

# NORTH DAKOTA BOARD OF DENTAL EXAMINERS

## Minutes

### SPECIAL MEETING

June 3, 2021 | 6:30 PM CDT

Zoom meeting - 06032021

- 1. Call to Order and roll call:** Dr. Fallgatter called the meeting to order at 6:31 PM CDT. The ND Board of Dental Examiners convened for the purpose of discussion of the proposed Administrative Rules and the scheduled June 8, 2021 Administrative Rules Hearing. Dr. Keim was absent. Others known to be in attendance; Sasha Dusek, RDA, Susan Peters, RDA, Jackie Nord, DDS and Carrie Orn, DDS, and NDDA Executive Director William Sherwin.

#### Board Members and Administrative Staff Attendance

Alison Fallgatter, DDS, President

Tim Mehlhoff, CPA, President-Elect

Bev Marsh, RDH, Secretary Treasurer

Rita Sommers, RDH, MBA, Executive Director

Tara Brandner, MBA, Assistant Attorney General

Greg Evanoff, DDS

Otto Dohm, DDS, MS

Marcus Tanabe, DDS, OMFS

## 2. Legislative Committee

**A. Administrative Rules draft:** Dr. Fallgatter called on the members of each Association present to provide comment regarding the Administrative Rules draft.

Dr. Nord representing the NDDA, did not comment on the content but did comment on the SD rules process. Ms. Brandner commented on the statutory requirements of the rules process and inquired about the legality of the SD legal process which went from an informal meeting with members to a formal meeting with members. Dr. Dohm commented on the lengthy time frame starting in June 2019 that the NDBDE has been working on the process and reminded the Board that the NDBDE represents the public. Dr. Dohm commented that the NDDA was not present for the process, of their own accord.

Ms. Brandner responding to Dr. Evanoff regarding the June 8 deadline and the voiding of rules or withdrawal of rules and further explained that the Board cannot postpone rules, rather the Board would have to start the entire process again with another comment period, publication, public notice and AG review etc. Dr. Evanoff welcomed more information and wished the information would have come to the Board 18 months ago and further commented that because of the political pressures and opposition the Board needs to step back and continue down a new course.

Dr. Tanabe thanked Dr. Goebel and Ms. Sommers for their efforts and further commented on his input to the anesthesia portion of the rules as cursory at best and that anesthesia is vital to the practice of dentistry. Dr. Tanabe further stated that so far adverse events and mortality rates in our state are extremely low, yet even one incident would be too many. The Board must act to strengthen the anesthesia laws and commented on data regarding safety and the

avoidable anesthesia incidents which have happened in California. Therefore, NDBDE efforts cannot be rushed. Dr. Tanabe recommended red-lining the current anesthesia draft and starting over allowing AAOMS and others such as pediatric and other specialists who utilize anesthesia and sedation to provide input for the draft of a new anesthesia section.

Dr. Fallgatter called for any further comments regarding Dr. Tanabe's comments. Ms. Marsh concurred with Dr. Evanoff's previous comments regarding starting the process again. Dr. Evanoff moved that the Board withdraw proposed Administrative Rules and begin the process again and welcomed the input from all stakeholders and further encouraged stakeholders to appear at the Boards meetings to provide their comments. Dr. Evanoff further moved the Board resume discussions of the Administrative Rules process at their upcoming June 18 meeting. Dr. Tanabe seconded the motion.

During further discussion of the motion, Ms. Sommers commented that if the Board redlines the anesthesia rules, as suggested by Dr. Tanabe, the entire draft will need to be revised because duties of auxiliary and definitions are entwined throughout the rules and the anesthesia section. Ms Sommers stated the document should be reviewed in its entirety and all sections reconsidered so that any inconsistencies and/or errors are avoided.

On behalf of the NDDAA, Ms. Dusek commented favorably regarding legislation adding a dental assistant to the Board. Dr. Fallgatter explained that the rules regarding dental assistants would be reviewed again as well.

Roll call vote: Dr. Dohm, yes; Ms. Marsh, yes; Dr. Evanoff, yes; Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Dr. Tanabe, yes. Motion carried 6-0. Dr. Fallgatter will send the correspondence to the Governor's Office and submit the letter advising Chair Devlin of the Board's action as well.

**3. Adjournment:** Hearing no objection Dr. Evanoff moved to adjourn, seconded by Mr. Mehlhoff. Hearing no objection, the meeting was adjourned at 7:04 PM.

Submitted by:

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Rita Sommers, RDH, MBA, Executive Director

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Tim Mehlhoff, CPA, Secretary-Treasurer