

North Dakota Board of Dental Examiners
DRAFT MINUTES – Regular Meeting | March 31, 2023 | 1:00 PM
Meeting was held at Brady Martz Associates in Bismarck and by virtual means with Zoom.

Call to Order and roll call: Mr. Mehlhoff called the meeting to order at 1:00 pm CST.

Board Members and Administrative Staff Attendance

Bev Marsh, RDH, President	Tim Mehlhoff, CPA, Past President
Marcus Tanabe, DDS, OMFS, Secretary Treasurer	Alison Fallgatter, DDS
Dr. Megan Olson, DDS	Otto Dohm, DDS, MS
Joel Kangas, DDS	Jennifer Sarsland, DDS
Andrea Carlson, RDA	David Schaibley, Executive Director
Rita Sommers, RDH, MBA, Assistant Director	Jacinda Simmons, Board Administrator

Guests in attendance:

Sam Jacoby, DDS, CRDTS President	Richelle Cobler, CRDTS
Mark Edwards, DDS, CRDTS Director of Dental Examinations	
Ben Wall, CDCA Director of ADEX	
Kimber Cobb, RDH, CRDTS/WREB/ADEX	
Rhonda Edwardson, RDH, M.Ed., Dept. Chair, NDSCS	

Introductions

Dave Schaibley is present as the Board's new Executive Director effective March 1, 2023.

Minutes

January 20, 2023 (Quarterly meeting): Dr. Fallgatter moved to approve the minutes. Motion seconded by Ms. Carlson. Dr. Tanabe absent. All voted in favor. Motion carried.

Treasurer's Report

Deposit: CD matured at end of 2022. Fifty thousand dollars was put into a new certificate at Bremer Bank. Another CD matured this week. APT will deposit the check for that CD into checking. Sommers will look at reinvesting the amount in another CD at a higher rate for a 12 month period.

Renewal Report: 113 letters were sent out to ND dentist employers of those expired assistants. So far received responses regarding 40 dental assistants that they were no longer working in their facility, including 2 that were deceased. 2 dental assistants renewed in response to the letter. Some also renewed by the 02/28/2023 deadline. There are currently 138 non-renewed assistants.

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
2021	431	486	708	852	595	722	17	35	1716	2032
2022	414	463	684	822	696	813	23	45	1794	2166
2023	426	492	698	861	689	756	17	34	1813	2109

Ratification of license and registrants

Dr. Kangas moved to ratify the following license and registrations. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes. Dr. Tanabe absent. Motion 8-0-1.

NDSBDE Licenses issued 1/19/2023-3/10/2023

DENTISTS

License #	First Name	Last Name	Title	Date Licensed
2480	Darron	Rishwain	DDS	2/23/2023
2481	Vy	Tran	DMD	2/23/2023
2482	Paul	Hung	DDS	3/10/2023

Hygienists

License #	First Name	Last Name	Title	Date Licensed
1882	Abby	Mitchell	RDH	1/27/2023

Assistants

License #	First Name	Last Name	Title	DATE LIC
1855	Hailee	Field	QDA	1/19/2023
1856	Gabrielle	Miller	QDA	1/25/2023
1857	Maria	Torres	QDA	2/1/2023
1860	Toni	Hamilton	QDA	2/8/2023
1858	Taylor	Mosbrucker	RDA	2/8/2023
1859	Krista	Waldo	RDA	2/8/2023
1861	Taylor	Filipek	RDA	2/13/2023
1862	Courtney	Ruhland	RDA	2/17/2023
1863	Megan	Betti	RDA	2/23/2023
1864	Madysen	Mosolf	RDA	2/23/2023
1865	Michelle	Ocampo-Gonzalez	RDA	3/6/2023
1866	Chelsea	Brown	QDA	3/9/2023

Reports

Complaint Portfolio (Dr. Dohm)

Executive Session: Ms. Marsh moved to enter Executive Session. Motion seconded by Dr. Kangas. The legal authority for closing this portion of the meeting is NDCC 43-28-18.2(4). The topic of this executive session is to discuss complaints on which the Board has not concluded discipline is warranted. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion 9-0-0. Members of the public were placed into a breakout session of the Zoom meeting. The Executive Session began at 5:13 pm CST. Executive Session ended at 6:14 pm CST and the public was invited back to the meeting.

91-02222023 – Dr. Sarsland moved to dismiss the complaint. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion 9-0-0. [Legal Counsel]

Discipline Files

Dr. Day – Discussed compliance with settlement agreement.

Dr. Krieg – Discussed that he agreed with the Board’s offer to resolve discipline through an agreement revoking his license.

Inquires/Investigations Other Than Complaints

Mengedoth News Story – Dr. Dohm moved to send a letter to Dr. Mengedoth saying that the Board will continue to follow the case and seek periodic updates from the licensee. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion 9-0-0.

[Executive Director]

Dr. Peter’s Records Inquiry – Dr. Peters is concerned that he hasn’t received all the patient files from Dr. Krieg’s office that he has sought, and that he might have difficulty obtaining more in the future. Patients have had difficulty getting their records. Dr. Krieg now resides out of state.

The Board will send a letter to Dr. Krieg reminding him of his duty to provide records promptly and the possible penalties for not doing so. **[Executive Director]**

Dr. Dowling – The Board discussed that California’s Dental Board did not complete its investigation into the allegation prior to entering into a disciplinary agreement with Dr. Dowling. Dr. Dohm moved that a violation of NDCC 43-28-18(29) occurred and proposed to offer settlement with the following terms: waiver of his right to hearing or appeal; probation for 24 months; during probation follow all laws and rules related to the practice of dentistry in ND; if the Board finds grounds to support that he violated a law those grounds would constitute a violation of the agreement and in that circumstance the Board may issue an Order disciplining him—with no hearing or appeal. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion 9-0-0.

[Executive Director & Legal Counsel]

Anesthesia Portfolio (Dr. Tanabe)

Site Evaluation – Dr. Boggess, DMD –Approved. Dr. Boggess will be sent a reminder that his drug box needs to be locked at all times.

Site Evaluations Generally –

The Board discussed that during site evaluations the dentist must be onsite for the evaluations. A phone interview or remote presence will not be considered sufficient.

Ms. Sommers and Dr. Tanabe discussed that the Administrative Rules adopted July 2022 require site evaluations every three years, while the past version of this Rule required site evaluations every 5 years. Ms. Sommers will contact the anesthesia or sedation dentists who are in arrears of their site evaluations to let them know that all sites must be evaluated every three years.

[Assistant Executive Director]

CE Portfolio (Ms. Marsh)

Ms. Carlson will assume the Continuing Education Portfolio and conduct random audits.

Application Portfolio

Irene Ibanez Rendon - RDA – She was educated and previously licensed as a dentist in Mexico, and has applied as an RDA in ND. She does not need to pass any DANB exams for the RDA. Dr. Fallgatter moved to approve the dentist

licensure program she took and grant the RDA registration. Motion seconded by Dr. Sarsland. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes. Dr. Tanabe absent. Motion 9-0-0.

[Bd. Office]

Legislative Portfolio (Executive Director)

Mr. Schaibley updated the Board on the status of legislative bills.

HB1154 – Concerns Administrative Hearings. This bill failed to pass.

SB2135 – Concerns insurance policies and reimbursement. More of an issue for practitioners than the Board. This bill is waiting for a vote.

SB2180 – Concerns how the auditor can charge boards. This bill was passed and has been signed by the Governor.

SB2184 – Concerns all boards and their terms, renewals, and annual financial audits. This bill was recommended as do not pass.

SB2249 – Concerns all boards being referred to the labor commission for services. This bill was recommended as a do pass and will go to the floor. The Labor Commission can suggest laws for legislation regarding out-of-state practice being issued in 3 days. It has an emergency clause attached, and if that emergency clause remains in place the Bill will go into effect right away, rather than the standard effective date of August 1.

SB2296 – Concerns the decisions of an administrative law judge is final and not at the discretion of the Board. This bill failed to pass.

SB2237 – Concerns all boards being referred to the OMB for services. This bill failed to pass.

Old Business

RDA Prep Course

Dr. Fallgatter moved to approve DA Prep's online course "North Dakota-Qualified Dental Assistant Training." Motion seconded by Dr. Dohm. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, no. Dr. Tanabe absent. Motion 8-1-1.

[Executive Director]

To complete the course applicants, earn 300 hours of OJT, complete online courses, and pass the exam.

They have a 6-week program for someone already working in a dental office and a 12-week program for someone without any prior experience. It gives a pathway alternative to DANB or an academic program. They use the same modules as DANB.

Executive Director Issues

With Schaibley as Executive Director, Sommers will now be the Assistant Executive Director. Financial matters, such as financial reports and APT invoices, will be handled by Lori at APT Solutions, Inc. Schaibley will begin to answer emails with Sommers assisting as needed.

Mr. Mehlhoff moved to approve the terms of employment for Ms. Sommers effective 4/1/2023. Motion seconded by Dr. Sarsland. Motion carried. RCV: Mr. /Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes. Motion 9-0-0.

[Executive Director]

New Business

AGGA Appliance - Board briefly discussed this dental appliance and the problems it seems to be causing for patients.

ICON – The Board discussed the possibility of adding this to the duties of a dental assistant. To do so would require a rule change. If that occurred, the Board anticipates that the assistant would need to qualify for an endorsement and be under direct supervision.

It will be added to a list of possible rules changes and needs more research about the classes.

Ms. Marsh and Ms. Carlson will contact the University of Minnesota in future months for more information.

[Marsh & Carlson]

Sealant Curriculum (Rhonda Edwards, NDSCS)

The sealant curriculum is for those already graduated and needing a sealant course for Board endorsement. New grads already have it in their course curriculum. Ms. Sommers suggested having a scheduled day three times per year when a group of dental assistants could take it or allow a dentist to give it in the office. Ms. Edwardson will pick some dates and send them to the Board office to post on the Board website. An email blast will then be sent out to all RDAs, but not QDAs, notifying them of the course. The participant attending the class will need to bring a person diagnosed as needing sealants.

[Edwardson & Bd. Office]

Award Recognition Plaques

Ms. Sommers will contact outgoing Board members about their preference for having a plaque made for years of service on the Board.

[Sommers]

RDH/RDA/QDA Duties Chart

The chart describing levels of duties which align with the level of supervision required for those duties for the RDA/QDA and RDH can be found on the Board's website and needs to be further revised to coincide with the recently adopted Administrative Rules. Ms. Carlson will send corrections to Ms. Sommers.

[Carlson & Sommers]

Dental Therapy

CODA-accredited University of Minnesota Program – The Joint Commission on the National Exam is seeking input from the Board for possible exam development for dental therapists. Dr. Dohm suggested the input could include that the ADA, a dentist member organization, advocate for dentists and not create exams.

Dr. Dohm moved to send a response that the Board is not inclined to answer at this time since we don't regulate dental therapists. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. /Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes. Motion 9-0-0.

[Executive Director]

National Organizations: Regional Clinical Boards and Trip Reports

AADA – Mr. Schaibley and Ms. Sommers will attend.

CDCA/WREB/ADEX

Dr. Benjamin Wall and Kimber Cobb, RDH with CRDTS/WREB/ADEX presented on the exam content. There is now one testing agency for dentists throughout the country and they will also do most of the hygiene exams. The exams are administered at 66 dental schools which graduate 90% of the students. The biggest benefit of the combined exams is national portability. The exam for dentists has a pass rate of 83% and the exam for hygienists has a pass rate of 89%. If someone fails the exam, they can reschedule 2-4 weeks later.

CRDTS Examinations

Dr. Sam Jacoby, CRDTS President, DDS and Mark Edwards, DDS, Director of Dental Examinations presented on the exam content and validity. Technical reports occur every 2 years. The validity of the exam is key and very high. The test and scoring are reliable.

CRDTS CARE Program – Richelle Cobler, CRDTS Executive Director, presented on the program of dental professionals helping other dental professionals. They offer support for state boards, licensees, and dental students by offering remediation for ethical issues and reeducation for those who have been out of practice. They

do have machines and workstations in Topeka, KS for licensees and students to use. They also have dental specific ethics and continuing education courses available. They will attend the June meeting in person.

FARB

Mr. Schaibley may attend the upcoming meeting if his schedule permits.

ND Oral Health Coalition

Mr. Schaibley should attend.

Renumeration: 2023 Mileage Rate – 6.5 cents per mile

Next Meeting Date

June 16, 2023

12:00 pm

Brady Martz & Associates, Fargo

Adjournment: Moved and seconded to adjourn the meeting. All voted in favor. The meeting adjourned at 6:18 pm.