

North Dakota Board of Dental Examiners
Minutes for Regular Meeting: February 21, 2025, 12:00 PM CDT
Remote Only

1. Call to Order; Roll Call; Terms and Officers

Dr. Tanabe called the meeting to order at 12:02 pm CT.

Board Members and Administrative Staff Attendance

Andrea Carlson, RDA	Ali Fallgatter, DDS
Cindy Snay, Consumer Member, Sec/Treasurer	Bev Marsh, RDH
Megan Olson Stremick, DDS	Joel Kangas, DDS
Marcus Tanabe, DDS, OMFS, President (until 12:55pm)	Rita Sommers, Assistant E.D.
Matt Menge, AAG	David Schaibley, Executive Director
Jacinda Simmons, APT	

Absent Board members: Otto Dohm, DDS; Jennifer Sarsland, DDS

Discussed that Dr. Dohm's final term ends March 15, 2025. He planned to attend this meeting but had last minute travel complications. The Board expressed sincere gratitude for Dr. Dohm's years of dedication and looks forward to a more formal Thank You at an upcoming meeting.

2. Minutes

Reviewed drafts minutes of the January 17, 2025, Regular Meeting.

Motion by Dr. Tanabe; Second by Dr. Fallgatter: Approve the January 17, 2025, meeting minutes.

In Favor: Ms. Marsh, Dr. Kangas, Dr. Olson Stremick, Dr. Tanabe, Ms. Carlson, Dr. Fallgatter, Ms. Snay. Motion carried 7-0. Absent: Dr. Sarsland, Dr. Dohm.

3. Old Business

CODA site visits. Ms. Carlson is awaiting confirmation that she will join CODA's site evaluation of Dakota College. Discussed that Ms. Marsh is no longer participating in NDSCS's site evaluation due to their apparent perception that Ms. Marsh's communication with BSC about its dental education programming is a conflict of interest. CODA also shared that once an individual has participated in a site evaluation, they cannot participate in another visit at the same location for 7 years. Mr. Schaibley to explore Ms. Carlson's possible participation for both site visits.

4. Bismarck State College

Reviewed the application materials submitted by Bismarck State College and its Mystic Smiles Clinic, seeking an exception to the dentist ownership restrictions. Noted that North Dakota Century Code § 43-28-25 prohibits non-dentists from owning more than 49% of a dental office or practice unless an exemption from that prohibition exists. Board-approved nonprofits created for the purpose of providing dental care to an underserved population may be exempted.

Motion by Dr. Kangas; Second by Dr. Fallgatter: Approve Bismarck State College's Mystic Smiles Clinic application seeking an exemption from the dentist ownership restrictions of NDCC 43-28-25.

In Favor: Ms. Marsh, Dr. Kangas, Dr. Olson Stremick, Dr. Tanabe, Ms. Carlson, Dr. Fallgatter, Ms. Snay. Motion carried 7-0. Absent: Dr. Sarsland, Dr. Dohm.

4. **Treasurer's Report**

Ms. Snay shared the current financial assessment of the Board; confirmed it is sound financially and shared updated balance sheets, income statements, and cash disbursement reports.

Discussed that Ms. Snay is preparing a biennial budget for July 1, 2025-June 30, 2027, for Board review. The Board discussed that it seeks biennial budgets going forward.

Discussed that the 2021-2023 biennial audit being conducted by Widmer Roel will be finalized and filed with the ND State Auditor shortly.

Discussed SB 2251. It passed the Senate; is in the House. The Bill increases the financial threshold for boards that are required to have CPAs conduct biennial audits. The threshold is currently that boards with annual receipts of under \$200,000 do not have to carry out the CPA-conducted audit, and the amount is moving up to \$2,000,000. If it is adopted, the Board would have the option of doing CPA-conducted audits, or meeting standards for annual reporting set by the State Auditor. The latter option would likely save the Board many thousands of dollars.

Confirmed that our bookkeeping support from APT has experienced a recent shift in personnel that we're seeing more effective communication and our timelier receipt of the financial data.

Discussed that our merchant fees for credit card transactions amounted to approximately \$20,000 last biennium; Mr. Schaibley will continue to identify options that are less costly.

Discussed a payroll error on Mr. Schaibley's pay increase that occurred in March 2024. Bookkeeping staff calculated it at 3% instead of the 4% granted by Board so he's been paid \$103.41 less per month than the raise he was granted.

Motion by Ms. Marsh; Second by Dr. Fallgatter: Direct Ms. Snay to oversee providing Mr. Schaibley with a single retroactive payment of salary for the months he was underpaid by 1%.

In Favor: Ms. Marsh, Dr. Kangas, Dr. Olson Stremick, Dr. Tanabe, Ms. Carlson, Dr. Fallgatter, Ms. Snay. Motion carried 7-0. Absent: Dr. Sarsland, Dr. Dohm.

Discussed Ms. Sommers employment with the Board. That the Board sought to keep her on as an employee through the completion of the biennial audit—which is now being completed. Mr. Schaibley confirms that her work has been invaluable, but that his need to rely on her has diminished over the last two years. Discussed the cost savings of her \$2,000/month salary. The Board expressed sincere gratitude for Ms. Sommers work in helping with this transition and looks forward to a more formal Thank You at a meeting soon.

Motion by Dr. Kangas; Second by Dr. Fallgatter: Ms. Sommer's employment with the Board will end on February 28, 2025; that her final payroll check will be issued on March 1, 2025; approving a \$100/hour independent contract rate if her assistance is needed in the future.

In Favor: Ms. Marsh, Dr. Kangas, Dr. Olson Stremick, Dr. Tanabe, Ms. Carlson, Dr. Fallgatter, Ms. Snay. Motion carried 7-0. Absent: Dr. Sarsland, Dr. Dohm.

5. Portfolio Report: Legislation and Rulemaking

A. Legislation

Discussed delegation to Mr. Schaibley and Dr. Fallgatter on legislation. Discussed that both will ensure Board members are well-informed about legislation, and to work with the President to call Special Meetings for legislation if and when needed. Reinforced Dr. Fallgatter's authority to approve Board testimony content to the extent she can confidently anticipate the Board's perspective on an issue. If she feels she can't, she must bring the issue to the full Board.

Discussed Bills, including:

SB 2217. Discussed SB 2217 and Mr. Schaibley's testimony; amendments that address (a) the definition of QDA-LRR, (b) the ability of all levels of assistants to conduct fluoride varnishing, and (c) the requirement of a hand skills examination for dentist. Discussed the 5-0 Do Pass and that the Bill will be on the Senate Floor for full vote before Tuesday, February 25, 2025. Directed Mr. Schaibley to continue testifying in favor.

HB 1220. Discussed this Bill related to accelerated degrees and directed Dave to testify in opposition due to its inapplicability in the dental field, possible confusion, possible harm, additional expenses for all stakeholders, and existing pathways making make the Bill inefficient as applied to dentistry.

HB 1512. Discussed this Bill related to mandating a complaints committee and the release of responses that are now exempt records. Directed Mr. Schaibley to continue testifying in opposition.

HB 2395. Discussed this Bill related to universal licensure and the fact that it reinforces the Board's ability to ensure competency with the practice. Directed Mr. Schaibley to continue testifying in favor.

B. Rulemaking:

Discussed the timing of our next rulemaking. Agencies/Boards must complete rulemaking within 9 months of the effective date of Bills that touch on their rules. That generally means we need to complete rulemaking within 9 months of August 1, 2025.

Discussed that Mr. Schaibley will send out emails and seek stakeholder input beginning in March/April 2025, on possible rule change ideas the Board can take into consideration.

7. Upcoming Meetings

Noted that the next Board meeting occurs on May 2, 2025. Confirmed that it is scheduled to occur in Bismarck, with remote option. Dr. Kangas encouraged in person attendance by Board members when feasible. Invite Dr. Dohm and Ms. Sommers to attend in person if possible.

Discussed that Mr. Schaibley will attend the April 11-12, 2025, mid-year AADB meeting in Chicago, if legislative session matters are settled by that time.

8. Adjournment

1:25 pm CT