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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
August 24, 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 or 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 August 24, 2018, in person in Anchorage, AK.

The meeting was called to order by Dr. Paul Silveira, President, at 8:42 a.m.

Agenda Item 1 - Roll Call

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

Dr. Paul Silveira, President – Valdez
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
Dr. Dominic Wenzell – Girdwood

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

Ms. Amber Treston, Licensing Examiner – Juneau
Ms. Jasmin Bautista, Investigator – Anchorage
Ms. Sonia Lipker, Senior Investigator - Anchorage
Ms. Sher Zinn, Regulation Specialist – Juneau – Teleconference
Ms. Marilyn Zimmerman, Paralegal – Juneau - Teleconference
Ms. Megyn Weigand, AAG – Anchorage

Members of the public in attendance:

47 Dr. Kenley Michaud – Anchorage
48 Dr. Michale Booth – Anchorage
49

50 **Agenda Item 2 – Review of Agenda**

51
52 Dr. Silveira requests to add 12 AAC 28.951 (c)(6) to the agenda under item 9 to have
53 the board state the intent of the wording *during the 5 years immediately preceding*
54 *application*. The board elects to discuss this item at this time along with the correct
55 application to fill out for specialists who have been licensed greater than 5 years:
56 Credential vs. Examination level II applications. The board feels that a specialist who
57 has been licensed for greater than 5 years can apply by Examination level II because it
58 will allow the specialist a quicker route to become licensed and PBIS will still obtain the
59 background information regarding their work history.
60

61 Discussed 12 AAC 28.951(c)(6) and the board states that the applicant must be
62 licensed for 5 years to qualify by Credentials. *During the 5 years immediately preceding*
63 *application* means that they had to have held a dental license for 5 years and the
64 applicant has been in active clinical practice documenting at least 5,000 hours. The
65 board states that this reads that the applicant has to have held a license for at least 5
66 years.
67

68 **Agenda Item 3 – Review/Approve Minutes**

69
70 Reviewed meeting minutes for April 20, 2018 and made corrections accordingly.
71

72 **On a motion duly made by Ross, seconded by Nielson, and approved the minutes**
73 **as amended unanimously, it was**

74
75 **RESOLVED to approve the minutes as amended of the April 20, 2018**
76 **teleconference with the edits requested by the board.**
77

78 **Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,**
79 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.**
80 **9 yeas, 0 nays.**
81

82 **Motion passed.**

83
84 Reviewed the meeting minutes for May 18, 2018 Teleconference and made
85 changes accordingly.
86

87 **On a motion duly made by Kovaleski, seconded by Ross, and approved the**
88 **minutes as amended unanimously, it was**

89
90 **RESOLVED to approve the minutes as amended of the teleconference May**
91 **18, 2018 with the edits requested by the board.**
92

93 Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,
94 Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.
95 9 yeas, 0 nays.

96 Motion passed.

97
98
99 Reviewed the meeting minutes for July 30, 2018 Teleconference. No changes
100 requested.

101
102 **On a motion duly made by Ross, seconded by Moriarty, and approved the**
103 **minutes unanimously, it was**

104
105 **RESOLVED to approve the meeting minutes for the May 18, 2018**
106 **teleconference.**

107
108 Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,
109 Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.
110 9 yeas, 0 nays.

111 Motion passed.

112
113
114 **Agenda Item 4 – Ethics Report**

115
116 Dr. Silveira states that it is important that if any board members have a conflict of
117 interest it is important to state that there is a conflict and recuse themselves from voting.
118 No conflicts to report at this time.

119
120 **Agenda Item 5 – Investigative Report and disciplinary actions for failing to**
121 **register with PDMP**

122
123 Bautista gave the investigative report for the period between April 13, 2018 through
124 August 20, 2018 informing the board of the number of cases opened (11), number of
125 cases closed (10), and total number of cases that remain open at this time (26).
126 Bautista explained that the rest of the cases are in the report.

127
128 Bautista requests that board discuss the disciplinary actions for dentists who fail to
129 register with the PDMP program. The dental board does not elect to issue a disciplinary
130 action for failing to register for the PDMP late at this point, as long as all dentists
131 register at the time of their renewal.

132
133 **Agenda Item 4 – Investigative Report**

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

138 **RESOLVED to go in to executive session in accordance with Alaska Statute**
139 **44.62.310(c)(3) for the purpose of discussing investigative matters which**
140 **by law, municipal charter, or ordinance are required to be confidential.**
141 **Board staff to remain during this session**

142
143 **Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,**
144 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.**
145 **9 yeas, 0 nays.**

146
147 **Motion passed.**

148
149 Off the record at 9:41 a.m.
150 On the record at 9:58 a.m.

151
152 **On a motion duly made by Walden, seconded by Ross, and approved by roll call**
153 **vote, it was**

154
155 **RESOLVED to accept the Consent Agreement for case No. 2018-**
156 **000369.**

157
158 **Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,**
159 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.**
160 **9 yeas, 0 nays.**

161
162 **Motion passed.**

163
164 Case No. 2018-00369 involved a consent agreement for a dental hygiene license for
165 Kayla Kepler, license #DENH2208.

166
167 **On a motion duly made by Dr. Nielson, seconded by Walden, and approved by roll**
168 **call vote, it was**

169
170 **RESOLVED to adopt the Consent Agreement for case No. 2018-000399.**

171
172 **Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,**
173 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.**
174 **9 yeas, 0 nays.**

175
176 **Motion passed.**

177
178 Case No. 2018-000399 involved a consent agreement for a dental license for Guy
179 Ingrim, license #DEND696.

180
181 **On a motion duly made by Ross, seconded by Walden, and approved by roll call**
182 **vote, it was**

183

184 **RESOLVED to accept the Voluntary Surrender for case No. 2018-000372,**
185 **effective immediately.**

186
187 **Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea, Walden – yea,**
188 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.**
189 **9 yeas, 0 nays.**

190
191 **Motion passed.**

192
193 Case No. 2018-000372 involved a voluntary surrender for a dental hygiene license for
194 Kimberlee Stewart, license #DENH2058.

195
196 Dr. Silveira states that the board adopted two consent agreements and accepted one
197 voluntary surrender. The board chair signed the consent agreements for staff to bring
198 back to Juneau for paralegal Zimmerman.

199
200 **Agenda Item 7 - Break**

201
202 Off the record at 10:02 a.m.
203 On the record at 10:10 a.m.

204
205 **Agenda Item 8 – Public Comment**

206
207 Michale Boothe – Is a dentist with the department of corrections and wants to know if a
208 dental hygienist is allowed to enter the ICD-10 codes into an electronic database and if
209 they do so would this be a violation of the dental practice act. The board determines that
210 the dental hygienist is allowed to enter the codes into the computer as long as this is
211 being entered at the direction of the dentist and the dentist reviews the diagnosis and
212 codes prior to finalizing this in the patient’s charts.

213
214 Dr. Boothe has a second question regarding the radiologic inspections and what the
215 pathway to compliance would be. The board states that this topic is on the agenda
216 under item 9. Briefly discussed inspections and the problems the board is running into
217 when writing the regulations. The current state inspector requirements are overly
218 burdensome and it is difficult to locate people who qualify. The board will continue this
219 discussion with AAG Weigand.

220
221 **Agenda item 9 – Regulation Project**

222
223 Dr. Silveira reminds the board that during break and between board meetings it is
224 important not to discuss board business with more than two board members.

225
226 Reviewed the drafted regulations for radiological equipment regulations. The board will
227 be required to fill out the FAQ form for this regulation project. Dr. Nielson volunteers to
228 fill out this FAQ form.

229

230 AAG Weigand joined the meeting at 10:36 a.m.

231

232 Continued discussion on who qualifies to perform the radiologic inspections under AS
233 08.36.075. The board will review the FDA and ADA guidelines to determine who
234 qualifies as an inspector and draft regulations that will be in compliance with federal
235 standards.

236

237 Clarification over the sedation training was brought up by AAG Weigand and she
238 recommends referencing 12 AAC 28.410 and it will state what courses will be approved
239 if it is AGD, ADHA or ADA courses and for the board to include a specific checklist of
240 what topics are required to be covered within that course. The board will continue to
241 develop a pathway for completing continuing education courses that will qualify for a
242 moderate/minimal sedation permit. The board discussed reviewing the current
243 regulation project out for public comment and do not plan to make substantial changes
244 at this point. They plan to make a new project outlining the requirements for the
245 pediatric sedation courses.

246

247 Dr. Nielson asks about updates on the Smile Direct and AAG Weigand explains that it is
248 in an active open case and she cannot discuss this. She explains the board is not able
249 to have any information at this time. They want to avoid any prejudgment of something
250 before they have all the facts as this would be a disadvantage to the board and could
251 knock them out as a final trial fact.

252

253 Discussion started on the Temporary Permit regulation. The drafted regulations need to
254 have some areas removed as the purpose of the regulation is to clarify the statute not to
255 reiterate it. The board would like to see the following items listed on the temporary
256 permit: the incapacitated dentist's name, address/es showing the locations the
257 temporary permit holder is able to practice, effective and expiration dates. The
258 incapacitated dentist will be required to submit a letter from a physician stating they are
259 rendered impaired and unable to practice. Would also like to add that the incapacitated
260 dentist must make reasonable effort to find a substitute dentist licensed under this
261 chapter. Elected to remove (b)(d) and (e) and keep (f) from the first draft of the
262 temporary regulations.

263

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

266

267 **RESOLVED to accept the regulations for the temporary permit to be sent to**
268 **the regulation specialist for drafting prior to going out for public comment.**

269

270 **Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea, Walden – yea,**
271 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.**
272 **9 yeas, 0 nays.**

273

274 **Motion passed.**

275

276 Discussed WREB equivalent exams for dental hygienists. Treston explained that
277 applicants are contacting the examiner asking if they are able to apply for a dental
278 hygiene license using a WREB equivalent exam, similar to the new dental regulations.
279 The board would like more information from CRDTS, SRTA and ADEX prior to drafting
280 any regulation changes to the dental hygiene regulations regarding examinations. The
281 board agrees that patient based clinical examinations are mandatory.

282
283 Reviewed 12 AAC 28.925 Lapsed licenses regulations and determined it requires a few
284 changes to reflect the correct numbers in the regulation.

285
286 **On a motion duly made by Silveira, seconded by Ross, and approved by roll call**
287 **vote, it was**

288
289 **RESOLVED to adopt the changes to 12 AAC 28.925 Lapsed Licenses (a)(2)**

290
291 **Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,**
292 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.**
293 **9 yeas, 0 nays.**

294
295 **Motion passed.**

296
297 Off the record at 12:07 p.m.

298
299 **Agenda Item 10 - Lunch**

300
301 On the record at 1:08 p.m.

302
303 **Roll Call**

304
305 Those present, constituting a quorum of the board, were:

- 306
307 Dr. Paul Silveira, President – Valdez
308 Dr. David Nielson – Anchorage
309 Ms. Paula Ross – Anchorage
310 Ms. Gail Walden – Wasilla
311 Dr. Steven Scheller – Fairbanks
312 Dr. Michael Moriarty – Seward
313 Ms. Robin Wahto - Anchorage
314 Dr. Thomas Kovaleski – Chugiak
315 Dr. Dominic Wenzell - Girdwood

316
317 In attendance from the Division of Corporations, Business & Professional
318 Licensing, Department of Commerce, Community and Economic Development
319 were:

320
321 Ms. Amber Treston, Licensing Examiner – Juneau

322 Ms. Janey McCullough, Division Director – Juneau
323 Ms. Melissa Dumas, Administrative Officer II – Juneau
324 Ms. Marylene Wales, Accountant III - Juneau
325

326 **Agenda Item 11 – Division Update**

327
328 Reviewed the Fee Analysis and do not recommend any changes to the dental fees. Do
329 not project a deficit for the upcoming 2019 renewal period through the next renewal
330 period of 2021. Walden does not see the Nitrous Oxide one-time application fee on the
331 projected budget and requests having that added to this analysis.
332

333 **Agenda Item 12 – Review Applications**

334
335 The board reviewed the application for Jae Mi Cho. The only item needed is the
336 documentation of 2 hours of CE in pain management, opioid use and addiction.
337

338 **On a motion made by Dr. Silveira, seconded by Ross, and approved by roll call**
339 **vote, it was**

340
341 **RESOLVED to approve Dr. Jae Mi Cho’s application for a Dental License by**
342 **Exam level II pending the receipt of documentation showing 2 hours of CE**
343 **in pain management, opioid use and addiction.**

344
345 **Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,**
346 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell - yea.**
347 **9 yeas, 0 nays.**

348
349 **Motion passed.**

350
351 Reviewed the application for Catherine Ramiso for a local anesthetic application.
352

353 **Dr. Silveira moved to adopt Catherine Ramiso’s application for a Local**
354 **Anesthetic permit, which was seconded by Dr. Kovaleski. The motion was**
355 **denied by roll call vote:**

356
357 **Silveira – nay, Nielson – nay, Ross – nay, Kovaleski – nay, Walden – nay,**
358 **Scheller – nay, Moriarty – nay, Wahto – nay, Wenzell – nay.**

359
360 **0 yeas, 9 nays**

361
362 **Motion fails.**

363
364 **Grounds for denial:**

365 **12 AAC 28.340 (2) at least eight clock hours of laboratory instruction during**
366 **which time three injections each of the anterior palatine, incisive palatine,**

367 anterior and middle superior alveolar, posterior superior alveolar, inferior
368 alveolar, mental, long buccal, and infiltration injections are administered;
369 (3) clinical experience sufficient to establish the hygienist's ability to
370 adequately anesthetize the entire dentition and supporting structures in a
371 clinical setting, requiring not less than six clock hours, under the direct
372 supervision of course faculty;

373
374 The board's decision to deny Ms. Catherine Ramiso was based on her Verification of
375 Licensure in South Carolina was for a Dental Hygienist with IA (has certification in
376 Infiltration Anesthesia) and her course verification form states infiltration only and this
377 does not meet the requirements for licensure. The board would like to encourage Ms.
378 Ramiso to take a WREB exam for Local Anesthesia and reapply.

379
380 The board reviewed the application for William Atkinson. Discussed his continuing
381 education courses that were taken. Discussion on obtaining CE online vs. in person.
382 The board does not elect to limit the number of CE that can be taken on line at this time.
383 The board questions why Dr. Atkinson is requesting a license by his middle name and
384 not his legal name, Aubrey.

385
386 **On a motion made by Walden, seconded by Dr. Kovaleski, and approved by roll
387 call vote, it was**

388
389 **RESOLVED to approve Dr. William Atkinson's application for a Dental
390 License by Credentials.**

391
392 **Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,
393 Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell – yea.
394 9 yeas, 0 nays.**

395
396 **Motion passed.**

397
398 The board reviewed the application for Senan Ziadeh. Discussed the regulations and
399 necessity to graduate from a CODA accredited dental school.

400
401 **Dr. Silveira moved to adopt Dr. Senan Ziadeh's application for a Dental
402 License by Credentials, which was seconded by Dr. Kovaleski. The motion
403 was denied by roll call vote:**

404
405 **Silveira – nay, Nielson – nay, Ross – nay, Kovaleski – nay, Walden – nay,
406 Scheller – nay, Moriarty – nay, Wahto – nay, Wenzell – nay.**

407
408 **0 yeas, 9 nays**

409
410 **Motion fails.**

411
412 **Grounds for denial:**

413 **12 AAC 28.938 An applicant for a license to practice dentistry must be a**
414 **graduate of a dental school that, at the time of graduation, is accredited by**
415 **the Commission on Dental Accreditation of the American Dental**
416 **Association.**

417
418 The board's decision to deny Dr. Senan Ziadeh's application for a Dental License by
419 Credentials was based on the fact that he graduated dental school outside the US and
420 the program was not an accredited CODA program.

421

422 **Agenda Item 13 – Oral Cancer Screenings**

423

424 The examiner received an email asking for clarification from the board if she is able to
425 perform oral cancer screenings outside of the dental office at a fire station. As this is a
426 voluntary service she is providing and she is not making a diagnosis. As long as she is
427 only making a recommendation to see a dentist or oral surgeon for follow up. The board
428 feels she will not require a collaborative agreement for this service.

429

430 **Agenda Item 14 – Break**

431

432 Ahead of schedule and no break necessary.

433

434 **Agenda Item 15 – Old/New Business**

435

436 The board elected to not discuss the penalty matrix at this time.
437 Discussed what a dentist can delegate to a dental assistant specifically relating to Silver
438 Diamine. The board reviewed AS 08.36.346(a)(A) and determined that under indirect
439 supervision the dental assistant can apply Silver Diamine.

440

441 **Agenda Item 16 – Amalgam testing in WREB**

442

443 The board states many dental programs are no longer teaching this procedure. The
444 board feels this is a useful restoration and when dentists are applying for a dental
445 license they will look up the requirements for that state and will take the appropriate
446 portions of the WREB or equivalent in order to qualify for the license. WREB will need to
447 show what portions of the WREB the applicant took.

448

449 The board requested a link on the website that clearly states what is needed to qualify
450 for a dental license. Treston will contact PBIS who collects the WREB exam scores for
451 the applicants and they can ensure the correct portions of WREB are included in the
452 report.

453

454 **Agenda Item 17 - Office Business**

455

456 Board chair and board secretary signed the wall certificates.

457

458 The board elected to vote on Doodle to set up a Teleconference to review the
459 regulations that are currently out for public comment and closes on September 10,
460 2018.

461
462 Reviewed the forms that are currently on the website. Would like to see changes made
463 to Moderate Sedation permit Program Verification form 08-4172a and Nitrous Oxide
464 Course Approval Application form 08-4774. The board will review all forms currently on
465 the website and email any changes to Treston for review.
466

467 Silveira brings up the discussion about the 20 documented pediatric cases that need to
468 be submitted to the board. The board discussed if these cases need to be supervised
469 and who would qualify to supervise these cases.
470

471 Briefly discussed that Dr. Kovaleski and Dr. Silveira' s terms will be up and not eligible
472 for reappointment as of 3/1/19.

473

474 **Agenda Item 18 - Adjourn**

475
476 **On a motion made by Dr. Silveira, seconded by Dr. Kovaleski, and approved by**
477 **roll call vote, it was**

478

479 **RESOLVED to adjourn the meeting.**

480

481 **Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea,**
482 **Scheller – yea, Moriarty – yea, Wahto – yea, Wenzell – yea.**
483 **9 yeas, 0 nays.**

484

485 **Motion passed.**

486

487 Off the record at 2:35 p.m.

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

Respectfully Submitted:



Amber Treston
Occupational Licensing Examiner

Approved:



Paul Silveira, DMD, President

Date: 7 Dec 2018

