

Minutes
January 9, 2015 7PM
Grand Forks, Hilton Garden Inn

Tim Mehlhoff introduced Robin Turner, Director of Client Services, Global Safety Network. Ms. Turner was invited to educate the Board members on types of drug tests, technical analysis available, processes, collection sites, costs, etc. Ms. Turner presented information and answered questions related to on-site drug testing and the nuances of specific types of drug tests. Global Safety offers on-site testing specific to client specifications. The purpose of the informal gathering was educational only. Conditions of a Settlement Agreement and/or Board Order may include drug testing to provide evidence of licensee compliance.

Minutes
January 10, 2015 8:03 AM
Grand Forks, Hilton Garden Inn

- 1. Call to Order:** Dr. Rob Lauf, President of the NDSBDE called the meeting to order at 8:03 AM.

Board Members and Administrative Staff Attendance

Rob Lauf, DDS, President
Cathy Cornell, President-Elect
Troy Petersen, DMD, MD
Greg Evanoff, DDS
Dale Brewster, DDS
Anthony Malaktaris, DDS
Tim Mehlhoff, CPA
Rita Sommers, NDSBDE Executive Director
Nate Martindale, Esq., Assistant Attorney General

Others in Attendance

Rachelle Gustafson, RDH, NDDHA	Dana Schmidt, RDH, NDDHA
Rod St. Aubyn, Lobbyist, NDDHA	Susan Peters, RDA, NDDAA
Carla Schneider, RDA, NDDAA	Tyler Winter, RDA, NDDAA
Marsha Krumm, RDA, NDDAA	Amy Kramer, RDA, NDDAA
Judy Bernat, NDDHA	Omar Chahal, DMD, NDDA
Jaci Seefeldt, NDDOH	Nathaniel Tipton WREB rep.

- 2. Approval of Minutes:** Moved and seconded to accept the minutes of the September 18, 2014 quarterly meeting, and October 21, 2014 and December 11, 2014 teleconference meetings. A roll call vote was taken (RCV). All voted in favor of the motion (AIF).

- 3. Additions to Agenda:** NDDAA letter; new board appointment; RDAs/DUI, reporting; Global Safety; Bill Current; collaborative practice / direct access.

- 4. Treasurer's Report:**

Cash and Bank Accounts Summary (as of 12/31/2014)

Checking	\$ 152,668.53
Money Market	\$ 2,790.66
Municipal Investor	\$ 22,829.97
Total Bank Accounts	\$ 178,289.16

Capital CU CD	\$ 69,482.56
Bremer #1	\$ closed

Bremer #2	\$	closed
Bremer #3	\$	50,000.00
Bremer #4	\$	50,000.00
Bremer #5	\$	50,000.00
Bremer #6	\$	117,096.52
First Community CU	\$	5.00
<u>Total Asset Accounts</u>	<u>\$</u>	<u>336,584.08</u>
OVERALL TOTAL	\$	514,873.24

Completed form 1099-Misc was distributed to all members whose honorariums exceeded \$600. The Board reviewed the 2014 profit and loss statement and itemized list of expenditures. Moved and seconded to adopt the Treasurer's Report. A roll call vote was taken (RCV). All voted in favor (AIF).

5. Licenses granted:

A. The Board reviewed 13 dental and four dental hygiene applications for license. The board interviewed candidates who presented for the laws and rules exam. Applicant Joe Drake, DDS has unresolved issues with the North Carolina Board. The NDSBDE will make a determination once a final resolution is presented. Tanya Bergh, RDH application will be held for 12 months. The application does not meet requirements. Dental applicants Meghan Smith, DDS, Stephanie Ness, DMD, Alexander Ness, DMD and Matthew Eaton, DDS rescheduled the informal interview to a future meeting.

B. Issue Oath of Office: Moved and seconded to issue license to the following applicants once requirements of application have been met. Discussion; upon receipt of requirements, licenses will be sent out by the administrative office. A roll call vote was taken. All voted in favor of the motion. Motion carried.

CANDIDATE	License Number	School
Seri Broden, RDH	1568	Normandale '13
Lauren Janelle Schaff, RDH	1569	Concorde College '13
Karina Marie Skatvold, RDH	1570	Old Dominion U 2000
James F. Anderson, DDS	2235	UMKC
Dallas C. Brimhall, DDS	2237	U of CO '08
Monty S. Bulzomi, DDS	2238	U of MN '14
Nathan Burbach, DDS	2239	U of MN '14
Jason Randall Burckhard, DDS	2240	U of MN '07
Jason Chapman, DDS	2241	U of CO '08
Matthew J. Eaton, DDS	2242	U of MN '10
Melanie Lynn Hageman, DDS	2243	U of CO '12
Brenton M. Mason, DMD	2244	Temple U '00
Alexander William Ness, DMD	2245	Oregon Health and Science U '13
Stephanie Nicola Ness, DMD	2246	Oregon Health and Science U '13
Meghan M. Smith, DDS	2247	U of MN '10
Amanda Marie Terveen, DDS	2248	U of IA '13

6. Committee Reports

A. Complaints and Legal matters:

- 1) J. Deatherage, DDS: Moved and seconded to close the case. The Board reviewed an updated report regarding previous concerns. RCV. AIF. (No complaint to dismiss)
- 2) Iravani, DDS, MD v. Board: The Board's ORDER was served December 16, 2014 by the Burleigh County Sheriff's Department, Bismarck.
- 3) Iravani, DDS, MD v. Board: The Board was made aware of allegations of substandard care.
- 4) J. Bauer, DDS: Review NPDB report. No action.
- 5) B. Hoge, DDS: Dr. Hoge has retained legal counsel. The Settlement Agreement was not accepted by

- Dr. Hoge. Moved and seconded to proceed with the administrative law judge. RCV. AIF.
- 6) B. Barfield, DDS: The Settlement Agreement was amended to provide that Dr. Barfield may use local anesthetic in the office. No agreement has been received to date.
 - 7) C. Peterson, DDS: Moved and seconded to dismiss case. Discussion; Dr. Peterson has dismissed patient and patient sought care elsewhere. RCV. AIF. Dr. Brewster will send the notice of dismissal.
 - 8) C. Meland, DDS: No further discussion. N. Martindale will send Settlement Agreement (June/2014 minutes).
 - 9) Glosenger, DDS/Roed, RDA: Moved and seconded to send a letter of concern to Dr. Glosenger. Discussion; The board received information that Ms. Roed may have submitted incorrect information in the application process to obtain the DANB general chairside assistant designation. The designation is required to become registered with the NDSBDE as an RDA. The Board requested information from DANB by way of a subpoena regarding the validity of information provided to DANB by Ericka M. Roed. Although DANB did not release the actual record, the Executive Director of DANB, confirmed that the form confirming work experience was signed by the licensed employer verifying the required 3500 hours of *approved* work experience. RCV. AIF. Moved and seconded to send Ms. Roed a letter of concern. RCV. AIF. Mr. Martindale will send the letters of concern to Ms. Roed and Dr. Glosenger.
 - 10) B. Quamme, DDS: Information was received regarding a third incident related to Dr. Quamme's refusal to forward patient records free of charge. A Settlement Agreement previously offered has not been signed and returned to the Board. Additional complaints received by two separate parties regarding Section NDCC 23-12-14 which provides that the patient may determine where dental records are sent. Nate Martindale will communicate with Dr. Quamme.
 - 11) R. Callender, DDS: Moved and seconded to offer a Settlement Agreement to include a letter of reprimand, four hours of infection control CE, \$2000 fine. Discussion; after review of written responses, the Board has reason to believe Dr. Callender violated NDCC 43-28-18(1)(12)(14)(19)(27) and (28). More than one violation exists including using sedation procedures without a permit. Moved and seconded to amend the motion by changing the fine to \$3000. RCV on amendment: Dr. Petersen, no; Dr. Brewster, yes; Dr. Malaktaris, yes; Mr. Mehlhoff, yes; Dr. Evanoff, yes; Ms. Cornell, yes. Motion carried. RCV to adopt the motion as amended, RCV: Dr. Petersen, no; Dr. Brewster, yes; Dr. Malaktaris, yes; Mr. Mehlhoff, yes; Dr. Evanoff, yes; Ms. Cornell, yes. Motion carried

B. Anesthesia Committee:

1) Dr. Petersen noted that evaluation paperwork completed during the periodic OMFS site evaluations must be received by AAOMS and not just the NDSBDE. AAOMS fellow/members must have their offices successfully evaluated and re-evaluated by their component society every five years which is also in accordance with Board requirements for deep sedation and general anesthesia permit holders. The AAOMS evaluation meets the NDSBDE requirement for site evaluations and vice versa.

C. Continuing Education Committee: Ms. Cornell will begin random audits. A letter will go out to randomly selected registrants or licensees.

D. Application Review Committee: Moved and seconded to institute the following policy: Failure to report any infraction as required by NDCC 43-20-05(17) and 43-28-18.1 shall result in a letter of reprimand which could be adjusted during the Settlement Agreement process. Discussion; the AR Committee has noticed a marked increase in DUI reporting on renewal applications. The Board policy would provide a level of consistency in addressing reporting issues. Depending on the severity of the infraction, at a minimum, a letter of concern should be sent if an infraction is reported within the 60 day requirement. If a licensee or registrant fails to report any infraction outside of the 60 day requirement, the violation of statute should be addressed. RCV. AIF.

E. Nominating Committee:

1) Election of officers: Dr. Brewster and Dr. Malaktaris submitted Tim Mehlhoff for Sec-Treasurer, Dr. Evanoff for President Elect, and Ms. Cornell or Dr. Lauf for President. Discussion; NDCC 43-28-05 specifies requirements for officers. Ms. Cornell and Dr. Lauf do not meet the requirement. Neither have enough years remaining to serve on the Board. Moved and seconded to close nomination of officers. RCV. AIF. Effective March 15, 2015 Dr. Petersen will serve as President-elect; Dr. Evanoff, President; Tim Mehlhoff, Sec-Treasurer.

F. Legislative Committee:

1) SB 2066 has not been assigned a committee. Moved and second to amend SB 2066 by including an amendment to 43-20-01.3 subsection 1, as follows: "The applicant, for at least ~~three~~ five years immediately preceding application, has been licensed in good standing and has been actively practicing dental hygiene in another jurisdiction where the requirements are at least substantially equivalent to those of this state." Discussion; the amendment provides a time line equivalent to the dental licensing requirement. RCV. AIF. Moved and seconded to amend SB 2066 by including an amendment to 43-28-03 to add language "in the event of three or more board members' terms expire in the same year, the governor may elect to extend the term of one or more board member whose term is expiring for one additional year." Discussion; the board will experience a dramatic loss of institutional memory as three experienced members terms simultaneously expire in 2016; the repercussions would also include loss of leadership in regional board leadership. RCV. AIF. Nate Martindale will compile the amendments. Other legislation that affects dentistry; HB 1149 Prescription Drug Monitoring Reports: The legislation would require the NDSBDE to adopt rules for PDMR and require dispensers who treat pain and anxiety to review a PDMR covering a one year period if the dispenser has reason to believe foul play. SB 2197 relates to the sealants and case management; SB 2205 loan repayment statute.

2) Lobbyist: Jack McDonald, Esq. has been contracted to assist the NDSBDE with legislative activity.

3) Administrative Rules status: The ND Legislative Council has informed the Board that the Administrative Rules Committee moved to carry over the rules until the next meeting of the committee in March, 2015. No date has been set.

4) Therapist: All members of the Board weighed in on the issue of the mid level provider. The general consensus of the Board is against the introduction of a new dental provider. Primary concern is irreversible procedures and that patients will not have a choice in care provided with such a new dental workforce model. Cathy Cornell, RDH, remains unsure of her position. Tim Mehlhoff, declined to comment as he feels unknowledgeable regarding the issue as new consumer member of the board.

7. Old Business:

A. Policy Manual updates: clarification on the honorarium.

B. Exec Director Annual Review: The review shall be held annually at September meetings.

C. Robert's Rules: Moved and seconded to amend the NDSBDE Policy Manual to add under Policy 004 Duties of Officers: "It shall be the policy of the NDSBDE that the presiding officer restricts voting except for the event of a tie. Or the chair may choose to not vote, in which case, lacking a majority, the motion is lost" [The Standard Code of Parliamentary Procedure p.128]. Discussion; members were reminded of ex parte communication, email rules, etc. The Board has limited knowledge of parliamentary procedure.

8. New Business:

A. WREB presentation by Dr. "Tip" Tippit: Dr. Nathaniel Tippit presented a power point presentation. Dr. Tippit encouraged members of the NDSBDE to become involved in the organizational structure of WREB (WREB has added Hawaii). Dr. Tippit discussed the calibration of testing, numbers of candidates tested, competition between other regional boards, failure rates (4%), anonymity, how examiners are collected for a site (harsh vs. lenient), technical/psychometric analysis of the testing and outcomes of the exams. [<http://www.tippitdental.com/meet-dr-tip-tippit.php>] WREB offers a background check and record gathering service, PBIS. Many states utilize the two level service to streamline the license credentialing and background check process. Ms. Sommers will investigate the feasibility of utilizing the service.

B. New Member: Governor Dalrymple has appointed Otto Dohm, DDS to serve on the board of the NDSBDE. Dr. Dohm's term begins March 15, 2015 and extends to March 15, 2020. The Board appreciates Dr. Dohm's willingness to serve.

C. Mark Hardy, Board of Pharmacy: Mr. Hardy was unable to attend.

D. NDDAA letter to the NDSBDE: The Board received a letter from Tyler Winter, CDA, RDA, LDA and Marsha Krumm, CDA, RDA on behalf of the NDDAA. The group indicated they will seek licensure and a seat on the board and request support for the initiatives. The letter opened discussion relative to undocumented dental assistants. Administrative rule authorizes dental assistants without training to provide specific duties; therefore non registered or undocumented dental assistants are regulated by the NDSBDE. However there is no accounting for those dental assistants and the Board is unable to communicate with the non registered dental assistants effectively. The Board's general consensus; it is important to know who is directly involved in patient care, infection control procedures and assistants that have knowledge of patient health information. Undocumented dental assistants should also have knowledge of law changes and communications and opportunities for education for infection control, etc. so that they may be aware of what duties they can and cannot perform. Moved and seconded to have a registration or documentation for all dental assistants who provide duties 1-6 in Administrative Rules Ch. 20-03-01 with a biennial registration fee of \$10 assessed to cover postage and mailings. Discussion; further details need to be resolved before the Board can move forward with specifics in the Administrative Rules. RCV: Dr. Petersen, yes; Dr. Brewster, yes; Dr. Malaktaris, yes; Mr. Mehlhoff, yes; Dr. Evanoff, no; Ms. Cornell, no. Motion carried.

F. Global Safety Networks (drug testing): Moved and seconded to move forward with utilizing the services of Global Safety for the purposes of drug screen testing. Discussion; following the presentation provided by Ms. Turner, the Board would like to contract with the organization. Nate Martindale would review the proposal and policy. Moved and seconded to contract with Bill Current to provide a written proposal for the construction of a policy, designed for the NDSBDE. Moved and seconded to amend the motion by adding "with costs not to exceed \$1000". RCV. AIF. Moved and seconded to adopt the motion as amended. RCV. AIF. Ms Sommers will contact Ms Turner and Mr. Current.

9. National organizations, meetings, news:

- ✓ **CRDTS:** ERC/Calibration meeting weekend of Jan 17, 2015
- ✓ **CITA:**
- ✓ **WREB:**
- ✓ **ADEX:** Not all testing agencies are administering the same exam. The Board will exercise caution in review of applications that indicate NERB/ADEX.
- ✓ **AADB and AADA:**

10. Remuneration: The Executive Director issued remuneration to members of the Board. Mileage reimbursement, 57.5/mile.

11. NEWSLETTER feedback: The Board was appreciative of the Fall Newsletter.

11. Date, time of next meetings: Friday March 6, 2015, 12 P.M., CDT, Bismarck and Monday April 6, 2015, Bismarck. The Board will attend legislative activity from 8 – 11:30 AM March 6, 2015

12. Adjournment: Having no further business, the meeting was adjourned.

Respectfully Submitted,

Rita M. Sommers, Executive Director _____

Tim Mehlhoff, Secretary-Treasurer _____