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**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND
ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS,
BUSINESS & PROFESSIONAL LICENSING
BOARD OF DENTAL EXAMINERS**

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**MINUTES OF MEETING
May 3, 2013**

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By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the provisions of Article 6 of AS 44.62, a scheduled meeting of the Board of Dental Examiners was held February 8, 2013, at 550 W. 7th Ave., Suite 602, Anchorage, Alaska.

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The meeting was called to order by Dr. Thomas Wells, President, at 8:32 a.m.

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Roll Call

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Those present, constituting a quorum of the board, were:

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Dr. Thomas Wells, President – Anchorage
Gail Walden – Dental Hygienist – Wasilla
Dr. Robert Warren – Dentist - Anchorage
Cheryl Fellenberg – Dental Hygienist –Wasilla
Dr. Steven Scheller- Dentist - Fairbanks
Robyn Chaney- Public Member - Dillingham
Dr. Paul Silveira – Dentist – Valdez

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33

Absent:

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Dr. Mary Anne Navitsky –Dentist - Sitka, excused
Dr. Thomas Kovalski – Dentist - Chugiak, excused

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In attendance from the Division of Corporations, Business & Professional Licensing, Department of Commerce, Community and Economic Development were:

42
43
44
45
46

Debbie Kunow, Licensing Examiner - Juneau
Jay Paff, Investigator- Anchorage
Angela Birt, Investigator- Anchorage
Brian Howes, Investigator- Anchorage

47 **Agenda Item 1- Agenda**

48

49 Ms. Kunow advised the Board of the amended agenda which included an addition to
50 item 5 - Investigative Report - to include an executive session with Judge Larry
51 Pederson, additional public comment under item 7 from Douglas Love with
52 Department of Labor and an update on the Prescription Drug Monitoring Program
53 from Investigator Brian Howes, a brief review of HB 187 under item 9 - Legislative
54 Issues, and 3rd quarter budget figures added to item 4- Budget Review.

55 Ms. Fellenberg stated she would have a WREB announcement under item 12-
56 Business.

57 Dr. Warren said he would like to brief the Board regarding his attendance at the
58 2013 American Association of Dental Boards' mid-year conference which was held
59 in Chicago April 21-22, also under item 12.

60

61 8:36 a.m. - Dr. Silveira entered.

62

63 **Agenda Item 2- Minutes**

64

65 The Board reviewed the minutes from the February 8, 2013 meeting.

66

67 **On a motion duly made by Fellenberg, seconded by Warren and approved**
68 **unanimously, it was**

69

70 **RESOLVED to approve the minutes of the February 8, 2013.**

71

72 The Board reviewed the minutes from the February 20, 2013 meeting.

73

74 **On a motion duly made by Fellenberg, seconded by Warren and approved**
75 **unanimously, it was**

76

77 **RESOLVED to approve the minutes of the February 20, 2013.**

78

79

80 **Agenda Item 3- Ethics**

81

82 Dr. Warren asked if he knew dentists that were referred to him by investigation and
83 he knew the dentists, would there be ethical violations? Dr. Wells advised it
84 wouldn't be a conflict unless the reviewing Board member was in a business
85 agreement/partnership or family related to the licensee under investigation.

86 There were no ethics violations to report.

87

88 **Agenda Item 4 -Budget Review**

89

90 Ms. Kunow distributed 3rd quarter budget figures to Board members. This was in
91 addition to the 2nd quarter figures in the Board packet. After review, the Board was
92 advised direct expenditures increased from \$88,072.00 in the 2nd quarter to
93 \$215,874.00 in 3rd quarter. There was also \$66,608.45 in legal fees for 3rd quarter.

94 Operations Manager Sara Chambers and Administrative Officer Misty Frawley were
95 contacted telephonically to discuss the budget.

96 Dr. Warren inquired as to why total expenses of \$149,099.00 in 2nd quarter
97 increased to \$307,414.00 in 3rd quarter, most specifically in personal services and
98 contractual. Ms. Frawley stated the personal services are on track, that there may
99 have been some additional examiner time, but there was nothing out of the
100 ordinary; perhaps there was some additional investigator time. The contractual
101 cost increase was because the RSA with Law didn't actually get signed on until
102 January of this year. The \$66,608 charge to law law bill was the legal bill that went
103 through the month of January and the Board will continue to see that boost in the 4th
104 quarter; that was the reason that contractual line significantly increased, because
105 there were no legal charges that were put on your bill up until the 3rd quarter. It
106 looks like the Board has some significant investigation charges and those personal
107 services charges will be showing soon.

108 Ms. Kunow asked if this also included contractual services. Ms. Frawley advised
109 contractual service is the actual law bill. Personal services include investigator and
110 examiner time.

111 Dr. Wells asked if the Board were to send out someone on-site, to offices, where
112 does that get billed out and is there a limit. Ms. Frawley advised the Board will be
113 billed directly but there is no limit or cap of services. Ms. Chambers advised that
114 since the Board has one dedicated investigator, all costs associated with that
115 investigator will be billed to the Board, including salary and benefits and that it is a
116 higher range position. Travel increases and any other costs associated with the
117 investigation will also be billed to the Board.

118

119 Ms. Chambers asked to bring up a piece of legislative progress. Director Don
120 Habeger would like the Board to be aware that HB 187, which is the CBPL fee study,
121 was introduced midway through the 2013 legislative session. The bill is in Finance
122 and has seen some support. The bill is geared toward helping Boards' budgets with
123 revenues and expenditures in a few different ways: one is to give the option to
124 consolidate fee types for the purpose of fee settings that doesn't change any
125 licensure. It would allow cost sharing among different types of licenses, for
126 example, dentists and dental hygienists, with the Board's input. It would also allow
127 for the decrease for fee spiking. Generally, when there is an increase in expenses,
128 by statute, there is an increase in licensing fees. The idea of taking out, for example,

129 investigation fees and moving that toward general funds could be an option if this
130 bill passes. The third aspect tied to that is looking to the public to share the cost of
131 public protection. Right now, license fees for every program cover one hundred
132 percent of the public protection costs and legal activity and some of that burden
133 would be shifted back to the general public if the Boards were able to accept general
134 funding in our division for some of those activities. The bill will be moving through
135 process in next year's legislative session.

136
137 Ms. Chambers also advised HB 84 was passed this legislative session. This is the
138 military credit bill. If the Dental Board offers any temporary license of any kind, it
139 will be required to evaluate equivalencies for military experience for application for
140 a temporary permit and there will be discussion about that soon.

141
142 **Agenda Item 5- Investigative Report**

143
144 Investigator Angela Birt distributed the investigative report to Board members.
145 Investigations opened twenty-two files and closed twenty-two actions during this
146 period. There are currently twenty-one actions on file. Investigator Paff will report
147 a probationary matter to the Board. There is one investigative matter with the
148 paralegal in Juneau. Four cases are with reviewing Board members. In addition to
149 the seven cases at the top of the report for the same provider, there are an
150 additional four intake cases for that same provider.

151 Dr. Warren requested to get together with Ms. Birt and Dr. Wells at some point
152 today to discuss the case he was involved with.

153 Ms. Birt distributed an excerpt from medical statute 12 AAC 40.967(11), which
154 addressed the timeliness of providing medical records upon request. The division
155 deals with numerous complaints from individuals not being able to access or obtain
156 their records. The current dental statutes provide that dentists provide medical
157 records within a reasonable period of time, but do not define "reasonable time." Ms.
158 Birt requested the Board mirror the language to include records be provided within
159 thirty days after a written request is received. Since there is no definition of
160 "reasonable time," it is open to interpretation.

161 Dr. Silveira inquired about a dentist who has a license suspended and another
162 practitioner who is trying to access those records. Ms. Birt advised the division
163 cannot be the "go between" for patients. They should be referred to the respondent
164 dentist's legal counsel.

165
166 Ms. Kunow suggested the Board discuss including this language into a new
167 regulation project that could be addressed at the teleconference following the
168 return of public comment on the current regulation project.

169

170 **On a motion duly made by Warren, seconded by Chaney, and approved**
171 **unanimously, it was**

172
173 **RESOLVED add language defining “reasonable time” and any other**
174 **unprofessional conduct language to 12 AAC 28.905 Ethical Standards.**
175

176 Ms. Walden suggested the Board amend the motion to also approve updating the
177 American Dental Association Principles of Ethics and Code of Professional Conduct
178 to the revised April 2012 edition and the American Dental Hygienists Association
179 Bylaws and Code of Ethics to the June 2012 edition.

180
181 **On an amended motion duly made by Warren, seconded by Wells, and**
182 **approved unanimously, it was**

183
184 **RESOLVED to update 12 AAC 28.905 to reflect the current ADA**
185 **Principles of Ethics and Code of Professional Conduct to the revised**
186 **April 2012 edition and the American Dental Hygienists Association**
187 **Bylaws and Code of Ethics to the June 2012 edition.**
188

189 Dr. Warren complimented Ms. Birt for her exemplary investigative work. Ms.
190 Chaney stated this is the most comprehensive investigative work the Board has
191 seen.

192 Ms. Kunow advised the Board the one accusation with the Juneau paralegal has not
193 been filed with the Attorney General's Office yet.

194
195 Investigator Paff distributed probation report 2011-00163 to Board members. Mr.
196 Paff advised the probationer is out of the country. The Board cannot conduct a
197 random audit until the probationer is back in the country. Dr. Warren asked how
198 the Board would know if the probationer was back practicing in Alaska. Mr. Paff
199 advised the probationer has been instructed to contact the Board when he returns.
200 Dr. Warren stated the probationer has a history of not complying. Mr. Paff advised
201 the probationer has had telephone contact with Ms. Birt and is aware of the
202 reporting criteria.

203 Ms. Birt advised the next items required executive session.

204
205

206 **On a motion duly made by Warren, seconded by Fellenberg, and approved**
207 **unanimously, it was**

208

209 **RESOLVED to go into executive session in accordance with AS**
210 **44.62.310(c)(2), for the purpose of discussing case numbers 2012-**
211 **01362, 1200-08-002, 1200-09-002.**

212

213 Dr. Wells suggested staying in executive session to discuss the findings of Judge
214 Pederson.

215

216 **On an amended motion duly made by Wells, seconded by Fellenberg, and**
217 **approved unanimously, it was**

218

219 **RESOLVED to stay in executive session in accordance with AS**
220 **44.62.310(c)(2), for the purpose of discussion of cases 1200-08-002**
221 **and 1200-09-002 with Judge Pederson.**

222

223 Board only to remain during executive session.

224

225 Off the record at 10:02 a.m.

226 On the record at 10:15 a.m.

227

228 **On a motion duly made by Fellenberg, seconded by Chaney, and approved by**
229 **roll call vote, it was**

230

231 **RESOLVED to accept the findings for summary suspension in cases**
232 **1200-08-002 and 1200-09-002. Even with restrictions, we feel this is a**
233 **threat to the public.**

234

235 Roll call- Warren, yea- Chaney, yea - Silveira, yea - Fellenberg, yea- Scheller, yea-
236 Wells, yea - Walden, yea -7 yeas, no nays- motion passed.

237

238 Case numbers 1200-08-002 and 1200-09-002 referred to Dr. Troy Burns.

239 Judge Pederson advised he would get an adoption option to the Board.

240

241 Ms. Birt distributed voluntary surrender of license for case numbers 1200-08-002
242 and 1200-09-002.

243

244 **On a motion duly made by Chaney, seconded by Walden, and approved by roll**
245 **call vote, it was**

246

247 **RESOLVED to accept the surrender of license 853 involving case**
248 **numbers 1200-08-002 and 1200-09-002.**

249
250 Roll call- Warren, yea- Chaney, yea - Silveira, yea - Fellenberg, yea- Scheller, yea-
251 Wells, yea - Walden, yea -7 yeas, no nays- motion passed.

252
253 Case numbers 1200-08-002 and 1200-09-002 referred to Dr. Troy Burns.
254 Ms. Chaney signed the Decision Granting Summary Adjudication for Dr. Wells.

255
256 Ms. Birt advised last motion is in regard to consent agreement in case 2012-01362.

257
258 **On a motion duly made by Chaney, seconded by Fellenberg, and approved by**
259 **roll call vote, it was**

260
261 **RESOLVED to accept the consent agreement in case 2012-01362.**

262
263 Roll call- Warren, nay- Chaney, nay - Silveira, nay - Fellenberg, nay- Scheller, nay-
264 Wells, nay - Walden, nay -0 yeas, 7 nays- motion failed.

265
266 Break
267 Off the record at 10:58 a.m.
268 On the record at 11:14 a.m.

269
270 **Agenda Item 6- Public Comment**

271
272 Doug Love from Workman's Compensation Special Investigations Unit addressed
273 the Board regarding a case involving a dentist from the Kenai Peninsula. Mr. Love
274 advised the dental office and dentist has been uncooperative with prior contacts and
275 he contacted Ms. Birt for Board assistance to resolve the case. This is a failure to
276 insure case. The dentist does not appear to have had any workman's compensation
277 coverage. A former employee filed a complaint with the wage and hour
278 administration, which then discovered the employer did not have workman's
279 compensation. The case was then forwarded to special investigations.

280 Dr. Warren asked what kinds of records were being requested. Mr. Love said they
281 are asking for employer records for time cards, time sheets of employees, financial
282 records of profit and loss, tax records, etc.

283 Ms. Chaney asked if Mr. Love was coming to the Board because legal processes have
284 been exhausted. Mr. Love advised there is a legal conference scheduled for May 15th
285 and if the dentist or counsel does not appear, he will request a formal hearing. Mr.
286 Love stated he would like to get resolution without going through the courts, but
287 that option is still open.

288 Dr. Wells asked if the dentist has a business license, isn't he required to carry
289 workman's compensation? Mr. Love stated that even if the dentist employed one
290 employee, he would, by State law, be required to carry workmen's compensation,
291 even if they're part-time. The business name this dentist goes by is not listed in
292 corporations or businesses. There have also been OSHA complaints. Ms. Birt stated
293 she had contacted the dentist in March and he indicated he was going to supply the
294 requested records, but as of yet, has not.

295 Ms. Chaney asked if there had been any complaints involving patient care. Ms. Birt
296 advised there had been none. Ms. Walden asked why Mr. Love was coming to the
297 Board. Mr. Love stated this was the first time he was in front of a Board from
298 another agency; that if the Dental Board could not act on this issue, that at least he
299 had pursued every avenue for cooperation.

300 Ms. Walden suggested the Board draft a letter which would state the Board is aware
301 there is a concern with his noncompliance and, if the Board determines there is a
302 violation of statutes or regulations, the Board could move forward. Dr. Scheller
303 indicated it may become a violation under grounds for discipline.
304

305 **On a motion duly made by Warren, seconded by Chaney, and approved**
306 **unanimously, it was**

307
308 **RESOLVED to draft letter to Douglas Love with concerns of**
309 **noncompliance in case 700003515.**
310

311 Ms. Birt indicated she would address the Board concerning Groupon in the
312 afternoon session.
313

314 Dr. Nielson and his wife, Julie Robertson, addressed the Board in the matter of the
315 "Mission of Mercy," a national event, a free two day dental clinic which will be held
316 in the Dena'ina Center in Anchorage next April 11-12, 2014. The equipment is
317 coming up from Wichita; TOTE has offered to ship it for free. One hundred thousand
318 dollars has already been donated. They are looking for probably 300 dentists,
319 around 100 dental hygienists and 1000 to 1200 volunteers. Things are looking good
320 so far. Dr. Nielson advised the Board he is coming to them because many dentists
321 that participate in this program will want to come from out of state. Dr. Nielson
322 asked what the time frame was for the courtesy license.

323 Dr. Warren asked if the reason for so many out of state dentists was because there
324 were concerns that not many local dentists would participate. Dr. Nielson stated he
325 just wanted to make sure the process for those out of state dentists who want to
326 come would be easy for them. Ms. Walden expressed concern about sub-standard
327 care. Dr. Nielson agreed that the screening process is critical, but that there will be
328 applications coming through. Dr. Warren advised the fees cover investigations, if

329 necessary. Ms. Kunow stated the verification of licensure usually takes the most
330 time in processing an application. Ms. Chaney stated the email ballots allow the
331 Board to quickly approve the applications.

332 Dr. Warren asked what services are going to be provided. Dr. Nielson said at least
333 one service will be provided. If a person wants more than one service, they would
334 have to get back in line. Services that will be offer will include: extractions, fillings,
335 cleanings, root canals on anterior teeth only, and treatment partials or flippers. The
336 flippers for missing front teeth will allow people to get out and find jobs. This
337 program will also service many uninsured working individuals, not just homeless
338 people.

339 The participating dentists will have their own malpractice insurance. The event will
340 have its own insurance coverage.

341 Ms. Kunow asked if this was a non-profit organization. Dr. Nielson said yes, it is a
342 501(c)(3), the Alaska Dental Society Charitable Activities Fund. This event will be
343 planned for every year and may alternate between Fairbanks, Anchorage and
344 possibly a Southeast community.

345 Dr. Nielson inquired about the Board's opinion regarding x-rays. Arizona required
346 every patient to have x-rays. Other Boards have not required x-rays for every
347 procedure. Ms. Walden asked how records are kept. Dr. Nielson advised there is a
348 checksheet with barcodes for the procedures. X-rays are kept with the records in a
349 packet. Post-op meetings and follow-ups are handled by volunteer dentists and are
350 few in number. Dr. Silveira stated he has been doing this for years. Dr. Nielson said
351 this is a great way for the dental community to come together.

352 Ms. Robertson inquired if the courtesy license fee could be waived because the
353 outside dentists are volunteering their time to come up to Alaska. Ms. Fellenberg
354 stated the Board does not have that authority. Dr. Nielson stated they are
355 fundraising for all the costs and the fundraising may be able to include the fees.

356 Dr. Nielson inquired as to what the Board would allow dental health aides to
357 perform. Dr. Wells stated the Board has no authority over dental health aides; they
358 are under federal guidelines. If they want to work as dental assistants, that's fine,
359 because the Board does not license dental assistants.

360 Dr. Wells advised the Board does not set any limitations on how dentists treat
361 people and that includes x-rays. That is between the dentist, patient and
362 malpractice. The Board would hope a dentist would not take out a tooth without an
363 x-ray.

364 The Board will write a letter in support of the "Mission of Mercy" event.
365

366 Investigator Brian Howes distributed material to the Board concerning the Drug
367 Monitor Reporting Program. Dr. Wells stated it sounds as if this is a mandatory.

368 Mr. Howes advised there is an access program that allows the provider to look at
369 patient records, but it is not mandatory or under that law that dentists look at

370 patient records. What is mandatory is that if a dentist dispenses controlled
371 substances, and dispensing doesn't mean it's administered or written by a
372 prescription; if a dentist gives a patient two tablets and the patient leaves the office,
373 that has to be reported. We're looking at things that go outside of the dentists'
374 control. Dr. Warren asked if a dentist gave a patient something to take the night
375 before the appointment, would that have to be reported. Mr. Howes said if the
376 patient took the medication home to take later on, then yes, that has to be reported.
377 Mr. Howes stated the program is not in stone yet. The Pharmacy Board is looking at
378 what they call a 48 to 78 hour supply that may affect a regulation change. It's
379 uncertain if it will pass, there's talk about it. It's an issue.

380 Dentists can report online or request a paper form. The main concern is that
381 patients are bouncing from dentist to dentist to vet to physician and if the dentist
382 can't find out about it, it's a problem. We're trying to solve the problem. If a dentist
383 writes or gives out a prescription, the dentist can look and say this is probably not
384 going to be good for the patient because they're already taking this from somebody
385 else.

386 Ms. Walden asked if a dentist is suspicious because a new patient is coming to him
387 for a controlled substance, could the dentist fill out the verification form and get
388 direct access to this patient's records for the last month or so. Mr. Howes advised
389 the records stay on file for two years and are then purged.

390 Mr. Howes advised another factor of the program is to address staff that might be
391 calling in prescriptions; the dentist can access those records to verify if he did
392 indeed prescribe those medications.

393 Mr. Howes said he could provide information if the dentists wanted to sign up. If the
394 dentists do a lot of prescribing or dispensing out of the office, the reporting process
395 could be assigned to someone else. The dentist does not have to do all the data
396 entry. Patient access is limited to the prescriber or dispenser. The program is being
397 modified to allow those staff that you have assigned to record to access the records.
398 Patient prescribing history could be part of patient records.

399 Dr. Wells asked if, in addition to patient records, a certain doctor's records could be
400 pulled up. Mr. Howes said it's limited to patients, but it will show the other doctors
401 who are prescribing to this patient. If the dentist sees that there are numerous
402 other providers dispensing to a certain patient, they could report it.

403 Dr. Warren asked if the program had a way of red flagging patients going from
404 provider to provider. Mr. Howes stated it would within a store's system, for
405 example Fred Meyer's, Safeway, but it doesn't talk across town. If someone wants a
406 copy of medical records, tell them to get their own.

407 Dr. Scheller asked if a dentist could access this program if the dentist did not
408 prescribe in office. Mr. Howes said yes.

409 Mr. Howes stated the forms have been updated and are easier to fill out.

410

411 **Agenda Item 6- Miscellaneous Correspondence**

412

413 **ADEX Exams:** Dr. Warren stated ADEX is a NERB credits conglomerate. Ms. Walden
414 said ADEX administers the Northeast Regional Exam. Dr. Wells stated this issue was
415 brought up in 2009 and turned down. They do a lot more things in this exam, but it
416 is all done with dentaforms. Patient orientation is about one quarter of what WREB
417 is. Dr. Warren added that candidates find the WREB exam very friendly and that
418 NERB and ADEX are very unfriendly toward candidates. WREB is recognized in
419 almost every state. Ms. Walden agreed with Dr. Kovaleski's correspondence that if
420 the Board is considering approving ADEX, they would also have to look at all the
421 other testing programs. Dr. Warren advised WREB goes through a two day
422 calibration exercise calibrating their examiners and that doesn't happen with other
423 exams. It's a much more reliable exam. The Alaska State Board of Examiners is
424 represented on the WREB Board. Ms. Fellenberg stated she has compared WREB
425 and found WREB is much more into calculus, more points with calculus
426 detection/removal, hard and soft tissue; plus the process of care has been instituted
427 for critical thinking. These basics have to be established before the clinical test can
428 be done.

429 Dr. Scheller asked if any Board member had observed the ADEX exam; how one
430 could judge something without taking it. Dr. Scheller stated the State of Alaska
431 should expand its oversight over different dental exams. Dr. Scheller took the CRTX.
432 Ms. Walden stated the State accepts all tests by licensure by credentials. If we look
433 at ADEX, we have to look at all of them. Dr. Warren stated there is a clinical
434 difference east of the Mississippi and west of the Mississippi, particularly in the
435 northeast.

436

437 **On a motion duly made by Warren, seconded by Silveira, and approved**
438 **unanimously, it was**

439

440 **RESOLVED to continue with the policy to accept the WREB exam.**

441

442 **Groupon** – Ms. Birt addressed the Board concerning Groupon. The ADA's message is
443 from 2011. Ms. Walden advised the ADA updated its Code of Ethics in April and has
444 a new advisory opinion regarding fee splitting and advertising marketing services:

445

446 **4.E. REBATES AND SPLIT FEES.**

447 Dentists shall not accept or tender "rebates" or "split fees."

448 **ADVISORY OPINION**

449 **4.E.1. SPLIT FEES IN ADVERTISING AND MARKETING SERVICES.**

450 The prohibition against a dentist's accepting or tendering rebates or split fees
451 applies to business dealings between dentists and any third party, not just other

452 dentists. Thus, a dentist who pays for advertising or marketing services by
453 sharing a specified portion of the professional fees collected from prospective or
454 actual patients with the vendor providing the advertising or marketing services
455 is engaged in fee splitting. The prohibition against fee splitting is also applicable
456 to the marketing of dental treatments or procedures via "social coupons" if
457 the business arrangement between the dentist and the concern providing the
458 marketing services for that treatment or those procedures allows the issuing
459 company to collect the fee from the prospective patient, retain a defined
460 percentage or portion of the revenue collected as payment for the coupon
461 marketing service provided to the dentist and remit to the dentist the remainder
462 of the amount collected.

463 Dentists should also be aware that the laws or regulations in their jurisdictions
464 may contain provisions that impact the division of revenue collected from
465 prospective patients between a dentist and a third party to pay for advertising
466 or marketing services.

467
468 Ms. Birt advised VIVA stated it is not part of fee splitting, but Groupon does split fees. It
469 takes a cut. Fee splitting might be in violation of the federal kick-back laws, which could
470 hazard any collection of federal monies such as Tricare, Medicaid, etc. As long as there
471 are no fees paid to the marketing service, it is not fee splitting. Social couponing is
472 growing every day and there is an infinite number of couponing sites. Dr. Silveira
473 expressed concern with the increase in social couponing. Insurance fraud can be an issue
474 depending on the kick-backs received and costs written off. Ms. Birt cautioned the
475 federal government could view this as accepting compensation for this marketing; they
476 could put you on a list of denied providers.

477 Ms. Birt inquired as to the Board's stand regarding this social couponing. Dr. Wells
478 stated some states have activated policies which provide that any advertising to new
479 patients must advertise the same fee and price to existing patients. Ms. Birt indicted
480 it is either Texas or Oregon and the Board could model its decision after one of these
481 states. This is information the Board can research and make a decision at the next
482 meeting.

483 Ms. Walden stated that, by regulation, dentists must abide by the ADA's Code of
484 Ethics and fee splitting would be a violation of regulation.

485 Ms. Birt advised other companies like VIVA are just requesting straight fees for
486 advertising, which would not be fee splitting. Dr. Wells indicated Groupon has
487 restricted its policies for advertising in some states that does not break down costs
488 per patient. Ms. Birt stated that a flat fee for advertising which is not broken down
489 by patient would not be considered fee splitting, but advertising in which the dentist
490 receives a "return" for each patient might be considered fee splitting. It might be
491 helpful to outline the Board's stance regarding fee splitting in regulation.

492 Ms. Chaney suggested the Board could send out advisory letters and post the
493 cautions on the website in language similar to the ADA's and current regulations.
494 Ms. Walden volunteered to do a draft of an advisory opinion.
495

496 Ms. Kunow introduced Dr. Sangrik's letter requesting Board approval for a
497 continuing education course in which he would instruct the course and invite
498 outside dentists to participate. Dr. Sangrik is licensed in Ohio. Ms. Fellenberg stated
499 the letter did not indicate where or when this course would be held. If he were
500 working with an Alaska licensed dentist, that would be okay, but that is also not
501 stated in the letter. The Board expressed concern that the course would include live
502 patients. The letter did not indicate what type of clinical course would be held. Dr.
503 Sangrik will need to submit an application for course approval with all the necessary
504 requirements fulfilled.
505

506 Ms. Kunow introduced information regarding Complete Credentialing and
507 Background Services for Board consideration. Currently, the Alaska Board of Dental
508 Examiners uses Professional Background Information Services as its background
509 credentialing service for dental applications. Ms. Fellenberg indicated this issue has
510 come before the Board previously and the Board has been happy with PBIS. It would
511 become a nightmare if the Board contracted several different reporting agencies. Ms.
512 Kunow advised the background checks with PBIS is thorough, with very few
513 discrepancies in its reports. Ms. Kathleen Pellegrino, owner of Complete Credentialing,
514 indicated in her correspondence that PBIS is a conflict of interest because they are
515 affiliated with WREB. The Board noted PBIS is in the same office building as WREB,
516 but does not have an affiliation.
517

518 **On a motion duly made by Fellenberg, seconded by Warren, and approved**
519 **unanimously, it was**

520
521 **RESOLVED to approve maintaining Professional Background**
522 **Information Services as the credentialing agency.**
523

524 Ms. Kunow introduced the letter from Jamie Fellman, a dental hygienist, requesting
525 the Board make an exception in the number of employment hours for the previous
526 two years in her license application by credentials. Ms. Fellman had over 2,000
527 hours in the four to two year period preceding her application, but because she had
528 two children in the two years preceding her application, she did not meet the 700
529 hours requirement. Her husband is now relocating to Elmendorf Air Base. Ms.
530 Kunow also advised several applications similar to this situation have been received
531 since the first of the year. Dental hygienists are usually female and of child bearing
532 years, follow their spouses' careers, are military spouses and choose dental hygiene

533 as a profession because it affords them the flexibility to raise young children, work
534 part time, follow their spouses, etc. Ms. Kunow asked if the Board might want to
535 change the number of hours required to include more than the previous two years
536 on the application.

537 Ms. Walden stated she did not think eight days a month was too much to work with
538 a small child. Dr. Scheller stated mothers taking time off to be with their children
539 cannot get back into the work force if their husbands are transferred to another
540 state.

541 Ms. Walden stated that since it's in the regulations, the Board cannot make any
542 exceptions.

543 Ms. Fellenberg stated the Board needs to look at this issue and change the
544 regulations. Ms. Fellenberg also stated she's in the same boat; that she went to fill-in
545 last year and would not meet the Board's requirements for licensure by credentials
546 today because she took a year off.

547 Dr. Silveira advised that another issue is the fact that since a dental hygienist cannot
548 get licensed in Alaska; they can't get licensed in the next state they relocate. Many of
549 these are military families.

550 Ms. Kunow requested the Board members work on the wording for the number of
551 hours required for dental hygienist licensure by credentials and discuss at the next
552 Board meeting.

553 Dr. Scheller suggested dental hygienists can volunteer to keep up their hours.

554

555 Ms. Kunow introduced an email from Dr. Fell requesting his continuing education
556 lecture be audio recorded in his absence. Ms. Fellenberg asked if this would be
557 different than taking an online computer course. Ms. Walden stated that an online
558 course usually has a test and a certification, but Dr. Fell's request is only to have the
559 students listen and then get a certificate. The Board agreed that this would not meet
560 the continuing education requirements.

561

562 The Board recessed for lunch-

563 Off the record at 12:07 p.m.

564 On the record at 1:06 p.m.

565

566

567 **Agenda Item 11- Personal Interview for Applicants by Credentials**

568

569 Dr. Wells welcomed Dr. Jared Cardon to the board meeting and explained the
570 interview process. Dr. Cardon appeared in person. The board asked the standard
571 interview questions.

572

573 **On a motion duly made by Warren, seconded by Fellenberg, and approved**
574 **unanimously, it was**

575
576 **RESOLVED to approve the application for a dental license for Dr. Jarod**
577 **Cardon.**

578 Dr. Scheller welcomed Dr. Gerald Weitz to the board meeting and explained the
579 interview process. Dr. Weitz appeared telephonically. The board asked the
580 standard interview questions.

581
582 **On a motion duly made by Scheller, seconded by Silveira, and approved**
583 **unanimously, it was**

584
585 **RESOLVED to approve the application for a dental license for Dr. Gerald**
586 **Weitz.**

587
588 Dr. Silveira welcomed Dr. Michael Phillips to the board meeting and explained the
589 interview process. Dr. Phillips appeared telephonically. The board asked the
590 standard interview questions.

591
592 **On a motion duly made by Silveira, seconded by Fellenberg, and approved**
593 **unanimously, it was**

594
595 **RESOLVED to approve the application for a dental license for Dr.**
596 **Michael Phillips.**

597
598
599 Ms. Chaney left meeting 1:45 p.m.
600

601 Ms. Fellenberg welcomed Dr. Wanda Dufrene to the board meeting and explained
602 the interview process. Dr. Dufrene appeared telephonically. The board asked the
603 standard interview questions.

604
605 **On a motion duly made by Fellenberg, seconded by Scheller, and approved**
606 **unanimously, it was**

607
608 **RESOLVED to approve the application for a dental license for Dr. Wanda**
609 **Dufrene.**

610
611

612 Ms. Fellenberg welcomed Dr. Antonella Lanza to the board meeting and explained
613 the interview process. Dr. Lanza appeared telephonically. The board asked the
614 standard interview questions.

615
616
617

618 **On a motion duly made by Fellenberg, seconded by Walden, and approved**
619 **unanimously, it was**

620

621 **RESOLVED to approve the application for a dental license for Dr.**
622 **Antonella Lanza.**

623
624

625 Dr. Wells welcomed Dr. William Frantz to the board meeting and explained the
626 interview process. Dr. Frantz appeared in person. The board asked the standard
627 interview questions.

628

629 **On a motion duly made by Wells, seconded by Warren, and approved**
630 **unanimously, it was**

631

632 **RESOLVED to approve the application for a dental license for Dr.**
633 **William Frantz.**

634

635

636 Dr. Warren welcomed Dr. Ricardo Cuevas to the board meeting and explained the
637 interview process. Dr. Cuevas appeared telephonically. The board asked the
638 standard interview questions.

639

640 **On a motion duly made by Warren, seconded by Fellenberg, and approved**
641 **unanimously, it was**

642

643 **RESOLVED to approve the application for a dental license for Dr.**
644 **Ricardo Cuevas.**

645

646

647 Dr. Warren welcomed Dr. Timothy Harbolt to the board meeting and explained the
648 interview process. Dr. Harbolt appeared telephonically. The board asked the
649 standard interview questions.

650

651 **On a motion duly made by Fellenberg, seconded by Warren, and approved**
652 **unanimously, it was**

653

654

**RESOLVED to go into executive session in accordance with AS
44.62.310(c)(2), for the purpose of discussing the application of Dr.
Timothy Harbolt.**

655

656

657

658

659 Off the record at 2:25 p.m.

660 On the record at 3:12 p.m.

661

662 **On a motion duly made by Wells, seconded by Fellenberg, and approved
663 unanimously, it was**

664

665

**RESOLVED to table the application for a dental license for Dr. Timothy
Harbolt until further information is obtained.**

666

667

668

669 **Agenda Item 8- Continuing Education**

670

671 Ms. Kunow briefed the Board regarding the continuing education audit. CE audit
672 letters were mailed March 13, 2013. Follow up letters for those audits not replied to
673 will be sent out the last week of May, 2013. Audits and ballots will be separated and
674 scanned to Board members, splitting the dental CE audits among the dentists and
675 dental hygienist CE audits between Ms. Fellenberg and Ms. Walden. Ballots will be
676 tallied at the September 6, 2013 meeting.

677

678 **Agenda Item 9- Legislative Issues**

679

680 Ms. Kunow advised HB 53 is with Health and Social Services. Ms. Walden stated
681 dentists are not included on this bill.

682 Ms. Walden advised HB 84 passed the legislative session and replaced SB4. HB 84
683 will not affect dental licensing because there are no temporary licenses issued
684 through the dental Board.

685

686 **Agenda Item 10- Regulations**

687

688 Ms. Kunow distributed the notice of proposed changes in the regulations. Public
689 comment period expires June 4, 2013. All public comments will be emailed to Board
690 members. A teleconference will be scheduled following the public notice period.

691 Dr. Wells advised there are no regulations for oral sedation at this point. The Board
692 agreed with citing the American Dental Association *Guideline for the use of Sedation
693 and General Anesthesia by Dentists*, as adopted by the October 2012 ADA House of

694 Delegates for 12 AAC 28.360(b). Dr. Scheller expressed concern that there are no
695 regulations regarding oral sedation; that a patient can be put into deep sleep orally
696 as well as parenterally. Most states have a separate oral sedation credential.

697 Dr. Scheller did not think the Board could adopt the ADA *Guideline for the use of*
698 *Sedation and General Anesthesia by Dentists* since it did not include oral sedation.

699 Ms. Fellenberg suggested Dr. Scheller check other states' regulations for
700 comparisons between oral and parenteral sedation.

701

702 Ms. Walden asked why 12 AAC 28.940(b)(8) required passing the WREB or
703 certification showing successful completion of a two year or more CODA approved
704 postgraduate training program and evidence of having five years of continuous
705 clinical practice with a an average of 20 hours per week, immediately preceding
706 date of application, which may include dental school. Dr. Wells stated that since the
707 specialty license is no longer, specialty trained dentists practicing in another state
708 could not meet the requirements of the licensure by examination. This wording
709 allows applicants with specialty education to apply for dental licensure. Ms. Walden
710 stated that this should be licensure by credentials, not examination. Dr. Silveira
711 advised that when the Board had this prior discussion, it was agreed the last two
712 years of dental school would apply as clinical practice and then if the residency was
713 a three year program, that would qualify as five years.

714 Dr. Scheller stated that since the specialty license was eliminated, those specialists
715 can now do anything they want to out there now. Dr. Silveira stated those dentists
716 can only advertise themselves with their specialty, say endodontics. Dr. Scheller
717 stated that is meaningless now, because now that there is no specialty license, the
718 Board has no control over what can be practiced. A general dentist could limit their
719 practice to endodontics. Dr. Silveira stated that according to ADA Guidelines, a
720 general dentist cannot advertise a practice limited to a specialty. Dr. Scheller stated
721 that according to the application, the Board doesn't know what those specialty
722 dentists are doing; that a dentist trained in orthodontics, are they competent to do
723 endodontics. Dr. Scheller stated the State should have a specialty license as well as a
724 general dentistry license. The way it stands now, any specialty dentist will be able
725 to practice general dentistry. Many dentists that have orthodontics have never
726 touched a hand piece. Ms. Fellenberg stated that dentists should only practice what
727 they are capable of and trained in.

728

729 Ms. Kunow referred to 12 AAC 28.960(e). If subsection (e) is being repealed and
730 owner or lessees of dental radiological equipment are no longer required to register
731 their equipment, shouldn't subsections (b) and (c) also be repealed? Those
732 subsections state "must register the equipment" and (e) repeals the registration
733 requirement.

734

735 The Board will address these regulations changes at the next meeting after public
736 comment ends.

737

738

739

740 **Agenda Item 12- Business**

741

742 Dr. Warren briefed the Board on his attendance to the American Association of
743 Dental Boards' Mid-Year Meeting in Chicago April 21-22, 2013. Molly Nadler is no
744 longer the executive director.

745 They encouraged the Boards to report all disciplinary reports to the National
746 Practitioner Data Bank and the American Association of Dental Boards' Clearing
747 House.

748 There is a big push in the East to have a national clinical exam instead of regional
749 exams. This won't be accomplished until there is proof that all dental clinical
750 schools are on the same par.

751

752 Dr. Wells referred to the checklist that Dr. Kovaleski is putting together regarding
753 the office checklist for moderate conscious sedation. This list needs to be fine tuned.
754 It's a good start, but the Board needs to review it and get it to a workable amount of
755 paperwork. Dr. Wells will work with Dr. Kovaleski and a nurse anesthetist to
756 finalize a checklist. Ms. Walden asked if there had been any parenteral sedation
757 issues before the Board. Dr. Wells said no, but there is a requirement that the
758 inspection be done, but it hasn't in the past.

759

760 Letter to Jason Hooley - This letter is in reference to Dr. Silveira's request that the
761 Board be provided an explanation of the process for choosing Board members. Dr.
762 Wells asked if Jason Hooley could come to the September Board meeting. Ms.
763 Kunow advised Operations Manager, Sara Chambers, suggested the Board write a
764 letter to Mr. Hooley requesting his attendance. Dr. Silveira will provide Ms. Kunow
765 with questions.

766

767 Dr. Silveira inquired to the status of changing the renewal period. Ms. Kunow
768 advised the next renewal will be an online process which should expedite the
769 process. Ms. Fellenberg agreed to try the process next renewal period. Ms. Kunow
770 advised the renewals will go out sixty days before the expiration. Dr. Silveira said
771 it's a bad time of year with the holidays and people taking vacations.

772 Dr. Wells asked why the license period can't be set up like car registrations with a
773 two year renewal. Electronically, this would work. Ms. Kunow said she would check
774 into this.

775

776 Annual Report is due June, 2013. Dr. Wells will provide the narrative statement.

777

778 Ms. Fellenberg asked Ms. Kunow to supply new Board member contact information
779 to Beth Cole at WREB.

780

781 **Agenda Item 13- Goals and Objectives**

782

783 Dr. Wells requested the Goals and Objectives for 2014 include updating the
784 regulations and on line application forms. Ms. Kunow advised the applications for
785 dental and dental hygienists have been updated and encouraged Board members to
786 look at them.

787 Ms. Kunow asked if the Board received item 8: Request itemized statement for Dept.
788 of Law. Dr. Wells said the Board never received an itemized list of charges. Dr.
789 Wells stated it's hard to work with the budget reports because so much of the
790 monies go into a general fund.

791

792 **Agenda Item 14- Office Business**

793

794 Travel authorizations distributed to Board members for signature.
795 Wall certificates, minutes from February 8 and February 20 Board meetings signed
796 by Dr. Wells.

797 Next Board meeting will be teleconference (to be scheduled after close of public
798 notice of proposed regulation changes).

799

800 Dr. Warren made a motion to adjourn the meeting. All in favor.

801

802 The meeting adjourned at 4:35 p.m.

803

804

Respectfully submitted:

805

806

807



808

Debbie Kunow

809

Licensing Examiner

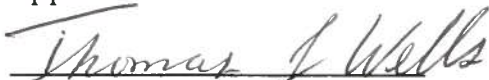
810

811

Approved:

812

813



814

Thomas Wells, DDS, President

815

816

Date: Sept 6, 2013