) makes a malpractice payment on behalf of the dentist, it must submit a report to the NPDB when the following conditions are met:

- There is a transfer of money.
- The payment is a result of a *written* complaint or claim demanding monetary payment for damages, based on a dentist's provision of or failure to provide dental services. (Payments made in response to *oral* complains have no reporting requirement.)
- The payment is made in response to a demand against an *individual* dentist. Payments made solely on behalf of an incorporated group practice or clinic are not reportable.

The NPDB defines a "malpractice payer" as "an entity that makes a payment for the benefit of a physician,

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# ANNUAL REPORT OF THE NORTH DAKOTA STATE BOARD OF DENTAL EXAMINERS

July 2000

by Wayne Mattern, DDS

The function of the North Dakota Board of Dental Examiners is described in Chapters 43-28, 43-20 and Articles 20-01 through 20-05 of the North Dakota Century Code.

As an overview, the primary responsibilities of the State Board is to serve the greater good of the citizens of North Dakota by protecting state residents from illegal and unethical dentistry. The goal is accomplished through licensing, education and examination of those persons practicing dentistry of dental hygiene in North Dakota, and the registration of Dental Assistants.

Officers for 200 are listed below:

President  
John Fishpaw - Minot  
Vice President  
Jim McDonald - Fargo  
Secretary/Treasurer  
Ms. Rita Kunz - Bismarck

Remaining Board Members:

Ms. Mavis Patchen - Bismarck  
John Mullen, DDS - McVile  
Scott Preisler, DDS - Bismarck  
Wayne Mattern, DDS - Bismarck  
(Also serving as Executive Director,  
NDSBDE)

During the past 12 month period, the Board issued 6 unrestricted North Dakota dental licenses and 32 unrestricted North Dakota hygiene licenses. The number of dental licenses was down from two from last year and hygiene licenses were down 3.

In the area of discipline, most cases were minor and we continue to work closely with peer review. In this area, the Board also encourages the North Dakota Dental Association to maintain a strong peer review committee. The Board feels strongly that this relationship has worked well and many of the cases that are reported to the Board are appropriate for peer review only.

The Board encourages everyone to review and know the ADA Pamphlet on Ethics (especially helpful regarding appropriate advertising and handling of

patient records). In addition, the Board strongly encourages practicing sound risk management principles.

Other areas of interest:

1. Issue of local anesthesia administration by qualified hygienists. In this area the Board has a position in favor of the issue. The plans of the Board are to testify in favor of the concept if legislation is presented for the 2001 session. The Board of Dental Examiners does not plan to initiate legislation in this area.
2. Website development for the Board is in progress. It can be viewed at [www.nddentalboard.org](http://www.nddentalboard.org). Also, there are plans to have a separate phone line for the Board.
3. Regarding APT (management company for the Board): All is going well. Any questions concerning continuing education or registration may be directed to Leslie at 701-258-8600 or write to the address listed below.
4. The Board is working in the area of oral health access. The Board has an interest in the externship program area and is working with the Dental Association on this issue. The Board is willing to help the Association and other community leaders in ND as needed.
5. The Board is planning to introduce some minor housekeeping changes to the practice act for the 2001 legislative session.
6. The Board annually publishes a newsletter to keep everyone informed and also as a method of loss prevention. Please look for the newsletter and annual renewal materials around Thanksgiving time. Your early response is greatly appreciated!

Minutes of all meetings are bound and are in the central office. Copies of the minutes of any meeting may be obtained by writing to the address below.

In addition, the Board makes available copies of Chapter 43-28, 43-20 and Articles 20-01 through 20-05 (Practice Act and Rules), as well as rosters of all dentist or hygienists licensed to practice in North Dakota and assisted who are registered. If interested, please write to the address below.

North Dakota State Board  
of Dental Examiners  
PO Box 7246  
Bismarck, ND 58507-7246

# THE NATIONAL PRACTITIONER DATA BANK, REVISITED (CONT FROM PAGE 4)

Adverse action reports originate from the following sources:

- Hospitals and other healthcare entities
- State licensing boards
- Professional societies

dentist, or other licensed health care practitioner in settlement of, or in satisfaction in whole or in part of, a claim or a judgement against such physician, dentist, or other licensed health care practitioner.”

Examples of “malpractice payer” as defined above include:

- Professional liability insurers
- dental professional services corporations, including those consisting of a sole practitioner (e.g., John Q. Smith, D.D.S., Inc. or John Q. Smith, D.D.S., P.C.)

A professional corporation that makes a payment for the benefit of a named dentist must report that payment to the NPDB. Payments made on behalf of a professional corporation comprising a sole practitioner is reportable if the payment was made by the corporate entity from corporate funds rather than by an individual dentist out of personal funds.

A payment made by an individual dentist from personal funds on his or her own behalf is not reportable, whether or not the dentist does business as a professional corporation.

## Adverse Action Reports

Adverse action reports originate from the following sources:

- **Hospitals and other healthcare entities** (such as dental preferred provider and managed care organizations), which must report professional review actions related to professional competence or conduct that meet certain criteria.
- **State licensing boards**, which are required to report such disciplinary actions as revocation, suspension, censure, reprimand, probation and surrender of license. Revisions, such as reinstatement of a license, must also be reported.
- **Professional societies**, which must report professional review actions that adversely affect professional memberships as well as revisions of such actions.

Dentists may contact the NPDB at any time to determine what information, if any, is held about them. Dentists can call the NPDB Help Line at 1-800-767-6732 from 8:30 a.m. to 6:00 p.m. (5:30 p.m. Fridays) Eastern Time for additional information or assistance in submitting a query. More information is also available on the NPDB web site at <http://www.npdb.com>.

## APT CORNER

### New Portfolio Manager

APT, Inc. has appointed Nikki Owings as the Portfolio Manager for the Board of Dental Examiners. She is a 1997 graduate of NDSU. Leslie Glass, Information Systems Administrator has been training Nikki in the administrative duties of the dental board for six months. She has been working directly with Dr. Mattern since July 2000. She is now the main contact for the board at the APT office. Leslie will continue to assist Nikki through the renewal process.

The Board now has its own phone line for all CE, licensing, renewal and license verification questions. The new number is **701-258-8600**.

The Board also has a new web address. The web site is located at <http://www.nddentalboard.org>. The web site has all the current Board news and a complete directory of the Board. The forms for application and CE registration are also available on the web site.

All questions and licensure verifications can be handled via the phone during regular office hours or the Board's e-mail ([ndsbd@aptnd.com](mailto:ndsbd@aptnd.com)). Office hours are Monday–Friday, 8:00 a.m. to 5:00 p.m.

For the year 2000, there were 353 licensed dentists, 494 registered dental hygienists, and 387 registered dental assistants.

## Change of Address

Report any change of address to the Executive Director immediately. Thank You.

## Next Board Meeting

Friday, January 19, 2001 at 2:00 p.m.  
Radisson Inn, Bismarck, ND

PLEASE KEEP THIS NEWSLETTER ON FILE FOR FUTURE REFERENCE