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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
December 7, 2012**

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 December 7, 2012, at 550 W. 7th Ave., Suite 240, Anchorage, Alaska.

The meeting was called to order by Dr. Thomas Wells, President, at 8:41 a.m.

Roll Call

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

Dr. Thomas Wells, President – Anchorage
Dr. Mary Anne Navitsky – Sitka
Dr. Paul Silveira - Valdez
Dr. Thomas Kovaleski - Chugiak
Deborah Stauffer – Dental Hygienist – Anchorage
Dr. Robert Warren – Anchorage
Cheryl Fellenberg – Dental Hygienist – Wasilla

Absent:

Dr. Clifford White- Dillingham, excused
Robyn Chaney- Dillingham, 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
Quinten Warren, Chief Investigator- Anchorage
Gary Keiser, Investigator- Anchorage
Angela Birt, Investigator- Anchorage
Susan Winton, Investigator- Anchorage

47 **Agenda Item 1- Agenda**

48
49 The draft letter to Representative Guttenberg was put on the agenda under item 6.
50 Dr. Stauffer asked to have the Department of Law's response to the letter the board
51 received in regards to the new statute requiring dental practice ownership. Dr.
52 Wells noted the new statute requires a dental practice to be owned by a licensed
53 dentist, or a non-profit.

54
55 **Agenda Item 2- Minutes**

56
57 The board reviewed the minutes from the September 7, 2012 meeting and the
58 October 17, 2012 teleconference.

59
60 **On a motion duly made by Stauffer, seconded by Warren and approved**
61 **unanimously, it was**

62
63 **RESOLVED to approve the minutes of the September 7, 2012 meeting**
64 **and the October 17, 2012 teleconference as written.**

65
66 **Agenda Item 3- Ethics**

67
68 There were no ethics violations to report.

69
70 **Agenda Item 4- Budget Review**

71
72 The board reviewed the budget for the first quarter of FY 2013.

73
74 **Agenda Item 5- Investigative Report**

75
76 Dr. Wells informed the board they had received information regarding a summary
77 suspension and asked for a motion to go into executive session to discuss the
78 matter.

79
80 **On a motion duly made by Stauffer, seconded by Fellenberg, and approved**
81 **unanimously, it was**

82
83 **RESOLVED to go into executive session in accordance with AS**
84 **44.62.310(c)(2), for the purpose of discussing the summary suspension**
85 **information.**

86
87 Board staff to remain during executive session.

88

89 Off the record at 8:54 a.m.

90 On the record at 9:16 a.m.

91

92 Susan Winton, investigator, and Angela Birt, new investigator for the Dental Board,
93 joined the meeting. Ms. Birt introduced herself and gave the board her background
94 in investigative work. Ms. Birt retired from the army, CID, for 23 years. Worked for
95 a defense subcontractor in Iraq, and in Afghanistan supporting the army. Her
96 background is in forensics and has a masters degree in forensic science.

97

98 Ms. Winton addressed the board regarding a new disciplinary process called
99 "Imposition of Civil Fines", which has been adopted by other licensing boards. It is a
100 civil fine without censure or reprimand. It is not reported to the National
101 Practitioners Data Bank and therefore looked at by other state licensing boards as
102 an administrative action. It would be used for technical violations not related to
103 patient care. An example would be an application error, such as failing to list all
104 states where the applicant has ever held a license. It would assist the investigator
105 by streamlining the process of paperwork violations. Ms. Winton noted the Medical
106 Board adopted the Imposition of Civil fine in October 2010 and it has been
107 extremely successful for the boards who have adopted it, and for the licensees. It is
108 a one page document the applicant signs then brought to the board for adoption.
109 The board has total discretion on adopting the agreement as is, changing the
110 amount of the fine, or deciding it was not appropriate for the violation. Ms. Winton
111 further stated the Imposition of Civil Fine would not be used for cases regarding
112 patient care.

113

114 It was noted other boards have schedules of infringements and fines and the Dental
115 Board may use them as a guideline.

116

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

119

120 **RESOLVED to adopt the use of Imposition of Civil Fine, without censure**
121 **or reprimand, not being retroactive, and only applies to cases not**
122 **related to the delivery of patient care.**

123

124 Break- off the record at 9:43

125 On the record at 9:50

126

127 Quinten Warren, Chief Investigator, and Gary Keiser, Investigator, joined the
128 meeting for the board to consider a summary suspension.

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On a motion duly made by Stauffer, seconded by Fellenberg, and approved unanimously, it was

RESOLVED to go into executive session in accordance with AS 44.62.310(c)(2), for the purpose of discussing summary suspension for case #1200-08-002 and C1200-09-002.

Board and staff to stay during executive session.

Off the record at 9:52 a.m.

On the record at 10:20 a.m.

Dr. Wells noted he would recuse himself from the vote.

On a motion duly made by Warren, seconded by Fellenberg, and approved by roll call vote, it was

RESOLVED to summarily suspend the license of Dr. Troy Burns, DDS involving case #1200-08-002 and C1200-09-002.

Roll call- Navitsky, yea- Silveira, yea- Kovaleski, yea- Warren, yea- Stauffer, yea- Fellenberg, yea- 6 yeas, no nays- motion passed

Recused from vote- Wells

Dr. Wells stated for the record he would delegate the authority to sign the summary suspension to Dr. Stauffer. Dr. Stauffer signed the summary suspension.

Ms. Birt summarized the investigative report. It was noted Ms. Fellenberg would give Ms. Birt a list of dental hygienists who could be used as expert witnesses for dental hygiene cases.

Dr. Wells left the room at 10:34 and returned at 10:36.

Agenda Item 8- Public Comment

No one was present for public comment.

Agenda Item 6- New/Old Business

170 The board reviewed the draft letter to Representative Guttenberg that was
171 discussed at the September board meeting. The board made changes to the letter by
172 deleting paragraph four and six, changing 'their' to 'its' in the fifth paragraph, and 'A
173 dentist is not' to 'Dentists are not' in the last sentence of paragraph eight. The letter
174 would be sent to Dr. Wells for his approval and signature after the changes were
175 made.

176
177 The board reviewed the draft newsletter that was tabled from the September
178 meeting. It was noted the newsletter was to be distributed with the renewal forms
179 that were mailed in November. The board determined to wait for the changes to the
180 regulations prior to sending out the newsletter.

181
182 The board discussed advertising in accordance with ADA Code of Ethics. Dr. Warren
183 noted that no one uses the Yellow Pages any longer and most people see advertising
184 on the internet. It was mentioned the ADA guidelines might not address internet
185 advertising and that should be looked into. Dr. Warren said the ADA ethical
186 guidelines specifically state there may not be any misleading advertising.

187
188 Dr. Stauffer asked about the inquiry from a prior meeting regarding the
189 determination of a corporation which owned a large dental practice. The new
190 statute requires a dental practice to be owned by a dentist or non-profit
191 organization. Ms. Zinn said she would obtain the information about the decision for
192 the board at its next meeting.

193
194 **Agenda Item 9- Application Review**

195
196 The board discussed the questions for the credential applicants who would later
197 join the meeting. It was noted the questions were the same type of questions on the
198 application and why could not the board ask other questions. Ms. Fellenberg said
199 the board was previously told they could not legally ask an applicant anything that
200 was not on the application. Ms. Zinn said she would check with Department of Law
201 for what types of questions could be asked in the interview.

202
203 Dr. Warren left the room at 11:00 and returned at 11:03.

204
205 Dr. Wells noted the application requires the applicant to state how many hours per
206 week they worked and the dates. He said that it does not account for vacations or
207 time off of work and that perhaps the question should be worded differently. It was
208 noted the board looks for an average of at least 20 hours per week for five years for
209 credential applicants.

210

211 Dr. Stauffer asked if the board could send a letter of commendation for Brenda
212 Donohue, Licensing Examiner, to the Director. The board agreed and noted her
213 outstanding job performance and that they would miss her greatly. Dr. Stauffer
214 would write the letter and send to Director Don Habeger via email.

215

216 **Agenda Item 10- Regulations**

217

218 The board started the regulation discussion. Dr. Silveira noted the draft changes to
219 the regulations including 12 AAC 28.410. Specifically in reference to
220 correspondence continuing education courses and risk management courses for
221 renewal, and asked if the board should limit the number of hours. Dr. Silveira
222 mentioned he did not feel the amount of continuing education for renewal was
223 enough. If the board wanted to allow risk management courses, then the board
224 should consider increasing the total number of CE hours required for renewal. It
225 was noted there was no limit to the number of correspondence courses in current
226 regulations.

227

228 The Board recessed for lunch-

229 Off the record at 12:04

230 On the record at 12:59

231

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

233

234 Dr. Wells welcomed Dr. Park to the board meeting and explained the interview
235 process. Dr. Park appeared in person. The board asked the standard interview
236 questions.

237

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

240

241 **RESOLVED to approve the application for a dental license for Dr.**
242 **Jaechan Park.**

243

244 Dr. Wells welcomed Dr. Pinkerton to the board meeting via telephone and explained
245 the interview process. The board asked the standard interview questions.

246

247 **On a motion duly made by Silveira, seconded by Stauffer, and approved**
248 **unanimously, it was**

249

250 **RESOLVED to approve the application for a dental license for Dr.**
251 **Kenneth Pinkerton.**

252

253 Dr. Warren welcomed Dr. Le Maire to the board meeting via telephone and
254 explained the interview process. The board asked the standard interview questions.

255

256 **On a motion duly made by White, seconded by Stauffer, and approved**
257 **unanimously, it was**

258

259 **RESOLVED to approve the application for a dental license for Dr. Lori Le**
260 **Maire.**

261

262 Dr. Wells welcomed Dr. Jones to the board meeting via telephone and explained the
263 interview process. The board asked the standard interview questions.

264

265 **On a motion duly made by Navitsky, seconded by Fellenberg, and approved**
266 **unanimously, it was**

267

268 **RESOLVED to approve the application for a dental license for Dr. Drew**
269 **Jones.**

270

271 Dr. Wells welcomed Dr. Dansie to the board meeting via telephone and explained
272 the interview process. The board asked the standard interview questions.

273

274 **On a motion duly made by Kovalski, seconded by Fellenberg, and approved**
275 **unanimously, it was**

276

277 **RESOLVED to approve the application for a dental license for Dr. Dan**
278 **Dansie.**

279

280 **Agenda Item10- Regulations**

281

282 The board continued the discussion of regulation changes necessary due to passage
283 of SB92, regarding the Dental Practice Act and the affect it had on current
284 regulations. After discussion, the board decided to change the regulations in 12 AAC
285 28 as follows:

286

287 Add a new section, 28.938, for educational requirements that mirrored AS
288 08.36.110 prior to the statute change in SB92. The new section would read- "An
289 applicant for a license to practice dentistry shall be a graduate of a dental school
290 that, at the time of graduation, is accredited by the Commission on Accreditation of
291 the American Dental Association.

- 292 28.940(b)(9)- add 9- 'a copy of the certificate of examination verifying successful
293 passage of the NBDE part I and part II'
294 28.010-authority reference- delete AS 08.36.247
295 28.040- delete 'his' and add 'the' before parent
296 28.050- delete 'He' and add 'the dentist' after 'evaluation' in the last sentence
297 28.060(4)- move 'maintain in the permit holder's office' to the end of the sentence.
298 28.060- delete authority reference AS 08.36.247
299 28.330(2)- delete 'college or university' and replace with 'program and'
300 28.340(4)(F)(i)- take out the hyphen in cardio-pulmonary
301 28.400(a)(1)- change 28 to 32 contact hours
302 28.400(b)(1)- change 14 to 20 contact hours
303 28.410(a)- delete 'relates directly to dental patient clinical care' and replace with
304 'must contribute to the professional knowledge and development of the
305 practitioner, or enhance services provided to the patient. Courses in practice-risk
306 management are limited to three hours per licensing period. No more than two
307 credit hours may be awarded for two hours of volunteer work.'
308 28.610- delete authority reference AS 08.36.248
309 28.630(a)(2)- change 'basic' to 'advanced cardiac' life support techniques;
310 28.630(b)-change to 'Each facility where dentists authorize or directly supervise the
311 administration of parenteral conscious sedation must successfully pass inspection
312 by a board appointed consultant. This includes an evaluation of the facilities,
313 equipment, materials, and personnel and follows the American Dental Association's
314 Guidelines for the Use of Conscious Sedation, Deep Sedation, and General Anesthesia
315 in Dentistry. The evaluation is conducted using a form approved by the board and is
316 available to the applicant for review prior to the inspection.'
317 28.640- delete authority AS 08.36.248
318 28.730- delete authority AS 08.36.367
319 28.912- change the statute citation to AS 08.36.234(d)
320 28.920- reworded as follows, (a) Certification in cardiopulmonary resuscitation
321 (CPR) techniques required for a license or license renewal must be based upon
322 training equivalent to that required for completion of a CPR course certified by the
323 American Heart Association or American Red Cross. Online CPR courses are not
324 acceptable.
325 (b) A waiver of the CPR requirements may be approved by the board upon
326 submission of documentation of a physical disability prohibiting the person from
327 performing CPR. A person with a waiver must work in close proximity to a staff
328 person with current CPR certification.
329 28.925(b)-change to read, 'Except as provided in (c) of this section, a dental license
330 or a dental hygienist license that has been lapsed at least one year but no more than
331 two years, will be reinstated if the applicant.....
332 28.935(a)-change statutory authority to AS 08.32.014

- 333 28.935(b)(6)- delete 'or a waiver agreement that meets the requirements of AS
334 08.36.070(a)(12)
335 28.935(b)(8)- change statutory authority to AS 08.32.014
336 28.935(c)- change statutory authority to AS 08.32.014(2)
337 28.935(d)- change statutory authority to AS 08.32.014
338 28.935- delete statutory authority AS 08.32.020, 08.32.060, 08.32.040 and add AS
339 08.32.014
340 28.937(a)- add AS 08.32.014 after AS 08.32.030
341 28.937(c)(2)- change statutory authority to AS 08.32.014(a)(1)(C)
342 28.937(c)(4)(B)- delete 'as required under AS 08.32.030(3)'
343 28.937(d)- change to read, 'In addition to the requirements of this section, an
344 applicant for a dental hygiene license must document passing of the jurisprudence
345 exam prepared by the board, covering the provision of AS 08.32-36 and this chapter
346 relating to the practice of dental hygienist, with a minimum score of 70%.'
347 28.937- add statutory authority AS 08.32.014
348 28.940(b)(7)- after 12 AAC 28.920, will read, 'or a waiver agreement approved by
349 the board.'
350 28.940(b)(8)(A)- a copy of the applicant's certificate of examination from the
351 Western Regional Examining Board (WREB) showing that the applicant has passed
352 the clinical examination conducted by WREB within the five years immediately
353 preceding the date of application; or
354 (B)- A certificate showing successful completion of a two year or more CODA
355 approved postgraduate training program and evidence of having five years of
356 continuous clinical practice with an average of 20 hours per week, immediately
357 preceding date of application, which may include dental school.
358 28.940(b)(9)- change wording to, 'a copy of the certificate of examination verifying
359 successful passage of the National Board of Dental Examiners part I and part II
360 28.951(a)- change AS 08.36.234 to 08.36.110
361 28.951(c)(1)-delete- the board noted there is duplicate information required under
362 (b)(5)
363 (c)(2)- delete- 'that meets the requirements of AS 08.36.070(a)(12)', replace with
364 'approved by the board'
365 28.951(c)(7)- change to, 'copies of certificates showing the applicant has completed
366 the continuing education as described under 12 AAC 28.410'
367 28.951(e), (f), (h)- delete
368 28.951(g)-change to (e) and change statute to 08.36.234(d)
369 28.952-delete entire section
370 28.955(d)- change to read, 'A courtesy license issued under this section is valid for a
371 period not to exceed a total of 40 days of practice within a twelve month
372 consecutive period.'
373 28.955(e)- change to, 'to serve in place of a license under AS 08.32 or AS 08.36

374 28.960(a), (b), (c)- keep
375 28.960(e)&(f)- delete
376 28.960(d)- change to read, 'All radiological equipment must be maintained to best
377 practice standards'
378 28.965(a), (b), (c), (d), (e), (g), (h) delete and move (f) to beginning of paragraph.
379 29.965 will read, 'Owners or lessees of dental radiological equipment shall maintain
380 records that document compliance with the requirements of AS 08.360.075(d), 12
381 AA 28.960'
382 28.970-repeal
383 28.990- repeal statutory authority AS 08.32.140
384

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

387
388 **RESOLVED to send the regulation project to the regulation specialist for**
389 **drafting.**
390

391 Dr. Warren noted the board approved him to go the AADB meeting in Chicago in
392 April.
393

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

396
397 **Resolved to send Dr. Warren to the AADB meeting in Chicago.**
398

399 Dr. Warren left the meeting at 3:20
400

401 **Agenda Item 13- Office Business**
402

403 The board signed the wall certificates, submitted travel authorizations. Dr. Wells
404 signed the minutes approved earlier in the meeting.
405

406 The board confirmed the February 8, 2013 meeting would be a one day meeting,
407 and planned the next meeting for May 3, 2013. Both meetings will be in Anchorage
408

409 Fellenberg made a motion to adjourn the meeting. All in favor.
410


411 The meeting adjourned at 4:24 p.m.
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Respectfully submitted:

For: 
Sher Zinn, Records &
Licensing Supervisor

Approved:


Thomas Wells, DDS, President

Date: 5/3/2013