

# North Dakota Board of Dental Examiners

MINUTES – Regular Meeting | September 29, 2023 | 12:00 PM

Meeting held at Brady Martz Associates; 207 E. Broadway Ave, Bismarck and by virtual means with Zoom.

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

Bev Marsh, RDH, President

Marcus Tanabe, DDS, OMFS, Secretary Treasurer

Megan Olson Stremick, DDS

Joel Kangas, DDS

Andrea Carlson, RDA

Rita Sommers, RDH, MBA, Assistant Director

Matt Menge, Assistant Attorney General

Cindy Snay, Consumer Member

Alison Fallgatter, DDS

Otto Dohm, DDS, MS

Jennifer Sarsland, DDS

David Schaibley, Executive Director

Jacinda Simmons, Board Administrator

### 1. **Call to Order and roll call:**

Ms. Marsh called the meeting to order at 12:00 pm CST. {Dr. Olson Stremick joined at 12:26p; Dr. Fallgatter lost connection at 1:08p; rejoined at 2:18p}

### 2. **Minutes**

**June 16, 2023 (Quarterly meeting):** Discussed correcting the OMB mileage reimbursement rate; the date of signature on a settlement agreement that was discussed; and the September meeting location. Ms. Carlson moved to approve the minutes as amended. Motion seconded by Dr. Fallgatter. Dr. Olson Stremick absent. All voted in favor. Motion carried.

### 3. **Agenda**

Ms. Marsh explained that due to time constraints for her, she would be discussing some agenda topics out of sequence. Mr. Schaibley shared one new topic: He responded to an open records request from the Arizona Board of Dental Examiners.

### 4. **Treasurer's Report**

**Laptop computer Possibility:** Ms. Snay shared that she is taking steps to learn about the Board's finances; discussion occurred related to buying the Secretary/Treasurer a laptop for the sole purpose of the Board's financial matters. Ms. Snay shared that QuickBooks is going to a cloud version in 2024 so a new laptop may not be necessary.

**General Update on Finances:** Ms. Sommers provided a balance sheets and profit and loss statements for period ending third quarter of 2021-23 and provided most recent statement balances; checking account balance around \$43,000. Balance will increase because the renewal process begins in a few weeks for all dentists and hygienists.

### 5. **Licensees/Registrants**

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
2020	426	473	694	843	687	811	26	47	1807	2200
2021	431	486	708	852	595	722	17	35	1716	2032
2022	414	463	684	822	696	813	23	45	1794	2166

2023	426	492	698	861	689	756	17	34	1813	2109
2023 (05/31/2023)	424	492	702	865	696	770	17	33	1822	2177
2023 (9/22/2023)	430	500	713	899	725	810	17	33	1868	2209

#### **Ratification of license and registrants**

Dr. Kangas moved to ratify the following license and registrations. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Dr. Olson Stremick absent. Motion 8-0.

#### **New Dentists issued 6/1/2023-9/22/2023**

<b>Last Name</b>	<b>First Name</b>	<b>Title</b>	<b>License #</b>	<b>Date Licensed</b>
Michaelson	Paul	DDS	2484	7/3/2023
Breske	Adam	DDS	2485	7/6/2023
Thorlakson	Garret	DMD	2486	7/19/2023
Kudrna	Kylie	DDS	2487	7/27/2023
Bauer	Chaz	DDS	2488	8/1/2023
Janecke	Dennis	DDS	2489	8/1/2023
Schilling-Hysjulien	Tracey	DDS	2490	8/10/2023
Mintz	Talya	DDS	2493	9/20/2023

#### **New Hygienists issued 6/1/2023-9/22/2023**

<b>First Name</b>	<b>Last Name</b>	<b>Title</b>	<b>License #</b>	<b>DATE LIC</b>
Elizabeth	Catts	RDH	1896	6/1/2023
Mattysen	Barta	RDH	1903	6/5/2023
Sarah	Miller	RDH	1894	6/5/2023
Kendryn	Bullinger	RDH	1906	6/13/2023
Samantha	Horner	RDH	1887	6/14/2023
Brooke	Longnecker	RDH	1900	6/14/2023
Ellie	Miller	RDH	1891	6/14/2023
Matthew	Stiegel	RDH	1910	6/14/2023
Kaitlyn	Wagner	RDH	1897	6/14/2023
Lexi	Kosir	RDH	1908	6/19/2023
Grace	Cleveland	RDH	1886	6/21/2023
Lauren	Cunningham	RDH	1893	6/21/2023
Kobey	Johnson	RDH	1888	6/21/2023
Michelle	Myers	RDH	1909	6/21/2023
Hallie	Strem	RDH	1892	6/23/2023
Gabrielle	Hummel	RDH	1895	6/27/2023
Elli	Bloom	RDH	1904	6/28/2023
Emily	Boyle	RDH	1899	6/28/2023
Lauren	Hanson	RDH	1905	6/28/2023
Jaedyn	Krippner	RDH	1913	6/28/2023
Jessica	Kunde	RDH	1889	6/28/2023
McKenzie	Ottesen	RDH	1914	6/28/2023
Kylee	Bitz	RDH	1898	7/7/2023
Uriel	Medina	RDH	1890	7/7/2023

Ashley	Pelland	RDH	1901	7/13/2023
Markel	Gross	RDH	1907	7/14/2023
Alliya	Anderson	RDH	1926	7/18/2023
Abigail	Michels	RDH	1925	7/18/2023
Alexandra	Wilt	RDH	1902	7/26/2023
Alexandria	Atencio	RDH	1915	8/14/2023
Amanda	Anderson	RDH	1916	8/21/2023
Alicia	Harper	RDH	1465	8/23/2023
KIMBERLY	ANDERSON	RDH	1276	9/12/2023
Taylor	Hutzenbiler	RDH	1919	9/13/2023
Mariah	Dietrich	RDH	1920	9/20/2023

## **6. Portfolio Reports**

### **Anesthesia Portfolio**

**Site Evaluations – Noffze, Petersen, Tanabe, and McBee** – Dr. Tanabe shared that all were completed and approved.

**Site Evaluation Form** – Dr. Tanabe shared that the form was updated to seek data on intra-muscular injections; that he will take the anesthesia manikin course in Chicago in November; and that the UND Nursing Mobile Unit might be approached to train dentists in the state in this manner.

### **Continuing Education Portfolio**

**Clinical CE Definition** – Ms. Carlson shared that the definition in the rules states that CE must be clinical, and that sometimes it is difficult to assess whether a CE qualifies as clinical. The shared consensus that the definition is broad and should be interpreted as such, and that topics related to patient care are clinical.

*{Dr. Olson-Stremick present}*

### **Application Portfolio**

**Mitchell (Dental Assistant)** – Ms. Sommers and Mr. Schaibley shared that the course she completed does not appear to be equivalent to CODA-accredited program—compared it to CODA-accredited NDSCS. The Board discussed that she does not meet the criteria for being a QDA. Staff are to share with her the options for becoming an RDA, including the path of completing the DANB exam.

### **Legislative Portfolio**

**SB2249** – The Labor Commission will be meeting with the Board sometime in 2024 to discuss the CE and licensure issues in that Bill.

**Future Rules & Laws Changes** – There is a standing list of law and rules changes for the next session. Mr. Schaibley to start drafting possible changes to the NDCC. For the next change to the Administrative Rules, the Board may look at adding a rule outlining that applicants who may not fully meet all requirements, but who the Board concludes has education and experience bring them to an equivalent level, may be licensed.

**Nevada & North Carolina Legislation** – The Council on State Government’s compact has been approved by three states. AADB is also creating a compact. Discussed pros and cons of a Compact—Mr. Schaibley and Dr. Fallgatter will draft an outline of Board concerns.

## Complaint Portfolio

**Executive Session:** Ms. Carlson moved to enter Executive Session. Motion seconded by Dr. Kangas. The legal authority for closing this portion of the meeting is NDCC 43-28-18.2(4). The topic of this executive session is to discuss complaints. RCV: Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Olson Stremick, yes; Dr. Tanabe, yes; Ms. Carlson, yes; Ms. Snay, yes. Motion 8-0. **{Dr. Fallgatter absent}**. Members of the public were left in the main Zoom meeting and Board members and staff were moved to a Zoom breakout session for the Executive Session. The Executive Session began at 1:47 pm CST. Executive Session ended at 3:40 pm CST and the public was invited back to the meeting.

**{Ms. Marsh absent}**

**72-04252022** – Dr. Dohm moved to dismiss the complaint with a letter as discussed in Executive Session. Motion seconded by Dr. Sarsland. Motion carried. RCV: Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 7-0. Ms. Marsh and Dr. Fallgatter, absent.

**83-11172022** – Administratively closed the file.

**97-06052023** - Dr. Dohm moved to dismiss the complaint with a letter as discussed in Executive Session. Motion seconded by Ms. Carlson. Motion carried. RCV: Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 7-0. Ms. Marsh and Dr. Fallgatter, absent.

**98-07172023** - Dr. Dohm moved to dismiss the complaint. Motion seconded by Dr. Kangas. Motion carried. RCV: Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 7-0. Ms. Marsh and Dr. Fallgatter, absent.

**99-08102023** - Dr. Dohm moved to dismiss the complaint with a letter as discussed in Executive Session. Motion seconded by Dr. Sarsland. Motion carried. RCV: Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 7-0. Ms. Marsh and Dr. Fallgatter, absent.

**100-08072023 & 101-08302023** – Board is seeking more information.

## Discipline Portfolio

Mr. Schaibley shared:

**#47 - Nelson** – Settlement agreement signed 1/18/2023. Duration: 12 months. Terms: Follow all laws related to practice. No complaints as of meeting date.

**#69 – Day** – Settlement agreement signed 11/8/2023. Duration: Indefinite. Terms: Complete AAID Maxi, pass AAID Exam Pt. 1, no implants, no full mouth edentalation, fitness to practice assessment, follow all laws. Compliance: Passed Exam, provided names of possible assessors, stated he is undertaking the course, completed fitness to practice assessment.

**#74 Naples** – Settlement Agreement signed: 1/21/2023. Duration: Indefinite. Terms: Complete AAID Max, pass AAID Assoc Fellowship Exam Pt. 1, no implants, \$2,000 admin costs, follow all laws. Compliance: No indication he is violating the agreement and no indication he is taking the AAID steps or paying the costs.

**#78 Burke** – Settlement Agreement signed: 2/21/2023. Duration: 6 months minimum. Terms: 4 CE ethics, 4 CE diagnosis, 4 CE extraction, \$500 admin costs, comply with all law Compliance: No indication he is violating the agreement; he completed the CEs; paid the costs; met all settlement agreement requirements. Mr. Schaibley will send a letter notifying him that he's completed all requirements.

### **Inquires/Investigations Other Than Complaints**

**#89 Dowling** - Disciplinary order in California - Proposed reciprocal discipline through settlement agreement. Mr. Schaibley to work with Mr. Menge to re-send our settlement terms as discussed.

**#96 Mengedoth** - News story - Monitoring; obtaining updates. Updates: These have been timely provided and indicate criminal investigation is proceeding and a civil complaint has been filed against him.

### **Executive Director Portfolio (Mr. Schaibley)**

The Board reviewed his report.

**PERS Report** – Employment contribution percentage increases by 1%.

## **7. Old Business**

### **NDSBDE Policy Manual**

Dr. Dohm moved to adopt the revised manual. Motion seconded by Ms. Carlson. Motion carried. RCV: Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 7-0. Ms. Marsh and Dr. Fallgatter, absent.

### **Rolette County Health Update**

Mr. Schaibley shared that discussions on these issues occurred at the ND Oral Health Coalition meeting last month, and that the NDNA will be leading more discussions with this stakeholder group.

### **Board Database/Software**

Discussed options including Albertson Consulting and if we move from CloudDocs to WorkDocs, fees would increase from \$550 to \$1280. Discussed the Plumbing Board hired a vendor through OMB to build software that the Board now owns. Discussed that OMB is drafting an RFP for licensing software and Board management forms. Mr. Schaibley will explore those options and participate in OMB RFP drafting with other Boards.

The Board has a contract with Digitech through Fireside for the Papervision portal. In the past, the Board has scanned license files and has housed them on a web-based portal with Papervision. The contract recently expired. The portal will still allow the Board to access files but cannot have tech support without a renewed contract. Mr. Schaibley will contact Fireside to resolve the matter.

### **Dakota College at Bottineau Dental Assisting Program**

Ms. Carlson shared that she will be participating in CODA's site evaluation of Dakota College's new program—at its Minot location.

## **8. New Business**

### **Physician's Health Program Discussion**

Mr. Schaibley shared that he met the North Dakota PHP's Medical Director, Dr. Melissa Henke, MD, and its Executive Director, Ms. Ann Leiseth. They are interested in exploring options for how NDSBDE's licensees might be able to participate in the PHP program. He shared that the PHP's present model is to charge fees to boards that participate in the PHP through a contract, and charge fees to each licensee who enrolls in the PHP's program. Mr. Schaibley shared that in consultation with AAG Menge, in order for the NDSBDE and its licensees to participate in the PHP would require a Bill to change the PHP statute. Mr. Schaibley will explore how neighboring states are legislating on this issue and report back to the Board.

### **AADB**

The Board discussed the AADB is dissatisfied with aspects of CSG's dental licensing Compact, and has just released its own dental licensing Compact. Mr. Schaibley will attend the AADB conference in October. The Board confirmed that it is no longer a member of AADB, will continue keeping apprised of its activities, and decided not rejoin at this point.

### **Board Member Term Realignment**

In the law, it states that only 2 Board members' terms should end in any particular year. In 2026, 5 terms are ending. The problem came about in part in 2021 when two additional Board members were added without any statutory language seeing to stagger them along with the other Board member terms. The Board reviewed a plan shared by the Governor's office by which it intends to remedy the appointments issue without cutting any terms short or having more than two terms end in one year.

### **Posting Disciplinary Actions on Board Website**

Mr. Schaibley and Ms. Simmons shared that the Board receives numerous queries every month from health care credentialing organizations asking if any new disciplinary action was taken over the last month. This regular back-and-forth has inefficiencies for both the requester and the Board. Discussed whether posting disciplinary actions on the website might alleviate the requests/responses, and if so, whether the Board might want to consider doing that. Mr. Schaibley will review the website of surrounding states to determine what is typically posted and share information at the next meeting.

### **Signing License Certificates**

The Board arrived at a consensus of continuing the use of the existing licensing certificates for dentists, and to explore the possibility that a variation on it might be used for hygienist licensing certificates. Dr. Dohm moved to approve the use of electronic signatures of Board members on the certificates, and to have them printed quarterly after the Board meetings. Motion seconded by Dr. Olson Stremick. Motion carried. RCV: Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Olson, yes; Ms. Carlson, yes; Dr. Tanabe, yes; Ms. Snay, yes. Motion 7-0. Ms. Marsh and Dr. Fallgatter, absent.

### **Student/Intern Input DHHS**

Ms. Sommers and Mr. Schaibley relayed a conversation they had with DHHS Medicaid staff members Dr. Brandon Joyce, PharmD., and Attorney Mandy Dendy. They relayed that (1) Dr. Joyce and Ms. Dendy shared that their contact information should be shared with anyone that has any questions, complaints, concerns, etc., about dental issues related to Medicaid, and that (2) Dr. Joyce and Ms. Dendy shared that NDCC ch. 43-28 does not have the same type of language related to dental students and their supervisor—as to criteria to be met, scope of work, etc. Mr. Schaibley will work with them on possible legislation for next session.

**Dakota County College** – The Board discussed Dakota College's questions about the degree of supervision required for students within the dental education program it is developing, and

explained that such questions are to be directed to CODA, as opposed to the Board. Mr. Schaibley will send a response.

**HIPAA Compliance Review**

Board members discussed that Rectangle Health, which sent out a solicitation email that resulted in inquiries to the Board, is working with the ND Dental Association.

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

**AADA Annual Meeting October 18-19, 2023** – Mr. Schaibley will attend.

**AADB Annual Meeting October 19-21, 2023** – Mr. Schaibley will attend.

**FARB Conference; Fort Worth, January 25-28, 2024** – Mr. Schaibley may attend.

**10. Remuneration: 2023 mileage rate | 65.5 CENTS PER MILE**

**11. Upcoming meeting(s):** Mr. Schaibley will send out dates via email.

**12. Adjournment:** 5:20 PM, CDT