

**Testimony of SB 2184**  
**The Senate Workforce Development Committee**  
**of the**  
**North Dakota Senate**  
**Senator Michael Wobemma, Chairman**  
**February 10, 2023**

Senator Wobemma and members of the Senate Workforce Development Committee, my name is Tim Mehlhoff, and am currently serving as Chairperson of the North Dakota Board of Dental Examiners. The Board appreciates the opportunity to provide input and testimony regarding Senate Bill 2184.

Some of the Board's concerns about SB 2184 include:

- A. Board Member Terms, Number of Members, and Qualifications
- B. Licenses Renewed Annually
- C. Licensure of Foreign Practitioners
- D. Audits

The Board's specific concerns on these topics are set forth below.

- A. Board Member Terms, Numbers of Members, and Qualifications

The Bill (Page 2; Line 15) limits each Board member to two 3-year terms. Currently our Board members can serve longer—two 5-year terms. Board members share that it takes 5 or 6 quarterly meetings before they feel adequately informed and sufficiently effective related to the work and responsibilities of the Board. Circumstances can influence any Board member's ability or willingness to serve more than one term. Shortening this individual's term to three years would result in only twelve quarterly

meeting, so they would likely be halfway done before feeling they are fully prepared to effectively participate.

The Board is also keenly aware of the importance and value derived from institutional knowledge derived from and utilized within the work required. A reduction of Board terms from five to three years risks greater loss of this institutional knowledge that could easily become problematic. This change would also be inefficient for both members and the work of the Board, and potentially a disservice to the public. At times in the past it has been challenging to identify dentists, hygienists, assistants, and consumers with sufficient interest necessary who are willing to devote time to volunteer for the Board. Shortening examiners' terms exacerbates this problem and requires the Governor's Office to find additional qualified and interested candidates.

The Bill also adds a second consumer member to Board membership. The Board's make up presently includes one consumer member. The Board is grateful to receive the input of its consumer member—whose input and perspective is invaluable. Having a consumer member on the Board has been of great benefit to the public as well as the Board's purpose. But adding a second consumer member creates difficulties. First, it can be difficult to find individuals interest in serving on a Board—and finding consumer member with passion and interest in dentistry is often more difficult. We feel that having one quality consumer member has well-ensured the voice of consumers is represented on the Board. Secondly, the addition of one member in any of our four categories (consumer, dental assistant, dental or dentist) would result in a 10-member Board. An even number of members could result in tie votes.

Finally, the Bill (Page 2; Line 20) gives the Governor the power to remove any or all Board members at any time, for no reason at all. That language seems to undercut the independence of the Board and negatively impact the Board's ability to ensure public safety.

#### B. Licenses Renewed Annually

Dental licenses in North Dakota—and throughout all 50 states—are renewed every two years. This is an efficient process and does not appear to create any risk to the public. The Bill (Page 3; Line 3) changes that—and requires yearly license renewal. That requirement would cause the Board to revise our internal systems, double the work of our Board members and administrative staff by doubling the frequency of renewals. Board administrative expenses for annual renewal would increase, requiring licensees to complete the renewal process twice as often, earn continuing education at a different pace, and incur more fees. That seems unnecessary and inefficient for the licensees or the Board. This requirement seems to create numerous inefficiencies and runs counter to the prevailing sentiment of increasing Board efficiencies. It would also make North Dakota inconsistent with all other states—potentially causing complications in licensure portability, and potentially discouraging other state's licensees from practicing here. The idea of annual relicensing does not seem to expedite the licensing process, protect the public, or provide benefit to consumers or licensees.

#### C. Licensure of Foreign Practitioners

The Bill (Page 3; Lines 17-24) requires the Board to issue a license to any applicant that has a license from any country in the world. Presently, all 50 states have

generally the same licensing standards, so we are already able to quickly license applicants that come here from other states. But this Bill goes much further and reaches worldwide. The Board has several concerns about this broad reach. Most prominently, the dentistry standards in our state have been in place in one form or another since the Board's inception in 1885. Legislators keep these standards in place to help ensure that the dental care received by our citizens is of high quality. You've also charged the Board with the responsibility of reviewing these standards. We do so by faithfully working with you through Bills and rulemaking to ensure our licensees are well-qualified, and to also ensure the standards do not create unnecessary hurdles for applicants. By mandating that we now license dentists from around the world without regard to their quality disregards all that work and the assurances of public safety they provide. We'd have no option but to issue a license to applicants whose educations were earned from academic institutions that may be unaccredited, who's technology and resources may be less-advanced than ours, who took exams that may be less thorough, and who are trained to abide by a lesser ethical code than ours. And it's imperative not to lose sight of the reality that because dentists may prescribe narcotics and sedate patients, there are life-and-death risks that come with licensing under-qualified dentists. The Board's only opportunity to deny a license would be if it somehow gathered information supporting the conclusion that a particular applicant "jeopardize[d] the health and safety of the residents of this state." The applicant is unlikely to share that information, and it is unclear how the Board might find it elsewhere.

D. Audits

The Bill (Page 5; Line 15) requires that Boards with more than \$200,000 annual receipts will be audited—possibly annually or biennially—by the State Auditor. Our Board presently falls under that threshold. By changing the language the way it does, it is unclear what our Board's audit requirements are. We support language that would allow us to continue our current practice of choosing either (a) biennially hiring an accountant to audit our Board, or (b) annually completing the financial spreadsheet provided by the State Auditor.

#### E. Conclusion

The Board of Dental Examiners wishes to make it clear that it has increased efficiencies related to licensure that has reduced the time necessary for licensing. The Board welcomes the opportunity to confer with the drafters of this Bill to improve statutes in ways that minimize risks to our citizens and facilitates appropriate and timely licensure of practitioners.

Thank you for your time. This concludes my testimony.

Prepared by:  
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Chairperson of North Dakota Board of Dental Examiners