

North Dakota Board of Dental Examiners

MINUTES – September 17, 2021, 1:00 PM - Quarterly Meeting

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

1. Call to Order and roll call: Dr. Fallgatter called the meeting to order at 1:02 PM CDT and introduced David Schaibley, AAG, NDBDE legal counsel. Newest board member, Ms. Andrea Carlson, RDA was introduced. Ms. Carlson abstained from duties as finalizing documents must be first submitted to the Office of the Governor.

Board Members and Administrative Staff Attendance

Alison Fallgatter, DDS, President	Michael Keim, DDS
Tim Mehlhoff, CPA, President-Elect	Marcus Tanabe, DDS
Greg Evanoff, DDS, Immediate Past-President	Otto Dohm, DDS, MS
Bev Marsh, RDH, Secretary-Treasurer	Andrea Carlson, RDA
David Schaibley, Assistant Attorney General	Rita Sommers, RDH, MBA, Executive Director

Others in attendance via Zoom: Kevin Hohertz, Dickinson High School Principal; Bobbie Johnson, DHS Community Outreach Coordinator; Carolyn Breen, DANB Consultant & Dale Foundation; McKenzie Clayburg; Katherine Landsberg; MaryJane Hanlon, RDH, DMD, MBA, Sr. Vice President of Promethean Systems; Kimber Cobb, CDCA National Director of Licensure Acceptance and Portability; Toni Hruby, RDA, CDA, ND Oral Health Prevention Coordinator; Cheri Kiefer, RN, BSN, RDN, RD, ND Oral Health Program Director; Brenda Blazer, Esq., Vogel Law Firm; Maria Meyer, DDS; Sheli Cobler, Executive Director, CRDTS; Jeffrey Hartsog, DMD, Vice President - ADEX; Sam Jacoby, DDS, CRDTS-President; Catherine Como, CE Broker representative. **Others attending in person:** Rob Lauf, DDS; Sara Garrett, RDH; Rhonda McCrory, RDH; Susan Peters, RDA and Sasha Dusek, RDA, ND Dental Assisting Association.

2. Review and approve minutes: June 18, 2021 - quarterly meeting. Ms. Marsh moved to approve the June 18, 2021 NDBDE minutes, motion seconded by Dr. Tanabe. Discussion: Dr. Dohm recommended there be no changes made to the June 18, 2021 minutes. Roll Call Vote (RCV): Dr. Fallgatter, yes; Dr. Evanoff, yes; Dr. Kiem, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

3. Additions to the Agenda: Dr. Dohm requested the following additions be added to New Business:

- A. APT phone coverage
- B. Future meeting locations during NDDA Annual meeting
- C. New member for CRDTS Steering Committee
- D. Legal Representation for NDBDE

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
9/17/2021	441	507	697	883	666	768	18	36	1804	2212
B. 06/30/2021 Balances and Certificates: Total assets \$480,083.68										
BALANCES		CERTIFICATES OF DEPOSIT				SHORT TERM ASSETS				
US Bank Checking		\$103,485.53		CC Union 1		\$52,900.67		Capitol Credit Union		\$25,108.20
				1 st Inter. 702		\$102,166.67		Muni. Investor		\$2,832.25
				1 st Inter. 684		\$78,000.00		Prefer. Business		\$2,792.16
				Bremer 3		\$56,399.10				
				Bremer 5		\$56,399.10				
Total Checking		\$108,485.53		Total Certificates		\$345,865.54		Total STA		\$30,732.61

Ms. Sommers provided members a historical summary balance sheet reflecting balances ending the 2nd quarter including balances from 2017-2021. A brief analysis of the 2021 income projection was also discussed. The amended fee schedule was enacted April 1, 2021. Moved by Mr. Mehlhoff and seconded by Dr. Fallgatter to approve the Treasurer's Report. RCV: Dr. Fallgatter, yes; Dr. Evanoff, yes; Dr. Kiem, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

5. Licensing report – Members of the Board signed the following RDH and DDS licenses:

8/10/2020	Jacalyn Crooks, RDH	1791
6/7/2021	Kassidy JoAnn Miller, RDH	1811
6/21/2021	Amanda Jean Berger, RDH	1794
6/17/2021	Samantha Rose Salwei, RDH	1812
6/7/2021	Ashley Lynn Westbee, DMD	2437
6/24/2021	Brandon J. Locke, DDS	2438

6/21/2021	Vanessa Johna Kraft, RDH	1821
6/18/2021	Emily A. Peterson, RDH	1827
6/17/2021	Sara Ann Demers, RDH	1828
6/29/2021	Kate Ann Johnson, RDH	1829
6/21/2021	Miriam L. Avalos, RDH	1831
6/22/2021	Sarah Munro, DDS	2441
6/22/2021	Mohammad Tirtashi, DMD	2442
6/22/2021	Cole Vernon Rehovsky, DDS	2443
6/21/2021	Ashley M. Peterson, RDH	1835
8/6/2021	Bachmeier, Peter, DDS	2444
7/15/2021	Welk, Megan M., DDS	2446
7/7/2021	Weston, Luke B., DDS	2447
7/8/2021	Kayla Theresa Vollmer, RDH	1822
8/12/2021	Sri Vaishnavi Nanda Venkatesan, RDH	1824
7/8/2021	Allison Marie Plathe, RDH	1825
7/9/2021	Alexis M. Marty, RDH	1826
7/23/2021	Abigayle J. Dahl, RDH	1832
7/8/2021	Jordan R. Olien, RDH	1833
7/9/2021	Marissa A. Holmquist, RDH	1834
7/2/2021	Joshua Hanson, DDS	2439
8/9/2021	Rhiana L. Holmes, RDH	1836
4/6/2021	William Paul Alexander, DDS	2432
7/15/2021	Nicole A. Searcey, DDS	2445
4/1/2021	Mickelle Hultberg, RDH	1745
8/6/2021	Peter Clay Bachmeier, DDS	2444
6/3/2021	Sydney Hunter, RDH	1808

The following volunteer licenses were issued:

John T. Fales, DDS	V2116	MOM project
James Nickman, DDS	V92065	MOM project
Elizabeth Litman, DDS	V92064	MOM project

6. Committee Reports

A. Complaint Committee/Legal Issues

1) 27-10152019 - Dr. Evanoff moved to administer a counteroffer of a conditional dismissal with a letter of concern. The practitioner had agreed to attend courses related to the event which led to the Board's concerns. Once the course work has been completed, Mr. Schaibley shall stipulate the conditional dismissal. Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

2) 34-03162020 - The Board determined that while a reasonable basis existed to believe the practitioner violated NDC 43-28-18(11), a conditional dismissal agreement in lieu of disciplinary action was appropriate. The Board determined all conditions of the Agreement have been met, therefore Dr. Fallgatter moved to dismiss the case. Motion seconded by Dr. Evanoff. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

3) 39-08042020 - After further review of requested x-rays the Board determined the clinician was at fault, a misdiagnosis occurred. Dr. Evanoff moved for a third-party review and moved to send the records to an out of state endodontist. Dr. Tanabe will locate the third party for an opinion. Motion seconded by Dr. Fallgatter. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

4) 47-01052021 - The Board received a response which was followed up with a request for more information regarding the treatment history of the patient. No response was provided by the licensee regarding the patient. Smile Direct Club responded with a letter rather than patient notes stating the dentist is not directly or indirectly employed by Smile Direct Club and does not accept payment from Smile Direct Club in exchange for dental services. The patient submitted a copy of A billing from Smile Direct Club for \$1750. The Board expressed its desire to review the "Dr. approved treatment plan" mentioned in a correspondence from SDC. However, no patient notes were submitted by the licensee as requested. Dr. Evanoff moved to revoke the license, Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

5) 49-02112021 -The Board requested a list of patients that were given anesthesia/sedation prescriptions or oral anesthesia/sedation drugs. Dr. Tanabe also specified oral sedation drugs (Ativan, Halcion, Valium or other) records list from the entity's two practitioners of concern. The attorney for the defendant provided some records. However, these were not received in time for the Board to review prior to meeting. The Board will review the cases and records at the Jan/2022 meeting.

6) 50-02192021 - A patient complaint related to a dentist included as a side note a complaint that the dental hygienist was providing examinations and the patient's insurance company was subsequently billed for the exam when the dentist had not seen the patient. Dr. Evanoff requested a letter be submitted to the office staff/receptionist to determine if the error was a one-time event. The Board will review any response and address the findings at its January/2022 meeting.

7) 53-05272021 - After review of the clinical notes, Dr. Evanoff moved to seek further information from the practitioner and referring practitioners involved in the treatment/case. The Board will address the case at its January/2022 meeting.

8) 54; 55; 56; 58; and 60 - The defendant has sent one response. Four other complaints require a response. The response provided to the Board did not address the issue. The Board will submit another request and address the complaints at the January/2022 meeting with or without the responses.

9) 57-08052021- The complainant/patient was appropriately dismissed from the dental practice by the dentist. Dr. Evanoff moved to dismiss the complaint as grounds for disciplinary action do not exist. Motion seconded by Dr. Fallgatter. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

10) 59-07072021 - Indian Health Services reported a ND licensed dentist to the National Practitioner Data Bank. The practitioner failed to report to the Board within 60 days as required by NDCC 43-28-18.1(1)(c). Dr. Evanoff recommended the Board initiate a complaint and ask for a response to the standard/quality of care issues. Motion seconded by Dr. Fallgatter. Ms. Sommers will draft the letter. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

11) 61-08232021 - The complainant was appropriately dismissed from the dental practice following the completion of dental work. The Board determined that no harm was done to the denture patient and the patient dentist relationship deteriorated. Grounds for disciplinary action do not exist. Ms. Marsh moved to dismiss the complaint. The motion was seconded by Dr. Fallgatter. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, abstained due to a pecuniary conflict of interest with one or both parties. Motion passed 6-0-1.

12) 62-06182021 - The Board required more time to adequately review all patient records submitted. Once all members have reviewed the records, the Executive Director will call a Special Meeting of the Board for discussion.

B. Anesthesia Committee: Dr. Tanabe reviewed the anesthesia site inspection evaluations from Dr. Haas. Dr. Haas will be issued a temporary permit authorizing deep sedation & general anesthesia. Once the site evaluation has been successfully completed, the permit process will be complete as well.

C. Continuing Education Committee:

1) Random Audits: Ms Marsh moved to perform a follow-up dental assistant audit and recommended no disciplinary action. Discussion; Ms. Marsh reported one deficiency in a recent dental assistant's audit. Four audits were completed in the last quarter. In keeping with previous similar situations, Ms. Marsh recommended a follow up audit in one year and no additional action. Dr. Dohm seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

D. Application Review Committee: No Report

E. Legislative Committee:

1) Dr. Tanabe commented on the anesthesia and sedation rules, [i.e., use of Halcion, Dental Anesthesia Incident Reporting System, age of pediatric patients, sedation emergency simulations, and potential consequences or negative outcomes related to lack of training and education as well as the metrics of successfully addressing emergencies and complications in a dental outpatient setting.]. Dr. Tanabe also stressed the importance of mock codes and simulated training with manikins. The Board agreed to review a new working document with the references to the Board's amendments and Dr. Tanabe's draft. Ms. Sommers will work with Dr. Tanabe to provide the document for the Board's review. The completed draft can then be provided to all stake holders prior to moving forward with the statutory rules processes. A special meeting will be held to review the draft.

2) The Board had positive comments regarding the presentation provided regarding exploring the issue of hours required to become qualified to register with the NDBDE as a Qualified Dental Assistant (QDA). The Principal of Dickinson High School, Kevin Hohertz, provided an outline of the hybrid program which provides students the opportunity to receive certification in dental assisting. Currently, and in conjunction with the Dental Assisting National Board, DHS is working on a curriculum which would provide certification in dental assisting for interested students at DHS. Currently the program has seven students. Some of the students have been working with Dr. Maria "Duffy" Meyer who also assists with the sealant program. Bobbie Johnson, DHS Community Outreach Coordinator provided insight regarding how the program began. Mike Little of the ND Dental Foundation also provided input and provided connections to DANB and NDDAA, and the DALE Foundation which led to the development of a curriculum. Prerequisites are required for the course including CPR. HIPPA training as requirements for the dental office job training element. At least 20 hours of job shadowing are required. Certificates of completion allow the student to be eligible to take DANB's NELDA exam which qualifies the student to become registered as a qualified dental assistant. Dr. Meyer commented that she would be very comfortable with a student from this program in her office and spoke very highly of the assistants' skills and commented that the "students from this program are phenomenal." Three courageous students from the program provided insight and spoke highly of their educational experience and plan to continue their education in the field of dentistry and have enjoyed the hours of on-the-job training. At the end of the experience students have upwards of 520 hours of education and preceptorship hands-on experience. The 13th Edition of Modern Dental Assisting, a comprehensive dental assisting book and workbook is part of the curriculum. The Board discussed the number of entry level hours required and debated at length with the NDDAA assistants regarding same. The Board did not agree with an additional 300 hour requirement for the level of QDA. Within the next three years the course will be introduced into the seven major school districts. Approval is through the ND Department of Education.

7. Old Business:

A. PowerPoint overview open meetings laws: In lieu of the open meetings review, members are invited to register for the October 19, 2021, Attorney General's Zoom training offered by the Attorney General's Office.

8. New Business:

A. Public Forum:

1) MaryJane Hanlon, RDH, DMD, MBA, Sr. Vice President of Promethean Dental Systems presented an overview of an education assessment/remediation system. Promethean Dental Systems provides educational courses and Assessment test which addresses behavioral skills and how the dentist communicates with the patient. Education is a 5-step process tailored to each dentist which uses the assessments with the use of advanced, integrated technology to further educate dentists or hygienists. CRDTS testing criteria is used and testing is graded by artificial intelligence. The didactic remediation can be completed online.

2) Catherine Como, CE Broker representative: Ms. Como provided information on a CE tracking system for licensed professionals, educational providers, available at no cost to Boards and on one platform. Ms. Como provided a live demo of their comprehensive system. CE Brokers is currently utilized by the ND Board of Nursing and ND Physical Therapy Board. Data can be customized, and CE information can be verified.

3) Myofunctional therapy: Rhonda McCrory, RDH and Sara Garrett, RDH, provided information regarding the dental hygienist's role in the dental office treatment of orofacial myofunctional disorders. While certification in the subject may distinguish the RDH as having a superior level of education, the laws governing dental hygienists and their scope of practice do not authorize myofunctional treatment. Alternatives would be to change the law for registered dental hygienists. The Board is not able to provide advisory opinions regarding alternatives. Ms. McCrory also commented that dental hygienists who are trained orofacial myofunctional therapists throughout the United States work mainly in nonsupervisory settings and many provide services in the dental office. In the USA there is no state licensure available or requirements related to orofacial myofunctional therapy.

B. CDCA/WREB (recent merger): Dr. Lauf, past president of WREB and presently seated on the Board of Directors of CDCA/WREB, provided a brief synopsis of the CDCA/WREB journey toward the joining of the organizations and encouraged the Board to become a member state of the joint organization. CDCA/WREB administers the ADEX examination. Member states each will have three representatives on the CDCA/WREB steering committee. Examiners will have the same positions as held before the merger. A Western office will be in Phoenix and an Eastern office in Maryland. CDCA/WREB would be accepted in every state except NY and Delaware providing 48 state portability. The organization will offer live patient exams at the request of the member state address their requirements. Some states require a posterior amalgam. Dr. Evanoff recommended the manikin exam be made more difficult than the patient-based exam because the manikin exams are easier without the elements of a live patient therefore the manikin-based exam should have more complex elements. Dr. Evanoff also requested Dr. Lauf communicate to the CDCA/WREB Board that the manikin-based exams should include a Class III posterior composite. Dr. Hartsog spoke on the CompeDont™ tooth requiring eight lesions that must be identified by the candidate and stated modification requests require clinical professional judgement throughout the process.

Dr. Evanoff moved that the NDBDE become a member of CDCA/WREB. Dr. Dohm seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0. Ms. Edwardson who is currently a WREB examiner would be grandfathered in as a CDCA-WREB examiner.

C. ADEX Membership: Dr. Evanoff moved that the Board become a member of ADEX (American Association of Dental Examiners, Inc.). Discussion; ADEX is a test development agency serving its member state dental boards in developing valid and reliable initial licensure minimal competency examinations for dentistry and dental hygiene professionals. Dr. Dohm seconded the motion. RCV: Dr. Fallgatter, yes; Dr. Keim, yes; Dr. Evanoff, yes; Ms. Marsh, yes; Dr. Tanabe, yes. Mr. Mehlhoff, yes. Dr. Dohm, yes. Motion passed 7-0.

D. CRDTS: Sheli Cobler, Executive Director of CRDTS commented on the new organizational leadership of CRDTS and informed the Board that CRDTS is accepted in 41 states with recognized portability and has reduced their retake fees. CRDTS has a full bank of simulated and live patient exams. Scores are available the same day so that retakes can happen quickly. The first retake is at no cost to the candidate. CRDTS is also developing an independent testing site in Topeka, KS, where simulated tests can be conducted for remediation or licensing as well as education. Dr. Jacoby, CRDTS President, commented on the status of CRDTS dental hygiene exams and dental exams being offered in addition to new technology and development for an independent testing center for simulated dental and dental hygiene exams. CRDTS will continue to offer the patient based dental and dental hygiene exams. Both CRDTS and CDCA-WREB commented on the importance of license portability.

E. UCLA School of Dentistry, Externships [NDCC 43-28-02(2): The Board was contacted by Lisa B. Nguyen, DDS, FAAPD. Dr. Nguyen is the Health Sciences Assistant Clinical Professor of the UCLA School of Dentistry. Dr. Nguyen contacted the Board to request information relative to dental students doing externships in ND. ND statutes have exceptions which include permitting a student enrolled and regularly attending any dental college recognized by the board to provide dental care if the students' acts are under the direct supervision of a dentist who has received approval to supervise an externship by the appropriate accrediting committee, in addition to the NDBDE. UCLA will send the NDBDE information regarding location, rationale for choosing a site, the supervising dentist(s) and names of dental students rotating to ND. In addition to working toward increasing access to oral health care for vulnerable populations, the program would like to help increase the oral health literacy of underserved communities through education, health fairs, etc. The UCLA team would also like to explore efforts to help tribal communities.

E. Board Additions to Agenda:

- 1) APT phone coverage: Dr. Dohm commented on lack of communication between licensees who call the Board's office and APT staff. The Board will address the issue further at its January meeting.
- 2) Future meeting locations during NDCA Annual Session: The Board discussed the pros and cons of meeting locations. Due to technology considerations, the Board preferred to utilize the space at Brady Martz & Associates which provides

the technology and convenience of virtual attendance for the public and stake holders who might otherwise be unable to attend.

- 3) Representative for CRDTS Steering Committee: The Executive Director will notify CRDTS that Ms. Marsh will represent ND.
- 4) Legal Representation for NDBDE: Dave Schaibley, Esq. explained the nuances of SAAG and AAG. Members commented positively on the benefits of the representation from the Attorney General's Office.

F. Rhonda Edwardson, RDH deputy examiner petition WREB/CDCA: The Board had no objection to the petition since Ms. Edwardson examines for WREB currently and therefore would be eligible to examine under the reorganized CDCA-WREB.

9. National Organizations; Regional Clinical Boards; Trip Reports:

A. AADB & AADA: Ms Sommers will attend the Annual AADA September 29 meeting and the 138th and Annual AADB meeting on October 30-31, 2021. Both meetings will be held virtually.

B. FARB: Mr. Schaibley is scheduled to attend the virtual September 30 – October 2, 2021, meeting.

C. CDCA/WREB: Meeting to be held January 2022 in Denver. Active board members are voting members and invited to attend Annual Meetings (expense reimbursed by CDCA/WREB). Members participate in the business sessions, town hall, examiner training, elections, CE sessions, networking events etc. CDCA/WREB administers the ADEX licensure examination. Each member jurisdiction is offered three seats on the CDCA/WREB Steering Committee, which provides guidance and governance within CDCA/WREB and meets at the Annual meeting each year.

10. Remuneration: 2021 In-state travel reimbursement rate: 56 cents/mile.

11. Scheduled quarterly meetings of the NDBDE:

- January 14, 2022, Brady Martz & Associates, 401 Demers Ave., Suite 300, Grand Forks.
- April 22, 2022, Brady Martz & Associates, 207 E Broadway, Bismarck.
- June 17, 2022, Brady Martz & Associates, 2537 S University Drive, Fargo.
- September 16, 2022, Brady Martz & Associates, Bismarck.

12. Adjournment: Moved by Dr. Fallgatter to adjourn. Hearing no objection, the meeting adjourned at 6:05 PM.

Respectfully submitted,

Rita Sommers, Executive Director

Bev Marsh, RDH, Secretary-Treasurer