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

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**MINUTES OF MEETING  
February 16, 2018**

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These minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have been reviewed and approved by the Board.

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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 16, 2018, in person in Anchorage, AK.

The meeting was called to order by Dr. Paul Silveira, President, at 8:48 a.m.

**Roll Call**

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

Dr. Paul Silveira, President – Valdez  
Dr. Thomas Wells – Anchorage  
Dr. David Nielson – Anchorage  
Ms. Paula Ross – Anchorage  
Ms. Gail Walden – Wasilla  
Dr. Steven Scheller – Fairbanks  
Dr. Michael Moriarty – Seward  
Ms. Robin Wahto - Anchorage  
Dr. Thomas Kovaleski – Chugiak on phone via Mexico

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

Ms. Amber Treston, Licensing Examiner – Juneau – videoconference  
Ms. Sher Zinn, Records and Licensing Supervisor – Juneau –  
videoconference  
Jasmin Bautista, Investigator – Anchorage  
Al Kennedy, Senior Investigator - Anchorage

Members of the public in attendance:

47 Dr. Dave Logan, Dentist - Anchorage  
48 Dr. Mike Boothe, Dentist – Anchorage  
49 Sarah Philips – Legislative Audit – teleconference  
50 William Sogge – Legislative Audit – teleconference

51  
52 Off the record at 8:55 a.m.

53 On the record at 8:56 a.m.

54  
55 **Agenda Item 1 – Review of Agenda**

56  
57 Dr. Silveira asked the board if they had any matters that they would like to add to  
58 the agenda. Dr. Nielson requested that the board have a discussion on the Medicaid  
59 Compliance from H.S.S. and sedation payment and how that may or may not effect  
60 sedation regulations. Dr. Nielson also requested to add the registration fee for the data  
61 base for the Opioid Prescription Monitoring Database. Zinn explained that item #11  
62 regarding continuing education course application for review with Dr. Joshua Jeon will  
63 not take place because he is not available.

64  
65 **Agenda Item 2 – Review/Approve Minutes**

66  
67 **On a motion duly made by Neilson, seconded by Scheller, and approved by roll**  
68 **call vote, it was**

69  
70 **RESOLVED to approve the minutes of the December 8, 2017 meeting.**

71  
72 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**  
73 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**  
74 **9 yeas, 0 nays. Motion passed.**

75  
76 **Agenda Item 3 - Ethics Report**

77  
78 There were no ethics violations to report.

79  
80 **Agenda Item 4 – Public Comment**

81  
82 Dr. Logan wanted to discuss the prescription database fee and would like the  
83 board to make a response to the division on that. Upon review of the documentation on  
84 the website the fee seems a bit excessive of \$50 for what they are estimating to be the  
85 deficit and when that deficit occurs. When the amount is calculated the fee is \$3.56 per  
86 registry and not the \$50 that they public noticed for. He would also like to make a  
87 response to the continuing education and have the board give guidance on what  
88 continuing education courses that will and will not qualify on the prescription drug  
89 monitoring program. He states that the wording in the statute there are a lot of “ands”  
90 mentioned. Requiring a copy of a certificate verifying participation in a minimum of 2  
91 hours of Continuing Education in pain management and opioid use and addiction within  
92 3 years preceding the application for license. Dr. Logan believes that 2 hours of

93 continuing education in each of the 3 areas of pain management, opioid use and  
94 addiction is a lot of material to be covered in only 2 hours of time and he does not know  
95 of a course that covers all of these items in one course. He suggests that the continuing  
96 education may need to be increased for this topic.

97  
98 **Agenda Item 5 – Investigative Report**  
99

100 Ms. Jasmin Bautista gave the investigative report, for the period between  
101 December 7, 2017 and February 2, 2018 informing the board of the number of cases  
102 opened (6), number of cases closed (5), and total number of cases that remain open at  
103 this time (24). She explained that they are all in compliance with probation.

104 Dr. Nielson wanted to clarify what was discussed at the previous meeting about  
105 how the cases are dispersed. She explained that they do not have a lot of cases at this  
106 point but they do try to spread them around and that they are all intakes. Once it goes  
107 into a complaint that is the time to review the case and it begins.

108  
109 **Agenda Item 6 – Smile Direct update**  
110

111 Dr. Silveira decided to skip this item at this time.  
112

113 **Agenda Item 7 – Division Update**  
114

115 Zinn reviewed the budget expense report with the board. The current report has  
116 the first quarter of FY18 and for the second quarter there is a significant difference in  
117 the amount. The reason for this difference is that several of the time sheets were  
118 incorrectly entered into the new IRIS system so the fees that were allocated to individual  
119 boards were not entered correctly. So they are currently going back and fixing all the  
120 time sheets. So the one that says second quarter is an estimate at this time and by next  
121 quarter it should all be in working order and updated.

122 Dr. Silveira wanted to add to the budget update that the Dental Board is up for  
123 sunset next year and currently in the middle of an audit. They had a teleconference  
124 yesterday afternoon regarding the audit and they are going to get ahold of one other  
125 board member. It is a routine thing and they asked if there were any problems and how  
126 to resolve them. They should be getting a report on these next month.  
127

128 Introduction of new board member Robin Wahto and new Licensing Examiner  
129 Amber Treston.  
130

131 **Agenda item 6 – Smile Direct Update**  
132

133 **On a motion duly made by Paula Ross, seconded by Gail Walden, and approved**  
134 **by roll call vote, it was**  
135

136 **RESOLVED to go in to executive session in accordance with Alaska Statute**  
137 **44.62.310(c)(2)(3) for the purpose of discussing investigative matters.**  
138

139 Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,  
140 Walden – yea, Scheller – yea, Moriarty – yea, Wahto - yea.  
141 9 yeas, 0 nays. Motion passed.  
142

143 Board staff to remain.  
144

145 Off record at 9:21 a.m.

146 On record at 9:32 a.m.  
147

148 **Agenda Item 8 – PDMP Implementation and CE regulations**  
149

150 Dr. Nielson started the discussion going back to what Dr. Logan had brought up  
151 in public comment about how the department came up with the \$50 fee. How is the fee  
152 derived and how did they settle on \$50 and who is going to be collecting the money. It  
153 will not be the Board of Dental Examiners it will be licensing. The other question is will  
154 this fee be adjustable on actual cost and he would like to get a break down of what the  
155 actual costs are at some point. Asked if Zinn can comment on this.

156 Zinn stated that the purpose of the fees are to administer to the Prescription Drug  
157 Monitoring Program (PDMP) and that is the initial fee they came up with and once the  
158 program is up and running then the fees will likely come down significantly. There are  
159 new software programs being installed and the initial fee will help get that up and  
160 running. The \$50 is directly allocated to the PDMP and that is how it will be receipted in  
161 our system. If you would like us to request the information from Laura Carrillo, who is  
162 the PDMP administrator, then we can get you a sheet with all of the information from  
163 her which will provide you with all the information you are requesting. Dr. Nielson  
164 wanted to know if all the users will have the same fee and Zinn responded that yes, all  
165 the users will share the same \$50 fee.

166 Dr. Nielson stated that he will draft a letter based on the questions he stated  
167 earlier to get updated on what the real cost of the program is, and to be updated on  
168 what they believe will be the cost moving forward.

169 Dr. Kovaleski asked if there have been any pushbacks from the other boards  
170 such as optometry or medical. Dr. Moriarty heard from medical and they were  
171 discussing doing a patient tax or something similar. Primarily, they want to write a letter  
172 and get more information about the real cost of the program. Dr. Nielson believes there  
173 are federal grants for this program so it is not just the providers paying for this. Not sure  
174 if the grants are something that will be available every year or if this is just to help get it  
175 up and running. Dr. Moriarty mentions that it is not just the \$50 fee it is the CE that is  
176 required on top of it now too.

177 Dr. Nielson begins to discuss the CE and that a lot of times the Dental Society  
178 will field questions from the dentists who want to know if the courses they are taking will  
179 qualify or not. The way it is written in AAC 28.400 (a) has completed no less than 2  
180 hours of continuing education in pain management and opioid use and addiction in the  
181 licensing period. The “AND” and “AND” are in statute and we cannot change that in a  
182 regulation. But we might be able to clarify what course may qualify. If we could add  
183 something to clarify what courses may qualify, or if we could add a frequently asked  
184 questions page on the website. Another question they get a lot is that of moderate

185 sedation on a child. Having a FAQ section on the website would help free up time for  
186 everyone when trying to determine what qualifies for the 2 hours of CE. It may be  
187 difficult to find a course that will cover all this material in only 2 hours. AS.36.110 was  
188 discussed. Basic life support was discussed. Statutes regarding the CE will not be in the  
189 book until 7/18/18 so they will need to set the regulations prior to that date. Cannot lump  
190 this in with all the other CE. This will need to be very specific. Will plan to get frequently  
191 asked questions together for the next meeting and the board will answer them.

192

193 The board took a short break.

194

195 Off the record at 9:50 a.m.

196 On the record at 10:07 a.m.

197

198 The board discussed AAC 28.951(b)(7) and AAC 28.940(b)(10)(A) will amend  
199 both to read: has completed no less than two hours of education in pain management  
200 and opioid use and addiction within the 2 years prior to the date of application.

201

202 William Sogge joined with legislative audit joined the meeting at 10:25 a.m.

203

204 Dr. Nielson brings up the discussion of AAC 28.940(b)(8)(A) and corrected it to  
205 read as follows: The examinations, or combination of examinations, must include the  
206 following subject areas and their components or characteristics; will also change (iv)  
207 endodontics testing, on a mannequin and/or live patient, to include access and  
208 obturation of an anterior tooth and access of a multi-canalled posterior tooth; (v)  
209 prosthetic testing, on a mannequin and/or live patient, to include a crown prep or a  
210 bridge prep; (vi) patient based operative examination that includes one class II posterior  
211 alloy and one composite procedure, either anterior class III or posterior class II;

212

213 Where are we at in regards to backpedaling in the specialty licensing? Do we  
214 want to bring back specialty licensing? Where are the sedation regulation items at?  
215 Credentialing under 9 - Discussed AAC 28.951 (c)(9) in regard to credentials and  
216 licensing exams. This clarifies what an equivalent test may be. Is it necessary to have  
217 that? How does it have to be described? Dr. Nielson wants to know if these  
218 requirements have been tracked or confirmed 5 years back on someone who has taken  
219 another regional exam. When you took the Central regional Dental Testing Service  
220 (CRDTS) exam did it cover these items? How is that tracked? When you put you had  
221 something equivalent do you describe what that is or is that at the board's discretion?  
222 Change 12 AAC 28.951(e) (10) operative examination that includes one posterior Class  
223 II alloy and one composite procedure, either class III anterior or class II posterior.

224

225 **On a motion made by Silveira, seconded by Moriarty, and approved by roll call**  
226 **vote, it was**

227

228 **RESOLVED to remove AAC 28.951(e)(10) from the professional regulations**  
229 **draft as corrected to send out to public comment.**

230

231 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**  
232 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**  
233 **9 yeas, 0 nays. Motion passed.**  
234

235 Dr. Silveira had questions about where the sedation regulations were at and if  
236 that was on the agenda. Zinn informed the board that it is with the department of law  
237 and they have to do the review before they send it to the lieutenant governor's office.  
238 The board will receive an email once it has been sent out. The department of law has  
239 had it for 3 weeks but they will get to the regulations at their earliest convenience. Once  
240 the lieutenant governor signs the regulation it will go into effect 30 days later.

241  
242 **Agenda Item 9 – Old/New Business**  
243

244 HB 268: discussed the matrix for penalty if someone is in violation what is the  
245 penalty or disciplinary actions. Dr. Nielson requested having something in writing that  
246 shows what the disciplinary actions would be for someone who dispenses more than  
247 their 7 days of opioids. Sher explained that it will take extensive research because not  
248 all the disciplinary documents are easily accessed and the investigative unit likely has  
249 better access to those disciplinary documents. Dr. Nielson requested a graph or spread  
250 sheet of different violations that can happen and what the fine or penalty are for that  
251 violation. Penalties for different violations would be beneficial so the board has  
252 something to go off of. Frequently asked questions are what do I do when my radiologic  
253 equipment is out of date? Need to have a document started for violations and  
254 disciplinary actions.

255  
256 Discussed SB 161 – Sec. 08.36.254 and about extending the permit and making  
257 some changes to the wording. Recommended to remove (g)(3) as it is redundant and  
258 mentioned in (f). Will still have a regulation project once the bill passes. Temporary  
259 permit to substitute for an incapacitated dentist. The board would like to change  
260 08.36.254(b) to say A dentist applying for a temporary permit under (a) of this section  
261 shall... by removing (1)meet the requirements of AS 08.36.234, except the board may  
262 waive the proof of continued competence requirement, giving the board authority to  
263 adopt regulations for the licensing qualifications.

264  
265 **On a motion made by Silveira, seconded by Nielson, and approved by roll call**  
266 **vote, it was**

267  
268 **RESOLVED to approve the wording giving the board authority to set the**  
269 **qualifications by regulations.**  
270

271 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**  
272 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**  
273 **9 yeas, 0 nays. Motion passed.**  
274

275 Decided that Dr. Nielson will be testifying at the hearings.  
276

277           Regarding items 08.36.315 and how it pertains to the disciplinary authority the  
278 board has if the maximum dosage prescribed was exceeded in violation. The board  
279 requests a penalty matrix to show what the penalties will be for each violation.  
280 HB 268 discussion and these are the statutes that correlate with HB 268.

281  
282           Discussed credit hours for ACLS certification, as opposed to basic CPR. In the  
283 CE credit hours the applicant can claim up to 4 hours for CPR. ACLS is initially a 2 day  
284 course and there after an 8 hour course. As for how many of the hours are counted  
285 towards your 32 hours of CE. This can be added to the websites FAQ sheet: If I took an  
286 8 hour CE course how many hours will that count towards my 32 credit hours?  
287 Although, the course is an 8 hour CE course it would only be able to count as 4 CE  
288 credit hours if it comes up in an audit. Do they require both a BLS and ACLS card? If  
289 they have a current ACLS card do they need a BLS as well? Even though the course is  
290 approved for 8 hours of CE credit and they have an audit it will only count as 4 CE  
291 credits.

292  
293           **On a motion made by Walden, seconded by Ross, and approved by roll call vote,**  
294 **it was**

295  
296                   **RESOLVED to request the division to repeal the local anesthesia renewal**  
297 **fee.**

298  
299                   **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**  
300 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**  
301 **9 yeas, 0 nays. Motion passed.**

302  
303 Off the record at 11:55 a.m.  
304 On the record at 1:12 p.m.

305  
306 Dr. Silveira reminded the board to not be discussing board items when not on the  
307 record.

### 308                                   Roll Call

309  
310           Those present, constituting a quorum of the board, were:

- 311  
312                   Dr. Paul Silveira, President – Valdez  
313                   Dr. Thomas Wells – Anchorage  
314                   Dr. David Nielson – Anchorage  
315                   Ms. Paula Ross – Anchorage  
316                   Ms. Gail Walden – Wasilla  
317                   Dr. Steven Scheller – Fairbanks  
318                   Dr. Michael Moriarty – Seward  
319                   Ms. Robin Wahto - Anchorage  
320                   Dr. Thomas Kovaleski – Chugiak on phone via Mexico

321

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

325  
326 Ms. Amber Treston, Licensing Examiner – Juneau - videoconference  
327 Ms. Sher Zinn, Records and Licensing Supervisor – Juneau -  
328 videoconference  
329 Jasmin Bautista, Investigator – Anchorage  
330 Al Kennedy, Senior Investigator - Anchorage

331  
332 Members of the public in attendance:

333  
334 Dr. Dave Logan, Dentist – Anchorage  
335 Dr. Mike Boothe, Dentist - Anchorage  
336 Sarah Philips – Legislative Audit – teleconference  
337 William Sogge – Legislative Audit – teleconference

338  
339 Discussion turned to a statute work group. Gail Walden started the discussion  
340 and reviewed the remaining items on the agenda under item #9. The work group will  
341 consist of Dr. Nielson, Gail Walden, Dr. Logan, Dr. Willis, Michele Summers, and Mina  
342 Allen. Are we going to wait until the legislative session ends? Or should we try to gather  
343 the team together and see what dates and times work for everybody. She would prefer  
344 to meet and have an agenda for the meeting. The public notice needs to be in by the  
345 15<sup>th</sup> of the month to avoid additional fees. Will get the public notice in by March 15<sup>th</sup>,  
346 2018. Anticipate meeting being sometime in April. The meeting will need to be recorded  
347 and have meeting minutes as well. After further discussion they decided Dr. Nielson will  
348 send out a doodle poll to the work group and try to arrange a date for the meeting.  
349 Requested a check from Zinn as to what is required for their meeting.

350  
351 Dr. Kovalski was disconnected and left the meeting at 1:35 p.m.

352  
353 **Agenda Item 11 – Medicaid Compliance Notice**

354  
355 Running ahead of scheduled and elected to discuss item #11 at this time.  
356 Medicaid compliance notice and the requirements the state is putting in place to have  
357 reimbursement from sedation. Some of the items are already in the statutes such as  
358 recording the start and stop times and having a physical evaluation. There did not seem  
359 to be any conflicts with the regulations. They do not believe Medicaid is asking for a  
360 letter. They are just asking who is receiving the sedation and why. Dr. Wells states there  
361 is a code for local anesthetic and if they are treating a Medicaid patient they can submit  
362 a code for it. Dr. Neilson says that he can draft a letter in general asking about the  
363 requirements for sedation codes and local anesthetic. Everything with Medicaid gets  
364 preauthorized prior to the treatment. There are reports of offices not getting reimbursed  
365 for the charges they submitted or even denied due to not having the required  
366 information. Last August it was decided that Medicaid will require the list of criteria  
367 necessary to get reimbursed for the fees after the effective date of August 1, 2017. The



368 letter will be drafted by Dr. Nielson and submitted to the Board of Dental Examiners for  
369 review before being sent in.

370

371 **Agenda Item 10 - Applicant Interviews**

372

373 Gail Walden asked a few questions to the board before the interviews began.  
374 She found that Dr. Sastry has continuing education credits that he claims CE credit for  
375 multiple courses, however, the titles all appear to be for Practice Management. It is  
376 decided that they will ask him to clarify his CE courses at the time of the interview. It  
377 was then discussed about Dr. William Traynor that he was working at a Pediatric Dental  
378 Office in Idaho but does not have an Idaho License listed on his packet. Will plan to ask  
379 Dr. Traynor about this when they have him on the teleconference for his interview.

380

381 The board welcomed Dr. Vilas Sastry to the meeting and explained the interview  
382 process. Dr. Sastry appeared telephonically. The Board asked the standard interview  
383 questions. Explained that upon review of his CE credits he has a lot of hours that cover  
384 practice management material and the Board only accepts 3 hours of practice  
385 management. They will require him to take 6 CE credits that are non-practice  
386 management courses. Also, if he can give us more information on some of the CE  
387 courses that are listed as a CSL video that he can support them to be sufficient.

388

389 **On a motion made by Walden, seconded by Ross, and approved by roll call vote,**  
390 **it was**

391

392 **RESOLVED to approve Dr. Vilas Sastry's application for a Dental License**  
393 **by Credentials pending receipt of all the required CE paper work that are**  
394 **not Practice Management courses.**

395

396 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Walden – yea,**  
397 **Scheller – yea, Moriarty – yea, Wahto – yea.**  
398 **9 yeas, 0 nays. Motion passed.**

399

400 Ms. Walden will email Ms. Treston the number of required CE's.

401

402 The board welcomed Dr. William Traynor to the meeting and explained the  
403 interview process. Dr. Traynor appeared telephonically. The Board asked the standard  
404 interview questions.

405

406 **On a motion made by Walden, seconded by Silveira, and approved by roll call**  
407 **vote, it was**

408

409 **RESOLVED to approve the application for an Alaska Dental License by**  
410 **Credentials for Dr. William Traynor after submitting his PALS certificate,**  
411 **Pediatric residency certificate and a copy of his notarized Idaho Pediatric**  
412 **Dental License.**

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**Pediatric residency certificate and a copy of his notarized Idaho Pediatric Dental License.**

**Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea, Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea. 9 yeas, 0 nays. Motion passed.**

**Agenda Item 12 – Office Business**

- Sign the meeting minutes
- Sign Wall Certificates
- Submit travel receipts for travel, hotel, taxi
- Return all laptops and thumb drives

**Tasks –**

- Continue working on a penalty matrix for presentation to the board at the December meeting.
- Zinn to submit a guideline for the dental work group for minutes, recording, public notice, etc.


The board adjourned the meeting at 2:34 p.m.

Respectfully Submitted:



Amber Treston  
Occupational Licensing Examiner

Approved:

  
Paul Silveira, DMD, President

Date: 5/15/18

