

MINUTES
North Dakota Board of Dental Examiners
January 16, 2019, 6:00 PM
APT Inc., 2900 E. Broadway Ave., Suite 3, Bismarck, ND

1. Call to Order: Ms. Marsh called the meeting to order at 6:04 PM. A roll call was taken, all members were present.

<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
Otto Dohm, DDS	Rita Sommers, Executive Director
Tara Brandner, Assistant Attorney General	

2. Review Minutes: Jan 27, 2016; Sept 15, 2018; Oct 29, 2018; Dec 4, 2018

Seeing no corrections to the minutes Dr. Evanoff moved, seconded by Dr. Petersen to adopt the January 27, 2016. With no further discussion, all members voted in favor by saying “aye”. Motion carried.

Seeing no corrections to the minutes Dr. Evanoff moved, seconded by Dr. Petersen to adopt the September 15, 2018 minutes. With no further discussion, all members voted in favor by saying “aye”. Motion carried.

Seeing no corrections to the minutes Dr. Evanoff moved, seconded by Dr. Petersen to adopt the October 29, 2018 minutes. With no further discussion, all members voted in favor by saying “aye”. Motion carried.

Seeing no corrections to the minutes Dr. Evanoff moved, seconded by Dr. Petersen to adopt the December 4, 2018 minutes. With no further discussion, all members voted in favor by saying “aye”. Motion carried.

3. Complaint Committee:

- A. Case Number 12-06152018 – Dr. Goebel will explore continuing education course options which addresses pediatric pain control and the concerns of the Board regarding the complaint.
- B. Case Number 15-12042018 - Dr. Evanoff moved that the Board take disciplinary action against Dr. Hetland, and authorize Ms. Brandner to issue a Settlement Agreement. The motion was seconded by Dr. Petersen. The agreement would include a letter of reprimand, a site evaluation, \$1000 fee, and successful completion of the NDBDE Ethics and Jurisprudence examination. In addition, during the site evaluation, the evaluator must interview and report on Dr. Hetland’s knowledge and understanding of the *ADA’s Guidelines for the Use of Sedation and General Anesthesia by Dentists*. Discussion; the board has reasonable basis to believe that by authorizing a dentist without a sedation permit to provide sedation, Dr. Hetland violated NDCC § 43-28-18. (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.
- C. Case Number 14-12042018 - Dr. Evanoff moved that the Board take disciplinary action against Dr. Harrie and authorize Ms. Brandner to issue a Settlement Agreement. The agreement would include a letter of reprimand, and \$1000 fee. Should Dr. Harrie apply for a sedation permit in the future, non-proctored clinical cases which occurred while practicing with Dr. Hetland, will not be accepted toward the clinical case requirement of the sedation application. In addition, during the site evaluation, the evaluator must interview and report on Dr. Harrie’s knowledge and understanding of the *ADA’s Guidelines for the Use of Sedation and General Anesthesia by Dentists*. Discussion; the board has reasonable basis to believe that providing sedation without a permit, Dr. Harrie violated NDCC § 43-28-18. (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.
- D. Case Number 11-06152018 – Dr. Evanoff moved to accept the counter offer from Dr. Brady which includes a letter of concern, a fee of \$500 and 32 hours of continuing education focused on implant education and 32 hours of continuing education focused on restorative skills. The motion was seconded by Ms. Marsh. (RCV):

Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0. Dr. Goebel will seek options for CE.

- E. Case Number 2-01262018 – Dr. Evanoff moved to accept the counter offers from Matt Deeter, DDS, Lucas Deeter, DDS and Terry Deeter, DDS. Ms. Marsh seconded the motion. (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.
- F. Case Number 13-01112019 – Dr. Evanoff moved to dismiss. Motion seconded by Dr. Dohm. Discussion; Grounds for disciplinary action do not exist. (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.

4. Legislative Committee: Dr. Evanoff moved to oppose legislation introducing a dental therapist and requests that written testimony be prepared. Dr. Dohm seconded the motion. Discussion; Dental therapists are inadequately trained and this issue is regarding public safety. Marsh, no; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 6-1.

Bill #	Introduced	Summary	Board's Action
HB 1523	House: INTRODUCED 01/14 H Introduced, first reading, referred Government and Veterans Affairs Committee 01/25 H Committee Hearing - 08:00 AM	Relating to the operating fund balances of state agencies, departments, and institutions; to amend and reenact section 54-44-12 of the North Dakota Century Code, relating to accounts of occupational and professional boards, associations, and commissions, and to provide an effective date.	Discussion; The bill could affect the viability of board's litigation reserves. Funds designated specifically for litigation or emergency funding. Mr. Mehlhoff moved to oppose the bill as written, the threshold set too low. The intent to sweep funds from boards represents a taxation on licensees. Ms. Sommers will prepare testimony. Motion seconded by Dr. Keim. RCV: (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.
SB 2126	Senate: INTRODUCED 01/03 S Introduced, first reading, referred Government and Veterans Affairs Committee 01/17 S Committee Hearing - 10:00 AM	Relating to licensure of foreign practitioners of occupations and professions. SB 2126 and 2127: Based on lack of protection to public, Dr. Dohm moved to oppose, motion seconded by Dr. Petersen. Discussion; submit written testimony for bills which affect the boards ability to protect the public. ,	Dr. Dohm moved to oppose 2126 and 2127 based on lack of protections for public. Conflicts with Board's mission. Ms. Sommers will prepare testimony. RCV: (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.
HB 1253	House: Introduced	Relating to a criminal conviction and state licensure.	Dr. Dohm moved to oppose HB 1253. Ms. Marsh seconded the motion. The legislation seems to be part of a movement to ban background checks for the sake of employment. The Board's statute currently has language related to the issue and has always relied on the Assistant Attorney General appointed to the Board for legal advisement on such situations. Without all facts related to convictions, Boards are at a disadvantage. RCV: (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.
SB 2127	Senate: INTRODUCED 01/03 S Introduced, first reading, referred Government and Veterans Affairs Committee 01/25 S Committee Hearing - 09:30 AM	Relating to regulation of the practice of occupations and professions by military dependents; and to amend and reenact sections 15.1-13-17, 27-11-01, 43-51-01, and 43-51-11.1 of the North Dakota Century Code, relating to regulation of occupations and professions.	

5. Application Review Committee: Applications remain incomplete. Dr. Goebel moved to take no action. Dr. Dohm seconded the motion. (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.

Ms. Marsh moved to table the remainder of the agenda to future meeting. Dr. Keim seconded the motion. (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0.

6. 2019 Scheduled Regular Meetings: 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.

7. Adjournment: Ms. Marsh moved to table the remainder of the agenda until the next formal meeting of the Board. Dr. Keim seconded the motion. (RCV): Marsh, yes; Keim, yes; Dohm, yes; Mehlhoff, yes; Goebel, yes; Evanoff, yes; Petersen, yes. Motion carried, 7-0. 8:10 PM - Moved by Dr. Evanoff to adjourn, seconded by Ms. Marsh. AIF.

Respectfully Submitted, Rita Sommers, Executive Director

Tim Mehlhoff, CPA, Secretary-Treasurer
