

# North Dakota Board of Dental Examiners

## Minutes

April 7, 2017

Holiday Inn, Fargo, ND

1. **Call to Order:** Dr. Dohm called the meeting to order at 5:06 PM, April 7, 2017.

### **Board Members and Administrative Staff Attendance**

Otto Dohm, DDS, President  
Bev Marsh, RDH, President-Elect  
Michael Keim, DDS  
Mike Goebel, DDS

Greg Evanoff, DDS  
Tim Mehlhoff, CPA  
Troy Petersen, DMD, MD

Rita Sommers, Executive Director  
John Tyler, Assistant Attorney General

2. **Review Minutes:** Moved and seconded to adopt the 2017 minutes from January 13-14, 2017; February 2, 2017; March 14, 2017, and March 27, 2017. Roll call vote (RCV): Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.
3. **Additions to agenda:**
4. **Annual Review of Public Board Laws and Regulations:** John Tyler, Assistant Attorney General presented the Board's annual review of laws governing public boards and public board meetings, public records, how laws are applied to a public body and individual board members and confidential communication, storage of records and several other statutory requirements.
5. **Treasurer's Report:** Ms. Sommers provided a review of the previous bank statements. Moved by Dr. Goebel and seconded by Dr. Petersen to accept the report. Discussion; RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

<u>03/31/2017 Balances</u>		<u>Certificates:</u>	
Checking	193,353.82	CC Union	72,193.75
Muni Investor	2,830.98	Acct 3120/1	119,145.71
Preferred Bus	2,791.12	Bremer	<u>108,249.02</u>
Total:	<u>\$198,975.92</u>	Total	\$299,588.48
		Total Assets	\$498,564.40

6. **Review license applications and credentials:**

Dr Petersen moved to grant license to applicants who completed requirements and grant remaining applicants' licensure once background check has been reviewed and other requirements have been satisfied. Incomplete license by credential applications will be reviewed at the board's next meeting. Dr. Dohm seconded the motion. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

CANDIDATES	LICENSE #	SCHOOL/YEAR GRADUATED
Scott Matthew Amundson, DDS	2306	Marquette '17
Nicholas Kelly Mickelson, DDS	2307	LECOM School of Dentistry '16
Jeffrey James Harrie, DDS	2308	U of MN '17
Ross Alan Yost, DDS	2311	Creighton '08
Christopher Paul Bothun, DDS	2312	U of MN '17
Shelby Lynn Svihovec, RDH	1674	MSCTC '17
Sara Catherine Crocker, RDH	1675	MSCTC '17
Bailey Rae Dahl, RDH	1676	MSCTC '17
Nicole Kay Price, RDH	1677	MSCTC '17

7. **Committee Reports**

A. Complaint Committee | Legal Matters:

1) Witterman, DDS: Dr. Evanoff moved and Dr. Petersen seconded to dismiss the complaints. Discussion; the board determined that grounds for disciplinary action do not exist. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

2) Colbert, DDS: Dr. Goebel moved and Dr. Petersen seconded to dismiss the complaint. Discussion; the board determined that grounds for disciplinary action do not exist. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes;

Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

3) Melland, DDS: Dr. Petersen moved and Dr. Goebel seconded to dismiss the complaint. Discussion; the board determined that grounds for disciplinary action do not exist. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

4) Schneibel, DDS: Dr. Goebel moved and Dr. Petersen seconded to dismiss the complaint. Discussion; the board determined that grounds for disciplinary action do not exist. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

5) Baden, DDS: Dr. Petersen moved and Dr. Dohm seconded to dismiss the complaint. Discussion; the board determined that grounds for disciplinary action do not exist. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

6) Sampson, DDS: Dr. Keim moved and Dr. Goebel seconded to dismiss the complaint. Discussion; the board determined that grounds for disciplinary action do not exist. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

7) Dr. Ulloa: Dr. Goebel moved and Dr. Dohm seconded to dismiss the anonymous complaint. Discussion; the board determined that grounds for disciplinary action do not exist. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0. John Tyler will send the letter to Dr. Ulloa's legal counsel.

8) Van Buskirk, DDS: Dr. Petersen moved and Dr. Keim seconded to send a letter of concern to Dr. Van Buskirk regarding the advertisements soliciting dentists to refer patients who may require endodontic treatment. Discussion; the board referenced the ADA's *Principles of Ethics and Code of Professional Conduct 5.H.I.; General dentists who wish to announce the services available in their practices are permitted to announce the availability of those services so long as they avoid any communications that express or imply specialization. General dentists shall also state that the services are being provided by general dentists. No dentist shall announce available services in any way that would be false or misleading in any material respect.* A violation of the Code of Ethics adopted by the Board by rule is grounds for disciplinary action. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

9) Wehrman, DDS: Dr. Petersen moved and Dr. Goebel seconded to dismiss the complaint. Discussion; the board determined grounds for disciplinary action do not exist. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

10) Rai, DDS: Dr. Petersen moved to send Dr. Rai a letter of concern and a \$250 fine. Dr. Evanoff seconded the motion. Discussion; the violation, failure to release copies of dental records requested by a patient of record, NDCC § 23-12-14 and NDCC § 43-12-18(23) is also a violation of the ADA's Principles of Ethics and Code of Professional Conduct. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0. Mr. Tyler will send the letter of concern to Dr. Rai and Dr. Evanoff will send a letter to complainant regarding other issues within complaint.

11) Quamme, DDS: Dr. Petersen moved to send Dr. Quamme a letter of concern and a \$500 fine to address the failure to release copies of dental records. Dr. Dohm seconded the motion. The Board dismissed the portion of the complaint regarding the denture issue. Discussion; the violation, failure to release copies of dental records requested by a patient of record, NDCC § 23-12-14 and NDCC § 43-12-18(23) is also a violation of the ADA's Principles of Ethics and Code of Professional Conduct. Mr. Tyler will send the letter of concern to Dr. Quamme and Dr. Evanoff will send a letter to complainant regarding other issues within complaint. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

12) Johnsen, DDS: John Tyler will correspond with Dr. Johnsen's legal counsel regarding the investigation.

13) Irvani, DMD, MD: The Board discussed the ND BOMEX Complaint and Ex Parte Order of Temporary Suspension against Dr. Irvani.

B. Anesthesia Committee – no report

C. Continuing Education Committee: Bev Marsh will begin a small random sample audit of registered dental assistants. The Board determined that random audits should be completed annually subsequent to license renewal.

D. Application Review Committee: Several background checks are incomplete to date. No action taken regarding any other reported violations of law as violations exceed five years.

E. Legislative Committee

1) HR 3026 directs legislators to study the NCSBDE v. Federal Trade Commission (2015) decision and determine if ND public boards have adequate oversight to avoid antitrust law violations. Legislators are concerned that Boards have adequate supervision to avoid violation of antitrust law. Courts were unclear in defining "state supervision" therefore the issue is being left to individual states. Hopefully the Attorney General's Office will be included in the discussion as there seems to be confusion regarding the NC case.

2) NDBOM statutes related to disciplinary action and verified evidence: Mr. Tyler will study the issue and propose a draft to address concerns (for the next legislative session) for the June meeting.

## 8. Old Business

A. Complaints/confidentiality – Complaints are exempt records until the board determines to proceed with disciplinary action. The Board will refrain from stating names of complainants or defendants prior to proceeding with a disciplinary action and use a numbering system or other means of identifying subjects of complaints.

- B. Health & Safety Institute CPR: The Board reviewed and discussed the content of the HIS's CPR/BLS course. Certification in ASHI programs requires performance of hands-on skills evaluated by a current, qualified and properly authorized instructor. The training materials conform to the American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care and American Red Cross Guidelines Updates for First Aid. Moved by Dr. Petersen and seconded by Dr. Goebel to accept the BLS course as meeting the requirement for CE. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

**9. New Business**

- A. Dr. Nord's letter: The Valley Community Health Center may become an outreach site for the University Of Iowa School Of Dentistry. Dr. Nord requested feedback from the Board regarding the program and VCHC's participation. The Board would encourage Dr. Nord to speak at the Board's September meeting held in Fargo regarding the process. The Board is supportive of the initiative under the right circumstances, i.e., direct supervision, consent forms etc.
- B. ADA's national exam: The ADA has developed a plan for the implementation of a non-patient based dental examination and has plans to repeal clinical boards from states laws by introducing a non-patient based exams. Because of potential ethical and other issues, a major complaint by dental students has been the clinical patient based exam. The ADA intends to go over state licensing boards and achieve promote the ADA examination via states' legislatures. The clinical regional boards are designed to catch the 3% of clinically incompetent students. Fear of law suits has caused dental schools to graduate all students therefore clinical boards are more relevant than ever. The new initiative adds to ADA's other conflicts of interest and concerns.
- C. Federation of Associations of Regulatory Boards (FARB); CRT Planning July 17 -18: A Comprehensive Regulatory Training (CRT) conducted by FARB will be held in ND. The Dr. Evanoff moved to enroll as a group membership and provide \$500 to assist in sponsorship of the regulatory training speaker. Motion seconded by Dr. Goebel. RCV: Goebel, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes, Dohm, yes; Keim, yes; Marsh, yes. Motion carried 7-0.

**10. AADB and CRDTS, WREB, National Meetings:**

- A. AADB Mid-Winter Meeting – April 23-24, 2017: Dr. Dohm and Mr. Tyler will attend the AADB's Chicago meeting and report back to the Board at its next meeting.
- B. WREB: Dr. Goebel and Ms. Sommers attended the annual Leadership Training Meeting in February sponsored by WREB. The session included a general orientation for new examiners and a psychometric update and a general session to discuss ways to access WREB information, process for adding examiners, and new policies and procedures.
- B. CRDTS Annual Meeting: Scheduled for Aug 24-25, 2017 KC, MO

**11. Remuneration**

**12. Date, Venue of 2017 Meetings**

- June 16, 5:00 PM and June 17, 8:00 AM, Kelly Inn, Bismarck;
- Sept 14, 5:00 PM and Sept 15, 8:00 AM, Holiday Inn, Fargo.

**13. Adjournment:** Dr. Goebel moved to adjourn, seconded by Dr. Petersen. The meeting adjourned at 7:54 PM.

Respectfully Submitted,

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Rita Sommers, Executive Director

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Tim Mehlhoff, CPA