

North Dakota Board of Dental Examiners

MINUTES – September 18, 2020, 1:00 PM - Quarterly Meeting

Office of Brady Martz & Associates, 2537 S. University Drive, Fargo, ND

1. Call to Order and roll call: Dr. Evanoff called the meeting to order at 1:00 PM CDT.

<u>Board Members and Administrative Staff Attendance</u>	
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: June 12, 2020; June 23, 2020; August 24, 2020. Dr. Fallgatter moved to approve the minutes. Motion seconded by Dr. Goebel. All voted in favor.

3. Additions to the Agenda:

- A. Letter Dr. Kemmit; moved to Jan 2021 agenda.
- B. Additions to legislative agenda

4. Treasurer’s report and review of payables:

A. License status:

Year	DDS in state	DDS Total	RDH in state	RDH Total	RDA/QDA in state	RDA/QDA total	Inactive DDS	Inactive RDH	Total in state	Total
2019	433	503	671	875	614	681	25	44	1718	2128
2020	426	473	694	843	687	811	26	47	1807	2200

The audit being conducted by Jason Schuh, CPA, 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. The Board will receive \$2000 from the Oral Health Data and Collection Program for the Board’s role in facilitating the collection of and providing survey data to the ND DoH’s Oral Health Program and Primary Care Office for reporting and analysis. Mr. Mehlhoff commented on the effects of the renewal cycles on revenue streams and determined that the impact of a 10% fee increase, as per the proposed rules amendments would generate sufficient revenue to avoid budgetary shortfalls while not being excessive. Registration fees have not been updated for ten years. Certificates of deposit which matured 9/3/2020 were deposited to savings at CC Union while the short-term certificates held at 1st International totaling \$101k were deposited into checking. Mr. Mehlhoff moved to accept the treasurer’s report. Motion seconded by Dr. Fallgatter. Roll call vote (RCV) Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Ms. Marsh, yes; Dr. Goebel, yes; Mr. Mehlhoff, yes. Motion passed 7-0.

<u>8/31/20 Balances</u>		<u>Certificates of Deposit</u>	
Checking	\$182,328.38	CC Union	\$75,975.46
Muni. Inv.	\$2,832.16	1 st Inter. 702	\$100,000.00
Prefer. Bus.	<u>\$2,792.02</u>	1 st Inter. 684	\$78,000.00
Total Assets	\$554,726.22	Bremer 3	\$56,399.10
		<u>Bremer 5</u>	<u>\$56,399.10</u>
		Total Certificates	\$366,773.66

5. Review candidate credentials: Ms. Sommers provided a brief summary of numbers of licenses issued in contrast to the previous year with new graduate dental hygiene licenses arriving later than the typical time period and numbers of license applications being less than during the previous year; dental license applications have been about the same.

6. Committee reports:

A. Complaint Committee:

1) Case 27: Subsequent to the Board’s decision regarding the case, a supplemental response by the defendant was submitted to the Board for consideration. The consensus was that the

supplemental response should be considered further review and opinion before reaching a conclusion. Ms. Sommers will request the information.

2) Case 35: The case was dismissed at the June, 2020 meeting. The complainant has submitted new information related to insurance coverage. Dr. Evanoff will send the additional information to the defendant and the Board will review the response at the next meeting.

3) Case 37: The Board will request a new response. Dr. Evanoff would like to receive more information. Information was insufficient. 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 38: Dr. Fallgatter moved to send a letter of concern emphasizing that the patient be informed of their existing insurance coverage and whether or not it is in-network or out-of-network. If a patient requests information regarding insurance coverages, the staff member providing the information has the obligation to be accurate and disclose the status of the office regarding the patient's insurance and if it is, or is not, "out of network." Accepting insurance as being "in-network" when it is not, lacks veracity and is misleading. The practitioner should not withhold the information from the patient. It is not a burden on the part of the practitioner to provide the correct information. Motion seconded by Dr. Goebel. Dr. Evanoff will send the communication. 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.

5) Case 39: Moved by Dr. Fallgatter and seconded by Dr. Keim to request clinical notes/further information. Discussion, more information is needed for the Board to make a determination. Dr. Evanoff will request the information and address the complaint again at the January, 2021 meeting. The motion was seconded by Dr. Keim. 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.

6) Case 40: The Board received an anonymous complaint regarding an employee who complained of feeling ill, and expressed feeling pressured to return to the workplace, eventually testing positive. Due to the nature of the anonymous complaint, the Board could not investigate further. Dr. Goebel moved to dismiss the case and 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.

7) Case 42: The Board was concerned with an online sedation advertising complaint. Dr. Goebel moved to initiate a complaint to further investigate and to send the letter with information received by the Board and request a response. Motion seconded by Dr. Fallgatter. 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.

B. Anesthesia Committee: Sedation and anesthesia site evaluations concluded were uneventful and successfully completed.

C. CE Committee: The CE Committee reported on the four dental audits completed. One practitioner failed to have evidence of JP/ethics CE. Dr. Fallgatter moved to send a letter of concern. Dr. Keim 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. Generally, CE audits have shown licensees to be in compliance with CE requirements.

D. Application Review Committee: The Board reviewed the application of Breanna Gartner, RDH. Dr. Evanoff moved to grant the license, motion seconded by Dr. Fallgatter. 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.

E. Legislative Committee:

1) Aug 26, 2020 letter from ND Legislative Council: The Board discussed the letter regarding profiling of agency bills and the logistics, dates etc. The consensus of the Board is to focus on completion of administrative rules.

2) Executive Order 2020-40 status: The Order issued by Gov. Burgum remains in effect until the Governor issues a proclamation terminating the declared state of the emergency or the Governor places the board on notice regarding a termination date.

3) Occupational Licensing meeting: The Workforce Development Council assembled a workgroup of legislators and a cross-functional group of representatives of those affected by ND occupational licensing framework. Attendees identified barriers and opportunities for improvement and provided insight regarding occupational licensing.

4) Title 20 licensing language; review and revisions: Ms Sommers recommended a new section regarding reentry of dental hygienists who have been out of practice for an extended period. Refresher courses are available. Ms. Marsh recommended a definition for the term “clinical continuing education” which means, “information that relates to the examination and treatment of patients”. Hearing no objection, the new section and Ms. Marsh’s corrections and definition were placed into proposed rules.

7. Old Business

A. Procurement; APT contract review: APT requests a 2.3% increase which reflects the 2020 CPI (Consumer Price Index). Moved by Dr. Goebel renew the APT contract for another year with the 2.3% increase. Dr. Fallgatter seconded. 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. Sommers will contact the Board’s designated State procurement officer.

B. NDCC opinion review; COVID-19 testing: The Board asked Ms. Brandner if the testing was in the scope of practice for a dentist. Ms. Brandner reported that the North Dakota Century Code is very specific and therefore providing COVID-19 testing is not within the scope.

8. New Business

A. Albertson Consulting - overview: Troy Rauschenberger, Director of Government Markets, Albertson Consulting, presented an overview of the services provided by the licensing management software, online services such as online licensing and website capability. Albertsons provides regulatory boards with software services since 2001. Licensees can obtain online verification, payment processing and document management and storage or update of licensee data. The Board can also send out email blasts to licensees which has been useful during the COVID-19 pandemic. Security is also an issue with all state boards which Albertson addresses. Albertson uses Amazon web services (leading provider of hosting services in the world) services to secure documents. Dr. Evanoff commented on the procedures in place for data breach. Rauschenberger commented on the internal protocols; clients are notified immediately, but they have not experienced a data breach or compromise.

9. Meetings & National Organizations

A. Regional clinical boards: Dr. Dohm provided information on a manikin exam he participated in Illinois using Acadental (brand) teeth. Periodontal manikins had very loose tissue to observe root surface, however quite a bit of calculus and deeper probing depths.

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** – November 14, 2020 Annual General Assembly. The 2021 meeting is scheduled August 27-28, 2021.
- 4) **FARB** – Regulatory law seminar and virtual meeting held October 1-3, 2020.

10. Remuneration: 2020 In-state travel reimbursement rate is .575 cents/mile.

10. Next meeting of the NDBDE: The NDBDE will convene January 15, 2021, Bismarck; March 19, 2021, Fargo; June 18, 2021, Fargo and September 17, 2021, Fargo.

11. Adjournment: Moved by Ms. Marsh and seconded by Dr. Goebel to adjourn. Hearing no objection, the meeting adjourned at 3:30 PM.

Respectfully submitted,

Rita Sommers, Executive Director

Tim Mehlhoff, CPA, Secretary-Treasurer