

***BOARD OF DENTAL
EXAMINERS MEETING
ANCHORAGE, AK***

ATWOOD BLDG. RM AAC 104

April 20, 2018

8:30 A.M.

ROSTER

Board of Dental Examiners

NAME	APPOINTED REAPPOINTED EXPIRES		
Kovaleski, Thomas (Chugiak) Dentist	03/01/2011	03/01/2015	03/01/2019
Moriarty, Michael (Seward) Dentist	10/01/2015	03/01/2017	03/01/2021
Nielson, David (Anchorage) Dentist	03/01/2015		03/01/2019
Ross, Paula (Anchorage) Hygienist	03/01/2015		03/01/2019
Scheller, Steven (Fairbanks) Dentist	03/01/2013	03/01/2017	03/01/2021
Silveira, Paul (Valdez) Dentist	03/01/2011	03/01/2015	03/01/2019
Wahto, Robin (Anchorage) Public	11/15/2017		03/01/2021
Walden, Gail (Wasilla) Hygienist	03/01/2013	03/01/2017	03/01/2021
Wenzell, Dominic (Girdwood) Dentist	03/01/2018		03/01/2022

<https://gov.alaska.gov/services/boards-and-commissions/roster/?board=024>

STATE OF ALASKA

2018 STATE CALENDAR

State Holidays

Date	Holiday
01/01	New Year's Day
01/15	MLK Jr.'s Birthday
02/19	Presidents' Day
03/26	Seward's Day
05/28	Memorial Day
07/04	Independence Day
09/03	Labor Day
10/18	Alaska Day
11/11	Veterans' Day (observed 11/12)
11/22	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday
 Payday

State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Rev. 10/10/2017

JANUARY

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STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING BOARD OF DENTAL EXAMINERS

MISSION STATEMENT

To protect the health, safety, and welfare of Alaskans by ensuring that practitioners possess competency, ethical standards, and integrity necessary to offer or deliver quality services to consumers.

VISION STATEMENT

To ensure that all Alaskans receive the best possible dental care.

EXECUTIVE SESSION MOTION

Sec. 44.62.310. government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

In accordance with the provisions of Alaska Statute 44.62.310 (c) (1) (2) (3) or (4) [*select appropriate paragraph number above*], I move to go into executive session for the purpose of discussing:

Board staff to remain during the session, *OR* Board only to remain during session.

Off the record at _____.

Example: 1

In accordance with the provisions of AS 44.62.310 (c)(2), I move to go into executive session for the purpose of discussing the license application of (name). Board staff (names) to remain during the session.

Example: 2

In accordance with the provisions of AS 44.62.310(c)(3), I move to go into executive session for the purpose of discussing investigative matters. Board staff (names) to remain during the session.

Item 1

- Call to Order/Roll Call

Item 2

- Review of Agenda

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

April 20, 2018
550 W 7th Ave, Room AAC 104, Anchorage, AK 99501

GCI Conference Line: 800-315-6338 Access Code: 12011

	<u>TIME</u>	<u>TOPIC</u>	<u>AGENDA</u>	<u>LEAD PERSON</u>
1.	8:30 a.m.	Call to Order/Roll Call		CHAIR
2.	8:35 a.m.	Review of Agenda		CHAIR
3.	8:40 a.m.	On Board Training		STAFF
4.	9:10 a.m.	Review/Approve Minutes		CHAIR
		<ul style="list-style-type: none"> February 16, 2018 Meeting Sign the minutes Sign Wall Certificates 		
5.	9:20 a.m.	Ethics Report		CHAIR
6.	9:30 a.m.	Investigative Report		Marilyn Zimmerman
		<ul style="list-style-type: none"> CE submission CE for case No. 2018-000121 		
7.	10:00 a.m.	15 Minute Break		
8.	10:15 a.m.	Public Comment		CHAIR
9.	10:30 a.m.	Regulation Project		
		12 AAC 28.360. REGISTRY.		
		12 AAC 28.955. Courtesy License		
		12AAC 28.015(f) sufficient training in Pediatric Mod. Sed.		
10.	12:00 a.m.	Lunch Break		
11.	1:00 p.m.	Credential Interviews		CHAIR
12.	1:15 p.m.	Division Update		(Sara/Janey/Melissa)
13.	1:30 p.m.	Annual Report		Board to determine
14.	2:00 p.m.	FAQ page and new JP exam		STAFF/CHAIR

- | | | | |
|-----|-----------|--|---------------------|
| 15. | 2:30 p.m. | Application by Examination or Credentials | CHAIR |
| 16. | 3:00 p.m. | Old/New Business | STAFF/CHAIR |
| | | • Penalty Matrix | |
| 17. | 3:15 p.m. | 15 minute break | |
| 18. | 3:30 p.m. | Carly Thomas – requesting CE | CHAIR |
| 19. | 3:45 p.m. | John Leach – GA permit prior to graduation | CHAIR |
| 20. | 4:00 p.m. | Travel Action Summary | CHAIR |
| | | • Travel Receipts | |
| 21. | 4:10 p.m. | Office Business | PRESIDENT/SECRETARY |
| | | • Set upcoming Board Meetings | |
| 22. | 4:30 p.m. | Adjourn | |
| | | (or later if needed) | |

Item 3

- On Board Training

Item 4

- Review/Approve Minutes
 - February 16, 2018
 - Sign the minutes
 - Sign Wall Certificates

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

**MINUTES OF MEETING
February 16, 2018**

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.

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 February 16, 2018, in person in Anchorage, AK.

The meeting was called to order by Dr. Paul Silveira, President, at 8:48 a.m.

Roll Call

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

Dr. Paul Silveira, President – Valdez
Dr. Thomas Wells – Anchorage
Dr. David Nielson – Anchorage
Ms. Paula Ross – Anchorage
Ms. Gail Walden – Wasilla
Dr. Steven Scheller – Fairbanks
Dr. Michael Moriarty – Seward
Ms. Robin Wahto - Anchorage
Dr. Thomas Kovaleski – Chugiak on phone via Mexico

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

Ms. Amber Treston, Licensing Examiner – Juneau – videoconference
Ms. Sher Zinn, Records and Licensing Supervisor – Juneau –
videoconference
Jasmin Bautista, Investigator – Anchorage
Al Kennedy, Senior Investigator - Anchorage

Members of the public in attendance:

Dr. Dave Logan, Dentist - Anchorage
Dr. Mike Boothe, Dentist – Anchorage
Sarah Philips – Legislative Audit – teleconference
William Sogge – Legislative Audit – teleconference

Off the record at 8:55 a.m.

On the record at 8:56 a.m.

Agenda Item 1 – Review of Agenda

Dr. Silveira asked the board if they had any matters that they would like to add to the agenda. Dr. Nielson requested that the board have a discussion on the Medicaid Compliance from H.S.S. and sedation payment and how that may or may not effect sedation regulations. Dr. Nielson also requested to add the registration fee for the data base for the Opioid Prescription Monitoring Database. Zinn explained that item #11 regarding continuing education course application for review with Dr. Joshua Jeon will not take place because he is not available.

Agenda Item 2 – Review/Approve Minutes

On a motion duly made by Neilson, seconded by Scheller, and approved by roll call vote, it was

RESOLVED to approve the minutes of the December 8, 2017 meeting.

**Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea,
Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.
9 yeas, 0 nays. Motion passed.**

Agenda Item 3 - Ethics Report

There were no ethics violations to report.

Agenda Item 4 – Public Comment

Dr. Logan wanted to discuss the prescription database fee and would like the board to make a response to the division on that. Upon review of the documentation on the website the fee seems a bit excessive of \$50 for what they are estimating to be the deficit and when that deficit occurs. When the amount is calculated the fee is \$3.56 per registry and not the \$50 that they public noticed for. He would also like to make a response to the continuing education and have the board give guidance on what continuing education courses that will and will not qualify on the prescription drug monitoring program. He states that the wording in the statute there are a lot of “ands” mentioned. Requiring a copy of a certificate verifying participation in a minimum of 2 hours of Continuing Education in pain management and opioid use and addiction within 3 years preceding the application for license. Dr. Logan believes that 2 hours of

continuing education in each of the 3 areas of pain management, opioid use and addiction is a lot of material to be covered in only 2 hours of time and he does not know of a course that covers all of these items in one course. He suggests that the continuing education may need to be increased for this topic.

Agenda Item 5 – Investigative Report

Ms. Jasmin Bautista gave the investigative report, for the period between December 7, 2017 and February 2, 2018 informing the board of the number of cases opened (6), number of cases closed (5), and total number of cases that remain open at this time (24). She explained that they are all in compliance with probation.

Dr. Nielson wanted to clarify what was discussed at the previous meeting about how the cases are dispersed. She explained that they do not have a lot of cases at this point but they do try to spread them around and that they are all intakes. Once it goes into a complaint that is the time to review the case and it begins.

Agenda Item 6 – Smile Direct update

Dr. Silveira decided to skip this item at this time.

Agenda Item 7 – Division Update

Zinn reviewed the budget expense report with the board. The current report has the first quarter of FY18 and for the second quarter there is a significant difference in the amount. The reason for this difference is that several of the time sheets were incorrectly entered into the new IRIS system so the fees that were allocated to individual boards were not entered correctly. So they are currently going back and fixing all the time sheets. So the one that says second quarter is an estimate at this time and by next quarter it should all be in working order and updated.

Dr. Silveira wanted to add to the budget update that the Dental Board is up for sunset next year and currently in the middle of an audit. They had a teleconference yesterday afternoon regarding the audit and they are going to get ahold of one other board member. It is a routine thing and they asked if there were any problems and how to resolve them. They should be getting a report on these next month.

Introduction of new board member Robin Wahto and new Licensing Examiner Amber Treston.

Agenda item 6 – Smile Direct Update

On a motion duly made by Paula Ross, seconded by Gail Walden, and approved by roll call vote, it was

RESOLVED to go in to executive session in accordance with Alaska Statute 44.62.310(c)(2)(3) for the purpose of discussing investigative matters.

Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea,
Walden – yea, Scheller – yea, Moriarty – yea, Wahto - yea.
9 yeas, 0 nays. Motion passed.

Board staff to remain.

Off record at 9:21 a.m.

On record at 9:32 a.m.

Agenda Item 8 – PDMP Implementation and CE regulations

Dr. Nielson started the discussion going back to what Dr. Logan had brought up in public comment about how the department came up with the \$50 fee. How is the fee derived and how did they settle on \$50 and who is going to be collecting the money. It will not be the Board of Dental Examiners it will be licensing. The other question is will this fee be adjustable on actual cost and he would like to get a break down of what the actual costs are at some point. Asked if Zinn can comment on this.

Zinn stated that the purpose of the fees are to administer to the Prescription Drug Monitoring Program (PDMP) and that is the initial fee they came up with and once the program is up and running then the fees will likely come down significantly. There are new software programs being installed and the initial fee will help get that up and running. The \$50 is directly allocated to the PDMP and that is how it will be receipted in our system. If you would like us to request the information from Laura Carrillo, who is the PDMP administrator, then we can get you a sheet with all of the information from her which will provide you with all the information you are requesting. Dr. Nielson wanted to know if all the users will have the same fee and Zinn responded that yes, all the users will share the same \$50 fee.

Dr. Nielson stated that he will draft a letter based on the questions he stated earlier to get updated on what the real cost of the program is, and to be updated on what they believe will be the cost moving forward.

Dr. Kovalski asked if there have been any pushbacks from the other boards such as optometry or medical. Dr. Moriarty heard from medical and they were discussing doing a patient tax or something similar. Primarily, they want to write a letter and get more information about the real cost of the program. Dr. Nielson believes there are federal grants for this program so it is not just the providers paying for this. Not sure if the grants are something that will be available every year or if this is just to help get it up and running. Dr. Moriarty mentions that it is not just the \$50 fee it is the CE that is required on top of it now too.

Dr. Nielson begins to discuss the CE and that a lot of times the Dental Society will field questions from the dentists who want to know if the courses they are taking will qualify or not. The way it is written in AAC 28.400 (a) has completed no less than 2 hours of continuing education in pain management and opioid use and addiction in the licensing period. The “AND” and “AND” are in statute and we cannot change that in a regulation. But we might be able to clarify what course may qualify. If we could add something to clarify what courses may qualify, or if we could add a frequently asked questions page on the website. Another question they get a lot is that of moderate

sedation on a child. Having a FAQ section on the website would help free up time for everyone when trying to determine what qualifies for the 2 hours of CE. It may be difficult to find a course that will cover all this material in only 2 hours. AS.36.110 was discussed. Basic life support was discussed. Statutes regarding the CE will not be in the book until 7/18/18 so they will need to set the regulations prior to that date. Cannot lump this in with all the other CE. This will need to be very specific. Will plan to get frequently asked questions together for the next meeting and the board will answer them.

The board took a short break.

Off the record at 9:50 a.m.

On the record at 10:07 a.m.

The board discussed AAC 28.951(b)(7) and AAC 28.940(b)(10)(A) will amend both to read: has completed no less than two hours of education in pain management and opioid use and addiction within the 2 years prior to the date of application.

William Sogge joined with legislative audit joined the meeting at 10:25 a.m.

Dr. Nielson brings up the discussion of AAC 28.940(b)(8)(A) and corrected it to read as follows: The examinations, or combination of examinations, must include the following subject areas and their components or characteristics; will also change (iv) endodontics testing, on a mannequin and/or live patient, to include access and obturation of an anterior tooth and access and obturation of a multi-canalled posterior tooth; (v) prosthetic testing, on a mannequin and/or live patient, to include a crown prep or a bridge prep; (vi) patient based operative examination that includes one class II posterior alloy and one composite procedure, either anterior class III or posterior class II;

Where are we at in regards to backpedaling in the specialty licensing? Do we want to bring back specialty licensing? Where are the sedation regulation items at? Credentialing under 9 - Discussed AAC 28.951 (c)(9) in regard to credentials and licensing exams. This clarifies what an equivalent test may be. Is it necessary to have that? How does it have to be described? Dr. Nielson wants to know if these requirements have been tracked or confirmed 5 years back on someone who has taken another regional exam. When you took the Central regional Dental Testing Service (CRDTS) exam did it cover these items? How is that tracked? When you put you had something equivalent do you describe what that is or is that at the board's discretion? Change 12 AAC 28.951(e) (10) operative examination that includes one posterior Class II alloy and one composite procedure, either class II anterior or class III posterior.

On a motion made by Silveira, seconded by Moriarty, and approved by roll call vote, it was

RESOLVED to remove AAC 28.951(e)(10) from the professional regulations draft as corrected to send out to public comment.

231
232 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**
233 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**
234 **9 yeas, 0 nays. Motion passed.**
235

236 Dr. Silveira had questions about where the sedation regulations were at and if
237 that was on the agenda. Zinn informed the board that it is with the department of law
238 and they have to do the review before they send it to the lieutenant governor's office.
239 The board will receive an email once it has been sent out. The department of law has
240 had it for 3 weeks but they will get to the regulations at their earliest convenience. Once
241 the lieutenant governor signs the regulation it will go into effect 30 days later.

242
243 **Agenda Item 9 – Old/New Business**
244

245 HB 268: discussed the matrix for penalty if someone is in violation what is the
246 penalty or disciplinary actions. Dr. Nielson requested having something in writing that
247 shows what the disciplinary actions would be for someone who dispenses more than
248 their 7 days of opioids. Sher explained that it will take extensive research because not
249 all the disciplinary documents are easily accessed and the investigative unit likely has
250 better access to those disciplinary documents. Dr. Nielson requested a graph or spread
251 sheet of different violations that can happen and what the fine or penalty are for that
252 violation. Penalties for different violations would be beneficial so the board has
253 something to go off of. Frequently asked questions are what do I do when my radiologic
254 equipment is out of date? Need to have a document started for violations and
255 disciplinary actions.

256
257 Discussed SB 161 – Sec. 08.36.254 and about extending the permit and making
258 some changes to the wording. Recommended to remove (g)(3) as it is redundant and
259 mentioned in (f). Will still have a regulation project once the bill passes. Temporary
260 permit to substitute for an incapacitated dentist. The board would like to change
261 08.36.254(b) to say A dentist applying for a temporary permit under (a) of this section
262 shall... by removing (1)meet the requirements of AS 08.36.234, except the board may
263 waive the proof of continued competence requirement, giving the board authority to
264 adopt regulations for the licensing qualifications.

265
266 **On a motion made by Silveira, seconded by Nielson, and approved by roll call**
267 **vote, it was**
268

269 **RESOLVED to approve the wording giving the board authority to set the**
270 **qualifications by regulations.**
271

272 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**
273 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**
274 **9 yeas, 0 nays. Motion passed.**
275

276 Decided that Dr. Nielson will be testifying at the hearings.

Regarding items 08.36.315 and how it pertains to the disciplinary authority the board has if the maximum dosage prescribed was exceeded in violation. The board requests a penalty matrix to show what the penalties will be for each violation. HB 268 discussion and these are the statutes that correlate with HB 268.

Discussed credit hours for ACLS certification, as opposed to basic CPR. In the CE credit hours the applicant can claim up to 4 hours for CPR. ACLS is initially a 2 day course and there after an 8 hour course. As for how many of the hours are counted towards your 32 hours of CE. This can be added to the websites FAQ sheet: If I took an 8 hour CE course how many hours will that count towards my 32 credit hours? Although, the course is an 8 hour CE course it would only be able to count as 4 CE credit hours if it comes up in an audit. Do they require both a BLS and ACLS card? If they have a current ACLS card do they need a BLS as well? Even though the course is approved for 8 hours of CE credit and they have an audit it will only count as 4 CE credits.

On a motion made by Walden, seconded by Ross, and approved by roll call vote, it was

RESOLVED to request the division to repeal the local anesthesia renewal fee.

Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea, Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea. 9 yeas, 0 nays. Motion passed.

Off the record at 11:55 a.m.

On the record at 1:12 p.m.

Dr. Silveira reminded the board to not be discussing board items when not on the record.

Roll Call

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

Dr. Paul Silveira, President – Valdez
Dr. Thomas Wells – Anchorage
Dr. David Nielson – Anchorage
Ms. Paula Ross – Anchorage
Ms. Gail Walden – Wasilla
Dr. Steven Scheller – Fairbanks
Dr. Michael Moriarty – Seward
Ms. Robin Wahto - Anchorage
Dr. Thomas Kovalski – Chugiak on phone via Mexico

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

Ms. Amber Treston, Licensing Examiner – Juneau - videoconference
Ms. Sher Zinn, Records and Licensing Supervisor – Juneau -
videoconference
Jasmin Bautista, Investigator – Anchorage
Al Kennedy, Senior Investigator - Anchorage

Members of the public in attendance:

Dr. Dave Logan, Dentist – Anchorage
Dr. Mike Boothe, Dentist - Anchorage
Sarah Philips – Legislative Audit – teleconference
William Sogge – Legislative Audit – teleconference

Discussion turned to a statute work group. Gail Walden started the discussion and reviewed the remaining items on the agenda under item #9. The work group will consist of Dr. Nielson, Gail Walden, Dr. Logan, Dr. Willis, Michelle Sommers, and Mina Allen. Are we going to wait until the legislative session ends? Or should we try to gather the team together and see what dates and times work for everybody. She would prefer to meet and have an agenda for the meeting. Zinn reminded the board that when they have a subcommittee the meeting must be public noticed 10 days prior to the meeting. The public notice needs to be in by the 15th of the month to avoid additional fees. Will get the public notice in by March 15th, 2018. Anticipate meeting being sometime in April. The meeting will need to be recorded and have meeting minutes as well. After further discussion they decided Dr. Nielson will send out a doodle poll to the work group and try to arrange a date for the meeting. Requested a check from Zinn as to what is required for their meeting.

Dr. Kovalski was disconnected and left the meeting at 1:35 p.m.

Agenda Item 11 – Medicaid Compliance Notice

Running ahead of scheduled and elected to discuss item #11 at this time. Medicaid compliance notice and the requirements the state is putting in place to have reimbursement from sedation. Some of the items are already in the statutes such as recording the start and stop times and having a physical evaluation. There did not seem to be any conflicts with the regulations. They do not believe Medicaid is asking for a letter. They are just asking who is receiving the sedation and why. Dr. Wells states there is a code for local anesthetic and if they are treating a Medicaid patient they can submit a code for it. Dr. Neilson says that he can draft a letter in general asking about the requirements for sedation codes and local anesthetic. Everything with Medicaid gets preauthorized prior to the treatment. There are reports of offices not getting reimbursed for the charges they submitted or even denied due to not having the required

information. Last August it was decided that Medicaid will require the list of criteria necessary to get reimbursed for the fees after the effective date of August 1, 2017. The letter will be drafted by Dr. Nielson and submitted to the Board of Dental Examiners for review before being sent in.

Agenda Item 10 - Applicant Interviews

Gail Walden asked a few questions to the board before the interviews began. She found that Dr. Sastry has continuing education credits that he claims CE credit for multiple courses, however, the titles all appear to be for Practice Management. It is decided that they will ask him to clarify his CE courses at the time of the interview. It was then discussed about Dr. William Traynor that he was working at a Pediatric Dental Office in Idaho but does not have an Idaho License listed on his packet. Will plan to ask Dr. Traynor about this when they have him on the teleconference for his interview.

The board welcomed Dr. Vilas Sastry to the meeting and explained the interview process. Dr. Sastry appeared telephonically. The Board asked the standard interview questions. Explained that upon review of his CE credits he has a lot of hours that cover practice management material and the Board only accepts 3 hours of practice management. They will require him to take 6 CE credits that are non-practice management courses. Also, if he can give us more information on some of the CE courses that are listed as a CSL video that he can support them to be sufficient.

On a motion made by Walden, seconded by Ross, and approved by roll call vote, it was

RESOLVED to approve Dr. Vilas Sastry's application for a Dental License by Credentials pending receipt of all the required CE paper work that are not Practice Management courses.

**Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovalski – yea, Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.
9 yeas, 0 nays. Motion passed.**

Ms. Walden will email Ms. Treston the number of required CE's.

The board welcomed Dr. William Traynor to the meeting and explained the interview process. Dr. Traynor appeared telephonically. The Board asked the standard interview questions.

On a motion made by Walden, seconded by Silveira, and approved by roll call vote, it was

RESOLVED to approve the application for an Alaska Dental License by Credentials for Dr. William Traynor after submitting his PALS certificate,

Pediatric residency certificate and a copy of his notarized Idaho Pediatric Dental License.

Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.
9 yeas, 0 nays. Motion passed.

Agenda Item 12 – Office Business

- Sign the meeting minutes
- Sign Wall Certificates
- Submit travel receipts for travel, hotel, taxi
- Return all laptops and thumb drives

Tasks –

- Continue working on a penalty matrix for presentation to the board at the December meeting.
- Zinn to submit a guideline for the dental work group for minutes, recording, public notice, etc.

The board adjourned the meeting at 2:34 p.m.

Respectfully Submitted:

Amber Treston
Occupational Licensing Examiner

Approved:

Paul Silveira, DMD, President

Date:_____

Item 5

- Ethics Report

State of Alaska Department of Law

Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!

- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair.**

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. ⁵

- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.⁶

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.⁷

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or

removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination to the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing and under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises Angie White by e-mail at Angie.White@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts

reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

- 1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.
- 2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.
- 3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.
- 4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.
- 5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.
- 6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.
- 7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

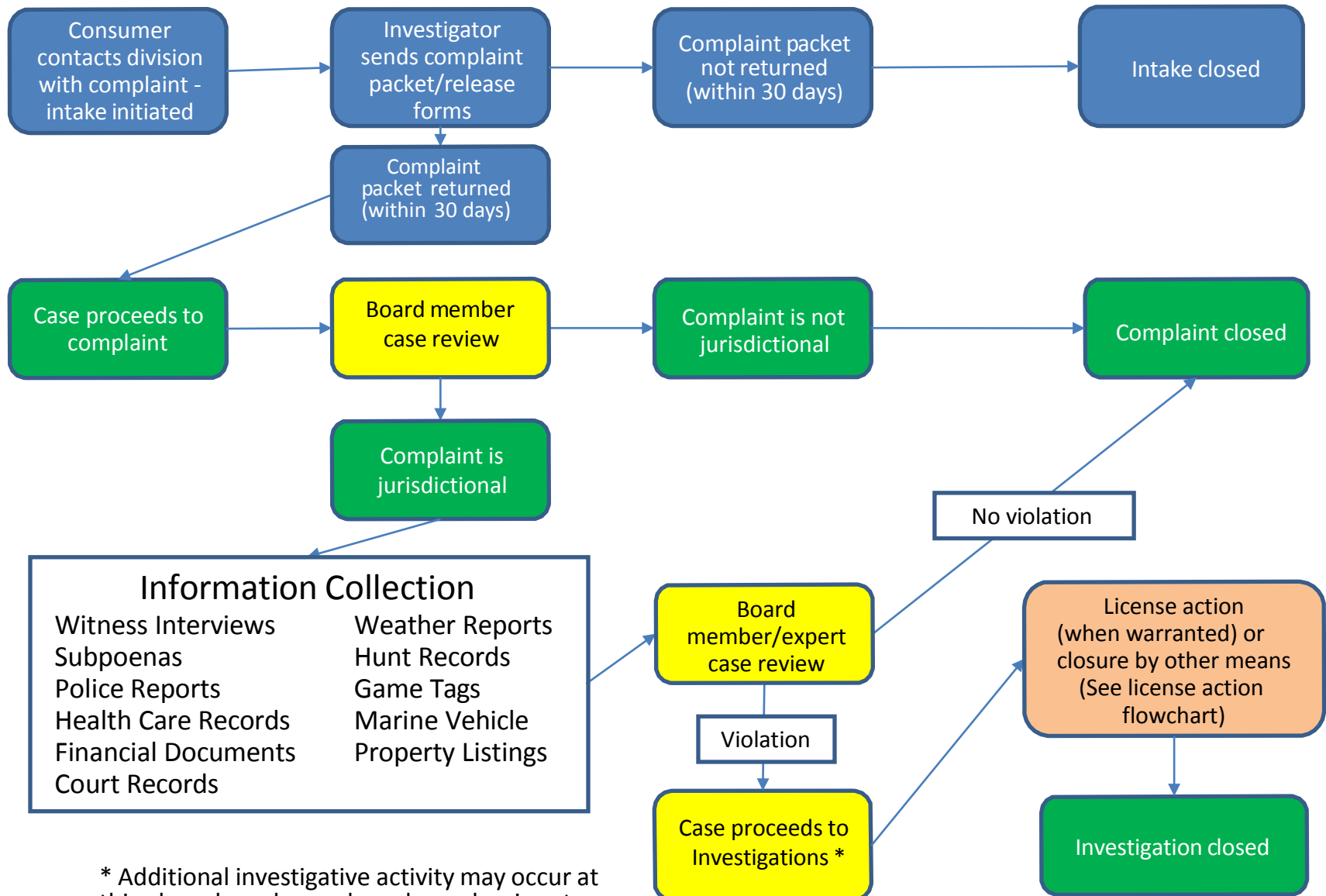
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Item 6

- Investigative Report
 - CE submission
 - CE for case No. 2018-000121

Investigative Process





State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
INVESTIGATIONS SECTION
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Phone: (907) 269-8437 ★ Fax: (907) 269-8195
Email: investigations@alaska.gov
Website: www.commerce.alaska.gov/occ/home_investigations.html

For Division Use Only

REQUEST FOR CONTACT

The Division investigates matters pertaining to business licenses, the sale of tobacco products, and licensed professionals. Please be aware that not all issues will fall within our jurisdiction and you may have to contact other agencies for assistance. We encourage you to call to ensure that we are able to assist you.

Please be aware that this is only a request for contact. You may submit this form via US Mail, Fax or Email, to the contact information listed above. Once the Division has reviewed this information you will be contacted and may be required to fill out a complaint package.

PART I: CONTACT INFORMATION

Your Name:	<i>First</i>	<i>Last</i>	<i>Middle</i>
Mailing Address:	<i>Street or PO Box</i>	<i>City</i>	<i>State</i> <i>Zip</i>
Email:			
Phone:			

PART II: DESCRIPTION OF INCIDENT

Choose the type of business/profession this contact is regarding:	
Name of the business or person involved:	
Date(s) on which event occurred:	
Brief description and nature of the incident:	

Board/Commission License Action Options

Circumstance

Response/Options

Cease and Desist Order

On notice of possible violation, the Commissioner may, if in public's interest, issue Cease and Desist Order. AS 08.01.087(b). The board is polled for objection.



Board can object.

Must be majority, within 10 days.

Summary Suspension

Investigation shows "clear and immediate threat to public health and safety", Division presents petition for summary suspension.



Board issues summary suspension; hearing to follow within 7 days.

AS 08.01.075(c)

Post-hearing there is a proposed decision (from a judge), requires adoption by board.

License Denial



Board issues or denies license based on Alaska statutes specific to the profession.

Possible hearing if license is denied, proposed decision, and final adoption by board.

Consent Agreement

Investigation Unit presents a Consent Agreement, either before or after an Accusation is filed.



Board may approve or reject.

If board rejects Consent Agreement, further negotiations may follow or a hearing may be held.

Accusation

Investigation informed by the professional opinion of a Reviewing Board Member leads to filing an Accusation; if requested, hearing follows, decision goes to board with proposals for action from both parties, if any.



Board determines whether to accept, reject, or modify proposed decision and determine which sanctions to impose.

AS 08.01.075

Violation of Consent Agreement: Automatic Suspension

Board is informed of violation warranting immediate suspension under terms of Consent Agreement.



Division initiates suspension (per delegated authority) within Consent Agreement. Hearing possible, after which the board considers proposed ALJ decision, and adopts, rejects or amends.

Overview of the Board and Division (Investigation Unit) functions:

The Board or Commission's primary function is that of a regulatory body that makes licensure decisions and monitors compliance with the statute and regulations governing the profession. The professional statutes and regulations are found in centralized statutes of Title 8, and also in the statutes and regulations specific to each board, commission, or occupational area.

Complaints:

All written complaints, or reports, alleging a violation of statute or regulations should provide a specific and detailed summary of the complaint; the complainant must include any documentation or witnesses they feel supports the allegation of wrongdoing and, in healthcare complaints, a release for patient records.

Upon receipt, the complaint and evidence are reviewed by investigators to ensure jurisdiction over the person named in the complaint and the alleged violation by that person. This review takes into account, informal guidelines established by the Board or Commission, and the statutes and regulations of that specific practice area. If the complaint does not appear to allege a violation that is within the Board's jurisdiction, the Division may close the complaint. If the complaint does center on a violation that is within the Board's jurisdiction, an initial letter may be sent to the licensee against whom the complaint is filed. This letter provides notice of the complaint and allegations and may request records, an interview, or other response by the licensee.

Complaints that present an immediate threat to public safety are given priority; however, all complaints are investigated as quickly as possible. The steps taken in the investigation are determined on a case by case basis by the specifics of the allegations. This portion of the investigative process may be quite lengthy and may require additional information or evidence from the complainant, licensee, businesses, other governmental agencies or state boards, witnesses, or related parties.

Inquiry and Investigation:

The Investigators conduct an inquiry into the complaint; generally, the steps for an inquiry include the following:

- obtaining records, documentation and evidence related to the complaint;
- locating and interviewing the complainant, the client, the subject and any witnesses;
- drafting and serving subpoenas for necessary information.

After investigators have gathered pertinent information or evidence to prove or disprove an alleged violation, the matter is reviewed with the Chief Investigator and, when appropriate, the Board or Commission's liaison, a panel of two Board Members, or an expert in the field. This review may result in a recommendation that more information be obtained, the case be closed, or that the case continue forward. The Board's liaison or review panel does not determine guilt or innocence; it simply reviews the complaint to determine whether the allegations, supported by un-contested or sufficient evidence, would warrant proceeding with disciplinary action even if contested by the licensee.

If the complaint is supported by evidence, it proceeds to a case, or investigation. Once an investigation is opened, the licensee is notified they are under official investigation by the Division on behalf of the Board or Commission. This distinguishes between allegations brought against a licensee and a matter where allegations were brought and it was determined the licensee committed a violation of statutes or regulations governing their license. This is an important step because complaints can be unfounded or determined to be unsupported by evidence, and they are closed before becoming an official investigation, protecting the subject of the complaint from unwarranted repercussions in the community or area of practice. If a violation is supported by evidence and the matter proceeds to an investigation, the next step is determining an appropriate result.

Disposition of Cases:

The majority of cases are resolved through a Consent Agreement, an amicable settlement of a case short of a public hearing; this Agreement spells out agreed upon disciplinary action between the Board and the licensee and allows more options in achieving a balanced resolution for both parties.

The Consent Agreement is written by the Division, in consultation with a Reviewing Board or Commission Member; they consider the nature of the violation, the standard in effect at the time it was violated, the effect of the violation on the public and the profession, whether the respondent was knowing and willful, previous violations, whether the licensee was cooperative and took responsibility for the violation, any mitigating circumstances, the disciplinary action's effect on improving the licensee's practices, precedents set by other cases for consistency from case to case, and if appropriate, a necessary deterrent for other practitioners to avoid a similar violation.

Consent Agreements may involve any of the following:

- reprimand
- revocation
- assessment of a civil penalty (fine)
- suspension (for a specific period of time)
- probation
- condition to take additional Continuing Education over and above the annual requirement
- restrictions on practice (some Boards)

If an Agreement with the licensee is unsuccessful, the case is referred to the investigators' counsel, an Assistant Attorney General (AAG), for review and possible litigation, filing an Accusation charging the violations. If an Accusation is filed, the licensee is entitled to a hearing on the charges against them. After guidance from the Board or Commission and the Division, the AAG may approach the licensee to negotiate a settlement prior to a hearing. If a settlement cannot be reached, an administrative hearing will be held. All involved parties may be requested to appear and testify at the hearing, conducted by the Office of Administrative Hearings (OAH). After the hearing, OAH provides the Board or Commission with a proposed decision and order; the Board or Commission may adopt, amend, or reject the proposed decision and issue their own Decision and Order. Any Decision and Order adopted by the Board or Commission may be appealed to the Superior Court by the licensee.

The Division does not intervene in a dispute regarding the fees charged by a licensee. Disciplinary action is considered carefully on a case-by-case basis since the action may adversely affect the licensee reputation and ability to make a living. Therefore, it takes more than a claim of wrongdoing to file a complaint with the Board; the allegation must be substantiated and must be jurisdictional to the statutes and regulations of that Board or practice area.

Confidentiality:

Investigations are required by statute to be kept confidential. This often prevents the complainant, licensee, and the Board from obtaining progress reports or information that may disclose the current status of an open investigation. This also protects the reputation of licensees who may be accused of wrongdoing but the allegations against them are unproven. Cases often involve other agencies, businesses, and practices; disclosing information during an on-going case can compromise the investigation, create conflicts for reviewing Board members, or result in unnecessary hardship to the licensee.

EXECUTIVE SESSION MOTION

Sec. 44.62.310. government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

In accordance with the provisions of Alaska Statute 44.62.310 (c) (1) (2) (3) or (4) [*select appropriate paragraph number above*], I move to go into executive session for the purpose of discussing:

Board staff to remain during the session, *OR* Board only to remain during session.

Off the record at _____.

Example: 1

In accordance with the provisions of AS 44.62.310 (c)(2), I move to go into executive session for the purpose of discussing the license application of (name). Board staff (names) to remain during the session.

Example: 2

In accordance with the provisions of AS 44.62.310(c)(3), I move to go into executive session for the purpose of discussing investigative matters. Board staff (names) to remain during the session.

Item 7

- 15 Minute Break

Item 8

- Public Comment

Public Comment:

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

Item 9

- Regulation Project
 - 12 AAC 28.360 Registry
 - 12 AAC 28.995 Courtesy License
 - 12 AAC 28.015(f) sufficient training in pediatric moderate sedation

12 AAC 28.360. REGISTRY. The board shall maintain a registry of all board approved courses of instruction and all dental hygienists certified to administer local anesthetic agents.

Authority: AS 08.32.110(b)

Sec. 01.10.055. Residency. (a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.

(b) A person demonstrates the intent required under (a) of this section

(1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and

(2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.

(c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory, or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state.

12 AAC 28.955. COURTESY LICENSE. (a) The board will issue a courtesy license to practice dentistry or dental hygiene for only a limited purpose that is approved by the board under (b) of this section to an applicant who meets the requirements of this section. The board will specify the limitations on scope of the approved practice and duration of the courtesy license. A courtesy license does not authorize the licensee to practice dentistry or dental hygiene outside the limited purpose that is specified on the courtesy license.

(b) The board will consider a limited purpose for a courtesy license to be 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.

(c) An applicant for a courtesy license under this section shall submit to the department a completed, notarized application on a form provided by the department. An application must include

- (1) the applicable application and license fees established in 12 AAC 02.190;
- (2) a description of the scope of practice of dentistry or dental hygiene required to perform the duties for which the courtesy license is to be issued; the description must include the practice location, duration of practice, and patient population to be seen; the applicant must demonstrate to the board's satisfaction that the scope of practice of dentistry or dental hygiene is for a limited purpose set out in this section;
- (3) a verification of a current license to practice dentistry or dental hygiene in good standing in another state or other jurisdiction with requirements at least equivalent to those of this state at the time of application under this section and that the licensee is not under investigation in the state or other jurisdiction in which the applicant is licensed; and
- (4) a description in sufficient detail for the board to evaluate the circumstances under which the applicant will be practicing under any courtesy license issued, including the name and license number of the supervising dentist licensed to practice in this state if the applicant is working in a supervised clinic.

(d) A courtesy license issued under this section is nonrenewable and is valid for a period not to exceed either a total of 40 days of practice during a 12-consecutive-month period or the duration of the limited purpose approved under this section for the courtesy license holder, whichever is less. A person will not be issued more than one courtesy license under this section in a 12-month period.

- (e) A courtesy license holder may not use a courtesy license
- (1) for the purposes of locum tenens coverage;
 - (2) to serve in place of a license under AS 08.32 or AS 08.36;
 - (3) for the purposes of employment consideration, if licensure is required under AS 08.32 or AS 08.36; or
 - (4) for receipt of remuneration directly or indirectly for practicing dentistry or dental hygiene requiring licensure under this chapter.

(f) A holder of a courtesy license for dental hygiene may practice only under this section and under the general supervision of a dentist licensed in Alaska.

(g) While practicing under a courtesy license issued under this section, the holder of the courtesy license is obligated to uphold the standards of practice

identified in AS 08.32, AS 08.36, and in this title for the relevant provisions, and is subject to the relevant disciplinary provisions in AS 08.32, AS 08.36 and this title for actions taken or omitted while practicing under the courtesy license.

(h) The board may refuse to issue a courtesy license for the same reasons that it may impose disciplinary sanctions against a licensee under AS 08.32.160, 08.32.165, and AS 08.36.315.

(i) In this section,

(1) “remuneration” does not include reimbursement for actual reasonable expenses incurred for travel, food, and lodging;

(2) “Underserved persons” 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.

From: [Zinn, Sher K \(CED\)](#)
To: (907) 255-4940; [David Nielson](#); [Kovaleski, Thomas](#); [Becky Scheller](#); m_moriarty@yahoo.com; wenzelldo@hotmail.com; [Paula Ross](#); [Gail Walden](#); [Robin Wahto](#)
Cc: [Treston, Amber M \(CED\)](#)
Subject: Pediatric sedation 3 day course
Date: Friday, April 06, 2018 7:41:50 AM
Importance: High

Board Members,

There is a licensee who has asked the board to review a three day pediatric sedation course and approve for the minimal sedation of pediatric patients. He does not want to take the course if the board will not allow it to be used to qualify under the new regulations. In addition this licensee has stated he can document 500 cases of minimal sedation of adults and pediatric patients and asked if the board would consider that as well as the training. He states he only uses valium and triazolam for adults and midazolam syrup for children.

The link to the course is: <https://www.docseducation.com/catalog/pediatric-sedation-dentistry>

Please let me know at your earliest convenience if you would consider this as required under 12 AAC 28.015 (f)

(f) In addition to meeting the requirements of (d) and (g) of this section, an applicant for an initial permit to administer moderate or minimal sedation to a patient who is younger than 13 years of age under this section must provide documentation that the applicant has completed a Commission on Dental Accreditation (CODA) accredited residency in pediatric dentistry or sufficient training in pediatric moderate sedation as determined by the board. The applicant must provide proof of administration of sedation for at least 20 individually managed patients younger than 13 years of age to establish competency and clinical experience in management of a compromised airway.

This is an ambiguous part of the regulations that needs to be clarified by the board. Applicants do not want to submit fees for a moderate sedation without knowing that the courses they took under the highlighted qualifications will be acceptable to the board. It would be to the board's advantage to discuss this at your next meeting and at least come up with guidelines. Licensing staff would then be able to give a general idea of what is acceptable when they have inquiries.

Please respond to me only.

Thank you,
Sher Zinn
Regulation Specialist
State of Alaska
Dept. of Commerce
Corp., Business & Professional Licensing
fax- 907-465-2974

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing.aspx>

Item 10

- Lunch Break

Item 11

- Credential Interviews

**ALASKA BOARD OF DENTAL EXAMINERS
APPLICATION BY CREDENTIALS INTERVIEW CHECKLIST**

Welcome to this meeting of the Alaska Board of Dental Examiners for your personal interview as part of this application process for licensure by credentials.

- _____ 1. Is your dental license in good standing in all jurisdictions in which you have practiced?
- _____ 2. Is everything in your application file up-to-date and accurate?
- _____ 3. Have you been the subject of any disciplinary or peer review proceeding?
- _____ 4. Are you now or have you ever been under investigation for any complaint relating to dental practice?
- _____ 5. Have you ever had a license to practice dentistry suspended, revoked, or have you voluntarily surrendered one?
- _____ 6. Are you the subject of an adverse report from the National Practitioner Data Bank or the American Association of Dental Boards?
- _____ 7. Have you read the American Dental Association's Principles of Ethics and Code of Professional Conduct? Do you understand this document has been adopted as the ethical standards for dental practice in Alaska?
- _____ 8. Do you care to make a statement on any matter that would support your application or to clarify any aspect of your credentials?
- _____ 9. Have you read the dental statutes and regulations for Alaska?
- _____ 10. Do you have any questions regarding the practice of dentistry in Alaska?

Item 12

- Division Update

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Board of Dental Examiners
Schedule of Revenues and Expenditures

	FY 12		FY 13		FY 14		FY 15		FY16		FY17		FY18 1st Qtr
Licensing Revenue	\$	56,206	\$	389,729	\$	75,095	\$	479,846	\$	103,201	\$	686,060	\$ 24,113
Allowable Third Party Reimbursement		-		-		-		-		-		-	-
Total Revenue		56,206		389,729		75,095		479,846		103,201		686,060	24,113
Direct Expenditures													
Personal Services		118,947		176,988		154,086		116,909		132,528		167,345	21,677
Travel		22,787		16,471		12,796		14,040		8,138		5,286	-
Contractual		17,235		128,666		105,918		55,437		17,491		61,412	5,564
Supplies		1,483		1,491		525		1,102		427		846	70
Equipment		-		-		-		-		-		-	-
Total Direct Expenditures		160,452		323,616		273,325		187,488		158,584		234,889	27,311
Indirect Expenditures*		122,053		150,253		108,227		90,087		102,251		186,587	46,647
													-
Total Expenses		282,505		473,869		381,552		277,575		260,835		421,476	73,957
Annual Surplus (Deficit)		(226,299)		(84,140)		(306,457)		202,271		(157,634)		264,584	(49,844)
Beginning Cumulative Surplus (Deficit)		490,477		264,178		180,038		(126,419)		75,852		(81,782)	182,802
Ending Cumulative Surplus (Deficit)	\$	264,178	\$	180,038	\$	(126,419)	\$	75,852	\$	(81,782)	\$	182,802	\$ 132,958

* For the first three quarters, indirect costs are based on the prior fiscal year's total indirect amount on a percent of year completed basis
The 4th quarter board reports reflect the current year's actual indirect expenses allocated to the boards.

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Appropriation	(All)
Budget Fiscal Year	2018
Activity Code	DEN1

Object Code	Object Name	Sum of Expenditures
1011	Regular Compensation	12,792
1014	Overtime	9
1023	Leave Taken	126
1028	Alaska Supplemental Benefit	794
1029	Public Employee's Retirement System Defined Benefits	1,012
1030	Public Employee's Retirement System Defined Contribution	430
1034	Public Employee's Retirement System Defined Cont Health Reim	361
1035	Public Employee's Retirement Sys Defined Cont Retiree Medical	86
1037	Public Employee's Retirement Sys Defined Benefit Unfnd Liab	956
1039	Unemployment Insurance	42
1040	Group Health Insurance	4,276
1041	Basic Life and Travel	7
1042	Worker's Compensation Insurance	122
1047	Leave Cash In Employer Charge	298
1048	Terminal Leave Employer Charge	155
1053	Medicare Tax	178
1077	ASEA Legal Trust	23
1079	ASEA Injury Leave Usage	12
3002	Memberships	5,385
3044	Courier	4
3046	Advertising	75
3057	Structure, Infrastructure and Land - Rentals/Leases	21
3067	Honorariums/Stipend	80
4001	Equipment/Furniture/Tools/Vehicles	14
4005	Subscriptions	56
Grand Total		27,311

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Board of Dental Examiners
Schedule of Revenues and Expenditures

	FY 12		FY 13		FY 14		FY 15		FY16		FY17		FY18 1st & 2nd Qtr	
Licensing Revenue	\$	56,206	\$	389,729	\$	75,095	\$	479,846	\$	103,201	\$	686,060	\$	49,773
Allowable Third Party Reimbursement		-		-		-		-		-		-	\$	-
Total Revenue		56,206		389,729		75,095		479,846		103,201		686,060		49,773
Direct Expenditures														
Personal Services		118,947		176,988		154,086		116,909		132,528		167,345		83,673
Travel		22,787		16,471		12,796		14,040		8,138		5,286		80
Contractual		17,235		128,666		105,918		55,437		17,491		61,412		11,636
Supplies		1,483		1,491		525		1,102		427		846		104
Equipment		-		-		-		-		-		-		-
Total Direct Expenditures		160,452		323,616		273,325		187,488		158,584		234,889		95,492
Indirect Expenditures*		122,053		150,253		108,227		90,087		102,251		186,587		93,294
														-
Total Expenses		282,505		473,869		381,552		277,575		260,835		421,476		188,786
Annual Surplus (Deficit)		(226,299)		(84,140)		(306,457)		202,271		(157,634)		264,584		(139,013)
Beginning Cumulative Surplus (Deficit)		490,477		264,178		180,038		(126,419)		75,852		(81,782)		182,802
Ending Cumulative Surplus (Deficit)	\$	264,178	\$	180,038	\$	(126,419)	\$	75,852	\$	(81,782)	\$	182,802	\$	43,789

*Due to changes in calculation methodology in the new payroll system, Personal Services for the first and second quarters of FY18 are estimated at 50% of FY17 expenses. They will be reconciled as actuals in FY18 third quarter reports.

** For the first three quarters, indirect costs are based on the prior fiscal year's total indirect amount on a percent of year completed basis

Appropriation	(All)
PL Budget Fiscal Year	2018
Activity Code	DEN1

Sum of Expenditures		Object Type		
Object Code	Object Name	2000 - Travel	3000 - Services	4000 - Commodities
2009	In-State Non-Employee Taxable Per Diem	80		
3002	Memberships		5,385	
3035	Long Distance		21	
3044	Courier		11	
3045	Postage		59	
3046	Advertising		116	
3057	Structure, Infrastructure and Land - Rentals/Leases		42	
3067	Honorariums/Stipend		80	
3088	Inter-Agency Legal		5,557	
3094	Inter-Agency Hearing/Mediation		365	
4001	Equipment/Furniture/Tools/Vehicles			14
4005	Subscriptions			90
Grand Total		80	11,636	104

Item 13

- Annual Report

Annual Report

Fiscal Year 2017

BOARD OF DENTAL EXAMINERS



**DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING**

This annual performance report is presented in accordance with
Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the
past and present needs of the licensing program.

**BOARD OF DENTAL EXAMINERS
FY 2017 Annual Report**

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**BOARD OF DENTAL EXAMINERS
FY 2017 Annual Report**

Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
Thomas Wells, DDS Dentist	Anchorage	Mar 01, 2010	Mar 01, 2018
Thomas Kovaleski, DDS Dentist	Chugiak	Mar 01, 2011	Mar 01, 2019
Robyn Chaney Public Member	Dillingham	Mar 01, 2009	Mar 01, 2017
Michael Moriarty, DDS Dentist	Seward	Oct 01, 2015	Mar 01, 2021
David Nielson, DDS Dentist	Anchorage	Mar 01, 2015	Mar 01, 2019
Paula Ross, RDH Dental Hygienist	Anchorage	Mar 01, 2015	Mar 01, 2019
Steven Scheller, DDS Dentist	Fairbanks	Mar 01, 2013	Mar 01, 2021
Paul Silveira, DMD Dentist	Valdez	Mar 01, 2011	Mar 01, 2019
Gail Walden, RDH, BSDH Dental Hygienist	Wasilla	Mar 01, 2013	Mar 01, 2021

**BOARD OF DENTAL EXAMINERS
FY 2017 Annual Report**

Identification of Staff

Jedediah A. Smith – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2542

Sher Zinn – Records and Licensing Supervisor

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-3262

Jasmin Bautista – Investigator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
550 W. 7th Ave.
Anchorage, AK 99501
(907) 465-2550

Jun Maiquis – Regulations Specialist

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2537

**BOARD OF DENTAL EXAMINERS
FY 2017 Annual Report**

Narrative Statement

This year the Alaska Board of Dental Examiners held meetings on: September 23, 2016; December 9, 2016; February 24, 2017; and April 28, 2017. Teleconference meetings were held on September 16, 2016; November 4, 2016; and February 17, 2017. Dr. Steven Scheller, Ms. Gail Walden and Dr. Michael Moriarty were reappointed for four-year terms ending March 1, 2021.

Jedediah Smith has been appointed as Licensing Examiner for the Dental Board and has done an admirable job. We would like to thank Records & Licensing Supervisor, Sher Zinn for performing as the licensing examiner during the interim period without a permanent dental licensing examiner.

To address the issue of a single licensing exam on a national level, the Board invited representatives from three national testing agencies to address the Board. Presentations were made by representatives from ADEX and SRTA on February 24, 2017. Representatives from WREB will make their presentation later this year.

The entire Board spent hours drafting current and up-to-date regulations for IV sedation and general anesthesia. This has been a six-year project and has been submitted for 30 day public comment periods on two occasions.

The Board is now addressing the requirements of Senate Bill 74 concerning opioid prescriptions and usage. The radiology inspections are also being addressed by the current Board.

All Board meetings have had dentists and non-dentists at the open meetings and the Board welcomes their comments and participation.

I would like to thank Sher Zinn, Jun Maiquis, Angela Birt, Jasmine Bautista, Megyn Greider, Sara Chambers, Janey Hovenden and Jedediah Smith for their support and guidance as the Board attempts to perform their duties in an efficient and judicious manner.

Sincerely,

Thomas J. Wells DDS, MS
President, Alaska Board of Dental Examiners

BOARD OF DENTAL EXAMINERS
Fiscal Year 2017 Annual Report

Budget Recommendations for FY 2018

The Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

#1 Rank

(Rank Board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
August 18 th , 2017	Teleconference	9	1
<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input checked="" type="checkbox"/> Other: Per diems and Incidentals			
Total Estimated Cost:			\$200.00

#2 Rank

(Rank Board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
December 8 th , 2017	Anchorage, AK	9	1
<input checked="" type="checkbox"/> Airfare:			
			\$1,800.00
<input checked="" type="checkbox"/> Hotel:			
			\$600.00
<input checked="" type="checkbox"/> Ground:			
			\$250.00
<input checked="" type="checkbox"/> Other: Per diems and Incidentals			
			\$600.00
Total Estimated Cost:			\$3,250.00

#3 Rank

(Rank Board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
February, 2018	Teleconference	9	1
<input type="checkbox"/> Airfare:			
			\$0.00
<input type="checkbox"/> Hotel:			
			\$0.00
<input type="checkbox"/> Ground:			
			\$0.00
<input checked="" type="checkbox"/> Other: Per diems and Incidentals			
			\$200.00
Total Estimated Cost:			\$200.00

BOARD OF DENTAL EXAMINERS
Fiscal Year 2017 Annual Report

Budget Recommendations for FY 2018

#4 Rank

(Rank Board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
April, 2018	Anchorage	9	1
<input checked="" type="checkbox"/> Airfare:			\$1,800.00
<input checked="" type="checkbox"/> Hotel:			\$600.00
<input checked="" type="checkbox"/> Ground:			\$250.00
<input checked="" type="checkbox"/> Other: Per diems and Incidentals			\$600.00
Total Estimated Cost:			\$3,250.00

#5 Rank

(Rank Board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
TDB	Teleconference	9	1
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other: Per diems and Incidentals			\$200.00
Total Estimated Cost:			\$200.00

#6 Rank

(Rank Board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
TBD	Teleconference	9	1
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other: Per diems and Incidentals			\$200.00
Total Estimated Cost:			\$200.00

BOARD OF DENTAL EXAMINERS
Fiscal Year 2017 Annual Report

Budget Recommendations for FY 2018 (continued)

Travel Required to Perform Examinations

☒ Not applicable

Date	Location	# Board	# Staff
Description of meeting and its role in supporting the mission of the Board: <div> <input type="checkbox"/> Airfare: \$0.00 <input type="checkbox"/> Hotel: \$0.00 <input type="checkbox"/> Ground: \$0.00 <input type="checkbox"/> Conference: \$0.00 <input type="checkbox"/> Other: \$0.00 </div> Total Estimated Cost: \$0.00			

Out-of-State Meetings and Additional In-State Travel

Date	Location	# Board	# Staff	
October 17-23, 2017	Atlanta, GA	1	0	
Description of meeting and its role in supporting the mission of the Board:				
AADB and ADA annual meeting. Membership in the AADB provides a national forum for exchange, development and dissemination of information to assist dental regulatory Boards with their obligation to protect the public.				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$0.00	\$0.00	\$800.00	\$800.00
<input checked="" type="checkbox"/> Hotel:	\$0.00	\$600.00	\$0.00	\$600.00
<input checked="" type="checkbox"/> Ground:	\$0.00	\$200.00	\$0.00	\$200.00
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Other	\$200.00	\$0.00	\$0.00	\$200.00
Describe "Other" (break out all sections): Per diems and incidentals				
Net Total Estimated Cost:				\$1,800.00

Out-of-State Meetings and Additional In-State Travel				
Date	Location	# Board	# Staff	
April, 2018	Chicago, IL	1	0	
Description of meeting and its role in supporting the mission of the Board: AADB mid-year meeting. Membership in the AADB provides a national forum for exchange, development and dissemination of information to assist dental regulatory Boards with their obligation to protect the public.				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$0.00	\$0.00	\$800.00	\$800.00
<input checked="" type="checkbox"/> Hotel:	\$0.00	\$300.00	\$0.00	\$300.00
<input checked="" type="checkbox"/> Ground:	\$0.00	\$100.00	\$0.00	\$100.00
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Other	\$0.00	\$150.00	\$0.00	\$150.00
Describe "Other" (break out all sections): Per diems and Incidentals				
Net Total Estimated Cost:				\$1,350.00

Out-of-State Meetings and Additional In-State Travel				
Date	Location	# Board	# Staff	
February, 2018	Phoenix, AZ	1		
Description of meeting and its role in supporting the mission of the Board: Dental Education Review Board.				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$0.00	\$0.00	\$800.00	\$800.00
<input checked="" type="checkbox"/> Hotel:	\$0.00	\$250.00	\$0.00	\$250.00
<input checked="" type="checkbox"/> Ground:	\$0.00	\$50.00	\$0.00	\$50.00
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00
<input type="checkbox"/> Other	\$0.00	\$0.00	\$0.00	\$0.00
Describe "Other" (break out all sections):				
Net Total Estimated Cost:				\$1,100.00

BOARD OF DENTAL EXAMINERS**Fiscal Year 2017 Annual Report****Budget Recommendations for FY 2018 (continued)****Non-Travel Budget Requests**☐ Not Applicable☐ Resources☐ Examinations☒ Membership☐ Training☐ Other

Product or Service	Provider	Cost Per Event
AADB Membership	American Association of Dental Boards	\$5,385.00

Description of item and its role in supporting the mission of the Board:

Nationwide association providing Continuing Education, Information Networking and Exchange, Publications and Databases, Assessment Services, Advocacy, and Representation.

Other Items with a Fiscal Impact

Product or Service	Provider	Cost Per Event
NPDB Continuous Query	National Practitioners Databank	\$2,768.00

Description of item and its role in supporting the mission of the Board:

NPDB Continuous Query provides the Board Examiner with a report should any licensee be disciplined in another state. This will increase public protection and give the Board an early warning system.

Summary of FY 2018 Fiscal Requests

Board Meetings and Teleconferences:	\$7,300.00
Travel for Exams:	\$0.00
Out-of-State and Additional In-State Travel:	\$4,250.00
Dues, Memberships, Resources, Training:	\$5,385.00
Total Potential Third-Party Offsets:	\$0.00
Other:	\$2,768.00
Total Requested:	\$19,703.00

BOARD OF DENTAL EXAMINERS
Fiscal Year 2017 Annual Report

Recommendations for Proposed Legislation for FY 2018

- ☒ **No Recommendations**
The Board has no recommendations for proposed legislation at this time.

- ☐ **Recommendations**
The Board has the following recommendations for proposed legislation:

BOARD OF DENTAL EXAMINERS

Fiscal Year 2017 Annual Report

Regulation Recommendations for FY 2018

☐ **No Recommendations**

The Board has no recommendations for proposed regulations at this time.

☒ **Recommendations**

The Board has the following recommendations for proposed regulations:

- 12 AAC 28.005 GENERAL PROVISIONS, Establishes requirements for administering moderate sedation, deep sedation, or general anesthesia by a dentist.
- 12 AAC 28.010 PERMIT REQUIREMENTS FOR USE OF ANESTHETIC AGENTS, Alter the title to read "Permit requirements for deep sedation and general anesthesia" and amend the permit requirements for deep sedation and general anesthesia.
- 12 AAC 28.015 PERMIT REQUIREMENTS FOR MODERATE SEDATION, Establishes requirements for administering moderate sedation in a dental office or clinic by a dentist and obtaining a permit to administer moderate sedation.
- 12AAC 28.030 OTHER THAN PERMIT HOLDERS, Is proposed to alter provisions as to who may administer moderate, deep sedation, or general anesthesia other than permit holder.
- 12 AAC 28.040 WRITTEN CONSENT, **REPEAL**
- 12AAC 28.050 MEDICAL HISTORY, **REPEAL**
- 12AAC 28.060 REQUIREMENTS FOR ADMINISTERING GENERAL ANESTHETIC, **REPEAL**.
- 12AAC 28.065 EXPIRATION AND RENEWAL OF PERMITS, Establishes expiration and renewal permit requirements to administer moderate sedation, deep sedation, and general anesthesia by a dentist.
- 12 AAC 28.070 SUSPENSION OR REVOCATION OF PERMIT, To alter provisions related to suspension or revocation of a permit to administer moderate sedation, deep sedation, or general sedation.
- 12 AAC 28.075 ON-SITE INSPECTIONS, Establishes on-site inspection requirements by the Board or its designated representative to assess competence and or compliance.
- 12AAC 28.350 EXPIRATION AND RENEWAL OF CERTIFICATION, Alter section title to read "Local anesthesia certification," and to amend the provisions related to certification to administer local anesthetic agents by a dental hygienist, as well as provisions for revocation.
- 12 AAC 28.600 ADMINISTRATION OF PARENTERAL SEDATION, **REPEAL**
- 12AAC28.610 PARENTERAL SEDATION PERMIT, **REPEAL**
- 12AAC 28.620 EDUCATION, TRAINING, AND CERTIFICATION REQUIREMENTS, **REPEAL**
- 12AAC 28.630 EQUIPMENT, FACILITIES, AND STAFF STANDARDS, **REPEAL**
- 12AAC 28.640 MANDATORY REPORTING, **REPEAL**
- 12AAC 28.650 APPLICATION TO ADMINISTER NITROUS OXIDE SEDATION, Establishes regulations for administration of nitrous oxide sedation by a dental hygienist.
- 12AAC 28.655 APPROVAL OF COURSE OF INSTRUCTION, Addresses Board approval of a course of instruction in administration of nitrous oxide sedation.
- 12AAC 28.660 REQUIREMENTS FOR COURSE OF INSTRUCTION IN NITROUS OXIDE SEDATION, Establishes requirements for course of instruction for administering nitrous oxide sedation.
- 12AAC 28.665 NITROUS OXIDE SEDATION CERTIFICATION, Establishes requirements for certification and revocation to administer nitrous oxide sedation by a dental hygienist.
- 12AAC 28.670 REGISTRY, Establishes registry of all Board approved courses of instruction and all dental hygienists certified to administer nitrous oxide sedation.
- 12AAC 28.720 ADMINISTRATION OF NITROUS OXIDE, **REPEALED**
- 12AAC 28.903 MANDATORY REPORTING, Establishes mandatory reporting of incidents to the Board.
- 12AAC 28.990 DEFINITIONS. Further define terms used in AS 08.32, AS 08.36, and 12 AAC 28.

BOARD OF DENTAL EXAMINERS

Fiscal Year 2017 Annual Report

Goals and Objectives

Part I

FY 2017's goals and objectives, and how they were met:

1. Be involved in the implementation of SB 74 for expansion of telemedicine/tele-health, prescription drug monitoring, and reporting.

Representative from Board attended meetings and provided input for bills SB79/ HB159, "An act relating to the prescription of opioids." Now awaiting legislative action. Board member has testified at hearing.

2. Evaluate clinical examination options available to dental and dental hygiene candidates.

Board has met with ADEX, SRTA, CRDTS, and soon to meet with WREB.

3. Hold licensees accountable to practice ownership statutes and the guidelines of the ADA code of Ethics regarding advertising.

Working with department to find ways for the Board to communicate concerns with licensee.

4. Finalize sedation regulations and work toward implementing onsite inspections.

Awaiting second round of public comment. Regulations are with regulation specialist.

5. Continue communications with the Department of Law and work closely with the Attorney General's office to improve procedures for investigations, disciplinary actions, and licensing.

The Board works with the division at all meetings to work toward efficient investigations. Currently we are working on a spreadsheet to establish consistency amongst various disciplinary actions.

6. Continue to pursue a better relationship with the legislative branch of the state government for the purpose of improving communications on issues affecting the health of the public.

Board actively reviews proposed legislations and communicates with the legislators involved.

7. Inform dental professionals in our state of current issues before the Board that impact practice and public safety.

Public comment is encouraged during the regulation process.

8. Review current radiology regulations and make recommendations for changes to improve process.

This goal is ongoing. The Board sent a letter to Rep. Tuck representing HB 89, "An act requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology."

BOARD OF DENTAL EXAMINERS
Fiscal Year 2017 Annual Report

Goals and Objectives

Part II

FY 2018's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

1. Be involved in the implementation of SB79/HB159 for expansion of prescription drug monitoring and reporting to include the adoption of regulations for initial and renewal licensure that will require a licensee to complete continuing education in pain management and opioid addiction.
2. Continue to review current radiology regulations and make recommendations for changes to improve process.
3. Finalize sedation regulations and work toward implementing on-site inspections.
4. Continue any unfinished regulation changes for the FY2017.
5. Continue to evaluate clinical examination options available to dental and dental hygiene candidates.
6. Hold licensees accountable to practice ownership statutes and the guidelines of the ADA Code of Ethics regarding advertising.
7. Continue communications with the Department of Law and work closely with the Attorney General's office to improve procedures for investigations, disciplinary actions, and licensing.
8. Continue to pursue a better relationship with the legislative branch of the state government for the purpose of improving communications on issues affecting the health of the public.
9. Inform dental professionals in our state of current issues before the Board that impact practice and public safety.
10. Enhance or reword the statutes concerning the denial or revocation of a licensee who has a felony conviction.
11. Establish a processing fee to hold a contract between a dentist and a CRNA.
12. Establish a penalty/violation matrix for Board members to reference. The matrix will help Board members be more consistent making decisions on discipline/penalties.
13. Utilize the Dental Exchange Continuing Education Tracker when performing audits of dental and dental hygiene licensees at renewal.
14. Utilize the NPDB Continuous Query to monitor adverse reports or action taken on a licensee in Alaska or other states.

BOARD OF DENTAL EXAMINERS
Fiscal Year 2017 Annual Report

Sunset Audit Recommendations

Date of Last Legislative Audit: 9/30/2010
Board Sunset Date: 6/30/2019

Audit Recommendation: CDBPL's chief investigator should take steps to ensure complaints and cases are investigated timely.

Action Taken: A permanent Chief Investigator was hired, and a full time investigator was assigned to the Dental Board. The investigative staff has worked diligently to investigate complaints and cases in a timelier manner.

Next Steps:

Date Completed: Action completed 2012.

Item 14

- FAQ Page and new JP exam

NEW REGULATIONS FOR DENTAL HYGIENISTS EFFECTIVE 4/14/18

New regulations for nitrous oxide and local anesthesia will take effect 04/14/2018.

1. Dental Hygienists will be required to obtain a Nitrous Oxide certificate to administer nitrous oxide to patients. The application to apply will be available 4/13/18 on the Dental Board website under Applications and Forms.
2. The Nitrous Oxide certification has a one-time application fee and permit fee. The certification does not lapse or expire until your dental hygiene license lapses or expires. This means you will not be required to renew the certificate when you renew your dental hygiene license by 2/28/2019, or any subsequent renewal period.
3. If you hold a Local Anesthesia certificate, the renewal requirements have also changed for this certification. You will not be required to renew your Local Anesthesia certificate when your dental hygiene license renews by 2/28/19. The certification does not lapse or expire until your dental hygiene license lapses or expires.

No additional continuing education will be required for renewal of a dental hygienist license.

DENTIST NEW SEDATION REGULATIONS EFFECTIVE 4/14/18

New regulations regarding general anesthesia, deep sedation, moderate sedation and minimal sedation for patients younger than 13 years of age will take effect 4/14/18.

What do the new regulations require?

1. Dentists who provide moderate or minimal sedation (oral) to patients younger than 13 years of age are required to obtain a moderate sedation permit starting 4/14/18. See the application and instructions for training requirements. 12 AAC 28.015(a).
2. Licensees with a General Anesthesia permit will be issued a new permit titled Deep Sedation or General Anesthesia. New permits will be mailed on or after 4/16/18.
3. Licensees with a current Parenteral Sedation permit will be issued a new permit titled Moderate Sedation. New permits will be mailed on or after 4/16/18. 12 AAC 28.015(i)
4. Those not currently holding a parenteral sedation permit must apply for a moderate sedation permit and provide additional documentation. 12 AAC 28.015(g) and (h)
5. A dentist may have an agreement with a certified registered nurse anesthetist or licensed physician to administer the sedation. The dentist employing or collaborating with another person must establish a written agreement with that person and provide it to the board. An application for the agreement will be available on the website 4/2/18. See 12 AAC 28.030 for more information.
6. On or after March 1, 2019, new continuing education requirements are required for renewal if you hold a Deep Sedation or General Anesthesia permit. The CE's may be counted toward the total number of CE's for renewal.
 - a. During each biennial licensing period participate in four or more contact hours of continuing education that relates specifically to hands-on advanced airway management or general anesthesia; if the permit holder provides anesthesia for patients younger than 13 years of age, the course must be a pediatric course.
 - b. During each biennial licensing period participate in eight contact hours of continuing education that focuses on one or more of the following;
 - Physical evaluation
 - Medical emergencies
 - Monitoring and use of monitoring equipment
 - Pharmacology of drugs and agents used in deep sedation and general anesthesia
 - c. Complete at least 50 general anesthesia or deep sedation cases each biennial licensing period.
7. On or after March 1, 2019, new continuing education requirements are required for renewal if you hold a Moderate Sedation permit. The CE's may be counted toward the total number of CE's for renewal.
 - a. During each biennial licensing period participate in four or more contact hours of continuing education that relates specifically to hands-on advanced airway management; if the permit holder provides moderate or minimal sedation for patients younger than 13 years of age, the course must be a pediatric course; contact

hours earned from certification in health care provider basic life support (BLS), advanced cardiac life support (ACLS), and pediatric advanced life support (PALS) courses may be used to meet the continuing education requirements for renewing a permit.

- b. During each biennial licensing period participate in four contact hours of continuing education that focuses on one or more of the following;
 - Venipuncture
 - Intravenous sedation
 - Enteral sedation
 - Physiology
 - Pharmacology
 - Nitrous oxide analgesia
 - Patient evaluation, patient monitoring, or medical emergencies
 - c. Complete at least 25 moderate sedation cases each biennial renewal period.
8. New applicant requirements have changed for the Deep Sedation or General Anesthesia or Moderate Sedation permits. The applications will be available on the Board's website 4/2/18.
 9. There are additional requirements for:
 - a. medical history's
 - b. informed consent
 - c. facility standards
 - d. requirements specific to patients younger than 13 years of age, and
 - e. requirements specific to administering deep sedation or general anesthesia
 - f. mandatory reporting
 - g. on-site inspection of facility.
- **Dental hygienists must hold a certification to administer nitrous oxide beginning April 14, 2018.** Applications will be available online April 13, 2018, and processing will be expedited. While certification is required, board investigators will not be proactively checking hygienists for certification until August 1, 2018.
 - **Dentists must hold a permit to administer all types of sedation and general anesthesia beginning April 14, 2018.** Applications are currently available online, and processing will be expedited. While the permit is required, board investigators will not be proactively checking dentists for certification until August 1, 2018. Dentists who hold a parenteral sedation permit prior to April 14, 2018, will automatically be issued a moderate sedation permit.

Additional information for moderate or minimal sedation of patients younger than 13 years of age:

- **WHEN CURRENT PERMIT-HOLDERS MUST PROVE MORE:** On or after March 1, 2019, dentists wishing to renew this permit and who provide this sedation to patients under 13 must provide proof of meeting the additional requirements. 12 AAC 28.015(h)

Item 15

- Application by Examination or Credentials

12 AAC 28.940. DENTAL LICENSURE BY EXAMINATION. (a) The board will issue a license by examination to practice dentistry to an applicant who meets the requirements of AS 08.36.110 and this section.

(b) An applicant for a license under this section shall submit

- (1) a complete, notarized application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.190;
- (3) an affidavit by the applicant stating the applicant is not an impaired practitioner;
- (4) as required under 12 AAC 28.908(b), a statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(b);
- (5) an authorization from the applicant for release of the applicant's records to the department;
- (6) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental licenses that the applicant holds or has ever held in any jurisdiction;

- (7) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques that meets the requirements of 12 AAC 28.920;

- (8) a copy of the applicant's certificate

(A) of examination from the Western Regional Examining Board (WREB) showing that the applicant has passed the clinical examination conducted by WREB within the five years immediately preceding the date of application; or

(B) showing successful completion of a two-year or more postgraduate training program approved by the Commission on Dental Accreditation of the American Dental Association, and evidence of having five years of continuous clinical practice with an average of 20 hours per week, immediately preceding the date of application; for purposes of the clinical practice requirements of this subparagraph, clinical practice may include dental school; and

- (9) a copy of the applicant's certificate of examination from the American Dental Association Joint Commission on National Dental Examinations, verifying successful passage of the National Board of Dental Examinations Part 1 and Part II.

(c) In addition to the requirements of (a) and (b) of this section, an applicant for licensure by examination must pass the written Alaska jurisprudence examination authorized under AS 08.36.110 and conducted by the board with a passing score of at least 70 percent.

(d) In addition to the requirements of (a) ☐ (c) of this section, an applicant who has not previously held a dental license in any jurisdiction before

the 90 days immediately preceding the date of application or in any foreign country, shall arrange for and ensure the submission of the results of a level III Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS.

(e) In addition to the requirements of (a) ☐ (c) of this section, an applicant who has ever been licensed in a jurisdiction before the 90 days immediately preceding the date of application or has ever been licensed to practice dentistry in a foreign country shall submit

(1) the results of a level II Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS;

(2) verification of the status of the applicant's registration with the Drug Enforcement Administration (DEA), sent directly to the department from DEA, even if the applicant is not currently registered with the DEA; and

(3) verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental license.

(f) Notwithstanding other provisions of this section, the board will issue a license to practice dentistry to an applicant who

(1) held an active Alaska dental specialty license from this state in 2012;

(2) meets the requirements of AS 08.36.110 and (b)(1) – (7) of this section; and

(3) provides a copy of the applicant's certificate of examination from the American Dental Association Joint Commission on National Dental Examinations that the applicant has successfully passed the written examinations given by the commission.

Authority: AS 08.36.070 AS 08.36.110

Editor's note: Information regarding the examination required under 12 AAC 28.940(b)(8) may be obtained from the Western Regional Examining Board (WREB), 2400 West Dunlap Avenue, Suite 155, Phoenix, AZ, 85021- 2826; telephone: (602) 944-3315, or the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box

110806, Juneau, AK 99811-0806. An application for a Professional Background Information Services (PBIS) credentials review required under 12 AAC 28.940(c) may be obtained from PBIS, 23460 North 19th Avenue, Suite 225, Phoenix, Arizona, 85027; telephone: (602) 861-5867.

12 AAC 28.950. CESSATION OF LICENSING BY CREDENTIALS. Repealed 2/18/93.

12 AAC 28.951. DENTAL LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice dentistry to an applicant who meets the requirements of AS 08.36.110, 08.36.234, and this section.

(b) An applicant for a license under this section shall submit to the department

(1) a complete, notarized application on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.190;

(3) an authorization from the applicant for release of the applicant's records to the department;

(4) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental licenses that the applicant holds or has ever held in any jurisdiction;

(5) verification of the status of the applicant's registration with the Drug Enforcement Administration (DEA), sent directly to the department from DEA, even if the applicant is not currently registered with the DEA; and

(6) copies of certificates showing the applicant has completed 48 hours of continuing education during the three years immediately preceding the date of application as required under 12 AAC 28.410.

(c) In addition to the requirements of (a) and (b) of this section, an applicant for a license under this section shall arrange for and ensure submission of the results of a level II Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS. The credential review must include

(1) repealed 12/15/2013;

(2) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques that meets the requirements of 12 AAC 28.920;

(3) a copy of the applicant's certificate of examination documenting graduation from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its

successor agency, and a copy of the applicant's certificate from the American Dental Association Joint Commission on National Dental Examination that the applicant has passed the written examination given by the commission;

(4) an affidavit from the applicant stating the applicant is not impaired to an extent that affects the applicant's ability to practice dentistry;

(5) as required under 12 AAC 28.908(b), a statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(b);

(6) an affidavit from the applicant documenting that during the five years immediately preceding application

(A) the dates and locations where the applicant has practiced dentistry;

(B) the applicant has been in active clinical practice documenting at least 5,000 hours; (7) repealed 3/11/2016;

(8) if the applicant is or has ever been employed as a dentist with a federal agency, verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed;

(9) a certification from the applicable licensing jurisdiction or testing agency, that verifies that a state, territory, or region of the United States where the applicant passed a written and clinical dental examination and has been licensed to practice dentistry has, at the time the applicant applies for licensure by credentials in this state, licensing requirements at least generally equivalent to those of this state;

(10) verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental license;

(11) affidavits from three licensed dentists documenting the applicant has been in active clinical practice for at least 5,000 hours during the five years immediately preceding the date of application;

(12) three professional references from licensed dentists that reflect clinical skills that meet the standard of care, ability to exercise sound professional judgment, and professional ethics that meet the code established by the American Dental Association's *Principles of Ethics and Code of Professional Conduct* adopted by reference in 12 AAC

28.905(b).

(d) In addition to the requirements of this section, an applicant for a dental license must document completion of the jurisprudence examination prepared by the board, covering the provisions of AS 08.32, AS 08.36, and this chapter relating to the practice of dentistry, with a passing score of at least 70 percent.

(e) To determine whether the examination portion of the licensing requirements of another jurisdiction are generally equivalent to those of this state, the examinations for licensure in that jurisdiction must include at least six of the following subject areas and their components or characteristics:

- (1) periodontics; clinical abilities testing;
- (2) endodontics; clinical abilities testing;
- (3) amalgam; clinical abilities testing;
- (4) cast gold; clinical abilities testing;
- (5) prosthetics; written or clinical abilities testing;
- (6) oral diagnosis; written or clinical abilities testing;
- (7) other restorative procedure; clinical abilities testing;
- (8) standardization and calibration of examiners and anonymity between candidates and grading examiners.

(f) If the licensing requirements of another jurisdiction are determined to not be generally equivalent to those of this state because a subject area specified in (e)(1) – (7) of this section was not included in the other jurisdiction's licensing examination, the board will determine if the applicant meets the requirements for that subject area.

(g) The personal interview of the applicant required in AS 08.36.234(d) will be scheduled as provided in 12 AAC 28.915.

- (h) In this section, "clinical abilities testing" means an examination that
- (1) evaluates a candidate's performance of a procedure or portion of a procedure;
 - (2) is conducted for the purpose of demonstrating an acceptable level of practical skill in a subject; and
 - (3) uses a live patient, laboratory simulation, or interactive computer simulation.

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

Editor's note: An application for a Professional Background Information Services (PBIS) credential review under 12 AAC 28.951(c) may be obtained from PBIS, 23460 North 19th Avenue, Suite 225, Phoenix, Arizona, 85027; telephone: (602) 861-5867.

Item 16

- Old/New Business
 - Penalty Matrix
 - If a doctor is supervising a resident doing sedations can this case be counted towards their 25 documented cases to be provided to the board for review?

Adams, Karen; case # 2011-000821

- Date Adopted: 9/6/2013
- Violations: 08.36.315(2)
- Penalties: One year probation, \$2,000 civil fine, Public Reprimand

Burns, Troy; case # 1200-08-002 and 1200-09-002

- Date adopted: 12/6/2012
- Violations: 08.36.315(6) and 08.36.315(8)(A) multiple previous violations (1999 and 2007)
- Summary suspension and surrender of licensure

Hillis, Robert; case # DE 87-182 and DE 89L-39

- Date Adopted: 8/16/1991
- Violations: 08.36.315(2)
- Penalties: 3 year probation, practice restriction,

File no. 1200-88-001

- Date adopted: 5/12/1993
- Violations: 08.01.075, 08.36.315, Stipulation and Order from previous agreement.
- Penalties: probation extension of 30 days, \$1000 fine

Lockwood, Glenn; Case # 2011-000194 and 2013-001964

- Date adopted: 12/5/2013
- Violations: 08.01.075, 08.36.070(a)(4), 08.36.100, 08.36.315(1), (2), (3), (5), (7), and 08.36.317, 08.36.360(1), (5), and 08.36.367
- Penalties: 3 year suspension with 5 years' probation upon reinstatement. \$5,000 fine with \$4,000 suspended. Public reprimand. 8 hours required training in Ethics

Nelson, David; case # 2010-0001091, 2012-000779, 2013-000748

- Date adopted: 12/4/2013
- Violations: 08.36.315(6), 08.36.315(8)(A)
- Penalties: Suspension of license; voluntarily surrendered

Ness, Douglas; case # 1200-02-016

- Date Adopted: 12/2/2004
- Violations: 08.01.075, 08.36.315(6), 12 AAC 28.905(b), ADA Principles of Ethics and Code of Professional Conduct, Section 2B
- Penalties: 6 month suspension, 5 months held in abeyance until completion of 5 year probation. 1 month of suspension split into 2 two week periods. Restriction from performing "distraction osteogenesis surgery" or "DOS". \$25,000 fine. Public Reprimand. 40 hours of CE Good faith and violation agreements.

Simpson, Jeb; case # 1202-08-002

- Date Adopted: 12/12/2008
- Violations: 08.32.071 – 12 AAC28.400 through 12 AAC 28.420 – 4.55 credits short on audit
- Penalties: \$2910 fine, \$2000 stayed. Meet CE requirements. Mandatory audit for next 2 licensing periods. Additional penalties if any additional violation of law or agreement is found.

Case # 2013-000022

- Date Adopted: 2/8/2013

- Violations: 08.32.160(5)
- Penalties: \$500 fine.

Brookshire, Scott; case # 2011-000488

- Date adopted: 12/2/2011
- Violations: 12 AAC 28.400 – 12 AAC 28.420 failed audit
- Penalties: \$5000 fine, \$2500 suspended. Mandatory completion of additional 22 hours of CE. Inclusion in next 2 CE audits. Public reprimand.

Cline, Darrell; Case # 1200-93-3

- Date Adopted: 11/12/1993
- Violations: 08.36.315(2) 08.36.315(4) 08.36.315(5) 08.36.315(7)(A) 46 counts total
- Penalties: revoked license, surrendered voluntarily

Day, Richard; case # 2012-001583

- Date Adopted: 2/22/2013
- Violations: 08.36.315(7) failure to disclose
- Penalties: \$500 fine, reduced from \$1000.

Gottschalk, Henry; Case # 2014-000630

- Date Adopted: 5/16/2014
- Violations: 08.36.315 and 08.01.075 failure to disclose
- Penalties: \$1000 fine.

Haley, Evelyn; case # 2014-001276

- Date adopted: 9/5/2014
- Violations: 08.36.315(1) 08.36.315(7) 08.01.075
- Penalties: \$3100 fine with \$2000 suspended. Mandatory completion of CE requirements. Reprimand. mandatory inclusion in next 2 audits.

Harbolt, Timothy; case # 2012-001362

- Date adopted: 9/6/2013
- Violations: 08.01.075, 08.36.110(a)(1)(F)
- Penalties: Five year probation, \$1000 fine, public reprimand.

Ingrim, Guy; case # 1200-95-1

- Date Adopted: 8/1/1995
- Violations: 08.01.075 08.36.315(7)(C)
- Penalties: 1 year probation, minimum of 6 hours CE in pharmacology, reprimand.

Kennedy, Kerry; case # 1200-02-013

- Date Adopted: 6/17/2004
- Violations: 08.01.075 08.36.315(6)
- Penalties: 6 months' probation, reprimand

Knodel, Christopher; case # 1202-06-003

- Adopted: 6/23/2006

- Violations: 08.36.070(a)(12), 11.56.210, 08.32.160(1), 08.32.160(5), 08.32.180, 12 AAC 28.420(c), 08.01.075
- Penalties: \$5000 fine with \$2900 suspended, meet CE requirements, reprimand

Mabry, Phillip; case # 1200-07-004

- Date Adopted: 6/22/2007
- Violations: failed to meet CE requirements for renewal and audit
- Penalties: \$5000 fine. Complete required CEs. License suspended until CEs are complete. Reprimand. Must participate in next 2 audits.

Massey, George; case # 1200-06-005

- Date Adopted: 6/23/2006
- Violations: did not meet CE requirements
- Penalties: \$600 fine. Make up required CE. Reprimand. Must participate in next 2 audits.

McQuigg, Catherine; case # 1202-08-003

- Date Adopted: 12/12/2008
- Violations: Failed to complete minimum CE requirements
- Penalties: \$2600 fine, \$2000 suspended. Meet CE requirements. Reprimand. Must participate in next 2 Audits.

Mitton, Allen; case # 2012-000198

- Date adopted: 2/8/2013
- Violations: 08.36.070(b)(1)
- Penalties: license suspension.

Moe, Brynn; case # 2014-001809

- Date adopted: 12/30/2014
- Violations: 08.32.071
- Penalties: \$2400 fine, \$2000 suspended. Meet CE requirements. Reprimand. Participation in next 2 audits.

Murphy, George; case # 2013-002068

- Date Adopted: 5/16/2014
- Violations: 28.35.020(a)(2) driving under the influence(x2), 11.61.210(s) possession of a weapon while intoxicated, 11.56.757(b)(2) violations of the conditions of release.
- Penalties: 5 year probation. Public reprimand. No consumption of alcohol (ever again). attend AA meetings. Self-eval reports. Mandatory urinalysis and blood tests.

Nixon, Elizabeth; case # 2011-000748

- Date adopted: 9/9/2011
- Violations: 08.32.071 08.36.070 Did not meet CE requirements or have CPR cert
- Penalties: \$3600 fine with \$2000 suspended. Meet CE requirements. Reprimand. Participate in next 2 audits.

O'Donoghue, Elias; case # 1200-02-006

- Date adopted: 5/11/2004

- Violations: 08.36.315(6)
- Penalties: 1 year License probation. 15 hours of CE in diagnostics. \$2500 fine. Reprimand. 2 random audits of patient files.

Paige, Steven; case # 2015-000548

- Date adopted: 10/3/2015
- Violations: 12 AAC 28.9100(c)
- Penalties: \$1000 fine, \$500 suspended.

Rodriguez, Gamaliel; case # 1200-10-003

- Date adopted: 9/13/2010
- Violations: 08.01.075 and 08.36.315(6)
- Penalties: \$1000 fine, public reprimand

Roska, Lawrence; case # 1250-05-001

- Date adopted: 7/20/2007
- Violations: unknown
- Penalties: Voluntary surrender of license.

Schram, David; case # 2014-001778

- Date Adopted: 2/28/2015
- Violations: 08.32.071 did not meet CE requirements and indicated so on renewal
- Penalties: Meet CE requirements, \$100 fine, and mandatory participation in next 2 audits.

Sesson, Jody; case # 1200-07-003

- Date adopted: 6/22/2007
- Violations: 08.36.070 Did not meet CE requirements and indicated so on renewal
- Penalties: \$5000 fine with \$4600 suspended. Meet CE requirements. Reprimand.

Shedlock, Kevin; case # 2013-001883

- Date adopted: 10/4/2013
- Violations:
- Penalties: voluntary suspension

Stewart, Edgar; case # 1200-90-5

- Date adopted: 9/13/1991
- Violations: 08.36.315(5)
- Penalties: 2 year license probation. Periodic unannounced inventories of all schedule II – V narcotic drugs. Attend and complete Appropriate Prescribing Workshop.

Talbot, Morrie; case # 2014-002162

DICIPLINARY SANCTIONS/FINE SCHEDULES				
VIOLATION	TIME FRAME	DICIPLINARY ACTION	CIVIL FINE	
			Total Amount	Amount Suspended
08.36.315(1)Obtained license by deciet, fraud or intentional misrepresentation.				
08.36.315(2) Engaged in deceit fraud or intentional misrepresentation while providing or billing for services or engaging in professional activities				
08.36.315(3)advertised services in a false or misleading manner.				
08.36.315(4) recieved compensation for a referral				
08.36.315(5) felony or other conviction that affects the dentist's ability to continue to practice competntl and safely				
08.36.315(6) engaged in or allowed performance of patinet care, regardless of whether injury ocured (a) did not conform to minimum standards of care (b) did not have a permit, registration or certificate				
08.36.351(7) failed to comply with this chapter, or with an order of the board				
08.36.315(8) continued to practice after becoming unfit due to a) professional incompetence				
(b) addiction or dependence on alchohol or other drugs				
(c) physical or mental disability				
08.36.315(9)engaged in lewd or immoral conduct in connection with delivering service to patients				
08.36.315(10)permitted an employee to perform a dental procedure in violation of AS 08.32.110 or AS 08.36.346				
08.36.315(11) failed to report a death in the dental office				
08.36.315(12) falsified or destroyed patient or facility records, or did not retain records for minimum of 7 yrs				

Item 17

- 15 Minute Break

Item 18

- CE approval

Item 19

- GA permit prior to graduation

Item 20

- Travel Action Summary
 - Must be completed at the meeting
 - Collect ALL travel receipts



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board:

Dates of Business:

Person Reporting:

of Travelers: *Employees* *Board Members*

Type of Meeting:

Regular board business
Special board meeting
On-site Investigation/Inspection

Adjudication only
Subcommittee meeting
Other:

Cost Savings

What expenses were reduced?

- 1.
- 2.
- 3.

What is the estimated savings?

Meeting Deliverables

Information gained:

Action recommended:

Item 21

- Office Business
 - Set upcoming Board Meetings

Item 22

- Adjourn