

# North Dakota Board of Dental Examiners

## Minutes

September 14, 2017

Holiday Inn, Fargo, ND

1. **Call to Order:** Dr. Dohm called the meeting to order at 5:24 PM.

### Board Members and Administrative Staff Attendance

Otto Dohm, DDS, President

Bev Marsh, RDH, President-Elect

Troy Petersen, DMD, MD

Mike Goebel, DDS

Greg Evanoff, DDS

Tim Mehlhoff, CPA

Rita Sommers, Executive Director

Tara Brandner, Assistant Attorney General

Absent: Michael Keim, DDS

2. **Review Minutes:** Dr. Goebel moved, seconded by Ms. Marsh to adopt the June 16, 2017 minutes. All in Favor (AIF). Moved by Dr. Goebel and seconded by Ms. Marsh to adopt the September 11, 2017 minutes. AIF.
3. **Additions to agenda:** ADA's OSCE; HCR 3026; Dept of Health Sealant Program
4. **Treasurer's Report:** Moved by Dr. Petersen, seconded by Dr. Goebel to approve the quarterly report: AIF. Ms Sommers provided comparison P&L statements and comparative balance sheets. NDBDE policy regarding reserves is to maintain 1.5x annual expenses. September balances fell below the designated reserve amounts however the upcoming renewal season will return reserve balances to the required minimum. Dr. Petersen moved to accept the Treasures report, seconded by Dr. Goebel. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0. Mr Mehlhoff moved the Board fund Ms. Brandner's attendance at the AADB's Attorney Roundtable meetings and FARB meetings. Discussion; historically legal counsel attends meetings relevant to public board regulation. Dr. Dohm seconded the motion. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

#### 06/30/2017 Balances

Checking	136,280.13
Muni Investor	2,830.98
<u>Preferred Bus</u>	<u>2,791.12</u>
Total:	\$141,902.23

#### Certificates:

CC Union	72,193.75
Acct 3120/1	119,145.71
<u>Bremer</u>	<u>108,249.02</u>
Total	\$299,588.48
Total Assets	\$441,490.71

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

Dr Petersen moved to grant license to applicants who completed requirements. Dr. Dohm seconded the motion.

Roll call vote (RCV): Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0. Moved by Dr. Evanoff and seconded by Bev Marsh to deny dental hygiene license to Kari Johnson, RDH. Ms. Johnson failed to meet requirements set forth in the NDCC 43-20-01.3(1); applicant, for at least three years immediately preceding application, must have been licensed in good standing and *actively practicing* dental hygiene in another jurisdiction where the requirements are at least substantially equivalent to those of this state. Roll call vote (RCV): Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

### **CANDIDATES**

### **LICENSE #**

### **SCHOOL/YEAR GRADUATED**

Rommel Youel Dinkha, DDS	2310	SUNY Buffalo Sch of Dental Medicine '03
Katalina Beltran, DMD	2320	Temple PA
Matthew Swanson, DDS	2321	U of MN '07
Debbie Solberg, RDH	1221	Reinstatement NDSCS '95
Stacy Marohl, RDH	851	NDSCS '98
Jill Gray-Reichel, RDH	1705	U of MN '97
Emily Marie Borud, RDH	1707	U of MN '17

6. **Committee Reports**

**A. Application Review Committee:** No report.

**B. Legislative Committee**

1) House Concurrent Resolution 3026: Ms. Brandner updated the Board on the study directing legislators to study the 2015 North Carolina Board of Dental Examiners v. Federal Trade Commission decision and determine if ND public boards have adequate oversight to avoid antitrust law violations.

2) At the Jan 2018 meeting, Ms. Sommers and Ms. Brandner will present a draft of among other concerns, possible rules/statute amendments to address disciplinary actions and expeditious legal proceedings. Dr. Crago presented a sample of model legislation which seeks to address specialty designation. The language aimed at

specialists is to ensure that an advertisement shall not mislead consumers regarding the dentist's abilities or credentials.

**C. Anesthesia Committee**

- 1) Site evaluation for parenteral conscious sedation was approved for Dr. Zmoos, Minot pediatric DDS.

**D. CE Committee**

- 1) The Board reviewed a comprehensive botulinum toxin and dermal filler dental training course curriculum. The course meets the requirements of Administrative Rules for training/education. Dr. Petersen moved to accept the course, motion seconded by Dr. Goebel. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

- 2) Dental Anesthesia Assistant. Dr. Fines requested the NDBDE approve attendance verification of a comprehensive training course in parenteral moderate sedation taken by himself in lieu of any other requirement for dental assistant Sarah Lundstrom. The Board determined that Ms. Lundstrom would be required to follow educational standard as provided by Admin Rules for educational requirements of a dental anesthesia assistant. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

**E. Complaint Committee | Legal Matters**

Case 1\_061617: Dr. Evanoff moved and Dr. Petersen seconded a motion to dismiss the complaint. Grounds for disciplinary do not exist. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

Case 1\_091417: Dr. Evanoff moved and Bev Marsh seconded a motion to dismiss the complaint. Grounds for disciplinary action do not exist. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

Case 2\_091417: Dr. Evanoff moved and seconded by Dr. Petersen to dismiss the complaint. Grounds for disciplinary action do not exist. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

Case 3\_091417: Dr. Petersen moved and Dr. Evanoff seconded a motion to dismiss the complaint. Grounds for disciplinary action do not exist. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

Case 4\_091417: Dr. Petersen moved and Bev Marsh seconded a motion to dismiss the complaint. Grounds for disciplinary action do not exist. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

Case 5\_09/14/2017: Hold until Jan 2018 meeting. Dr. Evanoff will further investigate and report to the Board at the Jan 2018 meeting. Dr. Evanoff will also communicate to the complainant that the licensee no longer holds a dental license in ND and that the Board cannot recover monetary damages.

Case 6-7-8\_09/14/2017: Dr. Evanoff moved to suspend the license of Dr. Johnsen, until Dr. Johnsen successfully completes a one-year live patient residency program and completes an intensive outpatient chemical dependency treatment program and during the suspension maintain sobriety from all mood altering chemicals. Dr. Johnsen shall pay any costs and attorney's fees incurred by the Board. Discussion; The Board authorized Ms. Brandner to offer a settlement agreement which would include but not be limited to the clinical training, treatment program and attorney fees incurred by the Board. The Board determined that there is a reasonable basis to believe that Dr. Caleb Johnsen violated N.D.C.C. § 43-28-18(1), (2), (4), (6), (7), (11), (20), (21), (23), (27), (28) and sections 1B1, 2D, and 2F of the American Dental Association's Principles of Ethics and Code of Professional Conduct. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

Case 9\_09/14/2017: Dr. Petersen moved, seconded by Dr. Goebel to authorize Ms. Brandner; upon failure to sign the agreement by a designated date, issue a disciplinary action to include a \$2000 fine and a letter of reprimand. Discussion; at the April 2017 meeting of the Board moved to offer Dr. Quamme a non-disciplinary settlement agreement with a letter of concern and a \$500 fine to address the failure to release copies of dental records. Dr. Quamme failed to sign the agreement. 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.

Case closed: Moved by Dr. Evanoff and seconded by Ms. Marsh to dismiss a complaint against Dr. Iravani. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

**7. Old Business**

- A. Executive Director Annual Contract Review: Dr. Evanoff moved to increase the base salary 5% and \$25 monthly expense allowance increase. Motion seconded by Mr. Mehlhoff. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.
- B. Externship update – Dr. Nord shall attend the Board's January 2018 meeting to provide updates regarding the Iowa dental students practicing at the Valley Community Dental Health Clinic.
- C. Newsletter assignments – The deadline for newsletter submissions; Sept 30, 2017. [\*Include article on PDMP rules and exceptions.]
- D. ADA's OSCE - update: The ADA Board of Trustees recently (Feb/2017) voted to approve the development of an objective structured clinical examination (OSCE). Dr. Dohm recommended the Board take a position on the ADA move.

**8. New Business**

- A. Recker, DDS Dental Specialty Advertising – The Board reviewed a letter from Mr. Recker who serves as legal counsel to the American Board of Dental Specialties comprised of 4 individual boards; implant dentistry,

- orofacial pain; oral medicine and dental anesthesiology. No action.
- B. NDDA; workforce study (Dr. Holman) – The NDDA is continuing to work toward solutions to expand the dental assistant workforce. Solutions include possibly instituting a program in Williston and establishing distance learning models. Part of the ongoing effort, a Dental Assistant Workforce Survey was provided to the NDBDE. In addition to demonstrating the reality of the dental assistant shortage, the survey also addressed utilization of EFDA's (expanded function dental assistants).
  - C. ND Dept. of Health Opioid Epidemic State of Emergency Meeting: Following initial discussions at a September 1, 2017 meeting conducted by ND State Health Officer Mylynn Tuft, with prescriber stakeholders, Governor Burgum offered to meet September 13<sup>th</sup> with ED's of boards of pharmacy, dentistry, medicine and nursing along with other stakeholders to begin conversation, present information/solutions and consider solutions which could be beneficial to North Dakotans. The 9/13/2017 meeting provided detailed information regarding the proposed strategies. The NDBDE is supportive of the initiatives proposed and recognizes that collaborative efforts could have a profound effect on changing substance misuse and its consequences in ND. Dr. Dohm moved to send a letter to dentists, the focus being utilization of the Practitioner Drug Monitoring Program (PDMP) and new Administrative Rules 20-02-01-12 and 20-02-01-13, which pertain to dentists and use of the PDMP. Dr. Evanoff seconded the motion. Discussion; Admin rules became effective July 1, 2017. The Board will request dentists writing prescriptions for scheduled drugs, *comply with new laws regarding prescribing and the PDMP*. Ms. Sommers will send the communication. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.
  - D. School based sealant program update: Jaci Seefeldt provided information regarding the ND Department of Health, Oral Health Program's school based sealant program and the current collaboration with dentists within the state which has helped to expand the school-based dental sealant program, increasing access to care for children in ND.

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

- A. National Meetings: Ms. Sommers and Ms. Brandner will attend the Annual FARB meeting October 5-8, 2017 in Savannah, GA and the AADB's annual meeting that is scheduled for October 18-19, 2017.
- B. WREB's Dental Exam Review Board (DERB): Dr Evanoff provided an update on WREB exam modifications. In light of WREB's proposed amendments to their exam format, the Board will reconsider language pertaining to clinical board requirements. The most disruptive proposed change to the exam is in regard to restorative procedures. Currently candidates are required to successfully perform two posterior composites or amalgam restorations. The proposed change allows 1 anterior tooth to be substituted for posterior teeth.
- C. CRDTS Annual Meeting: Ms. Marsh and Dr Dohm attended the CRDTS annual meeting. Dr. Dohm presented a summary of key issues including CRDTS membership in states, use of the Go-Pro and CRDTS remains only regional board offering clinical board to dental therapists.

**10. Remuneration**

**11. 2017-2018 Future Meetings, Date, Location of**

- January 26, 2018, 1:00 PM and January 27, 8:00 AM, Hampton Inn, Grand Forks
- April 6, 2018, 1:00 PM Fargo
- June 15, 2018 1:00 PM Bismarck

**12. Adjournment:** Moved and seconded to adjourn: AIF. The meeting adjourned at 8:25 PM.

Respectfully Submitted,

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Rita Sommers, Executive Director

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Tim Mehlhoff, CPA