

2025 SENATE WORKFORCE DEVELOPMENT

SB 2217

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2217
2/13/2025

Relating to the licensing and practice of dental hygienists and dentists, and the board of dental examiners.

9:40 a.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Age Restrictions on Gum Injections.
- Board Efficiency.
- Re-defining Dentistry Terms.

9:41 a.m. Senator Cleary, District 35, Introduced the bill in favor.

9:44 a.m. David Schaibley, Executive Director, State Board of Dental Examiners, testified in favor and submitted testimony #37403.

10:07 a.m. William Sherwin, ND Dental Association, testified in favor.

10:10 Maggie Seamands, Executive Director, ND Professional Health Program, testified in favor and submitted testimony #36296.

Additional written testimony:

Kami Dornfeld, Previous President of North Dakota Dental Association, submitted written testimony in favor #36377.

Judith Schmidt, Dentist from Wahpeton, ND, submitted written testimony in favor #37302.

Jeremy Messer, Owner Messer Dental, submitted written testimony in favor #37343

Amy Secker, Owner of Healthy Smiles by Temps LLC, submitted written testimony in favor #37589.

10:12 a.m. Chairman Wobbema closed the meeting.

Andrew Ficek, Committee Clerk

Senate Workforce Development Committee**Senator Mike Wobbema, Chair****February 13, 2025****SB 2217**

Chairman Wobbema and members of the Workforce Development Committee,

My name is Maggie Seamands and I am the Executive Director of the North Dakota Professional Health Program, Inc. (NDPHP). I would like to share with you information about the scope and role of our program as well as information about the prevalence of substance use and mental health disorders for Dentists.

The NDPHP is a 503 (c)(3) with a mission to promote safety and care to improve the health and well-being of healthcare professionals by offering them support. We do this through the facilitation of rehabilitation of those health care providers who have physical or mental conditions that could compromise public safety and help to monitor the professional's recovery journey. Currently, the NDPHP is serving physicians, physician assistants, medical residents, doctors of osteopathy, naturopath, and genetic counselors who are practicing or licensed by the State Board of Medicine. SB 2217 would allow us to extend our services to Dentists and Dental Hygienist as well.

Healthcare professionals in our state are prone to mental health and substance use disorders at the same rate as the general population; 1 in 10. Research by the National Occupational Mortality Surveillance continues to support that suicide rates are higher among Dentist and Medical Doctors than other professions ranking number 1 and 2. Substance use disorders also impact health care providers at the same rate of 10-15% as the general population. With 493 actively licensed dentists and 413 of them working in the state of ND this would represent approximately 41 – 63 Dentist with a potential substance use disorder in our state.

North Dakota Professional Health Program

The NDPHP creates a safe and confidential space for these professionals to seek out assistance for burnout, mental health, or substance use disorders. We do this by working with the professional to evaluate their needs and then help them find resources for treatments and assessments. Once completed the assessments from their treating providers are shared back to the NDPHP who will then help create an individualized monitoring plan. These plans include things such as a mentor, AA/NA self-help meetings, monitoring or workplace oversight, an executive coach, therapy, drug screening and/or breathalyzers. The NDPHP then follows the professional's recovery journey to help ensure accountability. The NDPHP has great success with approximately 80% of the professionals coming into the program voluntarily, rather than being ordered to do so by their licensing board. Seeking assistance or support proactively allows the professional a better opportunity to stay in practice safely while being monitored in the programming.

The professional or licensee is responsible for the cost of the assessment and treatment and in most situations use their private medical insurance to help pay for these costs. The cost of individual treatment is not paid by the Board of Dentistry or the NDPHP. Those who participate in the NDPHP do pay a fee that assists in the cost of program operations. As collaborative efforts continue with the NDPHP and Board of Dentistry, additional funding opportunities through grants are being explored.

In summary, the language in SB2217 will allow for a collaborative partnership between the NDPHP and Board of Dentistry giving licensed individuals by the board an opportunity to confidentially seek out treatment services, advocacy, and assistance with their mental health and substance use disorders.

Thank you for your time and attention to SB 2217.

North Dakota Professional Health Program

Chair Wobbema, Vice Chair Axtman, and honorable members of the Workforce Development Committee,

My name is Kami Dornfeld, I'm a practicing dentist in Williston, ND and the immediate past president of the North Dakota Dental Association. I write in support of SB2217 and recommend a "do pass" on this bill.

I feel the NDBODE has done their due diligence with the proposed updates to the dental practice act. They were clear, transparent, and welcomed any feedback throughout the process. As a past member of the American Dental Association's Council on Dental Practice and the Dental Wellness Advisory Committee Chair for 2 years, a section that stands out to me, is the update on page 12 lines 13-22 allowing dentists to participate in the Physicians Health Program. This is a huge step in the right direction. After serving as chair of DWAC for the ADA, I heard countless stories of providers receiving successful mental health treatment allowing them to safely continue practicing. This is more important now than ever with the extra stress many of us carry due to the immense workforce shortages our entire state and country are facing.

Some other sections that stand out are the updates to volunteer licenses. As chair for the North Dakota Mission of Mercy I see the value in allowing providers, such as hygienists, to participate in volunteer opportunities within our state. I also would like to commend the NDBODE for their recent updates to the rules that took effect last October. Practicing in western North Dakota has always been challenging to find and hire qualified team members, now more than ever with the current workforce shortages. The recent rule changes have allowed me the ability to train my existing staff to do a little more, this has freed up my time to provide more care for a long list of patients requiring treatment.

Lastly, I would like to thank each of you for your commitment to our great state and thank you from the bottom of my heart for dedicating so much of your time to making ND even better. I humbly ask you to support SB2217 with a Do Pass.

Respectfully,

Kami Dornfeld DDS

The Clinic for Oral Health
Dr. Judith K. Schmidt, D.D.S., P.C.



02.11.2025

Workforce Development Committee
North Dakota Legislative Branch
State Capitol
600 East Boulevard Ave
Bismarck, ND 58505

RE: SB 2217

Senators Wobbema, Axtman, Boschee, Larson, and Powers,

I would like to introduce myself. I am Dr. Judy Schmidt, a dentist in private practice in Wahpeton, ND. I am writing to you regarding SB 2217 which was filed by Senator Cleary on behalf of the ND Board of Dentistry.

I have been practicing dentistry in my home state of ND since 2007. I started a solo practice in Wahpeton and continue to enjoy the profession of dentistry there. Through the past 17 ½ years, I have contacted the ND Board of Dentistry for questions or clarifications on multiple occasions. Each time, I have found the Board to be very approachable, responsive, and welcoming of discussion.

In 2024, the Board reviewed all of the laws pertaining to dentistry. They were very transparent and forthcoming in their communications during this process. We were emailed updates, proposed changes and encouraged to submit our opinions, suggestions, and concerns or to attend the meetings. The meeting dates were also noted in the communications.

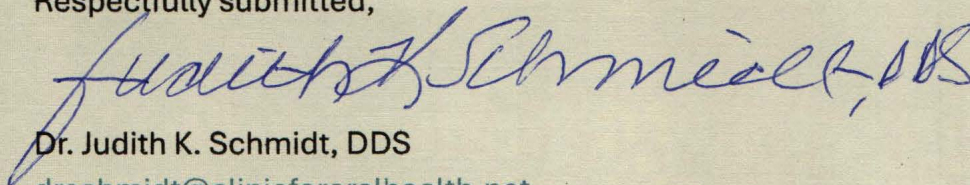
One of the areas that they very thoroughly reviewed and made updates to was the laws regarding the sedation of patients. I am a moderate sedation provider and have held that permit since 2008. There have been changes & updates over the years but I feel the thorough review that was done in 2024 truly demonstrates the Boards commitment to protect the patients we serve and hold providers to the necessary standards. As a moderate provider, I was aware of concerns by some providers regarding the increased requirements that were being proposed to maintain that licensure. The Board heard the

many opinions. In keeping with the Board's duty to establish continued competency regulations, they did add additional training that will be necessary to update every 5 years. They increased the frequency of mock codes, further clarified necessary qualified staffing to be present, and made some medication clarifications for moderate vs. deep or general anesthesia. I am strongly supportive of this and respect the Board's decision.

In the current SB 2217 that has been filed, there is an additional allowance of time to renew a dentist, dental assistant, or dental hygiene license. If a licensee should decide to retire or for some other reason not renew their license by December 31 of the respective year, there has been allowance to renew within 60 days of the expiration. The Board has now proposed an allowance for renewal up to 1 year after expiring, upon submission of an increased fee and any documents requested by the Board. I feel this is an important addition as the dental workforce is very short of providers (dentists, assistants, and hygienists). There are many events in life that may occur and an individual may elect to step away from dentistry but elect to return within a short period. Also, with the opening of additional dental assisting and dental hygiene schools in Minot and Bismarck, if there are any recently retired or expired licensees who would decide to become educators in one of the schools, this would open that door to them much more readily. As an employer, it also allows more potential people one could contact regarding coverage for maternity leaves or other openings if the employer is willing to assist in the fee for renewal.

Overall, I feel SB 2217 is strongly supportive of the practice of dentistry in the State of North Dakota. I feel David Schaibley and the board members at the ND Board of Dentistry have filed a bill that strongly supports the dental profession and has recognized changes that have become necessary. I would ask for your full support of SB 2217.

Respectfully submitted,

A handwritten signature in blue ink that reads "Judith K. Schmidt, DDS". The signature is fluid and cursive, with the initials "J.K.S." clearly visible at the end.

Dr. Judith K. Schmidt, DDS

drschmidt@clinicfororalhealth.net

2005 Woodland Drive

Wahpeton, ND 58075



JEREMY MESSER, DMD
PAIGE FISKETJON, DDS

February 12, 2025

To Senate Workforce Committee,

I am writing in support of Senate Bill 2217,

As many of you may know the workforce issue, specifically related to dentistry, has been very difficult the last few years. The North Dakota Dental Board has done a wonderful job of doing the best they can to help mitigate this and assist with workforce issues as best as possible, while also ensuring that the safety of the public is always of utmost importance. Updating these Statutes is important. They will help the Board be more efficient and also make some changes that will be beneficial to both the dentist and the public.

We had the privilege of hosting the executive Director of the Board, David Schaibley, at one of our recent Study Clubs here in Williston. He walked us through some current, past, and ongoing board regulations for us to better understand them, which I believe, then really benefits the public. It was refreshing to have such open and honest interaction with someone from the board that allowed many of our members to ask difficult questions they maybe would have never asked in another setting. It was a great experience for us all.

The new rules that took effect October 1, 2024 have been instrumental in allowing us to more efficiently, while also safely, treat patients in our office. They have helped streamline some very important rules that then allow us to help recruit and retain staff. Dental assisting staff in particular have benefited greatly. Many would have had to travel long distances and spend a considerable amount of money to gain the experience and knowledge we can provide them from in-person and online training.

I urge you to continue the positive effects the Board has been doing by helping pass this Bill.

I sincerely appreciate your time Senators,

Jeremy Messer DMD



North Dakota State Board of Dental Examiners

PO Box 7246, Bismarck, ND 58507-7246 • info@nddentalboard.org • 701.258.8600 • <https://www.nddentalboard.org>

Senate Workforce Development Committee

February 13, 2025: 9:30 am

Fort Lincoln Room: State Capitol

Testimony of the North Dakota State Board of Dental Examiners

In Support of SB 2217

I. Introduction and Background

Chair Wobbema and members of the Senate Workforce Development Committee, my name is David Schaibley, and I'm the Executive Director of the North Dakota State Board of Dental Examiners. I am here today providing the Dental Board's testimony on SB 2217. Through this Bill, which the Board put together with input from its stakeholders and the valuable support and sponsorship of Senator Cleary, the Board proposes changes to North Dakota Century Code chapters 43-20 and 43-28—the statutes related to the practice of dentistry.

As with nearly all professions and sectors of the economy, dental offices are struggling to find enough employees. This places stress on small business-owning dentists, their staff, and on patients—who experience longer wait times for appointments. Board members feel the impact of these constraints on a daily basis because they own dental offices, and they work as dentists, hygienists, and assistants. They don't lose sight of that when stepping into their role on the Board—where they are obligated to regulate dentistry in ways that assure safe, quality dental care.

Board members also recognize that over the last several sessions, legislators have directed all licensing boards to thoroughly assess their laws to determine if any statutes or rules might be unnecessarily exacerbating workforce shortages and to ensure the laws are updated and effective.

As a result, even before the 2023 Legislative Session ended the Dental Board began doing extensive outreach to state and national associations, our licensees, academicians, fellow state agencies, and others to gather their perspectives on our

statutes and rules. With that broad input in hand, the Board studied each law to assess whether they regulate only as far as necessary, and assessed whether any might be modified or eliminated—while still ensuring safe, quality patient care.

Through that review the Board identified scores of possible changes it wanted to recommend in both statute and rule. The Board then promptly initiated rulemaking in early 2024. Examples of that are new rules allowing dental assistants to safely carry out substantially more tasks than previously allowed, creating new categories of assistants, and creating new pathways to licensure. Those new rules took effect on October 1, 2024, and had an immediate workforce impact by freeing up dentists and hygienists to provide more complex patient cares—which in turn allowed dental offices to treat more patients every day.

During the same time that the Board was engaged in rulemaking, it was also assessing its two chapters of Century Code to determine if changes could be made there. This Bill is the result of that nearly two-year process.

II. Key Changes and an Overview of SB 2217

My testimony will first highlight what we see as the most imperative or impactful changes and then to provide an overview of each section of the Bill. If you have questions or would like me to expand upon anything at any point, please let me know.

A. Key Changes

1. Implementing language that will allow the Board to make use of an existing statute related to professional health programs. P12; L 13-24.
2. Confirming the Board's power to issue volunteer licenses to retired dentists and hygienist. P5; L 1 and P13; L8.
3. Clarifying the streamlined pathway to licensure for those who hold licenses issued by other states. P14; L29.
4. Allowing dental hygienists to administer local anesthetic to minors. P7; L26.
5. Removing conflicting language in the section regulating Board member appointment. P10.

B. Section-by-Section Overview

Section 1

Providing definitions of terms used in N.D.C.C. § 43-20-13.2.

Section 2

Clarifying that individuals can apply for more than just a license. Licensees can apply for advanced duty permits, too (e.g., anesthesia permits). P2; L9.

Clarifying fee authority. Specifically, the Board works to react quickly to workforce needs. In 2024 it recognized the need for a new radiology registrant. The resulting cost of revising software and administrative processes was significant. While moving through rulemaking, we were informed that our authority to assess fees was so limited that we could not assess a fee to offset any of the costs. This language would allow fees to be assessed by rule if approved by the Administrative Rules Committee. P2; L20.

Removing outdated language that required applications to be submitted at least thirty days prior to Board meetings so they could be reviewed by the Board at the next meeting. The Board no longer follows that inefficient process. Instead, applications can be submitted any time, and can be approved between Board meetings. P2; L14.

Section 3

Eliminating outdated language dating from when the Board administered dental hygiene credential examinations. It no longer administers these exams. P3; L10.

Section 4

Eliminating ambiguous language implying that if a licensee decided to not renew their license due to retirement, moving, etc., the Board would revoke the license. That is not the case. Revocation only results from disciplinary proceedings. P4; L2.

Extending the time during which expired licenses can be renewed. P4; L11-16

Section 5

Confirming the process by which hygienists licensed in other states or who were previously licensed in North Dakota may obtain volunteer licenses so they can more readily participate in charitable work in our state.

Section 6

Revising ambiguous language related to levels of supervision dentists provide.

Section 7

Aligning the statute with the North Dakota Human Rights Act and the Americans with Disabilities Act. Clarifies that substance use and mental health conditions of a hygienist or assistant do not automatically become grounds for possible disciplinary action, but only if those conditions materially limit competency. P6; L9-16.

Clarifying various grounds for discipline of hygienists and assistants. P7; L5.

Section 8

As currently written, this statute prohibits hygienists from diagnosing patients or creating treatment planning. That prohibition stays in place. Input was received during recent rulemaking that this language could be written more clearly.

Section 9

Eliminating a prohibition that prevents hygienists from injecting local anesthetic into any patient under the age of 18. The suggested change would allow a hygienist to inject local anesthetic to those under 18 if the dentist has assessed the situation, hygienist, and patient, and provided approval.

Section 10 (comparable to Section 6)

Revising ambiguous language related to levels of supervision.

Section 11

Clarifying the titles of dental assistants. P8; L13.

Extending the time during which expired licenses can be renewed. P8; L 27-31.

Confirming the Board's authority to audit continuing education. P9; L9.

Section 12 (comparable to Section 2 regulating hygienists and assistants)

Clarifying that individuals can apply for more than just becoming an assistant. If they have more advanced training that was not part of their initial education, they can apply for more advanced duties such as anesthesia permits, sealant endorsements, etc.

Section 13

Clarifying the titles of dental assistants.

Section 14

As discussed in the Key Provisions portion of my testimony, these changes revise language related to Board member terms without increasing the time Board members can serve. P10; L16-19.

Section 15

Confirming that the criteria for being appointed to a Board member position apply throughout a Board member's entire term.

Section 16

Providing the Board with more flexibility when electing its officers. P11; L5-12.

Removing an outdated definition of a quorum so that a quorum of this Board will be aligned with state open meetings laws. A quorum will now be "one-half or more" per NDCC § 44-04-17.1(15).

Section 17

Sometimes the concerning area of practice is limited to just a narrow part of the dentist's practice. In those cases, the Board works to not restrict the dentist's overall/entire license, but to instead restrict a narrow part of their practice (e.g., their botox permit). The proposed change is designed to reduce ambiguity. P11; L 29.

As discussed in the Key Provisions testimony, this section allows licensees the opportunity to participate in a professional health program. P12; L15.

Allowing the Board to seek monetary fines as part of licensee discipline. As set forth in NDCC § 43-28-18.2(5), all discipline can only be invoked after a hearing under NDCC ch. 28-32 and if then ordered by an Administrative Law Judge after a hearing, or if agreed to by the licensee. P 12; L 23.

Section 18

Eliminating language that could potentially conflict with state open records laws and confirming that the Board's records are governed by open records law—N.D.C.C. ch. 44-04.

Section 19 (comparable to Section 5 regulating hygienists)

Confirming the process by which dentists licensed in other states or who were previously licensed in North Dakota may obtain volunteer licenses so they can more readily participate in charitable work.

Section 20 (comparable to Section 2 regulating hygienists and assistants)

Removing outdated language that requires applications to be submitted at least thirty days prior to Board meetings in order to be reviewed by the full Board. The Board no longer follows that inefficient process. Instead, applications can be submitted any time, and can be approved between Board meetings. P13; L15-23.

Clarifying fee authority. Specifically, the Board works to react quickly to workforce needs. In 2024 it recognized the need for a new radiology registrant. The resulting cost of revising software and administrative processes was significant. While moving through rulemaking, we were informed that our authority to assess fees was so limited that we could not assess a fee to offset any of the costs. This language would allow fees to be assessed by rule if approved by the Administrative Rules Committee. P2; L20.

Section 21

Clarifying that regardless of the title used (license, registration, permit, privilege, endorsement), those who stopped practicing for five years or more must inform the Board before they resume practice. This allows the Board to assess whether the dentists' skills have deteriorated to the extent that patient safety would be at risk.

Section 22

Confirming that dentists licensed have a streamlined pathway to licensure in North Dakota.

Section 23 (comparable to Section 4 regulating hygienists and assistants)

Allowing those whose license has expired to renew their license for up to one year from expiration. P15; L5-24.

Eliminating ambiguous language that seemed to imply that a license would be revoked by the Board merely due to non-renewal of a license, as opposed to disciplinary reasons. P15; L 10

Section 24 (comparable to Section 7 regulating hygienists and assistants)

Aligning the statute with the North Dakota Human Rights Act and the Americans with Disabilities Act. Clarifies that substance use and mental health conditions of a hygienist or assistant do not automatically become grounds for possible disciplinary action, but only if those conditions materially limit competency. P16; L10-14.

Clarifying grounds for discipline of a dentist. P17; L6 through P 18; L 19. A key aspect is designed to strengthen laws related to a common consumer concern about delays in obtaining their patient files. P17; L 20-29.

Section 25

Requiring licensees to make the Board aware of any arrests or criminal charges so it can monitor any circumstances that could impact patient safety.

Section 26

Allowing the Board to more efficiently and thoroughly investigate complaints into allegations against dental professionals. P19; L 22.

Allowing an Administrative Law Judge to award costs in circumstances where the investigation was unnecessarily prolonged or costly. P 20; L 13-23.

Section 27

In dire circumstances where patient safety is at imminent risk, the existing statute allows the Board to suspend a license before holding a hearing. A great deal of proof and due process is in place to ensure the Board uses that authority carefully. The existing language contains several ambiguities that these revisions seek to clarify—without changing the application of the law.

III. Conclusion

In conclusion, the Board anticipates that passage of this Bill will have a positive impact on workforce and the Board's operational efficiencies, while not risking patient safety or reducing the quality of care.

Dental offices will benefit because they will be able to hire licensed professionals more readily.

Dentists will benefit by being able to confidentially access a professional health care program, thus increasing the likelihood they will remain healthy, and their small businesses will remain in operation.

Patients will benefit because these changes are being proposed in ways that continue to ensure patient safety, and they will be able to more readily access care and more timely obtain their dental records.

All dental professionals and patients will benefit from the administrative changes that are expected to increase Board efficiencies—allowing the Board to more effectively serve the public and the dental community.

The Board greatly appreciates your time and consideration of these proposed changes, and welcomes any questions. Thank you.

Prepared and Presented by:

David Schaibley

Executive Director of the North Dakota State Board of Dental Examiners

david@nddentalboard.org; 701-258-8600



Healthy Smiles BY TEMPS LLC

smooth & seamless dental staffing
transforming your crisis into a peaceful opportunity

Testimony regarding Bill SB 2217

My name is Amy Secker, and I am the owner of a staffing agency for the dental profession. Over the years, I have witnessed the extensive time commitment that is for qualified dental professions to obtain their licensure in North Dakota after moving from another state where they practice. This time lag has taken two individuals up to one year to have their license in entirety. I recognize this time lag is somewhat their responsibility, but the current system is rather challenging to work with, requiring professionals to start their application process over if they are still waiting on documents or letters of recommendation and don't meet a time-sensitive deadline. **Ultimately, I am in support of SB 2217 because it promises to streamline the process for the qualified professionals attempting to gain licensure in North Dakota.** Additionally, allowing late renewals honors the time needed for some to process whether they are content in retirement or if they would prefer to maintain their license for a slow step toward retirement. Below, are listed several aspects and what the changes will do for our dental professionals in North Dakota, along with my response in italics:

- Section 9: Allows dental hygienists to administer local anesthetic to those under 18. *Many dental professionals will not take advantage of this, but for those that it benefits, it will make a big difference in how their day flows. Dental hygienists are frequently providing anesthetic for the doctor's restorative patients, and allowing them to provide it for all ages will be very helpful and is within their expertise.*
- Section 17: Provides language that will allow us to draft rules to allow licensees who are physically or mentally impaired, or impaired by substance use, to seek confidential health care and treatment through a Professional Health Program. Physicians, Nurses, and other similar professionals have access to such programs. Allowing dentists to access them will increase the likelihood that more of our licensees will seek out help and remain practice to safely serve their patients—thereby keeping their dental office in place and employing their staff. *Mental health has many limitations in seeking care; let's not allow this to be one of the limiting factors!*

Healthy Smiles by Temps, LLC
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Testimony regarding Bill SB 2217

- Sections 4 and 20: Extends the late-renewal period by allowing those who change their mind about leaving the dental field a full year to renew their license. *Our dental field is losing many professionals to retirement or change of careers, including those who choose to stay home with their children. If they are given an opportunity to renew late, it may prompt some to return to their field or maintain their license, even if just to provide a few days per month of work. The profession will benefit by easing their decision and allowing them to change their mind. We are experiencing a great shortage of dental professionals, so limiting the professional attrition will be a great benefit.*
- Section 22: Clarifies the Board's authority to create a streamlined pathway to licensure for those who hold licenses issued by other states. *As I stated in the opening of this testimony, this is ultimately the biggest change that I see with this bill. I urge you to pass these changes to protect our dental profession!*

Kind regards to you as you make decisions on our behalf. Thank you for all you do!

Amy Secker, RDH BS

Healthy Smiles by Temps, LLC owner

Healthy Smiles by Temps, LLC
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2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2217
2/20/2025

Relating to the licensing and practice of dental hygienists and dentists, and the board of dental examiners.

9:19 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Volunteer Licensing

9:25 a.m. Senator Axtman moved to adopt amendment LC#25.0568.05002.

9:25 a.m. Senator Boschee seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion passed 5-0-0.

9:28 a.m. Senator Axtman moved Do Pass as amended.

9:28 a.m. Senator Boschee seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion passed 5-0-0.

Senator Axtman will carry the bill.

9:28 p.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2217

Introduced by

Senator Cleary

1 A BILL for an Act to create and enact a new section to chapter 43-20 and a new section to
2 chapter 43-28 of the North Dakota Century Code, relating to volunteer licenses; and to amend
3 and reenact sections 43-20-01.1, 43-20-01.2, 43-20-01.3, 43-20-01.4, 43-20-03, 43-20-05,
4 43-20-12, 43-20-12.3, 43-20-13, 43-20-13.1, and 43-20-13.2, subsection 6 of section 43-28-02,
5 section 43-28-03, subsection 5 of section 43-28-04, sections 43-28-05, 43-28-06, 43-28-08,
6 43-28-11, 43-28-13, 43-28-15, 43-28-16.2, and 43-28-18, subsection 1 of section 43-28-18.1,
7 and sections 43-28-18.2 and 43-28-18.3 of the North Dakota Century Code, relating to the
8 licensing and practice of dental hygienists and dentists, and the board of dental examiners.

9 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

10 **SECTION 1. AMENDMENT.** Section 43-20-01.1 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **43-20-01.1. Definitions.**

13 As used in this chapter and chapter 43-28, unless the context otherwise requires:

- 14 1. "Dental anesthesia assistant" means an individual authorized to perform anesthesia-
15 related duties under the supervision of a dentist established by rule and does not
16 include individuals issued a permit by the board for the application of local anesthetic,
17 such as block or infiltration anesthesia.
- 18 2. "Dental assistant" means an individual who provides dental assistance under the
19 supervision of a dentist and within the scope of practice established by rule and
20 section 43-20-13.

2.3. "Dental hygienist" means an individual licensed to practice dental hygiene.

3.4. "Qualified dental assistant" means an individual registered as a qualified dental assistant to provide dental assistance as established by rule.

5. "Qualified dental assistant limited radiology registrant" means an individual registered with the board as a qualified dental assistant registered with the board limited radiology registrant who may carry out dental assisting duties, including taking radiographs, under the supervision of a dentist as established by rule.

4.6. "Registered dental assistant" means an individual registered as a registered dental assistant to provide dental assistance as established by rule.

SECTION 2. AMENDMENT. Section 43-20-01.2 of the North Dakota Century Code is amended and reenacted as follows:

43-20-01.2. Dental hygienist licensing.

1. An individual seeking a license, registration, permit, credential, or endorsement related to the practice of dental hygiene in this state shall apply to the executive director of the board on forms prescribed by the board.

2. The application must be verified:

a. Be verified under oath to the effect that all of the statements contained in the application are true to the applicant's own knowledge, and must be received by the executive director of the board at least thirty days before the board meeting at which the application is considered. The applicant shall enclose with the application;

b. Contain a recent autographed picture of the applicant; and an

c. Include the application fee established by the board by rule.

3. The board may, by rule, create or modify fees associated with any license, registration, permit, credential, or endorsement. A fee created or modified under this section is not a new fee for purposes of subsection 7 of section 54-35-27.

4. The board may grant a license to practice dental hygiene to an applicant who has met all of the following requirements:

1. a. The applicant is a graduate of a dental hygiene school accredited by the American dental association's commission on dental accreditation.

- 1 2. b. The applicant has passed an examination administered by the joint commission
- 2 on national dental examinations.
- 3 3. c. The applicant has passed a clinical competency examination administered by a
- 4 regional dental testing service or a licensing jurisdiction approved by the board by
- 5 rule.
- 6 4. d. The applicant has passed, within one year of making application, a written
- 7 examination on the laws and rules governing the practice of dentistry in this state.
- 8 5. e. Grounds for denial of the application under section 43-20-05 do not exist.
- 9 6. f. The applicant has met any requirement for licensure established by the board by
- 10 rule.

11 **SECTION 3. AMENDMENT.** Section 43-20-01.3 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **43-20-01.3. Licensure by credential review.**

14 Applications for licensure to practice dental hygiene by credential review must be made on
15 forms provided by the board ~~and submitted thirty days before the examination administered by~~
16 ~~the board.~~ The board may issue a license and certificate of registration to practice dental
17 hygiene to an applicant who meets all of the following requirements:

- 18 1. The applicant, for at least three years immediately preceding application, has been
- 19 licensed in good standing and has been actively practicing dental hygiene in another
- 20 jurisdiction where the requirements are at least substantially equivalent to those of this
- 21 state.
- 22 2. Grounds for denial of the application under section 43-20-05 do not exist.
- 23 3. The applicant has paid to the board the fee established by the board by rule.
- 24 4. The applicant has delivered to the board a certificate from the examining or licensing
- 25 board of every jurisdiction in which the individual is licensed to practice, certifying that
- 26 the individual is a licensed and registered dental hygienist in good standing in that
- 27 jurisdiction.
- 28 5. The applicant has passed a written examination on the laws and rules governing the
- 29 practice of dentistry in this state administered by the board at a meeting.
- 30 6. The applicant has met any requirement for licensure established by the board by rule.

SECTION 4. AMENDMENT. Section 43-20-01.4 of the North Dakota Century Code is amended and reenacted as follows:

43-20-01.4. License renewal - Audit.

1. Dental hygienist licenses expire on December thirty-first of every odd-numbered year.
2. Licenses may be renewed by December thirty-first of the odd-numbered year by submitting a renewal application, a renewal fee established by the board by rule, and proof of completion of the continuing education requirements established by the board by rule, provided ~~the dental hygienist's license is not revoked or~~ grounds for denial under section 43-20-05 do not exist as determined by the board.
3. If the renewal application, renewal fee, and proof of completion of continuing education are not received by December thirty-first of the odd-numbered year, the license expires and the ~~dental hygienist~~individual may not practice dental hygiene.
4. Within sixty days after December thirty-first of the odd-numbered year, an expired license may be renewed ~~by submitting~~if the individual submits the renewal application, renewal fee, proof of completion of continuing education, and a late fee established by the board by rule.
5. Between sixty-one days and one year after December thirty-first of the odd-numbered year, an expired license may be renewed if the individual submits a renewal application, pays the renewal fee, pays an amount equal to twice the late renewal fee, and submits other documentation sought by the board confirming the individual retains the skills necessary to practice.
6. If the renewal application, renewal fee, proof of completion of continuing education, and late fee are not received within ~~sixty days~~one year after December thirty-first of the odd-numbered year, the license may not be renewed, and the ~~dental hygienist~~individual must apply for and meet the requirements for licensure to be granted a license.
- 6.7. The board may extend the renewal deadlines for a ~~dental hygienist~~an individual providing proof of medical or other hardship rendering the ~~dental hygienist~~individual unable to meet the deadline.
- 7.8. The board may audit continuing education credits. Each licensee shall maintain certificates or records of continuing education activities for three years. Upon receiving

notice of an audit from the board, a licensee shall provide satisfactory documentation of attendance at, or participation in, the continuing education activities listed on the licensee's continuing education form. Failure to comply with the audit is grounds for nonrenewal of or disciplinary action against the license.

SECTION 5. A new section to chapter 43-20 of the North Dakota Century Code is created and enacted as follows:

Volunteer license.

The board may establish rules governing the issuance of a volunteer license to practice dental hygiene to an individual previously licensed in this state or an individual who holds a license, in good standing, to practice dental hygiene issued by another state.

SECTION 6. AMENDMENT. Section 43-20-03 of the North Dakota Century Code is amended and reenacted as follows:

43-20-03. Dental hygienists - Practice by.

1. As used in this chapter, "dental hygiene" and the practice thereof means the removal of accumulated matter from the natural and restored surfaces of teeth and from restorations in the human mouth, the polishing of such surfaces, and the topical application of drugs to the surface tissues of the mouth and to the surface of teeth if ~~such acts are performed under the direct, indirect, or general supervision of a licensed dentist. General supervision may be used if the procedures are authorized in advance by the supervising dentist, except procedures which may only be used under direct~~ supervision as established by the board by rule.

2. Only a person licensed as a dental hygienist may be referred to as a dental hygienist.
Additional

3. The board may outline by rule additional tasks permitted to be performed by licensed dental hygienists ~~may be outlined by the board of dental examiners by appropriate~~ rules.

SECTION 7. AMENDMENT. Section 43-20-05 of the North Dakota Century Code is amended and reenacted as follows:

43-20-05. Licenses and registrations - Denial and discipline.

1. The board may deny an application for or take disciplinary action against a dental hygienist's license or a registered or qualified dental assistant's registration, upon any one or more of the following grounds:

~~1-~~ a. Gross immorality or unprofessional conduct, which includes knowingly failing to comply with commonly accepted national infection control guidelines and standards.

~~2-~~ b. Failure, neglect, or refusal to renew a license biennially.

~~3-~~ c. Nonobservance or violation of this chapter, or of any board rule adopted under this chapter.

~~4-~~ d. Gross incompetency in the practice of dental hygiene.

~~5-~~ e. Conviction of an offense determined by the board to have a direct bearing on the individual's ability to serve the public as a dental hygienist or a registered or qualified dental assistant, or the board determines, following conviction for any offense, that the individual is not sufficiently rehabilitated under section 12.1-33-02.1.

~~6-~~ f. Been adjudged mentally ill and not judicially restored by the regularly constituted authorities, or having a physical or mental disability materially affecting the ability to carry out the duties within the scope of practice in a competent manner.

~~7-~~ Abused, is dependent on, or addicted to the

g. The use of alcohol or drugs to such a degree as to interfere with the licensee's ability to safely perform the duties within the scope of practice for dental hygiene or dental assisting.

~~8-~~ h. Engaged in fraud or deceit in obtaining a dental hygiene license or dental assisting registration.

~~9-~~ i. Disclosed confidential information.

~~10-~~ j. Received a fee for the referral of patients to a dentist or dental hygienist.

~~11-~~ k. Used unethical measures to draw dental patronage from the practice of another licensee.

~~12-~~ l. Fraudulently prescribed or dispensed drugs or medications.

- 1 ~~13.~~ m. Knowingly submitted misleading, deceptive, untrue, or fraudulent information on
2 a claim form, bill, or statement to a third party.
- 3 ~~14.~~ n. Advised or directed patients to dental laboratories or dental laboratory
4 technicians for a dental service or advised or directed patients to deal directly
5 with laboratories or dental laboratory technicians.
- 6 ~~15.~~ o. Violated the code of ethics adopted by the board by rule.
- 7 ~~16.~~ p. Had a registration or license suspended, revoked, or disciplined in another
8 jurisdiction.
- 9 ~~17.~~ q. Failed to report to the board in writing within sixty days a violation of this chapter
10 or chapter 43-28.
- 11 ~~18.~~ r. Practiced outside the scope of practice established by the board by rules and this
12 chapter.
- 13 s. Failed to fully and completely cooperate in any investigation initiated by the
14 board, including the failure to promptly provide any information legally sought by
15 the board, its investigative panel, its investigators, or its authorized agents.
- 16 t. Noncompliance with the terms of a program contracted for under section
17 43-28-06.
- 18 2. The procedure ~~to be followed~~ for taking disciplinary action under this section must be
19 the same as ~~the procedure~~ required by section 43-28-18.2.

20 **SECTION 8. AMENDMENT.** Section 43-20-12 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-20-12. Dental hygienist - Scope of permitted practice.**

23 A licensed dentist may delegate to a competent dental hygienist those procedures over
24 which the dentist exercises full responsibility, except those procedures that require professional
25 judgment and skill ~~such as in~~ diagnosis and treatment planning, or the cutting of hard or soft
26 tissue, ~~or any intraoral procedure which would lead to the fabrication of any appliance that,~~
27 ~~when worn by the patient, would come in direct contact with hard or soft tissue and which could~~
28 ~~result in tissue irritation or injury.~~ The board of dental examiners may adopt rules governing the
29 scope of practice of dental hygienists.

30 **SECTION 9. AMENDMENT.** Section 43-20-12.3 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **43-20-12.3. Supervised administration of ~~anesthesia~~local anesthetic - Board rules.**

2 A licensed dentist may delegate to a dental hygienist licensed by the board the
3 administration of block and infiltration anesthesia to a patient ~~who is at least eighteen years old.~~
4 The dental hygienist administering local anesthetic under this section must be under the direct
5 supervision of a dentist, as established by rule, and the dental hygienist must complete the
6 educational requirements as required by the commission on dental accreditation and approved
7 by the board. The board shall adopt rules to implement this section.

8 **SECTION 10. AMENDMENT.** Section 43-20-13 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-20-13. Dental assistant - Scope of permitted practice.**

11 A dental assistant is an auxiliary to the practice of dentistry. To the extent applicable and to
12 the extent they are not inconsistent with this chapter, the requirements and rules adopted by the
13 board of dental examiners under chapter 43-28 apply to the practice of dental assistants. A
14 dentist may delegate to a dental assistant who is under that dentist's ~~direct, indirect, or general~~
15 supervision procedures over which the dentist exercises full responsibility as provided by rules
16 adopted by the board ~~of dental examiners.~~

17 **SECTION 11. AMENDMENT.** Section 43-20-13.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **43-20-13.1. Registration renewal - Continuing education audit.**

- 20 1. All ~~registrations of registered and qualified dental assistants~~assistant registrations,
21 including any permits, credentials, or endorsements issued by the board, expire on
22 December thirty-first of every even-numbered year.
- 23 2. A registration may be renewed by submitting a renewal application, renewal fee
24 established by the board by rule, and proof of completion of the continuing education
25 requirements established by the board by rule, provided the registration is not revoked
26 or grounds for denial under section 43-20-05 do not exist.
- 27 3. If the renewal application, renewal fee, and proof of completion of continuing
28 education are not received by December thirty-first of the even-numbered year, the
29 registration expires and the ~~registered or qualified dental assistant~~individual may not
30 practice as a registered or qualified dental assistant.

4. Within sixty days after December thirty-first of the even-numbered year, an expired registration may be renewed by submitting the renewal application, renewal fee, proof of completion of continuing education, and a late fee established by the board by rule.

5. Between sixty-one days and one year after December thirty-first of the odd-numbered year, an expired license may be renewed if the individual submits a renewal application, pays the renewal fee, pays an amount equal to twice the late renewal fee, and submits other documentation sought by the board confirming the individual retains the skills necessary to practice.

6. If the renewal application, renewal fee, proof of completion of continuing education, and late fee are not received within ~~sixty days~~ one year after December thirty-first of the even-numbered year, the registration may not be renewed, and the ~~registered or qualified dental assistant~~ individual must apply for and meet the requirements for registration to be granted registration.

~~6.7.~~ The board may extend the renewal deadline for a ~~registered or qualified dental assistant~~ an individual providing proof of medical or other hardship rendering the ~~registered or qualified dental assistant~~ individual unable to meet the deadline.

8. The board may audit continuing education credits. Each dental assistant who is required to be registered with the board shall maintain certificates or records of continuing education activities for three years. Upon receiving notice of an audit from the board, a dental assistant shall provide satisfactory documentation of attendance at, or participation in, the continuing education activities listed on the dental assistant's continuing education form. Failure to comply with the audit is grounds for nonrenewal or disciplinary action against the dental assistant.

SECTION 12. AMENDMENT. Section 43-20-13.2 of the North Dakota Century Code is amended and reenacted as follows:

43-20-13.2. ~~Registered and qualified dental assistant registration~~ Registration of dental assistants.

To be registered as a ~~registered or~~ dental assistant, qualified dental assistant, dental anesthesia assistant, qualified dental assistant limited radiology registrant, or for any individual to be issued a permit, credential, or endorsement by the board related to dental assisting, an individual shall apply and meet the requirements established by the board by rule.

1 **SECTION 13. AMENDMENT.** Subsection 6 of section 43-28-02 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 6. To a registered nurse, licensed practical nurse, ~~registered dental hygienist, qualified~~
4 ~~dental assistant, or registered dental assistant~~ who is applying topical fluoride varnish
5 to an individual and is acting under the direct or general supervision of a physician or
6 licensed dentist if the registered nurse, licensed practical nurse, ~~registered dental~~
7 ~~hygienist, qualified dental assistant, or registered dental assistant~~ has successfully
8 completed a training program approved by the board.

9 **SECTION 14. AMENDMENT.** Section 43-28-03 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **43-28-03. State board of dental examiners - Members - Appointment - Terms of office -**
12 **Oath - Vacancies.**

- 13 1. The state board of dental examiners consists of nine members appointed by the
14 governor. The membership of the board must include ~~six~~:
- 15 a. Six dentist members, at least one of whom is a board-eligible or board-certified
16 oral and maxillofacial surgeon; ~~one~~
- 17 b. One dental hygienist member; ~~one~~
- 18 c. One dental assistant member; and ~~one~~
- 19 d. One independent consumer member.
- 20 2. Appointment to the board is for a term of five years, with terms of office arranged so
21 no more than two terms expire on March sixteenth of each year. Each member of the
22 board shall hold office until a successor is appointed and qualified. An individual
23 appointed to the board qualifies by taking the oath required of civil officers.
- 24 3. A member may not serve more than ~~ten years or two~~ full and consecutive 5-year
25 appointed terms of office. An appointment to fill a vacancy occurring for reasons other
26 than the expiration of a term may be made only for the remainder of the unexpired
27 term, and does not constitute a full term or apply to term limits.
- 28 4. If a member of the board is absent from two consecutive regular meetings, the board
29 may declare a vacancy to exist.
- 30 5. All vacancies on the board must be filled by the governor by appointment.

SECTION 15. AMENDMENT. Subsection 5 of section 43-28-04 of the North Dakota Century Code is amended and reenacted as follows:

5. The dental hygienist, dental assistant, and independent consumer member of the board shall exercise full voting privileges in all areas except that the dental hygienist may not participate in the clinical examination of dentists for licensure and the dental assistant and independent consumer member may not participate in the clinical examination of dentists or hygienists for licensure. Each appointee must continue to meet the criteria for appointment for the duration of the appointee's term.

SECTION 16. AMENDMENT. Section 43-28-05 of the North Dakota Century Code is amended and reenacted as follows:

43-28-05. Meeting of board - Officers - Bond - Compensation of members - Quorum.

1. The board shall hold a regular annual meeting at a place designated by the board and special meetings when necessary. ~~At the regular meeting of the board, the members~~The board shall elect from ~~their number a~~ its members:
 - a. ~~A president, a member who has at least two years remaining on that member's term, ;~~
 - b. ~~A president-elect, a member who has at least three years remaining on that member's term, ; and a~~
 - c. ~~A secretary-treasurer. The executive director shall furnish a bond in the amount fixed by the board.~~
2. Each member of the board shall receive as compensation for each day actually engaged in the duties of the office per diem at a rate established by the board and reimbursement for expenses as provided in section 54-06-09 while attending meetings of the board. The executive director may be paid an annual salary in an amount determined by the board. ~~Four members of the board constitute a quorum but a smaller number may adjourn from time to time.~~

SECTION 17. AMENDMENT. Section 43-28-06 of the North Dakota Century Code is amended and reenacted as follows:

43-28-06. Powers of board.

The board may:

1. Adopt and enforce reasonable rules to govern its proceedings and to carry out this chapter.
2. Examine applicants for licenses, or registration to practice dentistry, dental hygiene, or dental assisting in this state, either by direct examination or by accepting the results of national or regional dental testing services in which the board participates or which the board recognizes.
3. Issue, suspend, revoke, limit, cancel, restrict, and reinstate licenses registrations, permits, credentials, or endorsements related to the practice of dentistry, dental assisting, or dental hygiene and the biennial certificates of registration upon any grounds authorized by this chapter or rules adopted by the board.
4. Issue subpoenas to require the attendance of witnesses and the production of documentary evidence and may administer oaths. Any member or executive officer of the board may administer oaths to witnesses, or issue subpoenas, ~~but all subpoenas so issued must be attested by the secretary who shall affix the seal of the board thereto.~~
5. Employ and compensate an executive director, attorneys, investigative staff, and clerical assistants and may perform any other duties imposed upon the board by this chapter.
6. Establish minimum continuing professional education requirements for dentists, dental hygienists, and dental assistants.
7. Enter an agreement with the same professional organization with which the North Dakota board of medicine has entered an agreement under subsection 6 of section 43-17-07.1 and adopt rules to establish an alternative to discipline program through that contract. Records of an alternative to discipline program, including the identity of a licensee participating in the alternative to discipline program, are exempt records under section 44-04-17.1. Records of an alternative to discipline program may be disclosed by the board if the board determines disclosure of the records is necessary to protect health, safety, and welfare of the public, if ordered by a court of competent jurisdiction, or if otherwise determined by the board. Fees assessed by rule for this program are not new fees as contemplated by subsection 7 of section 54-35-27.

- 1 8. Impose fines, not to exceed five thousand dollars for each violation of section
2 43-28-18.2. All fines collected by the board must be deposited in the general fund.

3 **SECTION 18. AMENDMENT.** Section 43-28-08 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **43-28-08. Records of board - Use as evidence.**

6 The board shall keep full and complete minutes of its proceedings and of its receipts and
7 disbursements and a full and accurate list of all persons licensed and registered by it. The
8 ~~records of the board, together with the list of all licensed and registered dentists, are public~~
9 ~~records and must be open to public inspection at all reasonable times. Such records, or a~~
10 ~~transcript of the same or any part thereof, under the seal of the board, duly certified by its~~
11 ~~secretary treasurer, are competent evidence of the facts therein stated. A certificate of the~~
12 ~~secretary treasurer under the seal of the board stating that any person is or is not a duly~~
13 ~~licensed and registered dentist is prima facie evidence of such fact~~ the board, and shall maintain
14 all records in full compliance with chapter 44-04.

15 **SECTION 19.** A new section to chapter 43-28 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Volunteer license.**

18 The board may establish rules governing the issuance of a volunteer license to practice
19 dentistry to an individual previously licensed in this state or an individual who holds a license, in
20 good standing, to practice dentistry issued by another state.

21 **SECTION 20. AMENDMENT.** Section 43-28-11 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **43-28-11. Application - Fees.**

- 24 1. An individual seeking to practice dentistry in this state shall apply to the executive
25 director of the board on forms prescribed by the board a license, registration, permit,
26 credential, or endorsement related to the practice of dentistry, shall apply to the
27 executive director on forms prescribed by the board.
- 28 2. The application must be verified:
- 29 a. Be verified ~~under oath to the effect that all of the statements contained in the~~
30 ~~application are true~~ to the applicant's own knowledge, and must be received by

~~the executive director of the board at least thirty days before the board meeting at which it is considered. The applicant shall enclose with the application ;~~

~~b. Contain a recent autographed picture of the applicant; and an~~

~~c. Include the application fee as determined established by the board by rule.~~

~~3. The board may, by rule, create or modify fees associated with any license, registration, permit, credential, or renewal. A fee created or modified under this section is not a new fee for purposes of subsection 7 of section 54-35-27.~~

SECTION 21. AMENDMENT. Section 43-28-13 of the North Dakota Century Code is amended and reenacted as follows:

43-28-13. When re-examination required.

~~Any dentist~~An individual who does not undertake the actual practice of dentistry within five years from the date of the ~~dentist's~~individual's license and registration, ~~or any holder of any privilege related to the practice of dentistry~~ shall, before engaging in the practice of dentistry in this state, notify the board of the intention in writing. The board, after a full investigation, may re-examine the ~~dentist~~individual as to the ~~dentist's~~individual's qualifications to practice dentistry in this state, if the board deems such re-examination necessary. The failure of the ~~dentist~~individual to give the written notice to the board before engaging in the practice of dentistry in this state is grounds for disciplinary action.

SECTION 22. AMENDMENT. Section 43-28-15 of the North Dakota Century Code is amended and reenacted as follows:

43-28-15. Licensure by credential review.

~~1. The board may issue a license and certificate of registration to practice dentistry in this state to an applicant who meets all of the following requirements:~~

~~1. a.~~ a. The applicant, for at least five years immediately preceding application, has been licensed in good standing and has been actively practicing dentistry in another jurisdiction where the requirements are at least substantially equivalent to those of this state;

~~2. b.~~ b. Grounds for denial of the application under section 43-28-18 do not exist;

~~3. c.~~ c. The applicant pays to the board the fee determined by the board by rule;

~~4. d.~~ d. The applicant delivers to the board a certificate from the examining or licensing board of every jurisdiction in which the individual is practicing or is licensed to

practice, certifying that the individual is a licensed and registered dentist in good standing in that jurisdiction;

5. e. The applicant passes a written examination on the laws and rules governing the practice of dentistry in this state administered by the board at a meeting.

6. f. The applicant meets any requirement for licensure established by the board by rule.

2. The board may issue a license and certificate of registration to practice dentistry in this state to an applicant who is in good standing under the laws of another jurisdiction, has passed a hand skills examination approved by the board, and possesses qualifications, education, and experience substantially similar to the requirements in subsection 1.

SECTION 23. AMENDMENT. Section 43-28-16.2 of the North Dakota Century Code is amended and reenacted as follows:

43-28-16.2. License renewals.

1. Licenses expire on December thirty-first of every odd-numbered year.

2. Licenses may be renewed by December thirty-first of the odd-numbered year by submitting a renewal application, a renewal fee established by the board by rule, and proof of completion of the continuing education requirements established by the board by rule, provided ~~the dentist's license is not revoked or~~ grounds for denial under section 43-28-18 do not exist as determined by the board.

3. If the renewal application, renewal fee, and proof of completion of continuing education are not received by December thirty-first of the odd-numbered year, the license expires and the ~~dentist~~individual may not practice dentistry.

4. Within sixty days after December thirty-first of the odd-numbered year, an expired license may be renewed by submitting the renewal application, renewal fee, proof of completion of continuing education, and a late fee established by the board by rule.

5. Between sixty-one days and one year after December thirty-first of the odd-numbered year, an expired license may be renewed if the individual submits a renewal application, pays the renewal fee, pays an amount equal to twice the late renewal fee, and submits other documentation sought by the board confirming the individual retains the skills necessary to practice.

6. If the renewal application, renewal fee, proof of completion of continuing education, and late fee are not received within ~~sixty days~~one year after December thirty-first of the odd-numbered year, the license may not be renewed, and the ~~dentist~~individual must apply for and meet the requirements for licensure to be granted a license.

~~6.7.~~ The board may extend the renewal deadlines for a ~~dentist~~an individual providing proof of medical or other hardship rendering the ~~dentist~~individual unable to meet the deadline.

SECTION 24. AMENDMENT. Section 43-28-18 of the North Dakota Century Code is amended and reenacted as follows:

43-28-18. Grounds for denial of or disciplinary action against license and certificate.

The board may deny an application or take disciplinary action against the license and the certificate of registration of any applicant or dentist who has:

1. Engaged in dishonorable, unprofessional, or immoral conduct.
2. Been convicted of an offense determined by the board to have a direct bearing upon the individual's ability to serve the public as a dentist, or the board determines, following conviction for any offense, that the individual is not sufficiently rehabilitated under section 12.1-33-02.1.
3. Been adjudged mentally ill and not judicially restored by the regularly constituted authorities or have a physical or mental disability materially affecting the ability to carry out the duties within the scope of practice in a competent manner.
4. ~~Abused, is dependent on, or addicted to the use of~~Used alcohol or drugs to such a degree as to interfere with the licensee's ability to safely perform the duties within the scope of practice for dentistry.
5. Employed or permitted an unlicensed individual to practice dentistry in the office under the dentist's control.
6. Been grossly negligent in the practice of dentistry.
7. Engaged in fraud or deceit in obtaining the license or in the practice of dentistry.
8. Disclosed confidential information.
9. Shared any professional fee with anyone or paid anyone for sending or referring patients to the dentist. However, this does not prohibit dentists from practicing in a

- 1 partnership and sharing one another's professional fees, nor prohibit a dentist from
- 2 employing any other dentist or dental hygienist.
- 3 10. Used any advertising of any character tending to mislead and deceive the public,
- 4 including advertising the public could reasonably interpret as indicating the dentist is
- 5 qualified to practice a dental specialty, if the practice of that dental specialty would be
- 6 outside the scope of practice for which the dentist is qualified to practice.
- 7 11. Failed to meet minimum standards of professional competence.
- 8 12. Prescribed, administered, or dispensed medications for reasons or conditions outside
- 9 the scope of dental practice.
- 10 13. Fraudulently, carelessly, negligently, or inappropriately prescribed drugs or
- 11 medications.
- 12 14. Directed others to perform acts or provide dental services for which they were not
- 13 licensed or qualified or were prohibited by law or rule from performing or providing.
- 14 15. Submitted fraudulent insurance claims.
- 15 16. Made any false, fraudulent, deceptive, or untrue statements in connection with the
- 16 practice of dentistry, or in an application for an examination to obtain a license to
- 17 practice dentistry.
- 18 17. Made any false representations that the individual is the holder of a license or
- 19 certificate of registration to practice dentistry.
- 20 18. Made any false claims that the individual is a graduate of a dental college or the holder
- 21 of any diploma or degree from a dental college.
- 22 19. Failed to comply with commonly accepted national infection control guidelines and
- 23 standards.
- 24 20. Abandoned the dentist's practice in violation of rules adopted by the board.
- 25 21. Failed to report to the board as required under section 43-28-18.1.
- 26 22. Failed to practice within the scope of that dentist's education or advanced training as
- 27 recognized by the board, the American dental association, or other professional entity
- 28 recognized by the board.
- 29 23. Failed to release, within a reasonable time, copies of dental or medical records
- 30 requested by a patient of record or violated section 23-12-14, or failure to provide a
- 31 complying written statement to a patient, the board, or other requester. Dental records

1 may include any document, charting, study models, doctor's notations, billing
2 information, insurance document or combination of documents that pertains to a
3 patient's medical history, diagnosis, prognosis, or medical condition, which is
4 generated and maintained in the process of the patient's dental health care treatment.

5 Within ten days after receipt of request, a dentist who fails to release patient records
6 shall provide a written statement, detailing the cause of delay and an estimation of
7 when records will be produced, to the patient or requester.

8 24. Advised or directed patients to dental laboratories or dental laboratory technicians for
9 any dental service or advised or directed patients to deal directly with laboratories or
10 dental laboratory technicians without first having furnished the dental laboratory or
11 dental laboratory technician a written prescription.

12 25. Worked or cooperated with dental laboratories that advertise for public patronage by
13 delegating work to such laboratories in return for the referral of laboratory patrons for
14 professional services.

15 26. Used the services of a person or entity not licensed to practice dentistry in this state,
16 or constructed, altered, repaired, or duplicated a denture, plate, partial plate, bridge,
17 splint, or orthodontic or prosthetic appliance, except as provided by rule adopted by
18 the board.

19 27. Violated the code of ethics adopted by the board by rule.

20 28. Violated this chapter or rules adopted by the board.

21 29. Had the applicant's or dentist's license suspended, revoked, or disciplined in another
22 jurisdiction.

23 30. Maintained a lack of appropriate documentation in dental records for diagnosis,
24 testing, or treatment of patients.

25 31. Failed to fully and completely cooperate in an investigation by the board, including
26 failure to promptly provide legally sought information to the board or any investigative
27 panel, investigator, or authorized agent of the board.

28 32. Failed to comply with the terms of a program contracted for under section 43-28-06.

29 **SECTION 25. AMENDMENT.** Subsection 1 of section 43-28-18.1 of the North Dakota
30 Century Code is amended and reenacted as follows:

1. A dentist shall report to the board in writing within sixty days of the event any illegal, unethical, or errant behavior or conduct of the dentist, including the following events, proceedings, or formal or informal actions:
 - a. A dental malpractice judgment or malpractice settlement or a final judgment by a court in favor of any party and against the licensee.
 - b. A final disposition regarding the surrender of a license, or adverse action taken against a license by a licensing agency in another state, territory, or country; a governmental agency; a law enforcement agency; or a court for an act or conduct that would constitute grounds for discipline under this chapter.
 - c. A mortality or other incident occurring in an outpatient facility of the dentist which results in temporary or permanent physical or mental injury requiring hospitalization of the patient during or as a direct result of a dental procedure or related use of general anesthesia, deep sedation, conscious sedation with a parenteral drug, or enteral sedation.
 - d. An arrest by a law enforcement officer or criminal charges filed by a prosecutor.

SECTION 26. AMENDMENT. Section 43-28-18.2 of the North Dakota Century Code is amended and reenacted as follows:

43-28-18.2. Disciplinary procedure.

1. A person may file a written and signed complaint with the board alleging a dentist engaged in conduct identified as grounds for disciplinary action under section 43-28-18. The board may also initiate a complaint and investigation on the board's motion.
2. The board may direct a complaint committee to investigate a complaint and recommend whether the board should initiate a disciplinary action against the dentist.
3. The board or complaint committee shall notify the dentist of the complaint, and require a written response from the dentist. The board or complaint committee may examine and copy records, including patient records, examine witnesses, obtain expert opinions, require the dentist to be physically or mentally examined, or both, by qualified professionals selected by the board, and take any other action necessary to investigate the complaint. A request by the board or complaint committee is authorized provides sufficient authorization to disclose patient information and records

to the board or complaint committee. Patient information and records disclosed to the board or complaint committee are confidential. The dentist shall cooperate with the board or the complaint committee in the investigation, including responding promptly, truthfully, and completely to a request or requirement.

4. The complaint, response, and any record received by the board ~~in investigating~~ during the investigation of a complaint or other allegation are exempt records, as defined in section 44-04-17.1, until the board determines to proceed with a disciplinary action.

5. The board shall determine if there is a reasonable basis to believe the dentist engaged in conduct identified as grounds for disciplinary action under section 43-28-18. If the board determines there is not a reasonable basis to believe, the board shall notify the complainant and the dentist. If the board determines there is a reasonable basis to believe, the board shall proceed with a disciplinary action in accordance with chapter 28-32.

6. The board, at any time, may offer or accept a proposal for informal resolution of the complaint or disciplinary action.

7. The board may impose a fee on the dentist for all or part of the costs of an investigation or action resulting in discipline, including administrative costs, investigation costs, attorney's fees, witness fees, the cost of the office of administrative hearings' services, and court costs.

8. In any agreement, order, or decision arising out of any disciplinary investigation or action undertaken by the board, the board may direct the licensee or registrant to pay the board a sum not to exceed the reasonable and actual costs, including reasonable attorneys fees incurred by the board or investigative panels of the board in the investigation or prosecution. The board may suspend a license or registration until costs are paid to the board. Within thirty days of the issuance of an agreement, order, or decision, a licensee or registrant may challenge the reasonableness of any cost item by requesting a hearing under chapter 28-32. An administrative law judge may approve, deny, or modify any cost item, and the determination of the judge is final. The hearing must occur before the license or registration may be suspended for nonpayment.

SECTION 27. AMENDMENT. Section 43-28-18.3 of the North Dakota Century Code is amended and reenacted as follows:

43-28-18.3. Temporary suspension - Appeal.

1. When, based on verified evidence, the board determines by a clear and convincing standard that the evidence presented to the board indicates that the continued practice by the dentist would create a significant risk of serious and ongoing harm to the public while a disciplinary proceeding is pending, and that immediate suspension of the dentist's license is required to reasonably protect the public from that risk of harm, the board may order a temporary suspension ex parte. For purposes of this section, "verified evidence" means testimony taken under oath and based on personal knowledge. The board shall give prompt written notice to the dentist of the ex parte temporary suspension ~~to the dentist~~, which must include a copy of the order and complaint, the date set for a full hearing on the merits of the evidence that resulted in the ex parte temporary suspension, and a specific description of the nature of the evidence, including a list of all known witnesses and a description of any documents relied upon by the board in ordering the ex parte temporary suspension which, upon request, must be made available to the dentist.
2. ~~An~~Unless the ex parte temporary suspension is otherwise terminated by the board, an ex parte temporary suspension remains in effect until a final order is issued ~~after following a full hearing or on the merits conducted under chapter 28-32 or following an appeal under this section or until the suspension is otherwise terminated by the board.~~
3. ~~The board shall conduct a full~~ hearing on the merits of the allegations to determine what disciplinary action, if any, must be taken against the dentist who is the subject of the ex parte temporary suspension. ~~That hearing~~ must be held not later than thirty days from the issuance of the ex parte temporary suspension order or as soon as practicable as determined by the hearing officer. The dentist is entitled to a continuance of the thirty-day period upon request for a period determined by the hearing officer.
4. The dentist may appeal the ex parte temporary suspension order before the full hearing. ~~For purposes of appeal,~~ on the merits occurs. The appeal must be filed with

- 1 the district court of Burleigh County. The district court shall decide whether the board
- 2 acted reasonably or arbitrarily when ordering the ex parte temporary suspension. The
- 3 district court shall give priority to the appeal for prompt disposition.
- 4 5. A dental or medical record of a patient, or other document containing personal
- 5 information relating to a patient, ~~which~~ is obtained by the board is confidential.

**REPORT OF STANDING COMMITTEE
SB 2217**

Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS** ([25.0568.05002](#)) and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2217 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2217

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2217
3/18/2025

A BILL for an Act to create and enact a new section to chapter 43-20 and a new section to chapter 43-28 of the North Dakota Century Code, relating to volunteer licenses; and to amend and reenact sections 43-20-01.1, 43-20-01.2, 43-20-01.3, 43-20-01.4, 43-20-03, 43-20-05, 43-20-12, 43-20-12.3, 43-20-13, 43-20-13.1, and 43-20-13.2, subsection 6 of section 43-28-02, section 43-28-03, subsection 5 of section 43-28-04, sections 43-28-05, 43-28-06, 43-28-08, 43-28-11, 43-28-13, 43-28-15, 43-28-16.2, and 43-28-18, subsection 1 of section 43-28-18.1, and sections 43-28-18.2 and 43-28-18.3 of the North Dakota Century Code, relating to the licensing and practice of dental hygienists and dentists, and the board of dental examiners

9:59 a. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, C. Brown, T. Brown, Finley-DeVile, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Discussion Topics:

- Collaborated to update statute
- Adjust fee authority
- Professional health programs
- Board member appointments
- Military exemptions

9:59 a.m. Senator Sean Cleary, District 35, Bismarck, ND, introduced, testified and submitted testimony #42820.

10:03 a.m. David J. Schaibley, Executive Director, ND State Board of Dental Examiners, testified in favor and submitted testimony #42545.

10:41 a.m. Dr. Edward May, Oral Surgeon, Anew Oral Surgery, West Fargo, ND, testified in favor.

10:48 a.m. Tegwyn Brickhouse, Pediatric Dentist, Bismarck ND, testified in favor and submitted testimony #42470.

10:49 a.m. William Sherwin, Executive Director, North Dakota Dental Association, testified in favor.

10:53 a.m. Representative Kasper moved Do Pass.

10:53 a.m. Representative D. Ruby seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Jorin Johnson	Y
Representative Landon Bahl	AB
Representative Collette Brown	Y
Representative Timothy Brown	Y
Representative Lisa Finley-DeVile	Y
Representative Karen Grindberg	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	AB
Representative Dan Ruby	Y
Representative Mike Schatz	AB
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

Motion passed 11-0-3

10:54 a.m. Representative Ostlie will carry the bill.

Additional written testimony:

Kamila Dornfeld, Dentist/Owner, Sincere Smiles, submitted testimony in favor #41479.

Maggie Seamands, Executive Director, North Dakota Professional Health Program (ND PHP), submitted testimony in favor #41500.

Bradley King, Bismarck, ND, submitted testimony in favor #42586.

Jeremy Messer, Owner/Dentist, Messer Dental, submitted testimony in favor #42606.

10:54 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2217 ([25.0568.06000](#))**

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). SB 2217 was placed on the Fourteenth order on the calendar.

Chair Warrey, Vice Chair's Johnson and Ostlie, and honorable members of the Industry Business and Labor Committee,

My name is Kami Dornfeld, I'm a practicing dentist in Williston, ND and the immediate past president of the North Dakota Dental Association. I write in support of SB 2217 and recommend a "do pass" on this bill.

I feel the NDBODE has done their due diligence with the proposed updates to the dental practice act. They were clear, transparent, and welcomed any feedback throughout the process. As a past member of the American Dental Association's Council on Dental Practice and the Dental Wellness Advisory Committee Chair for 2 years, a section that stands out to me, is the update on page 12 lines 13-22 allowing dentists to participate in the Physicians Health Program. This is a huge step in the right direction. After serving as chair of DWAC for the ADA, I heard countless stories of providers receiving successful mental health treatment allowing them to safely continue practicing. This is more important now than ever with the extra stress many of us carry due to the immense workforce shortages our entire state and country are facing.

Some other sections that stand out are the updates to volunteer licenses. As chair for the North Dakota Mission of Mercy I see the value in allowing providers, such as hygienists, to participate in volunteer opportunities within our state. I also would like to commend the NDBODE for their recent updates to the rules that took effect last October. Practicing in western North Dakota has always been challenging to find and hire qualified team members, now more than ever with the current workforce shortages. The recent rule changes have allowed me the ability to train my existing staff to do a little more, this has freed up my time to provide more care for a long list of patients requiring treatment.

Lastly, I would like to thank each of you for your commitment to our great state and thank you from the bottom of my heart for dedicating so much of your time to making ND even better. I humbly ask you to support SB 2217 with a Do Pass.

Respectfully,
Kami Dornfeld DDS

**Industry, Business and Labor Committee
Representative Jonathan Warrey, Chair**

March 18, 2025

SB 2217



Chairperson Warrey and members of the IBL Committee,

My name is Maggie Seamands and I am the Executive Director of the North Dakota Professional Health Program, Inc. (NDPHP). I would like to share with you information about the scope and role of our program as well as information about the prevalence of substance use and mental health disorders for Dentists.

The NDPHP is a 503 (c)(3) with a mission to promote safety and care to improve the health and well-being of healthcare professionals by offering them support. We do this through the facilitation of rehabilitation of those health care providers who have physical or mental conditions that could compromise public safety and help to monitor the professional's recovery journey. Currently, the NDPHP is serving physicians, physician assistants, medical residents, doctors of osteopathy, naturopath, and genetic counselors who are practicing or licensed by the State Board of Medicine. SB 2217 would allow us to extend our services to Dentists and Dental Hygienist as well.

Healthcare professionals in our state are prone to mental health and substance use disorders at the same rate as the general population; 1 in 10. Research by the National Occupational Mortality Surveillance continues to support that suicide rates are higher among Dentist and Medical Doctors than other professions ranking number 1 and 2. Substance use disorders also impact health care providers at the same rate of 10-15% as the general population. With 493 actively licensed dentists and 413 of them working in the state of ND this would represent approximately 41 – 63 Dentist with a potential substance use disorder in our state.

North Dakota Professional Health Program

The NDPHP creates a safe and confidential space for these professionals to seek out assistance for burnout, mental health, or substance use disorders. We do this by working with the professional to evaluate their needs and then help them find resources for treatments and assessments. Once completed the assessments from their treating providers are shared back to the NDPHP who will then help create an individualized monitoring plan. These plans include things such as a mentor, AA/NA self-help meetings, monitoring or workplace oversight, an executive coach, therapy, drug screening and/or breathalyzers. The NDPHP then follows the professional's recovery journey to help ensure accountability. The NDPHP has great success with approximately 80% of the professionals coming into the program voluntarily, rather than being ordered to do so by their licensing board. Seeking assistance or support proactively allows the professional a better opportunity to stay in practice safely while being monitored in the programming.

The professional or licensee is responsible for the cost of the assessment and treatment and in most situations use their private medical insurance to help pay for these costs. The cost of individual treatment is not paid by the Board of Dentistry or the NDPHP. Those who participate in the NDPHP do pay a fee that assists in the cost of program operations. As collaborative efforts continue with the NDPHP and Board of Dentistry, additional funding opportunities through grants are being explored.

In summary, the language in SB2217 will allow for a collaborative partnership between the NDPHP and Board of Dentistry giving licensed individuals by the board an opportunity to confidentially seek out treatment services, advocacy, and assistance with their mental health and substance use disorders.

Thank you for your time and attention to SB 2217.

North Dakota Professional Health Program

Chair Wobbema, Vice Chair Axtman, and honorable members of the Workforce Development Committee,

My name is Tegwyn Brickhouse, I'm a practicing pediatric dentist in Bismarck, ND and serve as the Dental Programs Pathways administrator for Bismarck State College. I am also a member of the North Dakota Dental Association. I write in support of SB2217 and recommend a "do pass" on this bill. I feel the NDBODE has done their due diligence with the proposed updates to the dental practice act. They were clear, transparent, and welcomed any feedback throughout the process. As we work to improve the dental workforce by increasing the numbers of dental assistants and dental hygienists the NDBODE has been responsive by creating pathways to increase training opportunities to meet the needs of the community while keeping our patients safe. The NDBODE's reaction to North Dakota's dental workforce needs has built consensus across provider groups while spending time educating providers on the new October 2024 rule making. This process has been welcoming, transparent, and continually open to feedback. The recent rule changes have allowed BSC to begin the process of creating an accessible dental assistant education program that will increase the number of qualified dental assistants that can support the need of dentists and patients in the community. The NDBODE has been open to providing feedback and review of the curriculum to ensure access and safety for dental professionals and the patients and communities we serve.

As member of the American Dental Association's Council on Scientific Affairs, a section that stands out to me, is the update on page 12 lines 13-22 allowing dentists to participate in the Physicians Health Program. This is a huge step in the right direction. As a dental practitioner and educator for the past 22 years, I have heard countless stories of providers receiving successful mental health treatment allowing them to safely continue practicing. This is more important now than ever with the extra stress many of us carry due to the immense workforce shortages of dental assistants and dental hygienists our entire state and country are facing.

Lastly, I would like to thank each of you for your commitment to our great state and thank you for your service and dedication to making ND even better. I ask you to support SB2217 with a Do Pass

Sincerely,

Tegwyn H. Brickhouse DDS PhD



North Dakota State Board of Dental Examiners

PO Box 7246, Bismarck, ND 58507-7246 • info@noddentalboard.org • 701.258.8600 • <https://www.noddentalboard.org>

House Industry, Business, and Labor Committee

March 18, 2025: 10:00 am

State Capitol; Room 327C

Testimony of the North Dakota State Board of Dental Examiners

In Support of SB 2217

I. Introduction and Background

Chairman Warrey and members of the House Industry, Business, and Labor Committee, my name is David Schaibley—Executive Director of the North Dakota State Board of Dental Examiners. I am here today providing the Dental Board’s testimony on SB 2217. Through this Bill, which the Board put together with input from many stakeholders and the valuable support and sponsorship of Senator Cleary, the Board proposes changes to North Dakota Century Code chapters 43-20 and 43-28—the statutes related to the practice of dentistry.

As with nearly all professions and sectors of the economy, dental offices are struggling to find enough employees. This places a great deal of stress on their small businesses, their staff, and on patients—who experience longer wait times for appointments. Board members feel the impact of these constraints on a daily basis because they own dental offices, and they work as dentists, hygienists, and assistants. They don’t lose sight of that when stepping into their role on the Board—where they are obligated to regulate dentistry in ways that assure safe, quality dental care.

Board members also recognize that over the last several sessions, legislators have directed all licensing boards to thoroughly assess their laws to determine if any statutes or rules might be unnecessarily exacerbating workforce shortages and to ensure the laws are updated and effective.

As a result, even before the 2023 Legislative Session ended the Dental Board began extensive outreach to state associations, our licensees, fellow licensing boards and state agencies, academicians, and others to gather perspectives on our laws. With

that broad input in hand, the Board studied each statute and rule within its authority to assess whether they regulate only as far as necessary, and whether any might be modified or eliminated—while still ensuring safe, quality patient care.

Through that review the Board identified scores of possible changes in both statute and rule. It then promptly initiated rulemaking in early 2024. Examples of those new rules are ones allowing dental assistants to safely carry out substantially more tasks than previously allowed, creating new categories of assistants, and creating new pathways to licensure. Those new rules took effect on October 1, 2024, and had an immediate and very positive impact on workforce and allowed dental offices to treat more patients on a daily basis. A considerable amount of supportive testimony in the record confirms that impact.

During the same time that the Board was engaged in rulemaking, it was also assessing its two chapters of Century Code to determine if changes could be made there. This Bill is the result of that nearly two-year process.

II. Key Changes

My testimony will first highlight what the Board and many others consider to be the most imperative and impactful changes. Those are:

1. Implementing language that will allow the Board to make use of an existing statute related to professional health programs. P12; L17-24.
2. Confirming the Board's power to issue volunteer licenses to retired dentists and hygienists. P5; L5-8 and P13; L10-13.
3. Clarifying a streamlined pathway to licensure for those who hold licenses issued by other states. P15; L1-5.
4. Allowing hygienists to administer local anesthetic to minors. P7; L27-31.
5. Revising conflicting language in the section regulating Board member appointment. P10; L5 through P11; L14.
6. Following state open records law as to the quantity of a quorum. P11; L20-21.

7. Strengthening the language that allows patients to timely receive their dental records, and the ability of the Board to discipline dentists for failure to timely provide the records. P17: L23 through P 18; L3.

With those points highlighted, I am prepared to walk through each section and describe every change the Bill seeks. I recognize, however, that there are scores of changes and you have limited time. So at this point, I'll pause and welcome any questions, and if there are specific sections you would like me to address, I will focus on those areas.

III. Conclusion

In conclusion I will share that the Board anticipates that passage of this Bill will have a positive impact on workforce and on the Board's operational efficiencies, while not risking patient safety or reducing the quality of care. Benefits will include:

- Applicants for licensure will be approved more quickly and having more pathways to the workforce.
- Dental offices will be able to more readily hire licensed professionals.
- Dentists will be able to confidentially participate in a professional health care program, thus increasing the likelihood they will remain healthy, and their small businesses will remain in operation.
- Patients will benefit because these changes are being proposed in ways that continue to ensure patient safety, and patients will experience shorter wait times and be able to obtain their dental records more quickly.
- All dental professionals and patients will benefit from administrative changes that are expected to increase Board efficiencies—allowing the Board to more effectively serve the public and the dental community.

The Board greatly appreciates your time and consideration of these proposed changes, and welcomes any questions. Thank you.

Prepared and Presented by:

David Schaibley

Executive Director of the North Dakota State Board of Dental Examiners

david@noddentalboard.org; 701-258-8600

Greetings Representatives,

I am Dr. Bradley King. I was the founder of Prairie Rose Family Dentists in Bismarck.

I am writing in support of SB 2217. This is a DE-Regulation Bill. The Board has approached this bill with the idea that there are changes that could be made in the state dental practice act to remove unnecessary regulation. This is shown by the fact that the North Dakota Dental Association supports these changes. Therefore I ask a DO PASS for this bill.

Thank you,

Dr. Bradley King

3612 Calypso Dr

Bismarck, ND 58504

bking1@bis.midco.net



JEREMY MESSER, DMD
PAIGE FISKETJON, DDS

March 17, 2025

To House Industry, Business, and Labor Committee,

I am writing in support of Senate Bill 2217,

As many of you may know, the workforce issue, specifically related to dentistry, has been very difficult the last few years. The North Dakota Dental Board has done a wonderful job of doing the best they can to help mitigate this. They have assisted with workforce issues as best as possible, while also ensuring that the safety of the public is always of utmost importance. Updating these Statutes is important. They will help the Board be more efficient and also make some changes that will be beneficial to both the dentist and the public.

We had the privilege of hosting the executive Director of the Board, David Schaibley, at one of our recent Study Clubs here in Williston. He walked us through some current, past, and ongoing board regulations for us to better understand them, which I believe, then really benefits the public. It was refreshing to have such open and honest interaction with someone from the board that allowed many of our members to ask difficult questions they maybe would have never asked in another setting. It was a great experience for us all.

The new rules that took effect October 1, 2024 have been instrumental in allowing us to more efficiently, while also safely, treat patients in our office. They have helped streamline some very important rules that then allow us to help recruit and retain staff. Dental assisting staff in particular have benefited greatly. Many would have had to travel long distances and spend a considerable amount of money to gain the experience and knowledge we can provide them from in-person and online training.

I urge you to continue the positive effects the Board has been doing by helping pass this Bill.

I sincerely appreciate your time Senators,

Jeremy Messer DMD

Chairman Warrey and Members of the House IBL Committee;

SB 2217 is a comprehensive update to North Dakota's dental regulations (Chapters 43-20 and 43-28 of the Century Code) aimed at addressing workforce shortages, improving operational efficiency for the North Dakota State Board of Dental Examiners, and enhancing patient care.

Key goals of the bill include:

1. **Workforce Development:** Expands the scope of practice for dental assistants and hygienists, creating new licensure pathways and allowing hygienists to administer local anesthetic to minors under specific conditions.
2. **Streamlined Licensure and Volunteer Opportunities:** Simplifies the process for out-of-state professionals to obtain licenses and encourages retired professionals to volunteer in charitable work.
3. **Administrative Modernization:** Updates outdated practices, such as allowing applications to be reviewed continuously rather than at scheduled meetings, and aligns board procedures with open meetings and records laws.
4. **Patient Safety and Support:** Strengthens disciplinary protocols while ensuring that substance use and mental health conditions only result in action if they impact competency. It also provides dentists access to confidential health programs.
5. **Fee Authority and Board Efficiency:** Clarifies fee authority to support administrative costs related to new workforce initiatives and permits the board to impose fines when necessary.

The bill is the result of a two-year process of stakeholder engagement and review. The proposed changes are expected to help alleviate workforce pressures, modernize board operations, and improve patient access to quality dental care.

I appreciate your consideration and respectfully ask for a Do Pass recommendation.

Thanks,

Sean