

North Dakota Board of Dental Examiners

SPECIAL MEETING

MINUTES

April 15, 2020, 8:00 AM CDT

1. Call to Order: The meeting was called to order at 8:02 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	

Others attendees known to the Board

Brad Anderson, DDS, NDDA President
William Sherwin, Esq, NDDA Executive Director
Cheri Kiefer, Oral Health Program Director

2. Review and approve minutes: Dr. Fallgatter moved to accept the minutes; motion seconded by Ms. Marsh. Discussion; Ms. Marsh observed a typo in the 3/19/2020 minutes. All voted in favor of the motion. January 17, 2020; March 11, 2020; March 18, 2020; March 19, 2020; March 23, 2020; March 27, 2020, and April 3, 2020.

3. COVID-19

A. COVID-19 concerns: Dr. Evanoff invited members to comment. Dr. Goebel spoke in favor of the Board making recommendations for advising dental offices on how to get back into the work force and safely practice dentistry in this environment. The ADA is advising providing emergent care through April 30. Dr. Goebel recommended that in the next few weeks the Board come up with a plan to get practitioners back in the office. Dr. Keim concurred with the aspect of moving toward getting patients the care they need. Dr. Dohm also agreed and added that ND is a unique environment in regard to the virus. Dr. Dohm suggested that recommendations be developed to guide dentists back to work. Proper PPE is needed, to protect staff and ensure that we do not transmit the virus to the public. Dr. Fallgatter suggested a May 1st date for offices to resume. Dr. Evanoff suggested a working group with expertise in several areas to include perhaps an epidemiologist, to provide expertise as the Board lacks sufficient expertise and spoke in favor of the concept as a practitioner but was concerned the Board is not qualified to make recommendations without outside guidance. Dr. Evanoff suggested guidelines that could be formulated, but the Department of Health (DoH) has more resources. Dr. Dohm expressed desire that the Board move the process along quickly. Mr. Mehlhoff recommended the Board seek significant outside help before making recommendations regarding COVID-19. Dr. Dohm suggested the Board collaborate with the NDDA to assemble a workable protocol and submit the protocol to the ND DoH for approval or modifications and move the discussion forward to include PPE issues; reception and waiting room procedures for accepting patients; rapid testing etc. Recognizing the unique nature of dental offices, Cheri Keifer agreed to share the Board's concerns while connecting individuals within the DoH should the Board desire to move in this direction with a task force or work group.

Will Sherwin commented on the importance of fit-testing the N95s and reminded dentists that the supplies from the State's cache are not completely free items and must be donated back once the supply chains are back up and running. Mr. Sherwin commented that as emergency and health care providers, dentists are qualified to access the cache. The cache intended use is for emergency and urgent care only. Offices that would be reopening to provide non emergent care would not be eligible to access the cache for supplies to treat elective, routine and non emergent care. The NDDA offered to providing information related to other states' anticipated processes for resumption of routine dental practice.

Ms. Brandner commented on the Board's authority to make recommendations on opening dental practices for non-emergent care and disease control protocols for practitioners in the face of new information being released almost daily. Liability for disseminating the information is also an issue. Dr. Goebel urged the Board to try and do something so that dentists can minimize risk for patients and staff. Dr. Dohm concurred and is concerned that patients' dental health is deteriorating. Dr. Keim proposed that the recommendations for practice be permitted to expire, and the

Board leave it at that. Dr. Evanoff commented that the Board may not codify (in the minutes of meetings as a public document) recommendations that will fit all practices and it is not within the Board's responsibility to do so. Dr. Evanoff stressed getting the epidemiologist personnel involved and that the NDDA should present guidelines that the Board can either agree with or disagree. Dr. Goebel expressed that protecting the public is the Board's charge and it is possible that dentists who may not have, or utilize proper PPE could result in staff infecting patients, or patients infecting staff. Dr. Goebel commented that the Board may need to recommend a new infection control protocol in light of the airborne disease in a way to limit issues and protect the public. Dr. Dohm suggested that the Board gather information and then further determine the next step. Dr. Evanoff suggested Dr. Dohm meet electronically with the NDDA and provide more information at the next meeting. Dr. Goebel recommended dentists from across the state send their ideas regarding how dentists should begin practicing to the NDDA. Mr. Sherwin offered to solicit and compile comments for the dental community. Dr. Goebel also recommended Cheri Kiefer also be provided the same information. Ms. Kiefer further indicated she would look into the availability of an epidemiologist to provide input for a work group gathering guidelines for future routine dental practice in North Dakota.

B. Diers: Ms. Sommers posted information on the Board's website related to professional protection equipment for dentists as well as live seminars in addition to risk management issues related to coronavirus. The Diers website offers COVID-19 information, workforce considerations and resources to help dentists in their efforts to reduce transmission of COVID-19.

C. Serum 5-minute tests-rapid tests, and scope of dental practice: The accuracy and efficiency of these tests may change as time goes on. The Board has received several emails questioning the dental scope of practice regarding patient testing for COVID-19. The Board discussed whether such testing is within the scope of dental practice. Some of the testing has proven to be erratic. Point of care testing would be beneficial for both practitioners and patients if the results were reliable. Ms. Brandner provided a brief explanation of the two forms of testing used in ND. Whether the tests are accurate or not at this time is uncertain. Some Board members' comments addressed that dentists are capable of administering the tests and it would be within the scope of dentistry to administer; the oral cavity being part of the respiratory tract and COVID-19 being a respiratory disease. It was suggested that dental offices could potentially become testing centers and provide additional information to the NDDoH. Ms. Sommers requested Ms. Brandner review existing ND law for scope of practice related to administering COVID testing in the dental office and provide an opinion for the Board's further guidance in this matter. Ms. Brandner will report back to the Board at the next meeting.

D. NDBDE recommendation extended: Dr. Fallgatter moved to update the Board's guidance and extend their recommendation that dentists reserve treatment to emergent and urgent care patients, to help mitigate the spread of COVID-19, until April 30, 2020. Dr. Goebel seconded the motion. Discussion: Since the virus transmission has varied greatly from state to state and in ND, county to county, the Board will phase out of providing extended dates. The Board will ask practitioners to follow and rely on the recommendations of the CDC and the NDDA's task force for future guidance. Roll call vote (RCV): Dr. Fallgatter, yes; Dr. Goebel, yes; Dr. Keim, yes; Dr. Dohm, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Evanoff, yes. Motion carried, 7-0. The Board will review COVID-19 issues again at their next meeting.

4. Regional testing; letters from testing agency

A. ADEX presentation: Members of the Board reviewed the 2-hour presentation regarding the CompeDont™ tooth used for the Class II and Class III procedures, preparation and restoration. Discussion; the ND Admin rules require live patient testing experiences for periodontal and restorative procedures therefore as written the Board is not permitted by law to accept the results of the CompeDont™ Exam unless the rule was amended by Executive Order or a rules amendment. A new tooth which better mimics a natural tooth will be available as soon as this summer. The consensus of the Board was to hold off on making laws and rules changes due to COVID-19; it is more beneficial to the public to ensure competency by completion of the dental education, testing and then licensure. At this time the live patient exam is the candidates only option for ND licensure. In the future the Board may consider the new technology which was only recently introduced.

5. Next meeting of the Board: The NDBDE will convene April 27, 2020, 8:00 AM.

6. Complaint Committee: Dr. Fallgatter moved to proceed into *Executive Session*. Dr. Kiem seconded the motion. The legal authority for closing this portion of the meeting is NDCC 43-28-18.2(4). RCV: Dr. Fallgatter, yes; Dr. Goebel, yes; Dr. Keim, yes; Dr. Dohm, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Evanoff, yes. Motion carried, 7-0. Ms. Brandner informed all non-Board individuals that they were required to disconnect from the conference call. A short time later, she herself left the meeting, then rejoined to learn numerous callers had not ended their connection. The call was discontinued by the E.D. to end all connections. A new call was initiated for those eligible to attend following

termination of public access. The executive session began at 9: 30 and was attended by Dr. Fallgatter, Dr. Goebel, Dr. Keim Dr. Dohm, Mr. Mehlhoff, Ms. Marsh, Dr. Evanoff, Ms. Brandner and Ms. Sommers. The executive session adjourned at 9:55 AM.

A. 27-01152019: Dr. Fallgatter moved to suspend the parenteral sedation permit of Dr. Fines and require the practitioner to retake the classes required for the parenteral sedation permit and have the sedation site re-evaluated. RCV: Dr. Fallgatter, yes; Dr. Goebel, yes; Dr. Keim, yes; Dr. Dohm, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Evanoff, yes. Motion carried, 7-0.

B. 29-01152020: Dr. Dohm moved that the practitioner be sent a letter of concern regarding the quality of care. The practitioner provided a refund to the patient and notified the Board as such. Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Goebel, yes; Dr. Keim, yes; Dr. Dohm, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Evanoff, yes. Motion carried, 7-0.

C. 30-03092020: Dr. Fallgatter moved to dismiss the case. Grounds for disciplinary action do not exist. Ms. Marsh seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Goebel, yes; Dr. Keim, yes; Dr. Dohm, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Evanoff, yes. Dr. Dohm's conflict of interest required him to recuse himself from voting. Motion carried, 6-0-1.

D. 31-03092020: Dr. Dohm moved that the practitioner be sent a letter of concern regarding the quality of care. The practitioner provided a refund to the patient and notified the Board as such. Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Goebel, yes; Dr. Keim, yes; Dr. Dohm, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Evanoff, yes. Motion carried, 7-0.

E. 32-03092020: Dr. Dohm moved that the practitioner be sent a letter of concern regarding the quality of care. The practitioner provided a refund to the patient and notified the Board as such. Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Goebel, yes; Dr. Keim, yes; Dr. Dohm, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Evanoff, yes. Motion carried, 7-0.

F. 33-03232020: Dr. Dohm moved that the practitioner be sent a letter of concern regarding the quality of care. The practitioner provided a refund to the patient and notified the Board as such. Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Goebel, yes; Dr. Keim, yes; Dr. Dohm, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Evanoff, yes. Motion carried, 7-0.

G. 34-03162020: Dr. Evanoff will correspond with the practitioner regarding prescribing concerns and seek further information.

7. Adjournment: Without objection, the meeting was adjourned at 10:03 AM

Respectfully submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA, Secretary-Treasurer