

MINUTES
North Dakota Board of Dental Examiners
January 17, 2020, 1:00 PM
Office of Brady Martz & Associates, Bismarck, ND

1. Call to Order and roll call: Dr. Keim called the meeting to order.

Board Members and Administrative Staff Attendance

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

2. Review and approve minutes: Moved by Dr. Goebel, and seconded by Dr. Fallgatter to approve the September 20, 2019, October 14, 2019 and the December 20, 2019 minutes. All voted in favor. Roll call vote (RCV): Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.
3. Additions to agenda: Boren letter to the Board; Toni Hruby, Dept of Oral Health re fluoride and dental assistants.
4. Treasurer's Report:

A. 1099 Misc: the tax documents have been provided to members via USPS.

B. Budget: Ms. Sommers provided a summary of accounts - balance sheet deposits resulting from renewal deposits transferred to certificates of deposits and terms of the recent certificates. The Board's last fee increase was 2008. Based on costs incurred over the previous three years and revenue, a fee increase will be necessary in order to balance the budget and are proposed in the rules amendments. The Board's reserves remain intact. The Board discussed costs related to web hosting and maintenance costs and further recommended Ms. Sommers and Ms. Brandner investigate alternatives with the State's IT Department. Email address (nd.gov) are also in the works for members of the Board. Mr. Mehlhoff will draft a projected inflationary forecast to help the Board determine appropriate updating of licensure fees.

4th Q Balances		Certificates of Deposit	
Checking	\$193,651.52	CC Union	\$75,493.47
Muni. Inv.	\$2,832.08	1 st Inter. 701	\$50,000.00
Prefer. Bus.	\$2,791.86	702	\$100,000.00
		683	\$50,000.00
		684	\$78,000.00
		Bremer 3	\$55,124.06
		Bremer 5	\$55,124.06
Total	\$199,275.46	Total	\$463,741.59
Total Assets: \$663,017.05			

C. Non-renewal list & licenses renewed: The Board office will be sending out notices to licensees who have not renewed as a reminder that it is unlawful to practice without a license. A second notice of expired license is sent via USPS once the grace period is complete.

D. ED annual review: The ED contract was previously amended 9/2018. The Board reviewed the Executive Directors role and the duties which have been expanding beyond clerical and day to day administrative duties. Dr Evanoff moved to grant a 5% increase and allow Mr. Mehlhoff and Ms. Sommers to determine how the amount would be apportioned regarding reimbursement for items (e.g., phone usage or other miscellaneous expenses may be considered as de minimus benefits). Mr. Mehlhoff recommended \$100 data/cell allowance. Dr Fallgatter seconded the motion to increase the compensation package 5% and work out details with Mr. Mehlhoff. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

5. Review candidate credentials:

A. Mochoruk, RDH; Redekopp, RDH: Both applicant/hygienists do not meet the requirements for ND licensure. Specifically, they have not successfully completed a Board approved clinical patient based dental hygiene examination as per NDAC 20-04-01-04. The Board does not have authority to grant license when the requirements/criteria have not been met. Dr. Evanoff moved to preserve the existing license requirements as amended. Motion seconded by Dr. Fallgatter. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0. Ms. Sommers will notify the applicants.

B. Griffith, DDS: The Board was contacted by a credentialing agency on behalf of Dr. Griffith. The practitioner has been licensed in several jurisdictions but has failed to meet the criteria provided by NDCC 43-28-15(1) for actively practicing dentistry for at least five years immediately preceding application. Dr. Dohm moved to inform the credentialing agency that Dr. Griffith does not meet the criteria for licensure or temporary licensure. Ms. Marsh seconded the motion. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0. Ms. Sommers will notify the credentialing agency.

6. Committee reports:

- A. Complaint Committee:

1) Home based teeth whitening; Dr. Evanoff moved to authorize Ms. Brandner to submit a letter to the State's Attorney. Discussion: Individuals practicing dentistry without a license, falls outside the regulatory authority of the NDBDE. No complaints have been received regarding the home-based "laser" teeth whitening business as shown advertised on Facebook. Dr. Fallgatter seconded the motion. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

2) Case number 26-09272019: Dr. Evanoff moved to dismiss. Discussion: The response provided by the practitioner was very thorough. Events of the case didn't appear to be unusual or grounds for disciplinary action. Motion seconded by Dr. Dohm. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

3) Case number 23-07092019: Subsequent to further correspondence from the complainant, Dr. Evanoff moved to authorize Ms. Brandner and Ms. Sommers to review the record to determine what is confidential and redact those portions which may not be sent and provide the complainant with appropriate records as requested. The Board previously determined grounds for disciplinary action are insufficient regarding dental treatment. Dr. Dohm seconded the motion. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

4) Case number 27-10152019: Dr. Evanoff recommended that the Board develop a list of qualified providers who could be called upon to consult regarding such circumstances. Dr. Evanoff moved that the Board acquire an expert, i.e., oral surgeon or dental anesthesiologist to review the case and submit a report or additional questions the Board can ask to acquire enough information to deliberate. Dr. Fallgatter seconded the motion. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

5) Mr. Boren letter to the Board: A fee dispute which may have also been sent to the Attorney General's consumer protection office does not rise to the level of disciplinary action. No action.

B. Anesthesia Committee: No report

C. CE Committee: Moved to next meeting of the Board.

D. Application Review:

1) The Board reviewed applications containing previous applications containing previous convictions. Dr. Evanoff moved to take no action. Motion seconded by Dr. Fallgatter. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

E. Nominating Committee:

1) Members unanimously encouraged Dr. Dohm to submit his credentials to the Governor's office for a second term on the Board. Dr. Dohm brings experience to the Board and has benefitted the Board by willingness to continue examining. The Board would like to continue to consult with an oral surgeon for issues pertaining to sedation and anesthesia, and once an opening occurs where the sitting member has exhausted opportunity to remain on the Board, the Board would then encourage an oral surgeon to seek appointment to the Board.

F. Legislative Committee

1) Rhonda Edwardson, RDH, BA, MEd: Ms. Edwards, Department Chair, Allied Dental Education, NDSCS, provided details regarding nitrous oxide didactic and clinical course requirements offered at the North Dakota State College of Science. The course is offered to dental assistants and dental hygienists.

2) Review laws draft: The Board reviewed proposed Administrative Rules amendments. Dr. Fallgatter moved to adopt the rules as amended once Mr. Mehlhoff provides analysis of the fee increase and draft is then reviewed by Ms. Brandner. Dr. Evanoff seconded the motion. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Fallgatter, yes. Motion carried, 6-0-1 (Dohm absent).

3) Toni Hruby, RDA, CDA: Ms. Hruby presented the Board with inquiries related to duties of dental assistants and public health duties in the interest of understanding how dental assistants may be utilized to their capacity in a public health setting.

4) Carla Schneider, RDA, CDA: The ND Dental Foundation's (NDDF) Dental Assisting Workforce Taskforce in conjunction with Dickinson High School Health Sciences Department, Dental Assisting National Board (DANB) and the Dental Auxiliary Learning Education Foundation (DALE) have had a meeting to draft a curriculum for a high school dental assisting program that will be sent into North Dakota's Career Technical Education (CTE) department for curriculum approval. The ND Dental Association (NDDA) has membership in the Dental Assisting Workforce Taskforce and is in support of the endeavor. Dr. Dohm moved to amend rules to rely on DANB to test Qualified Dental Assistant requirements. Motion seconded by Ms. Marsh. Discussion; DANB's NELDA (National Entry Level Dental Assistant) exam is an entry level exam and includes the Radiation Health and Safety and Infection Control Exam and an anatomy, morphology and physiology section. The Board would delete the "hours" requirement in lieu of the NELDA exam. The ND Administrative Code currently authorizes a dental assistant to become registered as a RDA (registered dental assistant) by similar but more advanced DANB examination process. The amendment would provide the same process for a dental assistant to enter the workforce as a QDA (qualified dental assistant). RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

7. Old Business

A. Annual BCI Training

1) CHRI training: Ms Brandner presented a review of the Board's process for handling and disseminating and destruction of Criminal History Record Information (CHRI), who can discuss CHRI and when, and the purpose of CHRI. Ms. Brandner also identified some duties and responsibilities with respect to security of data and information.

2) Policy & Procedure manual: Dr. Evanoff moved to adopt the latest amendments to the Policy and Procedure Manual. Motion seconded by Dr. Keim. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

B. APT Procurement – State Contract #038; The contract has renewal/extension language; two remaining renewals and one extension, (6 months). Dr. Fallgatter moved to authorize Ms. Sommers to extend the board's contract with APT prior to the anniversary. Motion seconded by Dr. Evanoff. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

8. New Business

A. Election of Officers: Dr. Evanoff moved to nominate Dr. Fallgatter for President-elect. Motion seconded by Dr. Goebel. RCV: Keim, yes; Evanoff, yes; Marsh, yes; Mehlhoff, yes; Goebel, yes; Dohm, yes; Fallgatter, yes. Motion carried, 7-0.

9. Meetings & National Organizations

- A. Regional clinical boards: No report
- B. AADA-AADB: Mid-Winter Meeting 2019: Trip reports
 - 1) AADA-AADB Annual Meetings; Las Vegas - October 17-21 attended by R. Sommers and T. Brandner, AAG
- C. FARB: Annual Regulatory Law Seminar October 3-6; St. Louis, MO attended by R. Sommers and T. Brandner, AAG
- D. DERB: Dr. Keim will attend the November 8, 2019 meeting in Dr. Evanoff's absence.

10. Remuneration

11. Next meeting; Friday June 12, 1:00 PM, Fargo, ND; September 18, 2020 in Bismarck, ND.

12. Adjournment: Dr. Keim moved to adjourn, seconded by Bev Marsh. All voted in favor of the motion. Meeting adjourned at 4:19 PM.

Submitted by, Rita Sommers, Executive Director _____ Tim Mehlhoff, CPA, Secretary-Treasurer _____

Encl: Administrative Rules draft.