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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  
February 24, 2017**

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 February 24, 2017, at 550 W 7th Ave., Suite 1760, Anchorage, Alaska.

The meeting was called to order by Dr. Thomas Wells, President, at 8:32 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 – arrived at 9:30 am  
Dr. Michael Moriarty- Seward  
Dr. David Nielson- Anchorage  
Paula Ross- Anchorage  
Dr. Steven Scheller- Fairbanks  
Dr. Thomas Kovaleski – Chugiak – Attended via teleconference.

Absent:

Robyn Chaney – Dillingham, unable to attend

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

Jedediah A. Smith, Occupational Licensing Examiner – Juneau  
Jasmin Bautista, Investigator – Anchorage  
Angela Birt, Chief Investigator – Anchorage

Members of the Public in attendance:

Dr. Kenley Michaud  
Dr. Mark Muncy – SRTA  
Dr. Stanwood Kanna – ADEX

47 **Agenda Item 1 – Review of Agenda**

48

49 The board added discussion of HB 89, Dr. Moriarty's attendance at the NERB  
50 conference, and a letter to the board from the Alaska Dental Society to the agenda  
51 under Old/New Business.

52

53 Dr. Jacobson was removed from the list of interview applicants, as his file was not  
54 complete.

55

56 **Agenda Item 2 – Review/Approve Minutes**

57

58 On line 125 of the December 9, 2016 meeting minutes the change of "Care Portability"  
59 to "License Portability".

60

61 Ms. Walden asked after the status of the task list, specifically about having a member of  
62 the Division of Radiology to be present for discussion about having Dental Radiological  
63 Regulations placed back under the purview of the DoR.

64

65 **On a motion duly made by Wells, seconded by Walden and approved**  
66 **unanimously, it was**

67

68 **RESOLVED to approve the minutes of the December 9, 2016 meeting, as**  
69 **amended.**

70

71 The minutes of the February 17 teleconference had been completed only days prior and  
72 the hard copy was not immediately available. At the request of the board, Mr. Smith  
73 gave a synopsis of the February 17, 2017 teleconference minutes, covering the cogent  
74 points and motions that were made.

75

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

78

79 **RESOLVED to approve the minutes of the February 17, 2017 teleconference**  
80 **as read.**

81

82

83 **Agenda Item 3 – Ethics Report**

84

85 The board had no ethics violations or conflict of interest to report.

86

87 **The board deviated to Agenda Item 5 to discuss Online Orthodontics.**

88 Dr. Nielson informed the board that he had been alerted to the practice of patients being  
89 mailed an orthodontic device from out of state and making impressions of their own  
90 dentition. According to the investigation section, this is practicing without a license, a  
91 violation of statute. Dr. Nielson has spoken with several orthodontists, who say that this  
92 has not necessarily become a problem, but they do admit its potential to cause

93 problems. Dr. Nielson brought up HB 74, a bill that mentions the Dental Board with  
94 regards to opioids, but discusses “telemedicine” and the protection offered to those that  
95 practice without physically meeting the patient and the guidelines that restrict them. He  
96 is not sure how much effect the bill will have, as most of its language is directed at the  
97 practice of telemedicine from within the state, not from across state lines.  
98 Unfortunately, due to these orthodontists practicing out of the state, they are out of the  
99 jurisdiction of the BoDE. There is very little recourse against these practitioners besides  
100 writing a Cease and Desist letter. Ms. Walden recalled a similar case involving a  
101 company with a similar name that had been written a letter from the board in the past  
102 and offered to send it to Dr. Nielson.

103

#### 104 **Agenda Item 4 – Investigations**

105

106 Dr. Scheller brought up an issue that his community is experiencing, specifically  
107 complaints being made by practitioners against other practitioners. His question was;  
108 what is the appropriate path for a dental practitioner to take to make a complaint against  
109 another practitioner, specifically if the complainant is a member of the board. Chief  
110 Inspector Angela Birt was available to explain the process and the appropriate conduct  
111 for a member of the board involved in an investigation.

112

113 In most cases, having the patient make the complaint is by far the best route. The  
114 records release forms that they sign as part of the complaint packet enable the  
115 investigator to quickly and easily acquire evidence to build a case and continue with the  
116 investigative process. A complaint made by one practitioner against another may be  
117 followed by using a part of the HIPAA act (45 C.F.R. § 164.501) to acquire the  
118 necessary records. If a member of the board is at all involved in an investigation, they  
119 must recuse themselves from any discussions or decisions made by the board  
120 regarding that particular investigation.

121

122 Dr. Silviera arrived at 9:30 am.

123

124 The conversation proceeded on to discuss the methods by which the Investigators work  
125 with a member (or members) of the board to establish penalties for various infractions.  
126 A single, or pair, of board members is all that may be utilized to establish these  
127 penalties for consent agreements. This provides a firewall to protect the board from any  
128 allegations by the public of favoritism or bias. Dr. Scheller was concerned that one  
129 board member will have a drastically different opinion on appropriate punishments than  
130 another, leading to unfair punishment being meted out. Ms. Birt replied that the  
131 investigator does provide previous, similar cases as a reference. She also allowed that  
132 the entire board could be provided an incomplete and unsigned consent agreement, as  
133 long as it contains no information that could be used to identify the subject. Ms. Birt  
134 informed the board that they can reject a consent agreement and have it returned to the  
135 Division of Investigations to stiffen or lighten the penalty. Ms. Birt advised the board to  
136 establish a list of common violations and the penalties commonly associated with them.  
137 This will allow the board to maintain a high degree of consistency when working with an

138 investigator or paralegal to establish an appropriate penalty, despite the individual board  
139 members not being in contact with one another.

140

141 Ms. Birt thanked the board for their time and departed at 10:00 am

142

### 143 **Agenda Item 5 – Old/New Business**

144

#### 145 **Temporary License Permit**

146

147 At the December 9, 2016 meeting, the reinstatement of temporary licenses was briefly  
148 discussed. Dr. Logan of the ADS had offered to draft legislation to that effect at that  
149 meeting. The board reviewed the drafted legislation and found it agreeable. The board  
150 declined making a motion regarding the draft, choosing instead to voice their opinion if  
151 the draft comes before the legislature.

152

#### 153 **CE audit of Dr. Kevin Shedlock**

154

155 The board discussed Dr. Shedlock's audit. Dr. Shedlock stated in a letter to the board  
156 that his CE certificates had been destroyed, leaving him a few credits short. He  
157 requested that they excuse this and approve his audit.

158

159 **On a motion duly made by Scheller, seconded by Nielson, and approved**  
160 **unanimously, it was**

161

162 **RESOLVED to accept the CE credits for Dr. Kevin Shedlock for the audit of**  
163 **the 1/1/2013 – 2/28/1015 licensing period**

164

165 While still on the subject of CE audits, the board began a brief discussion of a CE  
166 tracking service and renewed their request for board staff to finalize research and  
167 present at the next meeting. The board also requested the AADB Continuous Query  
168 feature be researched and presented at the next meeting.

169

#### 170 **Legislative Information**

171

172 The board began discussion of HB 62, SB 74, HB 90, and HB 89. The only issues the  
173 board had was with House Bill 89, where they found a conflict between the wording  
174 specifying the level of supervision required for a Dental Assistant to use radiological  
175 equipment. The bill also failed to mention Dental Hygienists as qualified to perform  
176 radiological procedures. Ms. Walden requested authorization from the board to draft a  
177 letter for the board to approve, and have it sent to Representative Tuck; the bill's  
178 sponsor.

179

180 **On a motion duly made by Walden, seconded by Silviera, and approved**  
181 **unanimously it was**

182

183           **RESOLVED to authorize Ms. Walden to draft a letter on HB 89 regarding the**  
184           **points made in during discussion.**

185  
186   **Letter from Dr. Mounce**

187  
188   Mr. Smith presented to the board a proposition to begin performing personal interviews  
189   for Credential applicants outside of board meetings in an effort to speed the application  
190   process and free up time during board meetings. His argument was that Credential  
191   applicants have to wait weeks, sometimes months, after their application has been  
192   completed to perform the interview and receive their license. This can cause undue  
193   hardship to an applicant if they lose a significant portion of their income thanks to this  
194   delay. Mr. Smith briefed the board regarding the successful interviews performed by  
195   himself and Dr. Scheller for Drs. Jared and McKenzie Boyd, at the request and direction  
196   of the Division Director.

197  
198   **On a motion duly made by Scheller, seconded by Ross, and approved**  
199   **unanimously, it was**

200  
201           **RESOLVED to perform telephonic interviews outside of formal board**  
202           **meetings for licensure by credentials to be reviewed by the board and**  
203           **voted upon electronically.**

204  
205   **On a motion duly made by Nielson, seconded by Walden, and approved**  
206   **unanimously, it was**

207  
208           **RESOLVED to amend the previous motion to read “to establish a rotating**  
209           **schedule for a board member to perform telephonic interviews outside of**  
210           **formal board meetings for licensure by credentials to be reviewed by the**  
211           **board and voted upon electronically.”**

212  
213   Break at 10:24 am  
214   Back on record at 10:32 am

215  
216   **Agenda Item 6 – SRTA presentation**

217  
218   Dr. Marc Muncy began his presentation on the Southern Regional Testing Agency  
219   (SRTA). His presentation started with an introduction of himself and the history of  
220   SRTA. He continued on to explain the processes and details of the SRTA exam, fielding  
221   questions from the board as he proceeded. Dr. Muncy concluded his presentation and  
222   thanked the board for allowing him to present, and iterated his wish that the board  
223   accept the SRTA exam in the State of Alaska.

224  
225   The Board thanked Dr. Muncy for attending.

226   **Agenda Item 7 – ADEX presentation**  
227

228 Dr. Stanwood Kanna began his presentation with the assistance of a Power Point  
229 Presentation. The presentation included a history of the American Board of Dental  
230 Examiners (ADEX), its processes and policies, and how it interacts with the other  
231 examination boards. Dr. Kanna answered the board's questions and provided hard  
232 copy candidate manuals and guides for reference. Dr. Kanna concluded his  
233 presentation and thanked the board for allowing him to give the presentation.  
234

235 The Board thanked Dr. Kanna for attending.  
236

237 Off record for a break at 12:55 pm

238 On record at 1:05 pm  
239

240 Dr. Moriarty brought before the board a series of questions to be sent to the Regional  
241 Exam boards to establish a standardized baseline for the board to gauge the  
242 differences between the different exams.  
243

244 **On a motion duly made by Moriarty, seconded by Wells, and approved**  
245 **unanimously, it was**  
246

247 **RESOLVED to direct board staff to send the document titled "Examination**  
248 **Evaluation and Comparability" to the Regional Exam Boards.**  
249

#### 250 **Agenda Item 8 – Personal Interviews**

251

252 The board welcomed Dr. Steven Hibbert to the meeting and explained the interview  
253 process. Dr. Hibbert appeared telephonically. The Board asked the standard interview  
254 questions.  
255

256 **On a motion duly made by Kovalski, seconded by Scheller, and approved**  
257 **unanimously, it was**  
258

259 **RESOLVED to approve the application for a Dental License by Credentials**  
260 **for Dr. Steven Hibbert**  
261

262 Jasmin Bautista joined the meeting at 1:20 pm  
263

264 Dr. Kovalski left the meeting (teleconference) at 1:22 pm to respond to a dental  
265 emergency.  
266

267 **On a motion duly made by Ross, seconded by Walden, and approved**  
268 **unanimously it was**  
269

270 **RESOLVED to go into executive session in accordance with AS**  
271 **44.62.310(c)(2)(3) for the purpose of discussing a license application.**  
272

273 Board Staff to remain.

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Off the record at 1:25 pm  
On record at 1:35 pm

The Board welcomed Dr. Kelvan Luff to the meeting and explained the interview process. Dr. Hibbert appeared telephonically. The Board asked the standard interview questions.

**On a motion duly made by Nielson, seconded by Silviera, and approved unanimously, it was**

**RESOLVED to approve the application for a Dental License by Credentials for Dr. Kelvan Luff.**

The Board welcomed Dr. Jeffery Kirk to the meeting and explained the interview process. Dr. Kirk appeared telephonically. The Board asked the standard interview questions.

**On a motion duly made by Wells, seconded by Walden, and approved unanimously, it was**

**RESOLVED to approve the application for a Dental License by Credentials for Dr. Jeffery Kirk.**

The Board welcomed Dr. Victor Stime to the meeting and explained the interview process. Dr. Stime appeared telephonically. The Board asked the standard interview questions.

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

**RESOLVED to approve the application for a Dental License by Credentials for Dr. Victor Stime.**

The board welcomed Dr. Christy Jen to the meeting and explained the interview process. Dr. Jen appeared telephonically. The Board asked the standard interview questions.

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

**RESOLVED to approve the application for a Dental License by Credentials for Dr. Christy Jen.**

The Board welcomed Dr. Steven Soelberg to the meeting and explained the interview process. Dr. Soelberg appeared telephonically. The Board asked the standard

320 interview questions. The board concluded the interview and thanked Dr. Soelberg for  
321 his time.

322

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

325

326 **RESOLVED to approve the Dental License by Credentials for Dr. Steven**  
327 **Soelberg pending submission of an additional 16 credits of approved**  
328 **continuing education.**

329

330 The Board welcomed Dr. Amanda Nelson to the meeting and explained the interview  
331 process. Dr. Nelson appeared telephonically. The Board asked the standard interview  
332 questions.

333

334 **On a motion duly made by Ross, seconded by Silviera, and approved**  
335 **unanimously, it was**

336

337 **RESOLVED to approve the Dental License by Credentials for Dr. Amanda**  
338 **Nelson.**

339

340 The Board welcomed Dr. Richard McKinney to the meeting and explained the interview  
341 process. Dr. McKinney appeared telephonically. The Board asked the standard  
342 interview questions.

343

344 **On a motion duly made by Walden, seconded by Silviera, and approved**  
345 **unanimously, it was**

346

347 **RESOLVED to approve the application for a Dental License by Credentials**  
348 **for Dr. Richard McKinney.**

349

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

352

353 **RESOLVED to approve the application for a Parenteral Sedation Permit for**  
354 **Dr. Richard McKinney.**

355

356 Dr. Moriarty left the meeting at 3:05 pm.

357

358 The Board welcomed Dr. Richard Manwaring to the meeting and explained the interview  
359 process. Dr. Manwaring appeared telephonically. The Board asked the standard  
360 interview questions.

361

362 **On a motion duly made by Silveira, seconded by Ross, and approved**  
363 **unanimously, it was**

364



365           **RESOLVED to approve the application for a Dental License by Credentials**  
366           **for Dr. Richard Manwaring.**

367  
368           The Board welcomed Dr. Brent Sonnenberg to the meeting and explained the interview  
369           process. Dr. Sonnenberg appeared telephonically. The Board asked the standard  
370           interview questions.

371  
372           Dr. Moriarty rejoined the meeting by teleconference at 3:15 pm.

373  
374           **On a motion duly made by Walden, seconded by Silviera, and approved**  
375           **unanimously, it was**

376  
377                       **RESOLVED to approve the application for a Dental License by Credentials**  
378                       **for Dr. Brent Sonnenberg.**

379  
380           **Agenda Item 11 – Discussion of 12 AAC 28.940(b)(8)(B)**

381  
382           Dr. Kovaleski requested that the board postpone discussion of this item until the April  
383           meeting. The Board was curious and briefly discussed the background behind the  
384           regulation and why there might be an issue with it.

385  
386           The Board deferred Item 11 until the April Meeting.

387  
388           **Agenda Item 10 – Public Comment**

389  
390           There were no comments to be read or presented.

391  
392           The board deviated from the agenda entirely and discussed the advertisement of  
393           “specialists” and whether they are in violation of any Alaska statutes. No decisions  
394           were made.

395  
396           **Agenda Item 12 – Office Business**

397  
398           **Scheduling 3<sup>rd</sup> and 4<sup>th</sup> quarter meetings.**

399  
400                       - August 18<sup>th</sup> or 25<sup>th</sup>, December 1<sup>st</sup> or 8<sup>th</sup>. To be officially decided by Doodle  
401                       request.

402  
403           The board requested that a wide range of consent agreements be reviewed and the  
404           precedents established therein be used to establish a penalty matrix for reference for  
405           future consent agreements.

406  
407           Wall Certificates were signed by Dr. Wells and Dr. Scheller. Dr. Scheller substituted as  
408           secretary for Ms. Chaney.

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410           **Agenda Item 9 – Budget/Expense Report**


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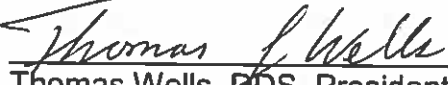
Due to legislative session being in process, there were not any Department directors available to give an expense report. Mr. Smith explained to the best of his abilities the fiscal situation of the board, stating that when the 2017 2<sup>nd</sup> quarter fiscal report is issued it will favorably reflect the financial situation of the board.

Tasks-

- Board Staff will continue working on establishing a penalty matrix for Board reference in establishing consent agreements.
- Board Staff will continue researching the Dental Exchange Continuing Education Tracker.
- Continue research into the AADB continuous query.
- Request Hygiene Exam information from ADEX.
- Send list of questions to regional exam authorities.

The board adjourned the meeting at 4:00 pm.

Respectfully Submitted:  
  
\_\_\_\_\_  
Jedediah Smith  
Occupational Licensing Examiner

Approved:  
  
\_\_\_\_\_  
Thomas Wells, DDS, President

Date: April 28, 2017