



## BOARD OF DENTAL EXAMINERS - August 25, 2023 meeting Minutes

Alaska Division of Corporations, Business and Professional Licensing

Aug 25, 2023 at 9:00 AM AKDT

@ Videoconference

### **Attendance**

#### **Present:**

Members: Christina Hansen, Dominic Wenzell, Megan Ferguson, Greg Johnson, Jesse Hronkin, Kenley Michaud, Newell Walther, Jonathan Woller

Guests: Matt Rosetto - American Dental Association (ADA), Matt Shafer - Council on State Governments (CSG), Dr. Logan - Alaska Dental Society

#### **Absent:**

Members: Bradley Heaston

### I. Zoom Information

Board of Dental Examiners is inviting you to a scheduled Zoom meeting.

Topic: Board of Dental Examiners' August 25, 2023, Zoom Meeting

Time: Aug 25, 2023, 09:00 AM Alaska

Join Zoom Meeting

<https://us02web.zoom.us/j/89835456697?pwd=SGlhcHhLbU9UbTM1NzdYY2Y1bFlYZz09>

Meeting ID: 898 3545 6697

Passcode: 866377

Passcode: 866377

Find your local number: <https://us02web.zoom.us/u/kdbNkOWkHC>

### II. Call to Order/Roll Call

The meeting was called to order by Chair Dr. Greg Johnson at 9:03 a.m.

### **Attendance**

#### **Present:**

Members: Ms. Christina Hansen, Dr. Dominic Wenzell, Dr. Greg Johnson, Dr. Kenley Michaud, Dr. Newell Walther, Dr. Jonathan Woller

#### **Absent:**

Members: Bradley Heaston, Megan Ferguson, Dr. Jesse Hronkin

### III. Review/Approve Agenda

The board reviewed and approved the agenda as written.

#### **Motion:**

RESOLVED to APPROVE the agenda as written.

Motion moved by Newell Walther and motion seconded by Christina Hansen. The motion passed unanimously by roll call.

IV. Ethics Report

Dr. Johnson reported as the designated ethics supervisor for the board he had not received any notification of ethics violations.

V. Review and Approve Meeting Minutes

Dr. Johnson asked all members if they had a chance to review the minutes from the last meeting. After giving an opportunity to review them, the board approved the May 2023 meeting minutes without amendments.

 [DENminutes 2023 05.pdf](#)

**Motion:**

RESOLVED to APPROVE the May minutes as drafted

Motion moved by Jonathan Woller and motion seconded by Kenley Michaud. The motion passed unanimously by roll call.

VI. Investigative Report

A. DEN Board Report

Investigator Josh Hardy presented the investigative report, stating that over the period of February 3, 2023, through August 17, 2023, 43 cases were closed, and 40 cases remained active. The board decided to move into executive session to discuss the report of anesthesia complications.

 [DEN Board Report AUGUST 2023.pdf](#)

**Motion:**

RESOLVED to APPROVE moving to Executive Session in accordance with AS 44.62.31 (0) (c) to discuss agenda items 8A, 8B and 8C.

Motion moved by Greg Johnson and motion seconded by Newell Walther. The motion passed unanimously by roll call.

The board entered into executive session at 9:16 a.m. and returned to the record at 10:14 a.m. A quorum was maintained.

B. Report of Recommendations - P.P.

The report of anesthesia complications was discussed, and it was determined the licensee acted in accordance with the law with no further action was required. The Board requested reminders be sent to all sedation permit holders regarding reporting requirements.

 [Anesthesia Event Board Report - 2023-000181.pdf](#)

VII. Division Update

A. DEN FY 23 Q3 Report

VIII. The 3<sup>rd</sup> quarter financial report for Fiscal Year 2023 (FY23) was presented by Melissa Dumas. All board questions were answered.

 [DEN FY23 Q3.pdf](#)

IX. Application reviews

A. J.M. application

This application was also discussed in executive session opened during section VI A. The applicant not on the call when their application was discussed during executive session, but the board gave him a chance to speak about his application later in the meeting.

 [DEN - J.M. - 208469 - Investigation Packet, Recommended for Denial REDACTED.pdf](#)

B. S.M. Nitrous Oxide Application

This application received a 'no' vote in OnBoard due to the Nitrous Oxide Course that was taken was not accredited by the Commission on Dental Accreditation (CODA). The course was approved by the Dental Board of Tennessee where the applicant is currently licensed and a letter from the course creator was provided for review/ consideration.

The Board requested staff give the board the opportunity to vote on approving courses first prior to voting for the application on OnBoard.

 [Course Description from provider.pdf](#)

 [DEN - S.M. - 210780 - Board Packet Redacted.pdf](#)

**Motion:**

RESOLVE to APPROVE application

Motion moved by Dominic Wenzell and motion seconded by Newell Walther. The motion passed unanimously by roll call.

C. C.L. - Audit Consideration

Dr. Lundin submitted a 3.5 AMA credit/ 1 hour 45-minute CE credit course he took in 2022 that wasn't accredited by any dental organization. Course was meant to cover his opioid education hours.

The Board decided to accept the course and requested staff to send a letter to licensees reminding them of the credit differences between AMA and CE.

 [DEN - C.L. - Audit Packet.pdf](#)

**Motion:**

RESOLVED to APPROVE course as submitted

Motion moved by Jonathan Woller and motion seconded by Kenley Michaud. The motion passed unanimously by roll call.

X. Break

The board recessed at 10:49 a.m. and returned to the record at 11:00 a.m. A quorum was maintained with all present except Dr. Hronkin, Dr. Walther and Mr. Heaston.

**Attendance**

**Present:**

Members: Christina Hansen, Dominic Wenzell, Megan Ferguson, Greg Johnson, , Kenley Michaud, Jonathan Woller, Newell Walther

**Absent:**

Members: Bradley Heaston, Hronkin Jesse Hronkin

XI. Discuss Concerns About Sedation Permits Regulation Clarity

Deputy Director Glenn Saviers presented a draft of proposed sedation permit regulations changes. Ms. Saviers stated the need for change was due to the regulation complexity making it difficult for applicants and the public to understand. It was also suggested the permit be broken into two separate permits, one moderate sedation permit for patients over 13 years of age and one minimal sedation permit for patients younger than 13 years of age due to vastly different requirements.

The Board was supportive of cleaning up regulations but was concerned with the effect multiple permits would have on the program budget.

 [DEN Permit Regulation Amendment Suggestions.docx](#)

**Motion:**

RESOLVED to APPROVE the creation of a sub committee to look at proposed sedation regulation changes.

Motion moved by Jonathan Woller and motion seconded by Wenzell Dominic.

The motion passed by roll call, Kenley Michaud voted no

**Attendance**

**Present:**

Members: Christina Hansen, Dominic Wenzell, Megan Ferguson, Greg Johnson, Kenley Michaud, Jonathan Woller, Newell Walther

Guests: Glenn Saviers

**Absent:**

Members: Bradley Heaston, Jesse Hronkin

XII. Coronal Polishing Application Discussion

Currently there is no time limitation between when a course is completed and when an application is submitted. We have been getting some applications years after classes were attended. Dr. Walther requested this be discussed at this meeting.

The board decided no action was necessary but would monitor the subject over the next year to evaluate the need for regulation.

XIII. Discussion Topic

Dr. Johnson offered the floor to Dr. John Mack to speak about his application (agenda item 8 (a)). Dr. Mack provided additional information to remedy board concerns. The board chair informed the applicant the matter will be considered further and someone will be in touch.

The Board chair requested move to item 24 (a) (1) on the agenda

XIV. Lunch

The board recessed for lunch at 12:00 p.m. and returned to the record at 12:33 p.m.

## Attendance

### Present:

Members: Christina Hansen, Dominic Wenzell, Megan Ferguson, Greg Johnson, Kenley Michaud, Newell Walther, Jonathan Woller

### Absent:

Members: Bradley Heaston, Jesse Hronkin

#### XV. Public Comment

No members of the public were in attendance.

#### XVI. Licensure by Credentials Education Requirements

Mr. Bowman spoke to the board about the regulatory requirement that all dental school education be obtained from a Commission on Dental Accreditation (CODA) approved program. The regulation may be preventing foreign educated applicants from obtaining licensure in Alaska who may be fully qualified and have licenses in other States.

An example was given of an applicant which graduated from a foreign dental school 30 years ago, that was not ADA accredited. They have been successfully practicing in another State for 20 years and have a license there in good standing. They are excluded from Alaska practice by 12 AAC 28.938. Mr. Bowman asked the board for a discussion about whether this was intended.

The board discussed the regulation and stated they were unaware of any States that issued licenses without a CODA approved education unless they completed a 2-year transitional program from a CODA approved program.

 [DEN credentials requirements abstract.pdf](#)

#### XVII. Dental Compact Discussion (Presenters: Matt Rosetto - ADA, Matt Shafer - CSG)

Matt Rosetto from the ADA and Matt Shafer from the CSG spoke with the board about national dental compact trends, the benefits of joining the compact for license portability and fielded questions about how the compact works for member states.

The board would need to seek or support statutory change to assist with compact adoption. Model legislation and educational materials are available at:

<https://ddhcompact.org/>

 [CSG Memo to State Dental Boards.pdf](#)

## Attendance

### Present:

Members: Christina Hansen, Dominic Wenzell, Megan Ferguson, Greg Johnson, Kenley Michaud, Jonathan Woller, Newell Walther

Guests: Matt Rosetto, ADA, Matt Shafer, CSG

**Absent:**

Members: Bradley Heaston, Jesse Hronkin

XVIII. Dental Advanced Permit Issues

A. Dental Shortage Area Discussion

The board asked the Department of Health (DOH) for clarification of what qualifies as a Dental Shortage Area (DSA) and how they are identified and designated. Ms. Katie Yaniec (DOH) clarified it is a federal designation that comes from individual state application. The board was concerned about the potential removal of DSA designations and how that could affect an advanced practice permit holder. The board wishes to have Ms. Yaniec as a guest for the next board meeting.

 [RE Questions on Health Professional Shortage Areas.pdf](#)

 [RE Follow-up Email - Dental-HPSA area designation .pdf](#)

XIX. PDMP Report/ Delegate discussion

The Program Manager for the Prescription Drug Monitoring Program (PDMP) Lisa Sherrell presented the PDMP report and gave clarification of who can be a delegate in the PDMP database. The board requested staff to send a letter to all licensees to be checking the PDMP when issuing prescriptions over 72 hours long.

 [PDMP Basics Report - DEN Q2 2023.pdf](#)

XX. Break

The board recessed for a break at 3:03 p.m. and returned to the record at 3:15 p.m. A quorum was maintained.

**Attendance**

**Present:**

Members: Christina Hansen, Dominic Wenzell, Megan Ferguson, Greg Johnson, Jesse Hronkin, Kenley Michaud, Jonathan Woller, Newell Walther

**Absent:**

Members: Bradley Heaston

Correspondence

 [Review of Legal Advice to the Board of Dental Examiners August 2023.pdf](#)

A. Administering Prophylaxis

The Board received email correspondence asking if Dental Assistants with a Coronal Polishing certificate can perform ‘prophys’, assumed to be prophylaxis, and if the supervising Dentist can then bill for said prophys. The Board decision is as follows:

Licensed dentists may delegate to dental assistants the application of topical preventive agents or pit and fissure sealants and coronal polishing on teeth without calculus if the assistant is certified under AS 08.36.342. A dental assistant may not perform other procedures considered to be “prophys,” such as scaling and other procedures reserved for dental *hygienists* under AS 08.32.110(a)(1).

 [FW AK Coronal Polishing - Administering Prophylaxis.pdf](#)

B. Botox Injections

The Board received correspondence asking if licensed Dental Hygienists can perform Botox or other dermal fill injections in Alaska. The Board decision is as follows:

Board believes the administration of Botox and/or fillers may not be delegated by a dentist or performed by a dental hygienist. The scope of things a dental hygienist can do is set out in a closed list at AS 08.32.100(a)(1) and (2). That list doesn’t include Botox and fillers, and the board has not adopted regulations to allow this practice under AS 08.32.110(b). Per AS 08.32.110, a dentist may not delegate procedures that require the competence and skill of a dentist.

 [FW AK Dental Hygienist - Botox Injections.pdf](#)

C. Myofunctional Therapy

The Board received correspondence from a member of the public asking that The Board confirm whether or not Myofunctional Therapy is covered under a Dental Hygienist license. The Board decision is as follows:

At this time, dental hygienists may perform myofunctional therapy only under the delegation and supervision of a licensed dentist per AS 08.32.110(a)(1)(F). The board is considering regulations to clarify the education requirements, evaluation procedures, and degree of supervision required for dental hygienists to safely perform this service. Dr. Woller to head subcommittee to create a regulation draft.

 [FW AK Dental Hygienist - Myofunctional Therapy.pdf](#)

**Motion:**

RESOLVED to APPROVE creation of a subcommittee to draft regulation changes led by Dr. Woller with Megan Ferguson and Dr. Wenzell.



Motion moved by Kenley Michaud and motion seconded by Megan Ferguson.  
The motion passed unanimously by roll call.

D. Administering Topical Anesthetic

The Board received correspondence asking if Dental Hygienists that do not hold an Alaska certification to administer local anesthetic agents are allowed to apply topical local anesthetic agents while providing Dental Hygiene treatment. The Board decision is as follows:

Yes, under the delegation and supervision of a licensed dentist.

 [FW AK Dental Hygienists - Administering topical anesthetic without local anesthetic designation.pdf](#)

XXI. Executive Administrator Statutory Change Process (Presenters: Sara Chambers)

Sara Chambers covered logistics of created an Executive Administrator position for the Board of Dental Examiners and the benefits to the position as well as costs in comparison to retaining program coordinators.

 [Seeking Legislation to Create an EA - DEN - 8-23-23.pdf](#)

At this point the board deviated from the agenda due to their desire to further discuss the testimony provided by Dr. John Mack in consideration of his license application.

**Motion:**

RESOLVED to APPROVE moving to Executive Session in accordance with AS 44.62.31 (0) (c)

Motion moved by Greg Johnson and motion seconded by Newell Walther. The motion passed unanimously by roll call.

The board went off the record at 4:23 p.m. and returned to the record at 4:46 p.m.

**Attendance**

**Present:**

Members: Christina Hansen, Dominic Wenzell, Megan Ferguson, Greg Johnson, Jesse Hronkin, Kenley Michaud, Newell Walther, Jonathan Woller

**Absent:**

Members: Bradley Heaston

The board referred Dr. Mack's application to the Investigative section to gather more information prior to deciding on the application.

XXII. Disciplinary Matrix discussion

Dr. Wenzell was to discuss the final version of the disciplinary matrix draft with remaining board members, but as it was added to the agenda late there was inadequate time for board members to review ahead of the meeting. The chair requested board members review the Disciplinary Matrix before the October 27<sup>th</sup> meeting at which time discussion will take place regarding final thoughts and edits.

 [DRAFT DEN Board Disciplinary Matrix Proposal 2023 \(002\).pdf](#)

XXIII. Administrative Business

A. Future Meeting Details

The next meeting was confirmed for October 27, 2023, in Anchorage and December 8, 2023, in Fairbanks. The board also discussed the first meeting in 2024 being on March 1, 2024, in Anchorage and stated their preference for in person meetings.

1. OAH Meeting request

The Office of Administrative Hearings (OAH) has requested a deliberative meeting to discuss two cases.

The Board decided to meet September 8, 2023, at 3:30 p.m.

2. October 27, 2023, Anchorage - Atwood Building

Meeting to take place in Anchorage in person and via Zoom.

3. December 13, 2023, Fairbanks - TBD

The meeting is proposed to be in Fairbanks, with the date corrected to December 8, 2023, in person and via Zoom.

4. 2024 1st meeting - TBD - TBD

Tentatively March 1, 2024, in Anchorage unless issues arise in the October or December meetings that require meeting with the Legislature in Juneau.

B. Task List

1. 2023 Annual Report

Staff will work with Chair Johnson on this task.

**Motion:**

RESOLVED to ADJOURN August 25th, 2023 Dental Board Meeting

Motion moved by Jon Woller and motion seconded by Dominic Wenzell.

The motion passed by unanimous consent. The board went off the record at 4:29 p.m.

Date Final Minutes Approved by the Board: 10/27/2023

Meeting     OnBoard