North Dakota Board of Dental Examiners

MINUTES - June 12, 2020, 1:00 PM - Quarterly Meeting
Office of Brady Martz & Associates, 207 East Broadway Ave., Bismarck, ND

1. Call to Order: Dr. Evanoff called the meeting to order at 1:02 PM 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, RDH, MBA, Executive Director Tim Mehlhoff, CPA, Secretary-Treasurer Tara Brandner, Assistant Attorney General

Bev Marsh, RDH

- **2. Review and approve minutes:** April 27, 2020 and April 28, 2020. Dr. Goebel moved to approve the minutes. Motion seconded by Dr. Fallgatter. All voted in favor. Motion approved 7-0.
- 3. Additions to the Agenda: Letter Dr. Entze; MSCTC letter; Admin rules NELDA QDA Section; NDDA 6/6/2020 ltr.
- 4. Treasurer's report and review of payables:

A. Licensee status: Ms Sommers reported the current number of licensees as of 6/1/2020.

ĺ	Year	DDS in	DDS	RDH in	RDH	RDA/QDA	RDA/QDA	Inactive	Inactive	Total	Total
		state	Total	state	Total	in state	total	DDS	RDH	in state	
ĺ	2019	433	503	671	875	614	681	25	44	1718	2128
ſ	2020	412	459	688	826	674	788	26	47	1774	2269

B. COVID-19 related: Expenses not otherwise incurred by the Board include costs related to conference calls and publishing of special meetings. New license numbers for RDH applicants is significantly down while new DDS graduate applications remained comparable to 2019. The Board anticipates increased RDH applications as a result of the testing process delays due to COVID-19. Ms. Sommers presented a non-renew list of RDH and DDS from completion of recent renewal period. The audit remains incomplete due to factors related to COVID-19, primarily the extension of the tax season taking precedence over ongoing audits which may not be time sensitive. Two certificates of deposit which mature 7/24/2020 totaling \$100k will be deposited into checking. Mr. Mehlhoff move to accept the treasurer's report. Motion seconded by Dr. Goebel. Roll call vote (RCV) Dr. Fallgatter, yes; Dr. Keim, yes; Ms. Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes; Dr. Dohm, yes; Dr. Evanoff, yes. Motion carried 7-0.

<u>1st</u>	Q Balances	Certificates	Certificates of Deposit				
Checking	\$139,610.23	CC Union	\$75,975.46				
Muni. Inv.	\$2,832.08	1 st Inter. 701	\$50,000.00				
Prefer. Bus.	\$2,791.86	702	\$100,000.00				
Total	\$145,234.17	683	\$50,000.00				
Total Assets:	\$612,007.83	684	\$78,000.00				
		Bremer 3	\$56,399.10				
		Bremer 5	\$56,399.10				
		Total Certificates	\$466,773,66				

- 5. Review candidate credentials:
- 6. Committee reports:
 - A. Complaint Committee:
 - 1) Case 34-03162020: Dr. Dohm moved to authorize Ms. Brandner to offer a settlement agreement to the practitioner regarding potential record keeping issues and inappropriate prescribing stipulating the practitioner surrender the DEA license and a letter of reprimand. Dr. Goebel seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Ms. Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes; Dr. Dohm, yes; Dr. Evanoff, yes. Motion carried 7-0.
 - **2) Case 35-04172020:** Dr Goebel moved to dismiss the case. Dr. Falgatter seconded the motion. Grounds for disciplinary action do not exist. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Ms. Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes; Dr. Dohm, yes; Dr. Evanoff, yes. Motion carried 7-0.
 - **3)** Case **36-05142020:** Dr. Dohm moved to dismiss the case. The motion was seconded by Dr. Fallgatter. Grounds for disciplinary action do not exist. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Ms.

Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes; Dr. Dohm, yes; Dr. Evanoff, yes. Motion carried 7-0.

- **4)** Case **37-05182020:** Moved to next meeting of the Board. No response has been received by the NDBDE.
- **B.** Anesthesia Committee: One site evaluation is underway. Upon completion of the site evaluation, Dr. Goebel will communicate with the practitioner regarding the re-evaluation once the final paperwork has been completed.
- **C. CE Committee:** The CE Committee reported on the audits completed and complications regarding some of the audits. Dr. Goebel moved to accept the audit of Dr. Galster with the stipulation that the dentist receive a letter of concern regarding record keeping and be re-audited in two years. Ms. Marsh seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Ms. Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes; Dr. Dohm, yes; Dr. Evanoff, yes. Motion carried 7-0. Ms. Marsh will send the communication.
- **D. Application Review Committee:** The Board reviewed the application of Dr. Althoff.
- E. Legislative Committee:
 - 1) NELDA and QDA rules: The Board reviewed letters regarding the proposed rules for acceptance of the Dental Assisting National Board's (DANB) National Entry Level Dental Assistant (NELDA) requirements and appropriate pathways for a ND Qualified Dental Assistant (QDA). The NDDAA, NDSCS, NDDA, DANB and the DALE Foundation proposed edits to the Board's adopted proposed language found in the NDAC 20-03-01-05(2) and favor the current 650-hour requirement for the QDA. The Board had previously agreed to remove the arbitrary 650 hour requirement (and adopted proposed rules eliminating the arbitrary number and instead requiring NELDA certification) suggesting that it was a barrier to those interested in the opportunity to enter the field of dental assisting. Discussion; Dr. Dohm expressed concern that 650 hours of experience prohibits applicants and 300 hours is more appropriate for the tasks a QDA is authorized to perform. The general consensus of the Board is the public would still be protected by the 300-hour requirement and relaxing the requirement may also open the door for those who wish to pursue the profession. Dr. Evanoff differentiated between on the job training and classroom training. Dr. Dohm moved that successful completion of the ND State Department of Career Technical Education (CTE), a high school standardized course, may account for 100 hours and an additional 200 hours of on the job training can qualify for QDA registration. Further discussion; the NELDA exam Pathway IV also requires a minimum of 300 hours. Four different pathways exist to complete the NELDA exam. Bev seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Ms. Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes; Dr. Dohm, yes; Dr. Evanoff, yes. Motion carried 7-0. Dr. Dohm clarified that the CTE trained dental assistant would still be required to take the NELDA exam to qualify for the QDA registration. Proposed amendment as follows:
- 2. The board may grant registration as a qualified dental assistant to an applicant meeting all the following requirements:
 - a. The applicant meets any of the following requirements
 - (1) The applicant passed the <u>national entry level dental assistant certification</u>
 <u>infection-control. radiation parts of administered by</u> the dental assisting national
 board examination <u>and completed 300 hours of on the job training</u> within one
 year of application.
 - (2) The applicant passed the infection control and radiation parts of national entry level dental

 assistant certification administered by the dental assisting national board examination, 300

 hours of on the job training, and completed within two years before application, sixteen hours
 of continuing education in accordance with section 20-03-01-06.
 - (3) The applicant successfully completed the national entry level dental assistant certification administered by the dental assisting national board examination and successfully completed the North Dakota State Department of Career Technical Education dental assisting education program and submits evidence of 300 hours of on the job training within one year of application.
 - The applicant completed six hundred fifty hours of dental assistance instruction, including on the job training.
 - **b c.** The applicant passed a written examination on the laws and rules governing the practice of dentistry in North Dakota within one year of application.
 - <u>c</u> d. The applicant successfully completed a cardiopulmonary resuscitation course within two years of application.

d en Grounds for denial of the application under North Dakota Century Code section 43-20-05 do not exist.

7. Old Business

A. NDDA letter May 6, 2020: The Board acknowledged receipt and review of the letter.

8. New Business

A. CDCA & CITA exam administered by ADEX: The Board received a request from Shayna Overfelt, CDA, CDCA School Programs Director, to accept the ADEX dental hygiene examination. The Board moved to adopt the American Board of Dental Examiners' (ADEX) dental hygiene exam, administered by the Commission on Dental Competency Assessments (CDCA) and the Council of Interstate Testing Agencies (CITA). Currently rules adopted by the Board are not in effect. Therefore, if a hygienist takes the CDCA administered ADEX exam, the Board cannot accept the results until such time that adopted rules have been approved by the legislative council and go into effect of ND law.

B. Other letters to the Board

- 1) Regarding DDS licensure & new graduates: The Board acknowledged the letter from Dr.s' Meyer and Entze requesting the manikin WREB exam become accepted to satisfy the requirements for clinical examinations for ND dental licensure. Laws regarding dental clinical competency dental examinations specify live patients. Currently, therefore, an emergency rules process is required. Dr. Dohm moved to proceed with the emergency rules process immediately which names "imminent peril threatens public health safety and welfare which can be abated by emergency effectiveness" as a standard, and to authorize Ms. Brandner to speak to Governor Burgum's legal counsel on behalf of the Board and discover if there is a possibility to move forward to remove the language of "patient-based" allowing the Board to then accept manikin based test results in the required components. Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Ms. Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes; Dr. Dohm, yes; Dr. Evanoff, yes. Motion carries 7-0.
- **2) NDDA June 5, 2020 letter:** The NDDA submitted a letter of concern to members of the NDBDE regarding distribution of comments sent to the Board's email address. Dr. Dohm suggested the Board maintain emails/comments from the public for one month so that in the event an email is missed, it can be retrieved and forwarded to a member of the Board. Ms. Brandner reviewed aspects of open meetings laws and reiterated the differences between the role of the NDBDE and membership organizations.
- **3) MSCTC:** The Board received a letter requesting the Board accept the manikin-based clinical competency dental hygiene exam. Although live patient exams are still being conducted, the Board was advised that for dental hygiene, the Board could allow manikin-based exams. CRDTS offers a simulated patient dental hygiene exam available for new graduates and submitted a power point presentation for the Board to review. Ms. Marsh moved to allow the manikin-based dental hygiene examinations from the major agencies currently accepted by the Board. Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Ms. Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes; Dr. Dohm, yes; Dr. Evanoff, yes. Motion carried 7-0. The Board will be watching for the statistical analysis following the completion of the 2020 exam season.

9. Meetings & National Organizations

- A. Regional clinical boards: no report
- **B. National Meetings:**
 - 1) AADA Annual meeting will be held virtually Oct 30, 2020.
 - 2) AADB Annual meeting, October 31- Nov 1, 2020, cancelled. Next scheduled meeting, Chicago Mid-Winter meeting February 27-28, 2021.
 - 3) CRDTS August 28-29, 2020 Annual meeting, cancelled. The 2021 meeting is scheduled August 27-28, 2021.
- **10. Next meeting of the NDBDE:** The NDBDE will convene September 18, 2020, Brady Martz & Associates, 2537 S. University Drive, Fargo, ND
- 11. Adjournment 3:39 PM

Respectfully submitted,	
Rita Sommers, Executive Director	Tim Mehlhoff, CPA, Secretary-Treasurer