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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  
September 17, 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 September 17, 2018, by teleconference.

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The teleconference was called to order by Dr. Paul Silveira, President, at 12:08 p.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  
Ms. Robin Wahto - Anchorage  
Dr. Thomas Kovaleski – Chugiak

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. Sher Zinn, Regulation Specialist II – Juneau

Members of the public in attendance:

Dr. Shane Rhoton – Fairbanks

**Agenda Item 2 – Review of Agenda**

Dr. Silveira asked if everyone had been able to review the agenda and asked if anyone had any conflicts of interest with the items on the agenda.

**Agenda Item 3 – Public Comment**

47 Dr. Rhoton asks the board about the email he had sent and if the board had the  
48 opportunity to review this. The board confirms the email was received and the board  
49 has reviewed his email. Dr. Silveira explained emails that are received by the examiner  
50 are answered directly by the examiner. If the licensee has questions that the examiner  
51 cannot answer the emails are then forwarded to the board for review and clarification.  
52 Dr. Nielson adds to this by stating most questions can be found in the Statutes or  
53 Regulations therefore questions are answered quickly. However, if the licensee has  
54 questions about regulations that are being drafted or worked on by the board then they  
55 do not have the answer at that time, but they are working on it. Zinn helps to further  
56 clarify that if licensees submit a public comment during a proposed regulation project  
57 that is out for public comment then the board is not allowed to see those comments until  
58 the public comment period is over. If Dr. Rhoton is asking about the email that was sent  
59 during the regulation project period and he is attempting to discuss this at this  
60 teleconference then the board will have to send it out for public comment again to  
61 include oral testimony at a meeting so that everyone has the opportunity to speak  
62 openly about it. The public can comment on this after it has been adopted by the board.  
63

64 Dr. Rhoton speaks to the board and states his frustrations with the dental board and  
65 feels the board is taking his privileges away. He feels the new regulations are impacting  
66 his livelihood and practice and he does not appreciate the way he has been treated. He  
67 asks for the board to identify a pathway for continuing education. Zinn explains that his  
68 comment is getting too close to the regulations that are out for public comment and if  
69 Dr. Silveira wants to accept his public comment after the adoption of the regulation then  
70 he can continue his comment at that time.

71

72 **Agenda Item 4 – Application Review – Local Anesthetic**

73

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

76

77 **RESOLVED to go in to executive session in accordance with Alaska Statute**  
78 **44.62.310(c)(2) for the purpose of discussing an application for local**  
79 **anesthetic.**

80

81 **Board staff to remain during this session**

82

83 **Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea, Walden – yea,**  
84 **Wahto – yea.**

85

86 **6 yeas, 0 nays.**

87

88 **Motion passed.**

89

90 Off the record at 12:31 p.m.

91 On the record at 12:48 p.m.

92

93 **Roll Call**

94  
95 Those present, constituting a quorum of the board, were:

- 96  
97 Dr. Paul Silveira, President – Valdez  
98 Dr. David Nielson – Anchorage  
99 Ms. Paula Ross – Anchorage  
100 Ms. Gail Walden – Wasilla  
101 Ms. Robin Wahto - Anchorage  
102 Dr. Thomas Kovaleski – Chugiak

103  
104 In attendance from the Division of Corporations, Business & Professional  
105 Licensing, Department of Commerce, Community and Economic Development  
106 were:

- 107 Ms. Amber Treston, Licensing Examiner – Juneau  
108 Ms. Sher Zinn, Regulation Specialist II – Juneau

109  
110 Members of the public in attendance:

- 111  
112 Dr. Shane Rhoton – Fairbanks

113  
114 Reviewed the application for Mia Tandoc for a local anesthetic application.

115  
116 **Walden moved to approve Mia Tandoc’s application for a Local Anesthetic**  
117 **permit, which was seconded by Dr. Kovaleski. The motion was denied by**  
118 **roll call vote:**

119  
120 **Silveira – nay, Nielson – nay, Ross – nay, Kovaleski – nay, Walden – nay,**  
121 **Wahto – nay.**

122  
123 **0 yeas, 6 nays.**

124  
125 **Motion fails.**

126  
127 **Grounds for denial:**

128 **12 AAC 28.320(a)(4) evidence of having passed the local anesthetic portion**  
129 **of the Western Regional Examining Board (WREB) dental hygienist**  
130 **examination within the five years immediately preceding the date of**  
131 **application.**

132 **12 AAC 28.340 (2) at least eight clock hours of laboratory instruction during**  
133 **which time three injections each of the anterior palatine, incisive palatine,**  
134 **anterior and middle superior alveolar, posterior superior alveolar, inferior**  
135 **alveolar, mental, long buccal, and infiltration injections are administered;**  
136 **(3) clinical experience sufficient to establish the hygienist’s ability to**  
137 **adequately anesthetize the entire dentition and supporting structures in a**

138 **clinical setting, requiring not less than six clock hours, under the direct**  
139 **supervision of course faculty;**  
140

141 The board's decision to deny Ms. Mia Tandoc was based on her Verification of  
142 Licensure in South Carolina for a Dental Hygienist with IA (has certification in Infiltration  
143 Anesthesia) and her course verification form states infiltration only and this does not  
144 meet the requirements for licensure. The board would like to encourage Ms. Tandoc to  
145 take a WREB exam for Local Anesthesia and reapply.

146  
147 **Agenda Item 5 – Regulation Review**  
148

149 Dr. Silveira reminds everyone that the public comment period is closed and there can  
150 only be board members talking from this point forward. Dr. Silveira states that all the  
151 board members have been able to review the public comments that were received and  
152 have considered the costs to private persons.

153  
154 Discussed regulation 12 AAC 28.015(e)(1) provide documentation that the applicant  
155 completed either (A) or (B). Who will collect this documentation: will the board review  
156 each renewal or will the examiner review this? After discussion they determined  
157 regulation 12 AAC 28.420 Report of Continuing Education will be sufficient for the  
158 licensee to maintain adequate and detailed records of continuing courses taken and  
159 shall make them available to the board upon request.

160  
161 The board began discussion on coursework that must be covered in a program or a  
162 continuing education class. Will not be able to add it to the currently proposed  
163 regulations as the board will be required to draft new regulations with the requirements  
164 of each course. The board will be discussing guidelines at a later time in the meeting.

165  
166 Discussed 12 AAC 28.062 (4) and (5) and the language used for monitoring patients  
167 unless the patient's behavior prevents it. The board believes that the behavior could  
168 prevent monitoring in all ages and not specific to pediatric patients. Zinn will discuss this  
169 with AAG Weigand to ensure this will not be enough to change the intent that would  
170 require a second public comment period.

171  
172 Before the board was able to adopt the regulations that were out for public comment  
173 with the suggested changes to the language regarding monitoring patients of all ages  
174 unless their behavior prevents it, the board was interrupted repeatedly by Dr. Rhoton.  
175 Unable to conduct board business.

176  
177 Walden suggested we move to agenda item 6 and review the drafted Temporary permit  
178 regulations and FAQ form.

179  
180 **Agenda Item 6 – Temporary Permit Regulations and FAQ Worksheet**  
181

182 Discussed the fees associated with the temporary permit. Zinn explained that is a  
183 division project and the fiscal department is coming up with an application fee. Zinn will

184 send the board the final version of the fee when she receives it. The bill does not have a  
185 fee for an extension of this permit and will have to see if there will be a cost for this.  
186

187 Walden suggests making the language in the temporary permit to be consistent with the  
188 language in 08.36.110(1)(c)(d)(e)(f). Walden volunteers to work on this drafted  
189 regulation with Zinn to include this language.  
190

191 Reviewed the temporary license FAQ form and Walden asks about question #15 item 2  
192 and if the dentist covering for the incapacitated dentist will have the same qualifications  
193 that they did, such as specialists. Sher will contact Law and ask for a file opening and  
194 they will assign it to an AAG.  
195

196 **Returned to Agenda Item 5 – Regulation Review**  
197

198 Discussed the continuing education for the moderate sedation permit. The board will  
199 provide the public with a list of topics that need to be covered in the course. Dr. Rhoton  
200 continued to interrupt the board multiple times and did not allow the board to conduct  
201 their meeting. Board chair elects to adjourn the meeting.  
202

203 **Agenda Item 7 – Adjourn**  
204

205 The board was unable to discuss the CE course requirements for the moderate and  
206 minimal sedation permits that was on the agenda. Will reschedule this teleconference  
207 for the next available date for the majority of the dental board members.  
208

209 The board adjourned the meeting at 2:04 p.m.  
210

211 Respectfully Submitted:  
212

213  
214 

215 Amber Treston  
216 Occupational Licensing Examiner  
217

218  
219 Approved:  
220

221  
222 

223 Paul Silveira, DDS, President  
224 D.M.V.  
225

226 Date: 7 Dec 2018