

North Dakota Board of Dental Examiners

Minutes

February 2, 2017

SPECIAL MEETING

1. **Call to Order:** Ms. Sommers called the meeting to order at 5:49 PM, February 2, 2017.

Board Members and Administrative Staff Attendance

Troy Petersen, DMD, MD, President	Absent: Michael Keim, DDS
Otto Dohm, DDS, President-Elect	
Michael Keim, DDS	
Mike Goebel, DDS	
Tim Mehlhoff, CPA	
Bev Marsh, RDH	
Rita Sommers, Executive Director	

2. **HB 1256:** Dr Evanoff moved take the position that the Board is not in favor of dental therapist (DT) licensure and disagree with the concept of the dental therapist. Motion seconded by Dr. Dohm. Discussion; the Board remains against the licensure of DTs for several reasons. Among them:
 - a. HB 1256 adds duties, extracting permanent teeth for example, to the DT roster while diminishing education and testing. The DT model in MN is not permitted to extract permanent teeth. The ADT is permitted to extract permanent teeth.
 - b. The bill is laden with contradiction of content and format is disruptive and giving little or no thought to the existing layout. Language is unprofessional, i.e., "Teeth cleaning, below-the-gumline".
 - c. The legislation inappropriately discriminates by providing exclusionary language and exceptions for the DT, i.e., one year of practice in ND to sit on the Board, as opposed to 5 years for dentist, dental hygienist or dental assistant.
 - d. A dental therapist is not required to take a national board examination. Dental hygienists, dentists and dental assistants registered with the Board must take a national board examination which is given by a third party testing agency.
 - e. HB 1256 allows DT students to provide care to ND citizens without a license to practice. HB 1256 blocks the Board's ability to promulgate rules for students of dental therapy continuing their training and who perform duties under the supervision of a ND licensed dentist. The Board therefore has no authority to adopt rules pertaining to DT student qualifications, scope etc.
 - f. HB 1256 blocks the Board from promulgating rules regulating the duties of the DT by illogically placing all duties in law. The Board cannot adopt rules to carry out laws, if those things that should be in rules, are contained in statute.

RCV: Petersen, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Evanoff, yes. Motion carried 6-0.

Dr. Evanoff moved that the Board provide such testimony to legislators via email and comprise testimony to include the reasons above *and* the Board's dissatisfaction with how the process was completed. Motion seconded by Dr. Petersen. Discussion; the Board cannot protect the public when legislation is written which circumvents the process of adopting rules thereby circumventing the Board's authority [43-28-06(1) Powers of the Board], as demonstrated by language listing duties and requirements of licensure into statute. RCV: Petersen, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Evanoff, yes. Motion carried 6-0.

3. **Adjournment:** The meeting was adjourned at 6:15 PM.

Respectfully Submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA, Secretary-Treasurer