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

**MINUTES OF MEETING  
September 23, 2016**

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 meeting of the Board of Dental Examiners was held September 23, 2016, at 550 W 7th Ave., Suite 1760, Anchorage, Alaska.

The meeting was called to order by Dr. Thomas Wells, President, at 8:34 a.m.

**Roll Call**

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

Dr. Thomas Wells, President – Anchorage  
Gail Walden- Wasilla  
Dr. Paul Silveira - Valdez  
Dr. Michael Moriarty- Seward  
Dr. David Nielson- Anchorage  
Paula Ross- Anchorage  
Dr. Steven Scheller- Fairbanks

Absent:

Robyn Chaney- Dillingham, excused  
Dr. Thomas Kovaleski- Chugiak, excused

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

Sher Zinn, Records & Licensing Supervisor- Juneau- video conference  
Janey Hovenden, Director- Juneau- video conference  
Jun Maiquis, Regulation Specialist- Juneau- video conference  
Jasmine Bautista, Investigator- Anchorage  
Al Kennedy, Senior Investigator- Anchorage  
Angela Birt, Chief Investigator- Anchorage

In attendance from the Department of Law:

Megyn Greider, AAG- Anchorage

Members of public in attendance-

54  
55 Dr. Kenly Michaud  
56 Dr. David Logan  
57 Dr. Jessica Blanco  
58 Dr. Jesse Hronkin  
59 Dr. M. Boothe  
60 Shana Cranford  
61 Dr. Seth Lookhart  
62 Dr. William Marley  
63

64 **Agenda Item 1- Review of Agenda**

65  
66 The board reviewed the agenda and added the following:

67  
68 Agenda Item 6

- 69 • Discuss dental practices not collecting co-pays
- 70 • Continuous NPDB query of all dentists and dental hygienists
- 71 • WREB exam, scheduling interviews of other regional Board Exams
- 72 • Discussion of Class II scheduled drug recommended prescription guidelines

73  
74 The board approved the agenda as amended.

75  
76 **Agenda Item 2- Approval of Minutes**

77  
78 The board reviewed the minutes from the May 13, 2016 meeting. The following  
79 corrections were made:

- 80 • Line 262- here should be "there"
- 81 • Line 400- versed should be capitalized

82  
83 Dr. Silveira asked if Dr. Nielson as a representative of the board, worked with the ADS to  
84 research the best course of action to implement a hospital admission report as noted in of  
85 the May minutes. Dr. Nielson said he passed the ball to Jessica Blanco, with the ADS, to do  
86 the research.

87  
88 **On a motion duly made by Ross, seconded by Scheller and approved unanimously, it**  
89 **was**

90  
91 **RESOLVED to approve the minutes of the May 16, 2016 minutes, with**  
92 **corrections.**

93  
94 **Agenda Item 3- Ethics**

95  
96 There were no ethics violations to report.

97  
98 **Agenda Item 6- Old/New Business**

99  
100 Being ahead of schedule, the board turned to Old/New Business. Ms. Zinn informed the  
101 board renewals will be available online in January for the next renewal period. She noted  
102 hygienists with the restorative function endorsement would not be allowed to renew  
103 online as the system could not charge the fee for the endorsement as it is not a separate  
104 license, only a note on the hygiene license the hygienist has the endorsement. In addition,  
105 the General and Parenteral Anesthesia permit holders would also not be able to renew  
106 online as they must submit a copy of a current ACLS certification to renew. Ms. Zinn stated  
107 a postcard would be mailed sixty days in advance of the end of the renewal period to all  
108 current licensees with the information for the online renewal.

109  
110 **Agenda Item 4- Budget/Expense Report**

111  
112 Janey Hovenden, Division Director, joined the meeting. Ms. Hovenden presented to the  
113 board the analysis she and Ms. Chambers had completed for the upcoming renewal period.  
114 The board reviewed the division's recommended fee changes and agreed they were  
115 reasonable. No changes were made to the recommendations.

116  
117 **On a motion duly made by Silveira, seconded by Ross and approved unanimously, it**  
118 **was**

119  
120 **RESOLVED to accept the division's proposed changes to the dental board fees.**

121  
122 Break- Off the record at 9:07 am.  
123 Back on the record at 9:11 am.

124  
125 **Agenda Item 6-Old/New Business**

126  
127 Dr. Nielson presented the new Radiological Inspector application form he had created. He  
128 noted the old requirements to be approved by the board as an inspector were onerous.  
129 There were not enough approved inspectors for offices not associated with a federal or  
130 tribal facility and the board should open it up to as many inspectors as possible. The new  
131 form would give more leeway for an inspector to be approved by the board. He noted he  
132 discussed what installers do with Henry Schein. The board discussed whether an installer  
133 would be allowed to also be an inspector, such as Henry Schein. Would it be an ethical  
134 issue. Dr. Nielson further stated he hoped the board would adopt the form. The board  
135 could determine if the applicant qualified based on the application and supporting  
136 documents received.

137  
138 **On a motion duly made by Scheller, seconded by Moriarty, and approved**  
139 **unanimously, it was**

140  
141 **RESOLVED to adopt the new Radiologic Inspector application form.**

142  
143 **Agenda Item 5- Investigations**

144  
145 Jasmine Bautista and Al Kennedy joined the meeting for the investigative report. Ms.  
146 Bautista introduced Al Kennedy as the Senior Investigator. Ed Riefle was no longer with  
147 the division and Al Kennedy was reassigned as the supervisor for healthcare related  
148 programs.

149  
150 Ms. Bautista went over the investigative report with the board.

151  
152 **Agenda Item 6- Old/New Business**

153  
154 Dr. Wells noted Robyn Chaney's term with the board expires March 2017 and the board  
155 would need a new member to replace her. Dr. Scheller and Gail Walden's first terms expire  
156 March 2017. He noted members whose terms expire should contact the Boards and  
157 Commissions office to notify them they are interested in being reappointed to a second  
158 term. Ms. Zinn would clarify if Dr. Moriarty's first term expires at that time.

159  
160 Dr. Scheller noted he would like to stay on the board until at least the sedation regulations  
161 are adopted.

162  
163 Dr. Silveira suggested board members contact Boards and Commissions and comment on  
164 the reappointments.

165  
166 The board discussed the Joint Commission on National Dental Examinations (JCNDE)  
167 information in the board packet. The information outlines the changes to the national  
168 cognitive skills exam currently titled the National Board Dental Examination (NBDE). The  
169 Integrated National Board Dental Examination (INBDE) will replace the NBDE completely  
170 by August 2022. Dr. Nielson will get additional information at the AADB meeting held in  
171 October.

172  
173 The board discussed the clinical exam and whether amalgam fillings should still be on the  
174 exam. Dr. Nielson was concerned the skill would disappear if they no longer test for it.  
175 The board discussed schools and what is currently being taught, and what is best for the  
176 people of Alaska. The discussion was tabled until the regional exam boards addressed the  
177 board at the December and March meetings.

178  
179 Dr. Wells asked Ms. Zinn to invite the regional exam boards to the December and March  
180 meetings for a minimum of a 15 minute presentation followed by board questions. There  
181 are six regional exam boards and three would be scheduled for each meeting. The board  
182 made a motion at the May meeting to invite the boards. Dr. Moriarty would give Ms. Zinn  
183 the acronyms to all six of the exams so she may find the contact information on the web.

184  
185 Dr. Wells brought up the continuous query for the licensees through the National  
186 Practitioner Data Bank. Dr. Kovaleski was tasked to contact the Oregon Board to inquire  
187 about the process and the cost for the continuous query. Dr. Kovaleski sent an email to be

188 provided to the board at the meeting with the information. It was noted the continuous  
189 query cost is \$3 per licensee per year.

190  
191 Ms. Zinn said the board needed to determine what would be done with the report when  
192 one was received. Would the examiner send to the investigator for investigation? The cost  
193 would be paid by the license renewal fee. The division staff will research the process of the  
194 continuous query information for the board, and include how the board would pay the fee.

195  
196 **On a motion duly made by Scheller, seconded by Moriarty, and approved**  
197 **unanimously, it was**

198  
199 **RESOLVED to sign up all licensed dentists and hygienists for continuous query**  
200 **with the National Practitioners Data Bank.**

201  
202 Dr. Silveira brought up the topic of dentists that were waiving the patient co-pay. Dr.  
203 Silveira was contacted by another dentist and asked if the board could do anything  
204 regarding the issue. Would it be an ADA Code of Ethics issue? Dr. Moriarty stated he  
205 thought the board had dealt with the issue when he was on the board before and the board  
206 decided, as long as the dentist put on the insurance claim the patient would not be  
207 participating in the co-pay, it did not pose an ethics issue.

208  
209 Dr. Wells left at 10:10 am and returned at 10:11 am.

210  
211 Dr. Nielson asked if the board finds someone has breached the code of ethics, what should  
212 the board do. A letter of advisement should be sent to the licensee. Ms. Walden suggested  
213 the dentist who contacted Dr. Silveira should make a complaint to the investigator. Dr.  
214 Wells suggested the ADA should be contacted to see how to proceed in a case such as this,  
215 and the insurance company to find out what they would do. Dr. Silveira will contact the  
216 dentist and advise them to make a formal complaint.

217  
218 **Agenda Item 7- Public Comment**

219  
220 Dr. Logan addressed the board and stated he was mildly concerned with the licensee's  
221 information being on a postcard for the online license renewal. His concern was someone  
222 "messaging" with someone's renewal and it being flagged. He also stated he was in  
223 agreement with the board the radiologic inspector requirements should be looked at to  
224 encourage more people to become inspectors. Ms. Walden asked Ms. Zinn if she would like  
225 to address Dr. Logan's concern about the online renewal.

226  
227 Ms. Zinn noted that the Department of Law looked at the legality of the online renewal and  
228 found there was no issue with the online renewal as it did not disclose any confidential  
229 information, and why would someone want to spend the money to renew a license that was  
230 not theirs. She further stated that if anyone wanted to check "yes" to any of the  
231 professional fitness questions, the renewal could not be done online, it must be done by

232 paper. There was no way a person could “mess” with an online renewal for another  
233 person.

234  
235 Dr. Boothe addressed the board regarding “who could take a dental x-ray”? The board  
236 responded by stating anyone the doctor deemed qualified could take the x-ray.

237  
238 Break- Off the record at 10:26 am.

239 On the record at 10:36 am.

240  
241 The board turned the discussion to the email from Dr. Kovaleski regarding the board’s  
242 involvement in the Opioid Prescription Guidelines Committee. Dr. Kovaleski would be  
243 attending a meeting with a representative from the Medical, Pharmacy, Optometry, and  
244 Nursing boards, October 4<sup>th</sup>, to discuss each board’s recommendations. Senate Bill 74  
245 requires the boards to draft a report on recommended prescription guidelines for schedule  
246 II controlled substances for the legislature. Dr. Kovaleski recommended using the Center  
247 for Disease Controls guidelines for prescribing of opioid drugs and asked the board to  
248 discuss at the meeting for their input. The board reviewed the information and decided Dr.  
249 Kovaleski’s recommendation using the CDC’s guidelines is sufficient. The board  
250 determined it would be micromanaging for the board to recommend a dosage for each  
251 schedule II controlled substance listed under federal law.

252  
253 **Agenda Item 8- Regulations Part I**

254  
255 Considering the public comments received for the sedation regulations, the board  
256 continued review of the regulations started at the September 16<sup>th</sup> teleconference. The  
257 board made further changes to the project.

258  
259 Megyn Greider, AAG, joined the meeting at 10:50 to go over the edits made by her to the  
260 sedation regulations. Ms. Greider stated the changes she made were not substantial, but  
261 more structural in nature.

262  
263 Ms. Greider noted because the project was so large, the Department of Law’s  
264 recommendation was to have the project turned into two separate projects if possible. Ms.  
265 Greider further stated that any reference adopted by the board in the regulations must be  
266 included in the public notice. If a document is copyrighted, two originals must be obtained,  
267 one must be available at the division, one filed with the Lt. Governor with the regulation  
268 packet.

269  
270 The board considered requiring a permit for Certified Registered Nurse Anesthetists and  
271 Anesthesiologists that would be specific to the dental office where the sedation would  
272 occur. Since the permit was not included in the current version, Ms. Greider recommended  
273 the board add that to a second project. The fees would also have to be added to the  
274 division’s centralized regulations initiated by the division. After discussion, the board  
275 decided to keep it as one project instead of two.

276

277 Ms. Walden will condense the changes and send via email to Ms. Zinn who will forward to  
278 Ms. Greider to incorporate with her changes. The board determined with all of the changes  
279 made that it would be best to send out for public comment again.  
280

281 Ms. Greider will complete her final revised draft and send a clean copy without the red  
282 lines. The board will review the new version during a teleconference before the December  
283 9<sup>th</sup> meeting.  
284

285 Lunch Break- Off the record at 11:53

286 On the record at 1:11

287

288 **Agenda Item 9- Personal Interviews**

289

290 The board went into executive session to discuss license applications.  
291

292

292 **On a motion duly made by Walden, seconded by Scheller, and approved**  
293 **unanimously, it was**

294

295 **RESOLVED to go into executive session in accordance with AS**  
296 **44.62.310(c)(2)(3), for the purpose of discussing license applications.**

297

298 Staff to remain.  
299

300

300 Angela Birt, Chief Investigator, joined the meeting. Ms. Birt addressed the board regarding  
301 a question asked earlier to Ms. Bautista regarding what purview the board had over  
302 dentists working for tribal health services or with the federal government. Ms. Birt stated  
303 the board does not have purview over a dentist working in a federal facility if they are not  
304 licensed by the board. Dentists must hold at least one valid license from any state to work  
305 for the federal government or a tribal health service. Federal law allows dentists to work  
306 with non-native populations as well as native populations, and federal law trumps state  
307 law. If the dentist holds an Alaska dental license, the board has purview over that license.  
308

309

309 Off the record at 1:17

310 On the record at 1:33  
311

312

312 The board welcomed Dr. Willard Osmunson to the Board meeting and explained the  
313 interview process. Dr. Osmunson appeared telephonically. The Board asked the standard  
314 interview questions.  
315

316

316 **On a motion duly made by Walden, seconded by Nielson, and approved unanimously,**  
317 **it was**

318

319 **RESOLVED to go into executive session in accordance with AS**  
320 **44.62.310(c)(2)(3), for the purpose of discussing the license application for**  
321 **Dr. Willard Osmunson.**

322  
323 Staff to remain.  
324  
325 Off the record at 1:56  
326 On the record at 2:00  
327  
328 **On a motion duly made by Scheller, seconded by Ross, and approved unanimously, it**  
329 **was**  
330  
331 **RESOLVED to approve the application for a dental license for Dr. Willard**  
332 **Osmunson.**  
333  
334 **On a motion duly made by Nielson, seconded by Walden, and approved unanimously,**  
335 **it was**  
336  
337 **RESOLVED to table the license application of Tyler Mann until investigators**  
338 **complete an investigation.**  
339  
340 The board welcomed Dr. Michael Madsen to the Board meeting and explained the interview  
341 process. Dr. Madsen appeared telephonically. The Board asked the standard interview  
342 questions.  
343  
344 **On a motion duly made by Wells, seconded by Silveira, and approved unanimously, it**  
345 **was**  
346  
347 **RESOLVED to approve the application for a dental license for Dr. Michael**  
348 **Madsen.**  
349  
350 The board welcomed Dr. Tomas Holbrook to the Board meeting and explained the  
351 interview process. Dr. Holbrook appeared telephonically. The Board asked the standard  
352 interview questions.  
353  
354 **On a motion duly made by Silveira, seconded by Nielson, and approved unanimously,**  
355 **it was**  
356  
357 **RESOLVED to approve the application for a dental license for Dr. Tomas**  
358 **Holbrook.**  
359  
360 The board welcomed Dr. Andrew Verrett to the Board meeting and explained the interview  
361 process. Dr. Verrett appeared telephonically. The Board asked the standard interview  
362 questions.  
363  
364 **On a motion duly made by Scheller, seconded by Moriarty, and approved**  
365 **unanimously, it was**  
366



367  
368           **RESOLVED to approve the application for a dental license and parenteral**  
369           **sedation permit for Dr. Andrew Verrett.**  
370

371 The board welcomed Dr. Clay Van Leeuwen to the Board meeting and explained the  
372 interview process. Dr. Van Leeuwen appeared telephonically. The Board asked the  
373 standard interview questions.

374  
375 **On a motion duly made by Walden, seconded by Scheller, and approved**  
376 **unanimously, it was**

377  
378           **RESOLVED to approve the application for a dental license and general**  
379           **anesthesia permit for Dr. Clay Van Leeuwen.**  
380

381 The board welcomed Dr. Bryan Whitwell to the Board meeting and explained the interview  
382 process. Dr. Whitwell appeared telephonically. The Board asked the standard interview  
383 questions.

384  
385 **On a motion duly made by Ross, seconded by Silveira, and approved unanimously, it**  
386 **was**

387  
388           **RESOLVED to approve the application for a dental license for Dr. Bryan**  
389           **Whitwell.**  
390

391 The board welcomed Dr. Buck Wilson to the Board meeting and explained the interview  
392 process. Dr. Wilson appeared telephonically. The Board asked the standard interview  
393 questions.

394  
395 **On a motion duly made by Nielson, seconded by Silveira, and approved unanimously,**  
396 **it was**

397  
398           **RESOLVED to approve the application for a dental license for Dr. Buck Wilson.**  
399

400 **Agenda Item 10-Regulations Part II**

401  
402 The board discussed changes to the radiological inspection and registration regulations. It  
403 was determined to make the following changes:

404           12 AAC 28.965(a)- change six years to ten years

405           12 AAC 28.965(b)(1)- be performed by an inspector who is on the list maintained  
406           under ~~(d) of this section~~ by the board

407           Add to 28.965- board approval of a new inspector to include:

408           Potential inspectors not currently on the approved list by the board must  
409           complete and submit the form titled "Radiological Equipment Inspector  
410           Application Form" adopted by reference in 12 AAC 28.970(d) along with any  
411           supporting documentation.

412  
413 Add to 28.970(d)- The form titled "Radiological Equipment Inspector Application  
414 Form," dated September 2016, is adopted by reference. This form is established by  
415 the board for use by the board to review and determine the qualifications of  
416 inspectors who will inspect dental radiological equipment under 12 AAC 28.965.  
417

418 Ms. Zinn noted the dates for renewal of coronal polishing and restorative function  
419 certificates in 12 AAC 28.840 and 880, still have a December 31 even year expiration date.  
420 The dates should have been changed in 2014 when the dates for renewal for dentists and  
421 hygienists were changed to February 28 of every odd year.  
422

423 The changes are to be made in 12 AAC 28.840(a) and 880(a).  
424

425 The board turned to discussing discipline guidelines for dentists not registering with the  
426 Prescription Drug Monitoring Program. It was noted SB74 passed last legislative session  
427 which will require dentists and other prescribing healthcare practitioners who have a DEA  
428 registration to register with the PDMP.  
429

430 Senate Bill 74-

431  
432 **Sec. 5.** AS 08.36.070(a) is amended to read:

433 (a) The board shall  
434 **(10) require that a licensed dentist who has a federal Drug**  
435 **Enforcement Administration registration number register with the controlled**  
436 **substance prescription database under AS 17.30.200(o).**  
437

438 It was decided to add to 12 AAC 28.906(6)-failing to register with the Prescription Drug  
439 Monitoring Program under AS 08.36.070.  
440

441 The board directed Ms. Zinn to add the changes for the coronal polishing and restorative  
442 function renewal dates and addition to disciplinary sanctions to the regulation project for  
443 radiological inspections, and forward to the regulation specialist for drafting and review at  
444 the next meeting.  
445

446 Break- Off the record at 3:01 pm

447 On the record at 3:06  
448

449 The board turned back to the sedation regulations discussed in the morning session. The  
450 changes were added to the earlier discussion and will be forwarded to Ms. Zinn for Ms.  
451 Greider's drafting.  
452

453 **Agenda Item 11-Office Business**

454  
455 The board set the meeting dates for 2017:  
456

457 March 3- Anchorage

458 May 5- Anchorage

459  
460 The board decided to hold a teleconference to review the newest version of the sedation  
461 regulation project, and approve to go out for public comment in time for the board to  
462 consider the public comments at the December 9<sup>th</sup> meeting.

463  
464 Ms. Zinn noted the teleconference would need to be held no later than November 4<sup>th</sup> to  
465 ensure the public comment period closes before the December 9<sup>th</sup> meeting.

466  
467 The wall certificates were signed by the Board Chair and the Secretary.  
468 The final minutes were signed by Dr. Wells.

469  
470 Tasks-

- 471 • Ms. Zinn will contact the six exam boards to invite them to the December and March
- 472 meetings.
- 473 • Ms. Zinn will check with the NPDB to determine the process for continuous query
- 474 for dentists and hygienists.
- 475 • Ms. Walden will update the sedation regulations with the corrections made at the
- 476 meeting and email to Ms. Zinn.

477  
478  
479 The board adjourned the meeting at 4:30 p.m.

480  
481 Respectfully Submitted:

482  
483   
484 Sher Zinn  
485 Records and Licensing Supervisor

486  
487 Approved:   
488  
489 Thomas Wells, DDS, President

490  
491 Date: Dec 9, 2018  
492