

North Dakota Board of Dental Examiners
Minutes
April 23, 2016, 8:03 AM
Staybridge Suites, Minot, ND

1. **Call to Order:** Dr. Petersen, President of the NDSBDE, called the meeting to order at 8:03 AM, April 23, 2016. Dr. Petersen welcomed new board members, Mike Goebel, DDS, Michael Keim, DDS, Bev Marsh, RDH. The first order of business; determine voting status of the president of the board. Mr. Mehlhoff moved Dr. Peterson shall be declared as a voting member and shall be entitled to make a motion. Dr. Evanoff seconded the motion. A roll call vote (RCV) was taken. Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes. Motion carried 6-0-1.

Board Members and Administrative Staff Attendance

Troy Petersen, DMD, MD, President
Otto Dohm, DDS, President-Elect
Mike Goebel, DDS
Bev Marsh, RDH
Michael Keim, DDS

Greg Evanoff, DDS
Tim Mehlhoff, CPA
Rita Sommers, Executive Director
John Tyler, Esq., AAG

Others in Attendance

Carla Schneider, RDA, CDA, NDDAA Liaison
Jeremy Wehrman, DDS

2. **Review Minutes:** Moved and seconded to adopt the January 16, 2016 minutes. A roll call vote (RCV) was taken. Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.
3. **Additions to agenda:** Rescheduled Dr. Brewster's presentation for June 2016 meeting. Add OMB Risk Management discussion. MOM projects Bemidji, MN, June 13-16 and Standing Rock October 11-12, 2016.
4. **Annual Review NDCC 44-04:** Mr. Tyler presented an overview of the open records, access to public records, open meetings laws, public entities and responsibilities of the Board, record retention, communications and public meetings, serial meetings, executive session, open records and recommendations regarding personal and board email and voting and conflicts of interest and disclosure NDCC § 44-04-22. The Board cannot provide legal advice. Some records are confidential and cannot be disclosed or portions must be redacted. The Board also discussed the Office of Management and Budget's (OMB) Risk Management Division; the OMB has responsibility and authority for risk management under NDCC 32-12.2, including administration of the State Liability Risk Management Fund which the NDBDE contributes to annually.
5. **Treasurer's Report:** Moved by Mr. Mehlhoff and seconded by Dr. Petersen to adopt the report. Discussion; profit & loss statements and various other comparable reports reflecting the history of clinical exams and other expenditures were reviewed. Cash flow from previous accounting periods were discussed and compared. All voted in favor of the motion. Motion carried 7-0. Dr. Evanoff moved to limit the number of exams per examiner to four per year. In addition, the Board may appoint a deputy examiner for exams that members of the Board have not participated in and the deputy examiner would receive an honorarium from the Board for a maximum of two exams. The motion was seconded by Dr. Dohm. Discussion; The Board determined that there is definitely value in ND members participating in clinical exams however, the number of exams per examiner should have limitations. The Board should be involved to some degree in all exams accepted by the NDBDE, and if that is not possible, a deputy examiner could receive the honorarium and report to the Board. The majority of the NDBDE applicants have passed either WREB or CRDTS exams. The NDBDE is a member state to WREB, and CRDTS. RCV; Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0. Dr. Evanoff moved that the Board abstain from paying any honorariums for committee work with the exception of CRDTS Steering Committees for dental and dental hygiene and WREB's HERB and DERB, seconded by Dr. Petersen. Discussion; The NDBDE is a member state to CRDTS and WREB and therefore obligated to attend Board of Director meetings. RCV; Dohm, yes; Goebel, yes; Marsh,

yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.

<u>04/22/2016 Balances</u>		<u>Certificates</u>	
Checking	\$221,028.98	CC Union	\$71,197.07
Muni Investor	\$2,830.90	Acct 3120/1	\$119,145.71
Preferred Bus	\$2,790.96	Bremer (3)	\$162,373.53
Total	\$221,028.98	1 st Community	\$5.00
		Total	\$352,721.31

6. **Review license applications and credentials:** Dr. Petersen moved and Dr. Goebel seconded to grant license to the applicants who have completed requirements and grant remaining applicants licensure once background check and requirements are complete. RCV; Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0. Dr. Petersen moved, seconded by Ms. Marsh to delay action on the application of Dr. Joseph Hampton until such time that the Board has made a determination regarding a pending complaint. Dr Hampton held a temporary license which expired April 16, 2016. RCV; Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0. Moved by Dr. Dohm and seconded by Dr. Petersen to grant license to license by credential applicant Gregory Folse, DDS. RCV; Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.

Candidate for Licensure	License #	Education	
Gregory J. Folse, DDS	2280	LA State U 1989	LA
Sara L. Kleven, DDS	2281	Creighton 2016	CRDTS
John Andrew Persson, DDS	2282	U of MN 2016	CRDTS
Eric J. Herman, DDS	2283	Creighton 2016	CRDTS
Rachel Marie Bothun, DDS	2284	Creighton 2016	CRDTS
Medora Caroline West-Roehl, DMD	2285	Midwestern U 2016	CDCA
Lisa Nicole Gingrey, DDS	2286	U of MN 2016	CRDTS
Nicholas Brian Faure, DMD	2287	OR Health & Science 2016	WREB
Renee M. Sellers, DDS	2288	UNMC 2015	CRDTS
Weston Jay Hafner, DDS	2289	U of NE 2016	CRDTS
Brianne Nicole Duerr, RDH	1619	U of MN Mankato 2013	CRDTS
Candace Noel Beddes, RDH	1620	Laramie CC 2008	WREB
Lacy Danielle Moore, RDH	1621	Great Falls MT 2015	WREB

7. **Committee Reports**

A. **Complaint Committee:** Guest Speaker Mina Paul, DDS presented information via SKYPE pertaining to the American Association of Dental Boards Assessment Services Program also known as ASP. Dr. Paul is a co-chair of the ASP Committee. ASP is comprised of two components: Dentist-Professional Review and Evaluation Program (D-PREP), the Expert Review Assessment (ERA), and Remediation. The intent of the program is to offer state dental boards an independent third party process for evaluation and remediation.

- 1) Advertising: Concept Dentistry – Moved by Dr. Petersen and seconded by Dr. Evanoff to send a letter of concern sighting Admin Code Section 20-02-01-01. No dentist may advertise statements of superiority unless the statement can be substantiated by the advertiser. RCV; Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.
- 2) Parker, DMD: Dr. Evanoff moved and Dr. Dohm seconded that Dr. Evanoff communicate a letter of concern regarding the complaint and address compliance issues and the resolution of the complainants concerns. RCV; Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.
- 3) Lasslie, DDS: Dr. Dohm abstains due to conflict of interest. Dr. Petersen moved and Dr. Evanoff seconded to dismiss the complaint. Grounds for disciplinary action do not exist. Dr. Evanoff will communicate the Board's findings to both parties. RCV; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Dohm, abstained; Motion carried 6-0-1.

- 4) M. Brend, DDS - Dr. Petersen moved and Dr. Evanoff seconded to dismiss the complaint. Grounds for disciplinary action do not exist. Dr. Evanoff will communicate the Board's findings to both parties. RCV; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Dohm, abstained; Motion carried 6-0-1.
- 5) N. Nygard, DDS - Dr. Petersen moved and Dr. Evanoff seconded to dismiss the complaint. Grounds for disciplinary action do not exist. Dr. Evanoff will communicate the Board's findings to both parties. RCV; Goebel, yes; Marsh, yes; Keim, yes; Dohm, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Dohm, abstained; Motion carried 7-0.
- 6) Miller, DDS - Discussion; The Board has reason to believe that Dr. Miller violated NDCC § 43-28-18(15). Dr. Petersen moved and Dr. Evanoff seconded authorized Mr. Tyler to include in a Settlement Agreement a letter of reprimand, a fine of \$5000.00 and Board ADA approved total of 8 hours continuing education course pertaining to ethics. RCV; Dohm, yes; Goebel, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.
- 7) Gandhi, DDS – Dr. Petersen moved and Dr. Dohm seconded pursue the third party assessment and application and request more patient records preferably in a digital format from Valley Community Health Center and Aspen. Discussion; D-PREP and remediation is designed to address all deficiencies of general clinical knowledge and judgement, hand skills etc. RCV; Dohm, yes; Goebel, yes; Marsh, yes; Keim, no; Evanoff, no; Mehlhoff, yes; Petersen, yes. Motion carried 5-2.
- 8) Mengedoth, DDS – Dr. Dohm moved and Dr. Evanoff seconded to send a letter of concern regarding the potential violation of NDCC § 43-28-18(9). RCV; Goebel, yes; Marsh, yes; Keim, yes; Dohm, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Dohm, abstained; Motion carried 7-0.
- 9) C. Johnsen, DDS - Brown County, SD court documents and proceedings and conviction were clarified by Mr. Tyler; SD ordered Dr. Johnsen to pay fine and 60 days of jail time suspended with conditions. Dr. Petersen moves to table the issue unless further information comes forward. Dr. Goebel seconded. RCV; Goebel, yes; Marsh, yes; Keim, yes; Dohm, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Dohm, abstained; Motion carried 7-0.
- 10) Quamme, DDS - Dr. Quamme has signed an agreement stating he no longer disputes the Board's interpretation of the laws pertaining to the transfer of medical records. Dr. Petersen moved and Dr. Evanoff seconded that the Board accept the signed Settlement Agreement from Dr. Quamme. RCV; Goebel, yes; Marsh, yes; Keim, yes; Dohm, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.

B. Anesthesia Committee

- 1) Site evaluations for non-permit anesth/sedation providers – Dr Petersen moved and Dr. Evanoff seconded to mail a statement to all DDS's providing the information that a site evaluation is required in an office where the dentist is providing anesthesia/sedation services via another qualified provider such as a physician anesthesiologist licensed by the North Dakota Board of Medical Examiners, another North Dakota licensed dentist holding an appropriate anesthesia permit, or a Certified Registered Nurse Anesthetist (CRNA) licensed by the North Dakota Board of Nursing. A notice will be sent to licensees and the information posted to the Board's web site. RCV; Goebel, yes; Marsh, yes; Keim, yes; Dohm, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.
- 2) Review MN Anesthesia Assistant program by Alan Schwartz, DDS, CRNA: The program covers I.V. sedation monitoring and is approved by the MN Board of Dental Examiners. Dr. Petersen has agreed to accept Dr. Schwartz's invitation of a member of the Board to attend the course. Dr. Petersen agreed to attend and review the course.

- C. Continuing Education Committee:** Dr. Evanoff moved and Dr. Petersen seconded to initiate rules to allow all credits to be obtained online. The Board will also dispense with the requirement of sponsors and licensees submitting continuing education approval forms. Discussion; In the event of an audit, the onus falls upon the practitioner. Practitioners will need to obtain the information proving the course is clinical. During an audit, as a precautionary measure, it may be wise for the practitioner to have more CE hours than required to cover any course hours in question. Forms for the practitioners to *record* CE courses may be found online. RCV; Goebel, yes; Marsh, no; Keim, yes; Dohm, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 6-1.

- 1) FACES – The Board reviewed the Facial Anatomy Comprehensive Esthetics Seminars which is recognized by the Academy of General Dentistry. Dr. Petersen moved and Dr. Dohm seconded to approve the FACES program. RCV; Goebel, yes; Marsh, yes; Keim, yes; Dohm, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.

D. Application Review Committee – No actions

E. **Legislative Committee** – Proposed rules changes were reviewed by the Board. Exhibit A. [Adopted amendments will be made available as an attachment once formatted and made available by the Office of the Attorney General].

9. Old Business

A. Review Iravani Order – Moved and seconded to accept the drug testing result provided by the Practitioner Health Program. Discussion; Dr. Iravani is tested randomly twice/month by PHP. The results will be shared with the NDBDE. RCV; Goebel, yes; Marsh, yes; Keim, yes; Dohm; yes, Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.

B. Review APT Contract; Proposals from APT and Project Solutions – Ken Tupa, President of APT Inc. Both organizations offer management solutions for boards and other types of organizations and presented proposals to assist the NDBDE in making a decision regarding board management moving forward. The Board's management contract with APT expires in June 2016. Jody McClendon presented a similar overview/proposal from Project Solutions. Project Solutions is located in South Dakota. Dr. Petersen moved and Dr. Dohm seconded to continue board management with APT. Discussion; moving forward with a new management team would be costly on several levels; the transition and the overall estimated costs as presented by Project Solutions. RCV; Goebel, yes; Marsh, yes; Keim, yes; Dohm; yes, Evanoff, yes; Mehlhoff, yes; Petersen, yes. Motion carried 7-0.

C. Policy and Procedure Manual - Member Portfolios Updates - New assignments to Policy 006: Legislative Committee, Dr Dohm and Dr Goebel; Tim Mehlhoff, Application Review Committee which also includes review of corporate reports submitted to the Board; Dr. Petersen, CE Committee; Dr Keim will chair HIV Policy, Information & Office Asepsis as well as Infectious Waste Policy, Information; Dental Auxiliary Liaison, Bev Marsh; CRDTS Steering Committee, Dr. Dohm; WREB DERB, Dr. Evanoff; WREB HERC, Bev Marsh. The reimbursement policy for clinical exams and reimbursement for clinical board committee work was revised (see Treasurer's Report).

8. New Business

A. Proof of ownership: Mr. Tyler explained the nuances of NDCC § 43-28-25 and NDCC § 10-31-13. Licensees are required to submit the report to their professional licensing board. The report has been utilized to show the corporation is in good standing with the state. Dr. Petersen suggested a reminder notification be sent to all licensed DDS. The Application Review Committee will review the reports submitted to the Board.

9. AADB and CRDTS, WREB, National Meetings:

AADB – John Tyler, AAG attended the Mid-Winter meeting in Chicago April 10-11, 2016 featuring the Attorney Roundtable meetings. Ms. Sommers attended the AADB meetings and the AADA Mid-Winter Meeting April 9, 2016.

WREB: Dr. Evanoff attended the WREB Board of Directors meeting where the CDCA (NERB) Buffalo Model was discussed. The school where exam is offered is more involved. Unfortunately, states boards will not be apprised of which exam the student passed, the Buffalo Model or the CDCA ADEX exam.

8. **Date, Venue of Next Meetings:** June 4, 2016, Bismarck; September 24, 2016 Fargo; Jan 13-14, 2017 Grand Forks

9. **Adjournment:** The meeting was adjourned at 5:24 PM

Respectfully Submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA, Secretary – Treasurer

Exhibit A:
PDF 20-10-02;
20-02-01;
20-03-01;
20-04-01;
20-05-01