

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

**MINUTES OF MEETING
SEPTEMBER 25, 2009**

By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the provisions of Article 6 of AS 44.62, a scheduled meeting of the Board of Dental Examiners was held Sept. 25, 2009, at the Legislative Information Office., Suite 308, 1292 Sadler Way, Fairbanks, Alaska.

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

Roll Call

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

Dr. David Eichler, Chairman – Fairbanks
Dr. Mary Anne Navitsky – Sitka
Dr. Kevin Gottlieb – Anchorage
Cheryl Fellenberg – Dental Hygienist – Wasilla
Deborah Stauffer – Dental Hygienist – Anchorage
Dr. Arne Pihl - Ketchikan
Dr. Clifford D. White – Dillingham
Robyn Chaney – Public Member – Dillingham

Not present, joined the meeting at 8:37 a.m.:

Dr. Newell Walther – Wasilla

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

Brenda Donohue, Licensing Examiner – Juneau

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Agenda Item 1 – Review Agenda

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

Item 5 – INVESTIGATIVE REPORT

- Probation Status Change

Item 6 – APPLICATION REVIEW

- Swanzy-Foster – Dentist by Exam III Application
- Henrie – Local Anesthetic Permit Application
- Bellant – Local Anesthetic Permit Application

- CE Audit – Dentists
 1. Robert Sutherlin, DDS
 2. Dennis Jeffers, DDS

- Griffith – Credential Application Follow-Up

Item 7 – MISCELLANEOUS CORRESPONDENCE

- AADE – Name Change Proposal

Item 13 – TASK LISTS

- FY 2009 Annual Report

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

RESOLVED to approve the meeting Agenda.

Agenda Item 2 – Review Minutes

Following review of the June 26, 2009 meeting minutes, Ms. Fellenberg noted a date change on page 13.

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

RESOLVED to approve the June 26, 2009 meeting minutes as corrected.

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Agenda Item 3 – Ethics Report

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

Agenda Item 4 – Budget Review

The board reviewed the budget presented as of Sept. 1, 2009, and felt they were on track. Also included were the final figures for FY 2009. There were no questions regarding the budget.

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

RESOLVED to approve the Budget as presented.

As they were ahead of schedule, the board moved on to Agenda Item 6 – Application Assignments and Review.

Agenda Item 6 – Application Assignments and Review

Ms. Donohue pointed out she has included an Attorney General opinion, dated 5/3/1996 which clarifies the limits on questions that may be asked during background checks or reference checks on applicants. The letter states the Board is limited to questions that have a basis in their licensing statutes. These statutory provisions should provide the Board a broad enough spectrum to make determinations regarding applicants.

Dr. Eichler proceeded in assigning questions to be asked of the applicants that will be interviewing later in the meeting.

Dr. Stauffer noted the applicant she had been assigned for follow-up had taken one course on two separate occasions and was claiming credit for both times. Following discussion the Board determined there is no barrier to this practice. Unless there is a change in the continuing education regulations, this situation is acceptable.

The Board discussed the difficulty some applicants are having in obtaining a completed “Notarized Verification From Federal Jurisdiction for Federally Employed Dentists” for their service with IHS, military, or any entity of the federal government. Dr. White noted there is a central clearinghouse in Rockville, MD. Ms. Donohue noted it is not unusual for applicants to encounter difficulty in finding an official to complete this form.

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Credential Application Review

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

Charles Haubrich, DDS	Reviewed by Dr. Stauffer
Kim Schilling, DDS	Reviewed by Dr. Pihl
Steve Oh, DDS	Reviewed by Ms. Fellenberg
Leslie Williams, DDS	Reviewed by Dr. Walther
Brian Hollander, DMD	Reviewed by Dr. White

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

Agenda Item 5 – Investigative Report

JoAnna Williamson was connected to the meeting via teleconference at 9:15 a.m. to present the Investigative Report.

Ms. Williamson asked if the board had any question regarding the Investigative Report. There being none, she noted the following updates: there are nine open investigations and fourteen open complaints. She also advised the Board that Ms. Winton is working on twelve of the open complaints, which were opened prior to Ms. Williamson becoming the Board's Investigator.

Dr. Stauffer provided information about a teeth-whitening booth she discovered at Dimond Center. Their information notes they also have a location at the 5th Ave. Mall. Ms. Donohue will fax the pamphlet to Ms. Williamson for her review and follow-up.

Dr. Pihl asked Ms. Williamson if she can gather the amount of money spent on the Dr. Douglas Ness case, once it is completed, and provide that at the next meeting. She said she'd check with the Chief to see how to go about getting that information.

There being no other Investigative information or questions, Dr. Eichler thanked Ms. Williamson for her time, and she left the meeting

Dr. Eichler appointed himself and Dr. White to the Disciplinary Panel for Oct.-Dec. 2009. He explained that until the new Board members learn the process he will pair a current member with a new member on this Panel.

The Board directed Ms. Donohue to ask Ms. Williamson to invite Brian Howes, Chief of Investigations, to the December meeting in Anchorage so they can meet him, and ask

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questions to clarify the Investigative process for them. One question they have is how does the Investigator go about obtaining an expert opinion when needed.

Agenda Item 6 – Application Assignments and Review (continued)

Continuing Education Course Applications

Ms. Donohue noted there are two (2) Course Approval Applications for review.

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

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

Contemporary Endodontics, sponsored by North Pacific Endodontic Conference, for eighteen (18) hours of continuing education;

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

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

Bisphosphonate Induced Osteonecrosis of the Jaws, sponsored by AK State Dental Hygienists' Association, for two (2) hours of continuing education;

Agenda Item 7 – Miscellaneous Correspondence

AADE – Email to encourage board members who attend the Annual meeting this year to vote in favor of name change to “Federation of State Dental Boards”. The Board has no objection to the change.

AADE – Survey asking if the Board is in favor of one national clinical exam for dentistry and dental hygiene. Dr. Eichler stated he is not in favor as it is not in the best interest of the citizens of Alaska. The Board is supportive of one national exam, but not the exam (ADEX) being offered currently. The other members concurred. Dr. Eichler will respond to Mr. Zeno.

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WREB – WREB Examination schedule and preference packets. Ms. Donohue has provided a copy in each Board member's packet for them to respond personally. Information only.

WREB – Survey to gather input from State Boards regarding providing WREB exam results electronically. They are considering elimination of providing paper results via mail. Goal is to provide more efficient process of providing exam reports to meet both candidate and state boards needs. Board has no objection to accessing results electronically.

Joint Commission on National Dental Examinations – Letter calling for nominations for the Public Member on the Board. Information only, no response necessary.

American Dental Education Assoc. – Copies of the ADEA Statement on Professionalism in Dental Education, developed in accordance with charge from their House of Delegates. Information only.

Mat-Su Regional Medical Center – Request for definitive answer from BODE as to their interpretation of the Practice Act whether DDSs with increased training may perform medical histories and physicals for their patients on which they operate. Following discussion, the Board's position is that Oral and Maxillofacial Surgeons are fully qualified to perform these tasks. General dentists should operate in accordance with the facility by-laws and the level of privileges they hold. Dr. Eichler will draft a letter in response.

ADEX – Copy of the 2008-2009 ADEX Annual Report. Copy located on side-table. Information only.

Agenda Item 9 – New Business

Dr. Eichler offered that the AK Dental Society would like to begin the process of reviewing and drafting updates for the dental statutes in cooperation with the Board. This came about following discussion at the Feb. 2009 meeting that there was a process whereby the Board could request approval to have Dept. Of Law perform a comprehensive review and update. This process requires the approval of the Dept. Commissioner and the Governor's Office, and is expensive. The DOL representative suggested the Board may prefer to perform this task themselves.

Dr. Stauffer asked how the Board will go about accomplishing this task, and Dr. Eichler responded that a committee could be formed to include a couple of ADS members, AK

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State Dental Hygienists' Association members, and a couple of Board members. The committee would be charged to review and identify outdated requirements, corrections, and proposed additions to the current Practice Act. A draft of the committee's recommendations would then be presented to the entire Board at a regularly scheduled meeting and, following their approval the task of obtaining a legislative sponsor would be undertaken. Ms. Fellenberg offered to take this information to the AK State Dental Hygienists' Association meeting, and ask for a list of interested volunteers.

Agenda Item 16 – Unfinished Business

Ms. Donohue provided an update on the radiological equipment registration program. The program is up and running and she is working on the back-log, and has entered approximately 300 machines since the end of July.

Dr. Pihl posed the question about how is the Board going to enforce compliance with registering and providing for inspection of this equipment. The Board concurs that any owner/lessee of radiological equipment who does not comply with the statues and regulations, be disciplined, and action taken up to and including suspension of license. It was reiterated that individuals who come across equipment they think is not in compliance should contact the Board's Investigator to file a complaint. The issue of maintaining this equipment is directly related to public safety.

Recess: 10:30 a.m.

Back from Recess: 10:45 a.m.

Discussion continued regarding the radiological equipment program.

Dr. Stauffer asked if a letter would be sent to the equipment installers regarding completing the registration form. Ms. Donohue explained it is the responsibility of the owner/lessee to complete and submit the registration form. She noted the installing company will send a copy of their installation form to her, but that she does nothing with this form as it is not the approved registration form, and doesn't provide the required information. There is a misconception in many dentist's office that the installer will submit the registration form, so the office does not follow-up and provide the correct form. Ms. Donohue has spoken with Burkhart, one of the installation companies, and asked their assistance in educating the owner/lessees of the equipment regarding the requirements for registering that equipment. The representative she spoke with was willing to comply with the request.

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Once the program is current, the Division will send an advisory letter to all currently licensed dentists providing them the most recent information regarding the program, and include a copy of the pertinent statutes and regulations.

Dr. Eichler suggested the Division collect a registration fee for radiological equipment registration. Following discussion the Board suggested a \$25 fee per registration occurrence. Ms. Donohue will pass this information to her supervisor.

The Board next discussed how to handle dentists who hold only a Specialty license if the Specialty license statute is repealed. Dr. Eichler said he thought they would convert to general licenses by statute.

Agenda Item 11 – Regulations

The Board reviewed the draft of the regulation project for coronal polishing and restorative function certificates for dental assistants, and restorative function license endorsement for dental hygienists. They made several changes, then approved it to go to public notice.

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

RESOLVED to approve for public notice the regulation project for 12 AAC 28.915, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981 and 982, providing the requirements for coronal polishing and restorative functions for dental assistants, and restorative function endorsement for dental hygienists, as corrected.

Agenda Item 8 – Public Comment

There were no members of the public present for this portion of the meeting.

Agenda Item 12 – Goals and Objectives FY 2010

Dr. Eichler explained #10, “having the Board’s designee approve license applications by examinations”. Ms. Donohue explained the process is two-step, and first requires a statute change that allows for a “designee”. The second step is a regulation project where the Board adopts a “checklist” that states the requirements for a complete file, and once every item on the approved checklist has been received, the license can be issued by the “designee” without having to go to the Board for a vote.

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Ms. Donohue asked the Board's guidance regarding an annual Newsletter. She explained there is no statutory or regulatory requirement to publish a newsletter, and in fact, the latest one was updated and published for 7/1/05-6/30/06. That edition was placed on the Board's Web site, as well as mailed to every dental licensee in the State, at a cost of approximately \$1500.

Dr. Walther inquired about distributing a newsletter to licensees via email. Ms. Donohue explained that the ORACLE database, where all licensing information resides, has no field to capture email addresses. She advised if the Board would like emails captured, they should correspond with the Division Director, Ms. Lynn Smith, as changing ORACLE database fields belongs with the technical staff who maintain that program, not with the licensing staff. Ms. Fellenberg offered to contact Ms. Smith regarding adding a data field to capture licensees' email addresses.

Agenda Item 6 – Application Assignments and Review (continued)

Ms. Donohue advised the Board she has received a partially completed "Notarized Verification from Federal Jurisdiction for Federally-Employed Dentists" form for Dr. James Griffith from Michael Keiffer, Western Regional Liaison, DHHS/HIS, located in Anchorage. The items not completed on the form are: Federal Jurisdiction with address; Name of Applicant; second question asking if the applicant has ever been the subject of an unresolved or an adverse decision based upon a complaint, investigation, review procedure, or other disciplinary proceeding undertaken by your jurisdiction that relates to criminal or fraudulent activity, dental or on the safety or well-being of patients. He did answer the first questions by circling the "yes" option, and noting after "If so, for what reasons?" poor performance.

Upon review of Dr. Griffith's application file, Ms. Donohue noted the Authorization for Release of Records form was stale-dated, so could not be used in a follow-up request to Mr. Keiffer to supply further information to support the "poor performance" response. Ms. Donohue contact Dr. Griffith and explained she would need a current Release form from him in order to obtain more information. She suggested as an alternative that he could supply the information. Dr. Griffith refused to either provide a current Release form, or any documentation to explain the "poor performance" response. Ms. Donohue advised him she would take his file to the 9/25/09 Board meeting for review.

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The Board believes the form is completed to their requirements, and that in accordance with AS 08.36.234(1)(E), there are grounds to deny this applicant.

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

RESOLVED to approve James F. Griffith, DDS for dental license by credentials.

The motion failed with 0 yeas, and 9 nays.

Ms. Donohue will advise Dr. Griffith the Board has not approved his application for dental license.

Recess for lunch 12:10 p.m.
Back from lunch 1:02 p.m.

Agenda Item 11 – Personal Interview for Dental Applicants by Credentials

Brian Hollander, DMD

Applicant Brian Hollander, joined the meeting in person for the personal interview.

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

Dr. White reviewed the application for Dr. Hollander, and the board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Brian Hollander for dental licensure by credentials.

Leslie Williams, DDS

Applicant Leslie Williams, joined the meeting in person for the personal interview.

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

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Dr. Walther reviewed the application for Dr. Williams, and the board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Leslie Williams for dental licensure by credentials.

Kim Schilling, DDS

Applicant Kim Schilling, joined the meeting in person for the personal interview.

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

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

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

RESOLVED to approve Dr. Kim Schilling for dental licensure by credentials.

Steve Oh, DDS

Applicant Steve Oh, joined the meeting telephonically for the personal interview.

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

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

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

RESOLVED to approve Dr. Steven Oh for dental licensure by credentials.

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Charles Haubrich, DDS

Applicant Charles Haubrich, joined the meeting telephonically for the personal interview.

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

Dr. Stauffer reviewed the application for Dr. Haubrich, and the board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Charles Haubrich for dental licensure by credentials.

Agenda Item 15 – Office Business

A. Travel Authorizations

Ms. Donohue collected signed TAs and travel receipts.

B. Meeting Dates

The board confirmed the following scheduled meeting date:

December 4, 2009 in Anchorage

Feb. 4-5, 2010 in Juneau – Tentative Discussion followed regarding changing this meeting to a day-and-a-half instead of a two-day meeting, convening the first day at 1:00 p.m. This will be discussed further at the December meeting.

The dates for the June 2010 meeting in Anchorage will be tentatively set at the December meeting.

C. Sign Wall Certificates

The Chairman and Secretary signed wall certificates.

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Agenda Item 17 - Adjourn

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

**Upon a motion by Ms. Fellenberg, seconded by Dr. Stauffer and approved
unanimously, it was:**

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

The board adjourned the meeting at 2:07 p.m.

Respectfully Submitted:

Brenda Donohue, Licensing Examiner

APPROVED:

David Eichler, DMD
Chairman
Board of Dental Examiners

Date: _____

**BOARD OF DENTAL EXAMINERS
TASK LIST FROM JUNE 26, 2009 MEETING**

Ms. Fellenberg

- Dental Hygiene CE Audit

Dr. Eichler

- Discipline Review Panel Oct.-Dec. 2009

Dr. White

- Discipline Review Panel Oct.-Dec. 2009

Licensing Examiner

- Work on board's Web site – updating/adding information
- CE Course approval letters to applicants