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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 TELECONFERENCE
333 WILLOUGHBY AVENUE, 9TH FLOOR
JUNEAU, ALASKA
April 10, 2015

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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 teleconference meeting of the Board of Dental Examiners was held April 10, 2015. Site for the teleconference was 333 Willoughby Avenue, 9th Floor, Conference Room D, Juneau, AK 99801.

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The meeting was called to order by Dr. Thomas Wells at 11:01 a.m.

Roll Call

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

Dr. Thomas Wells, President – Mexico
Dr. Paul Silveira – Valdez
Dr. Thomas Kovaleski - Chugiak
Paula Ross – Anchorage
Dr. David Nielson – Anchorage
Robyn Chaney – Dillingham
Gail Walden – Wasilla
Dr. Steven Scheller – Fairbanks

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

Jasmin Bautisa, Investigator - Anchorage
John Clark, Investigator – Anchorage
Stacia Erkenbrack, Licensing Examiner - Juneau

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52 **Agenda Item 1 - Adoption of Consent Agreement for Case #2014-002162**

53
54 Investigator, Jasmin Bautista reminded the board this applicant was presented at the
55 February 20, 2015 Dental Board meeting for review. The applicant had failed to disclose
56 a consent agreement from Arizona and a settlement in 2002. The board had concluded
57 the applicant had falsified his application and a consent agreement should be put in place.
58 The consent agreement includes a \$1000.00 fine and a public reprimand. The applicant
59 had signed the consent agreement of April 6, 2015.

60
61 **On a motion duly made by Chaney, seconded by Walden, it was**

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63 **RESOLVED to adopt the consent agreement for case #2014-002162.**

64
65 Wells called for discussion.

66
67 Nielson was concerned that the applicant had not disclosed being reported to the National
68 Practitioner Data Bank. Chaney stated the board had encountered this several times
69 before and the applicant would and should know to answer yes if in doubt. Nielson
70 stated the applicant should have known to answer yes to the question, "Have you ever
71 been reported to the National Practitioner Data Bank." It was clear that he knew he had
72 been. Silveira stated that in the past there had been some applicants that didn't know that
73 a case had been settled without their knowledge and those things did happen, however,
74 he didn't remember one where one just lied that they didn't know they were in NPDB,
75 that is a pretty big event. Walden stated that this is why the board decided to go with the
76 consent agreement. The board wanted him to understand that he falsified his application
77 and that based on the information the board was provided with, the board didn't
78 necessarily feel he didn't deserve to be licensed with the state, so felt that a consent
79 agreement was a strong response to his falsified application. Wells is concerned that if
80 the board accepted a falsified application, that the board is setting up a precedent for
81 years for future boards.

82
83 Chaney stated that we have precedence with entering consent agreements who have
84 falsified applications in this way for the last 4, 5 or 6 years. Practitioners, like this one,
85 had answered no because they entered a settlement. They were not found guilty of
86 malpractice and his other infraction was that he hadn't updated his database. Chaney felt
87 comfortable entering this consent agreement and that the fine is commensurate with the
88 offense because there was no patient harm. He was not found guilty of malpractice or
89 actual patient injury.

90
91 Bautista verified the board had entered into three previous agreements with past
92 practitioners for this kind of thing.

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97
98 Wells and Silveira felt the others had not been reported to the NPDB.

99
100 Bautista reminded the board that the applicant was not denying the report to the databank,
101 that the applicant had a problem with comprehension. He understood the question to be
102 if he had ever been found guilty of malpractice. He had no intention to mislead the
103 board. Chaney reminded the board that the question regarding the databank was going to
104 be changed so that it will read anything reported to the databank rather than the way it
105 reads now. Some applicants check yes and disclose everything, which is always the best.
106 Others do not because they were not found guilty of a crime or malpractice and then
107 found to have committed fraud on the application. Bautista stated that the Arizona
108 Dental Board had looked into the case and did not find the applicant guilty. As a matter
109 of fact, the Dental Board did not even open an investigation on the case.
110

111 **On a motion duly made by Chaney, seconded by Walden, it was**

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113 **RESOLVED to adopt the consent agreement for Dr. Morrie Talbot.**

114
115 Roll call- Ross, yea - Silveira, yea - Kovaleski, yea - Scheller, yea - Walden, yea -
116 Chaney, yea Nielson, nay - Wells, nay, 6 yeas, 2 nays- motion passed by majority.
117


118 Nielson will sign the consent agreement for Wells.
119

120 **On a motion duly made by Chaney, seconded by Kovaleski, and approved**
121 **unanimously, it was**

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123 **RESOLVED to adjourn the teleconference.**

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125 Off record at 11:27 p.m.
126

127 Respectfully submitted:

128 
129 Stacia Erkenbrack
130 Licensing Examiner
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133 Approved:

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135 Thomas Wells, DDS, President
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138 Date: 5/15/2015