

**MINUTES**  
**North Dakota Board of Dental Examiners**  
**FRIDAY, JUNE 15, 2018 1: 00 PM**  
**Office of Brady Martz & Associates, 207 E. Broadway Ave., Bismarck, ND**

1. **Call to Order:** Ms. Marsh called the meeting to order at 1:00 PM.

<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	Absent: Mike Goebel, DDS
Otto Dohm, DDS	Rita Sommers, Executive Director
Tara Brandner, Assistant Attorney General	

2. **Review Minutes:** Mr. Mehlhoff moved, seconded by Dr. Petersen to adopt the April 6, 2018 minutes as amended. Discussion; Thomas Shannon, DDS and Karel deLeeuw, DDS applicants applying for licensure for the April 2016 meeting failed to complete the requirements were removed from the April minutes. Roll Call Vote (RCV) Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.

3. **Amendments & adoption of agenda:** There were no additions to the agenda however the Board was sent a letter from Dr. Noffze announcing he is closing his practice in Jamestown but will continue to practice in Fargo. Dr. Evanoff moved to adopt the agenda. Seconded by Dr. Dohm. All voted in favor.

4. **Treasurer's Report**

Ms. Sommers provided an overview of the 2018-20 budget. A 3% increase was added to most line items. Included in the budget - website security updates. Albertson Consulting provided a total estimate of \$18,994.00 for updating Big Picture website software, update tools for online renewal forms to ensure future maintenance of renewal systems, updating security, and annual support for the online application tool. Part of the monies for updates may be provided by grants from the North Dakota Department of Health (NDDoH) in return for providing workforce data via the renewal process, and providing annual support for obtaining the data. Ms. Sommers' report also noted the last licensing fee increase was January 1, 2008. Included in the discussion, a proposed fee increase to be discussed further once the Board begins amending the Administrative Rules. As the Board continues to transition toward paperless, the website will include the applicants' ability to print out the certificate of license or license verification, as current law requires the paper copy be displayed in the practitioner's office. Some professions no longer require practitioners to display the printed certificate as long as the employer, insurance credentialing agents and anyone else can verify the license online. The Board maintains reserves of 1.5 times the annual income. The Board may need to consider raising the reserves allocation. Although the Board has not raised fees in over 10 years, costs for legal, website, and administrative service have steadily increased. Mr. Mehlhoff added larger capital expenditures need to be considered as well as consideration given to raising licensing fees before the Board is strained financially rather than after the fact. The budget also included monies for updated software and computer for Ms. Sommers. Ms. Brandner provided approximate costs of typical ALJ or District Court and civil litigation and the reality that requiring the defendant to pay costs or fees does not always work out. Mr. Mehlhoff moved, Dr. Petersen seconded to adopt the 2018-2020 budget. RCV Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.

<u>2<sup>nd</sup> Q Balances</u>		<u>Certificates</u>	
Checking	\$262,834.08	CC Union	\$73,458.57
Muni. Inv.	\$2,831.25	Acct 3120/1	\$123,358.11
Preferr.Bus.	\$2,791.48	Bremer x2	\$110,248.12
<b>Total</b>	<b>\$268,456.81</b>	<b>Total</b>	<b>\$307,064.80</b>
Total Assets	\$575,521.61		

5. **Review candidate's credentials:**

<u>Applicant</u>	<u>License No.</u>	<u>Accredited Program</u>
Karel deLeeuw, DDS	2332	Loyola '81
Richard Alan D'Avanzo, DMD	2338	Fairleigh Dickinson U School of Dentistry, '88
Christopher Scott Freeman, DDS	2339	U of KY '01
Brock W. Caspersen, DMD	T2340	Nova Southern U '11
Brian Nelson, DMD	2341	Boston U '10
Navneet Kaur Grewal, DDS	2335	U of MN '18
Aire W. Bauer, DDS	2342	Creighton '17
Deanna Jo Webster, DDS	2343	U of CO '15
Katharine L. Stringer, DMD	2344	U of KY '15
Garrett Allen Skonseng, DDS	2345	U of MN '18
Jessica Miskavige, DDS	2346	U of MN '18
Casey Alexander McLachlan, DDS	2347	Marquette '18
Swati Mukul Kumar, DDS	2348	U of CO '16
Kali E. Anderson, DMD	2349	U of CO '18
Derek W. Hiam, DDS	2350	Creighton '18
Corbett A. Haas, DDS	2351	U of WA '11
David Richard Firmage, DMD	2352	Roseman '15
Ashley Lynn Beard, DDS	2353	NY U '18
Teela Wagoner, RDH	1711	Phoenix Coll. '14
Lisa Courtney Vosberg, RDH	1714	NDSCS '18
Haylee Volk, RDH	1715	MSCTC '18
Brandi L. Simons, RDH	1716	U of SD '18
Jacey Lane Shively, RDH	1717	NDSCS '18
Andi Jo Schiefelbein, RDH	1718	MSCTC '18
Olivia Russell, RDH	1719	CO NW CC '18
Madison Ross, RDH	1720	MSCTC '18
Tera O'Keefe, RDH	1721	MSCTC '18

Nicolette Simon, RDH	1722	MSCTC '18
Taylor Nesvold, RDH	1723	MSCTC '18
Cheyenne Liedle, RDH	1724	NDSCS '18
Emily Jade Lamson, RDH	1726	NDSCS '18
Heather Kuntz, RDH	1727	MSCTC '18
Kenadi M. Lee, RDH	1728	NDSCS '18
Brooke P. Kerzmann, RDH	1729	NDSCS '18
Allison Jorgensen, RDH	1730	MSCTC '18
Shanda Jo Hayden, RDH	1732	NDSCS '18
Hannah J. Haire, RDH	1733	NDSCS '18
Celia Marie Hager, RDH	1734	Century Coll. '18
Bailee Gulseth, RDH	1735	NDSCS '18
Brittany Fetsch, RDH	1736	MSCTC '18
Shelby Butler, RDH	1737	NDSCS '18
Rylee Bernardy, RDH	1738	MSCTC '18
Anna Kathryn Beckstrand, RDH	1739	Normandale CC '18
Allison Volk, RDH	1740	MSCTC '18

B. Review licensing protocol: Dr. Evanoff moved to authorize the executive director to grant dental and dental hygiene licenses to those who meet the requirements of licensure in between meetings and report to the Board and in the minutes those who were granted license. In addition, the executive director will continue to hold the licenses where anything questionable exists. Discussion; The Board has authority to delegate the executive director to approve licenses. Dr. Dohm seconded the motion. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0. Dr. Evanoff moved to grant license to those who have met the requirements of license, seconded by Dr. Dohm. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.

## 6. Committee Reports

### A. Complaint Committee (Dr. Evanoff, Chair)

- 1) Case 7-04062018: The Committee is concerned with the number of complaints however the complaints do not contain enough information for the Board to take disciplinary action at this time. Dr. Evanoff moved to dismiss both complaints and send a letter of concern regarding the quality of care. Although the complaint does not rise to the level of discipline, a pattern exists. Dr. Petersen seconded the motion. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0. Dr. Evanoff will send the communication.
- 2) Case 6-04062018: The complaint regarding patient abandonment did not involve treatment. Dr. Evanoff moved and Dr. Peterson seconded to dismiss the complaint. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.
- 3) Case 9-06152018: The incident is under investigation. The Board will hold the complaint as active until law enforcement completes their investigation and police reports are available.
- 4) Case 10-06152018 & 11-06152018: The Complaint Committee recommended reviewing the two complaints at the next meeting of the Board anticipating further information.
- 5) Case 14-06152018 & 15-06152018: The complaint is in regards to a 2003 matter. The Complaint Committee shall notify the dentist and request a response. Hold for further review until the September meeting.
- 6) Case 1\_01262018: The Board has reasonable basis to believe that the practitioner violated NDCC 43-28-18(12)(27) and the American Dental Association's Principles of Ethics and Code of Professional Conduct, Principle 5.A.2. Dr. Evanoff moved to accept the non-disciplinary counter proposal. Dr. Dohm seconded the motion. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.
- 7) Lucas Deeter, DDS, Matt Deeter, DDS, and Terry Deeter, DDS: The Board believes there is reasonable basis to believe that Lucas Deeter, DDS, Matt Deeter, DDS, and Terry Deeter, DDS violated 43-28-18(1)(5)(12)(13)(14)(22)(27)(28) and the American Dental Association's Principles of Ethics and Code of Professional Conduct, Principle 2.C. Dr. Evanoff moved to offer a Settlement Agreement to include a letter of reprimand; require new anesthesia site evaluation within 60 days at all sites where sedation is administered for sedation permit holders Lucas Deeter, DDS and Terry Deeter; \$1000 fee for each dentist; and each dentist must take the NDBDE's jurisprudence exam, Dr. Petersen seconded the motion. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.
- 8) Case 13-06152018: The advertisement contained a statement of superiority, a violation of 5.F.2 in the Principles of Ethics and Code of Professional Conduct. Dr. Evanoff moved to send a letter of concern and request data on the statement. Ms. Marsh seconded the motion. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.

### B. Anesthesia Committee (Dr. Petersen, Chair)

- 1) Site evaluations – No report.
- 2) DAIRS (dental anesthesia incident reporting system): Informational only - The AAOMS letter was reviewed. The American Association of Oral and Maxillofacial Surgeons developed the Dental Anesthesia Incident Reporting System which is an anonymous, self-reporting tool used to collect and analyze dental anesthesia-related incidents. DAIRS is offered at no cost to submitting providers and agencies wishing to verify the submission of DAIRS reports. No Action.
- 3) Request for Board approval: The Anesthesia Committee reviewed the American Society of Dental Anesthesiologists (ASDA) 2 day course and the curriculum meets the requirements for the dental anesthesia permit CI I. Moved and seconded to accept the two-day dental anesthesia assisting course from the ASDA. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.

### C. CE Committee (Ms. Marsh, Chair)

- 1) Random audits – 2<sup>nd</sup> and 3<sup>rd</sup> Quarter audits were completed. Ms. Marsh conducted twenty dental and twenty dental hygiene audits. Ms. Marsh reported one licensee failed to complete CE for renewal of the anesthesia permit. However, after the renewal the CE was obtained.

### E. Administratively, the error was not caught. Therefore no action will be taken against the licensee.

- 2) Review CE protocol: Certificates of completion no longer need to be sent to the Board. The Board will clarify what constitutes a webinar. Example, a live webinar, or a pre-recorded video with a proctor (dentist or other presenter). Forms to track CE may be downloaded from the Board website to document CE however no CE should be sent to the Board. The Board will enforce compliance by conducting the random audits.

3) Ms. Brandner confirmed that the attestation on the end of the renewal form authorizes Board action against a violation of CE requirements.

F. Application Review Committee – No report

G. Legislative Committee - Review laws draft: Tara Brandner will draft language to replace the word “oath” to “notarized.” Dr. Petersen moved to adopt 6-15-2018 amendments to the proposed bill draft. Motion seconded by Ms. Marsh. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.

#### 8. Old Business:

A. Policy & Procedure Manual updates (Ms. Sommers). Bev Marsh moved to adopt amendments to Policy and Procedure Manual. Dr. Petersen seconded. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.

B. Axxig-Dwyer and mercury safe marketing; continue April 6, 2018 discussion

(<https://mercurysafedentists.net/one.php?origin=listing&t=1e2b8be537e3de59d52fec9444fa9adf&type=iamfd&state=ND&country=USA&dentist=2765>): Dr. Dohm moved to table the discussion. Dr. Keim seconded the motion. RCV: Marsh, yes; Evanoff, yes; Mehlhoff, yes; Petersen, yes; Keim, yes; Dohm, yes. Motion carried 6-0.

C. ASTHO (Association of State & Territorial Health Officers) update – Bobbi Will: ASTHO’s focus regarding workforce collaboration is on pediatric, Native American and long term care and working toward a sustainable business model giving consideration to past obstacles/barriers. ASTHO aims to determine what a workforce would look like for those three populations to gain additional access given the current challenges while being as creative as possible with the current workforce. Ms. Will also commented that the poverty population is not driving this collaboration and the focus of the workgroup; the group will have to choose issues where the solutions are within their reach and where the group will have an impact. The Board inquired as to the role Indian Health Services plays in solving the perpetual access issues. The same issues which have existed for decades seem to be relative to how IHS resources are provided or how access to IHS resources are not made readily available.

D. Data Collection Collaboration: Bobbie Will, Director of ND Primary Care Office and Kim Yineman, ND Dept. of Oral Health. Bobbie Will provided an overview of grant opportunities that may be available to secure funds for initial and ongoing collection of data. The funds would be used to assist with the collection and security of data required by the NDDoH. Workforce data collection via the ND Dental Board’s renewal process allows the NDDoH to be more efficient in collection of data which has overlapped in the past. Grant information will be available mid-August. Additional of workforce questions integrated into the online renewal process would need to be provided by September, 2018.

E. Dental assisting workforce grant update (Dr. Dohm): The ND Dental Foundation grant may provide support for a number of activities to respond to the significant need for dental assistants especially in the western part of the state. The grant financially supports review courses, DANB certification testing, and presentations to target potential dental assisting students.

#### 9. New Business:

A. NDDA Interim Opioid Policy Statement (Will Sherman, Executive Director, NDDA):

Will Sherman presented an interim policy statement, adopted by the NDDA Board and which will go before the NDDA House of Delegates in Sept 2018. The policy has been reviewed by ND Pharmacy Assoc., ND Nurses Assoc., ND Medical Association, Boards of Pharmacy, Nursing, and Medical. None of the entities have formally approved or endorsed the policy but are supportive of the plan. North Dakota OMFS’s are also in support of the policy as well as Mylynn Tufte, State Health Officer. The NDDA advocates the Board of Dental Examiners implement the policy as Administrative Rules are amended. Policies include mandatory continuing education on prescribing and pain management, seven-day dosage limit of controlled substance for treatment of acute pain, mandatory PDMP registration for controlled substance prescribers. Administrative rules currently require DEA holders to use the PDMP. Concerns of the Board; not all dental practitioners have a DEA number (therefore do not prescribe controlled substances) and would not benefit from mandatory prescribing CE. Limitations on prescribing needs further clarification so the prescriber understands a second controlled substance prescription may be dispensed but not without some type of consultation with the patient. Currently administrative rules also require review of a patient’s prescription drug monitoring program data if more than a three-day supply of the controlled substance is prescribed. Mr. Sherman could only guess the number of other states adopting similar legislation. The Board of Pharmacy currently lacks the resources or software capability to determine information on dental prescribers that may be outliers (excluding OMFS’) therefore no hard facts presently exist. The Board will review the recommendations during the upcoming Admin Rules amendment process.

B. Prescription Drug Monitoring Program 1<sup>st</sup> Q 2018 report: 374 dentists are registered with the PDMP. The number of total users of the PDMP has almost doubled in the last 36 months. Reportable substances dispensed has continued to decline since 2015.

C. Thermalimaging.com <https://www.wday.com/lifestyle/health/4409717-west-fargo-business-detects-early-signs-breast-cancer-thermal-imaging> and (<http://sozothermalimaging.com/common-conditions-for-thermal-imaging/>) The screening tool was brought to the Boards attention for review by West Fargo law enforcement. No action.

#### 10. Meetings & National Organizations:

A. Regional clinical boards: CRDTS Workshop and Annual Meeting, August 24-25, 2018 KC, MO.

WREB - DERB meeting in June was cancelled due to the changes in the format of the test. WREB will wait for further statistics are presented in October. Candidates should be pleased. Hygiene will also wait for further stats.

B. AADB Mid-Winter Meeting 2018; trip report presented by Dr. Keim. D-Prep was a topic of interest as there is a lack of use. Disturbing trends regarding dental education; average student debt is \$300,000 upon graduation, often affecting what type of practice students enter. Also discussed: the licensing compact in SD which has ended. Many states are dropping enforcement of specialty advertising. Rather than listing specialties and reference member organizations, Boards will lean toward describing length of time of specialty education and other criteria required. Corporate dentistry was well represented at the meeting. Smile Direct Club was also addressed relative to teledentistry. Upcoming AADB meeting will be attended by Ms. Sommers and Ms. Brandner. Ms. Sommers will attend the adjoining AADA Annual meeting.

C. FARB Annual Regulatory Law Seminar; The Board is a member of FARB. September 27-29 will be attended by Tara Brandner.

D. NDDA meeting; Ms. Sommers was invited to present a brief overview the board, recent rules amendments, future amendments to statute at the NDDA’s Annual Session.

#### 11. Remuneration

12. Next meeting: September 14, 2018 1:00 PM; Office of Brady Martz & Associates, Bismarck

13. Adjournment: 4:18 PM - Moved by Dr. Evanoff to adjourn, seconded by Ms. Marsh. AIF.

Respectfully Submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA