

North Dakota Board of Dental Examiners
Minutes
May 19, 2016, 6:03 PM
Special Meeting held via Conference Call

1. **Roll Call:**

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
Rod St. Aubyn, NDDHA Lobbyist

Marsha Krumm, CDA, RDA

2. **Hampton complaint:** Dr. Evanoff moved to authorize Mr. Tyler to send a written request for dental records from Dr. Hampton to include all treatment notes, x-rays and photographs throughout the duration of the complainant's dental care and also to extend the temporary license expiration date of 5/23/2016 to the Board's next meeting, June 4, 2016. No further extensions of the temporary license shall be granted. Motion seconded by Dr. Petersen. Discussion; The response from Dr. Hampton failed to include treatment notes or records documenting duration of Ms. Larson's care with Dr. Hampton or any other Fargo Moorhead Dental & Dentures employees. Some treatment records were provided by the complainant. A roll call vote was taken. Dohm, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes. (Dr. Goebel not present for the vote) Motion carried 6-0.
3. **Gandhi complaint:** Dr. Evanoff moved to offer Dr. Gandhi a Settlement Agreement with stipulations to include Dr. Gandhi enter into the American Association of Dental Board's D_Preap Program for a third party evaluation. Should the D-Preap evaluators determine that remediation is required, the license shall be suspended until such time that the remediation has been successfully completed. Dr. Petersen seconded the motion. A roll call vote was taken. Dohm, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Dr. Goebel, yes. Motion carried 7-0.
4. **Rules Amendments:** Ms. Marsh moved to adopt the rules as amended. Dr. Petersen seconded the motion. Discussion; Mr. Tyler will format the amendments. A roll call vote was taken. Dohm, yes; Marsh, yes; Keim, yes; Evanoff, yes; Mehlhoff, yes; Petersen, absent; Dr. Goebel, yes. Motion carried 6-0. Adopted rules amendments attached.
5. **Adjournment:** Moved by Dr. Evanoff and seconded by Dr. Goebel to adjourn. All voted in favor of the motion. The meeting adjourned at 7:05 PM.

Respectfully Submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA, Secretary – Treasurer

Adopted amendments to 20-01-02-01;
20-02-01-06;
20-03-01-01; 20-03-01-05; 20-03-01-06;
20-04-01-01; 20-04-01-03; 20-04-01-08.

20-01-02-01. Definitions.

8. "Certified dental assistant" means a dental assistant who meets the education or experience prerequisites, or both, established by the dental assisting national board and passes the dental assisting national board's certified dental assistant examination (~~including radiation health and safety, infection control, and general chairside components~~), is currently cardiopulmonary resuscitation-certified, and continues to maintain the credential by meeting the dental assisting national board requirements. A certified dental assistant must be registered by the board as a qualified dental assistant or registered dental assistant to provide any expanded duties.

13. "Contiguous supervision" means that the ~~supervising oral and maxillofacial surgeon~~ dentist whose patient is being treated and has personally authorized the procedures to be performed. The supervising oral surgeon is continuously onsite and physically present in the treatment facility while the procedures are performed by the dental anesthesia auxiliary and capable of responding immediately in the event of an emergency. The term does not require a supervising dentist to be physically present in the operatory.

18. "Direct visual supervision" means supervision by ~~an oral and maxillofacial surgeon~~ a dentist by verbal command and under direct line of sight.

29. "Qualified dental assistant" means a dental assistant who has been employed and trained as a dental assistant and has received at least six hundred fifty hours of on-the-job training, has completed a board-approved infection control seminar and passed the x-ray and infection control portions of the dental assisting national board examination, and has applied to the board and paid the certificate fee and met any other requirements of section 20-03-01-05.

30. "Registered dental assistant" means a dental assistant who is a graduate of a dental assistant program accredited by the commission on dental accreditation of the American dental association or approved by the

board or has been certified by the dental assistant national board, and has applied to the board and paid the registration fee and met any other requirements of section 20-03-01-05.

20-02-01-06. Continuing dental education for dentists.

Each dentist shall provide evidence on forms supplied by the board that the dentist has attended or participated in continuing dental education in accordance with the following conditions:

1. Continuing education activities include publications, seminars, symposiums, lectures, college courses, and online education.

2. The continuing dental education hours will accumulate on the basis of one hour of credit for each hour spent in education. Subject matter directly related to clinical dentistry will be accepted by the board without limit.

3. The minimum number of hours required within a two-year cycle for dentists is thirty-two. ~~Of these hours, a dentist may earn no more than sixteen hours from publications and online education.~~ **Cardiopulmonary resuscitation courses must provide hands-on training. All other continuing education requirements may be satisfied from online courses.** The continuing education must include:

a. Two hours of ethics or jurisprudence. Passing the laws and rules examination is the equivalent of two hours of ethics or jurisprudence.

b. Two hours of infection control.

c. A cardiopulmonary resuscitation course.

d. For anesthesia permitholders, four hours related to sedation or anesthesia.

4. Mere registration at a dental convention without specific attendance at continuing education presentations will not be creditable toward the continuing dental education requirement.

5. All dentists must hold a current cardiopulmonary resuscitation certificate. Anesthesia permitholders are required to maintain current advanced cardiac life support certification or pediatric advanced life support as specified by permit.

6. The board may audit the continuing education credits of a dentist. Each licensee shall maintain certificates or records of continuing education activities from the previous renewal cycle. Upon receiving notice of an audit from the board, a licensee shall provide satisfactory documentation of attendance at, or participation in the continuing education activities listed on the licensee's continuing education form. Failure to comply with the audit is grounds for

nonrenewal of or disciplinary action against the license.

7. A dentist who maintains a license on inactive status is not subject to continuing education requirements.

20-03-01-01.1. Expanded duties of registered dental assistants.

A registered dental assistant shall apply for a permit to perform the following duties:

1. A registered dental assistant under the direct supervision of a dentist may perform the following restorative functions:

- a. Place, carve, and adjust class I, II and class V ~~supragingival~~ amalgam or glass ionomer restorations with hand instruments or a slow-speed handpiece;
- b. Adapt and cement stainless steel crowns; and
- c. Place, contour, and adjust class I, II and class V ~~supragingival~~ composite restorations where the margins are entirely within the enamel with hand instruments or a slow-speed handpiece.

2. A registered dental assistant authorized by permit and under the contiguous supervision of ~~an oral and maxillofacial surgeon~~ a dentist authorized by permit to provide parenteral sedation may provide anesthesia duties as follows:

- a. Initiate and discontinue an intravenous line for a patient being prepared to receive intravenous medications, sedation or general anesthesia; and
- b. Adjust the rate of intravenous fluids infusion only to maintain or keep the line patent or open.

c. Assist in the administration of anesthetics excluding starting or maintaining intravenous lines.

d. Prepare anesthesia equipment and perform patient monitoring.

e. Assist with emergency treatment and protocols.

3. A registered dental assistant authorized by permit and under the direct visual supervision of ~~an oral and maxillofacial surgeon~~ a dentist authorized by permit to provide parenteral sedation shall provide anesthesia duties as follows:

- a. Draw up and prepare medications;
- b. Follow instructions to deliver medication into an intravenous line upon verbal command of the supervising dentist;
- c. Adjust the rate of intravenous fluids infusion beyond a keep-open rate;

d. Adjust an electronic device to provide medications, such as an infusion pump upon verbal command of the supervising dentist.

20-03-01-05.1. Additional expanded duties of registered dental assistants.

The board may grant a permit to a registered dental assistant for the following:

1. The board may issue or renew a class I dental anesthesia assistant permit authorizing a registered dental assistant to provide anesthesia assistance under the supervision of a dentist ~~who specializes in oral and maxillofacial surgery, and meets the following requirements:~~ authorized by permit to provide parenteral sedation, and

~~a. The applicant submits evidence on forms prescribed by the board that the applicant meets any of the following requirements:~~

~~(1) The applicant has completed a board-approved dental anesthesia assistant education and training course within one year of application and has proof of current certification status from the American association of oral and maxillofacial surgeons dental anesthesia assistant national certification or a board-approved competency examination. , or;~~

~~(2) The board may issue or renew a class II dental anesthesia assistant permit authorizing a registered dental assistant to provide anesthesia assistance under the supervision of a dentist authorized by permit to provide parenteral sedation, and the applicant has completed a board-approved dental anesthesia assistant education and training course and has proof of current certification status from the American association of oral and maxillofacial surgeons dental anesthesia assistant national certification or a board-approved competency examination and;~~

~~a. The applicant has successfully completed hands-on training in intravenous access or phlebotomy that includes live experience starting and maintaining intravenous lines;~~

~~b. The applicant holds current and valid certification for health care provider basic life support, or advanced cardiac life support or pediatric advanced life support; and~~

~~c. The applicant provides a copy of a valid North Dakota general anesthesia or parenteral sedation permit of the ~~oral and maxillofacial surgeon~~ dentist where the registered dental assistant will be performing anesthesia assistant services.~~

20-03-01-06. Continuing dental education for qualified and registered dental assistants.

Each qualified or registered dental assistant shall provide evidence on forms supplied by the board

that the qualified or registered dental assistant has attended or participated in continuing dental education in accordance with the following conditions:

1. Continuing education activities include publications, seminars, symposiums, lectures, college courses, and online education.
2. The continuing dental education hours will accumulate on the basis of one hour of credit for each hour spent in education. Subject matter directly related to clinical dentistry will be accepted by the board without limit.
3. The minimum number of hours required within a two-year cycle is sixteen. ~~Of these hours, a qualified or registered dental assistant may earn no more than eight hours~~ **Cardiopulmonary resuscitation courses must provide hands-on training. All continuing education requirements may be satisfied** from publications and online education. The continuing education must include:
 - a. Two hours of ethics or jurisprudence. Passing the laws and rules examination is the equivalent of two hours of ethics or jurisprudence.
 - b. Two hours of infection control.
 - c. A cardiopulmonary resuscitation course.
 - d. For registered dental anesthesia assistant permit holders, two hours related to sedation or anesthesia.
 - e. For registered dental restorative assistant permit holders, two hours related to restorative dentistry.
4. Mere registration at a dental convention without specific attendance at continuing education presentations will not be creditable toward the continuing dental education requirement.
5. All qualified or registered dental assistants must hold a current cardiopulmonary resuscitation certificate.
6. The board may audit continuing education credits of a registered dental assistant. Proof of continuing education shall be maintained from the previous renewal cycle. Upon receiving notice of an audit from the board, a registered dental assistant shall provide satisfactory documentation of attendance at, or participation in, the continuing education activities listed on the licensee's continuing education form. Failure to comply with the audit is grounds for nonrenewal of or disciplinary action against the registration.

20-04-01-01. Duties.

A dental hygienist may perform the following services under the general, direct, direct visual, or indirect or contiguous supervision of a dentist:

35. A dental hygienist authorized by ~~the board permit and~~ under contiguous supervision of ~~an oral and maxillofacial surgeon~~ a dentist authorized by permit to provide parenteral sedation may:

a. Initiate and discontinue an intravenous line for a patient being prepared to receive intravenous medications, sedation or general anesthesia; ~~and~~

b. Adjust the rate of intravenous fluids infusion only to maintain or keep the line patent or open.

c. Assist in the administration of anesthetics excluding starting or maintaining intravenous lines.

d. Prepare anesthesia equipment and perform patient monitoring.

e. Assist with emergency treatment and protocols.

36. A dental hygienist authorized by the board under direct visual supervision of ~~an oral and maxillofacial surgeon~~ a dentist authorized by permit to provide parenteral sedation may:

a. Draw up and prepare medications;

b. Follow instructions to deliver medication into an intravenous line upon verbal command of the supervising dentist;

c. Adjust the rate of intravenous fluids infusion beyond a keep-open rate; and

d. Adjust an electronic device to provide medications, such as an infusion pump upon the verbal command of the supervising dentist.

37. A dental hygienist under the direct supervision of a dentist may:

a. Place, carve, and adjust class I, II and class V ~~supragingival~~ amalgam or glass ionomer restorations with hand instruments or a slow-speed handpiece;

b. Adapt and cement stainless steel crowns; and

c. Place, contour, and adjust class I, II and class V ~~supragingival~~ composite restorations where the margins are entirely within the enamel with hand instruments or a slow-speed handpiece.

20-04-01-03.1. Duties of the dental hygienist requiring a permit.

The board may issue or renew a permit to a dental hygienist for the following:

1. The board may issue or renew a **class I dental anesthesia assistant** permit authorizing a dental hygienist to provide anesthesia assistance under the supervision of a dentist ~~who specializes in oral and maxillofacial surgery~~, authorized by permit to provide parenteral sedation, and

and meets the following requirements:

~~a. The applicant submits evidence on forms prescribed by the board that the applicant meets any of the following requirements:~~

(1) The applicant has completed a board-approved dental anesthesia assistant education and training course ~~within one year of application~~ and has proof of current certification status from the American association of oral and maxillofacial surgeons dental anesthesia assistant national certification, or a board-approved competency examination- or;

~~(2) The board may issue or renew a class II dental anesthesia assistant permit authorizing a registered dental hygienist to provide anesthesia assistance under the supervision of a dentist authorized by permit to provide parenteral sedation, and~~ The the applicant has completed a board-approved dental anesthesia assistant education and training course and has proof of current certification status from the American association of oral and maxillofacial surgeons dental anesthesia assistant national certification or a board-approved competency examination.

a. The applicant has successfully completed hands-on training in intravenous access or phlebotomy that includes live experience starting and maintaining intravenous lines;

b. The applicant holds current and valid certification for health care provider basic life support, or advanced cardiac life support or pediatric advanced life support; and

d. The applicant provides a copy of a valid North Dakota general anesthesia or parenteral sedation permit of the ~~oral and maxillofacial surgeon~~ dentist where the registered dental hygienist will be performing anesthesia assistant services.

2. The board may issue or renew a permit on forms prescribed by the board to authorize a dental hygienist under the direct supervision of a dentist to provide restorative functions under the following conditions:

20-04-01-08. Continuing dental education for dental hygienists.

Each dental hygienist shall provide evidence on forms supplied by the board that the dental hygienist has attended or participated in continuing dental education in accordance with the following conditions:

1. Continuing education activities include publications, seminars, symposiums, lectures, college courses, and online education.

2. The continuing dental education hours will accumulate on the basis of one hour of credit for

each hour spent in education. Subject matter directly related to clinical dentistry will be accepted by the board without limit.

3. The minimum number of hours required within a two-year cycle is sixteen. ~~Of these hours, a dental hygienist may earn no more than eight hours~~ Cardiopulmonary resuscitation courses must provide hands-on training. All continuing education requirements may be satisfied from publications and online education.

The continuing education must include:

- a. Two hours of ethics or jurisprudence. Passing the laws and rules examination is the equivalent of two hours of ethics or jurisprudence.
 - b. Two hours of infection control.
 - c. A cardiopulmonary resuscitation course.
 - d. For registered dental anesthesia hygienist permit holders, two hours related to sedation or anesthesia.
 - e. For registered dental restorative hygienist permit holders, two hours related to restorative dentistry.
4. Mere registration at a dental convention without specific attendance at continuing education presentations will not be creditable toward the continuing dental education requirement.
5. All dental hygienists must hold a current cardiopulmonary resuscitation certificate.
6. A dental hygienist who maintains a license on inactive status is not subject to continuing education requirements.