

# North Dakota Board of Dental Examiners

## MINUTES - Quarterly Meeting | September 16, 2022 | 1:00 PM

### Office of Brady Martz & Associates, 207 East Broadway, Bismarck, ND

- Call to Order and roll call:** Mr. Mehlhoff called the meeting to order at 1:00 PM CDT. (Newest member and Minot dentist Megan Olson, DDS appeared prior to meeting for a brief and informal introduction.)

#### **Board Members and Administrative Staff Attendance**

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

Guests: Ms. Tony Hruby, ND Health Dept; Rebecca Ficken (8.B.)

- Review and approve minutes:** June 17, 2022, Quarterly Meeting; Dr. Fallgatter moved to approve, Ms. Marsh seconded the motion. All voted in favor. August 9, 2022, Special Meeting; Ms. Marsh moved to approve, seconded by Dr. Fallgatter. All voted in favor.
- Additions to the Agenda: None
- Treasurer's report and review of payables:**
  - Ms. Sommers provided a balance sheet and P&L statement.
  - The status of current audit (ending 6/2021) being performed by Jason Schuh, CPA remains incomplete.
  - Ms. Sommers commented on the "going paperless" status and history. The final phase out of the project will be ceasing the process of sending out certificates similar to the size of a postcard to dentists, hygienists and dental assistants who become newly licensed and registered. Verification can now be printed directly from the Board's website, as well as any verification of license required by another entity or jurisdiction. Therefore, the cards will no longer be mailed to new licensees. Costs associated with the printing include costs of the certificates, seals, envelopes, and cardboard and postage and sorting for approximately 180-200 new licensees and registrants per year plus renewal cards averaging 800 to 1200 per year depending on the renewal cycle. Licensees are required to display the license and certificate conspicuously in their place of business
  - November 1st marks the start of the online renewal process for all registered dental assistants (QDA/RDA).
  - Ms. Sommers also described the process of moving the Board's financial processes to APT as per the Participating Addendum which specially outlines APT's role in financial management. Bill Kalanek, APT, Inc, was added as a signer for the Board's checking accounts. An employee of APT and of the Board's auditor now processes the Board's accounts receivable. Mr. Schaibley commented on future audit processes and speculated on how that process may change for the next audit. Currently APT does not have the correct software (QuickBooks) in place. The Participating Addendum with APT expires December 31, 2022. The Addendum also contains language regarding new scope of work for general support functions by a dedicated board financial manager.
  - Ms. Sommers also proposed to the Board that they determine financial ramifications prior to offering a position to a new executive director. Dr. Tanabe and Mr. Mehlhoff will study the issue for the next meeting.

Ms. Carlson moved to approve the Treasurer's Report. Motion seconded by Ms. Marsh. All voted in favor of the motion.

Balances and Certificates – 8/30/2022				Total assets \$622,114.23	
CHECKING ACCT		CERTIFICATES OF DEPOSIT		SHORT TERM ASSETS	
US Bank Checking	\$ 106,568.55	CC Union xx1	\$ 54,354.92	Capitol Credit Union	\$ 25,120.77
		1 <sup>st</sup> Inter. xx57	\$65,000.00		
		1 <sup>st</sup> Inter. xx02	\$102,166.67	USBank Muni.Invest.	\$ 2,832.32
		1 <sup>st</sup> Inter. xx84	\$ 81,549.49	USBank Pref. Bus.	\$ 2,792.23
		Bremer xx80/1	\$ 65,113.26		
		Bremer xx80	\$ 58,312.78		
		Bremer xx79	\$ 58,312.78		
<b>Total Checking</b>	<b>\$ 106,568.55</b>	<b>Total Certificates</b>	<b>\$484,809.90</b>	<b>Total STA</b>	<b>\$ 30,735.78</b>

- Review candidates' credentials; ratification of new licenses and registrations:** Dr. Fallgatter moved to ratify the following licenses and registrations. Motion seconded by Dr. Kangas. Roll Call Vote (RC): Mr. Mehlhoff, yes; Ms. Marsh, yes; Tanabe, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Ms. Carlson, yes; Dr. Dohm, yes; Dr. Sarsland, yes. Motion carried 8-0.

Albright, RDA	Hannah	1736
Baughman, RDA	Raychelle	1822
Beld, RDA	Sylvia	1824
Belle, QDA	Whitney	1798
Bellemare, RDA	Casey	1819
Berger, QDA	Miranda	1801
Bies, RDA	Kaylie	1817
Bjerke, RDA	Debra	1807
Boman, RDA	Nicole	1805
Brown, RDA	Alexis	1818
Chaplar, RDA	Sharon	1821
Clark-Bliss, RDA	Jodi	1810
Columbus, RDA	Madison	1815
Cooper, QDA	McKayla	1800
Dunn, RDA	Chloe	1803
Fredrickson, RDA	Lindsay	1829
Guerra, RDA	Shaelin	1812
Halden, RDA	Dawn	1813
Helmbrecht, QDA	Kelsey	1831
Hoeft, RDA	Claire	1830
Holzer, RDA	Elizabeth	1825
Hoover, QDA	Hannah	1806
Hunter, QDA	Mikena	1804
Joslin, QDA	Jessica	1826
Keller, RDA	MaKayla	1828
Ennen, RDA	Jalen	1832
Kelley, RDA	Jallayna	1802
Lubken, QDA	Evan	1811

Marsland, QDA	Jubilee	1827
Moch, QDA	Ashlee	1799
Peratt, RDA	Taylor	1820
Pfaff, QDA	Kaylee	1809
Rodriguez, RDA	Isabel	9562
Tahrn, RDA	Hannah	1823
Tinkler, RDA	Hannah	1816
VonBank, RDA	Michelle	1814
Bina, RDA	Emily	18xx
Kuchar, RDA	Abygail	1836
Singh, RDA	Rina	18xx
Binder, RDA	Teanna	1835
Ali, QDA	Ikran Mohamed	1833

Abby Christofferson, RDH	1852
Finola Bauer, RDH	1853
Brittney Margaret Church, RDH	1854
Emily Demme, RDH	1855
Kaitlyn Emmil, RDH	1856
Hailley May Engebretsen, RDH	1857
McKenna Freier, RDH	1858
Emily Kuehn, RDH	1862
Regan McNally, RDH	1864
Bailee Otterness, RDH	1865
Jessica Elizabeth Kinkaid, RDH	1866
Kayla Sautner, RDH	1868
Breanne Schmidt, RDH	1869
Shayanne Siir, RDH	1870
Lindsey Rose Wilz, RDH	1871
Amy Redekopp, RDH	1867
Rebeca Martinez, RDH	1872
Annie Gubrud, RDH	1875
Ashley Pfeiler, RDH	1873

McKenna Rubin, RDH	1874	John F. Mack, DDS	2471
Shelby Lyn Arman, RDH	1877	Brody Peterson, DDS	2472
Maycee Rae Bolgrean, RDH	1879	Brady Rio Skytland, DMD	2473
Hannah Mae Brossart, DDS	2465	Brady Zittleman, DDS	2474
Mia Nicole Burney, DDS	2466	Orlando Fugaro, DDS	2462
Coulton Dangerfield, DDS	2467	Ankaa Nath, DDS	2461
Nathan Dunham, DDS	2468	Edward Maisey, Jr., DDS	2463
Elyn M. Erickson, DDS	2469	Ronald Tilgner, DDS	2390
Trent Filler, DDS	2400	Brooke A. Green, DDS	2476

9/17/2022 License Status										
Year ending in	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
2021	444	509	715	876	678	790	20	39	1837	2234
2022	424	487	692	851	715	858	23	45	1831	2264

## 6. Activity Reports & Standing Committees

### A. Complaint Committee Legal Issues & Updates (Dr. Dohm)

**EXECUTIVE SESSION:** Dr. Dohm 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.(3); § 43-28-18.2.(4). The topic of this executive session is to discuss patient records and complaints. RCV: Mr. Mehlhoff, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 7-0-1 Marsh absent. Members of the public were placed into a breakout session of the Zoom meeting. The Executive Session began at 4:07 PM CST. Executive Session ended at 5:41 PM CST and the public was invited back.

1) Dr. B. Nelson, DDS: The Board had passed a motion to discipline the practitioner. Mr. Schaibley has been in contact with the legal counsel and has yet to hear a response.

2) 69-03082022 - Dr. Day was offered a settlement agreement. Dr. Day was offered a probationary period where he must take the AAID MAXI Course, pass the AAID Associate Fellowship Exam and pass a fitness to practice evaluation provided by a clinical psychologist or psychiatrist before a final decision will be made regarding the conclusion of the probationary period. In considering Dr. Day's counteroffer/proposal to modify the agreement, the Board determined that Dr. Day needs to successfully complete the AAID MAXI course and Associate Fellowship exam. No motion.

3) 74-06142022 – Dr. Dohm moved to discipline for violation of 43-28-18 (1)(6) and (11). In addition to a two-thousand-dollar penalty fee, the practitioner shall cease providing dental implants until such time that the AAID MAXI course in dental implantology and AAID Fellow examination are successfully completed and the Board confirms that such dental procedures may be resumed. Dr. Fallgatter seconded the motion. RCV: Mr. Mehlhoff, yes; Dr. Kangas, yes; Ms. Marsh, yes; Dr. Fallgatter, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 8-0.

4) 75-06282022 - Final action postponed pending further investigation.

5) 76-07132022 - Board staff will send a letter requesting further information.

6) 77-08162022 – Dr. Dohm moved to dismiss the case. Grounds for disciplinary action do not exist. Dr. Fallgatter seconded. RCV: Mr. Mehlhoff, yes; Dr. Kangas, yes; Ms. Marsh, yes; Dr. Fallgatter, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 8-0.

### B. Anesthesia Report (Dr. Tanabe)

1) Memo: A memo was sent via email to dentists permitted to administer any level of sedation including minimum sedation. The memo was sent out as a cautionary measure reminding dentists of new administrative rules and highlighting the major changes to sedation and anesthesia regulations. Two email blasts were also sent to dentists, hygienists and dental assistants regarding new laws and the effective date of the new laws.

2) Self-report: Dr. Haas provided documentation regarding a patient who experienced seizure activity. Dr. Tanabe reviewed and commented on the report that the case was managed appropriately and found no reason to investigate further.

### C. Continuing Education Report (Ms. Marsh)

1) Random Audits: Ms. Marsh recommended Dave Schaibley draft a letter regarding a previous audit related to insufficient CE. The practitioner in question was given thirty days to complete the deficiency. The Board has since learned that the practitioner sold his practice. No action will be taken. A repeating issue for the audits is when practitioners fail to save documentation and recommended CE tracking programs that allow the practitioner to save their CE such as CE Zoom and others. South Dakota Board of Dentistry has an audit process online which may be an option for further discussion. Going forward the CE Committee will develop policy to provide the licensee the opportunity to correct a deficiency within one month; alternatively, if the infraction remains, the Board can opt to move toward

disciplinary action. Ms. Marsh audits 3% of all dental, dental hygiene and dental assisting licenses and registrations prior to the licensees renewal period.

D. Application Review: No report.

E. Legislation & Rule Making (Ms. Sommers & Mr. Schaibley) Director Sommers testified before the Legislative Administrative Rules Committee, June 1, 2022. At the close of its review the Committee held-over three proposed rules; NDAC §§ 20-03-01-01(2)(c), 20-03-01-01(5)(r), 20-04-01-01(6)(aa). At its June 17 meeting the Board discussed the three held-over proposed rules at length and passed a motion by which it expressed its decision to no longer pursue those three proposed rules related to Smile Direct Club's speculative concerns regarding digital capture issue and direct supervision. Subsequently a letter was sent to the Legislative Council that the Board's position on the matter was to formally withdraw NDAC §§ 20-03-01-01(2)(c), 20-03-01-01(5)(r), 20-04-01-01(6)(aa) from the Committee's consideration. At the Committee's September 12, 2022, hearing the Committee moved to adopt the withdrawal of those three rules. New rules went into effect July 1, 2022.

## **7. Old Business**

A. Policy & Procedure Manual review: The Board reviewed the manual and made revisions. Mr. Schaibley and Ms. Sommers will make the updates requested by the Board.

B. ED Committee Updates:

**EXECUTIVE SESSION:** Dr. Dohm moved to enter Executive Session. Motion seconded by Dr. Fallgatter. The legal authority for closing this portion of the meeting is NDCC § 43-28-18.27 The topic of this portion of the executive session was applications for public employees and the hiring process RCV: Mr. Mehlhoff, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Ms. Marsh, yes; Dr. Tanabe, yes; Ms. Carlson, yes. Motion carried 7-0-1 (Marsh absent). Members of the public were placed into a breakout session of the Zoom meeting. The Executive Session began at 3:54 PM CST. The Executive Session was attended by members of the Board and their Director Sommers. Executive Session ended at 4:10 PM CST and the public was invited back.

The Board further discussed qualifications of five candidates. The Board will reach out to the five applicants to schedule interviews and review of credentials. Review of applicant's qualifications and the forthcoming process which will require a special meeting prior to 1/1/2023. Applicants may have the option for Zoom attendance but will be encouraged to attend in person.

C. NDDA 4/27/22 letter re: CODA requirements/changes for RDH/RDA programs: The Board reviewed the letter. No comments.

## **8. New Business**

A. Governor Burgum's "red tape" Executive Order: The Governor's Executive Order 2022-08. The Red Tape Reduction Working Group is set to collaborate across all cabinet agencies and participating non-cabinet agencies with identified Red Tape Reduction Officers (RTRO). The NDBDE supports the initiative. In addition to recent Administrative Rules amendments, the Board believes the licensing process has been streamlined over the past few years and has become far more efficient while continuing to protect the public. This may address any licensing "red-tape" issues. Ms. Sommers will send correspondence to the Governor's office regarding updates the Board has previously undertaken to address any cumbersome regulation.

B. DA Prep- Rebecca Ficken and Lori Jones via Zoom – Ms. Rebecca Ficken and Ms. Lori Jones, both RDH's have developed a program that is utilized by high schools (similar to Dickinson HS program) in Texas. The six-week program (a sponsoring dentist is required) is adaptable to dental assistants who are also trained on-the-job. Subsequently, students receive an exam comparable to the NELDA exam. They would like to have approval from the Board before they would offer their program in ND. For students who had no experience, a twelve week course and testing would be available with more focused modules culminating in a more comprehensive examination for a North Dakota Qualified Dental Assistant (QDA). The program is customizable for different types of learners. Students participate kinesthetically as well. Costs for 10-week program in TX is \$1500. Ms. Ficken commented that the robust review of learning materials accounts for their high success rate. Proprietary materials will be made available for the Boards review.

## **9. National Organizations; Regional Clinical Boards, Trip Reports**

A. AADA's Annual Meeting; Oct 6-7, Asheville, NC

B. CRDTS

C. WREB – CDCA – CITA Membership

D. ADEX: The NDBDE was contacted by ADEX requesting the appointment of a ND ADEX representative. All voted in favor of new member Dr. Olson to fulfill the appointment.

E. DERB/HERB

**10. Remuneration:** 2022 mileage rate - 62.5 cents per mile. Dr. Schaibley explained the policy for state rate reimbursement for hotel, meals and mileage including state rates and Board policy that is acceptable. If an opportunity exists for a member to drive home at a reasonable hour, then the Board could have the discretion to make decisions on a case-by-case basis. The expense reimbursement must be for the benefit of the Board. Ms. Carlson will be reimbursed at the state rate for hotel room expense.

**11. Date & Time of next meeting:** Subsequent meeting dates will be set at the next special meeting. The next quarterly meeting of the Board will be held January 20, 2023, 1:00 PM, at the office of Brady Martz & Associates, 207 East Broadway, Bismarck.

**12. Adjournment:** Moved and seconded to adjourn the meeting. All voted in favor. The meeting adjourned at 6:09 PM.