

**MINUTES**  
**North Dakota Board of Dental Examiners**  
**Friday, September 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 1:13 PM. A roll call was taken, all members were present.

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

**2. Review Minutes:** Dr. Dohm moved, seconded by Dr. Evanoff to adopt the June 15, 2018 minutes. All voted in favor of the motion.

**3. Amendments & adoption of agenda:** Dr. Evanoff moved to adopt the agenda and additions to the agenda, seconded by Dr. Dohm. All voted in favor of the motion.

- A. Scott Wilson, DDS - Dr. Wilson requested the Board rescind the report to the NPDB regarding the denial of license. Moved by Dr. Goebel and seconded by Dr. Dohm to authorize Ms. Brandner to send Dr. Wilson a letter explaining the Board has followed the law and stating the Board will not rescind the decision based on the KS action. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Petersen, yes; Mehlhoff, yes; Keim, yes. Motion carried, 7-0.
- B. BCI Training - BCI runs criminal history checks that are run through the FBI and the FBI has requirements for anyone who comes in contact with the information. Although members of the Board never see or obtain the actual report, learning of the content of the report requires an abridged training session. Ms. Sommers and Ms. Brandner have completed the lengthier training required by the Bureau. Ms. Brandner will conduct the training at the January meeting.
- C. Caleb Johnsen, DDS - Dr. Johnsen now resides in Missouri and has requested his revoked license be reinstated. To date the stipulations addressed in the Settlement Agreement have not been addressed. The Board discussed the legality of issuance of a limited dental license to restrict a license issued to Dr. Johnsen to an educational setting only. However, Dr. Johnsen is requesting the Board agree to less training in restorative procedures than was stipulated in the Settlement Agreement. Ms. Brandner will report to the Board regarding legality of *rescinding a revocation* and any other options/courses of direction and a limited license.
- D. ITR - Interim Temporary Restoration: Ms. Marsh noted she would like to discuss ITR's once the Board moves toward rules amendments.

**4. Treasurer's Report** - Having only one month of the three months in the 3<sup>rd</sup> quarter to report on, financials would be incomplete at best therefore a financial report of one month was not presented. 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. A total of \$12,000 has been dispersed to Albertson to begin implementing the updates. The NDDoH is working on a grant and contract with the State to provide resources for the Board's data collection which is based on the NDDoH federal requirements for information related to workforce. The contract and grant should be available sometime in the 4<sup>th</sup> Quarter 2018.

| 3rd Q Balances |                     | Certificates |                     |
|----------------|---------------------|--------------|---------------------|
| Checking       | \$206,745.11        | CC Union     | \$73,458.57         |
| Muni. Inv.     | \$2,831.25          | Acct 3120/1  | \$123,358.11        |
| Prefer. Bus.   | \$2,791.48          | Bremer x2    | \$110,248.12        |
| <b>Total</b>   | <b>\$212,367.84</b> | <b>Total</b> | <b>\$307,064.80</b> |
| Total Assets   | \$519,432.64        |              |                     |

- A. Biennial Audit - Records for the biennial audit have been delivered to Jason Schuh, CPA. The audit may take up to 8 weeks once the audit actually begins.

B. State Auditor's Office - The Board received notice of a *performance audit*. No dates were provided for the audit.

## 5. Review candidate's credentials:

A. Dental applicants granted license in the 3<sup>rd</sup> Quarter:

| <u>Licensee</u>        | <u>License no.</u> | <u>Accredited Program</u>                  |
|------------------------|--------------------|--|
| Thomas Shannon, DDS    | 2331               | U of MI DDS '07 and MS (Ortho) '12 U of TN |
| Deanna Jo Webster, DDS | 2343               | U of CO '15                                |
| Swati Mukul Kumar, DDS | 2348               | U of CO '16                                |
| Brock Casperson, DMD   | 2340               | Nova Southern U '11                        |
| Adam Anderson, DDS     | 2357               | U of NE Med CTR '13                        |

## 6. Committee Reports

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

- 1) Cases 14-06152018 and 15-06152018: Dr. Evanoff moved and Dr. Goebel moved to dismiss. The complaint regarding 2003 treatment did not show evidence for grounds for disciplinary action. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Petersen, yes; Keim, yes. Motion carried 7-0. Dr. Evanoff will send the communication.
- 2) Case 16-06152018: The complaint regarding a fee dispute did not show grounds for disciplinary action. Dr. Evanoff moved and Dr. Goebel seconded to dismiss the complaint. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Keim, yes. Motion carried 6-0-1. Dr. Petersen recused himself from the discussion and vote.
- 3) Case 9-06152018: The dentist noted in the complaint was not the treating dentist. The Board cannot hold the dentist accountable. Moved by Dr. Evanoff to dismiss the case, grounds for action do not exist. Dr. Dohm seconded the motion. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Petersen, yes; Keim, yes. Motion carried 7-0.
- 4) L. Brady, DDS; Case 10-06152018 & 11-06152018 B: The Board has reasonable basis to believe that the practitioner violated N.D.C.C. § 43-28-18(11), (12), (13), (22), and N.D. Admin. Code 20-02-01-05(1). Dr. Evanoff moved to authorize Ms. Brandner to offer a Settlement Agreement as follows: For providing sedation without a permit, a \$2000 fee; mandated continuing education in addition to CE required for renewal to address quality of care, 32 hours of implant education; to address restorative issues, 32 hours of restorative procedures CE to be completed within 18 months. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Petersen, yes; Keim, yes. Motion carried 7-0.
- 5) Case 17-06152018: Dr. Goebel moved to dismiss the case, seconded by Dr. Petersen. Discussion; With regard to how the denture should have been completed, whether or not the use of mini implants offers a permanent solution or, whether said implants were poorly placed, or were potentially adequate to secure the denture would be a matter of opinion. Therefore, grounds for disciplinary action do not exist. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Petersen, yes; Keim, yes. Motion carried 7-0.
- 6) Case 9-06152018: The Board will learn more regarding the investigation and findings of the court during the renewal season. No action.
- 7) Complaint 01-01262018: The practitioner has accepted the non-disciplinary Settlement Agreement.
- 8) Lucas Deeter, DDS, Matt Deeter, DDS, and Terry Deeter, DDS, Case 2\_01262018: A counter proposal is anticipated in October 2018.

B. Anesthesia Committee (Dr. Petersen, Chair)

- 1) Site evaluations – Three site evaluations were successfully completed during the 3<sup>rd</sup> Quarter.

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

- 1) Random audits – Ten dentist and ten hygienist audits will begin in October 2018. Ms. Marsh conducted twenty uneventful dental and twenty dental hygiene audits for the 2<sup>nd</sup> quarter.

D. Application Review Committee – Two self-reports were reviewed by the Board. No action.

E. Legislative Committee - Review laws draft: The Board reviewed the proposed legislation, further amending some sections. Ms. Marsh moved to amend the draft and submit the proposed legislation to the Legislative Council. Dr. Goebel seconded the motion. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Petersen, yes; Keim, yes. Motion carried 7-0. Ms. Sommers will disperse

testimony to members of the Board.

## **7. Old Business**

- A. Executive Director Annual Review: Dr. Petersen moved a five percent salary increase. Discussion; a cost of living adjustment was included in the calculations. Motion seconded by Tim Mehlhoff. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Petersen, yes; Keim, yes. Motion carried 7-0.
- B. Albertson Consulting: The Board has issued a 12k payment to Albertson Consulting to begin required security updates and purchase of tools required for online renewal process.
- C. Newsletter assignments/discussion; Recognition of Dr. Hasey's retirement from forensic dental needs of the Department of Health. The newsletter will also reiterate CE procedures for renewal of license and registration; President's Message; address options to resolve disputes and avoid complaints to the Board; patient disputes, fee disputes and AAO ethics article and any legislative action.
- D. Policy & Procedure Manual Updates: Tony Malaktaris, DDS remains the ND representative on the CRDTS ERC. Additions to Executive Director's responsibilities/duties; addition of Policy 24 regarding Criminal History Record Information to assist those responsible for appropriate information handling and requirements for use of state and federal criminal history record check processes. Tara Brandner will conduct the BCI training and testing for all members of the Board during the January meeting. Moved by Dr. Goebel and seconded by Dr. Dohm to accept the amendments to the P & P Manual. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Petersen, yes; Keim, yes. Motion carried 7-0.

## **8. New Business**

- A. Procurement: Dr. Peterson moved that Ms. Sommers and Ms. Brandner schedule a meeting with APT to discuss management issues and possible resolutions regarding communication and propose a counter offer within the contract pertaining to communications, responding to calls which would complete the procurement process. Dr. Goebel seconded the motion. RCV: Evanoff, yes; Marsh, yes; Dohm, yes; Goebel, yes; Mehlhoff, yes; Petersen, yes; Keim, yes. Motion carried 7-0.
- B. Attorney General's Orientation/training: The AG's office is hosting a seminar for board members and legal counsel. Assistant Attorney Generals have concerns regarding the discrepancies among state boards and their role in protecting the public. Ms. Brandner agreed to provide the orientation at the January meeting to compliment the Board's annual review of open records, open meetings laws, laws pertaining to boards in general and the BCI training.

## **9. Meetings & National Organizations**

- A. CRDTS Annual Meeting August 24-25, 2018, KC, MO: Dr. Dohm and Ms. Marsh attended. CRDTS Steering Committee is concerned with student attitudes toward live patient testing and how it is unfortunately driving the direction of regional testing board's structure and content. Exacerbating the issue, clinical boards and their "turf wars". The U of MN removed the CRDTS exam and added the CDCA's ADEX exam. Dr. Dohm concluded the NDBDE may want to consider being more specific in requirements for exam content. Bev Marsh reported the hygiene exam will offer make-up exams for students who fail the exam.
- B. WREB – DERB: Dr. Evanoff will attend the October 2018 meeting. WREB and CRDTS worked together to conduct an occupational analysis. The data may assist boards in determining required skills for state licensure.
- C. AADB Annual Meeting 2018; Ms. Sommers and Ms. Brandner will attend the AADB meeting. Ms. Sommers will also attend the adjoining AADA meetings.
- D. FARB Annual Regulatory Law Seminar; The Board is a member of FARB. September 27-29 will be attended by Ms. Brandner and Ms. Sommers.

**10. 2019 Scheduled Regular Meetings:** January 11, 2019, 1:00 PM; Grand Forks, Hampton Inn; April 26, 2019, 1:00 PM, Brady Martz hosting, Fargo, hosting; June 14, 2019, 1:00 PM, Grand Forks, Brady Martz hosting; September 20, 2019, Fargo.

**11. Adjournment:** 4:36 PM - Moved by Dr. Evanoff to adjourn, seconded by Ms. Marsh. AIF.

Respectfully Submitted, Rita Sommers, Executive Director

Tim Mehlhoff, CPA, Secretary-Treasurer