

June 5, 2020

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

North Dakota Board of Dental Examiners,

As you are all aware, we are practicing in the new “COVID era,” and are now one month into slowly “re-opening” our dental offices. No one could have expected the pandemic our ND citizens, patients, and practitioners have gone through (and continue to go through) as a nation, and in our state. As the ND Dental Association Board of Trustees, we represent over 400 member dentists in our state. We want your NDBODE Board members to know that we respect and stand by your decisions. And we know your seven-member Board is made up of intelligent, respected professionals that have been appointed by our Governor and have been charged with the duties of carrying out board processes, deciding the issues before them, and most importantly protecting the health and safety of the public. As a board, you also have the duty to respond, act or acknowledge any communication or request provided to your board from dentists, dental hygienists, dental assistants or any public member from the state of North Dakota.

Although difficult, in this letter, we hope to bring to your Board’s attention some serious concerns. Our main concern stems from the non-voting members of your Board, specifically the Board staff and legal counsel. While they are important advisors and supportive administrators of the process, there is serious concern about the limitation and subjective distribution of public comment by the NDBODE staff to your board members. Specifically, there have been calls and letters to your Board, that have gone “unnoticed,” “dismissed,” or “misplaced.” These “accidents” or “dismissals” bring concerns with the integrity of your process. It could be thought of as censorship, a lack of transparency or poor communication when these communications are not shared with your full Board.

Members of the public have the right to convey to board staff with the good faith belief that these communications are fairly and honestly distributed to board members for their review and potential comment in a public forum. Board members are not obligated to review or respond to these communications, but it certainly is within the public’s right and expectation to have these distributed to board members.

These issues with the board process have not been just during the ‘COVID crisis’, but they were highlighted during this time. Specifically, due to a lack of transparency, communication and possible ‘censorship’ through the COVID crisis by your Board’s staff, our NDDA leadership and central office staff have received hundreds of calls, emails and texts regarding your meetings, processes, statements, and other board actions. So as not to create any confusion, we have repeatedly navigated these questions and concerns to your NDBODE staff and legal counsel. The NDDA has not, will not, and cannot represent any positions taken by NDBODE. We do however respect your decisions regarding the regulation of the practice of dentistry in our state.

For further examples, at the onset of this crisis, NDDA leadership connected with NDBODE staff and legal counsel to communicate their concern surrounding COVID-19. While NDBODE staff and legal counsel were reluctant to address this unprecedented crisis, we applaud you as a board for your initial leadership and comment at the onset of this crisis. As dentists, dental hygienists, dental assistants, and the public navigated your meeting process, it became clear that board members were not properly informed by board staff and legal counsel on the issues or updated on the developments neither locally nor nationally. This lack of preparedness and organization by board staff and legal counsel lead to cumbersome meetings, disjointed conversations, uninformed decision making, inadequate timelines/responsiveness, rushed/inappropriate statements and most seriously a lack of confidence from the dental community and public.

It would be our hope that you as board members take your appointments and duties seriously when reviewing these communications, while also respecting the autonomy as board appointees in deciding how to address, acknowledge and act on these communications. It is clear though, these decisions to address, acknowledge and act on public communications, is a duty and obligation of all board members and cannot and should not be circumvented and abused by board staff. Our only request is that all communications to your board, whether that be from a dental professional or member of the public, be afforded due process with the seven members as appointed by our Governor.

As a quasi-governmental agency subject to open record and open meeting laws, it should be the spirit and intention of this body to create transparency and clarity in your process. As the regulatory body charged with the protection of public health and safety regarding the practice of dentistry in North Dakota, it should be the spirit and intention of this body to have a process of abiding by clear rules and definitive direction which results in confidence for both dental providers providing dental care and for the public members receiving this dental care. As dental doctors, we take our charge and duty seriously to provide dental care to the citizens of our great state. It is of the utmost importance that these citizens, our patients, not only have confidence in us as providers, but also confidence in our regulatory body charged with protecting their health and safety.

The NDDA and our leadership respects and thanks you for engaging in this process and your guidance not only for our members, but all licensed dental professionals within our state. You as a board have the confidence and support of our leadership and the dental community to properly, clearly and professionally regulate our profession in this state for the well-being of our staff and patients. For all dental providers and most importantly the public of our state, we would respectfully request you address our concerns with your process for the benefit of North Dakota.

Respectfully,

*NDDA Board of Trustees*

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