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PRESIDENT'S MESSAGE

"If you are reading this message, thank you, for taking the time to view the Board's website."

I am privileged to serve as the President of the NDBDE alongside fellow members who share a common passion focused on the mission of protecting the public. In our service to the NDBDE, at times our primary focus is complaints, unfortunately. Just about any question a practitioner may have can be answered on the pages of the Board's website or by reviewing the laws and rules pertaining to dentistry. Coincidentally, many complaints received by the Board could have been avoided by observing information on the Board's website relevant to the lawful and ethical practice of dentistry or resolved using better communications with our patients.

The Board of Pharmacy and all other Boards regulating prescribers followed suit with the regulatory language that states if you are prescribing or dispensing, you must authorize an employee to review the Prescription Drug Monitoring Program report of the patient within the previous twelve months before writing any script. There are exceptions to this law and many other provisions.

Attorney General Stendhjem and Governor Burgum have made significant efforts to address opioid misuse and addiction through the Governor's Executive Order making naloxone, a medication designed to reverse the symptoms of an opioid overdoses, more available.

New Administrative Rules became effective July 1, 2017. These rules provide essential information to licensees who prescribe medications.

HOW ARE WE DOING? Statistically speaking and considering not all dentists are prescribers, numbers for dentists enrolling in the PDMP are high. Continue to educate patients and inform patient where to dispose of unused prescription medications.

Recognizing the importance of continuing education tailored to individual practitioner's needs, the Board has determined webinars shall be accepted in lieu of classroom style education. Up to one half of all continuing education credits may now be obtained online from self-study with remaining required hours obtained from webinars or classroom style continuing education.

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The Board describes self-study as an educational process designed to permit a participant to learn a given subject without involvement of a proctor. A key feature of a Webinar is its interactive elements; the opportunity to receive and discuss information in real-time.

As the Board considers future Administrative Rule amendments, it remains open to questions, feedback, and input from practitioners. Tara Brandner, Assistant Attorney General serving as the Board's legal counsel, assists in guidance through the process. Lastly, I wish to express my gratitude to fellow members of the NDBDE for their commitment and time devoted to the work of the NDBDE.

Yours truly, Bev Marsh, RDH

Continuing Education Audits

A percentage of registered dental assistants, dental hygienists and dentists are randomly selected each quarter for an audit of continuing education. A notice of audit is sent that explains the requirement to submit documentation to prove completion from the previous renewal period. Audit documentation is not returned to licensees, so submit copies and retain original certificates of completion. Licensees are notified in writing of their successful completion of the audit.

Failure to Comply

The license of any person who fails to comply with the audit may be subject to disciplinary action or non renewal of the license or registration. The Board may extend the CE deadline for a practitioner providing proof of medical or other hardship rendering the dentist unable to meet the deadline.

What Compliance Looks Like

Upon biennial renewal of license each practitioner must attest to qualifying CE:

- ✔ CPR/BLS
- ✔ Ethics/jurisprudence
- ✔ Infection Control
- ✔ Remainder of hours must be related to the clinical practice of dentistry.
- ✔ RDH total - 16 hours
- ✔ RDA/QDA - total 16
- ✔ DDS - total 32 hours
- ✔ Permit holders must include CE pertaining to permit: Sedation/Anesthesia, Restorative Functions & Anesthesia Assistant

One half of hours may be self study.

CONTINUING

ED

What is the time period for completing CE?

Your hours must be completed during the requisite time period. For example dental assistants registered with the Board must complete 16 hours from January 1, 2019 thru December 31, 2020.

JUST

Who is exempt from CE?

Dentists and hygienists who have their license on INACTIVE STATUS; a licensee who has endured a severe hardship and was or is unable to complete the CE requirement may be exempt. For example a deployed member of the military or a military spouse. Newly Licensed by Examination DDS, RDH, or RDA are exempt from CE during the cycle in which they were licensed or registered. Licensed by Credential? Save proof of CE submitted with your initial application for License by Credential that was taken within 24 months of renewal.

Can I take all CE hours online?

Possibly. If one half of the hours are from bonifide webinars, then yes. The Board will accept half of CE hours from online education and self study. Keep in mind, you must maintain records for your CE. CPR may be taken online if there is a hands on component. Some CPR courses offer eLearning to prepare in advance of the hands on training which is offered at AHA training centers.

FACTS

I have a sedation permit. Are CE hours required?

Continuing education hours pertaining to your permit are included in the total requirement for CE hours. Auxiliary who have a permit for Anesthesia Assistant and Restorative Procedures are also required to include CE pertaining to the permit. For example if you hold a moderate conscious sedation permit, at least four hours of the required 32 hours for a dentist must pertain specifically to sedation or anesthesia.

When should I submit CE records to the Board? Short answer - never.

Practitioners must maintain CE records from the previous renewal cycle. The Board enforces CE compliance by conducting quarterly random audits and no longer requires mailing or faxing CE to the Board' office. At the time of online renewal, the licensee must attest that CE requirements as required by law have been met. Random audits are an objective examination and evaluation of the continuing education records of the licensee.

Webinar defined: A web based event attended exclusively by an online audience and proctored. For CE requirement purposes, webinars are considered equivalent to classroom style learning rather than self study. Half of all CE credits may be obtained online (without a proctor). Keep in mind, all online courses are not webinars. A certificate of completion must include the term "webinar" to be counted as such.

CE Audits - being audited for the first time? We asked 5

recently audited practitioners what they would do differently. The answer 5/5 times; "keep better records".

A few practitioners added to their comment saying they would also "reconsider" CE tracking apps. CE records you should maintain include receipts, proof of purchase, certificates of completion; or any document that provides evidence that you attended a webinar, or classroom style educational event. If you attend a webinar, make sure your certificate states the word "webinar".

NOTICE: Renewal notification for dentists and dental hygienists begins early to mid October, 2019. Is your mailing address

AND E-mail address

*CORRECT?

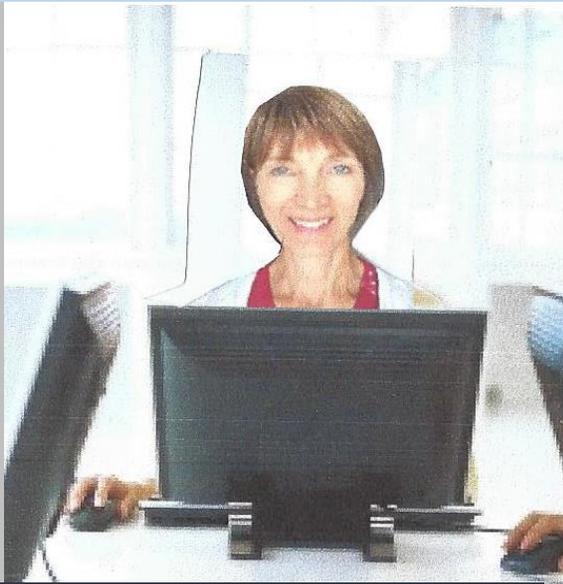
Notices will be E-mailed.

*NDCC 48-28-23. Within 30 days of change of address, practitioners must notify the Board.



Online renewal

has come to fruition with registered dental assistants leading the way in 2018. Online renewal benefits you and the Board by saving both time and money. If you updates, do not receive an e-mail notice for renewal of license, the Board may not have your current contact information or your address. Email the Board to provide current E-mail address. dental hygienists will have the opportunity in the Fall of 2019; RDH & DDS licenses expire December 31, 2019. Please, email the Board with any address or name change or email address.



EYE ON IT

The 66th Legislative Assembly rolled out several bills related to professional and occupational licensing boards, board oversight and initiatives to study occupational licensing. Although the NDBDE was in support of the spirit of initiatives to expedite licensure for military and military spouses, the NDBDE remained focused in its mission to protect the dental health and well being of the citizens of ND. Boards opposed efforts to remove background checks, and granting license without due diligence and absent credentials otherwise required for application of license. Other initiatives included a bill to restructure all boards, sweep board funds, and a bill introduced to create a new practitioner, the dental therapist.

You've Got Mail



Question: Our office hygienists would like clarification regarding general supervision. Can you provide information?

Answer: The intent of laws governing dental hygienists and general supervision was twofold. Revisions to the RDH scope of practice provided a broader range of employment opportunities under the general supervision of a dentist and secondly, provided a means for dentists to maintain a satellite office providing dental services to smaller communities lacking the population needed to support a full time dental practice. A *second layer* initiated by the Board was instituted to provide ND public health a means to address issues related to the Sealant Program and other oral health initiatives. Utilization of educated and trained existing workforce to provide services in public health settings seemed to make cents! The utilization of existing workforce, both registered dental assistants and dental hygienists, in the public health sector, nursing homes and schools is efficient and cost effective.

A question frequently asked regarding general supervision: "Can a dental hygienist see a new patient who has not been seen by the dentist?"

Yes, pursuant to the RDH scope of practice set forth in two areas of the Code.

- N.D.C.C. § 43-20-12. "A licensed dentist may delegate to a competent dental hygienist those procedures over which the dentist exercises full responsibility, except those procedures that require professional judgment and skill such as diagnosis and treatment planning, the cutting of hard or soft tissue, or any intraoral procedure which would lead to the fabrication of any appliance that, when worn by the patient, would come in direct contact with ~~hard~~ soft tissue and which could result in tissue irritation or injury".
- N.D.C.C. § 43-20-03. "...General supervision may be used if the procedures are authorized in advance by the supervising dentist, except procedures which may only be used under direct supervision".

Consider the following remedy if utilizing general supervision. Is there a written protocol for:

- A patient who suddenly requires urgent care?
- Emergency protocol? Does your office conduct "mock" emergency drills?
- Pursuant to ND Administrative Rule 20-02-01-02, every dental assistant, registered dental assistant, qualified dental assistant, dental hygienist and dentist must have a current certificate of proficiency in cardiopulmonary resuscitation (or BLS).

HB 1426

HB 1523

SB 2127

SB 2126

SB 2353

HB 1253

SB 2306



Professional Development

A friendly reminder, no need to mail or fax evidence of continuing education to the Board office. Maintain your CE records. The Board routinely performs compliance audits of CE. Take advantage of the CE tracking software applications currently available. [GOOGLE IT !! Continuing Education Tracking Apps](#)



Roger E. Hasey, DDS, FIDC!

Thank you for your long standing service to your country, for choosing dentistry and graduating from Creighton (1967) to serve the dental and forensic dental needs of North Dakotans, for serving on the ND Board of Dental Examiners, for examining for the Central Regional

Dental Testing Service, for your service and dedication to the ND Crime Bureau and then continuing on to obtain your degree in Forensic Odontology. Thank you for your role in assisting the families of victims of 9-11 and New Orleans to identify their loved ones. All remarkable achievements and a remarkable man! The Forensic Examiners Office will surely miss your service, kindness and dedication. Take care Dr. Hasey!

YOU'VE GOT MAIL

Question: Are dental hygienists allowed to utilize silver diamine fluoride (SDF)?

Answer: At this time Administrative Rules authorizing the administration of fluoride are silent on types of fluoride. For this reason, dental hygienists are authorized to apply SDF. As with any authorized duty it is incumbent upon the practitioner to become educated and informed on product application and indications for use.

It has been the long standing position of the Board that services provided by a licensee, regardless of the device used or variable attributes must be within the scope of practice for each licensee and that the dentist must have equal or greater proficiency and training. Neither the particulars of the technology or any other duty in the administrative rules alter the fact that all licensees are responsible for their individual actions with the dentist being ultimately responsible for all care provided in each dental office. Since SDF was cleared by the U.S. FDA (2014?) the Board has not indicated any desire to track use of SDF or create a barrier for the use of SDF for caries management.

The Board has not expressed a desire to determine who is utilizing SDF or how practitioners are billing for SDF. Unfortunate events or concerns regarding the use of SDF have not been brought to the Board's attention.

Q: Can a dental hygienist administer local anesthesia when working under general supervision? **Answer:** NO.

Follow up question: Can a dental hygienist administer local anesthesia under general supervision even if the local anesthetic does not contain epinephrine? **Answer:** NO

Question: Do laws or rules governing dentistry state that a patient must have an exam every year? Or any other time frame?



Answer: No, the time frames mentioned more than likely are suggestions from other organizations promoting preventative measures. The laws and administrative rules do not address how often a dentist should provide a comprehensive examination. It is the dentist's prerogative. The same is true for x-rays. Laws do not dictate how often x-rays or any other procedures or treatment should be provided. A patient may request teeth cleaning only, and no x-rays. Of course this does not preclude a hygienist from suggesting there may be areas of concern. Records should denote that x-rays or any other recommended treatment was refused. It may be a good idea for the office to have policy regarding such matters.

FYI: RDH scope of practice may be found in these areas of the NDCC. Ch. 43-20-03 and 43-20-11 and 43-20-12. Questions? Email info@nd.dentalboard.org



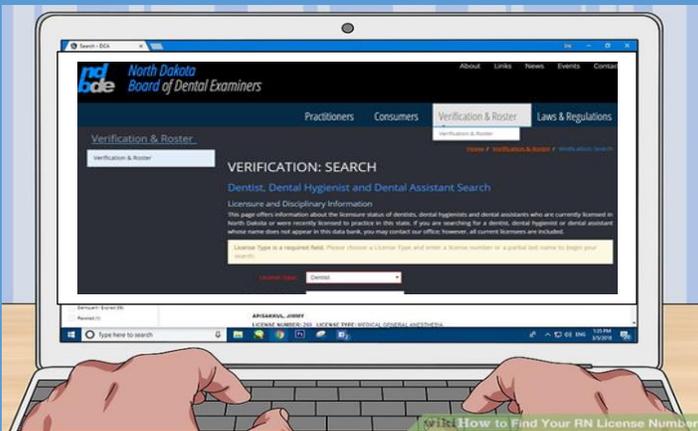
Verification of License

Licensure verification is available by clicking on the Verification & Roster tab on the home page of the Board's website. The search provides information directly from the Board's database and is updated daily and is therefore a secure primary source for verification of credentials. The NDBDE presents this information as a service to the public as well as licensees wishing to download a copy of license status.

To obtain information on actions taken by the Board, email the Board's office at info@nddentalboard.org. Once a complaint has been dismissed and no action was taken by the Board, information regarding the complaint or allegation cannot be released.

Pursuant to N.D.D.C. § 43-28-16 "The holder of a license and certificate of registration shall display the license and certificate conspicuously in the holder's place of business."

<https://www.nddentalboard.org/verify/>



ENCOURAGE YOUR PATIENTS TO DISPOSE OF UNUSED OR EXPIRED PRESCRIPTION OPIOIDS SAFELY

A list of the drop off sites for old or unwanted medications can be found on the North Dakota Attorney General's website:

<https://attorneygeneral.nd.gov/public-safety/take-back-program/take-back-program-locations>

Take Back sites are located at local law enforcement agencies and, unless otherwise noted, are open 24 hours a day.

Please note: The North Dakota Board of Dental Examiners issues one renewal reminder via USPS and one reminder by way of email. The Board will use email to communicate renewal reminders and important changes in statute, regulations and policies related to dentistry. Failure to provide a working email address will prevent you from receiving these important updates. If you are unable to receive email to communicate with the Board, please notify the Board.



CHANGE OF ADDRESS?

Pursuant to the North Dakota Century Code, notice of change of address must be provided to the Board within thirty days.

Failure to update your address with the Board to ensure you receive all correspondence in a timely manner will help avoid late fees during renewal season. Email the Board to provide a new email address or any other new contact information.

INFO@NDDENTALBOARD.ORG

UPCOMING DATES

- NDBDE meetings - Dates, time and venue for all public meeting notices of the Board may be found at <https://apps.nd.gov/sos/ndpmn/mainmenu.htm> or <https://www.nddentalboard.org/about/meetings/agendas.asp>
- March 1, 2019 - Grace period for the renewal of dental assisting registrations ends. Anyone seeking to renew the license must reapply for registration. Download a new registration application from the Board's website.

Board Actions 2018

Even the best doctor patient relationship can **go sour**. A formal complaint is a written complaint which is signed, notarized and authorizes the release of medical records to the Board. Once a complaint is received, a letter and a copy of the complaint is sent to the licensee in question.

The **NDBDE Complaint Committee** dedicates many hours sending and requesting written responses in preparation for the general Complaint Committee business and Board's review. When a complaint is received by the Board, the process of handling the complaint are the same regardless of how frivolous the complaint may appear. Board deliberations and procedures are carried out in the same manner for each complaint.

The ADA's **Principles of Ethics** and Code of Conduct is an excellent resource and may answer many questions which if left to chance, often lead to complaints. Many complaints regard issues which have an underlying theme; lack of or poor communication between the doctor and patient.

In 2018 the Board addressed **21 complaints**, resulting in eight disciplinary and/or non disciplinary actions ranging from letters of concern to significant fines and one order of revocation. Greg Evanoff, DDS is the Chair of the Complaint Committee.

An anonymous complaint is defined as an **unsigned complaint** or written comment. Anonymous complaints are more difficult to investigate as follow up with a complainant during an investigation is impossible.

LICENSEE	ACTION	VIOLATION
DDS	NON DISCIPLINARY SETTLEMENT The Board determined that the practitioner failed to practice within the scope of that dentist's education or training as recognized by the Board.	NDCC § 43-28-18(1),(22),(27) and NDAC 20-01-02-01(9) the ADA's Principles of Ethics and Code of Professional Conduct 5.A.2.
DDS	NON DISCIPLINARY AGREEMENT; the Board determined a letter of concern was warranted for the faulty treatment which may have been avoided. However, the practitioner was not grossly negligent.	NDAC § 20-01-02-01(9) the ADA's Principles of Ethics and Code of Professional Conduct
DDS	NON DISCIPLINARY SETTLEMENT, continuing education, letter of concern; Quality of care issue; fine; The Board determined that the practitioner failed to practice within the scope of that dentist's education or training as recognized by the Board.	NDCC § 43-28-18(1),(22),(27) and NDAC 20-01-02-01(9) the ADA's Principles of Ethics and Code of Professional Conduct 5.A.2.
DDS	Letter of Concern; A dentist advertising using statements of superiority.	Violation of NDAC 20-01-02-01(9) the ADA's Principles of Ethics and Code of Professional Conduct
DDS	Letter of concern; Quality of care issue; The Board determined no further action at this time.	NDAC 20-01-02-01(9) the ADA's Principles of Ethics and Code of Professional Conduct
DDS	NON DISCIPLINARY SETTLEMENT, letter of concern; continuing education; The Board determined that the practitioner failed to practice within the scope of that dentist's education or training as recognized by the Board.	NDCC § 43-28-18(1),(22),(27) and NDAC 20-01-02-01(9) the ADA's Principles of Ethics and Code of Professional Conduct 5.A.2.
DDS	ORDER – License revoked	Authority to revoke without a hearing or appeal 43-28. Licensee failed to fulfill terms of the Settlement Agreement.
DDS	Letter of concern; Quality of care issue; The Board determined no further action at this time.	NDAC 20-01-02-01(9) the ADA's Principles of Ethics and Code of Professional Conduct