

North Dakota Board of Dental Examiners

Minutes

January 26, 2018, 1:00 PM

Hampton Inn & Suites, Grand Forks, ND

1. **Call to Order:** Dr. Dohm called the meeting to order.

Board Members and Administrative Staff Attendance

Otto Dohm, DDS, President	Michael Keim, DDS
Bev Marsh, RDH, President-Elect	Tim Mehlhoff, CPA
Troy Petersen, DMD, MD	Greg Evanoff, DDS
Mike Goebel, DDS	
Rita Sommers, Executive Director	
Tara Brandner, Assistant Attorney General	

2. **Review Minutes:** Dr. Goebel moved, seconded by Ms. Marsh to adopt the September 14, 2017 minutes. All voted in favor (AIF).
3. **Additions to agenda:**
 - A. Annual Examiner Breakfast: Dr. Petersen moved to discontinue the event. Motion seconded by Dr. Goebel. The event was used to recognize a retiring member for their dedication and time served on the NDBDE. The Board felt it would be more relevant if the recognition was held during a meeting where all members were present. RCV (Roll Call Vote) Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Keim, yes. Motion carried 7-0.
 - B. Mehlhoff – Consumer Member; The Board encouraged Tim Mehlhoff to serve a second term as the consumer member of the Board. Consensus of the Board was that Mr. Mehlhoff has done an outstanding job and has been committed to the Board's mission of protecting the dental health and wellbeing of the public. Mr. Mehlhoff's professional background and experience have provided a significant asset to the Board.
4. **Treasurer's Report:** Moved by Mr. Mehlhoff, seconded by Dr. Petersen to approve the quarterly report: AIF. Discussion; the RDH/DDS renewal represents the bulk of the Board's income therefore, subsequent to final renewal fee deposits, a budget will be prepared for the April, 2018 meeting. The Executive Director provided 1099's to members. 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; Keim, yes. Motion carried 7-0.

<u>12/31/2017 Balances</u>	<u>Certificates:</u>	CC Union	72,193.75
Checking	258,466.47	Acct 3120/1	119,145.71
Muni Investor	2,831.06	<u>Bremer</u>	<u>108,249.02</u>
<u>Preferred Bus</u>	<u>2,791.28</u>	Total	\$299,588.48
Total:	\$264,088.81	Total Assets	\$563,677.29

5. **Review license applications and credentials:** Moved by Dr. Evanoff and seconded by Dr. Petersen to grant license to Dr. Camm once CE requirements have been met. RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Keim, yes. Motion carried 7-0. Regarding Dr. Shedd and Ms. Rusness, Dr. Evanoff moved to grant license once applications are complete. Dr. Goebel seconded. RCV: Keim, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Dohm, yes. Motion carried 7-0. Dr. Peterson moved to postpone the review of Dr. Wilson's application until the April meeting. The application is incomplete. Motion seconded by Ms. Marsh. RCV: Keim, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Dohm, yes. Motion carried 7-0. Dr. Petersen moved to grant license to remaining applicants who have met requirements of initial licensure. Evanoff seconded the motion. Roll call vote (RCV): Keim, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Dohm, yes. Motion carried 7-0.

CANDIDATES	LICENSE #	SCHOOL/YEAR GRADUATED
Lisa Joni Wagner, RDH	1708	St. Cloud Tech & Comm Coll '05
Jennifer Lynn Rusness, RDH	1709	Lake Superior College 2000
Kaitlin Rose Rupe, RDH	1710	Colorado Nw CC '17
Brandon Cotter, DDS	2323	U of Southern Cal. '16
Stefanie J. Camm, DDS	2324	Ohio State '04
Vilas Sastry, DMD	2330	Henry M Goldman Sc of Dent '05
Clifford R. Shedd, DDS	2326	Loyola '88
Austin Vetter, DDS	2327	Creighton '17

Raymond W. Evans, DDS	2328	U of MN '85
Yu Wen Lin, DDS	2329	NYU '16

6. Committee Reports

- A. Application Review Committee
- 1) Moved by Dr. Evanoff and seconded by Dr. Goebel to send letters of concern to any licensees who failed to report to the Board as required by NDCC 43-28-18.1. RCV: Keim, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 7-0.
 - 2) Corporate reports: The Board continues to manage the issue of compliance with reporting statutes under the Secretary of State requirements of licensed professionals who are incorporated to file a report with their respective licensing Boards. The conundrum is entities that do business under several LLCs create difficulty for the NDBDE to determine if such entities are in compliance with NDCC 43-28-25(3). Ms. Brandner will communicate with other Boards regarding the issue and report back to the Board at its next meeting.
- B. Legislative Committee
- 1) Ex parte temporary suspension: Ms. Brandner determined that no amendments are necessary to NDCC 43-28-18.3. The Board was concerned that additional language would be required in statute to exercise ex parte communication partially due to the structure of the Board in contrast to the ND Board of Medical Examiners board structure of two distinct panels, Panel A, Panel B. However, the NDBDE reserves investigatory processes to the executive director who reports to the Complaint Committee, therefore members of the Board are not in contact with respondent(s) or others who would corroborate, or act as a witness. Ex parte temporary suspension proceedings mean the Board is taking action against a license without a hearing and without the respondent agreeing to it.
 - 2) Complaint Committee Chair - voting: The Board's concern was that due process could be compromised in the event of an ex parte temporary suspension if a Complaint Committee Chair would participate in voting. In most disciplinary actions, a respondent is asked to agree to settle or move forward with a hearing either of which provides due process for the respondent. Ms. Brandner recommended that in the case of ex parte temporary suspension the Complaint Committee Chair refrain from voting.
 - 3) Review statutory amendments draft: Ms. Sommers prepared a draft of possible amendments to NDCC 43-28 and NDCC 43-20 for the Sixty-sixth Legislative Assembly for the Board's review (attached). The Board will resume discussions regarding statutory amendments at its April meeting.
 - 4) House Concurrent Resolution 3026: Ms. Brandner updated the Board on 12/5/2017 Administrative Rules Committee meetings regarding a study directing legislators to examine 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. A representative of the Attorney General's office presented recommendations and material regarding the impact of the North Carolina Board of Dental Examiners v. Federal Trade Commission on the state's occupational and professional licensing boards and provide recommendations to the Admin Rules Committee.
- C. Anesthesia Committee
- 1) DOCS – Anesthesia Committee Chair, Dr. Petersen reviewed an IV Sedation for Dentistry at Oregon Health & Science University course syllabus. Information regarding live patient experiences was insufficient and ambiguous therefore recommended the course not be approved at this time. The course syllabus states “the participant must complete at least 20 clinical cases”, leaving room for interpretation. No action.
 - 2) Dr. Deatherage report: The report was reviewed by the Board. No further action.
- D. CE Committee
- 1) Quarterly Audits: The Board's CE Committee will audit quarterly in order to ensure CE compliance. In the event of an audit, licensees will be required to submit evidence of clinical CE which may include curriculum, proof of payment if required. Certificates of completion must include information regarding the format of the CE such as webinar, classroom attendance or self-study and number of hours. The Board encourages licensees to utilize audit software service such as *CE Zoom*. The Board will also place a link to CE Zoom on its website to encourage licensees to utilize the software to track CE attendance. Ms. Brandner will review the attestation language found at the end of renewal forms and advise the Board of any recommended amendments at the April, 2018 meeting.
- E. Complaint Committee
- Status of Dr. Johnsen's Settlement Agreement; Ms. Brandner advised the Board that the later of the two dates accompanying signatures is the effective date of a legal contract therefore the suspension is in effect once the Board President signs the agreement (respondent signs the agreement first). Moved by Dr. Goebel and seconded by Dr. Dohm; In the event Dr. Johnsen should fail, or refuse, his next drug/alcohol test, Ms. Brandner is authorized to proceed with revocation of dental license as per Dr. Johnsen's Settlement Agreement. RCV: Keim, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 7-0.
- Case 5_09142017: Hampton:** Following review of additional documents, Dr. Evanoff moved to dismiss the case, Dr Dohm seconded the motion. The Board did not have enough information to warrant disciplinary action. RCV: Keim, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 7-0.
- Case 1_01262018:** Dr. Evanoff moved and Ms. Marsh seconded a motion to authorize Ms. Brandner to offer Lucas Deeter, DDS, a Settlement Agreement to include a Letter of Reprimand. Discussion; Pursuant to NDCC 43-28-18(22) practitioners shall practice within the scope of that dentist's education or advanced training

as recognized by the board, the ADA, or other professional entity recognized by the board. Based on the contemporaneous treatment notes provided by the practitioner, the Board had a reasonable basis to believe Lucas Deeter, DDS, violated 43-28-18(22)(27). RCV: Keim, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 7-0. Ms. Brandner will offer the Settlement Agreement.

Case 2_01262018: Dr. Evanoff moved and Dr. Keim seconded a motion to further investigate the anonymous complaint. RCV: Keim, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 7-0.

Case 3_01262018: Dr. Evanoff has not received all responses. Complaint deliberations will resume at the April 2018 meeting.

Case 4_01262018: Dr. Petersen moved and Bev Marsh seconded a motion to dismiss the complaint. Grounds for disciplinary action do not exist. RCV: Keim, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 7-0.

Case 5_01262018: All responses have yet to be received by the Board. Eight respondents were named in the complaint. Complaint deliberations will resume at the April 2018 Meeting.

7. Old Business

- A. Policy Manual Review: Dr. Dohm will advise the Board of any changes to CRDTS committee status. No further amendments were recommended.
- B. Externship update – Dr. Nord rescheduled to appear at the Board's April 2018 meeting to provide updates regarding the Iowa dental student interns at the Valley Community Dental Health Clinic.
- C. Nominating Committee: 3/16/2018- 3/15/2019 Slate of NDBDE Officers; Nominations:
Dr. Goebel moved and Dr. Petersen swiftly seconded the motion to nominate Dr. Keim to serve as President-elect. Bev Marsh, RDH, will begin her term as NDBDE President 3/15/2018. Dr. Keim accepted the nomination. RCV: Keim, no; Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-1. Dr. Dohm moved to nominate Mr. Mehlhoff, to serve as Secretary Treasurer; the motion was seconded by Dr. Goebel. RCV: Keim, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 7-0.
- D. JCNDE Letter: Joint Commission on National Board Dental Examination has sent out a second notice to remind state boards of the new format, the Integrated National Board Dental Examination (INBDE). The INBDE will be available for administration 8/1/2020, with full replacement of the National Board Dental Examination scheduled to occur by 8/1/2022. With the modification in format Admin Rules amendments would not be required.

8. New Business

- A. Dental Assisting Education Workforce Initiative: The NDDA is continuing to work toward solutions to expand the dental assistant workforce. Carla Schneider, RDA, CLA, provided an update on the status of funding for the workforce initiative. Currently NDSCS intends to provide an additional 4 slots in the NDSCS Dental Assisting Program. The ND Dental Foundation has agreed to reimburse 15 dental practices up to \$400 to help a non-registered dental assistant complete the DANB exam. The Foundation is also financially supportive of job fairs where dental professions are being discussed. The Labor Bureau may possibly reimburse dental offices up to \$3000 to train a dental assistant in preparation to become registered.
- B. Renewal process and license renewals going forward: Ms. Sommers provided a summary of the Board's "going paperless" effort. The last renewal cycle for RDA, RDH and DDS offered the option to renew online or download a paper form. Currently, the Board accepts and stores CE info in the Board's data base and made the information available to the licensee. Going forward, licensees will no longer be required to submit a record of CE attendance to the Board. Administratively, the Board continues to move forward with paperless transactions. Notice of paperless renewal will be sent to licensees instructing licensees that submitting a list of CE courses attended to the Board will no longer be required. All licensees should maintain documentation of CE participation, however, in preparation for random CE audits. Licensees will be informed of the process in renewal letters sent to licensees eight weeks prior to renewal deadlines.

9. AADB and CRDTS, WREB, National Meetings:

- A. ADEX: Patricia Connolly-Atkins, RDH, MS, provided a power point presentation and answered questions regarding the Commission on Dental Competency Assessments (CDCA – formally NERB) ADEX dental hygiene examination. Currently the NDBDE does not accept the CDCA hygiene examination. CDCA promotes portability. ADEX (accepted in 41 states) writes the dental hygiene exam based on occupational exams. The ADEX exam is delivered by CITA (Counsel on Testing Agencies) and CDCA. Dr. Petersen moved to accept the ADEX dental hygiene examination. Motion seconded by Dr. Goebel. Roll call vote: RCV: Dohm, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Keim, yes. Motion carried 7-0. The NDBDE would not be required to be a member state.
- 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: Dr. Dohm serving on the CRDTS Steering Committee, provided an update from CRDTS and other regional board activity. Dr. Evanoff reported on the WREB exam and the new restorative requirements for amalgam/composite surfaces accepted for a passing score. Several states are dissatisfied with the recently revised WREB format, interpreted by many states to subtract assurance of a measure of skill. Dr. Evanoff recommended the Board wait to see how the new revisions go, and reconsider the WREB's format during

discussions regarding rules amendments.

10. Newsletter feedback: The general consensus for the online newsletter was positive.

11. 2018 Meetings

- April 6, 2018, 1:00 PM Radisson Hotel, Fargo
- June 15, 2018 1:00 PM Bismarck
- September, 2018 meeting; venue and date yet to be determined.

12. Adjournment: Dr. Petersen moved and seconded by Dr. Goebel to adjourn: AIF. The meeting adjourned at 5:15 PM.

Respectfully Submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA