

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

ATWOOD BLDG. RM AAC 106

August 24, 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>

BOARD ROSTER

AUGUST 24, 2018

PAUL SILVEIRA, DMD – BOARD PRESIDENT

GAIL WALDEN, RDH, BSDH, BOARD SECRETARY

DAVID NEILSON, DDS

PAULA ROSS, RDH

THOMAS KOVALESKI, DDS

STEVEN SCHELLER, DDS

MICHAEL MORIARTY, DDS

DOMINC WENZELL, DDS

ROBIN WAHTO, PUBLIC MEMBER



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**

August 24, 2018
550 W 7th Ave, Room AAC 106, 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.	Review/Approve Minutes		CHAIR
		<ul style="list-style-type: none"> • April 20, 2018 • Teleconference May 18, 2018 • Teleconference July 30, 2018 • Sign the minutes 		
4.	9:00 a.m.	Ethics Report		CHAIR
5.	9:10 a.m.	Investigative Report		Marilyn Zimmerman
		<ul style="list-style-type: none"> • Consent Agreement • Voluntary Surrender 		
6.	9:30 a.m.	Disciplinary actions for failing to register with PDMP		Jasmin Bautista
7.	10:00 a.m.	Break		CHAIR
8.	10:15 a.m.	Public Comment		
9.	10:30 a.m.	Regulation Project		CHAIR/Zinn
		<ul style="list-style-type: none"> • Temporary license – HB346 • Radiologic Equipment Inspections • Hygiene exam WREB equivalent • 12 AAC 28.925 Lapsed licenses – correct wording • Courtesy license 		
10.	12:00 a.m.	Lunch Break		
11.	1:00 p.m.	Credential Interviews		CHAIR
12.	1:30 p.m.	Division Update		(Sara/Janey/Melissa)
13.	1:45 p.m.	Amalgam testing in WREB		CHAIR

- | | | | |
|-----|-----------|--|-----------------|
| 14. | 2:00 p.m. | Review Applications | CHAIR |
| | | <ul style="list-style-type: none">• CE requirements: Online vs. in person• Application by Examination or Credentials | |
| 15. | 2:45 p.m. | Oral Cancer screenings | CHAIR |
| 16. | 3:00 p.m. | 15 minute break | |
| 17. | 3:30 p.m. | Old/New Business | CHAIR |
| | | <ul style="list-style-type: none">• Penalty Matrix (?) | |
| 18. | 4:00 p.m. | Travel Action Summary | CHAIR |
| | | <ul style="list-style-type: none">• Travel Receipts | |
| 19. | 4:15 p.m. | Office Business | CHAIR/SECRETARY |
| | | <ul style="list-style-type: none">• Set upcoming Board Meetings 2019• Select a tentative teleconference date• Sign Wall Certificates | |
| 20. | 4:30 p.m. | Adjourn | |

Item 3

- Review/Approve Minutes
 - April 20, 2018
 - Teleconference May 18, 2018
 - Teleconference July 30, 2018
 - Sign the minutes

Item 4

- 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.

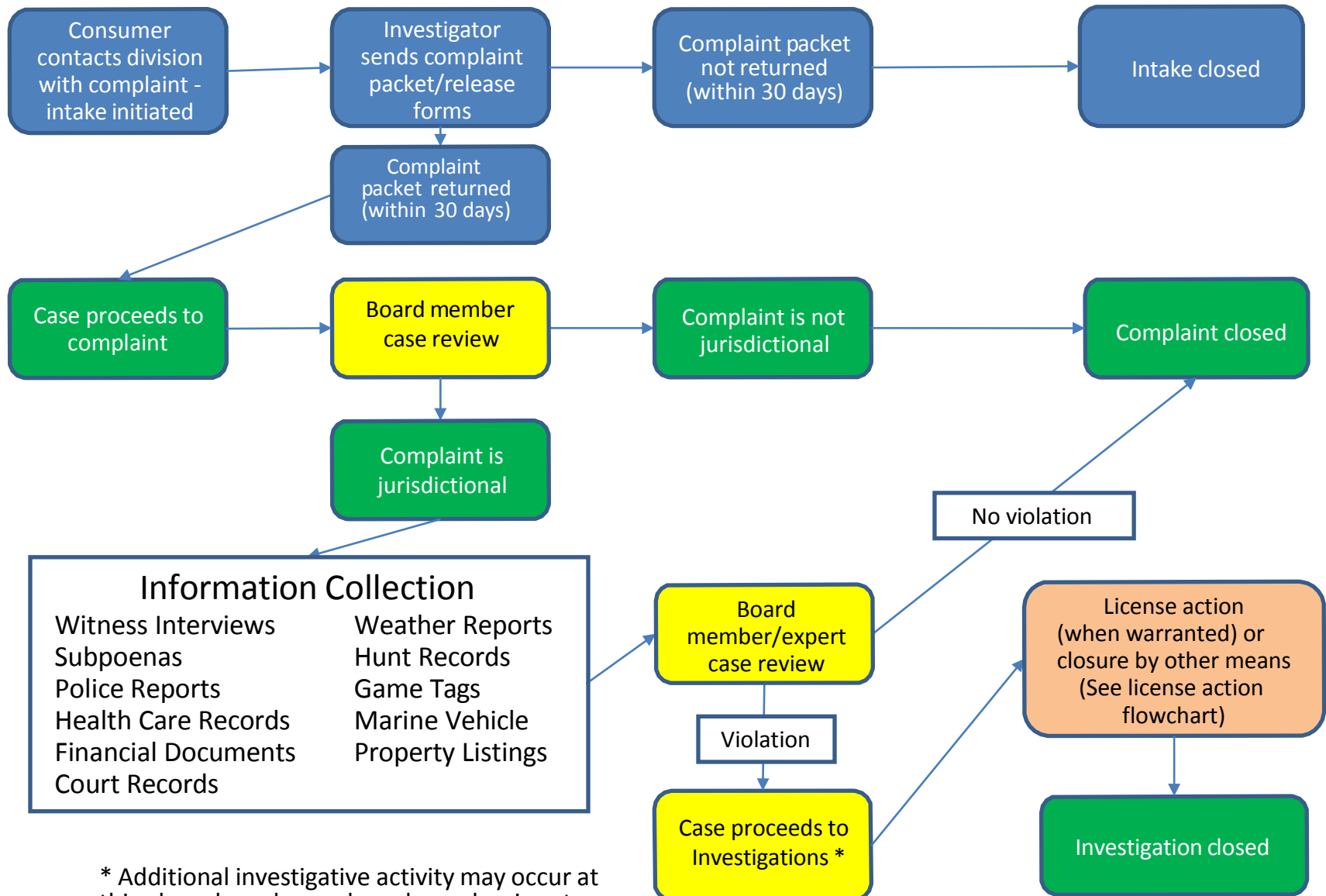
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Item 5

- Investigative Report
 - Consent Agreement
 - Voluntary Surrender

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.

Item 6

- Disciplinary actions for failing to register with PDMP

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
 - Temporary License – HB346
 - Radiologic Equipment Inspections
 - Hygiene exam – WREB equivalent
 - 12 AAC 28.925 – lapsed licenses
 - Courtesy license

Radiological Equipment Regulations

12 AAC 28.960. REGISTRATION OF DENTAL RADIOLOGICAL EQUIPMENT. (a) Dental radiological equipment with a valid registration from the Department of Health and Social Services under AS 18.60.475 as of September 6, 1998 is considered registered with the board under AS 08.36.075 and this section.

(b) *Repealed 3/11/2016.*

(c) *Repealed 3/11/2016.*

(d) The owner or lessee of dental radiological equipment that is registered under this section shall notify the board, in writing, within 60 days after the equipment is sold, relocated, or no longer in use.

(e) To register dental radiological equipment, the owner or lessee of the equipment shall submit a completed registration form, adopted by reference in 12 AAC 28.970(b).

(f) Upon receipt of a completed registration form, the board will issue a registration seal to the owner or lessee of the equipment if it meets the requirements of AS 08.36.075, this section, and 12 AAC 28.965. The owner or lessee of the equipment shall ensure that the registration seal is attached to the equipment that is registered under this section.

Authority: AS 08.36.070 AS 08.36.075

Editor's note: A copy of the list of dental radiological equipment registered under 12 AAC 28.960(a) is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806.

12 AAC 28.965. INSPECTION OF DENTAL RADIOLOGICAL EQUIPMENT. (a) The owner or lessee of dental radiological equipment must have that equipment inspected within six years from the date that the equipment was first registered with the board under 12 AAC 28.960. The owner or lessee of dental radiological equipment must have that equipment inspected again at least once during every six-year period following the initial inspection.

(b) The inspection of dental radiological equipment must

(1) be performed by an inspector who is on the list maintained under (d) of this section;

(2) be documented by the inspector on the form adopted by reference in 12 AAC 28.970(c); and

(3) meet or exceed, and must determine whether the equipment meets or exceeds, the standards applicable to dental radiological equipment in the *"Suggested State Regulations for the Control of Radiation,"* Part F, published by the Conference of Radiation Control Program Directors, Inc., May, 2009 edition, adopted by reference.

(c) *Repealed 3/11/2016.*

(d) *Repealed 3/11/2016.*

(e) Upon receipt of a form documenting an inspection that meets the requirements of AS 08.36.075 and this section, the inspector shall issue to the owner or lessee of the dental radiological equipment, an inspection seal indicating the date by when the equipment must be inspected again. The owner or lessee shall ensure that the inspection seal is placed on the equipment in a location visible to persons operating the equipment.

(f) Owners or lessees of dental radiological equipment shall maintain records that document compliance with the requirements of AS 08.36.075, 12 AAC 28.960, and this section. The records shall be made available to the board or its designee for inspection.

(g) *Repealed 3/11/2016.*

(h) An inspector who performs an inspection of dental radiological equipment shall complete and submit the form titled *"Inspection of Dental Radiological Equipment,"* adopted by reference in 12 AAC 28.970(c), to the owner or lessee of the equipment after the inspection.

Authority: AS 08.36.070 AS 08.36.075

Editor's note: A copy of the *"Suggested State Regulations for the Control of Radiation,"* Part F, published by the Conference of Radiation Control Program Directors, Inc., May, 2009 edition, adopted by reference in 12 AAC 28.965, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or may be obtained from the Conference of Radiation Control Program

12 AAC 28.970. REGISTRATION AND INSPECTION FORMS; REVIEW OF COMPLETED FORMS.

(a) A registration seal or inspection seal may not be issued unless the information on the completed form meets the requirements of AS 08.36.075, and of 12 AAC 28.960 and 12 AAC 28.965, as applicable.

(b) The form titled *"Radiological Equipment Registration Form,"* dated February 2014, is adopted by reference. This form is established by the board for review by staff of the registration of dental radiological equipment under 12 AAC 28.960.

(c) The form titled *"Inspection of Dental Radiological Equipment,"* dated February 2014, is adopted by reference. This form is established by the board for use by inspectors of dental radiological equipment, and for review by staff of the documentation of the inspection of that equipment, under 12 AAC 28.965.

Authority: AS 08.36.070 AS 08.36.075

Editor's note: The forms listed in 12 AAC 28.970 are available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806; phone (907) 465-2542.

Regulation Project: Need to change the wording/numbers on 12 AAC 28.925 Lapsed Licenses.

Will change wording to: (2) pays the renewal fee established in 12 AAC 02.190(a)(4), (a)(10), (b)(6), (b)(10), and (b)(13), as applicable; and

12 AAC 28.925. LAPSED LICENSES. (a) A dental license or dental hygienist license that has been lapsed for at least 60 days but less than one year will be reinstated if the applicant

(1) submits a completed application for renewal;

(2) pays the renewal fee established in 12 AAC 02.190(a)(4), (a)(8), (b)(5), (b)(6), and (b)(14), as applicable; and **

** (2) pays the renewal fee established in 12 AAC 02.190(a)(4), (a)(10), (b)(6), (b)(10), and (b)(13), as applicable; and

(3) submits satisfactory documentation to verify the completion of the continuing education requirements in 12 AAC 28.400.

(b) Except as provided in (c) of this section, a dental license or a dental hygiene license that has been lapsed at least one year but no more than two years will be reinstated if the applicant

(1) meets the requirements of (a) of this section;

(2) arranges for reports to be sent directly to the department from the National Practitioner Data Bank and the American Association of Dental Examiners Clearinghouse for Board Actions;

(3) arranges for verification of licensure to be sent directly to the division from each state where the applicant holds or has ever held a license as a dentist or dental hygienist; and

(4) is qualified for a license under AS 08.32 or AS 08.36.

(c) After notice and hearing, the board may refuse to reinstate a dental license or dental hygienist license for the same reasons that the board may impose disciplinary sanctions against a licensee under AS 08.32 or AS 08.36, and under this chapter.

Centralized Regulations

12 AAC 02.190. BOARD OF DENTAL EXAMINERS. (a) The following fees for dental hygienists are established:

(1) nonrefundable application fee for

(A) initial license, \$100;

(B) courtesy license, \$50;

(C) initial restorative function endorsement, \$100;

(D) local anesthetic permit, \$100;

(E) nitrous oxide certification, \$100;

(2) repealed 12/13/2014;

(3) license fee for all or part of the initial biennial license period, \$200;

(4) biennial license renewal fee, \$200;

(5) local anesthetic permit, \$100;

(6) credential review fee, \$110;

- (7) local anesthetic permit renewal fee, \$100;
- (8) courtesy license fee, \$50;
- (9) restorative function endorsement fee, for all or part of the initial endorsement period, \$60;
- (10) restorative function endorsement renewal fee, \$60;
- (11) nitrous oxide certification one-time fee, \$100.
- (b) The following fees for dentists are established:
 - (1) nonrefundable application fee for
 - (A) initial license by examination, \$600;
 - (B) repealed 12/13/2014;
 - (C) courtesy license, \$50;
 - (D) repealed 12/13/2014;
 - (E) deep sedation, moderate sedation, minimal sedation, or general anesthetic permit, \$100;
 - (2) nonrefundable application and review fee for license by credentials, \$1,000;
 - (3) repealed 12/13/2014;
 - (4) license fee for all or part of the initial biennial license period, \$450;
 - (5) repealed 12/13/2014;
 - (6) biennial license renewal fee, \$450;
 - (7) repealed 12/13/2014;
 - (8) repealed 12/13/2014;
 - (9) deep sedation, moderate sedation, or minimal sedation permit fee for all or part of the initial biennial permit period, \$1,000;
 - (10) biennial deep sedation, moderate sedation, or minimal sedation permit renewal fee, \$350;
 - (11) repealed 12/13/2014;
 - (12) general anesthetic permit fee for all or part of the initial biennial permit period, \$1,000;
 - (13) biennial general anesthetic permit renewal fee, \$350;
 - (14) courtesy license fee, \$50.
- (c) The following fees are established for submission of dental and dental hygiene continuing education courses for approval under 12 AAC 28.410:
 - (1) initial continuing education course submittal fee, \$50;
 - (2) continuing education course resubmittal fee, \$50.

Temporary permit bill requirements-

1. Board shall set qualifications
 - a. Application
 - b. Fees-also need to initiate a division regulation for the fees
 - c. Valid license verification from another state or territory of the US-
 - d. Proof of incapacitated dentist- how should that be documented and verified
2. May provide a 60 day extension if the applicant submits a full license application in addition to the request of the extension.
3. Section (f) states 90 days initial, 60 days extension, no more than 240 days total in 24 consecutive months. Meaning the applicant may apply for more than one temporary permit for more than one reason in a 24 month period. Should there be a minimum of days after the initial 150 day permit and extension to keep a dentist from applying for a new temporary permit for the same incapacitated dentist? Should the additional permit only be for a different dentist? Could be construed as a loop hole.
4. Section (g) allows an extension past the initial 90 days and extension of 60 days if the board determines the extension is necessary as long as the NPDB report and DEA clearance have been received. The applicant would have already been required to submit a full license application to obtain the 60 days extension under (f), meaning the DEA clearance may have already been received. The examiner could obtain the NPDB report. The board needs to determine what the additional extension would be past the 150 days in (f), but no more than the total 240 days required under (f). The purpose of this extension would be if the full dental license application is not complete and not ready for board review.
5. The applicant may be foreign graduate who has been issued a license in another state that allows foreign graduates. Does the board want the applicant to meet the educational qualifications under 12 AAC 28.938? Current regulations do not allow foreign graduates unless they have a degree from a CODA accredited institution under 28.938.

Regulations for consideration-

1. Documentation required to obtain initial permit and an extension- new section 12 AAC 28.953
2. Documentation required to show dentist incapacitation- form? If so who to complete.
3. Additional extension under (g), number of days
4. Fee setting in 12 AAC 02 by division, ¼ of the full license fee, application fee for temporary permit should be separate from full license fee

Item 10

- Lunch Break

Item 11

- Credential Interviews

Item 12

- Division Update

Item 13

- Amalgam testing in WREB

Item 14

- Review Applications
 - CE requirements: Online vs. in person
 - Application by Exam or Credentials

Item 15

- Oral Cancer Screenings

Item 16

- 15 Minute Break

Item 17

- Old/New Business
 - Penalty Matrix

Item 18

- Travel Action Summary
 - Travel Receipts

Item 19

- Office Business
 - Set upcoming Board Meetings – 2019
 - Select a tentative teleconference date
 - Sign Wall Certificates

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

JANUARY

S	M	T	W	T	F	S
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FEBRUARY

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MARCH

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2019 STATE HOLIDAY CALENDAR

JANUARY

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FEBRUARY

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AUGUST

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SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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State Holidays

Date	Holiday
01/01	New Year's Day
01/21	MLK Jr.'s Birthday
02/18	Presidents' Day
03/25	Seward's Day
05/27	Memorial Day
07/04	Independence Day

Holiday

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

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

State Holidays

Date	Holiday
09/02	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/28	Thanksgiving Day
12/25	Christmas Day

Item 20

- Adjourn