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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  
April 28, 2017**

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 April 28, 2017, by Teleconference.

The meeting was called to order by Dr. Thomas Wells, President, at 8:35 a.m.

**Roll Call**

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

Dr. Thomas Wells, President – Anchorage  
Dr. Paul Silveira – Valdez  
Dr. Michael Moriarty- Seward  
Ms. Paula Ross- Anchorage  
Dr. Steven Scheller- Fairbanks  
Dr. Thomas Kovaleski – Chugiak  
Robyn Chaney - Dillingham

Absent:

Dr. David Nielson - Anchorage  
Ms. Gail Walden - Wasilla

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

Mr. Jedediah A. Smith, Occupational Licensing Examiner – Juneau  
Ms. Jasmin Bautista, Investigator – Anchorage  
Ms. Angela Birt, Chief Investigator – Anchorage  
Ms. Joan Wilson, Assistant Attorney General – Anchorage  
Honorable Judge Lawrence Pederson  
Ms. Sher Zinn, Records and Licensing Supervisor – Juneau  
Ms. Marilyn Zimmerman, Paralegal II - Juneau

Members of the Public in attendance:

47 Dr. David Logan, Dentist, ADS – Anchorage  
48 Dr. Kenley Michaud, Dentist - Anchorage  
49

50 **Agenda Item 1 – Review of Agenda**  
51

52 Dr. Kovaleski will be absent after 12:30 p.m.  
53 Dr. Scheller requested to discuss an additional item during an executive session.  
54

55 **Agenda Item 2 – Review/Approve Minutes**  
56  
57

58 **On a motion duly made by Ross, seconded by Moriarty and approved by roll call**  
59 **vote, it was**  
60

61 **RESOLVED to approve the minutes of the February 17, 2017**  
62 **teleconference, as amended.**  
63

64 **Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,**  
65 **Chaney – yea, Kovaleski – yea.**  
66 **7 yeas, 0 nays. Motion Passed.**  
67

68 **On a motion duly made by Kovaleski, seconded by Ross and approved by roll call**  
69 **vote, it was**  
70

71 **RESOLVED to approve the minutes of the February 24, 2017 meeting.**  
72

73 **Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,**  
74 **Chaney – yea, Kovaleski – yea.**  
75 **7 yeas, 0 nays. Motion Passed.**  
76

77 **Agenda Item 3 – Ethics Report**  
78

79 The board had no ethics violations or conflict of interest to report.  
80

81 **Agenda Item 4 – Investigations**  
82

83 Ms. Bautista gave a brief investigative report, reporting that for the period of November  
84 29, 2016 through April 15, 2017, including cases, complaints, and intake matters, the  
85 Division opened 18 matters, closed 9, and currently have 17 matters remaining open.  
86

87 **On a motion duly made by Ross, seconded by Kovaleski, and approved by roll**  
88 **call vote, it was**  
89

90 **RESOLVED to go in to executive session in accordance with Alaska Statute**  
91 **44.62.310(c)(2) and 44.62.310(c)(3) for the purposes of discussing ongoing**  
92 **investigations and consent agreements.**

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**Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,  
Chaney – yea, Kovaleski – yea.  
7 yeas, 0 nays. Motion Passed.**

Board staff Jedediah A. Smith, Jasmin Bautista, and Angela Birt to remain.

Off record at 8:55 a.m.  
On record at 9:30 a.m.

**Agenda Item 5 – Consent Agreements**

Administrative Law Judge Lawrence Pederson joined the meeting to disclose a consent agreement

**On a motion duly made by Ross, seconded by Kovaleski, 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) and 44.62.310(c)(3) for the purposes of discussing consent agreements.**

**Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,  
Chaney – yea, Kovaleski – yea.  
7 yeas, 0 nays. Motion Passed.**

Board only to remain.

Off record at 9:31 a.m.  
On record at 9:57 a.m.

Break for approximately 10 minutes.

Off record at 9:58  
On record at 10:07

**On a motion duly made by Chaney, seconded by Ross, and approved by roll call vote, it was**

**RESOLVED to accept the consent agreement for case number 2016-001394, involving Ms. Sharon Frampton’s failure to complete the continuing education requirements prior to renewal.**

**Ross – yea, Scheller – recused, Silviera – yea, Moriarty – yea, Wells – yea,  
Chaney – yea, Kovaleski – yea.  
6 yeas, 0 nays. Motion Passed.**

139  
140 **On a motion duly made by Chaney, seconded by Wells, and approved by roll call**  
141 **vote, it was**

142  
143 **RESOLVED to accept the consent agreement for case number 2016-001468,**  
144 **involving Dr. Seth Jorgensen's failure to complete the continuing**  
145 **education requirements prior to renewal.**

146  
147 **Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,**  
148 **Chaney – yea, Kovaleski – yea.**  
149 **7 yeas, 0 nays. Motion Passed.**

150  
151 **On a motion duly made by Chaney, seconded by Kovaleski, and approved by roll**  
152 **call vote, it was**

153  
154 **RESOLVED to accept the consent agreement for case number 2016-00069,**  
155 **involving Dr. Charles Cole's violation of AS 08.36.315(6)(B).**

156  
157 **Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,**  
158 **Chaney – yea, Kovaleski – yea.**  
159 **7 yeas, 0 nays. Motion Passed.**

160  
161 **Agenda Item 6 - Old/New Business**

162  
163 **Finalize meeting dates**

164  
165 August 18<sup>th</sup> and December 8<sup>th</sup> have been confirmed as the 3<sup>rd</sup> quarter meeting. The  
166 board made a request that if possible, the December 8<sup>th</sup> meeting be in person because  
167 it should be cheaper to travel during that time.

168  
169 **List of questions sent to regional exam boards**

170  
171 Mr. Smith reported that only the CRDTS organization had responded to the list of  
172 questions sent to all of the Regional Exam Boards. Any other replies had not been  
173 received yet. Dr. Moriarty also requested that ADEX be contacted and information  
174 regarding exam content and methods of administration. The board would like to see  
175 start to finish information regarding the exam.

176  
177 As per the request by Dr. Scheller made during the review of the agenda, and the Board  
178 now finding itself a few minutes ahead of schedule the board agreed to make a motion  
179 for executive session.

180  
181 **On a motion duly made by Scheller, seconded by Ross, and approved by roll call**  
182 **vote, it was**

183

184 **RESOLVED to go in to executive session in accordance with Alaska Statute**  
185 **44.62.310(c)(2) for the purposes of discussing the competency of a dental**  
186 **practitioner.**

187  
188 **Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,**  
189 **Chaney – yea, Kovaleski – yea.**  
190 **7 yeas, 0 nays. Motion Passed.**

191  
192 **Board staff Jedediah A. Smith to remain.**

193  
194 **Off record at 10:15 a.m.**

195 **On record at 10:35 a.m.**

196  
197 **Mobile Dentistry**

198  
199 **Mr. Smith told the board of a Dentist from Arizona who is interested in performing**  
200 **mobile dentistry. The board acknowledged that this is not an uncommon practice in**  
201 **Alaska, and stated that as long as he maintains a valid business license, has an Alaska**  
202 **Dental license, and conforms to the ethical standards of dentistry that practicing as a**  
203 **mobile dentist is perfectly fine.**

204  
205 **Botox injections, potential training and education of Dental Hygienists**

206  
207 **Mr. Smith informed the board that he had received a number of calls from Alaska**  
208 **Licensed Hygienists asking if they were allowed to perform Botox injections, and if not,**  
209 **what training or experience would allow them to. The board responded by saying that a**  
210 **medical degree would be necessary; i.e. nurse practitioner degree. Essentially, it would**  
211 **require an additional 2 years of medical training, at least.**

212  
213 **NPDB Continuous Query**

214  
215 **Mr. Smith presented to the board the potential costs of implementing NPDB Continuous**  
216 **Query, namely that it would cost the board approximately 20 times the current spending**  
217 **put towards querying the NPDB database. The board acknowledged this, but**  
218 **maintained the position that the board should be informed as quickly as possible if**  
219 **licensing action has been taken against a licensee. This heightens public protection**  
220 **and will enable board staff to quickly take action.**

221  
222 **On a motion duly made by Kovaleski, seconded by Chaney, and approved by roll**  
223 **call vote, it was**

224  
225 **RESOLVED to implement the NPDB Continuous Query for all Dentists and**  
226 **Dental Hygienists licensed by the State of Alaska Board of Dental**  
227 **Examiners.**

228

229 Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,  
230 Chaney – yea, Kovalski – yea.  
231 7 yeas, 0 nays. Motion Passed.  
232

233 **12 AAC 28.940(b)(8)(B)**  
234

235 Mr. Smith presented to the board that there is currently an overlap between Dentist's  
236 Licensure by Exam and Licensure by Credentials; specifically the following section:  
237

238 12 AAC 28.940(b)(8)(B) showing successful completion of a two-year or more postgraduate training program  
239 approved by the Commission on Dental Accreditation of the American Dental Association, and evidence of having  
240 five years of continuous clinical practice with an average of 20 hours per week, immediately preceding the date of  
241 application; for purposes of the clinical practice requirements of this subparagraph, clinical practice may include  
242 dental school; and  
243

244 This would allow for any dental applicant who has graduated with a 2 year post  
245 graduate degree to apply for licensure by exam, regardless of how long they had been  
246 actively licensed in another jurisdiction. This would lower the level of background  
247 checks performed on those applicants, and require less paperwork overall.  
248

249 The board maintained the opinion that the 2 year post graduate degree provides  
250 sufficient scrutiny of the potential licensee and that deeper review of their background  
251 would be unnecessary. The licensing examiner requested that a motion be made  
252 stating this. The board saw this matter as already having been addressed and clearly  
253 defined in regulation and statute and declined to make a motion.  
254

255 **Agenda Item 7 – Statutes and Regulations for Discussion**  
256

257 **SB74 (PDMP)**  
258

259 The board showed some concern regarding the difficulty of registering with the PDMP,  
260 stating that it is a complex process and that licensees might not be fully aware of the  
261 situation. They requested that a direct link to the PDMP registration website be added to  
262 the Dental Board Home Page.  
263

264 **12 AAC 28.965 and 12 AAC 28.970**  
265

266 Ms. Joan Wilson joined the teleconference to explain the Department of Law's opinion  
267 of 12 AAC 28.965 and 12 AAC 28.970. These proposed regulations would change the  
268 inspection requirements from 6 years to 10 years and allow for the board to review and  
269 approve applicants to be included in the list of approved radiological equipment  
270 inspectors.  
271

272 Upon review of the statutory and regulatory authority of the board it was established that  
273 the Dental Board does not have the authority to review and determine the qualifications  
274 of radiological equipment inspectors. There is no problem with the form developed for  
275 this purpose, and no issue with maintaining a list. The board does not have the

276 authority to specifically approve an inspector. To quote Ms. Wilson "It is basically  
277 licensing a new class of professionals, without the authority to license them." The board  
278 can easily maintain a list, but they will effectively have to allow any applicant who claims  
279 to be qualified be added to the list. This could function as intended, but it must be  
280 accompanied by a disclaimer stating that the board does not have the authority to  
281 determine the experience or qualifications of any individuals or organizations included in  
282 the list.

283  
284 **On a motion duly made by Chaney, seconded by Ross, and approved by roll call**  
285 **vote, it was**

286  
287 **RESOLVED to table the proposed regulations 12 AAC 28.965 and 12 AAC**  
288 **28.970 until the Department of Law has reviewed them and can provide**  
289 **additional recommendations on the wording of the regulations.**

290  
291 **Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,**  
292 **Chaney – yea, Kovaleski – yea.**  
293 **7 yeas, 0 nays. Motion Passed.**

294  
295 **Break for lunch.**

296  
297 Off record at 11:35 a.m.

298 On record at 12:30 p.m.

299  
300 Dr. Kovaleski, as noted during the review of the agenda, did not return to the meeting.

301  
302 **12 AAC 28.840(a) for review and adoption**

303  
304 **12 AAC 28.880(a) for review and adoption**

305  
306 The board reviewed the publicly noticed regulations and associated comments and  
307 found them satisfactory.

308  
309 **On a motion duly made by Scheller, seconded by Ross, and approved by roll call**  
310 **vote, it was**

311  
312 **RESOLVED to adopt 12 AAC 28.840(a) and 12 AAC 28.880(a) into regulation**  
313 **as publicly noticed.**

314  
315 **Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,**  
316 **Chaney – yea**  
317 **6 yeas, 0 nays. Motion Passed.**

318  
319 Dr. Wells signed the adoption order on the record.

320  
321 **Agenda Item 8 – Personal Interviews**

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

**On a motion duly made by Silveira, seconded by Ross, and approved by roll call vote, it was**

**RESOLVED to approve the application for a Dental License by Credentials for Dr. Richard Michaud.**

**Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea, Chaney – yea  
6 yeas, 0 nays. Motion Passed.**

**Agenda Item 9 – Additional Statute and Regulation Discussion**

**Suggested wording for PDMP registration requirements.**

The board reviewed the suggested wording for the PDMP registration requirements and found it to be satisfactory.

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

**RESOLVED to approve the following wording drafted by division staff for PDMP registration requirements to be sent to the Regulations Specialist.**

12 AAC 28.907. Prescription Drug Monitoring Program registration. A dentist who prescribes or dispenses a schedule II, III or IV controlled drug under federal law must register with the Alaska Prescription Drug Monitoring Program in accordance with 12 AAC 52.855 and pay any applicable fees within 30 days of receiving a license.

**Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea, Chaney – yea  
6 yeas, 0 nays. Motion Passed.**

**Discussion of fees and permits added by Sedation Regulations**

The fees for the new sedation regulations will essentially remain exactly the same. "Parenteral Sedation" in the fee regulations will be changed to "Moderate Sedation" and "General Anesthesia" will be changed to "General Anesthesia or Deep Sedation". There will be no additional endorsements or license types added.

**On a motion duly made by Chaney, seconded by Ross, and approved by roll call vote, it was**



369 **RESOLVED to amend the wording of 12 AAC 02.190(b)(1)(E) to “Moderate**  
370 **Sedation or Deep Sedation and General Anesthesia”, 12 AAC 02.190(b)(9)**  
371 **and (10) to “Moderate Sedation”, and 12 AAC 02.190(b)(12) and (13) to**  
372 **“Deep Sedation and General Anesthesia”.**

373  
374 **Ross – yea, Scheller – yea, Silviera – yea, Moriarty – yea, Wells – yea,**  
375 **Chaney – yea**  
376 **6 yeas, 0 nays. Motion Passed**

377  
378 The board briefly discussed the implementation of inspections for facilities that perform  
379 sedations, both random and across-the-board mandatory. This, however, has so many  
380 moving parts that the board decided to wait until the current projects have been  
381 completed.

382  
383 **Agenda Item 10 – Annual Report**

384  
385 The board began discussion of the 2017 annual report. Ms. Ross offered that after  
386 discussion, she would take responsibility for writing out the updated Goals and  
387 Objectives, Dr. Wells as Board Chair would complete the Narrative Statement.

388  
389 **Board meetings**

- 390  
391 August 18, 2017 (3<sup>rd</sup> quarter)  
392 December 8, 2017 (4<sup>th</sup> quarter)  
393 February or March, 2018 (1<sup>st</sup> quarter)  
394 April or May, 2018 (2<sup>nd</sup> quarter)

395  
396 **Out-of-state meetings**

397  
398 The Board would like a member to attend the two AADB (American Association of  
399 Dental Boards) meetings, October 17–18, 2017 in Atlanta, GA, and the Mid-year  
400 meeting, to be held April, 2018 in Chicago IL, exact date TBD.

401  
402 The board also discussed attending the annual ADA (American Dental Association)  
403 meeting on October 19-23, 2017 in Atlanta, GA.

404  
405 Dental Education Review Board; February, 2018

406  
407 **Non-travel budget requests**

- 408  
409 NPDB Continuous Query  
410 AADB Reports

411  
412 **Proposed legislation for FY 2018**

413

414 08.32.160.(4) and 08.36.315.(5) Enhance or reword the statutes concerning the denial  
415 or revocation of a licensee who is convicted of a felony.

416

### 417 **Proposed Regulations**

418

419 Carry all proposed regulations that were not completed from the last annual report to  
420 the 2017 Annual Report

421

### 422 **Goals and Objectives Part 1**

423

424 To remain mostly the same except for the following edits.

425

- 426 • Update #5 amend or delete 2<sup>nd</sup> sentence.
- 427 • Update #6 amend to "from FY2016."

428

### 429 **Goals and Objectives Part 2**

430

- 431 • #5 identify Board spokesperson as Abigail Enghirst
- 432 • Remove #9

433

### 434 **Sunset Audit Recommendations**

435

436 To remain the same as the last annual report.

437

### 438 **Agenda Item 11 – Public Comment**

439

440 Dr. Kenley Michaud wished to make a comment regarding the possibility of fees  
441 associated with the filing of a contract between a dentist and a CRNA. His point was  
442 that should a dentist enter into a contract with a CRNA or other professional licensed to  
443 perform sedation, the liability of the situation needs to be carefully tracked. He  
444 suggested that the board require the contract be filed with the dental board; associated  
445 with a fee to offset the administrative costs. The board acknowledged his comment,  
446 and requested that this be put on the task list.

447

448 Break,

449

450 Off record at 1:45 p.m.

451

452 On record at 1:58 p.m.

453

### 454 **Agenda Item 12 – Budget/Expense Report**

455

456 Ms. Sara Chambers appeared to give the budget report to the board. She explained the  
457 format of the Budget Report in detail and proceeded with a step by step breakdown of  
458 the past, present, and future financial situation of the Dental Board. Currently, the  
459 board is experiencing a surplus, as is normal during renewal years.

460  
461 Ms. Chambers also spoke briefly to the board about the importance of board members  
462 following up on proper travel procedures; i.e. turning in receipts, completing forms.  
463

464 Ms. Chambers updated the board on the status of HB 159, a bill from the Governor  
465 intended to combat opioid addiction in Alaska. She noted that this is not the only bill  
466 addressing this issue, but it is the most likely to pass this legislative session.  
467

468 The Board thanked Ms. Chambers for her time.  
469

470 **Agenda Item 13 – Office Business**  
471

472 The board reiterated their request to complete a penalty matrix for reference when  
473 establishing future consent agreements.  
474


475 The board asked to be made aware when the regional exam boards had returned  
476 communication regarding the questionnaire they had written.  
477

478 The board requested additional information on the ADEX dental and hygiene exams.  
479

480 All minutes and wall certificates were signed.  
481

482 The board adjourned the meeting at 2:30 p.m.  
483

484 Respectfully Submitted:

485   
486 \_\_\_\_\_  
487 Jedediah Smith  
488 Occupational Licensing Examiner  
489

490 Approved:

491   
492 \_\_\_\_\_  
493 Thomas Wells, DDS, President  
494

495 Date: Aug 18, 2017  
496