# MINNESOTA BOARD OF DENTISTRY

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## Public Board Meeting
## October 24, 2014
## Minutes

### Call to Order
Board President Teri Youngdahl called the meeting to order at 8:00 a.m.

### Board Members Present
Teri Youngdahl, LDA – President
Allen Rasmussen, MA, BS – Secretary
Nancy Kern, DH – Past President
*Neal Benjamin, DDS
Jake Manahan, JD
Joan Sheppard, DDS
Paul Walker, DDS
**Present until lunch break only*

### Board Staff Present
Judy Bonnell, Complaint Analyst
Deb Endly, Compliance Officer
Sheryl Herrick, Office Manager
Amy Johnson, Licensing Analyst
Kathy Johnson, Legal Analyst
Mary Liesch, Complaints/Compliance Director
Joyce Nelson, Licensing Director
Michelle Schroeder, Administrative Assistant
Marshall Shragg, Executive Director
Vicki Vang, Administrative Assistant

### Board Member Present via telephone
**David Gesko, DDS – Vice President
***Present for elections through President's Report only*

### Board Member Absent
Steven Sperling, DDS

### Attorney General's Office Counsel Present
Sara Boeshans, JD – Assistant Attorney General

### Others in Attendance (per sign in sheet)
Todd Thierer, DDS – U of M; Suzanne Beatty, DDS – Metropolitan State University; Clare Larkin, DH – MDH; Pete Cannon, DDS – MDA; Dick Diercks – Park Dental; Bette Jo Arnett, DH – Minnesota Integrative Care Advocates; Candy Hazen, DH – MnDHA; Beth Rynders, LDA – MEDA; Linda Boyum, LDA; Lori Pelke – Midwest Dental; Bridgett Anderson, LDA – MDA; Carmelo Cinqueonce, MBA – MDA; Anna Malay, LDA – MnDAA; David Resch, DDS – MDA; David Linde, DDS – MDA

### Review and Approval of Minutes
Minutes from the July 25, 2014 Public Board meeting were reviewed and approved with the following change:

- Page 1, line 46- change to "to produce one million dollars worth of dental treatment."

**Motion made to accept the July 25, 2014 minutes as amended.**

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| **MOTION:** | **Nancy Kearn** | |
| **SECOND:** | **Paul Walker** | |
| **VOTE:** | **For:** | **7** |
| | **Opposed:** | **0** |
| **RESULT:** | **Motion Passed. Minutes approved as amended.** | |

## Professional Associations and Dental Educator Reports

**MDA** – Pete Cannon reported that a good representation of Minnesota ADA members and delegates attended the ADA Annual Meeting in San Antonio. The MDA held their House of Delegates in September and elected new leadership as follows: Dr Dan Rose- President, Dr Pete Cannon- Vice President, Dr Kevin Dens- First Vice-President, Dr David Resch- Second Vice-President, Dr Howard Taylor- Speaker of the House. Dr Cannon reported that the Mission of Mercy will be held in Duluth July 16-18, 2015. He invited members of the Board to participate.

**MnDHA** – No report

**MnDAA** – Ann Malay reported that the MnDAA sent 10 delegates to the national convention in Texas. MnDAA held their 4th annual Oral Cancer Awareness Walk on October 19th. The number of participants has tripled since the first annual walk.

**MEDA** – No Report

**MDHEA** – No report

**MDH Oral Health Program** – Clare Larkin reported that the Basic Screening Survey for third graders is in process and is going well. The statewide school sealant program is also in process and going well.

**U of M** – Todd Thierer reported that the School of Dentistry strategic planning process is winding down. They are organizing action teams now. The U of M recently held the D3 manikin and DT patient-based CRDTS exams. The 125th Anniversary Gala for the School of Dentistry is being held tonight (October 24). The University of Minnesota President will be speaking at the event.

**Metropolitan State University** – Suzanne Beatty reported that Metro State's 4th cohort of ADT students has begun. One student is from the west coast, four are from greater Minnesota and one is from the metro area. Their first two months have been busy with attendance at the Oral Cancer Foundation walk, Dorothy Day homeless services event and educating students with the OSAP Ebola virus toolkit.

**Midwest Dental Laboratory Association** – No report

**Minnesota Dental Therapist's Association** – No report

**Minnesota Society of Oral and Maxillofacial Surgeons (MSOMS)** – No report

**CRDTS Examiners** – CRDTS Deputy Examiner Dr David Linde was present at the meeting. He reported that everything went well at the manikin and patient-based exams at the University of Minnesota the previous weekend.

## Elections

Marshall indicated that voting for Board elections proceeds based on what is in the IOPP. The IOPP indicates that voting will be by paper ballot. Since one Board member is participating by telephone, the Board may wish to consider lifting the requirement to vote via paper ballot.

**Motion made to temporarily suspend the rules listed in the IOPP for voting on Board elections and allow voting by proxy via email to the Assistant Attorney General present at the Board Meeting for the Board member phoning in.**

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| **MOTION:** | **Paul Walker** | |
| **SECOND:** | **Neal Benjamin** | |
| **VOTE:** | **For:** | **8** |
| | **Opposed:** | **0** |
| **RESULT:** | **Motion Passed. Voting by proxy via email will be temporarily allowed.** | |

**PRESIDENT** – David Gesko was nominated for the office of President by Neal Benjamin.

No other nominations were offered.

**Motion made to suspend IOPP rules for voting via paper ballot for voting on this office and proceed with a verbal vote instead.**

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| **MOTION:** | **Neal Benjamin** |
| **SECOND:** | **Joan Sheppard** |
| **VOTE:** | **For: 8** |
| | **Opposed: 0** |
| **RESULT:** | **Motion Passed. Voting for this office will be conducted verbally.** |

The Board voted and unanimously elected David Gesko as the next President.

**VICE PRESIDENT** – Allen Rasmussen was nominated for the office of Vice President by Jake Manahan.

No other nominations were offered.

**Motion made to suspend IOPP rules for voting via paper ballot for voting on this office and proceed with a verbal vote instead.**

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| **MOTION:** | **Paul Walker** |
| **SECOND:** | **Neal Benjamin** |
| **VOTE:** | **For: 8** |
| | **Opposed: 0** |
| **RESULT:** | **Motion Passed. Voting for this office will be conducted verbally.** |

The Board voted and unanimously elected Allen Rasmussen as the next Vice President.

**Secretary** – Paul Walker nominated Neal Benjamin for the office of Secretary. Nancy Kearn nominated Jake Manahan for the office of Secretary.

Following the rules as listed in the IOPP, voting was conducted via paper ballot. Board President – Teri Youngdahl, Executive Director – Marshall Shragg, and Staff Member – Judy Bonnell, counted votes. Votes were tied.

Based on the procedure listed in the IOPP for instances where there is a tie vote during elections, voting for the office of Secretary proceeded to a second paper ballot. Teri, Marshall and Judy again counted votes.

Neal Benjamin received the most votes and was elected as the next Secretary.

## Committee Reports

**Executive Committee/President's Report** – Teri Youngdahl reported that a written President's Report was included in the Board packet. Teri reminded everyone that reports for the Board meetings need to be turned in prior to the Executive Committee meetings. Teri reported that the Executive Committee has been working on a document to use for the Executive Director Performance Evaluation. The Executive Committee members have sent suggestions to Teri to be incorporated into one document. The proposed Executive Director Performance Evaluation document was included in the Board packet.

**Motion made to adopt the Performance Evaluation for the Executive Director.**

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| **MOTION:** | **Teri Youngdahl** |
| **SECOND:** | **Nancy Kearn** |
| **VOTE:** | **For: 4 (Rasmussen, Manahan, Kearn, Youngdahl)** |
| | **Opposed: 4 (Gesko, Sheppard, Benjamin, Walker)** |
| **RESULT:** | **Due to a tie vote, motion does not prevail.** |

There was discussion regarding the response options on the performance evaluation.

**Motion made to change the response options on the Performance Evaluation for the Executive Director and adopt the evaluation form.**

**MOTION:** **David Gesko**
**SECOND:** **Neal Benjamin**
**Motion was withdrawn by David Gesko.**

**Motion made to refer the Performance Evaluation document back to the Executive Committee.**

**MOTION:** **Nancy Kearn**
**SECOND:** **Paul Walker**
**VOTE:** **For: 8**
**Opposed: 0**
**RESULT:** **Motion passed. Performance Evaluation document will be referred back to the Executive Committee.**

**Budget Process** – Juli Vangsness, Director of Administrative Services gave an overview of the biennial budget process. Juli informed the Board that Minnesota Management and Budget gives clear direction about what state agencies can and cannot do regarding the budget. Juli reported that dentistry revenue projections have decreased, which was not anticipated. The growth in the number of licensed dental professionals has flattened. Costs the Board must cover have increased for current programs, as well as with the introduction of new programs (i.e. criminal background check program). This decrease in revenues and increase in expenses has led to a need to consider asking the legislature to approve increasing license fees so that the Board can avoid a significant long-term budget shortfall.

**Motion made that to address the financial needs of Board operations, the Minnesota Board of Dentistry supports submitting a requested fee increase for licensees to be effective FY2016 to the legislature.**

**MOTION:** **Teri Youngdahl**
**SECOND:** **Joan Sheppard**
**VOTE:** **For: 7**
**Opposed: 0**
**RESULT:** **Motion passed. The Board supports the submission of a requested fee increase to the legislature.**

## Variance Request

**Brenda Moseng, LDA: Variance request for acceptance of sedation monitoring training taken prior to prerequisite $N_2O$ certification**

Licensee participated in an approved Allied Sedation Monitoring course in April 2014. The Board-approved curricula for Allied Sedation Monitoring courses include that students be currently certified to provide $N_2O$ anesthesia. Licensee did not have that certification at the time she took the Allied Sedation Monitoring Course. Licensee has since taken the $N_2O$ course.

**Motion made to grant the variance request for Brenda Moseng with the condition that she submits a report about her understanding of different levels of sedation (transitions from minimal to moderate to deep sedation) to the Board**

**MOTION:** **Neal Benjamin**
**SECOND:** **Joan Sheppard**
**VOTE:** **For: 7**
**Opposed: 0**
**RESULT:** **Motion passed. Variance to sedation monitoring course sequence approved with condition of submitting report to the Board.**

## Committee Reports

**Licensure & Credentials Committee** – Nancy Kearn reported that the committee met in open session on October 3rd. As a result of reviews of current statute and rule regarding licensure, the following motions were brought forth by the Licensure & Credentials Committee

**Motion made for the Board to pursue changes in language to Minnesota Statute 150A.06 Subd. 1b and Minnesota Rule 3100.1160, Subp. 1, regarding resident dental licenses.**

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| **MOTION:** | **Licensure & Credentials Committee** |
| **SECOND:** | **None Required** |
| **VOTE:** | **For: 7** |
| | **Opposed: 0** |
| **RESULT:** | **Motion passed. The Board will pursue language changes.** |

**Motion made for the Board to begin language change and development to statutes and rules regarding dental hygiene licensure requirements for Canadian and United States CODA approved hygiene program graduates relating to requirements for a board approved patient-based clinical examination.**

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| **MOTION:** | **Licensure & Credentials Committee** |
| **SECOND:** | **None Required** |
| **VOTE:** | **For: 7** |
| | **Opposed: 0** |
| **RESULT:** | **Motion passed. The Board will pursue language changes.** |

**HPSP** – Monica Feider, HPSP Program Manager provided an update on the HPSP program. 37 individuals licensed by the Board of Dentistry are regulated by HPSP at this time. HPSP is concerned that no dental practitioners self-referred in fiscal year 2014. HPSP is hoping to work with the Minnesota Dental Association and the Board to identify additional ways that HPSP can reach out to dentists before their illness affects their practice. HPSP has been engaged in a strategic planning process over the last year. Goals resulting from the planning process include development of a governance structure to best support HPSP, strengthening Board and HPSP relationships, promoting staff professional growth, and reviewing and monitoring guidelines to come up with best practices for the program.

Allen Rasmussen reported that the HPSP program committee met August 19th. He reported that self-referrals declined significantly. Statutory changes did pass, including mandatory referral by employers, except those that are self-employed.

**Policy Committee** – Jake Manahan reported that the Policy Committee has spent much of the year discussing infection control and whether the Board should implement an inspection process. The Committee should have a proposal ready for the January Board Meeting. The committee has had some discussion regarding sleep apnea and whether the board should consider preliminary assessment for sleep apnea as a standard of care for dentists similar to oral cancer screenings. No decision has been made on that yet, and the committee will be working with experts as they determine what to recommend to the full Board. It is anticipated that the Committee will have a recommendation for the Board at the January Board Meeting. Jake reported that Bette Jo Arnett with Minnesota Integrative Care Advocates presented to the committee. In her presentation, Bette Jo requested that the Board consider adding language to the standard of care indicating that the Board has no objection to oral health professionals practicing holistic medicine. This will be discussed at a future Policy Committee meeting.

**Sedation Committee** – Paul Walker reported that the Sedation Committee has met several times, the last time being October 14th. Vicki has developed a PowerPoint for training sedation inspectors. A new checklist for the inspectors to use has also been created. The committee should be soliciting new sedation inspectors, as there will be a significant number of inspections due in the near future and there aren't currently enough inspectors to cover those inspections.

**Allied Dental Education Committee/Dental Assistant Education Committee** – Teri Youngdahl reported that the Allied Dental Education Committee/Dental Assistant Education Committee has not met since May 21st. At that meeting, it was determined that a task force should be created to go over the DASLE questions. Teri & Paul

Walker have taken on this task. Teri reported that they have identified questions that should be removed and substituted with more appropriate questions. An RFP for a vendor for the DASLE & Jurisprudence exam has gone out. Once a vendor has been named, a message will be sent out to solicit new questions for the DASLE exam. The next Allied Dental Education/Dental Assistant Education Committee meeting will be held December 3rd.

**Dental Therapy Program Review Committee** – Nancy Kearn reported that the Dental Therapy Program Review Committee will be meeting on November 21st to review ADT programming from the University of Minnesota.

**Jurisprudence/Professional Development Committee** – Jake Manahan reported that the Jurisprudence exam is on a 2-year cycle, and it is at the end of that cycle right now. As a result, questions that have been identified by Prometric as being poor questions due to the percent of correct or incorrect answers are being looked at and changed. A new self-assessment form is due for 2015. Teri has taken the lead on developing new questions for the self-assessment and a draft will go out to the committee soon.

**Licensing Update** – Joyce Nelson reported that licensing statistics were included in the board packet, including licensure statistics for the past five years.

Nancy Kearn reported that the Licensure & Credentials Committee will be administering the ADT exam in January. The committee is looking at pursuing approval for charging a fee for administering the ADT exam. There is currently no fee.

**A break was taken for lunch at 12:33 p.m. and the meeting was resumed at 1:08 p.m.**

**CRDTS** – Nancy Kearn reported that CRDTS will begin accepting MasterCard and Visa for payment of hygiene exam fees after January 1st. A financial audit was recently completed and the CRDTS organization is in great shape. Nancy reported that a change is coming for how junior University of Minnesota students pay for their exam fees. Students will now pay half of the fee when taking the manikin-based portion of the exam and half of the fee when taking the patient-based portion of the exam. Information regarding title changes for CRDTS committees and staff was included in Nancy's written report. Nancy reported that CRDTS dental hygiene exams will be held in California in 2015. The CRDTS Steering Committee requested that the By-laws Committee bring forth language to expand the Nominating Committee by two members and to change the wording in the by-laws regarding presenting of qualified candidates to the Steering Committee for selection instead of the Nominating Committee being the final selection body. CRDTS exam fees for 2015 have been set. The Dental exam fee will be $2,195. The Dental Therapy exam fee will be $1,700. The Dental Hygiene exam fee will be $995.

Joan Sheppard provided an additional report regarding CRDTS exams. The CRDTS DT exam has not been reviewed or revised since its inception. Feedback from educators indicates that the exam content may not be pertinent to the services a DT provides on a regular basis. CRDTS has requested that the Board survey DTs who are currently in practice and determine the 5 restorative services that they most commonly provide. CRDTS will then form a task force to review the results and determine if changes are needed in the exam content.

**Motion to form a Task Force of educators, providers, Board members, and others to develop a survey, receive the results, reach a consensus on exam content, and report to the Board for approval. Feedback and discussion regarding exam administration, etc., may be included.**

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| **MOTION:** | **Joan Sheppard** |
| **SECOND:** | **Nancy Kearn** |
| **VOTE:** | **For: 6** |
| | **Opposed: 0** |
| **RESULT:** | **Motion passed. The Board will form a Task Force.** |

**AADB** – Nancy Kearn reported that she attended the recent AADB meeting. There was a speaker regarding sleep apnea. There was discussion at the meeting regarding licensing and impaired providers. Boards need to be careful how impairment questions are asked due to the Americans with Disabilities Act. It was noted that some Boards now require dentists to provide a self-query of prescribing practices and attach that to their renewal. Also, manufacturers are now required to report direct-to-dentist prescription sales to the DEA. Individual states

provided updates of what is happening in their states. Arizona now requires their Board members to take a 12-hour course on statues and rules. Florida now allows anyone who has served as a dentist in the armed forces to obtain a Florida dental license. Louisiana is updating their advertising laws. Nebraska is sponsoring legislation to license dental assistants. South Carolina has begun sedation inspections. Nancy reported that AADB is looking at developing a clearinghouse for testing agencies to report failed exams. Many states deny licensure to applicants who have failed multiple exams. Some people are switching between exam agencies and are not self-reporting the multiple failed exams. A clearinghouse for reporting failed exams would help the Boards to know who has failed which exams and how many times.

**Council of Health Boards** – No report

**Complaint Committees** – Mary Liesch submitted reports regarding Complaint Committee meetings and statistics. Recent Complaint Committee meetings have included 2-3 conferences per meeting. There have been 219 complaints filed this year, as of October 24th. As requested at the July Board meeting, information regarding the source of complaints was included in the Board packet. There is a Joint Complaint Committee meeting on December 19th.

**Clinical Licensure Exam Committee** – Joan Sheppard indicated that the Clinical Licensure Exam Committee is preparing to have a new version of the ADT exam ready for the first week in January so that the Licensure & Credentials Committee can administer it. There is a Clinical Licensure Exam Committee meeting on October 30th to finalize the questions for the exam.

**Advertising Task Force** – Allen Rasmussen reported that the Advertising Task Force met on September 4th. The meeting included lengthy discussion on how to inform the public of which dentists are more skilled in specific procedures. Allen also reported that recent legislation allows specialists to advertise multiple specialties. This led to a discussion regarding ongoing testing for specialties similar to recertification for medical specialties. The next time the task force meets they will be discussing dental office ownership and what the rules require for corporate dental offices.

**Prescription Monitoring Program (PMP)** – Neal Benjamin provided a written report. Teri Youngdahl reported that she had spoken with Neal prior to his departure from the Board meeting, and that he recommends that during the renewal process, dentists be asked if they are participating in the PMP. Dentists are currently provided an opportunity to sign up for PMP, but there is no survey to ask them if they participate.

**Community Water Fluoridation** – Paul Walker reported that this group has not met since the last Board meeting.

**CODA: Proposed Dental Therapy Educational Standards Task Force** – Joan Sheppard reported that some members of the task force met in June to discuss items that they want to recommend that CODA change on the DT exam. A document with those items was distributed to all task force members. There has been discussion regarding one item on the list and whether all task force members agree with the recommendation of the group. A task force meeting will be held on November 12th to determine which of the comments on the list, if any, will be sent to CODA.

## Executive Director's Report

Marshall Shragg reported on the following items:

- Work is continuing to get a criminal background check unit set up for health licensing boards. A CBC coordinator has been hired, equipment has been ordered and construction plans are being finalized. Processes are being developed for how each Board will collect information and how the CBC unit will distribute background check results. It is hoped that the CBC process will be in place to begin January 1, 2015.
- Board staff is working with the Minnesota Department of Health regarding frequently asked questions for dentists providing influenza vaccines and will be working with the U of M School of Pharmacy to adapt their vaccine training.
- The Legislative Auditor's report regarding health licensing boards is public as of October 24th. The Board of Dentistry had two findings. One was due to the need to make sure that someone who is not involved in the deposit is reviewing and signing off on certain elements of the deposit. This is being done to the best

of the staff's ability. The other finding was due to the missing dental assisting applications that were set aside for scanning during the construction project and haven't been found. The remedy for this finding is that staff is only taking out any information containing private data when it is being worked on, and fewer documents are taken out at a time. All documents containing private data are stored in locked cabinets

- Marshall reported that he attended the AADA roundtable in San Antonio and will have a report on that for the January Board meeting.
- While in San Antonio, Marshall also attended the AADB meeting. Much of the content of that meeting was regarding sleep apnea. They have also asked that Marshall continue as chair of their Research and Best Practices Committee. Hearing no objections from the Board, he will continue that role.
- Marshall reported that he testified before CODA and will have a report on this for the January Board meeting.
- Marshall was a presenter at several recent meetings. He presented at PEW in Washington, DC, which went well. He spoke at a North Dakota Dental Hygiene meeting in Bismarck, ND regarding dental therapy. He provided a presentation in Moorhead regarding ethics and a presentation for the Red River Valley Dental Access Project regarding recordkeeping.
- Marshall provided an update on the rulemaking process. On the last day that requests were allowed, a petition came in with enough signatures that the Board will need to hold a hearing regarding limiting CPR providers to the American Heart Association and American Red Cross. The hearing will be held on November 6th at 1:00.
- A newsletter is almost ready to go. The Executive Committee will need to review it before it is sent out.
- A letter from the Louisiana Board of Dentistry was included in the Board packet. They are requesting that testing agencies create a clearinghouse so that people can't switch from one testing agency to another after multiple failures. AADB is working on this.
- Marshall provided additional information regarding possible fee increases. The last time that the Board of Dentistry raised licensure fees was 1995. The $168 that fees were raised to is equal to approximately $262 in today's dollars. Raising fees would essentially be catching up with inflation.

## Travel Authorizations

The Board previously authorized Marshall to attend the APHA meeting in November. Marshall asked whether the Board would like to consider having him not attend due to the current budget situation. $735 in expenses already paid would not be refundable. Board members discussed this and decided that since the money has already been spent, it would be best for Marshall to attend the meeting.

**January 16, 2015:** ***Central Regional Dental Testing Services (CRDTS) Examiners Meeting,*** **Kansas City, MO.** Request: approval for Teri & Joan to attend.

**January 22-25, 2015:** ***Federal Association of Regulatory Boards (FARB) Forum,*** **Tucson, AZ.** Request: approval for 5 Board/Staff members to attend.

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| **MOTION:** | **Jake Manahan** | |
| **SECOND:** | **Paul Walker** | |
| **VOTE:** | **For:** | **6** |
| | **Opposed:** | **0** |
| **RESULT:** | **Motion Passed. Travel authorized as indicated above.** | |

## Licenses for Ratification and Reinstatement

Ratifications: June 28, 2014 through September 30, 2014
Reinstatements: July 8, 2014 through September 30, 2014

**Motion: to approve all licenses submitted for ratification and license reinstatement.**

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| **MOTION:** | **Allen Rasmussen** | |
| **SECOND:** | **Joan Sheppard** | |
| **VOTE:** | **For:** | **6** |
| | **Opposed:** | **0** |
| **RESULT:** | **Motion Passed. Licenses ratified and reinstated as submitted.** | |

## Review of Action Items

The following list of action items was reviewed by the Board members:

1. Update email lists for Committee Meeting information- Michelle & Vicki
2. Request questions from educators for DASLE exam once a vendor is chosen- Joyce
3. Set up a meeting to prepare for the rules hearing- Marshall & Kathy
4. Add CBC information to newsletter- Michelle & Marshall
5. Email Marshall if you are interested in attending the FARB Forum- All Board & Staff
6. Add information regarding OSAP annual meeting to conference calendar for future years- Michelle
7. Revise IOPP for voting by proxy- Board members
8. Continue to develop Executive Director performance evaluation document- Executive Committee
9. Work with DT CODA Standards Task Force regarding a joint statement- Joan

## ADJOURN

**The Minnesota Board of Dentistry public meeting was adjourned at 2:45 to reconvene in closed Executive session.**

**Minutes Approved by the Minnesota Board of Dentistry this 9th day of January, 2015**

**Teri Youngdahl, LDA, President**