



October 29, 2020

North Dakota Board of Dental Examiners
PO Box 7246
Bismarck, ND 58507

North Dakota Board of Dental Examiners,

On behalf of the NDDA, NDDHA and NDDAA we would like to thank you for all the work that you have done to evaluate the Dental Practice Act and to prepare these amendments for consideration. We recognize this is a very intense process and that you are striving to improve the practice of dentistry and the receipt of dental care in the state. We also appreciate the tremendous amount of time that you give in service in your positions on the board. The NDDA, NDDHA and NDDAA board of trustees recognizes that it is generally not our responsibility to take a position on the specific amendments that have been proposed and this is not our intent. However, in our review of the proposals, along with the input of many of our members, a number of concerns have arisen. Generally speaking, the concerns we would like to address pertain more to process and clarity rather than specific content.

Since the Dental Practice Act regulates dentists, dental hygienists and dental assistants, we feel it is very important that we know in a timely manner when changes are being considered. In a day and age when local newspapers and media outlets are used less and less, we strongly believe that simply publishing notice of an Administrative Hearing of such importance in these forums, while technically meeting legal requirements, is inadequate to properly inform stakeholders throughout the state. Our responsibility at the NDDA, NDDAA and NDDHA is to help inform and educate our members and we can be of tremendous assistance to you in providing this communication. If the NDDA, NDDHA and NDDAA receives timely notification of these meetings, we can quickly share this information with all of our membership in a far more reliable manner. Not only is this a benefit to dental professionals, but we believe it is a great benefit to the NDBODE as it can dramatically reduce frustration felt toward the board due to a lack of communication. We want to help them in working with you.

While we are not addressing specific amendments, the document has many issues of concern. In some areas, there is a lack of clarity as well as some sections which seem to contradict each other. A number of grammatical errors are also noted. For amendments that will become part of the Dental Practice Act, by which we are regulated, we feel it would be extremely beneficial to address these issues and ensure absolute clarity. As part of the amendment proposal process, it would also be helpful to know how these proposed amendments came about and what authorities were consulted about them. For those items resulting in significant changes, it would be beneficial to have input from the dental professionals who would be most impacted by them. An example would be regarding rules pertaining to sedation. This is an important issue to many general dentists, and of course to all of the oral surgeons.

We greatly applaud your efforts in updating the Dental Practice Act and these comments are not intended in any way to be a criticism of the board. Given the immense importance of the proposed amendments, the current lack of clarity, and the fact that this will become a permanent part of the laws governing the practice of dentistry, the NDDA, NDDHA and NDDAA recommends that the current

amendments be tabled and that a task force be created to draft each of the sections. Several states and the ADA have addressed many of these issues and

likely have language that could be shared which would provide the desired clarity. These could be modified to address any specific differences pertaining to practice in North Dakota and reviewed by the legal counsel of the NDBODE. Once the draft of proposed amendments has been revised and a new Administrative Hearing has been scheduled, we would request that the NDDA, NDDHA and NDDAA be quickly notified and provided a copy of the proposed amendments. We will in turn communicate this information to our membership so they can evaluate the proposals and provide feedback according to the process that you have already clearly outlined in the notice of this Administrative Hearing.

Respectfully,

The North Dakota Dental Association
The North Dakota Dental Hygienists' Association
The North Dakota Dental Assistants Association