



Newsletter

North Dakota State Board of Dental Examiners

Fall 2004

PRESIDENT'S MESSAGE

by Linda Neppl, RDH



The North Dakota State Board of Dental Examiners has had a busy and productive year. Changes have been made and implemented in regard to expanded duties for dental assistants and the administration of local anesthetic for dental hygienists. With the coming year being a legislative year, the Board will be drafting a bill to make some changes in our statutes. We are currently in the discussion stage of what some of the proposed changes will be.

In the area of complaints and disciplinary actions, North Dakota is very fortunate in the fact that most cases are solved without having to take legal action. Dr. Jim O'Connell and Dr. John Fishpaw receive the complaints, follow through with them and propose their recommendations. I am pleased to report many times the cases have been resolved simply with the wonderful communication skills of Dr. Fishpaw and Dr. O'Connell. They have done a great job in the complaint department and we are lucky that North Dakota has a low percentage of complaints in comparison to our neighboring states. The Board's attorney, Mr. Jerry Kettelson, has been instrumental in searching and advising us the legalities of everything from complaints to practice abandonment. Many thanks to you, Jerry!

I would also like to thank the Peer Review Committee for their work in resolving the complaints that are directed to them. They have been very successful in resolving conflict between the patient and the professional without the Board having to intervene.

Erma Hauglie is currently the public member on the Board. She is the secretary/treasurer and has been doing a great job preparing the quarterly reports to present to the Board. She has actively researched the many avenues we may take to maximize the returns we can make on various investments. The newest member on the Board is Dr. Jay Taylor. Dr. Taylor replaces Dr. Wayne Mattern who finished his second five year term in March. Dr. Taylor brings another aspect to the Board as a specialist (endodontist) and we look forward to his expertise. I would like to express sincere gratitude and warm wishes to Dr. Mattern for his many years of dedicated service as a Board member and the Executive Director.

Dr. Scott Preisler has worked very hard to develop guidelines

for IV and conscious sedation anesthesia. There are constant changes nationwide that happen so fast it is difficult to keep abreast of what they are. Dr. Preisler has been instrumental in forming an Anesthesia Committee which will consist of individuals across the state that have varying experience with anesthesia. I feel this is a hugely important aspect of our Board and North Dakota is being very proactive in the formation of such a committee.

Dr. Dale Dohms is the president-elect and resident expert on parliamentary procedure. I would like to thank him for the direction he has given me. Rita Kunz has finished her first year as executive director and has done a great job. She has exceptional organizational skills and has put them to good use.

In closing, I would like to remind my fellow dental professionals that it is our duty to know the rules and regulations of our state. The NDSBODE is ever mindful of our diligence to protect the dental health of the citizens of North Dakota and to carry out our mission of regulating all aspects of dentistry through the enforcement of laws, rules and policies. We all need to be proud of our profession and to carefully guard what defines us. There is nothing more rewarding than having a work environment with a *team* of proficient dental experts. I have been blessed to be surrounded by such individuals and know the satisfaction of providing outstanding service to our patients.

I am proud to be from North Dakota and would like to thank you for the opportunity to serve my state!

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COMMENTS FROM THE CENTRAL OFFICE

by Rita M. Kunz

The Board has become aware of numerous violations of the Rules and Regulations pertaining to advertising. Advertising includes letterhead, envelopes, newspaper ads, television ads, phone book listings, radio ads, checks, and so on. Failure to comply with current Rules may result in a disciplinary hearing, possible suspension, revocation, probation of your dental license and/or fines. Rules affecting advertising are in NDCC Chapter 20-02-01-01. Advertising. Before ordering any advertising, please consult the Rules and Regulations.

When words relating to specialty practice are used in advertisements they must not imply that the dentist offering such services is qualified as a specialist unless he or she holds a certificate in advanced dental education recognized by the ADA. Words that cannot be used by a dentist lacking such specialty education are Endodontist, Pedodontist or Pediatric Dentist, Periodontist, Prosthodontist, Orthodontist, Oral and Maxillofacial Surgeon or

Oral Surgeon. Terms such as "Specialist", Practice Limited To" or "Limited To Specialty Of", or words closely associated with the name of branches of dentistry practiced as a specialty, (Endodontics, Pedodontics, Periodontics, Prosthodontics, Orthodontics, and Oral and Maxillofacial Surgery) shall be prima facie evidence that such dentist is holding himself out to the public as a specialist. A general dentist advertising in any media, using words or phrases customarily used by a specialist, except those prohibited above, who does not hold an ADA recognized advance specialty certificate, shall include in such advertisement a prominent disclaimer that he is licensed only as a general dentist.

If you have any questions about your obligations regarding advertising, please feel free to call the Board; however, before doing so, please take the time to review the relevant provision of the North Dakota Dental Practice Act.

NEW BOARD MEMBER



Dr. Jay K. Taylor, DDS

Fargo, and dentistry have always been a way of life for me. My father was a general dentist in Fargo for most of his career. So, upon graduation from Fargo North High School in 1985, I attended North Dakota State University until 1989. Dental school followed at the University of Iowa College of Dentistry from 1989-1993. I attended Louisiana State University School of Dentistry from 1993-1995 for my specialty training in endodontics. Upon graduation, I joined Dr. Kent Spriggs in the private practice of endodontics in Fargo. With one minor change of location since 1995, we continue to serve southeastern North Dakota and west-central Minnesota. In November of 2000, I became the first North Dakota endodontist to successfully complete board certification.

I have served the Southeast District Dental Society as a delegate from 1996 to 2003. Currently, in addition to the North Dakota Board of Dental Examiners, I am involved with Red River Dental Access, Dental Service Corporation of North Dakota as a member of the Board of Directors, and am a committee member of the Foundation of the American Association of Endodontists. During my time of service on the Board, I want to work to establish an easily available "history of the Board", enabling a greater historical perspective in our decision-making.

In June of 1988, I married Melony Lakoduk. We have three children. Madeleine is 10, Julia is 8, and James is 2. Together, we enjoy Appaloosa horse riding and showing, tennis, golf, reading, travel, and spending as much time as possible at our cottage on Pelican Lake.

I feel very honored to have the opportunity to serve the State of North Dakota and my profession of dentistry as a member of the State Board of Dental Examiners.

AUDIT SYSTEMS COMPLAINTS

by James O'Connell, DDS

The Board is often asked how and why investigations are conducted. The Board responds to *all* concerns received, including anonymous complaints. The sources and content of complaints are numerous and varied. Most complaints are from the public while a number of complaints are received from other dentists and dental employees.

With the number of complaints increasing, the NDSBDE would like to recommend these simple and effective reminders:

1. Keep thorough written records of all conversations. For example, document what the patient may say or agree to and potential outcomes of all treatment options given to the patient-good or bad.
2. Give written estimates.
3. Informed consent can be extremely valuable to affirm what the patient has been told.
4. Don't address patients with a stubborn or rude demeanor.
5. Give the patient a refund or repair something at no charge.
6. Keep the lines of communication open.
7. Keep photographic records (simple Polaroid's will do).
8. Document, document, document. EVERYTHING!

Many investigations linger and become more involved because the supporting documentation is incomplete or absent *on the part of the dentist*. Both sides of a complaint are investigated to determine if statute or rules have been disregarded. If no statute or rule is broken, no board action is taken and the complaint may be referred to NDDA for peer review. The best defense is accurate and complete documentation.

The mission of the Board is to protect the dental health of the citizens of North Dakota. The Board requires competency and ethical behavior in all areas of the practice of dentistry.

ANNUAL REPORT OF THE NORTH DAKOTA STATE BOARD OF DENTAL EXAMINERS

As presented in JULY 2004

by Rita M. Kunz

The Mission of the North Dakota State Board of Dental Examiners is to protect the dental health of the citizens of North Dakota by regulating the practice of dentistry and dental hygiene through the enforcement of laws, rules and policies. The board requires competency and ethical behavior in all areas of the practice of dentistry.

2004 OFFICERS AND MEMBERS OF THE NDSBDE

Linda Neppel, RDH, *President*

Fargo

Dale Dohms, DDS, *President-Elect*

Minot

Scott Preisler, DDS, *Immediate Past President*

Fargo

Erma Hauglie, Public Member, *Secretary-Treasurer*

Bismarck

Jay K. Taylor, DDS, *Member*

Fargo

James O'Connell, DDS, *Member*

Grand Forks

John Fishpaw, DDS, *Member*

Minot

Licenses and registration statistics for 7/15/2003 - 7/14/2004 are as follows:

Dental licenses issued - 14

Registered dental hygienist licenses issued - 37

Total DDS Licenses - 369 (one year ago - 367)

RDH Licenses - 542 (one year ago - 535)

Registered dental assistants - 404 (one year ago - 381)

Total general anesthesia permits - 21

IV conscious sedation permits - 24

Local anesthesia permits - 19

Considerable time and energy was spent on the revisions of the North Dakota Administrative Code. The amendments were implemented July 1, 2004. These revisions may be observed on the NDSBDE website at www.nddentalboard.org. Among revisions for hygienists are rules allowing administration of local anesthesia following successful application to the Board for a permit. Registered dental assistants will be allowed additional expanded duties as well. It is the professional obligation of each licensee and registrant to know these rules and practice within all pertinent parameters.

In the area of disciplinary actions, most cases were minor. Several inquiries were presented in regard to practice abandonment and what to do with patient records after a dental practice is closed for any reason including death or retirement. In any event, dental records must be appropriately managed. This topic is briefly mentioned in the ADA pamphlet, Principles of Ethics and Code of Professional Conduct. The Board has become aware of numerous violations pertaining to advertising. State statutes (Chapter 20-02-01-01, North Dakota Administrative Code) provide information on acceptable and appropriate advertising as does the ADA Pamphlet on Ethics which the Board references. Individuals found to be outside of ethical boundaries will be addressed by the Board. The NDSBDE operates with a complaint committee chaired by Dr. James O'Connell. Dr. John Fishpaw and Dr. Jay Taylor are also members of this committee.

The NDSBDE recognizes that while the oral health of North Dakotans has improved dramatically over the last several decades, segments of the population cannot utilize dental services due to economic or access barriers. With that in mind the Board continues to be supportive of projects that improve access to care issues of the public. The Bridging the Dental Gap Dental Clinic, Bismarck, is

one of those projects. According to BDG Clinic Manager, Aimee Freidt, the clinic will be open for business August 1st, 2004.

One of the most time consuming functions of a board member is involvement with Central Regional Dental Testing Service (CRDTS). The NDSBDE is a member of the Central Regional Dental Testing Service. Several past and present board members dedicate much of their time to this organization by attending annual meetings and participating in the examination process. CRDTS operates over a twelve state member region. All members of the Board are encouraged to participate if possible.

The NDSBDE also has membership with the American Association of Dental Examiners. Several board members will be attending the national meeting in Orlando, Florida. An awareness of the examination process and a national perspective of other states happenings are benefits of attendance.

Another entity with which the NDSBDE exchanges information is the National Practitioner Data Bank (NPDB). The NDSBDE queries the data bank to certify that applicants for licensure by credential have not been identified as incompetent or are engaged in unprofessional conduct. The NPDB contains information on adverse licensure actions, clinical privilege actions, and professional society membership actions taken against physicians and dentists. Following adverse disciplinary action taken by the NDSBE against a licensee, the NDSBDE reports those adverse action(s) to the NPDB. To date, no reports of this nature have been recorded.

The Board maintains a website for the benefit of licensees and the public. The website is user friendly and can allow anyone to contact the board via e-mail. Continuing education forms, license renewal forms and applications are also offered. Links to various dental related sites are also available, including the CDC. The North Dakota Century Code and Rules/Regulations pertaining to dentists, hygienists and assistants can be found at the website as well. APT, an association management company with which the NDSBDE contracts, provides the custom website and database applications. Licensure verification and questions can be handled via phone during regular business hours or by the Board's e-mail (ndsbd@aptnd.com). Office hours are Monday-Friday, 8:00 a.m. to 5:00 p.m. The website has proven to be an excellent means of communicating with licensees and registrants. Another vehicle of communication is the Board's annual newsletter, which is published in November. Minutes of all NDSBDE meetings are available by contacting the executive director or APT.

In March, 2004, governor Hoeven appointed Dr. Jay Taylor, an endodontist from Fargo to fill the vacancy left as Dr. Wayne Mattern completed his second term with the NDSBDE. The Board of Dental Examiners recognizes and extends sincere appreciation to Dr. Wayne Mattern for his many years of dedicated service to the dental profession and to the Board of Dental Examiners. Dr. Mattern continues to serve as an examiner for the Central Regional Dental Testing Service.

The Board makes available copies of the North Dakota Century Code and North Dakota Administrative Code as they pertain to dentistry. All licenses and registrants received a copy of the NEW rules and regulations. Additional issues of this text can be obtained by calling or writing to the Board at:

North Dakota State Board of Dental Examiners
PO Box 7246
Bismarck, ND 58507-7246
Phone: 701 258-8600

Respectfully submitted,
Rita M. Kunz, Executive Director

MATTERN RECEIVES AWARD



Linda Neppel presenting to Dr. Mattern at September 2004 Annual Examiners Breakfast in Bismarck.

Dr. Wayne Mattern has served in a dual capacity for the NDSBODE. His first five year term with the Board began in March 1990 and ended in March 1995. He was appointed for a second term in March of 1999, which ended in March 2004. Dr. Mattern was appointed Executive Director of NDSBODE in July 1994 and served in that role until June of 2003.

Dr. Mattern is presented with his plaque to commemorate his years of service and dedication to the North Dakota State Board of Dental Examiners. Presenting the gift of recognition is Linda Neppel, RDH, President of the North Dakota State Board of Dental Examiners.

AUDIT SYSTEM AND CONTINUING EDUCATION

by John Fishpaw, DDS

The Board has voted to initiate an audit system to verify continuing education hours. The consensus was that if we are going to require CE, it should not be entirely on the honor system. Therefore, random audits will be conducted at the Board's discretion. The Board would ask that practitioners save proof of attendance/completion of attained continuing education from all sources. Most sponsors provide certificates; usually distributed at the conclusion of a meeting. If you can attend only a portion of a meeting, have the sponsor indicate the appropriate number of hours.

The Board's intent is not to make continuing education more cumbersome; the intent is to make it more meaningful. It should also help those of us who wait until the last minute to gather our hours.

So please start saving the appropriate "proof of attendance" for all continuing education earned after January 1, 2005.

DID YOU KNOW?

1. There is an effort being made to formulate a Uniform Dental and Dental Hygiene Clinical Board Exam that would help eliminate the different regional exams. Each state's Dental Board would have to approve such an exam.
2. Dental hygienists may provide services under general supervision in some settings in 49 states (including ND).
3. Currently in ND there are 3 levels of dental assistants:
 1. Dental Assistant
 2. Qualified Dental Assistant
 3. Registered Dental Assistant

What level is your dental assistant???
4. In Kansas dental assistants are allowed to scale teeth superegingivally.
5. In Washington (state) there is a proposal to grant dental hygienists the authority in some settings to supervise dental assistants.
6. There is a proposal in Alaska to develop a Dental Health Aide Therapist to provide care to areas that have limited access. Qualifications for this include a high school education, high school biology and the ability to speak the English language.
7. It has been mandated in New York that by 2007 it will only be necessary for a dentist to complete a one year residency to become licensed. A clinical exam will not be required.
8. Dentist that have failed clinical board exams numerous times are now moving to New York!
9. Missouri has a proposal that will allow dental assistants that have 6 months of chair side experience (no formal training necessary) to complete a 74 hour course that would allow them to perform many of the duties currently assigned to dental hygienists.
10. The ND Board of Dental Examiners is in the process of drafting a bill for the 2005 legislative session addressing changes possibly including the levels of supervision for some duties performed by dental assistants.

APT CORNER

by Jacinda Simmons

All forms and information can be mailed out when a licensee contacts the Board office. However, all forms and information can be also downloaded from the Board's website, www.nddentalboard.org. The website has forms and information for licensure, continuing education and renewal. It also has links to dental professional associations and continuing education opportunities. Board information such as the annual newsletter, Board directory, upcoming Board meetings and the law and practice act regarding dentists, hygienists, and assistants can be downloaded from the website. Use the website for your convenience. Check it out today.

ABANDONMENT

by Jerry Kettleison

The word “abandonment” has a bad ring to it. Abandoning a vice is okay, but most of the other usages of the word leave negative vibes. Nonetheless, the Dental Examiners have discussed “abandonment” at several of their recent meetings.

“Abandonment” covers several areas. A dentist, when he/she undertakes a course of treatment on behalf of a patient, has an obligation to continue the care and not abandon the patient unless he/she gives the patient adequate “notice” and “opportunity” to obtain the services of another dentist. (*Ethics and the Code of Professional Conduct*, ADE Code 2-F). The care of the patient is the primary concern because beginning a procedure and not finishing it can put the patient in jeopardy.

Does that mean a dentist may never discontinue treatment and care of a patient once the course of treatment has begun? The answer, of course, is no, but “notice” and “opportunity” are significant qualifiers to that no.

“Notice” will be judged by what a “professional” in the dental profession would do and what a “reasonable” dentist would do. The rules and statutes in North Dakota do not set out in detail what constitutes “professional” or “unprofessional” treatment, nor what is “reasonable”. The North Dakota statutes presume we know what is “reasonable” and what is “honorable”, “professional” and “moral”. (Failure to perform professionally, honorably or morally are all grounds for revocation or suspension of a dental license and certificate in the State of North Dakota and none of the terms is specifically defined. §43-28-18, N.D.C.C.).

“Opportunity” gives a patient a chance to find a replacement dentist. The “opportunity” needs to be given “professionally” and “reasonably”. A dentist has to provide a time frame that will not jeopardize the “oral health” of the patient.

A question to consider is: do dentists need more guidance on the subject of “abandonment” or is the mandate to act professionally enough? If there is a need for a more specific definition of “abandonment” what shape would a specific definition of “abandonment” take? The “what ifs” brought up in a discussion of the subject would likely be enough to drive a listener to distraction. A list of “what ifs” also would not make good law. Perhaps framing the definition of “abandonment” with “notice” and “opportunity” is enough.

ANESTHESIA UPDATE

by Scott A. Preisler, DDS, MS

Recent changes in anesthesia regulations have created an increase work load for the Board of Dental Examiners. Applications and subsequent permits for local anesthesia administration provided by dental hygienists have been numerous. As with any new application process, there have been questions and some confusion as to what is required for these permits. These for the most part have been addressed and are very explicitly outlined in the North Dakota Century Code 20-04-01-03. An updated local anesthesia permit form has been posted on the Board of Dental Examiners website. To date over 60 local anesthetic permits have been issued to dental hygienists.

General dental and specialty anesthesia categories are in the ADA news recently with the advent and increased use of oral conscious sedation agents. The board has taken a prospective stance and has formed an anesthesia committee to address and monitor

“Abandonment” can be seen from another angle if we think of a dentist abandoning dental records. If a dentist leaves his/her community and makes no provision for placement of dental records with another dental professional, “abandonment” of those records can be a real problem for the patient. In that case, it is not hard to find the “abandonment” unprofessional. After all, the patient has a vital interest in the dental records. The records contain confidential and sometimes sensitive medical/dental information which should be, and is required by statute to be, private. The patient also paid the dentist to prepare a record of the patient’s treatment. To maintain the records safe and secure, the dentist has to have possession of the records and that possession cannot be passed off to a non-dentist without abandoning the records.

Another variant of “abandonment” is the case of a dentist who dies and whose patient dental records do not remain in a dental practice. A layperson is likely to be named the personal representative of the deceased dentist’s estate, and that person will have to take steps to place those records with a dental professional, to give “notice” to patients and to give “opportunity” to patients concerning dental records just as described above. In North Dakota we do not have specific time frames to complete these tasks. In many states, statutes set out time frames and specific notices, to include newspaper notices and individual notices mailed to patients concerning their dental records. In these statutes, only limited time is provided for making arrangements. Neither does North Dakota have specific rules regarding how to handle this situation. Maybe this is an area where there is a need for specific direction. In this case the person in possession, the personal representative, could be a non-dentist, someone not guided by the *Code of Dental Ethics and Code of Professional Conduct*(ADA Code.)

The discussion of “abandonment” by the Dental Examiners is ongoing. The word “abandonment” not only has a negative ring to it, it also applies to more circumstances than one might think of on a day-to-day basis. In thinking about abandonment, we need to consider whether or not the statute or the rule give more specific direction.

these issues. With the increased number of office evaluations required for some anesthesia permits, the board is currently considering temporary endorsements until the respective office can be evaluated. Distribution of current anesthesia committee members should alleviate and expedite these evaluations. Current committee members are as follows: Dr. Lance Boehm, a Pedodontist, Minot, Dr. Attis Boutrous, an anesthesiologist, Bismarck, Dr. Gerard Koorbusch, an oral & maxillofacial surgeon, Bismarck, and Dr. Scott Preisler, an oral and maxillofacial surgeon and current board member, Fargo. An additional general practitioner committee member will be added in the near future. The Anesthesia Committee will work very closely with the North Dakota Dental Examining Board to provide the appropriate insight and information for the Board of Dental Examiners members to make informed and educated decisions on anesthesia issues.

MEMBER DIRECTORY

BOARD MEMBERS

President

Linda Neppel, RDH
Fargo, ND
Term Expires: March 2006

President-Elect

Dale Dohms, DMD
Minot, ND
Term Expires: March 2007

Secretary/Treasurer

Erma Hauglie, Consumer Member
Bismarck, ND
Term Expires: March 2008

Jay K. Taylor, DDS

Fargo, ND
Term Expires: March 2009

James O'Connell, DDS

Grand Forks, ND
Term Expires: March 2008

John Fishpaw, DDS

Minot, ND
Term Expires: March 2006

Scott Preisler, DDS

Fargo, ND
Term Expires: March 2005

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North Dakota State Board
of Dental Examiners web site:

nddentalboard.org

SURVEY RESULTS

by Sharyl Jacobs, NDDAA Liaison

In March, the North Dakota Dental Assistants Association was asked by a joint meeting of the North Dakota Dental Association and the North Dakota Dental Assistants Association to conduct a survey of all dentists in North Dakota for feedback about having an elected dental assistant position on the North Dakota State Board of Dental Examiners.

A total of 312 surveys were sent, with 16 returned as undeliverable for a total of 296 delivered. There were 50 yes votes and 42 no votes, including two no votes returned after the due date.

This information was presented by the North Dakota Dental Assistants Association at the North Dakota State Board of Dental Examiners Meeting on April 16, 2004 in Fargo. Joe Cichy spoke on behalf of the Trustees of the NDDA against having a dental assistant as a voting member. Mr. Kettleson, the attorney for the State Board of Dental Examiners, reminded all parties that provisions in the statute do not allow for this change without legislative action. A motion was made and passed by the State Board of Dental Examiners to defer this issue indefinitely.

MISSION STATEMENT

The Mission of the North Dakota State Board of Dental Examiners is to protect the dental health of the citizens of North Dakota by regulating the practice of dentistry and dental hygiene through the enforcement of laws, rules and policies. The board requires competency and ethical behavior in all areas of the practice of dentistry.

CHANGE OF ADDRESS

You are required to forward any address change to the Board with 30 days of the move. This is very important since the Board is required to reach you at the address you have on record. Failure to notify the board of an address change could subject you to penalties. You may send all correspondence to:

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

NEXT BOARD MEETING

December 10th, 2004 8:00 a.m. at the
Conference Room, 3rd Floor, Downtown Offices, Inc.,
Bismarck, ND 58501