

North Dakota Board of Dental Examiners
MINUTES – Regular Meeting | June 16, 2023 | 12:00 PM
Meeting held at Brady Martz Associates in Fargo and by virtual means with Zoom.

Call to Order and roll call: Ms. Marsh called the meeting to order at 12:00 pm CST.

<u>Board Members and Administrative Staff Attendance</u>	
Bev Marsh, RDH, President	Cindy Snay, Consumer Member
Marcus Tanabe, DDS, OMFS, Secretary Treasurer	Alison Fallgatter, DDS
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
Matt Menge, Assistant Attorney General	
<u>Guests in attendance:</u>	
Tim Mehlhoff, CPA, Past President	Sara Hendrickson, Rolette Public Health

{Dr. Tanabe absent}

Introductions

New consumer Board member, Cindy Snay, is introduced. She has worked in the construction business as a bookkeeper for 36 years.

Matt Menge is the Board’s new legal counsel and is with the ND Attorney General’s office.

Minutes

March 31, 2023 (Quarterly meeting): Dr. Fallgatter moved to approve the minutes. Motion seconded by Ms. Carlson. Dr. Tanabe absent. All voted in favor. Motion carried.

{Dr. Tanabe present at 12:03p}

Agenda

The agenda was approved.

Treasurer’s Report

CD Updates – CDs were moved for a better rate. Bremer Bank waived the penalty fee. A new CD was opened at Gate City for \$35,000 with 4.25% rate. The Board will wait with the \$50,000 CD until renewal fees come in as the Board anticipates legal fees.

Ms. Carlson moved to approve the financial report. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0.

Licensees/Registrants

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
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
2023 (05/31/2023)	424	492	702	865	696	770	17	33	1822	2177

Ratification of license and registrants

Dr. Tanabe moved to ratify the following license and registrations. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0.

NDSBDE Licenses issued 03/11/2023-05/31/2023

Dentists

License #	First Name	Last Name	Title	Date Licensed
2482	Paul	Hung	DDS	3/10/2023
2483	Valerie	Drake	DDS	4/12/2023

Hygienists

License #	First Name	Last Name	Title	Date Licensed
1885	Jasmine	Griechen	RDH	3/21/2023
1419	Megan	Schindler	RDH	4/12/2023
1788	Gartner	Breanna	RDH	4/14/2023
1896	Elizabeth	Catts	RDH	6/1/2023

Assistants

License #	First Name	Last Name	Title	Date Licensed
1868	Taylor	Hart	RDA	4/3/2023
1867	Ashley	Pelland	RDA	4/3/2023
402	SHERYL	OFSTHUN	RDA	4/12/2023
1869	Monica	Pakonen	RDA	4/12/2023
1626	Brooke	Walz	RDA	4/14/2023
1870	Tanya	Kroeplin	RDA	4/19/2023
1871	Irene	Ibanez	RDA	4/21/2023
1309	Lauren	Porcaro	QDA	4/26/2023
1872	Jamie	Seibel	RDA	4/26/2023
1873	Molly	Kraft	RDA	5/1/2023
1855	Hailee	Field	RDA	5/4/2023
1804	Mikena	Hunter	RDA	5/4/2023
1875	Jessica	Yeomans	QDA	5/5/2023
1799	Ashlee	Moch	RDA	5/17/2023
1650	Shaelin	Molskness	RDA	5/18/2023
1876	Odessa	Hidalgo	RDA	6/1/2023

Portfolio Reports

Complaint Portfolio (Dr. Dohm)

Executive Session: Ms. Carlson moved to enter Executive Session. Motion seconded by Dr. Fallgatter. 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. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes; Ms. Carlson, yes; Ms. Snay, yes. Motion 9-0-0. Members of the public were left in the main Zoom meeting and Board members and staff were moved to a Zoom breakout session for the Executive

Session. The Executive Session began at 2:20 pm CST. Executive Session ended at 3:07 pm CST and the public was invited back to the meeting.

95-04142023 - Dr. Dohm moved to dismiss the complaint. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0. **[Legal Counsel]**

96-03312023 - Dr. Dohm moved to dismiss the complaint. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0. **[Legal Counsel]**

Discipline Files

#47 - Nelson – Settlement agreement signed 1/18/2023. Duration: 12 months. Terms: Follow all laws related to practice. No complaints as of meeting date.

#69 – Day – Settlement agreement signed 11/8/2022. Duration: Indefinite. Terms: Complete AAID Maxi, pass AAID Exam Pt. 1, no implants, no full mouth edentalation, fitness to practice assessment, follow all laws. Compliance: Passed Exam, provided names of possible assessors, stated he is undertaking the course.

#74 Napoles – Settlement Agreement signed: 1/21/2023. Duration: Indefinite. Terms: Complete AAID Max, pass AAID Assoc Fellowship Exam Pt. 1, no implants, \$2,000 admin costs, follow all laws. Compliance: No indication he is violating the agreement and no indication he is taking the AAID steps or paying the costs.

#78 Burke – Settlement Agreement signed: 2/21/2023. Duration: 6 months minimum. Terms: 4 CE ethics, 4 CE diagnosis, 4 CE extraction, \$500 admin costs, comply with all law Compliance: No indication he is violating the agreement and no indication he took the CEs; did pay the costs.

Inquires/Investigations Other Than Complaints

#89 Dowling - Disciplinary order in California - Proposed reciprocal discipline through settlement agreement. Update: His attorney did not accept our settlement terms; our attorney is seeking their counter proposal.

#96 Mengedoth - News story - Monitoring; obtaining updates. Updates: These have been timely provided and indicate criminal investigation is proceeding and a civil complaint has been filed against him.

#94 Day - Leasing agent found unsecured prescriptions - Sought licensee's perception to this issue.

Dr. Dohm moved to treat unsecured prescriptions as a complaint. Motion seconded by Ms. Marsh. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0.

Krieg – Post revocation matters. Update: Discussed that the Board took appropriate action through discipline and reporting it in the NPDB. Arizona's dental board may be asking for our records related to Dr. Krieg.

Anesthesia Portfolio (Dr. Tanabe)

Site Evaluations – Ulloa, Deatherage, Gomez, Knoll, Miller, Glosenger, Frokjer, Schneider – All were completed and approved. Frokjer had an expired drug, but he talked to Dr. Tanabe and now has a new drug ordered.

The Board questioned who covers for an oral surgeon for post-op care if they are at the satellite office and if it causes continuity of care issues.

Site Evaluation Applicability and Frequency – Board confirmed that (1) every permit holder must complete a site visit at each site where that dentist provides anesthesia every 3 years and (2) a site evaluation is only valid for the permit holders who are present for a site evaluation.

Revisions to Site Evaluation Form – A section will be added to the form that oral surgeons need to make a plan for emergency care. Drugs no longer needed were removed from the list. Clarification was added throughout the application. The board accepted the changes. **[Executive Director]**

Continuing Education Portfolio (Ms. Carlson & Ms. Marsh)

Ms. Carlson reviewed eight submissions for CE audit. All were deficient in some way – too much non-clinical hours, no Jurisprudence/Ethics hours, and insufficient verification. Ms. Carlson will reach out to them to submit the correct documents. **[Carlson]**

Interpreting NDAC Rules

A question was received from a licensee if they could earn more than 2 hours in Infection Control CE. The Board confirmed that NDAC 20-03-01-06(3)(b) provides the minimum hours that must be taken for each of the CE topics listed (including infection control), and that if a licensee takes more than the minimum number, those hours are still valid and are counted toward meeting the overall CE requirement hours.. **[Carlson]**

Application Review Portfolio (Ms. Marsh)

Mayfield - Dr. Fallgatter moved to grant the registration. Motion seconded by Dr. Dohm. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0.

Gross – Ms. Marsh moved to grant the license. Motion seconded by Dr. Dohm. Motion carried. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0.

Kosir – Ms. Marsh moved to grant the license. Motion seconded by Dr. Tanabe. Motion carried. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0.

Appointed Board Member for Application Review – Applications with concerns about qualifications will be sent to Dr. Olson. Straightforward applications will still be sent to the Executive Directors. Ms. Carlson will continue to review continuing education.

Legislative Portfolio (Mr. Schaibley)

SB 2249 - Labor Commissioner will meet/work with boards to assess their CE requirements and how promptly they license applicants who have licenses from other states.

HB 1530 - (new section of NDCC ch. 50-24.1) Medical assistance coverage must include payments for: dental screening; dental case management; asynchronous tele-dentistry to reduce barriers to dental care through outreach programs and to integrate oral health into general health care settings to identify and refer treatment needs.

Future Possible Changes to Statutes and Rules – In law, remove bond requirement from laws as Risk Management covers that. In rules, remove duplicates, add volunteer license and Code of Ethics for hygienists and assistants, and add assistants providing fluoride treatment.

Executive Director Portfolio (Mr. Schaibley)

Board reviewed his report and confirmed the ongoing use of this form.

Old Business

Award Recognition - A plaque was presented to Tim Mehlhoff for the years he served as a Board member.

NDSBDE Policy Manual – The Board reviewed the changes. The President and ED will incorporate changes and provide a revision of the manual at a future meeting. **[Executive Director]**

Dental Assistant Duties Table – The Board reviewed the changes. **[Executive Director]**

New Business

Risk Management – The Executive Director met with Director of Risk Management about liability coverage. The result was guidance that the Board cancel its private liability insurance policy, and that it continues to pay its annual premium for liability coverage provided by the statutory Risk Management Fund. .

CRDTS Examiner Request – Janis Whitesock is interested in becoming an examiner. She is a hygienist licensed in the state. Ms. Marsh will look into her credentials. If she meets requirements defined in policy manual, Ms. Marsh will get approval to CRDTS. If she does not meet the requirements, Ms. Marsh will bring it back to the Board.

[Marsh]

Medicaid Issues – Sara Hendrickson from Rolette Public Health spoke about her concerns with the dental care crisis for children in Rolette County. She said that only one dental provider in the area is accepting Medicaid patients and they are only taking ten appointments per month. Ronald McDonald House mobile is not available Summer 2024. The Board asks the ED to work with the ND Dental Association and ND Dental Foundation to see if those two will facilitate and lead ongoing conversations with the hopes of solving aspects of this problem. It also recommended Ms. Hendrickson explore the possibility of a student intern program—outreach to the University of Minnesota School of Dentistry, to Jackie Nord in Grand Forks. A possible solution would be getting a provider into the Northland Clinic.

Sealant Report from ND Oral Health Coalition – Information for the Board.

Aspen Dental News Story - Information for the Board.

Code of Ethics for Hygienists and Assistants – Possible addition to the next rules change.

Albertsons Consulting – A ND based company manages the Board’s website and database. They state that they will be moving all clients to a higher platform database that provides more options such as usable hyperlinks in the agenda and the saving of document types other than PDF and JPEG. Per Dan Albertson’s email, this would increase the Board’s cost from about \$500 per month to about \$15,000 per year. The Board asked about options. Schaibley was asked to gather more details from Albertsons. The Board would review Albertson’s offerings and decide whether to stay with Albertsons. If it did so, it would do so under the OMB contract. It could also consider exploring the procurement of software from other vendors or possibly making use of the ND plumbing board’s software.

[Executive Director]

CRDTS Care Program – Any licensee can use this product if they choose. It is also a resource that Board may use to remediate or reeducate licensees in specific areas such as implants or restorative. They design plans based on the Board’s assessment of the licensee’s situation. It always has an ethics component, and the end of the program has assessment and a test.

Invitation for one Board member to participate in the CODA on site evaluation of the Dakota College at Bottineau’s Dental Assisting Program. Oct 19-20, 2023 – Ms. Carlson volunteers for this.

APT Contract – Currently the Board pays \$4000 a month for administrative services. At the end of 2022, the Board signed a 6-month extension to the contract so if the Board wants to renew it, it will need to do so this month. Discussion included that Board members still get calls from licensees who claim their calls/messages to the Board office are not answered or responded to in a timely manner; whether the Board is getting more services given that it is now paying twice as much; how the transition on financial matters has progressed. The Board agreed that renewing the contract is best; that Ms. Marsh and Mr. Schaibley should work to do so, and try to get language that would solve some of these concerns. If not, they should try to get a lesser cost for lesser services. Mr. Schaibley explained that he needs more time to fully understand the tasks and quantity of work APT does in order to better inform the Board about this relationship. He’ll do so during the forthcoming 12 months.

Dr. Dohm moved to renew the contract for 12 months. Motion seconded by Ms. Carlson. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0.

[Ms. Marsh & Executive Director]

FARB Conference – The Board authorized Ms. Marsh to attend and cover up to \$1,000.

Renumeration: 2023 Mileage Rate – 65.5 cents per mile

Secretary/Treasurer - Dr. Tanabe moved to nominate Snay as secretary/treasurer. Motion seconded by Dr. Kangas. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 9-0-0.

Medicaid CE Course – Grant one hour.

Next Meeting Date

September 29, 2023

12:00 pm

Brady Martz & Associates, Bismarck

Adjournment: Moved and seconded to adjourn the meeting. All voted in favor. The meeting adjourned at 4:00 pm.