

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

**MINUTES OF MEETING
FEBRUARY 7-8, 2008**

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 7-8, 2008, in Conf. Room C of the State Office Building, 333 Willoughby Ave., Juneau, Alaska.

THURSDAY, FEBRUARY 7, 2008

The meeting was called to order by Dr. David Eichler, Chairman at 8:34 a.m.

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

Dr. David Eichler, Chairman – Fairbanks
Mr. Gregory Gurse – Anchorage
Cheryl Fellenberg – Dental Hygienist – Wasilla
Vicki Hauff – Dental Hygienist – Anchorage
Dr. Rebecca Nesland – Anchorage

Those absent and excused were:

Dr. Arne Pihl - Ketchikan
Dr. Kevin Gottlieb – Anchorage
Dr. William Gerace – Anchorage

Dr. Newell Walther – Wasilla joined the meeting at 8:43 a.m.

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

Brenda Donohue, Licensing Examiner – Juneau

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Agenda Item 1 – Review Agenda

Dr. Eichler reviewed the Agenda. Ms. Donohue noted there were no additions.

Upon a motion duly made by Ms. Hauff, seconded by Ms. Fellenberg and approved unanimously, it was:

RESOLVED to approve the Agenda.

Agenda Item 2 – Review Minutes

Following review of the December 7, 2007 meeting minutes, Dr. Eichler asked for a motion to approve.

Upon a motion duly made by Dr. Neslund, seconded by Ms. Fellenberg and approved unanimously, it was:

RESOLVED to approve the December 7, 2007 minutes as presented.

Agenda Item 3 – Ethics Report

Dr. Eichler queried board members if anyone had any possible ethics violations to report. There was no response, indicating no ethics reports were necessary.

Agenda Item 4 – Budget Review

The Board reviewed the budget report presented as of January 24, 2008. Mr. Gurseay noted the Revenues are low, and Dr. Eichler pointed out that 2008 is a renewal year for both dentists and dental hygienists, so the Revenues should look fine by the end of the year. He also noted that dental hygienists were renewed for one year instead of the usual two years so the renewal for the entire dental profession will now occur 12/31 of even numbered years. The renewal fee for the one-time, one-year dental hygiene renewal is half the usual renewal fee.

Agenda Item 4(a) – Application Assignments and Review

Assign Questions for Credential Candidates

There were no Dentist applicants by Credentials scheduled for interview with the Board.

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Agenda Item 5 – Legislation

The Board reviewed HB 136 and SB 98, the current dental hygiene legislation whereby provision is enacted for a restorative function license endorsement and collaborative agreements; HB 319 and SB 239 whereby provision is enacted to provide a coronal polishing certificate and restorative function certificate to dental assistants who qualify; and SB 196, an act relating to establishing a controlled substance prescription database.

SB 196 adds to the statutes for the Pharmacy Board and provides for that Board to establish and maintain a controlled substance prescription database. This bill affects dentists because providers will be required to report dispensing controlled substances to this database, in addition to pharmacists.

Board members will attempt to visit the sponsors of SB 196 to gather more information on this bill when they are visiting the Legislature later today.

Dr. Neslund expressed concern about the change from “supervision” to “direct or indirect supervision” in HB 319 and SB 239, sponsored by the Alaska Dental Society. Dr. Eichler placed a call to Dr. Logan, the ADS Legislative Liaison, to ask for clarification on this change. Dr. Logan indicated that he could see the concern with not including general supervision as well as direct or indirect supervision, and he will work to have the change included in a committee substitute.

Agenda Item 5(a) – Review Applications

Continuing Education Course Applications

Upon a motion duly made by Dr. Neslund, seconded by Dr. Walther and approved unanimously, it was:

RESOLVED to approve the following continuing education courses as meeting the requirements in accordance with 12 AAC 28.410:

Anterior Esthetic Dentistry From Smile Design to Completion, sponsored by the Sanders Dental Ceramics/Alaska Academy of Dental Technology, for twenty-two (22) hours of continuing education;

WNL Means Within Normal Limits, But Is It? Optimizing the Oral Cancer Evaluation, sponsored by the Alaska State Dental Hygienists’ Association, for three (3) hours of continuing education;

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It's All Connected: Oral Health & Whole Body Wellness, sponsored by the Alaska State Dental Hygienists' Association, for three (3) hours of continuing education;

Minimal Intervention: Stepping Into A New Dimension, sponsored by the Alaska State Dental Hygienists' Association, for three (3) hours of continuing education.

Agenda Item 6 – Regulations

Ms. Donohue advised the Board that the regulation project for changes to 12 AAC 28.105, 500, 910, and 960 was still out to public notice.

Dr. Neslund reported that she had polled a wide array of Alaskan dentists for their opinion on the current statutes and regulations for dental specialty licensing. What she discovered was reluctance on the part of practitioners licensed as general dentists to obtain their specialty license because they do not want to limit their practice. Prior to the current law where a dentist can hold a specialty without holding a general dentist license, a practitioner was required to hold a general dentist license in order to obtain a dental specialty license. The cost of a specialty license was \$100 then, and now, under the change, the cost of a specialty license is \$590, the same as a general dentist license.

The perception among licensees is that the change infringes on the services they can now offer if they hold a specialty license, and not a general license. They don't appreciate that the Board's intent was to remove the impediment of having passed the WREB or CRDTS exam in addition to a specialty board exam in order to obtain a specialty license. They feel that holding the general license as well as the specialty license covered them to offer all services they were trained to provide.

Agenda Item 7 – Miscellaneous Correspondence

Joint Commission on National Dental Examination – request for Board member to assist with administration of Dental Hygiene National Board Examination at University of Alaska-Anchorage, March 25, 2008. Information only.

WREB – Minutes of January 2008 WREB Board of Directors meeting. Royann Royer RDH was awarded the David S. Low for prestigious service. Dr. Eichler will contact WREB, and then draft an article for the newsletter to recognize Ms. Royer.

Dr. Eichler noted that some states are not accepting the WREB exam because it lacks a crown preparation element. Information only.

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WREB – Letter from Dr. Paul Sims advising that at a recent meeting held by a dental testing agency, a discussion on comparisons of the content of the various regional examinations were outlined and presented. Several misstatements were presented regarding the WREB exam. Dr. Sims conclusion is the when trying to evaluate the examination given by any testing agency, it would be best to allow that testing agency to provide information regarding their exam. Otherwise, inaccurate and misleading descriptions are presented. Information only.

ADA – Memo from Dr. Frank Maggio, Chair of the Council on Dental Education and Licensure to advise that a dental sedation continuing education organization known as DENTAL ORGANIZATION FOR CONSCIOUS SEDATION (DOCS) recently provided to the state boards of dentistry recommended language for regulations for the administration of sedation "that are based entirely on the ADA's newly adopted sedation Guidelines except for a few important changes based on feedback from dental communities of interest. Be aware that the ADA did not grant permission to this continuing education organization to modify the new ADA Anesthesia Guidelines in such a manner. The ADA has written to DOCS requesting that it cease the unauthorized use of the ADA's copyrighted materials. Information only.

A list of correspondence reviewed will be attached as an integral part of the minutes.

As a reminder, Ms. Donohue passed out a memo Director Urion drafted 3/2/05 that explains that once the Board recesses their meeting, they can gather in groups no larger than three members so as not to violate the Open Meetings Act (AS 44.62.310) The public notice for the Feb. 7-8, 2008 board meeting indicates that the meeting is to be held in Conference Room C on the 9th floor of the State Office Building. Once the board recesses the public noticed meeting in that place, at the times noted, they can no longer conduct business as a board because they are not available to the public. The intent of this reminder is to bring the matter of Open Meetings Act to the attention of the Dental Board so that the board may act appropriately within the confines of AS 44.62.310.

The board recessed at 10:38 am until Friday, Feb. 8, 2007 at 8:30 a.m.

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FRIDAY, FEBRUARY 8, 2008

Dr. Eichler called the meeting to order at 8:32 a.m.

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

Dr. David Eichler, Chairman – Fairbanks
Mr. Gregory Gurse – Anchorage
Cheryl Fellenberg – Dental Hygienist – Wasilla
Vicki Hauff – Dental Hygienist – Anchorage
Dr. Rebecca Nesland – Anchorage
Dr. Kevin Gottlieb - Anchorage

Those absent and excused were:

Dr. Arne Pihl - Ketchikan
Dr. William Gerace – Anchorage

Those absent and unexcused were:

Dr. Newell Walther – Wasilla

Ms. Donohue noted that she has provided a packet of documents to aid follow-up discussions on the dental specialty license. These include a copy of AS 08.36.246 prior to the current version, the dental specialty checklist, a print-out of the American Board of Endodontics outline of the different levels of board certification, and a copy of the NOTARIZED LIMITED PRACTICE AFFIDAVIT. As required in AS 08.36.246 and 247, and the ADA's Principles of Ethics and Code of Professional Conduct, with official advisory opinions revised to April 2002, "limited practice" means a person will limit their practice of dentistry to which ever specialty they are licensed in and hold a board certification that is recognized by the American Dental Association.

Agenda Item 5 – Legislation

Discussion ensued wherein the board members expressed their concern that the language in HB 319 is considerably different that the language of the proposed legislation the board went on record as supporting at it's Dec. 7, 2007 meeting. The Board is still in support of the concept of expanded functions for dental assistants, but do not support the current language of HB 319 and SB 239.

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Upon a motion duly made by Ms. Fellenberg, seconded by Dr. Gottlieb and subsequently withdrawn, it was:

RESOLVED to support HB 319 and SB 239 conceptually, though the board has concerns about the current language.

Upon a motion duly made by Ms. Hauff, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to support HB 319 and SB 239 in terms of the concept of expanded functions for dental assistants, but do not support the language as written at this time.

Agenda Item 9 – Goals and Objectives

Dr. Neslund requested to return to the discussion of qualifications for dental specialty license of the previous day before going on to Goals and Objectives. Today's discussion clarified that an applicant for dental specialty license must be either board certified (diplomate), or if not a diplomate, eligible to be examined for diplomate status. If eligible to be examined, the applicant must have passed a regional clinical exam, approved by the board, to establish clinical competence.

Dr. Neslund will do further study and analysis of AS 08.36.246 and 247 and 12 AAC 28.952 and will bring draft language for any changes to the June 27, 2008 meeting. If the Board agrees to any changes they can be included in the Legislative Recommendations and Regulatory Recommendations in the Annual Report. She will analyze whether the Board should keep the language "exam approved by the board" rather than name a specific regional exam in the interest of accommodating specialty applicants applying by credentials. She will include any additional changes required for applicants by credentials.

Next the Board reviewed AS 08.36.246(b), a dental specialist must limit their practice to the specialty noted on their license, in accordance with the Principles of Ethics and Codes of Professional Conduct of the American Dental Association. Most of the Board members were unaware of this requirement to limit practice, and in light of this requirement, understand the reluctance of practitioners to hold only a dental specialty license.

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Agenda Item 6 – Investigative Report

Susan Winton, Investigator, joined the meeting at 9:20 a.m., to present the Investigative Report.

Ms. Winton asked if the Board had any questions regarding the Investigative Report. The Board proceeded in asking the status of several of the cases. Ms. Winton noted for the record there were eight open investigations, six open complaints, three closed complaints and four probation monitoring cases.

Dr. Eichler appointed Dr. Gerace and Dr. Gottlieb to serve on the Discipline Review Panel for the March-June 2008 quarter.

Agenda Item 9 – Goals and Objectives

The Board returned to their review of the Goals and Objectives for FY 2008, and felt they were on track for accomplishing these goals.

Following discussion, and review of AS 08.36.070(9), Item 6 – Continue annual mailing of newsletter was deleted per the following motion:

Upon a motion duly made by Mr. Gursey, seconded by Ms. Hauff and approved unanimously, it was:

RESOLVED to discontinue annual mailing of Newsletter and have it accessible through the Dental Board web site.

The Division will include a statement on the renewal form advising the licensees they can access the newsletter on the Dental Board's web site.

Agenda Item 7 – Public Comment

There were no members of the public in attendance for Public Comment.

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Agenda Item 11– Office Business

A. Travel Authorizations

Ms. Donohue collected signed TAs and travel receipts.

B. Meeting Dates for 2008

The Board confirmed the following scheduled meeting dates:

June 27, 2008 in Anchorage
Sept. 12, 2008 in Fairbanks
Dec. 12, 2008 in Anchorage

C. Sign Wall Certificates

The Chairman and Secretary signed wall certificates.

D. Board Member Task List

Ms. Donohue will send out a new Task List with assignments. A copy of the list will be included at the end of these minutes.

Agenda Item 12 – Unfinished Business

Upon a motion by Dr. Eichler, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to designate Dr. Eichler to serve as the WREB representative for the Dental Board.

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Agenda Item 13 - Adjourn

There being no further business Dr. Eichler called for a motion to adjourn.

**Upon a motion by Ms. Hauff, seconded by Dr. Gerace and approved
unanimously, it was:**

**RESOLVED to adjourn the meeting of the Board of Dental
Examiners.**

The Board adjourned the meeting at 10:00 a.m.

Respectfully Submitted:

Brenda Donohue, Licensing Examiner

APPROVED:

David Eichler, DMD
Chairman
Board of Dental Examiners

Date: _____

**BOARD OF DENTAL EXAMINERS
TASK LIST FROM FEBRUARY 7-8, 2008 MEETING**

Ms. Fellenberg

Dental Hygiene CE Audit

Dr. Gerace

Discipline Review Panel March-June 2008

Dr. Eichler

Draft letter to Royann Royer acknowledging her being awarded the David S. Low service award from WREB.

Dr. Arne Pihl

Dr. Newell Walther

Dr. Kevin Gottlieb

Discipline Review Panel March-June 2008

Vicki Hauff

- Backup person for reviewing Course Approvals when needed.
- Dental Hygiene CE Audit

Gregory Gursev

Dr. Neslund

Review AS 08.36.246 and 247 and 12 AAC 28.952, Dental Specialty License, and bring draft language of any changes to the June 27, 2008 meeting.

Licensing Examiner

- Work on board's web site – updating/adding information.
- CE Course approval letters to applicants.