

Minutes
April 6, 2018, 1:00 PM | Radisson Hotel, Fargo, ND

1. Call to Order: Ms. Marsh called the meeting to order.

<u>Board Members and Administrative Staff Attendance</u>	
Bev Marsh, RDH, President	Tim Mehlhoff, CPA
Michael Keim, DDS President-elect	Troy Petersen, DMD, MD
Greg Evanoff, DDS	Mike Goebel, DDS
Absent: Otto Dohm, DDS	Rita Sommers, Executive Director
Tara Brandner, Assistant Attorney General	

2. Review Minutes: Dr. Evanoff moved, seconded by Dr. Goebel to adopt the January 26, 2018 minutes. All voted in favor (AIF).

3. Amendments & adoption of agenda: Additions; Board review nonrenewal list, NDDoH letter, consider meeting dates and venues. Mr. Mehlhoff moved to adopt the agenda as amended. Motion Seconded by Dr. Goebel. Roll call vote (RCV); Mehlhoff, yes; Keim, yes; Goebel, yes; Petersen, yes; Evanoff, yes; Marsh, yes. Motion carried 6-0.

4. Annual Compliance Review

- A. NDCC 44-04: Ms. Brandner reviewed open meetings laws including prohibited ex parte communications.
- B. State Fiscal Policies: Ms. Brandner reviewed policies applicable to agents of the State and reimbursement protocol for mileage rates, meal reimbursements and out of state travel. Funds allocated for service awards which the Board provides every 5 years are based on length of time and also administered by the OMB policy.

5. Treasurer's Report: With renewals completed for DDS/RDH, as of April 6, 2018 final license renewal totals: Dentist - 407 in state, 446 total; Hygienists – 658 in state, 792 total; Dental assistants – 584 in state, 708 total. Inactive licenses for DDS 46; RDH 72. Total licensed and registered = 2064.

<u>3/31/2018 Balances</u>		<u>Certificates:</u>	
Checking	\$295,445.54	CC Union	\$72,953.90
Muni Investor	\$2,831.06	Acct 3120/1	\$123,358.11
Preferred Bus	<u>\$2,791.28</u>	Bremer (2)	<u>\$111,248.12</u>
Total:	\$301,067.88	Total	\$306,560.13
		Total Assets	\$607,628.01

6. Review license applications and credentials:

EXECUTIVE SESSION: Moved by Dr. Evanoff to hold an executive session for the purpose of discussing confidential records. Seconded by Dr. Keim. The legal authority for closing this portion of the meeting is NDDC § 44-04-19.2(1), 43-28-18.2(3) and Federal HIPPA laws. (RCV): Mehlhoff, yes; Keim, yes; Goebel, yes; Petersen, yes; Evanoff, yes; Marsh, yes. Motion carried 6-0. The executive session was attended by Board President Bev Marsh, RDH; Tim Mehlhoff, CPA; Mike Goebel, DDS; Troy Petersen, DMD, MD; Michael Keim, DDS; Greg Evanoff DDS; Rita Sommers, Executive Director and Tara Brandner, Assistant Attorney General. Ms. Marsh called the open meeting into executive session at 2:04 PM, for the sole purpose of reviewing confidential medical records. The Executive session was adjourned at 2:14 PM.

Dr. Keim moved and Dr. Goebel seconded to deny the application for dental license of Scott Wilson, DDS. Discussion; Upon review of previous actions by the Kansas Board of Dental Examiners, the board has reasonable basis to believe that grounds for denial of the application exist under 43-28-18(29). RCV: Keim, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes. Motion carried 6-0. Dr. Wilson was present for the pre-voting discussion and the vote.

PBIS & license by examination applicants: Moved by Dr. Evanoff and seconded by Dr. Goebel to grant licenses once all requirements or other requirements are completed. RCV: Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Keim, yes. Motion carried 6-0. Moved by Dr. Evanoff and seconded by Ms. Marsh to grant license to PBIS candidates subsequent to background checks and complete applications. RCV: Keim, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes. Motion carried 6-0.

APPLICANT	LICENSE #	SCHOOL/YEAR GRADUATED
Scott Paul Wilson, DDS	APPLICATION FOR LICENSE DENIED	
Paul Benedict Dusek, DDS	2333	U of MN '18
Arjan James Majidian, DDS	2334	U of MN '18
Navneet Kaur Grewal, DDS	2335	U of MN '18
Breanna Marie Schuster, DDS	2336	U of MN '18
Jessica Rae Skelton, DDS	2337	U of MN '18
Penny Lane Chambers, RDH	1713	MSCTC '14

Teela Wagoner, RDH	1711	PBIS
Betsie McCarty, RDH	1712	Carrington College '15
Janis Elaine Whitesock, RDH	1193	Reinstatement
Angela Rae Altenburg, RDH	1706	U of WY Health Sciences '14

7. Committee Reports

A. Complaint Committee

Case 1_01262018 Lucas Deeter, DDS: At its January, 2018 meeting, 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. To date, the case remains unsettled. Ms. Brandner will communicate the Board is unwilling to change their position.

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

Case 5_01262018: Dr. Petersen moved to dismiss the complaint, seconded by Dr. Evanoff. Discussion; the Board determined that in the event where a dentist employee departs from one dental practice to another, it is not unusual for patients to transfer their records to the office of choice. It is the patient's prerogative. Grounds for disciplinary action do not exist. RCV: Keim, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes. Motion carried 6-0.

Caleb Johnsen, DDS: At its January 26, 2018 meeting the Board authorized Ms. Brandner to proceed to issue an Order of Revocation of license should Dr. Johnsen fail or refuse drug/alcohol testing. Dr. Johnsen was issued an Order of Revocation effective March 12, 2018 after failing to meet the conditions of the executed Settlement Agreement.

B. Anesthesia Committee

1) Site Evaluation: The committee reviewed the site evaluation for the office of Deeter Dental, Bismarck and Garrison satellite office.

C. CE Committee

1) Random audits: Ms. Marsh audited 10 dentists and 10 dental hygienists. The only issue being webinar certificates did not specify that the webinar was live. The Administrative Rules do not specify that a webinar must be live. The Board determined that a proctor may be a dentist in an office with an online webinar which was not live, would qualify as the dentist would act as the proctor. The Board will further discuss the issue at its June, 2018 meeting.

2) Dental assisting course approval request from the American Academy of Dental Assisting: The Board determined that although the 12 week curriculum for an entry level dental assistant may be eligible for CE, the course does not qualify for approval of a restorative functions course as requested. Administrative Code 20-03-01-05 requires 650 hours of dental assistance instruction including on the job training to become registered as a QDA (qualified registered dental assistant). Any dental assistant could take the course however, the Dental Assisting National Board (DANB) Infection Control, and Radiation Health & Safety exams would still be required for an entry level dental assistant to become registered as a QDA. Dr. Goebel moved to deny acceptance of the course for restorative functions. Dr. Petersen seconded the motion. RCV: Petersen, yes; Marsh, yes; Keim, yes; Goebel, yes; Evanoff, yes; Mehlhoff, yes. Motion carried 6-0.

3) Axxvig-Dwyer, DDS; injectables, course approval: Dr. Axxvig-Dwyer requested the Board's approval of a course which utilizes blood derivative injections for facial esthetics. Dr. Petersen moved to deny the course approval for a permit; the permit authorizes use of Botox and not blood derivatives. Dr. Petersen moved to deny authorization of the permit although the course qualifies for CE. Dr. Goebel seconded the motion. Further discussion; the permit is specifically for Botox. The Board cannot issue a permit for Botox and dermal fillers if something other than Botox would be utilized. The course does not meet requirements of Administrative Rule 20-02-01-11 for a permit to administer dermal fillers and botulinum toxin for dental use. Furthermore, the Board does not authorize treatments nor *individual* scopes of practice. RCV: Keim, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

4) Face & Jaw; anesthesia assistant course, approval request: Dr. Petersen moves to accept the course for dental anesthesia assisting, Dr. Evanoff seconded the motion. RCV: Keim, yes; Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Motion carried 6-0.

D. Application Review Committee: After review of supporting documents, Dr. Petersen moved to send the customary letter of acknowledgement thanking the practitioner for reporting pursuant to NDCC § 43-28-18.1. Motion seconded by Dr. Goebel. RCV: Petersen, yes; Marsh, yes; Keim, yes; Goebel, yes; Evanoff, yes; Mehlhoff, yes. Motion carried 6-0.

E. Legislative Committee:

1) Review new amendments to laws draft: Ms. Sommers described new amendments to the laws draft (attached) The Executive Director will revise language per Board discussion for the June meeting. Tara Brandner will look into language regarding "oath" (Draft, pg. 13).

8. Old Business

A. Policy & Procedure Manual Updates: Moved to June meeting.

B. Jackie Nord, DDS Intern program: Dr. Nord provided an update on the status of Iowa dental student interns at the Valley Community Dental Health Clinic. Students who are in good standing, passed all requirements in the 3rd year and have advanced onto the fourth year are now allowed to participate in rotations. Students are

supervised by VCDH staff dentists. Diagnosis and treatment plans are confirmed by supervising faculty. Dr. Evanoff invited Dr. Nord to report to the Board in twelve months.

9. New Business

- A. Association of State & Territorial Health Officers (ASTHO): North Dakota was selected as one of the states to participate in ASTHO's Primary Care Intensive Learning Community technical assistance opportunity. Dr. Goebel, representing the NDBDE, attended the "Kick-off" webinar and will attend future meetings. Over the next 24-months ASTHO will collaborate with stakeholders to develop a concerted plan to increase access to dental health services for all North Dakotans.
- B. Bobbie Will, Director of ND Primary Care Office, Office of Public Health Systems and Performance: The Primary Care office (encompasses behavioral health, dental health and primary care) attempts to gather data and glean information which is used to obtain federal and state monies for programs within the Dept. of Health. Center for Rural Health, Oral Health Program, and Medicaid Office gather data which is often duplicative of these efforts. The data collected related to healthcare shortage areas is used to apply for and receive grant money which enables programs administered by the Oral Health Program. Ms. Will shared a map of healthcare shortage areas and would like to partner with agencies who attempt to gather same information so that other entities could share information rather than repeatedly surveying dentists asking the same questions through three different entities. Therefore the Primary Care Office requested the NDBDE include questions in the renewal of license process. The federal and state loan repayment determines available program dollars based on information from this data. The data is also used to address work force development initiatives and used legislatively. Further, some information gathered is required by the federal government and necessary to obtain grants for public health. Ms. Will is exploring how the information would be extracted and how costs might be shared to implement inevitable security updates on the Board's website and costs for extracting the data. More information regarding costs and logistics will be provided at the June meeting. Dr. Evanoff moved to accept the proposal to collaborate the initiative pending exact breakdown of costs and potential grant money. Motion seconded by Dr. Goebel. RCV: Goebel, yes; Mehlhoff, yes; Evanoff, yes; Marsh, yes; Petersen, yes; Keim, yes. Motion carried 6-0.
- C. Toni Hruby, DentaQuest Grant Manager, NDDoH requested the Board's support for the Department's upcoming CDC grant application to improve oral health outcomes for the citizens in ND. The Executive Director will send the letter once reviewed by Ms. Brandner and Dr. Goebel. The NDBDE is committed to the dental health of the public.
- D. Axvig-Dwyer and "mercury safe" marketing: The Board received the advertisement regarding Mercury-safe dentistry. Board members will review the website and discuss at the June, 2018 meeting.
(<https://mercurysafedentists.net/one.php?origin=listing&t=1e2b8be537e3de59d52fec9444fa9adf&type=iamfd&state=ND&county=USA&dentist=2765>)
- E. NDDoH opioid letter: The Board reviewed a letter from Mylynn Tufte, State Health Officer. The NDDoH supports a petition to request the Commissioner of Food and Drugs to immediately seek removal of ultra-high dosage unit (UHDU) oral and transmucosal analgesics from the market.

10. AADB and CRDTS, WREB, National Meetings:

- A. WREB; January DERB meeting cancelled. Dr. Evanoff commented that the Board could require an anterior composite or structure requirements comparable to CRDTS. WREB provides Boards the ability to customize the clinical exam.
- B. AADB Mid-Winter Meeting, Chicago; Dr. Keim and Ms. Brandner will be attending the April meetings.
- C. National Dental Examiners Advisory Forum: The JCNB will provide airfare and rooms for one member to attend the Chicago meeting.

11. **Newsletter feedback:** The Board discussed the paper copy and online options. The newsletter will continue to be posted annually to the Board website.

12. **2018 - 2019 Scheduled Meetings:** Going forward the Board will combine the April and June meeting and utilize conference for granting licenses and video conference as needed. Mr. Mehlhoff will provide assistance with meeting logistics.

- June 15, 2018, 1:00 PM video conference, Brady Martz, Bismarck
- September 14, 2018, 1:00 PM video conference, Brady Martz, Bismarck; and
- January 11, 2019, 1:00 PM, Hampton Inn Suites, Grand Forks
- April 26, 2019, 1:00 PM, Fargo
- June 2019; Video conference call as required – meeting date to be announced
- September 2019; meeting date to be announced

13. Remuneration

14. **Adjournment:** Dr. Petersen moved to adjourn, seconded by Dr. Goebel. AIF. The meeting adjourned at 5:10 PM.

Respectfully Submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA