

SD State Board of Dentistry
Board Meeting
Drifters Event Center – Ft. Pierre, SD
Friday October 18, 2024

President Van Dam called the meeting to order at 10:06 a.m. Central.

Board Members Present: Dr. Scott Van Dam, Dr. Brian Prouty, Dr. Nick Renemans, Dr. Harold Doerr, Dr. Jon Schaack, and Zona Hornstra.

Board Members Present via Video/audio Conferencing: Ashley Flynn.

Board Staff Present: Brittany Novotny, Lisa Harsma, and Dusti Palecek.

Board Staff Present via Video/Audio Conferencing: Megan Borchert (General Counsel), Shelly Munson (Prosecutor), Tamara Lee (Department of Health Prosecutor), Dr. Randy Sachau (Investigator), Dr. Dennis Mills (Investigator), and Dr. Orin Ellwein (Investigator).

Presenters Attending via Video/Audio Conferencing: Amanda McKnelly (Midwest Health Management Services/ HPAP), Marsha Jensen (Southeast Technical College), Rachael Burchell (Western Dakota Technical College), Nicole Pahl (Lake Area Technical College).

Others Present: Paul Knecht (SDDA), Tasha Wendell (SDDHA), Caitlyn Lint (SDDHA), Ann Schwartz (Delta Dental), Dr. Michelle Hofer (SDDA), Dr. Michael Doerr, Dr. Joseph Hull, Dr. Michelle Scholtz (Horizon Health), Dr. Murray Thompson, Dr. Rick Fuchs and Amy Perry.

Van Dam called for public testimony during the open forum. There was no public testimony.

Motion to approve the minutes by Renemans. Second by Doerr. Motion carried.

Motion to move approve the agenda by Renemans. Second by Doerr. Motion carried.

Motion to approve the financial report by Hornstra. Second by Renemans. Motion carried.

Novotny provided an office update.

Paul Knecht presented an update on the South Dakota Dental Association (SDDA), the Dental Wellness Program, the Oral Health Coalition, and the Dental Workforce Solutions Task Force.

Tasha Wendell and Caitlyn Lint presented an update on the South Dakota Dental Hygienists' Association (SDDHA).

Amanda McKnelly presented an update on the Health Professionals Assistance Program (HPAP).

Marcia Jensen presented an update on the Southeast Technical College Dental Assisting Program.

Rachael Burchell presented an update on the Western Dakota Technical College Dental Assisting Program and discussed a possible future Dental Hygiene Program.

Nicole Pahl presented an update on the Lake Area Technical College Dental Assisting Program and the status of their Dental Hygiene Program.

Tasha Wendell presented an update on the University of South Dakota Dental Hygiene program.

Motion to move into Executive Session pursuant to SDCL 1-25-2 (3) by Doerr. Second by Renemans. Motion carried. The Board went into Executive Session at 11:09 a.m.

Motion to move out of Executive Session by Doerr. Second by Renemans. Motion carried. The Board moved out of Executive Session at 1:01 p.m.

Motion to approve the dentist credential verification applications of Olamide Osundolu Atanda, Cody James Christensen, Curtis J Hayes, M Caroline Jones, Jeffrey Brice Kesling, Katerine Jina Lee, Danny Blaine Leeds, Joshua Todd Martin, Solomon Spears Nair, Howard Stephen Snider and Theodore Wayne Thull by Renemans. Second by Hornstra. Motion carried.

Motion to approve the dental hygienist credential verification applications of Sandra Lee Foles, Lara Diane James, Heather Marie Morales, Kasey Anne Marie Seneff, Kathleen Anne Skarka and Sara Catherin Tesch by Hornstra. Second by Doerr. Motion carried.

Motion to approve the dentist applications of Mason Alexander Hericks, Sarah Elizabeth Herrmann, Emily Grace Hvezda, Logan David Johnson, Dustin Mark Pfundheller, Cornelia Alice Sallar and Matthew George Takahashi by Renemans. Second by Doerr. Motion carried.

Motion to approve the dental hygienist applications of Sadi Jean Curtis, Nevada Jade Gill, Jessica Rachel Glanzer, Emilee Ann Goldy, Beatriz Hoyos-Ponce, April Erin Moen, Audrey Lee Perry, Cassandra Lynn Schmidt and Shaelyn Alexis Welch-Battershaw by Hornstra. Second by Prouty. Motion carried.

Motion to approve the closure order in case 05.2324 by Schaack. Second by Doerr. Motion carried.

Motion to approve the agreed upon disposition in case 22.2324 by Schaack. Second by Hornstra. Van Dam and Doerr were recused from voting. Motion carried.

Motion to approve the agreed upon disposition in case 32.2324 by Doerr. Second by Renemans. Prouty and Hornstra were recused from voting. Motion carried.

Motion to approve the agreed upon disposition in case 21.2223 by Renemans. Second by Doerr. Motion carried.

Motion to approve the agreed upon disposition in case 29.2324 by Renemans. Second by Doerr. Motion carried.

Motion to approve the 1973-1985 California state dental hygiene clinical examination as equivalent to a dental hygiene clinical competency examination per SDCL 36-6A-47.1 by Renemans. Second by Prouty. Motion carried.

The Board reviewed the South Dakota Dental Association (SDDA) Petition submitted pursuant to SDCL 1-26-13 that included three Administrative Rules Proposals (Proposals):

SDDA Proposal 1 -- Restorative Functions (Dental Hygienists and Registered Dental Assistants);

SDDA Proposal 2 -- Supragingival Scaling (Registered Dental Assistants); and
SDDA Proposal 3 -- Administration of Nitrous Oxide (unregistered Dental Assistants).

Van Dam noted that the three Proposals were posted on the Board's website, feedback was solicited in advance of the Board meeting, and written feedback received from stakeholders was available on the Board's website. Written feedback included the following, from both individuals and organizations:

SDDA Proposal 1, Restorative Functions (Dental Hygienists and Registered Dental Assistants):
Support – 23, Oppose – 53, Other – 3.

SDDA Proposal 2, Supragingival Scaling (Registered Dental Assistants):
Support – 28, Oppose – 51. Other – 2.

SDDA Proposal 3, Administration of Nitrous Oxide (unregistered Dental Assistants):
Support – 31, Oppose – 27, Other – 2. It was noted that the South Dakota State Medical Association (SDSMA) and the South Dakota Association of Nurse Anesthetists (SDANA) were not in attendance but had submitted written comments in opposition to the SDDA Proposal 3, Administration of Nitrous Oxide (unregistered Dental Assistants).

Paul Knecht (SDDA) presented the SDDA Petition and Proposal 1, Restorative Functions (Dental Hygienists and Registered Dental Assistants).

Van Dam called for verbal testimony on Proposal 1, Restorative Functions (Dental Hygienists and Registered Dental Assistants).

Support - Proposal 1, Restorative Functions (Dental Hygienists and Registered Dental Assistants):
Paul Knecht (SDDA), Tasha Wendell (SDDHA), Caitlyn Lint (SDDHA), Dr. Michelle Scholtz (Horizon Healthcare) and Dr. Joseph Hull.

Opposition - Proposal 1, Restorative Functions (Dental Hygienists and Registered Dental Assistants):
Dr. Michael Doerr and Amy Perry.

Paul Knecht (SDDA) presented the SDDA Proposal 2, Supragingival Scaling (Registered Dental Assistants).

Van Dam called for verbal testimony on Proposal 2, Supragingival Scaling (Registered Dental Assistants).

Support -- Proposal 2, Supragingival Scaling (Registered Dental Assistants):
Paul Knecht (SDDA), Dr. Michelle Scholtz (Horizon Healthcare), Dr. Rick Fuchs (SDDA), Dr. Murray Thompson and Dr. Joseph Hull.

Opposition -- Proposal 2, Supragingival Scaling (Registered Dental Assistants):
Tasha Wendell (SDDHA), Caitlyn Lint (SDDHA), Amy Perry, and Dr. Michael Doerr.

Paul Knecht (SDDA) presented the SDDA Proposal 3, Administration of Nitrous Oxide (unregistered Dental Assistants).

Van Dam called for verbal testimony on Proposal 3, Administration of Nitrous Oxide (unregistered Dental Assistants).

Support -- Proposal 3, Administration of Nitrous Oxide (unregistered Dental Assistants):
Paul Knecht (SDDA) and Michelle Scholtz (Horizon Healthcare).

Opposition -- Proposal 3, Administration of Nitrous Oxide (unregistered Dental Assistants):
Amy Perry and Dr. Michael Doerr.

Van Dam thanked stakeholders for their feedback and testimony.

Motion to go into Executive Session pursuant to SDCL 1-25-2(3) by Doerr. Second by Hornstra. Motion carried. The Board went into Executive Session at 2:42 p.m.

Motion to move out of Executive Session by Prouty. Second by Schaack. Motion carried. The Board moved out of Executive Session at 3:49 p.m.

Motion to deny the SDDA Proposal 1, Restorative Functions (Dental Hygienists and Registered Dental Assistants) by Renemans. Second by Doerr. The Board discussed the Proposal and concerns. Motion carried.

Motion to deny the SDDA Proposal 2, Supragingival Scaling (Registered Dental Assistants) by Hornstra. Second by Doerr. The Board discussed the Proposal and concerns. Motion carried.

Motion to deny the SDDA Proposal 3, Administration of Nitrous Oxide (unregistered Dental Assistants) by Doerr. Second by Prouty. The Board discussed the Proposal and concerns. Motion carried.

Motion to issue a formal denial of the SDDA Petition, including Proposal 1, 2, and 3, by Hornstra. Second by Renemans. Motion carried.

The Board reviewed the clinical competency examination materials.

Motion to approve, per ARSD 20:43:03:01(4), the components of the patient and simulation based dental clinical competency examinations administered by CRDTS, SRTA and CDCA-WREB-CITA that meet the requirements outlined in 20:43:03:02, as presented, by Renemans. Second by Hornstra. Motion carried.

Motion to approve, per ARSD 20:43:03:08(4), the components of the patient and simulation based dental hygiene clinical competency examinations administered by CRDTS, SRTA and CDCA-WREB-CITA that meet the requirements outlined in ARSD 20:43:03:09, as presented, by Renemans. Second by Hornstra. Motion carried.

Motion to approve, per 20:43:03:04(4), the patient and simulation based dental clinical competency examinations administered by CRDTS, SRTA and CDCA-WREB-CITA, as presented, by Renemans. Second by Hornstra. Motion carried.

Motion to approve, per 20:43:03:10(4), the patient and simulation based dental hygiene clinical competency examinations administered by CRDTS, SRTA and CDCA-WREB-CITA, as presented, by Renemans. Second by Hornstra. Motion carried.

Motion to approve the DA Prep Radiography course application, per ARSD 20:43:07:06, by Doerr. Second by Renemans. Motion carried.

Motion to approve the 2025 continuing education honorarium application, as presented, by Renemans. Second by Prouty. Motion carried.

Motion to appoint Renemans as the dental hygiene approving board member by Hornstra. Second by Prouty. Motion carried.

The Board announced meeting dates of February 7, 2025; May 30, 2025; and October 10, 2025.

The Board thanked Hornstra for her nine years of service on the Board. The Board highlighted the many leadership and committee roles held by Zona, emphasizing the tremendous asset she has been to both the Board and the profession throughout her years of service.

Motion to adjourn by Hornstra. Second by Schaack. Motion carried.

There being no further business, the meeting was adjourned at 4:06 p.m.

Dr. Scott Van Dam, President

SOUTH DAKOTA STATE BOARD OF DENTISTRY

IN RE: SDDA ADMINISTRATIVE
RULE PETITION; PROPOSALS 1-3

RULING ON PETITION

The South Dakota State Board of Dentistry (Board) met on the 18th day of October, 2024, pursuant to SDCL § 1-26-13, to consider the Petition by the South Dakota Dental Association (SDDA) for three proposed updates to administrative rules.

The Board, by unanimous quorum vote, voted to deny the three proposals included in the Petition and ordered that the denials be incorporated into a formal denial and issued pursuant to SDCL § 1-26-13, a copy of which shall be provided to the SDDA.

Authority

SDCL § 1-26-13 provides that “[a]n interested person... may petition an agency requesting the promulgation, amendment, or repeal of a rule.” Further, “[w]ithin thirty days after submission of a petition, the agency shall either deny the petition in writing (stating its reasons for the denials) or shall initiate rule-making proceedings...”. Upon reaching its decision, “[t]he agency shall serve a copy of any petitions and denials on the members of the Interim Rules Review Committee and the director of the Legislative Research Council.”

Issues and Rulings

Regarding each proposal, which are incorporated herein by reference:

1. Restorative Functions (Dental Hygienists and Registered Dental Assistants)

The Board unanimously voted to deny Proposal 1, Restorative Functions (Dental Hygienists and Registered Dental Assistants). In issuing its denial, the Board recognized the impact of the current workforce challenges and acknowledged the good intent behind the Petition relative to the workforce challenges. The Board expressed its sincere appreciation for the long-standing collaborative working relationships it has with the Associations and Stakeholders statewide, acknowledging that each Association has a different

mission to fulfill. In doing so, the Board reaffirmed its mission of protecting the consumer public and emphasized the need to fulfill this mission.

Although not exhaustive, the Board cited the following grounds for the denial of the Petition to amend administrative rules, including Proposals 1, 2 and 3:

- A. Practical challenges with implementation;
- B. Inability to enforce and to meet the legal evidentiary standards required of the Board;
- C. Inability to enforce ethical standards;
- D. Lack of current statutory authority;
- E. Lack of uniform accredited educational standards;
- F. Difference in educational and/or training standards outlined in the proposal as compared to current licensees and registrants; and
- G. Need to engage stakeholders on the content of the SDDA Petition, given the split vote of the SDDA and divided stakeholder feedback received by the Board.

2. Supragingival Scaling (Registered Dental Assistants)

The Board unanimously voted to deny Proposal 2, Supragingival Scaling (Registered Dental Assistants). The Board cited the grounds included in the discussion of Proposal 1.

3. Administration of Nitrous Oxide (unregistered Dental Assistants)

The Board unanimously voted to deny Proposal 3, Administration of Nitrous Oxide (unregistered Dental Assistants). The Board cited the grounds included in the discussion of Proposal 1.

Dated this 18th day of October, 2024.



Dr. Scott Van Dam
President
South Dakota State Board of Dentistry