

NORTH DAKOTA BOARD OF DENTAL EXAMINERS

Minutes

SPECIAL MEETING

March 8, 2022 | 5:30 PM CDT

Via Zoom Meeting

- 1. Call to Order and roll call:** Dr. Fallgatter called the virtual meeting to order at 5:30 PM CDT. The ND Board of Dental Examiners convened for the purpose of discussion complaints.

Board Members and Administrative Staff Attendance

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

- 2. Complaints. Dr. Fallgatter moved to go into Executive Session. Motion seconded by Mr. Mehlhoff.** Roll call vote (RCV): Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0. **This portion of the meeting was discussed in an executive session for the purpose of discussion of patient records and complaints. The legal authority for closing this portion of the meeting is NDCC 43-28-18.2. Executive session opened at 5: 50 PM. The meeting returned to open session at 8:41 PM.**

39-0804: Dr. Evanoff moved to send a letter of concern. Motion seconded by Dr. Tanabe. Dr. Evanoff will compose letter. Grounds for disciplinary action do not exist. Motion seconded by Dr. Tanabe. Roll call vote (RCV): Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0.

47-0105: Dr. Evanoff moved to offer a Settlement Agreement to suspend the license of Dr. B. Nelson for six months. Motion seconded by Ms. Carlson. RCV: Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0.

***49-0211 (X4)** – Dr. Dohm moved the practitioner have 3 CEU units of ethics. Dr. Fallgatter seconded the motion. RCV: Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0. ** Motion for complaint #49 was amended at the 4/14/2022 Special Meeting*

50-0219 - Hold for April/2022 quarterly meeting. More information is required.

53-0527 - Dr. Evanoff moved to send a letter of concern. Dr. Kangas seconded the motion. Grounds for disciplinary action do not exist. Motion seconded by Dr. Kangas. Roll call vote (RCV): Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0.

54-0601; 55-0611; 56-0722; 58-0730; 60-0813: Dr. Evanoff moved and seconded by Dr. Fallgatter to offer a non-disciplinary Settlement Agreement to include letter of concern, emphasis on the numbers of complaints from this individual, complete within 3 months of signed agreement, 3 hours of CEU related to professionalism, 3 CEU of ethics and provide to the

Board a 2 page summary of what was done wrong and how to avoid similar transgressions in the future. Mr. Schaibley will send the agreement and letter of concern. RCV: Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0.

59-0707 – Moved by Dr. Dohm and seconded by Dr. Fallgatter to send a letter of concern to the practitioner emphasizing that the Board is aware of the quality of care issue and practitioner's duty to report to the Board any report to the National Practitioner Data Bank and that the practitioner review the ethics exam and information on the Board's website. Mr. Schaibley will send the letter. RCV: Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0.

62-0618: Hold for April/2022 quarterly meeting or special meeting as required once all information is available. More time is needed to study the anomalies of medications administered/ patient care.

63-1031: Dr. Evanoff moved to address the complaint with a letter of concern regarding patient care, patient management and quality of care. Dr. Evanoff will send the letter. Mr. Schaibley will send the letter. Ms. Marsh seconded the motion. Very difficult to prove the case with pictures however the Board is also concerned that patient doctor communications were hindered from both sides. Roll call vote (RCV): Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0.

64-1111: Hold for April/2022 quarterly meeting. More information is required.

65-1201: Insurance/fee dispute. Grounds for disciplinary action do not exist. Dr. Dohm moved to dismiss. Motion seconded by Dr. Fallgatter. Roll call vote (RCV): Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0.

66-0110: Hold for April/2022 quarterly meeting. More information is required The Board received an anonymous complaint. Ms. Sommers will send the letter of inquiry regarding names of practitioners in the multi-specialty office and marketing practices.

67-0128: Board remains concerned with quality of care during sedation. Pharmacology review CE is required and some of the techniques may be outdated. Dr. Tanabe moved to offer a Settlement Agreement with completion of IV sedation CE as a condition of his anesthesia privilege renewal. Motion seconded by Dr. Fallgatter. RCV: Dr. Fallgatter, yes; Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Keim, yes; Dr. Kangas, yes; Dr. Evanoff, yes; Dr. Dohm, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 9-0.

68-0301: Hold for April/2022 quarterly meeting.

3. Adjournment: Having no further business, Ms. Marsh moved to adjourn, seconded by Dr. Evanoff. All voted in favor to adjourn. The meeting adjourned at 8:55 PM.

Submitted by:

Rita Sommers, RDH, MBA, Executive Director

Bev Marsh, RDH, Secretary-Treasurer