

MINUTES
SPECIAL MEETING
North Dakota Board of Dental Examiners
March 27, 2020, 9:00 AM CDT

1. Call to Order: The meeting was called to order at 9:00 AM CDT.

Board Members and Administrative Staff Attendance

Greg Evanoff, DDS, President	Otto Dohm, DDS
Alison Fallgatter, DDS, President-Elect	Mike Goebel, DDS
Michael Keim, DDS, Immediate Past President	Rita Sommers, Executive Director
Tim Mehlhoff, CPA, Secretary-Treasurer	Tara Brandner, Assistant Attorney General
Bev Marsh, RDH	

2. ASDA letter re OSCE: The Board discussed the concerns of the American Student Dental Association (ASDA). The ASDA believes an ideal licensure exam does not use human subjects in a live clinical testing scenario to demonstrate minimal competency. ASDA is requesting state boards of dental examiners consider the Objective Structured Clinical Examination (OSCE) which is not patient based, and submission of a portfolio of comprehensive patient care. Board members concurred that it is too early to make a decision regarding minimal competency testing at this time and will revisit the issue at a later date.
3. Application Review – Dr. Brar is a foreign trained dentist seeking to become registered as a registered dental assistant. Regardless of foreign qualifications, current law does not authorize the Board to approve the application for registration. Director Sommers informed the Board of an option to add language to the Administrative Rules that would authorize a practitioner who has successfully completed any Board approved national dental board examination (e.g., Joint Commission on National Dental Examinations, (JCNDE) to be qualified to become a registered dental assistant. Ms. Sommers will draft language for the rules amendment for the Board’s review. ND laws require a diploma from a CODA accredited program, successful completion of a clinical regional patient-based board exam and a national board exam administered by the JCNDE. Dr. Brar has completed the JCNDE exam.
4. CPR requirements and CE considerations: The Board recognizes that due to the current pandemic situation, hands-on CPR courses are not available. ND laws require licensees to maintain current CPR certification. Understanding that the Board does not have the authority to grant a waiver for those whose CPR certifications have expired, Ms. Brandner presented three options. 1.) The Board could opt to not enforce the requirement, 2.) request the Governor issue an Executive Order or a waiver removing the CE section of law for a period of time or, the governor could provide a mandate that licensees required to have current CPR for their licensure and employment be granted a 3 or 6 month (or some other number of months) variance since the courses are not available. Then, once courses are available, it would be the responsibility of the practitioner to immediately become recertified once the courses are available, 3.) contact the American Heart Association which recently stated they would like states to extend the dates of the certification. However, the NDBDE does not have the authority to extend CPR certificates. As a regulatory body the Board has the ability to enforce laws as written; currently many practitioners have no ability to comply with CPR requirements. Opting to not enforce a law opens liability to the law. The feasibility of obtaining hands on CPR courses during this time are extremely limited. Dr. Evanoff suggested the Board avoid liability. Dr. Dohm moved that the Board compose a request to the Governor delaying CPR requirements and ask for a waiver for a period of time acceptable to the Governor. Dr. Goebel seconded the motion. Discussion: The Board also urged the NDDA to compose a similar request. Roll call vote: Dr. Evanoff, yes; Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Dr. Keim, yes; Dr. Goebel, yes; Ms. Marsh, yes; Dr. Dohm, yes. 7-0, motion carried.

5. COVID-19: Dr. Goebel commented on possible future recommendations from the Board and what parameters will be necessary to mitigate the hardship of dentists. Dr. Evanoff commented that although decisions might be beneficial to dentists, the Board's authority is limited and is not the Board's responsibility. The Board must leave it up to practitioners to decide who needs care. It is the responsibility of practitioners to make a judgment of when patients should be seen giving consideration to types of procedures and availability to personal protective equipment (PPE) to safeguard patients and practitioners. Dr. Dohm urged the NDDA to contact the ADA for further guidance for practitioners. The NDBDE is the regulatory body's whose objective is ultimately to protect the public and is limited by statutory authority. Mr. Mehlhoff, commented on the federal government's provisions for payroll, rent and utilities and employees and the CARES act and will share information once available. The Board will revisit the issues at its next meeting.
6. PBIS new requirements for credentials/applications: COVID-19 is also taking a toll on how schools and agencies collect credentials in a timely manner. Closures are causing difficulties and delays in obtaining primary source documents such as transcripts, diplomas, AEGD, GPR, and other primary source verifications. Turnaround times have increased due to closures and the uncertainty of when schools and government agencies will reopen to the public. With that in mind, Dr. Fallgatter moved that the Board accept the National Clearinghouse verifications in place of transcripts/posts and graduate verifications and accept online license verification in addition to accepting a government issued photo ID (such as a drivers license in place of a notarized public signature) until the affected business can provide the documents in a timely manner. Discussion; The Board would also accept completed applications via email rather than USPS. Roll call vote: Dr. Evanoff, yes; Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Dr. Keim, yes; Dr. Goebel, yes; Ms. Marsh, yes; Dr. Dohm, yes. 7-0, motion carried.
7. Adjournment: Moved by Ms. Marsh to adjourn, seconded by Mr. Mehlhoff. Without objection, the meeting was adjourned at 10:02 AM. The next meeting of the NDBDE will be held via conference call, April 3, 2020, 8:00 AM CDT.

Respectfully submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA, Secretary-Treasurer