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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 6, 2013

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 September 6, 2013, at 550 W. 7th Ave., Suite 1270, Anchorage, Alaska.

The meeting was called to order by Dr. Thomas Wells, President, at 8:31 a.m.

Roll Call

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

Dr. Thomas Wells, President – Anchorage
Gail Walden – Dental Hygienist – Wasilla
Cheryl Fellenberg – Dental Hygienist – Wasilla
Dr. Steven Scheller- Dentist - Fairbanks
Robyn Chaney- Public Member - Dillingham
Dr. Paul Silveira – Dentist – Valdez
Dr. Mary Anne Navitsky –Dentist - Sitka
Dr. Thomas Kovaleski – Dentist - Chugiak

Absent:

Dr. Robert Warren – Dentist - Anchorage, excused

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

Debbie Kunow, Licensing Examiner - Juneau
Angela Birt, Investigator- Anchorage
Quinten Warren, Chief Investigator, Anchorage
Daniel Patrick O'Tierney, Deputy Commissioner, Anchorage
Don Habeger, Director, telephonic from Juneau
Sara Chambers, Operations Manager, telephonic from Juneau

48 In attendance in person:
49
50 Dr. David Logan
51 Dr. Jay Marley
52 Elizabeth Giardina, Office of the Governor
53 Dr. Robert Bauder
54 Frank Thomas-Mears, Multiple Risk Managers, Inc.
55 Dr. Robert Keim
56

57 In attendance telephonically:
58
59 Dr. Jonathan Hardy
60 Dr. James Bourne
61 Dr. Michael Nippert
62 Dr. Richard Brinker
63 Dr. Michael Crookston
64 Dr. Jeffrey Marks
65

66 **Agenda Item 1- Agenda**
67

68 Ms. Kunow advised Dr. Kovaleski will be filling in for Dr. Warren during the credentials
69 interviews.
70

71 **Agenda Item 2- Minutes**
72

73 The Board reviewed the minutes from the May 3, 2013 meeting.
74

75 **On a motion duly made by Fellenberg, seconded by Chaney and approved unanimously, it**
76 **was**
77

78 **RESOLVED to approve the minutes of the May 3, 2013 meeting.**
79

80 The Board reviewed the minutes from the June 28, 2013 teleconference.
81

82 **On a motion duly made by Fellenberg, seconded by Chaney and approved unanimously, it**
83 **was**
84

85 **RESOLVED to approve the minutes of the June 28, 2013 teleconference.**
86
87

88 **Agenda Item 3- Ethics**
89

90 Dr. Wells stated there had been contacts to Board members requesting expedition of credentials
91 applicants. Dr. Wells cautioned Board members not to engage in contact with individuals
92 requesting favors or reporting violations. Ex parte communications by Board members may put a

93 member at risk of becoming a witness and members are reminded they should refer those
94 individuals to Ms. Kunow or the investigator.
95 There were no ethics violations to report.

96

97 **Agenda Item 4 -Budget Review**

98

99 Operations Manager Sara Chambers, was contacted telephonically. Ms. Chambers advised the
100 budget has not been updated since the third quarter report from fiscal year 2013. The end of the
101 fiscal year will be reported at the end of October. The Division will be adding additional
102 information to clarify fiscal processes.

103 Ms. Chambers discussed the increase in the travel budget for boards. The legislature, last spring,
104 increased the Division's travel authority. The Division now has the ability to spend an additional
105 \$200,000.00 for travel above what was previously budgeted. Another feature will allow approved
106 third party reimbursements be distributed back to the boards rather than the General fund.

107 Dr. Wells asked if the travel money covers all boards. Ms. Chamber advised it would cover all
108 Board members, staff and investigations travel. These expenses will be shown on the travel
109 expense line of the Board's budget.

110 The Board thanked Ms. Chambers for her time.

111

112 **Agenda Item 5- Legislative Issues**

113

114 Director Don Habeger was contacted telephonically. Mr. Habeger discussed HB 187 which was
115 generated in response to licensing fees that are often unpredictable due to centralized statutes.
116 Currently, AS 08.01.050 requires the Division to annually review all required expenses for
117 applications, Boards and Divisions and adjust fees based on income and expenses. For example,
118 a large investigation for a small board may result in a dramatic increase in licensing fees to
119 balance the program. Sections 3 and 4 of HB 187 would address issues in AS 08.01.065 which
120 involves regulatory costs. HB 187 will allow the Division to consolidate fees. The Division
121 regulates over four hundred sets of licensing fees. Managing that many fees may have the
122 potential for inaccuracies and cause administrative management issues. Consolidating fees, such
123 as the duplicate license fee, for each program into the general licensing fee would be helpful.
124 Another feature of the bill is that it would allow the Division and the boards to discuss multiple
125 cycles. A large expense to a Board could be amortized over several cycles rather than at one
126 renewal cycle. Finally, HB 187 recognizes public protection is the responsibility of all Alaskans,
127 not just professional licensees. The bill contains the language "fee supported services and other
128 appropriations" which will allow the legislature to not only use fee supported services, i.e. license
129 fees, but will also allow consideration of funds from the General fund. The Division's request is
130 that the legislature allow investigative costs to be covered with general fund monies.

131

132 Mr. Habeger advised the Board regarding fee processes in regard to the courtesy license. Once a
133 Board directs the Division to adjust a fee, the Division will generate the fee amendment, put it out
134 to thirty day public comment and review comments. If the comments support the proposed
135 change, it would go to Department of Law for review and then the Director would sign off on it
136 and move it to the Lt. Governor's office for signature. It becomes law thirty days after the Lt.
137 Governor's signature. A fast track regulation process usually takes ninety days. Mr. Habeger
138 cautioned the Board that a reduction of some fees may increase other fees to balance the program.

139 Dr. Wells stated the courtesy license is \$100.00. The Board has been approached by Mission of
140 Mercy to cut the license fee to zero. Dr. Wells advised the Board that if the fee cannot be cut for
141 one event, that the adjustment would be maintained throughout cycles.

142 Dr. Wells asked how many courtesy licenses have been issued and Ms. Kunow stated there are
143 currently five courtesy licenses being processed for missionary families in Sutton.

144 Mr. Habeger advised the Board that a regulation project usually will cost a Board approximately
145 \$2,500.00. That is a direct expense borne by the Board.

146 Dr. Kovaleski asked how much staff time is needed to process an application and Ms. Kunow
147 advised approximately one half hour.

148 Dr. Wells asked how to notify the director and was advised a formal record/motion is sufficient.

149 The Board thanked Mr. Habeger for his time.

150 Dr. Wells discussed the \$2,500.00 cost for a one time regulation change to the courtesy license
151 fee. Gail Walden stated she did not think the \$100.00 courtesy license fee was too much
152 considering how much the dentists and dental hygienists will be paying to travel to Alaska for the
153 Mission of Mercy. Dr. Silveira expressed concern that if the courtesy license fee went to nothing,
154 it would impact other fees. Dr. Kovaleski stated the courtesy license fee should not be a barrier
155 for Mission of Mercy volunteers. Ms. Walden reminded the Board that Mission of Mercy, in a
156 prior Board meeting, had suggested fund-raising to cover costs. Robyn Chaney expressed
157 concerns about waiving the fee and costs to the Board. Dr. Sheller stated it will cost the Board to
158 waive the fee and cost the Board with the lack of license fee.

159

160 **Agenda Item 6- Investigative Report**

161

162 Ms. Angela Birt distributed the Investigative Report to Board members. She addressed the Board
163 concerning the accusation regarding Dr. Glenn Lockwood. Dr. Lockwood was convicted of
164 federal tax evasion in 2009. He was sentenced to federal prison and served his time in California.
165 He is being released and wants to go back to practice in Kenai. Dr. Lockwood's license was
166 revoked by the California Dental Board because of the federal tax evasion conviction. We are
167 now filing an accusation to deny him a license. He applied in 2010. Dr. Lockwood will have to
168 respond if he wants a hearing and will be entitled to a hearing, at which time we can state why he
169 is not being licensed. Dr. Lockwood is currently advertising in the Kenai area and prepared to go
170 back into practice.

171 Since the last Board meeting, twenty-four actions have been opened and thirty-four dental matters
172 have been closed. Two matters are with the Attorney General's Office. There are a total of
173 fifteen matters that remain on-going. Approximately one half of the open matters pertain to a
174 single provider.

175

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

178

179 **RESOLVED to go into executive session in accordance with AS 44.62.310(c)(2), for**
180 **the purpose of discussing investigations.**

181

182 Staff to remain.

183 Off record at 9:19 a.m.

184 On record at 10:32 a.m.

185
186 **On a motion duly made by Chaney, seconded by Scheller, and approved unanimously, it**
187 **was**

188
189 **RESOLVED to accept the consent agreement in case 2011-000821.**

190
191 Case number 2011-000821 referred to Dr. Karen Adams. Ms. Birt advised the practitioner
192 reimbursed the injured party and the insurance company. The civil fine is consistent with other
193 cases.

194
195 **On a motion duly made by Chaney, seconded by Walden, and approved unanimously, it**
196 **was**

197
198 **RESOLVED to accept the consent agreement in case 2012-001362.**

199
200 Case number 2012-001362 referred to Dr. Timothy Harbolt.

201
202 Dr. Wells signed the consent agreements.
203 The Board thanked Ms. Birt for her outstanding work.

204
205 **Agenda Item 7- Miscellaneous Correspondence**

206
207 There was no correspondence.

208
209 **Agenda Item 8- Public Comment**

210
211 Dr. Jay Marley addressed the Board regarding changes to parenteral sedation permits. Dr. Marley
212 encouraged the Board to use the American Dental Association's Guidelines for Sedation and
213 agreed that random site inspections are a good idea. He believed it is important that dentists
214 receiving sedation permits have site inspections and that it is also important that dentists verify
215 their rescue drugs and equipment. Dr. Marley expressed concern that the Board is taking a
216 different path when it comes to general anesthesia requirements. In 2012, the requirement for a
217 separate provider of anesthesia was repealed. Although not currently recommended by the ADA,
218 a separate provider is common practice throughout the medical community, hence, the
219 anesthesiologist. Dr. Marley referred to several deaths that had occurred in the past with one
220 provider and recommended the Board consider having a separate provider for anesthesia other
221 than the dentist.

222 Dr. Wells addressed some of the trends the Board is pursuing. The Board is going toward
223 random audits of dentists doing sedation. Mandatory inspections before an applicant receives a
224 sedation permit are physically impossible. The Board does not have the resources. Having a
225 nurse anesthetist on site would be appropriate, but the Board has not determined how many are
226 necessary. Random inspections would be in the best interest of public safety. Dr. Marley agreed.
227 As far as general anesthesia, Dr. Wells stated Alaska was the only state that had statute in place
228 that a dentist could not do general anesthesia and surgery at the same time. All forty-nine states
229 allowed this. Dr. Marley thought there was one other state, but was unsure. Dr. Marley

230 questioned why there is such a disparity between dentistry and medicine when it comes to general
231 anesthesia.

232 Ms. Walden agreed with Dr. Marley that a one-time office inspection would not guarantee what is
233 happening the next day. However, at renewal, if a checklist is provided and that permittee
234 notarizes that they have the equipment and the knowledge, and since the State does not have the
235 money to inspect each of these facilities, this should be adequate if there hasn't been an issue for
236 years.

237 Dr. Kovaleski expressed concerns about the Oklahoma event. Random audits could prevent this
238 type of incident.

239 Dr. Scheller asked Dr. Marley to comment on his opinion on the safety of oral sedation versus IV
240 sedation. Dr. Marley stated that is was his opinion that minimum oral sedation is safe and
241 effective. Moderate oral sedation is a questionable practice. IV access to rescue drugs should be
242 available. Every patient is different. Dr. Scheller asked Dr. Marley if the State should regulate
243 oral sedation. Dr. Marley stated he has not had a problem with it, but that it should be used
244 judicially for minimum sedation and not used for moderate purposes; that parenteral sedation
245 should be used for moderate purposes.

246 The Board thanked Dr. Marley for his comments.

247

248 Frank Thomas Mears from CNA Insurance addressed the Board regarding Botox. Mr. Mears
249 stated the use of Botox falls under the definition of the practice of dentistry. CNA insurance will
250 cover dental Botox procedures at no additional premium costs and cosmetic Botox procedures
251 with a twenty-five percent premium adjustment. Mr. Mears asked if the Board had any plans to
252 amend the use of Botox. Dr. Wells stated there's never been any checklist for the use of Botox.
253 A licensed dentist should be performing procedures in a safe manner in which he is trained. The
254 insurance companies should be the ones determining if a dentist is performing procedures outside
255 of his training. Mr. Mears quoted Sec. 08.36.360. Practice of dentistry defined. A person engages
256 in the practice of dentistry who

257 (8) evaluates, diagnoses, treats, or performs preventive procedures related to diseases, disorders,
258 or conditions of the oral cavity, maxillofacial area, or adjacent and associated structures; a dentist
259 whose practice includes the services described in this paragraph may only perform the services if
260 they are within the scope of the dentist's education, training, and experience and in accord with
261 the generally recognized ethical precepts of the dental profession; nothing in this paragraph
262 requires a person licensed under AS 08.64 to be licensed under this chapter.

263 Mr. Mears stated this originally applied to oral surgeons, but now can include cosmetics.

264 Ms. Walden stated that it would have to fall under a dentist's education, training and experience.

265 The Board thanked Mr. Mears for his comments.

266

267 Dr. Robert Bauder addressed the Board regarding IV sedation. Patients demand and deserve IV
268 sedation. Dr. Bauder expressed concern that an assistant must be trained in advanced cardiac life
269 support (ACLS). Dr. Wells advised that had been dropped. Dr. Bauder asked about site
270 evaluations of offices that he may travel to in order to do IV sedation for other dentists' patients.
271 Dr. Wells stated facility checks will be random. If a dentist travels to another office to do
272 sedation, the equipment and drugs are taken. The Board supports evaluating the equipment and
273 drugs, but not the office they are taken to.

274 The Board thanked Dr. Bauder for his comments.

275

276 Elizabeth Giardina, Deputy Director/Boards and Commissions, Office of the Governor, addressed
277 the Board regarding the selection process of Board members. Seats are generally looked at one
278 month before they expire and contact is made with potential applicants. References are gathered.
279 Many factors go into the selection process. Board members are contacted for input. When a seat
280 becomes vacant, it can take up to several months to fill because of the extensive process. At any
281 one time, Boards and Commissions is working on forty to fifty seats. The information is
282 provided to the Governor with recommendations. The Governor ultimately makes the
283 appointment to the Board.

284 The Board thanked Ms. Giardina for her comments.
285

286 Dr. Dave Logan addressed the Board regarding the Mission of Mercy (MOM). Dr. Logan
287 advised Dr. Nielson, who spoke to the Board at the May meeting, had contacted him for
288 legislative advisement regarding the courtesy license fee for MOM. Dr. Nielson was under the
289 impression the Board supported dropping the courtesy license fee and contacted Director Don
290 Habeger to inquire how to go about eliminating the fee. Mr. Habeger contacted a Board member
291 who stated the Board had not made a decision regarding the courtesy license fee. Dr. Logan
292 asked for clarification regarding the Board's stance on the courtesy license fee. Dr. Logan stated
293 that volunteers who are coming to this state incur travel expenses, travel time, etc. and a license
294 fee can be unnecessarily burdensome. Dr. Logan provided information from other states that do
295 not require courtesy license fees.

296 Robyn Chaney advised the Board had been educated in the fee process from Mr. Habeger. Dr.
297 Logan advised, as the representative of MOM, the Governor's Office and Director Habeger had
298 been contacted and were in agreement of reducing the license fee.

299 Ms. Walden advised a fast-tracked regulation project would cost the Board approximately
300 \$2,500.00. Dr. Logan stated that was blatantly ridiculous. Dr. Logan said he was informed it
301 would have cost \$1000.00 if it had gone out with the last regulation project. Ms. Kunow stated
302 the Board has not heard anything yet from Department of Law regarding the current regulation
303 project that was adopted at the June 28th meeting and that it could take months because the project
304 is rather extensive.

305 Dr. Silveira expressed concern about the costs for a stand-alone regulation project.

306 Dr. Logan advised there have only been twenty-eight courtesy licenses issued in the past five
307 years. He estimated there will be between twenty and fifty outside volunteers that would need
308 licenses. Dr. Logan stated this will be a minimum cost to the Board's budget if the license fee is
309 removed.

310 Ms. Walden advised the Board is undergoing a lot of additional costs due to the current regulation
311 project. Dr. Logan asked if the Board could piggy-back this request with another regulation
312 project and hopefully have it in place by the 2015 MOM. The Board will discuss this request
313 during the regulation agenda portion of the meeting.

314 Ms. Fellenberg asked Dr. Logan how he estimated twenty to fifty outside volunteers for MOM.
315 Dr. Logan stated the program will need about one hundred fifty dentists and, that outside of the
316 Anchorage area, there simply are not enough Alaska licensed dentists in the state.

317 The Board thanked Dr. Logan for his comments.
318

319 Dr. Kovaleski expressed concerns regarding liability insurance for holders of a courtesy license.
320

321 Dr. Wells asked Board members their feelings on piggy-backing this request with this new
322 regulation project that will start today. Dr. Scheller stated he did not have a problem with a fee
323 for the courtesy license. Ms. Walden expressed concerns about the Board's costs with upcoming
324 investigations, etc. Dr. Wells stated the \$100.00 fee is not too extreme for traveling dentists. Dr.
325 Navitsky asked if the dentists' professional liability will cover them. Dr. Wells said MOM
326 should be covering those volunteers. The Board agreed to piggy-back the request with the new
327 regulation project that will be initiated today.

328 Dr. Wells asked the Board if the courtesy license fee should be reduced or pro bono. The Board
329 agreed that if it was piggy-backed with the new regulation project it could go pro bono.

330
331 Dr. Kovaleski requested the Board consider going into executive session to discuss a credentials
332 applicant.

333
334 **On a motion duly made by Chaney, seconded by Fellenberg, and approved unanimously, it**
335 **was**

336
337 **RESOLVED to go into executive session in accordance with AS 44.62.310(c)(2), for**
338 **the purpose of discussing a credentials applicant.**

339
340 Staff to remain.

341 Off record at 11:41 a.m.

342 On record 11:53 a.m.

343
344 The Board decided to cover a business item in the few minutes before lunch break.
345 Ms. Fellenberg updated the Board with Beth Cole's summary of the WREB meeting. The
346 hygiene review now meets two times a year in order to get information to the Boards before exam
347 season. The next meeting will be in March, followed by a meeting in July. Thirty-nine percent
348 of the 2012 graduates took the WREB with a good pass rate in the nineties. Giving anesthesia to
349 patients is going to be eliminated before acceptance. ~~To make patients comfortable, they will be~~
350 ~~anesthetized before and if they don't qualify, they're numb for a few hours.~~ Radiographs and
351 tissue damage will be a higher point/penalty against them. Several candidates were lost to Texas
352 and New Mexico because of the process of care exam costs; they decided to take other regional
353 exams. More active Board members are being requested because of attrition.

354 Dr. Kovaleski stated that in 2015, the written exams will be combined and will be graded
355 separately. The written exams will be able to be taken before or after the clinicals.

356
357 The Board recessed for lunch-

358 Off the record at 12:01 p.m.

359 On the record at 12:59 p.m.

360
361 **Agenda Item 10- Personal Interview for Applicants by Credentials**

362
363 Dr. Wells welcomed Dr. Jonathan M. Hardy to the board meeting and explained the interview
364 process. Dr. Hardy appeared telephonically. The board asked the standard interview questions.

365

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

368
369 **RESOLVED to approve the application for a dental license for Dr. Jonathan M.**
370 **Hardy.**

371
372 Dr. Wells welcomed Dr. James R. Bourne to the board meeting and explained the interview
373 process. Dr. Bourne appeared telephonically. The board asked the standard interview questions.

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

377
378 **RESOLVED to approve the application for a dental license for Dr. James R.**
379 **Bourne.**

380
381 Dr. Wells welcomed Dr. Robert G. Keim to the board meeting and explained the interview
382 process. Dr. Keim appeared in person. The board asked the standard interview questions.

383
384 **On a motion duly made by Kovaleski, seconded by Chaney, and approved unanimously, it**
385 **was**

386
387 **RESOLVED to approve the application for a dental license for Dr. Robert G. Keim.**

388
389 Dr. Wells welcomed Dr. Michael L. Nippert to the board meeting and explained the interview
390 process. Dr. Nippert appeared telephonically. The board asked the standard interview questions.

391
392 **On a motion duly made by Walden, seconded by Fellenberg, and approved unanimously, it**
393 **was**

394
395 **RESOLVED to approve the application for a dental license for Michael L. Nippert.**

396
397 Dr. Wells welcomed Dr. Michael G. Crookston to the board meeting and explained the interview
398 process. Dr. Crookston appeared telephonically. The board asked the standard interview
399 questions.

400
401 **On a motion duly made by Scheller, seconded by Silveira, and approved unanimously, it**
402 **was**

403
404 **RESOLVED to approve the application for a dental license for Dr. Michael G.**
405 **Crookston.**

406
407 Dr. Wells welcomed Dr. Richard B. Brinker to the board meeting and explained the interview
408 process. Dr. Brinker appeared telephonically. The board asked the standard interview questions.
409 Dr. Kovaleski asked Dr. Brinker about National Professional Data Bank hits. Dr. Brinker stated
410 one hit had to do with his ability to document, diagnose and treat dental caries while practicing in
411 Antarctica. The other one referred to loan defaults, one was retired completely, the second one is

412 being paid back and the third one is being negotiated for settlement. Dr. Brinker asked the Board
413 about dental therapists. Dr. Kovaleski advised most dental therapists are located in extremely
414 remote locations.

415
416 **On a motion duly made by Kovaleski, seconded by Scheller, and approved unanimously, it**
417 **was**

418
419 **RESOLVED to approve the application for a dental license for Dr. Richard B.**
420 **Brinker, pending current CPR.**

421
422
423 **On a motion duly made by Wells, seconded by Scheller, and approved unanimously, it was**
424

425 **RESOLVED to approve the application for a dental license for Dr. Timothy R.**
426 **Harbolt.**

427
428 The Board noted that Dr. Harbolt has a consent agreement in place. The five year probation
429 becomes effective from the date of his arrival into Alaska.

430
431 Dr. Wells welcomed Dr. Jeffrey B. Marks to the board meeting and explained the interview
432 process. Dr. Marks appeared telephonically. The board asked the standard interview questions.

433
434 **On a motion duly made by Chaney, seconded by Walden, and approved unanimously, it**
435 **was**

436
437 **RESOLVED to approve the application for a dental license for Dr. Jeffrey B.**
438 **Marks.**

439
440 **Agenda Item 9- Regulations**

441
442 Ms. Kunow advised there is no update from Department of Law regarding the current regulation
443 project that was adopted at the June 28, 2013 meeting.

444
445 The Board discussed a new regulation project.

446
447 12 AAC 28.905(a) – update ethical standards to reflect “Code of Ethics for Dental Hygienists,” as
448 set out in the American Association of Dental Hygienists’ Association document title Bylaws-
449 Code of Ethics adopted June 20, 2011, amended June 18, 2012...

450 12 AAC 28.905(b) – update ethical standards to reflect The American Dental Association’s
451 Principals of Ethics and Code of Professional Conduct, with official advisory opinions revised to
452 April 2012...

453
454 12 AAC 28.951 Dental Licensure by Credentials: amend language of
455 (c)(3) a copy of the applicant’s certificate of examination documenting graduation of a dental
456 school accredited by the Commission on Accreditation of the American Dental Association, or its
457 successor agency, and holds a certificate from the American Dental Association Joint

- 458 Commission on National Dental Examination that the dentist has passed the written examination
459 given by the commission;
- 460 (c)(6) an affidavit from the applicant stating that within the five years immediately preceding
461 application
- 462 (c)(6)(B) the applicant has been in active clinical practice documenting at least 5000 hours for
463 five years immediately preceding application;
- 464 (c)(7) copies of certificates showing the applicant has completed 48 hours of continuing
465 education during the three years immediately preceding the date of application as required under
466 12 AAC 28.410;
- 467 (c)(11) affidavits from three licensed dentists documenting the applicant has been in active
468 clinical practice during the five years immediately preceding application;
- 469 (d) In addition to the requirements of this section, an applicant for a dental license must document
470 completion of the jurisprudence examination prepared by the board, covering the provisions of
471 AS 08.32 – 08.36 and this chapter relating to the practice of dentistry, with a passing score of at
472 least 70 percent.
- 473 (12)(f) take out ‘under AS 08.36.234(a)(1)(B) that’ and replace with ‘if’
474
- 475 12 AAC 28.937 Dental Hygienist Licensure by Credentials:
476 Add subsection (b)(5) copies of certificates showing the applicant has completed 30 hours of
477 continuing education related to clinical hygiene in the three years before filing an application with
478 the board; the continuing education required under this paragraph must be approved by the board,
479 the American Dental Association, The Academy of General Dentistry or the American Dental
480 Hygienists’ Association;
- 481 (c)(4) an affidavit from the applicant stating for the five years immediately preceding application
482 (c)(4)(B) that the applicant has been in active clinical practice documenting at least 2500 hours
483 for five years immediately preceding application;
- 484 (c)(7) affidavits from three licensed dentists or licensed dental hygienists stating the applicant has
485 been in active clinical practice documenting at least 2500 hours in the five years immediately
486 preceding application;
487
- 488 The Board discussed adding a new subsection to include wording for unprofessional conduct:
489
- 490 Add 12 AAC 28.906. **Unprofessional Conduct.** (a) Each of the following constitutes engaging in
491 unprofessional conduct and is a basis for the imposition of disciplinary sanctions under AS
492 08.36.315. “Unprofessional conduct” includes the following:
- 493 (1) failing to prepare and maintain accurate, complete, and legible records in accordance with
494 generally accepted standards of practice for each patient and to make those records available
495 to the board and the board’s representatives for inspection for investigation purposes;
- 496 (2) failing to provide copies of complete patient records in the licensee’s custody and control
497 within 30 days after receipt of a written request from the patient or the patient’s guardian;
- 498 (3) violating provisions of any disciplinary sanction issued under AS 08.36;
- 499 (4) failing to cooperate with an official investigation by the board or the board’s representatives,
500 including failing to timely provide requested information;

501 (5) failing to allow the board or the board's representative, upon written request, to examine and
502 have access to records maintained by the licensee that relate to the licensee's practice under AS
503 08.36;

504 (6) failing to report to the board, no later than 30 days after
505 (A) the effective date of the action, any disciplinary action against the licensee taken by another
506 licensing jurisdiction, health care entity, or law enforcement agency.

507
508 The Board noted that in
509 12 AAC 28.960 Registration of Dental Radiological Equipment(a) the statute AS 18.85.010 is
510 incorrect and should be referring to AS 18.60.475.

511
512 The Board discussed revising the process for personal interviews for credentials applicants and
513 decided it would benefit 'clean' credentials applicants to have a recorded interview outside of the
514 confines of Board meeting dates. After reviewing the application, the reviewing Board member
515 may recommend the applicant for approval to the Board and the ballot would go to the Board
516 members via email for approval. If the reviewing Board member would not recommend the
517 applicant, the applicant would be scheduled for interview at the next Board meeting. The process
518 would only apply to those applicants that do not go to investigations.

519
520 The Board suggested amending the language
521 12 AAC 28.915 Application Deadline for Personal Interview
522 Take out 'the meeting of the board at which' and change 45 days to 30 days.

523
524 Dr. Kovelaski discussed adding a liability requirement to the courtesy license.
525 Dr. Wells expressed concern that courtesy licensees come to Alaska and leave, and follow-up
526 patient care may fall on a local dentist.

527
528 The Board recommended adding a subsection to
529 12 AAC 28.955 Courtesy License
530 (c)(5) a copy of the applicant's current professional liability policy or declaration page that
531 includes the policy number and expiration date;

532
533 The Board discussed waiving the fee for the courtesy license. The Board is in agreement to
534 eliminate the courtesy license fee and will piggy-back this fee waiver to the current regulation
535 project. Ms. Kunow will draft a letter to the Alaska Dental Society and Dr. Nielson.

536
537 **Agenda Item 11- Old/NewBusiness**

538
539 Ms. Kunow distributed copies of the jurisprudence exam to Board members and requested Board
540 members review the exam since it has not been updated since 2004. Ms. Kunow also asked if the
541 JP exam could be distributed digitally to applicants which would eliminate postage and mail
542 delays. The Board agreed this would be acceptable.
543 The jurisprudence exam will be updated at the next Board meeting.

544
545 Dr. Wells distributed the proposed evaluation for in-office moderate conscious sedation that will
546 eventually become part of the sedation application and office check sheet. The Board will be

547 finalizing this check list at the December meeting. The American Association of Oral and
548 Maxillofacial Surgeons only require inspections every five years, so if a permittee has been
549 inspected within five years that would be good.

550 Dr. Wells stated mandatory inspections of all offices and equipment would be physically
551 impossible, but random inspections are feasible and important to patient safety. A nurse
552 anesthetist could be hired as an independent third party. The checklist should go out to all
553 permittees so they are aware of the inspection requirements.

554 Dr. Wells asked how the Board can set inspection fees. Dr. Kovaleski stated North Carolina
555 charges for inspections. Dr. Wells stated California charges fees. The fees come out of the
556 practitioner's pocket. Ms. Kunow will check with the Division.

557 Ms. Walden objected to the inspections. Nothing has happened and one inspection is not going to
558 keep them on their toes. Dr. Kovaleski stated that right now, there are people with expired drugs,
559 dead batteries, etc. and those are issues.

560 Dr. Wells reminded the Board about an historical event in the 1960s in which eight people died.
561 Malpractice rates in the State have skyrocketed since then.

562 Dr. Scheller referred to an article in American Academy of Pediatric Dentistry that did a survey
563 of all fifty states about conscious permit sedation. Currently, forty-one states require a permit for
564 moderate sedation. Education requirements vary from state to state. Dr. Wells advised the ADA
565 is working on revising the levels of sedation. Dr. Scheller suggested the State should have an oral
566 sedation permit, not just a parenteral sedation permit. Extra education should be required. Dr.
567 Scheller expressed concern that moderate sedation via an oral path is more dangerous than IV
568 sedation. Dr. Kovaleski agreed. Dr. Wells suggested looking at other states and what they
569 require for oral sedation permits. Dr. Scheller stated Washington requires fourteen to twenty-one
570 hours of classroom instruction before receiving a minimum oral sedation certificate and seven
571 additional hours of training before a moderate sedation permit is given. Dr. Wells suggested
572 mimicking what Oregon and Washington are doing. The Board will further research and discuss
573 this matter at the December meeting.

574

575 2013 Annual Report – Dr. Kovaleski advised there is no longer a western conference.

576 Dr. Wells inquired about budgeting for on-sites sedation inspections. On-site sedation
577 inspections are not included in the 2013 annual report, but may be an item to budget for in the
578 future if the inspections are not paid by the permit holder.

579

580 **Agenda Item 12- Continuing Education Audit**

581

582 Ms. Kunow distributed the list of continuing education audits that the Board members were
583 assigned. The audit was for January 1, 2011 through December 31, 2012.

584 The Board approved the continuing education audit for the dentists listed below:

585

586 Clay Crosset #1074

587 Clifford White #1113

588 Craig Booth #1128

589 Hans Nordstrom #1135

590 Mandrea Stebbins #1142

591 Nolan Davis #1145

592 Stephen Eriksen #1161

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- 593 Julie Veerman #1164
- 594 Gregory Harr #1171
- 595 Dirk Menard #1177
- 596 Brian Kallus #1197
- 597 Tony Guilbeau #1202
- 598 John Sargent #298
- 599 William Barrickman #318
- 600 Leslie Miller #328
- 601 Richard Gregorin Sr. #351
- 602 James Meesis #355
- 603 William Sedwick #383
- 604 Terrence Tauschek #384
- 605 Walter Payne #423
- 606 William Dotson Jr. #424
- 607 Nile Erslund #429
- 608 Barry Wyman #721
- 609 Ronald Rosser #728
- 610 James Singleton #768
- 611 Daniel Kerr #776
- 612 Michael Beck #795
- 613 Paul Silveira #820
- 614 Carole Menard #824
- 615 Evan Wheeler #860
- 616 Patrick Smalley #910
- 617 Lauren Gagliano #936
- 618 Jerry Hu #959
- 619 Joseph Baggette #987
- 620 Birch Yukis #992
- 621 Kevin Shedlock #1001
- 622 Dalmer Cheek #1008
- 623 Christine Moleski #1048
- 624 Cynthia Knight #1051
- 625 Scott Methven #1054
- 626 Rick Smith #1064
- 627 Kyle Triggs #1069
- 628 Chad Hoecker #1222
- 629 Dane Lenaker #1314
- 630 Rachel Deininger #1370
- 631
- 632 Dr. Silveira left the meeting at 4:05 p.m.
- 633
- 634 A follow up letter will be sent to Dr. Jeanine Tucker #634 for additional information.
- 635
- 636 Dr. Evelyn Haley #741 was found to be deficient with required continuing education hours and
- 637 the audit will be sent to the paralegal.
- 638

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- 639 The Board approved the continuing education audit for the dental hygienists listed below:
640
641 Rita Selden #240
642 Patrice Walsh #242
643 Dianne Lund #258
644 Charlene Rodda #295
645 Ann Robinson #371
646 Carrie Smith #404
647 Jamie Licari #447
648 Audrey Lunn #539
649 Sheri Long #558
650 Eliza Forgue #596
651 Kathleen Holt #653
652 Cindy Wilson #671
653 Regan Enlow-Moir #690
654 Billie Keeler #703
655 Stephanie Nispel-Bailey #737
656 Diane Gally #763
657 Jacqueline Erovick #771
658 Maria Alvarado #787
659 Diane Tiemessen #813
660 Jana Pierce #843
661 Soo-Kyung Fussey #853
662 Cindy Jones #863
663 Maia Cummings #906
664 Kelly McLean #915
665 Ivonne Millea #919
666 Brandi Segraves #920
667 Michelle Livingston #950
668 Shannon Almeda #967
669 Michelle Schiess #982
670 William Tudor #986
671 Carly Thomas #998
672 Sarah Palmer #1006
673 Heather Botnen #1010
674 Shelly Chen #1021
675 Thuy Vy Nguyen #1043
676 Tiffany Coonrod #1073
677 Kellie Dicaire #1096
678 Cameron Hawkins #2005
679 Lori Harmon #2029
680 Olya Sadri #2044
681 Jessica Allen #2067
682 Vicki Johnson #2095
683 Keeta Hamilton #2104
684 Rachel Stephens #2121

685
686 Follow-up letters will be sent to David Schram #955, Crystal Sutton #985, Brynn Moe #1049 and
687 Christina Morrison #1051 for additional information.

688
689 The Board will conclude the continuing education audits at the December meeting.
690

691 **Agenda Item 14- Office Business**

692
693 Travel authorizations distributed to Board members for signature.
694 Wall certificates, minutes from the May 6 meeting and June 28 teleconference signed by Dr.
695 Wells.

696 **On a motion duly made by Kovaleski, seconded by Fellenberg, and approved unanimously,**
697 **it was**

698
699 **RESOLVED to set the February meeting to February 7, 2014 in Anchorage.**
700

701 Dr. Wells made a motion to adjourn the meeting. All in favor.

702
703 The meeting adjourned at 4:38 p.m.
704

705 Respectfully submitted:

706
707
708 

709 Debbie Kunow
710 Licensing Examiner

711 Approved:

712
713
714  for Dr. Wells

715 Thomas Wells, DDS, President

716 Date: 12/6/13
717