

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

**MINUTES OF MEETING
SEPTEMBER 14, 2007**

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 September 14, 2007, at the Legislative Information Office, 1292 Sadler Way, Suite 308, Fairbanks, Alaska.

The meeting was called to order by Dr. David Eichler, Chairman at 8:30 a.m.

Agenda Item 1 – Roll Call

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

Dr. David Eichler, Chairman – Fairbanks
Dr. William Gerace, – Anchorage
Dr. Kevin Gottlieb – Anchorage
Cheryl Fellenberg – Dental Hygienist – Wasilla
Vicki Hauff – Dental Hygienist – Anchorage
Dr. Arne Pihl - Ketchikan
Dr. Rebecca Nesland – Anchorage
Dr. Newell Walther - Wasilla

Those absent and excused were:

Gregory Gursey – Public Member - 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 2 – Review Agenda

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

Item 6 – INVESTIGATIVE REPORT

- Letter for ME application file
- MOA to review in case #1200-07-002

Item 7 – MISC CORRESPONDENCE

- ADA CERP Call for Comments
- ADA – CODA Open Hearings at 2007 Annual Session
- Family First Dentistry – Request for DH to place sutures

Item 8 – APPLICATION REVIEW

- Heather Willis, Dentist Exam Level II
- CE Course Approval Application
 - Introduction to Lasers in Dental Hygiene

Item 13 – REGULATIONS

- Review and adopt changes to 12 AAC 28.952

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

RESOLVED to approve the additions to the Agenda.

Agenda Item 3 – Review Minutes

Following review of the June 22-23, 2007 meeting minutes:

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

RESOLVED to approve the June 22-23, 2007 minutes as presented.

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Following review of the July 19, 2007 teleconference meeting minutes:

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

RESOLVED to approve the July 19, 2007 teleconference minutes as presented.

Agenda Item 4 – Ethics Report

Dr. Eichler queried board members if anyone had any possible ethics violations to report. There was no response, indicating no ethics reports were necessary.

Agenda Item 5 – Budget Review

The board reviewed the budget presented as of August 31, 2007, and felt they were on track. Ms. Donohue advised the board she had requested a breakdown of the \$32K expenditure on line item # 73821 that has appeared since the June 7, 2007 budget report. There were no questions regarding the budget.

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

RESOLVED to approve the August 31, 2007 budget as presented.

As they were ahead of schedule, the board moved on to Agenda Item 7 – Misc. Correspondence until the Investigator joins the meeting at 9:30 a.m.

Agenda Item 7 – Miscellaneous Correspondence

Dept. of Health & Human Services – Letter from Janet Woodcock, MD, Deputy Commissioner & Chief Medical Officer of the FDA, asking the Board to encourage licensees to take advantage of the ever-growing number of electronic tools available from the FDA for accessing important safety information on the medical products they use and prescribe. The letter provides web-sites for subscribing to FDA's MedWatch listserve, or to simply access the MedWatch site.

WREB – Minutes of the July Board meeting of WREB.

WREB – Memo introducing Beth Cole as the new Executive Director, replacing Linda Paul.

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WREB – 2008 Exam Schedules, Exam Site Preferences & WREB Examiner Information Form.

Commission on Dental Accreditation – Unofficial Report of Major Actions, July 26, 2007.

Commission on Dental Accreditation – Minutes of Jan. 25, 2007 Meeting.

AADE – Memo from Dr. Stan Kanna, AADE West Caucus Chair, requesting report describing any recent changes to state dental & dental hygiene issues.

AADE – News release announcing the main scientific session presentation will be on the new ADA Proposed Guidelines for Use of Sedation and General Anesthesia by Dentists; Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students; and Policy Statement: The Use of Sedation and General Anesthesia by Dentists and Impact on State Regulation at the AADE Annual Meeting, Sept. 26, 2007.

American Dental Hygienists' Assoc. – Letter seeking comments from communities of interest regarding the draft of “Standards for Clinical Dental Hygiene Practice”.

American Dental Hygienists' Assoc. – Letter seeking comments from communities of interest regarding the draft of “Competencies for the Advanced Dental Hygiene Practitioner”.

Kathleen Pellegrino – Letter soliciting the board to approve her business, “Complete Credentialing and Background Services, LLC”, which provides background information on dental and dental hygiene applicants. The board stated they are happy with PBIS at this time, and noted it would require a change in their regulations if they do change background information provider. Ms. Donohue will advise Ms. Pellegrino of the board's decision.

Hazelden – Letter announcing their Newberg, Oregon facility will serve as the preferred addiction treatment center for Health Care Professionals. Information Only.

ADA CERP – Call for Comments on mutual recognition between AGD's PACE and ADA's CERP continuing education approval standards. Information Only.

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Commission on Dental Accreditation – email advising the board CODA will conduct an Open Hearing Sept. 27, 2007 from 11am-12pm in the San Francisco Marriott Yerba Buena Salon 3-4 at the ADA Annual Session. A second Open Hearing has been added for Saturday, Sept. 29 at the San Francisco Marriott Yerba Buena Salon 9, from 8:30am-9:30am. The purpose of the Hearings is to provide the Commission's communities of interest with an opportunity to comment on proposed revisions to accreditation standards. Information Only.

Jeb Simpson, RDH – Letter requesting the board to issue definitive ruling if placing sutures is within the scope of practice for dental hygienists. Discussion ensued, and the board determined that placing sutures are part of a surgical procedure, and not within the dental hygiene scope of practice, as stated in AS 08.32.110. Dr. Eichler will draft a letter for Ms. Donohue to forward to Mr. Simpson.

Recess: 9:17 a.m.

Back from Recess: 9:31 a.m.

Agenda Item 6 – Investigative Report

Susan Winton, Investigator, joined the meeting, via teleconference at 9:35 a.m., to present the Investigative Report.

Ms. Winton asked if the board had any question regarding the Investigative Report. There being none, she noted the following updates to the report: Under Open Investigations, case #1200-02-016 has been scheduled for oral arguments Sept. 24, 2007; case #1200-07-002 is being presented to the board at this meeting as an MOA; case #1250-07-001 is an application tabled from the June 2007 meeting, and is before the board for review at this meeting.

Ms. Winton noted for the record that future minutes should reflect the number of closed complaints as well as open investigations and open complaints. The board agreed. Ms. Winton reported there were nine open investigations, six open complaints, one closed investigation, and two closed complaints.

Action for the Board

Ms. Winton asked if the board members had time to review the MOA in case #1200-07-002, as it was included in the Additions to the Board Packet. They indicated they had individually reviewed the MOA, but had not discussed it as a whole.

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Upon a motion duly made by Dr. Pihl, seconded by Dr. Gottlieb, it was:

RESOLVED to approve the MOA in case #1200-07-002.

Dr. Eichler called for discussion, and the board determined to enter executive session due to the confidential nature of the MOA, until adopted by the board.

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2), and the Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Case 1200-07-002.

Entered into Executive Session at 9:40 a.m.
Out of Executive Session at 10:01 a.m.

Dr. Eichler called for a vote on the motion on the floor. Drs. Gottlieb and Gerace recused themselves from voting on the motion to adopt the MOA in case #1200-07-002.

The motion passed by unanimous vote of the remaining board members.

It was noted for the record that Marie J. English, Dental License #694 is the licensee in this case.

Dr. Eichler appointed Dr. Neslund to sign the Adoption Order at Ms. Winton's office in Anchorage, on Monday, Sept. 17, 2007.

Next, Ms. Donohue explained there had been an appeal hearing for Deborah Lynn Wilson, who's application for Dental Hygiene license had been denied by the Board at their Dec. 1, 2006 meeting. Before the Board for review and action today is the Notice Regarding Proposed Decision in this case.

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

RESOLVED to adopt Administrative Law Judge Pauli's decision in OAH No. 07-0199-DEN. The decision upholds the Dental Board's denial of Deborah Lynn Wilson's application for Dental Hygiene License in Alaska.

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The board resolved to enter executive session to discuss case # 1250-07-001.

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2), and the Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Case 1250-07-001.

Entered into Executive Session at 10:10 a.m.
Out of Executive Session at 10:32 a.m.

Upon a motion duly made by Dr. Gottlieb, seconded by Ms. Hauff and approved by majority, it was:

RESOLVED to approve Mark D. Edwards for dental licensure by credentials.

There were six (6) yes votes and two (2) no votes.

There being no further Investigations business, Dr. Eichler thanked Ms. Winton for her time, and she left the meeting.

Dr. Eichler appointed himself and Dr. Pihl to serve on the Discipline Review Panel for the Oct. 2007 – Dec. 2007 quarter.

Agenda Item 8 – Application Assignments and Review

Assign Questions for Credential Candidates

Dr. Eichler assigned credential review interview questions to the board members.

Credential Application Review

The board reviewed the credential application of the following in preparation for the personal interview:

Dr. Claire B. Burrows, DMD Reviewed by Ms. Fellenberg.

The application appears to be in order for meeting the requirements for dental licensure by credentials.

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Dental Application Exam Level III Review

The board reviewed the application of Jessica Woller, DMD for dental license by exam level III. Dr. Woller scored 74.5% on the WREB exam, and 75% is the passing score. However, regulation 12 AAC 28.105(c)(1) states the passing score for the WREB exam is 70%. Based on an opinion from Dept. of Law, Ms. Donohue advised the board they would have to abide by the regulation as currently written. She further advised them that a change to 12 AAC 28.105 correcting the passing percent to 75% had been public noticed, and was included in the adoption order the board will be reviewing later at this meeting.

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

RESOLVED to approve Jessica Woller, DMD for dental licensure by exam level III.

Continuing Education Course Applications

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

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

Introduction to Lasers in Dental Hygiene, sponsored by the Alaska State Dental Hygienists' Association, for five (5) hours of continuing education.

Recess: 11:27 a.m.

Back from Recess: 11:36 a.m.

Agenda Item 9 – Public Comment

There were no public members present for comment.

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Agenda Item 10 – Jurisprudence Exam

Ms. Fellenberg presented three options to choose from to replace question #23 on the current Jurisprudence Exam.

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

RESOLVED to replace question 23 on the Jurisprudence Exam with option #2 presented to the board.

Agenda Item 13 – Regulations

Ms. Donohue asked the board for clarification about what language they wanted to replace the current language in 12 AAC 28.960. The additional language the board wants is “within 60 days” to 12 AAC 28.960(d) to read as follows: (d) The owner or lessee of dental radiological equipment that is registered under this section shall notify the board in writing, **within sixty (60) days**, if the equipment is sold, relocated, or no longer is use. Ms. Donohue will advise Mr. Maiquis, Regulation Specialist, of the change in wording.

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

RESOLVED to initiate a regulation project to amend 12 AAC 28.105, 12 AAC 28.500, 12 AAC 28.960, and 12 AAC 28.910.

Changes to 12 AAC 28.105 and 12 AAC 28.500 will clarify and simplify the language outlining the examination requirements for licensure to practice dentistry and dental hygiene in Alaska; changes to 12 AAC 28.960 will impose a time-frame for a dentist to report when selling, ending a lease of, or putting out-of-service a piece of radiological equipment; and changes to 12 AAC 28.910 will state the grounds for denying a dental professional license.

The regulation project for 12 AAC 28.105 and 12 AAC 28.952, was sent out for public comment. There were no written comments received. Therefore, the project is presented to the board for adoption. Upon review, the board decided to withdraw the changes to 12 AAC 28.105 at this time. They want to clarify and simply the regulation, and have decided to include it in the regulation project for the changes to 12 AAC 28.960, 12 AAC 28.105, 12 AAC 28.500 and 12 AAC 28.910.

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

RESOLVED to withdraw the changes to 12 AAC 28.105 from the Adoption Order.

Review of 12 AAC 28.952, included in the Adoption Order, ensued. The changes to this regulation clarify the documentation which must be submitted by the applicant, and by PBIS when applying for a Dental Specialty License. Although there were no written comments, the Board of Dental Examiners discussed the cost to private persons of the regulatory action being taken and determined there would be no costs incurred.

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

RESOLVED to adopt the amendments to 12 AAC 28.952.

Ms. Donohue will advise Mr. Maiquis the Adoption Order must be changed, and when that is done, he will mail it to Dr. Eichler for his signature. Mr. Maiquis will file the Adoption Order when returned to him from Dr. Eichler.

Agenda Item 16 – Continuing Education Review

Mr. Winker, Paralegal, wanted the board to review continuing education certificates which had been submitted for a mandatory audit, to verify they were acceptable.

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

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

The Laser Course: Clinical Training Seminar in Laser Dentistry, sponsored by the Institute for Advanced Dental Technologies, for seven (7) hours of continuing education.

Contemporary Clinical Periodontics: Update in Diagnosis & Treatment Planning 2006, sponsored by Concord Dental & Medical Seminars, for seven (7) hours of continuing education.

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Agenda Item 14 – Conference Updates

Dr. Pihl is the board designated attendee for the AADE meeting in San Francisco, CA Sept. 26-27. Ms. Donohue will be attending that meeting also, as well as the AADA meeting on Sept. 24-25.

Recess for lunch 12:00 p.m.
Back from lunch 1:07 p.m.

During the lunch break the board visited the new Dental Hygiene Facility in downtown Fairbanks.

Agenda Item 12 – Personal Interview for Dental Applicants by Credentials

Applicant Dr. Claire Burrows, DMD joined the meeting via teleconference for the personal interview.

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

Dr. Claire B. Burrows, DMD

Ms. Fellenberg reviewed the application of Dr. Burrows. The board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Claire Burrows for dental licensure by credentials.

Agenda Item 15 – New/Old Business

The board revisited updating their anesthesia and conscious sedation regulations, and decided to table this discussion until they find out if the AADE adopts the suggested anesthesia guidelines at their meeting in San Francisco on Sept. 26-27.

Ms. Donohue requested the board review their regulations stating the grounds on which a dental hygiene application can be denied. The board requested Ms. Donohue survey other licensing boards and bring a survey to the December 7 meeting.

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Agenda Item 17 – Goals and Objectives

The board reviewed the Goals and Objectives for FY 2008, and felt they were on track for accomplishing these goals. Discussion ensued regarding item 11-support of online renewal, and the requirement to submit a copy of the front and back of a current CPR certification with a renewal application. Ms. Donohue explained that requirement was the obstacle to instituting on-line renewal capability for their licensees.

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

RESOLVED to waive the requirement to submit a copy of the front and back of a current CPR certification with a renewal application. Instead, include a section on the renewal form requiring the renewal applicant state the expiration date of their current CPR certification.

Agenda Item 18 – Office Business

A. Travel Authorizations

Ms. Donohue collected signed TAs and travel receipts.

B. Meeting Dates for 2007-2008

The board confirmed the following scheduled meeting dates:

December 7, 2007 in Anchorage

February 7-8, 2008 in Juneau

The dates for the June 2008 meeting in Anchorage will be confirmed at the December 2007 meeting.

C. Sign Wall Certificates

The Chairman and Secretary signed wall certificates.

D. Board Member Task List

Ms. Donohue will send out a new Task List with assignments. A copy of the list will be included at the end of these minutes.

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E. Annual Newsletter

Ms. Donohue provided an updated copy of the Annual Newsletter for the board's review. In addition they reviewed the list of suggested articles to be included in the Newsletter Ms. Donohue had provided in their board packet. They agreed these articles should be included, as well as adding the following two articles: information and web sites from the letter submitted by Ms. Janet Woodcock, MD, Deputy Commissioner & Chief Medical Officer of the Food and Drug Administration (first item behind Agenda Item #7-Correspondence; and an article outlining the responsibilities of both parties when a piece of radiological equipment changes hands from one dentist to another, (see 12 AAC 28.960). Note: There is already an article in the current Newsletter on this subject, so maybe it can be re-worked. The board requested a draft of the final version of the Newsletter be presented at the December 7 meeting in Anchorage. Ms. Donohue will advise Mr. Gurse of the board's request.

Agenda Item 19 – Unfinished Business

There was no unfinished business to discuss.

Agenda Item 20 - Adjourn

There being no further business Dr. Eichler called for a motion to adjourn.

Upon a motion by Ms. Hauff, seconded by Dr. Gerace and approved unanimously, it was:

RESOLVED to adjourn the meeting of the Board of Dental Examiners.

The board adjourned the meeting at 3:18 p.m.

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Respectfully Submitted:

Brenda Donohue, Licensing Examiner

APPROVED:

David Eichler, DMD
Chairman
Board of Dental Examiners

Date: _____

**BOARD OF DENTAL EXAMINERS
TASK LIST FROM SEPTEMBER 14, 2007 MEETING**

Ms. Fellenberg

- Dental Hygiene CE Audit
-

Dr. Gerace

- Review Course Approvals for continuing education.

Dr. Eichler

Discipline Review Committee for Oct-Dec

Dr. Arne Pihl

Discipline Review Committee for Oct-Dec

Dr. Kevin Gottlieb

Vicki Hauff

- Backup person for reviewing Course Approvals when needed.
- Dental Hygiene CE Audit

Gregory Gurse

Annual Newsletter

Items to include in the Newsletter:

- See "SUGGESTED NEWSLETTER ARTICLES" following the Task List.

Dr. Neslund

Licensing Examiner

- Work on board's web site – updating/adding information.
- CE Course approval letters to applicants.
- Ask if Dept. of Law's billing can be broken-out by case.
- Change wording on JP Exam question #23.

SUGGESTED NEWSLETTER ARTICLES

REGULATIONS UPDATE

(Rework current Regulations article.)

12 AAC 28.955

The board has implemented new regulations for a Courtesy License. A Courtesy License may only be issued for a limited purpose approved by the board. A limited purpose for a courtesy license is the practice of dentistry or dental hygiene to underserved persons by a dentist or dental hygienist who has entered a written contract with a non-profit organization, charitable organization, or governmental agency. A Courtesy License may be issued to a non-resident, is nonrenewable and is valid for a period not to exceed 90 days or the duration of the limited purpose approved by the board, whichever is less.

“Underserved person” means individuals and groups of individuals whose access to dental health care in this state is limited or nonexistent due to geographic or economic factors, including low income and rural residence.

12 AAC 28.952

It is not required for a dentist who wishes to hold a Dental Specialty License to hold a general dentistry license in Alaska any longer. The board has implemented new regulations for the Dental Specialty License.

A dentist who wishes to hold both a general and a specialty license will apply for and pay full fees for each license. The license fee for each is \$590 per two-year renewal cycle.

12 AAC 28.930

“Inactive Status” license renewals have been repealed effective 12/31/07 for dental hygienists, and 12/31/08 for dentists. After these dates a license will be either “active” or “expired”.

BOARD POSITION ON BOTOX ADMINISTRATION

The board has researched other state’s position on the topic of BOTOX administration being included in the scope of practice for dentists, and there is no general consensus. A dentist holding a specialty license in oral and maxillofacial surgery is qualified to administer BOTOX. The board has determined there is no statutory or regulatory prohibition on the practice. However, in order to do the procedure, a dentist must have appropriate training in the procedure, just as they are required to for any procedure they perform. The board refers back to the statutes and regulations and has chosen not to draft a formal policy at this time.

REGIONAL EXAMS ACCEPTED

WREB is the only regional clinical exam accepted by the Alaska board .

CONTINUING EDUCATION DOCUMENTATION

(Re-work current newsletter article.)

The dental board will accept the AGD State Transcript as documentation of earned continuing education credits. They still require that CE courses be **directly related to dental patient clinical care**. If the topic or content of a course is unclear, the licensee will be asked to provide clarification so the board can determine the course is directly related to dental patient clinical care. In addition, in accordance with 12 AAC 02.960(f), a licensee shall maintain the records of their continuing education courses until the later of:

- 1) four years from the date of completion of the continuing competency activity;
or
- 2) if the licensee was selected for audit, the date that the department notifies the licensee that the audit is completed.

CPR CERTIFICATION REMINDER

In accordance with AS 08.36.070 and 12 AAC 28.920 dental practitioners are required to **maintain throughout the licensing period**, a current certification in cardiopulmonary resuscitation techniques. The CPR course must be based upon training equivalent to that required by the American Heart Association or American Red Cross. The course cannot be strictly an on-line course, it must include a hands-on element in a classroom with an instructor and mannequins.

(Incorporate with current article on AEDs, and re-work the AED portion of the article.)

CHANGES IN PERSONAL INTERVIEW FOR CREDENTIAL DENTAL APPLICANTS

The board has implemented a policy allowing dental applicants applying by credentials to do the personal interview with the board either telephonically, or in-person. Both ways meet the requirements of “personal interview”.

INFORMATION ON FDA ELECTRONIC TOOLS AND WEBSITES

Information and web site address about growing number of electronic tools available from the U.S. Food and Drug Admin for accessing important safety information on medical products. (See letter from FDA under Agenda Item #7 – Correspondence)