

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

**MINUTES OF MEETING
SEPTEMBER 13, 2010**

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 scheduled meeting of the Board of Dental Examiners was held Sept. 13, 2010, at Kakanak Hospital, 6000 Kakanak, Dillingham, Alaska.

The meeting was called to order by Dr. David Eichler, Chairman at 8:54 a.m.

Roll Call

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

Dr. David Eichler, President – Fairbanks
Cheryl Fellenberg – Dental Hygienist – Wasilla
Dr. Clifford D. White – Dillingham
Robyn Chaney – Public Member – Dillingham
Dr. Mary Anne Navitsky – Sitka
Dr. Newell Walther – Wasilla
Dr. Arne Pihl – Ketchikan
Dr. Thomas Wells – Anchorage

Not present, excused:

Deborah Stauffer – Dental Hygienist – Anchorage

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

Brenda Donohue, Licensing Examiner – Juneau

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Agenda Item 1 – Review Agenda

Dr. Eichler reviewed the Agenda. Ms. Donohue noted additions to the Agenda as follows:

Item 5 – INVESTIGATIVE REPORT

- Consent Agreement – Case #2010-000408

Item 6 – REVIEW APPLICATIONS

- CE Course Approval Application-“DH Care for Special Needs Patients”

Item 7 – MISCELLANEOUS CORRESPONDENCE

- Frank R. Recker & Associates
- Pew Children’s Dental Campaign Survey
- WREB-Examiner Preference Packets
- AADB-The Bulletin-Annual Meeting Information

Dr. Pihl noted he’d brought examples of advertising for Board review and discussion.

Agenda Item 2 – Review Minutes

Following review of the May 27, 2010 meeting minutes the Board approved the minutes as corrected. Ms. Fellenberg noted correction on page 6, 3rd line from bottom, and page 9, 3rd line under Public Comment and 5th line under Investigative Report.

Upon a motion duly made by Ms. Chaney, seconded by Ms. Fellenberg and approved unanimously, it was:

RESOLVED to approve the May 27, 2010 meeting minutes, as corrected.

Upon a motion duly made by Dr. Pihl, seconded by Ms. Chaney and approved unanimously, it was:

RESOLVED to approve the August 4, 2010 teleconference meeting minutes, as presented.

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Agenda Item 3 – Ethics Report

Dr. Eichler asked Dr. Wells if he had been able to review the Ethics information provided in the new board member packet, then queried Board members if anyone had any possible ethics violations to report. There was no response, indicating no ethics reports were necessary.

Ms. Donohue will send the link for the Ethics training to Dr. Wells for his review.

Agenda Item 4 – Budget Review

The board reviewed the budget presented as of August 23, 2010, and felt they were on track. They noted for FY2010 to date they had \$235.4K in expenses and \$47.8K in revenue. Ms. Donohue reminded them this is a renewal year and they will see significant revenue in November and December. She said the renewal fees would remain the same at \$290 for dentist and specialist license, \$120 for dental hygiene license, and \$50 for the general anesthetic, parenteral sedation and local anesthetic permits. Instead of requiring that licensees submit a copy of their current CPR or ACLS certification with the renewal, there is a block on the renewal form where the licensee will make an unsworn statement that they currently hold, and have held throughout the licensing cycle, a current certification.

Agenda Item 5 – Investigative Report

Investigator Williams joined the meeting via teleconference for the Investigative Report.

Ms. Williamson proceeded to present the Investigative Report noting there six (6) open complaints, two of which are ready for review by the Board's Discipline Review Panel; ten (10) open investigations, three of which are for one practitioner. She then reported that ten (10) complaints and four (4) cases have been closed since the last meeting.

Following discussion the Board requested a summary description for closed cases, i.e., no evidence. Ms. Williamson explained that some of the complaints that were closed may have been moved to an open investigation, and assigned a new number. A summary statement to that effect would be helpful to the Board. If a complaint has been closed following review by the Board's Review Panel, Dr. Walther asked that that be noted, and the names of the panel members who reviewed it. That will help with accountability by the Board members to know which case they would recuse themselves were it to come before the Board for any action. Ms. Williamson agreed that she could add that information. Dr. Eichler asked who makes the decision to close a complaint. Ms.

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Williamson responded that it could be the two Board reviewers, or if standard of care is not involved, it could be lack of evidence, and the Division would make the decision to close.

Dr. Walther then asked if all complaints can be sent to the Review Panel for recommendation because the Panel members may be able to spot something that is not recognized at the Division level as being a serious issue. Ms. Williamson said she would check the legality of doing that and get back to them. If there are no legal barriers she said she would absolutely start to do that.

Ms. Williamson explained the new numbering system for open investigations. There will no longer be Board designations. The first four numbers will denote the year the investigation is opened, and the last six numbers are numbers assigned by the system.

Dr. Eichler then asked what "Consent Agreement pending" means following several of the open investigations. Ms. Williamson explained that case may be in litigation somewhere else, or she is waiting for something from the licensee. Those cases are still awaiting more information.

Dr. Eichler asked her if there is a time expectation on processing complaints. She said it is dependent on what is going on as far as other cases and workload. She said there is no time frame to follow.

The board determined to enter executive session to deliberate the Consent Agreement for Case #2010-000408.

On a motion duly made by Dr. Walther, seconded by Ms. Fellenberg and approved unanimously, it was

RESOLVED to enter executive session in accordance with AS 44.62.310(c)(2), and Alaska Constitutional Right to Privacy Provisions, for the purpose of reviewing the Consent Agreement for Case #1200-10-003.

Entered into executive session at 9:25 a.m.
Out of executive session at 9:35 a.m.

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On a motion duly made by Ms. Chaney, seconded by Dr. White and approved unanimously, it was

RESOLVED to adopt the Consent Agreement in Case #1200-10-003.

Dr. Eichler signed the Order and noted the licensee in this case is Dr. Gamaliel I. Rodriguez, holding dental license #828.

There being no other questions, Dr. Eichler thanked Ms. Williamson, and she left the meeting.

The Board moved on to review a Consent Agreement in Case #2010-000408. Following discussion the Board took the following action.

On a motion duly made by Ms. Fellenberg, seconded by Dr. Navitsky and approved unanimously, it was

RESOLVED to adopt the Consent Agreement in Case #2010-000408. The Board accepts 4 hours of the 25 submitted with the Consent Agreement to satisfy the continuing education audit for the last renewal cycle. The remaining 21 credits can be used in future, mandatory audits, as required in the Consent Agreement.

Dr. Eichler signed the Order and noted the licensee in this case is Dr. Michael W. Remillard, holding dental license #688.

Agenda Item 6 – Application Assignments and Review

Dr. Eichler proceeded in assigning questions to be asked of the applicants who will be interviewing later in the meeting. Ms. Donohue noted Dr. Methven will be interviewing in person, and the remaining applicants will attend telephonically.

Credential Application Review

The board reviewed the dental applications by credentials for the following in preparation for the personal interview:

Michael Ogborne, DDS
Nicholas Methven, DDS
Bradley Johnson, DMD
Louis Carratola, DDS

Reviewed by Stauffer
Reviewed by Navitsky
Reviewed by Pihl
Reviewed by Fellenberg

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Parisa Rahmanian, DDS
Gary Cooper, DDS

Reviewed by Wells
Reviewed by Eichler

The applications appear to be in order for meeting the requirements for dental license by credentials.

Continuing Education Course Applications

Ms. Donohue noted there are four (4) Course Approval Applications for review.

Review and discussion of the applications ensued, and the Board took the following action:

Upon a motion duly made by Dr. Pihl, seconded by Ms. Fellenberg and approved unanimously, it was:

RESOLVED to approve the following continuing education course as meeting the requirements in accordance with 12 AAC 28.410:

Fundamentals of Restorative Hygiene for Instructors, sponsored by University of Alaska Dental Hygiene Program, for fifteen (15) hours of continuing education. The Board included clarification that as the standards have not yet been adopted for qualifying courses for restorative function certificates, this course is approved for continuing education only.

Upon a motion duly made by Dr. White, seconded by Dr. Pihl and approved unanimously, it was:

RESOLVED to approve the following continuing education course as meeting the requirements in accordance with 12 AAC 28.410:

Orthodontic Treatment with Clear Aligners, sponsored by Kenai Peninsula Dental Hygiene Association, for two (2) hours of continuing education.

Upon a motion duly made by Ms. Fellenberg, seconded by Dr. Pihl and approved unanimously, it was:

RESOLVED to approve the following continuing education course as meeting the requirements in accordance with 12 AAC 28.410:

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All-Ceramic Restorations: Success by Design, sponsored by Anchorage Dental Society, for seven (7) hours of continuing education.

Upon a motion duly made by Dr. Pihl, seconded by Dr. White and approved unanimously, it was:

RESOLVED to approve the following continuing education course as meeting the requirements in accordance with 12 AAC 28.410:

Dental Hygiene Care for Special Needs Patients, sponsored by Univ. of Alaska Dental Hygiene Program, for fifteen (15) hours of continuing education.

Agenda Item 7 – Miscellaneous Correspondence

Multiple Risk Managers, Inc. – Mr. Thomas-Mears of MRM posed the question “Does the Board consider “hyaluronic acid products, collagen injections, dermabrasions, injectable neurotoxins, and derm fillers” the same as Botox?”

The Board chooses not to draft a formal policy or position regarding these procedures and practices. If a complaint is submitted pertaining to these products, it will be determined on an individual basis.

WREB – Minutes of July 22, 2010 Board of Directors meeting. Information only.

Frank R. Recker & Associates Co., L.P.A. – letter regarding advertising regulations. The firm represents the American Academy of Implant Dentistry (AAID) and the American Board of Oral Implantology/Implant Dentistry (ABOI/ID). Letter is to inform the Board of the outcome of litigation with the Florida Board of Dentistry regarding that Board’s limitation on dentists advertising of credentials.

The Board directed Ms. Donohue to forward this letter to Dept. of Law for guidance.

PEW Children’s Dental Campaign Survey – Survey is to collect information on state policies related to hygienist supervision rules in school-based or school-linked sealant programs.

The Board responded if a dental hygienist is in a Board approved Collaborative Agreement with an Alaska licensed dentist, the hygienist can deliver the services stated in the Contract between the dentist and the hygienist, in a specific, named, location other than the dentist’ office and without the dentist having seen the patient. However, the

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hygienist MUST refer the patient to the collaborating dentist for any follow-up services. Ms. Donohue will reply to Mr. Snyder with the Board's response. The Board stressed the collaborating dentist is still ultimately responsible for the care delivered by the hygienist.

WREB – 2011 Examiner Preference Packets. Information only.

Dr. Eichler proceeded to give a report on the WREB meeting he attended in July. The structure of WREB has changed and Alaska is grandfathered in as an executive member as long as at least two Board members are involved in examinations. Then there are affiliate states who will have no voting power. A main driving force for the change was the increase in number of States, and the structure was becoming cumbersome. The Executive Committee was becoming insulated from the members and acting independently. New examination locations are being added to the schedule. Ms. Fellenberg added that the dental hygiene exams offered in California will nearly double in the coming years.

Several members noted they had not received the Examiner Preference Packets, and it was noted the memo included with the packets was dated Aug 13, 2010. The memo sent to Ms. Donohue was not mailed until August 30, 2010, and received until Sept. 3, 2010. Dr. Eichler will call the WREB office to let them know there are several Board members who wish to participate but did not receive their packets. He advised them to complete the forms and send them in even though it's after the deadline.

AADB – The Bulletin – Contains Constitution and Bylaws Committee Report including proposals to be sent to the Executive Council to the General Assembly for its consideration at the 2010 Annual Meeting. Information only.

Agenda Item 8 – Public Comment

Dr. Eichler noted there were no members of the Public who appeared for Public Comment.

Agenda Item 9 – New/Old Business

Dr. Pihl initiated discussion about advertising, specifically truthful advertising regarding yellow-page ads, and provided copies for review. One add states the practitioner has done hundreds of thousands of procedures. The Board believes this is false advertising and suggests anyone who sees something like this to turn it into the Investigator for follow-up.

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Dr. Eichler updated the Board on the Practice Act revision committee's revisor bill project. The sponsor has a draft that the Board should be seeing soon.

Dr. Walther asked about "yes" answers on applications. He asked at what point does the Board ask for a third-party follow-up on these cases. He thinks the Board should have a procedure in place. Dr. Eichler noted there is a "5-year" no offense question on the application. If they are clean in a five-year period they are not of concern; if offenses in the five year period, the application may be denied per statutes and regulations.

Dr. Wells asked if the Board has plans to include the ACLS for general anesthesia permit in their next regulation project. He then asked if a licensee holds a general anesthetic permit, with ACLS, is it necessary to also hold a Parenteral sedation permit? He noted that if you hold the general anesthetic permit, you are doing Parenteral sedation. Following discussion the Board's position is if a licensee holds a general anesthetic permit they do not need to also hold a Parenteral sedation permit.

The Board will work on revising 12 AAC 28.010, and then start a regulation project to include those revisions, and in the same project include the ACLS requirement for the general anesthetic permit. Dr. Eichler noted that the regulations for Parenteral sedation permit, 12 AAC 28.600-640 should also be reviewed for updates and changes.

Dr. Pihl advised the Board that the organization in Ketchikan who sponsored a clinic for "underserved" people to receive dental care from dentists who came to Ketchikan to provide services under a Courtesy License. The advertising that occurred opened the clinic to the general public without verification that they met the definition of "underserved" as noted in Practice Act for Courtesy License holders. The Board suggested the definition for "underserved persons" and a caution to only deliver services to people who meet that definition, be included in the Courtesy License issue letter. The sponsor(s) of such a clinic may even wish to get written verification that a person is indeed eligible according to the definition. They directed Ms. Donohue to add such language to the issue letter.

Recess for lunch 11:25 a.m.
Back from lunch 12:25 p.m.

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Agenda Item 11 – Personal Interview for Dental Applicants by Credentials

Nicholas Methven, DDS

Applicant Nicholas Methven, DDS joined the meeting in person for the personal interview.

Dr. Eichler welcomed the applicant to the meeting and explained the interview process.

Dr. Navitsky reviewed the application for Dr. Methven, and the board proceeded in asking the standard interview questions.

Upon a motion duly made by Dr. Navitsky, seconded by Ms. Fellenberg and approved unanimously, it was:

RESOLVED to approve Dr. Nicholas Methven, DDS for dental licensure by credentials.

Bradley E. Johnson, DMD

Applicant Bradley E. Johnson, DMD joined the meeting via teleconference for the personal interview.

Dr. Eichler welcomed the applicant to the meeting and explained the interview process.

Dr. Pihl reviewed the application for Dr. Johnson, and the board proceeded in asking the standard interview questions.

Upon a motion duly made by Dr. Pihl, seconded by Dr. White and approved unanimously, it was:

RESOLVED to approve Dr. Bradley E. Johnson, DMD for dental licensure by credentials.

Michael Ogborne, DDS

Applicant Michael Ogborne, DDS joined the meeting via teleconference for the personal interview.

Dr. Eichler welcomed the applicant to the meeting and explained the interview process.

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Dr. Stauffer reviewed the application for Dr. Ogborne, and forwarded her findings and recommendations to the meeting with Ms. Donohue. Ms. Fellenberg read Dr. Stauffer's recommendations and the board proceeded in asking the standard interview questions.

Upon a motion duly made by Ms. Fellenberg, seconded by Dr. Pihl and approved unanimously, it was:

RESOLVED to approve Dr. Michael Ogborne, DDS for dental licensure by credentials.

Parisa Rahmanian, DDS

Applicant Parisa Rahmanian, DDS joined the meeting via teleconference for the personal interview.

Dr. Eichler welcomed the applicant to the meeting and explained the interview process.

Dr. Wells reviewed the application for Dr. Rahmanian, and the board proceeded in asking the standard interview questions.

Upon a motion duly made by Dr. Wells, seconded by Dr. Navitsky and approved unanimously, it was:

RESOLVED to approve Dr. Parisa Rahmanian, DDS for dental licensure by credentials.

Louis Carratola, DDS

Applicant Louis Carratola, DDS joined the meeting via teleconference for the personal interview.

Dr. Eichler welcomed the applicant to the meeting and explained the interview process.

Ms. Fellenberg reviewed the application for Dr. Carratola, and the board proceeded in asking the standard interview questions.

Upon a motion duly made by Ms. Fellenberg, seconded by Ms. Chaney and approved unanimously, it was:

RESOLVED to approve Dr. Louis Carratola, DDS for dental licensure by credentials.

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Gary Cooper, DDS

Applicant Gary Cooper, DDS joined the meeting via teleconference for the personal interview.

Dr. Eichler welcomed the applicant to the meeting and explained the interview process.

Dr. Eichler reviewed the application for Dr. Cooper, and the board proceeded in asking the standard interview questions.

Upon a motion duly made by Dr. Navitsky, seconded by Ms. Fellenberg and approved unanimously, it was:

RESOLVED to approve Dr. Gary Cooper, DDS for dental licensure by credentials.

Agenda Item 11 – Regulations

The regulation project setting requirements for renewal and fees for Coronal Polishing certificate has completed public notice and is now before the Board for action. Following discussion, and considering the cost of changes to private persons, the Board took the following action:

Upon a motion duly made by Ms. Fellenberg, seconded by Dr. White and approved unanimously, it was:

RESOLVED to approve 12 AAC 28.810 and 12 AAC 28.840 setting Coronal Polishing certificate fees to \$50 application fee, and \$50 certificate fee, and \$50 renewal fee.

Dr. Eichler signed the Order Certifying the Changes to Regulations of the Board of Dental Examiners. Ms. Donohue will forward that document to Mr. Maiquis, Regulation Specialist, who will forward it to Dept. of Law.

The Board moved on to review of the regulation project for restorative function certificate for dental hygienist and assistants, and changes to 12 AAC 28.915, application deadline for personal interview.

Upon a motion duly made by Ms. Fellenberg, seconded by Dr. Pihl and approved unanimously, it was:

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RESOLVED to approve withdrawal of changes to 12 AAC 28.915 from the project.

The Board will do further research regarding continuing education required for the restorative certificate renewal. The rest of the discussion involved changes to the draft regulations.

Upon a motion duly made by Ms. Fellenberg, seconded by Ms. Chaney and approved unanimously, it was:

RESOLVED to approve the remainder of the regulation project for 12 AAC 28.750, 12 AAC 28.760, 12 AAC 28.770, 12 AAC 28.780, 12 AAC 28.850, 12 AAC 28.860, 12 AAC 28.870 and 12 AAC 28.880.

Ms. Fellenberg will provide the corrected draft to Ms. Donohue who will forward the project including changes to Mr. Maiquis, Regulation Specialist.

Agenda Item 12 – Task List

Dr. Eichler assigned Dr. White and himself to the Discipline Review Panel for Oct.-Dec. 2010.

Agenda Item 14 – Office Business

A. Travel Authorizations

Ms. Donohue collected signed TAs and travel receipts.

B. Meeting Dates

December 10, 2010 in Anchorage – Confirmed
February 17-18, 2011 in Juneau - Tentative

C. Sign Wall Certificates

The President and Secretary signed wall certificates.

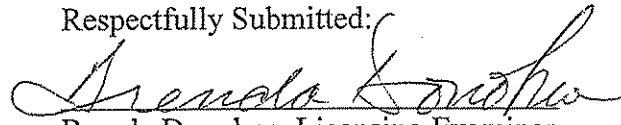
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Agenda Item 17 - Adjourn

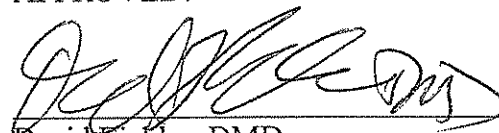
There being no further business Dr. Eichler called to adjourn the meeting.

The board adjourned the meeting at 3:15 p.m.

Respectfully Submitted:


Brenda Donohue, Licensing Examiner

APPROVED:


David Eichler, DMD
Chairman
Board of Dental Examiners

Date: Dec 10, 2010