SOUTH DAKOTA STATE BOARD OF DENTISTRY
MINUTES OF PUBLIC HEARING

Dr. Schaack called the public hearing to order at 10:00 a.m. on Friday, June 15, 2018, in the large conference room, SD Housing Development Authority, 3060 Elizabeth St., Pierre, South Dakota, and noted that this was the time and place for the Board of Dentistry Public Hearing to consider the amendment and adoption of proposed rules ARSD § 20:43:02:01; 20:43:02:02; 20:43:03:01; 20:43:03:02; 20:43:03:03; 20:43:03:04; 20:43:03:04.01; 20:43:03:04.02; 20:43:03:05; 20:43:03:06; 20:43:03:07; 20:43:03:07.01; 20:43:03:07.02; 20:43:03:08; 20:43:03:09; 20:43:03:10; 20:43:03:11; 20:43:07:10; 20:43:08:09; 20:43:08:09.01.

Dr. Schaack noted that minutes were being taken and that due notice of this hearing had been published in three South Dakota newspapers and was made to interested parties in advance of the hearing. Dr. Schaack noted that the proposed rules were edited for compliance with the requirements for form, style and legality as requested by the South Dakota Legislative Research Council pursuant to SDCL 1-26-6.5.

Hearing Officer: Dr. Tara Schaack, Board President, Rapid City, South Dakota.

Board Members Present: Dr. Amber Determan, Dr. Harold Doerr, Dr. Nick Renemans, Dr. Scott Van Dam, and Zona Hornstra.

Board Staff Present: Matthew Templar, Kris O'Connell, Brittany Novotny, and Lisa Harsma.

Others Present in Person: Dr. Orin Ellwein, Dr. Mark Christensen (WREB), Dr. Michael Frankman (SDDA), Paul Knecht (SDDA) and Lon Hird.

Others Present via Telephone: Dr. Vince Jones, Dr. Van Morgan (SRTA), Sherie Barbare (SRTA), Dr. Ellis Hall (CDCA), Shayna Avey-Overfelt (CDCA), and Kimber Cobb (CRDTS).

Written Testimony: Dr. Shaack entered into the record the following letters that were received prior to the hearing:

A. South Dakota Dental Association – Letter of Support
B. Central Regional Dental Testing Service, Inc. – Letter of Support
C. Western Regional Examining Board (WREB) – Letter of Support with six concerns noted.
D. The Commission on Dental Competency Assessments (CDCA) – Letter of support with one concern noted.

Oral Testimony: Dr. Schaack took oral testimony in general support of or opposition to the entire rules package and then by each proposed administrative rule. Oral Testimony was presented by the following:

General support for the proposed rules:

- Mr. Paul Knecht - South Dakota Dental Association (SDDA)
- Ms. Kimber Cobb- Central Regional Dental Testing Service, Inc. (CRDTS)

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General opposition to the proposed rules:

- None

20:43:03:01

- Dr. Mark Christensen (WREB) suggested the language not refer to Parts I and II of the NBDE, as the NBDE will be combining these two parts in the future.

20:43:03:02

- Dr. Mark Christensen (WREB) noted his appreciation for the opportunity to testify and suggested not putting the 75% detail into law, but to instead include a criterion-referenced passing score that is based on minimal competence criteria.
- Dr. Vince Jones voiced support for inclusion of the 75% noting that 75% is the standard, is based on minimal competence, and inclusion of that percentage makes it easier for candidates to understand what is expected.

20:43:03:02(1)(a)

- Dr. Ellis Hall (CDCA) referenced the written comments from CDCA relating to excluding the pocket depth detection component.
- Shayna Avey-Overfelt (CDCA) noted that while CDCA does not offer the pocket depth detection component in the regular exam, it will offer this component to South Dakota candidates if the Board adopts this requirement.
- Dr. Mark Christensen (WREB) recommended that the Board refrain from including detail, such as pocket depth detection, into administrative rule.
- Dr. Vince Jones voiced support, noting the detail put forth in this rule is important to ensure consistency in the examinations.
- Ms. Kimber Cobb (CRDTS) voiced support and noted that inclusion of the pocket depth detection component is supported by the occupational analysis completed by CRDTS.

20:43:03:02(1)(b)

- Dr. Mark Christensen (WREB) voiced support for inclusion of this requirement in the exam, but voiced opposition to including this requirement in administrative rule. Dr. Christensen suggested the Board not include this level of detail in administrative rule.

20:43:03:02(1)(c)

- Dr. Mark Christensen (WREB) voiced support for inclusion of this requirement in the exam, but voiced opposition to including this requirement in administrative rule. Dr. Christensen suggested the Board not include this level of detail in administrative rule.

20:43:03:02(2)(a)

- Dr. Mark Christensen (WREB) voiced opposition to the exclusion of slot preps and recommended that the Board allow slot preps.
- Dr. Vince Jones voiced support for exclusion of slot preps, noting that in his experience as an examiner, slot preps turn into conventional preparations.

20:43:03:02(2)(b)

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- Dr. Mark Christensen (WREB) voiced support, but noted that candidates should not have to complete both a class II and class III, as the class III is not as challenging as the class II. He recommended that the Board not be so specific in administrative rule.
- Dr. Vince Jones voiced support for inclusion of a class II and class III, noting that each requires a different skill set and is testing a different skill set.
- Ms. Kimber Cobb (CRDTS) voiced support and noted that inclusion of the class II and class III is supported by the occupational analysis completed by CRDTS.

20:43:03:02(3)(a)
- Dr. Mark Christensen (WREB) voiced support.

20:43:03:02(3)(b)
- Dr. Mark Christensen (WREB) suggested that the Board not include this detail in administrative rule and let the candidate choose the material.
- Dr. Vince Jones voiced support and noted that this component is important in terms of design.
- Ms. Kimber Cobb (CRDTS) voiced support and noted that the current occupational analysis supports inclusion and when the occupational analysis warrants a change, the exam criteria can be updated.

20:43:03:02(4)(a): No oral testimony.

20:43:03:02(4)(b): No oral testimony.

20:43:03:02(5): No oral testimony.

Dr. Schaack called for testimony on any other rule included in the proposed rule package. There was no additional testimony.

Dr. Schaack closed testimony and opened the public hearing to Board discussion and/or action.

The Board reviewed the proposed rules. The Board reviewed all written and oral testimony received.

20:43:03:01
- The Board reviewed the testimony. The Board noted that the current exam includes Part I and II. The Board noted that in the future, the NBDE intends to combine Parts I and II and that the Board will modify this rule when that change occurs.

The Board reviewed the written and oral testimony pertaining to 20:43:03:02 in detail.

20:43:03:02
- The Board reviewed the testimony regarding the cut score and noted all examinations use the 75% cut score except WREB, but WREB has an equivalent scaling score that could be accepted.

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20:43:03:02(1)(a)

- The Board reviewed the testimony and discussed at length the inclusion or exclusion of pocket depth detection. The Board requested clarification from the regional testing agencies to determine if pocket depths were charted as part of or in advance of the intra and extra oral assessment component, noting a desire to remove this component if it is addressed elsewhere in the exams. This component was not addressed in the intra and extra oral assessments by all exams. The Board debated whether to remove pocket depth detection, but ultimately noted the language proposed would allow flexibility. The Board noted flexibility in the language proposed in rule that allows WREB to satisfy this with intra and extra oral assessment.
- The Board confirmed with Dr. Morgan (SRTA) that pocked depth detection and intra and extra oral assessment would be included in the SRTA exam beginning in 2019.

20:43:03:02(1)(b)

- The Board reviewed the testimony.

20:43:03:02(1)(c)

- The Board reviewed the testimony.

20:43:03:02(2)(a)

- The Board reviewed the testimony and discussed the exclusion of slot preps.

20:43:03:02(2)(b)

- The Board reviewed the testimony and discussed class II and class III, noting the different skill sets and patient management required for each.

20:43:03:02(3)(a)

- The Board reviewed the testimony.

20:43:03:02(3)(b)

- The Board reviewed the testimony.

The Board noted that much of the testimony provided by WREB centered on not including certain detail in administrative rule. The Board noted that including detail will help ensure candidates are informed of the requirements and will help ensure uniformity in the exam content. The Board recognized that these rules will require ongoing assessment. The Board highlighted that the administrative rules can be updated, as necessary, and that the Board intends to review the examinations annually and to update the exam criteria as needed.

The Board noted that the current administrative rules allow for acceptance of only CRDTS and WREB. The Board reviewed each individual exam to determine how each exam would alight with the criteria in the proposed rules. The Board noted the proposed rules, if adopted, would allow the Board to accept the majority of the patient based clinical competency exams this year and may allow for acceptance of all patient based clinical competency exams next year.

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The Board thanked all testing agencies for their participation during the last year. The Board thanked WREB for the information on the new WREB examination format.

Doerr moved that the South Dakota State Board of Dentistry approve the adoption of amended rules §20:43:02:01; 20:43:02:02; 20:43:03:01; 20:43:03:02; 20:43:03:03; 20:43:03:04; 20:43:03:04.01; 20:43:03:04.02; 20:43:03:05; 20:43:03:06; 20:43:03:07; 20:43:03:07.01; 20:43:03:07.02; 20:43:03:08; 20:43:03:09; 20:43:03:10; 20:43:03:11; 20:43:07:10; 20:43:08:09; 20:43:08:09.01, including edits for compliance with the requirements for form, style and legality. Second by Hornstra. Motion carried.

There being no further business, the public hearing was adjourned at 11:50 a.m.

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Zona Hornstra, Secretary

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