

1 State of Alaska
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATION, BUSINESS, AND PROFESSIONAL LICENSING
4 BOARD OF DENTAL EXAMINERS

5
6 Minutes of the meeting on
7 December 4, 2020

8
9 These minutes are prepared by the staff of the Division of Corporation, Business, and
10 Professional Licensing. These minutes have been approved by the Board.

11 By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the provision of Article 6 of AS
12 44.62, a meeting of the Board of Dental Examiners was held December 4, 2020, via Zoom
13 Videoconferencing.

14 The meeting was called to order by Dr. Neilson at 9:04AM.

15 **Agenda Item 1 – Roll Call**

16 Board members present, constituting a quorum, were:

17 Dr. David Nielson - Board President
18 Ms. Gail Walden - Board Secretary
19 Dr. Dominic Wenzell
20 Dr. Kelly Lucas
21 Dr. Jesse Hronkin– *Joined 11:00AM*
22 Dr. Jon Woller
23 Ms. Brittany Dschaak
24 Ms. Robin Wahto

25 Board members absent:

26 Steven Scheller, DDS

27
28 In attendance from the Division of Corporations, Business & Professional Licensing, Department of
29 Commerce, Community and Economic Development were:

30 Joe Bonnell – Records and Licensing Supervisor
31 Abby O’Brien – Licensing Examiner
32 Jasmin Bautista – Investigator – *Joined 9:12 AM*
33 Erika Prieksat – Senior Investigator – *Joined 9:12 AM*
34 Melissa Dumas – Administrative Officer – *Joined 9:32 AM*
35 Lisa Sherrell – PDMP Manager – *Joined 10:45 AM*
36 Sher Zinn – Regulations Specialist – *Joined 11:00 AM*

37
38 Members of the Public in attendance:

39
40 Dr. David Logan
41 Dr. Kenley Michaud – *Joined 10:18 AM*

42
43 Dr. Neilson began the meeting by reading the ethics statement. He then entertained a motion to accept
44 the agenda.

45 **On a motion duly made by Ms. Walden, seconded by Dr. Woller, and with unanimous consent, it was**
46 **RESOLVED that the Board accept the agenda for the meeting as written.**

47 **Agenda Item 2 – Review/Approve Minutes**

48 The Division had no minutes to present. Mr. Bonnell said that he and Ms. O’Brien will get both the
49 August and October minutes to the board for reviewal within the following week. Dr. Neilson asked if
50 OnBoard could be used as a reviewal platform, and Mr. Bonnell replied yes. Both Ms. Walden and Mr.
51 Bonnell added that if major changes need to be made to the minutes after reviewal, then the minutes
52 will be held and discussed at the next quarterly meeting.

53 While waiting for investigations to call in, Dr. Neilson moved to review new business. He asked if the
54 board had reviewed the CDCA membership invite email. He stated if AK accepted CDCA exams, having a
55 membership would be helpful with having a seat at the table for voting reasons and committee work.
56 Ms. Walden stated that if Alaska is accepting other exams other than WREB, then it’s a good idea to be
57 involved with other organizations and provide representation for the state.

58 **On a motion duly made by Ms. Walden, seconded by Ms. Wahto, and with unanimous consent, it was**
59 **RESOLVED that the Board move to accept CDCA membership for both dentists and hygienists.**

60 **Agenda Item 3 - Investigations Report**

61 Ms. Bautista introduced Ms. Prieksat, the new Senior Investigator, as her new supervisor. Ms. Prieksat
62 offered her assistance in future board matters.

63 Ms. Bautista then presented a review of the Investigative Report from August 4, 2020 through
64 November 25, 2020. The investigations team has 51 cases open and 3 cases closed, which do not
65 include CE audits or other license actions that handled by paralegal. Dr. Neilson asked about the
66 meaning of “litigation initiated”. Ms. Bautista explained that any step in the legal process can be noted
67 as litigation Initiated, and that if there were any questions to a specific case, the board would need to
68 enter executive session. Ms. Bautista asked board to check emails regarding case reviews, as she had
69 not yet received a response.

70 **Gail Walden – move that the Alaska State Board of Dental Examiners enter into executive session in**
71 **accordance with AS 44.62.310 (c), and Alaska Constitutional Right to Privacy Provisions, for the**
72 **purpose of discussing matters which by law, municipal charter, ordinance are required to be**
73 **confidential, with board staff to remain. Wahto seconded.**

74 Off record at 9:23 AM

75 On record at 9:45 AM

76 Roll Call

77 Division Update – Dumas

78 Ms. Dumas presented the review of FY20 4th quarter report, indirect expense report, and the FY21 1st
79 quarter report.

80 3 complete bienniums represented for comparison. Dental board total revenue of \$77,965 Direct
81 expenditures - \$299,500; indirect expenditures - \$ 137,967; total expenditures - \$437,467; Cumulative
82 deficit of \$ 332,821 heading into FY21.

83 Dr. Neilson asked if the Division had received the letter board had sent in October. Ms. Dumas said yes,
84 adding that the letter led to a conversation regarding the number of licensees, as radiological equipment
85 permits had been incorrectly added as licenses. She added the Division had since amended its number
86 of licensees and subsequently the board's indirect expenses. Dr. Wenzell clarified that the number of
87 licensees lowered reflects a lower cost of indirect expenses, as he estimated that the number of
88 radiological permits represented nearly 40% of licensees. Ms. Dumas confirmed, showing the board the
89 reduction of indirect expenditures from FY19 to FY20 had been by roughly the same percentage.

90 Ms. Walden stated that certain costs should be adjusted to cover for the division's higher workload since
91 PBIS was closing and the State would cover the time and cost of additional document processing. Ms.
92 Dumas replied that the fee analysis was already at LAW, and there is little chance of finalizing the fee
93 changes before renewals are launched. She recommended an option for collecting new fees would be
94 to push the renewal date out by 60 or 90 days, adding that other boards had done so to relieve the
95 pressure on licensees to meet requirements made difficult by COVID. This would be a temporary
96 extension, and not a permanent change.

97 Ms. Dumas explained what goes into costs, such as level of effort needed by the division to process an
98 application and how much anticipated income an applicant will have once licensed in their field. She
99 also reviewed the dental board's indirect expenses, including the three ways how they are charged, and
100 the three allocations the Division uses to determine a program's share of the overall costs

101 Dr. Wenzell was concerned that hygienists were being accounted for multiple times. Ms. Dumas
102 explained that the program is being charged for every application that they submit because that is "level
103 of effort" needed by administrative services to process each document. She stated that while other
104 programs may only have a few types of applications, the dental board has many, and that leads to
105 higher processing costs from the division which are in turn reflected in the indirect expenses. She
106 explained that administrators divide their time between multiple boards and programs, so their hours
107 are allotted as such and calculated into a board's operating costs. Ms. Dumas stated that the division's
108 methodology is based on the percentage of the number of transactions.

109 Dr. Neilson asked for reconfirmation of what's going to occur in February regarding fees. Dumas stated
110 that she would have to meet with Division staff to determine a course of action.

111 Ms. Walden asked if the board would be able to review again, expressing concern that the board had
112 been overcharged. Ms. Dumas said that the opportunity for review had already passed and that the
113 fee changes were being reviewed by LAW. She added the changes in the costs were a reflection of the
114 division changing their methodologies for measuring costs, and that the board had not been
115 overcharged.

116 Wahto asked for clarification regarding the scheduling of renewals with new fees added. Dumas
117 explained that the renewal would have to be pushed back to allow for the fee changes to be completed
118 and applied to incoming applications.

119 Dr. Woller brought up that the board sets their fees based on how long they believe it will take to review
120 an application, while the state treats all applications equally, and that may be where the
121 misunderstanding occurs regarding indirect fees. Ms. Dumas confirmed, stating that the cost of
122 processing an application from an administrative standpoint is the same across all boards, regardless of
123 the program fees that may be attached. She said that there are several days' worth of work involved
124 with each form that arrives at the office. Dr. Woller suggested a strategy in the future to reduce these
125 costs would be to condense the applications and certifications to reduce the number of forms that were
126 coming into the office. Ms. Dumas confirmed and presented the number of applications and
127 certifications that the Dental Board utilized. She stated that it was one of the most complicated
128 programs, based solely on the amount of differing forms that were available.

129 Dr. Neilson thanked Dumas for her time and moved for a break.

130 Off record at 10:31AM – Break

131 Back on Record 10:48AM

132 Roll Call 10:49AM

133 Ms. Sherrell presented the PDMP Report. She thanked the dental board for their advocacy in helping
134 her program secure two grants. She stated that the program has put a search out for a new vendor, and
135 that proposals have been submitted and are being reviewed. The program is working on automatic
136 compliance notifications and online updates to send to applicants who directly dispense. They are also
137 working on license integration as the previous launch attempt was not successful.

138 Ms. Sherrell explained the two processes that an applicant needs to go through for PDMP certification,
139 both Portal/inhouse registration, and creating an AWARxE profile online. She emphasized that while the
140 94% initial online profile setup rate was encouraging, applicants needed to complete the Portal
141 registration and pay their fees to be fully compliant, as only 52% of licensees had performed both steps.
142 O'Brien confirmed that new licensees receive documentation with information regarding PDMP
143 registration when their certificates are mailed out. Ms. Sherrell said that Ms. O'Brien and Mr. Bonnell
144 had started to merge the PDMP and Dental renewals to streamline the process. She added that her
145 team is working on seeing which licensees are required to register, to help clean up the numbers.

146 When addressing compliance for July through October of 2020, Ms. Sherrell stated only 5.62% of
147 prescriptions issued were properly searched. She said that training and education need to happen to
148 educate prescribers, as the search is in statutes. She asked if it's common for dentists to directly
149 dispense. Dr Lucas said it is more common to dispense in remote locations, while in town the only thing
150 he dispenses regularly are sedation agents and not opioids.

151 Ms. Sherrell said that the program is working on tracking reports with current vendor. She recommends
152 using delegates to increase the number of reviews and to encourage reporting. Ms. Sherrell added that
153 education on prescribing practices and the use of dangerous combinations should be available. She
154 stated that licensees should be made aware that they cannot prescribe until their registration is

155 complete. She recommended improving communication to licensees, post-licensure, to give better
156 instructions on compliance, and encouraging them to verify their user roles and specialties. Ms. Walden
157 stated that dissemination of this information would be beneficial for all licensees and not just the board.
158 Dr. Nielson agreed, stating that the board needs to address the issue before it becomes license actions.
159 Ms. Sherrell stated that these reports are public info and will be available on the PDMP website and
160 notifications can be made through AWARxE. Ms. Walden asked how many applicants have emails for
161 corresponding. Ms. O'Brien replied that an applicant has to have an email to register with AWARxE, and
162 that most applicants in Portal are opting for email correspondence.

163 Neilson – PDMP penalty matrix, anything new to offer? Hronkin – passed the torch off to Wenzell.
164 Wenzell – thought it looked fine, didn't change anything Jesse submitted.

165 11:17 AM – Regs Update

166 Changes to Chapter 28.

167 Ms. Zinn stated that no public comments had been received for this regulations project. Ms. Walden
168 stated that her only concern is in the omission of background checks, which PBIS had previously
169 provided. Ms. Zinn replied that the first section of the regulation changes is about requesting additional
170 documentation and gives the board latitude to do so if they feel it is needed. She indicated the use of
171 other verification services, such as NPDB or Clearinghouse, would alert the board if a background check
172 necessary. Dr. Neilson asked if NPDB performs criminal background checks. Ms. Zinn replied no, adding
173 that regulations state that any criminal activity must affect an applicant's ability to practice. She added
174 that the number of applicants who intentionally lie or omit information on their paperwork is
175 exceptionally low. Ms. Walden advocated for verification of documentation as a critical component of
176 an application. Dr. Neilson agreed, and stated that what the board has in place must suffice until there
177 is a new option for applications.

178 **On a motion duly made by Ms. Wahto, seconded by Ms. Dschaak, and with unanimous consent, it was**
179 **RESOLVED that the Board adopt the regulation changes in Title 12, Chapter 28 of the Alaska**
180 **Administrative Code as proposed.**

181 There is no cost to the public, and no public comments were received.

182 Dr. Neilson then asked what the board is allowed to do regarding CPR renewals. Ms. Zinn replied that
183 SB241 only allows programs renewing through 12/31/20 are able to waive CE requirements. She was
184 hopeful the legislature will extend this option to other boards, including dental.

185 Ms. Zinn said that there are online CPR courses a licensee can take which mail a mannequin directly to
186 them for a live skills check over Skype or Zoom, and this method has been utilized by other programs.
187 She said there are places in Juneau and Anchorage where a CPR course instructor goes to a specific
188 office and performs the course with the entire staff. She added that CPR renewal does not meet
189 emergency regulation requirement because the Dental Board renews after 12/31/20. Ms. Zinn didn't
190 know if the Governor has the ability to make a new declaration and extend SB241 before the next
191 legislative session would begin.

192 Ms. Walden asked where these requests for renewal modifications were coming from. Ms. O'Brien
193 replied that one was from a dentist in Anchorage, whom she directed to the AHA website. The second

194 was from a hygienist in Petersburg. Ms. O'Brien had contacted the clinic and was able to set up
195 appointment for the hygienist using a CPR Simulator. Dr. Neilson suggested sending an email to
196 licensees stating that the board cannot waive requirements but would present options for CPR renewal.

197 He then asked if the renewal needed an extension. Ms. Zinn replied that fees cannot be raised until the
198 end of the declaration, which occurs in the middle of December. She suggested extending the renewal
199 deadline to allow fee changes to take place and time for CPR testing. Ms. Zinn added that the fees
200 would go through as soon as they're filed and then after the 30-day mandatory waiting period, and that
201 new applicants would pay the amended fees. She stated that Director Chambers has the authority to
202 change the date for a renewal period, and that the 2023 renewal deadline would return to normal.

203 Ms. Zinn stated that Coronal Polishing and Restorative Function endorsements for dental assistants
204 must still be renewed by February 28, 2021, as it is written into statute. Dr. Neilson confirmed, and
205 asked if Ms. Zinn recommended a certain time frame for an extension. Ms. Zinn replied that two
206 months should suffice and having the renewals ready by the end of January would let licensees find
207 more options for CPR courses and complete their hands-on requirement.

208 **11:46 Wenzell – Motion to extend renewal date to April 30th for all renewals except the ones that we**
209 **are not allowed to. Hronkin Second.**

210 Walden – how to send information to licensees? Zinn – Sara sent email to all licensees, Announcement
211 made on top of dental website, change of license dates in system through IT

212 Having completed all morning agenda items early, Dr. Neilson moved on to New Business.

213 11:50 AM New Business

214 Ms. O'Brien received an email requesting for clarification as to whether a dentist can order an HSAT, and
215 if the dentist can make adjustments to a patient's care based on the results. The board agreed that a
216 dentist may prescribe a HSAT, as long as the results are interpreted by a licensed physician, as per AS
217 08.36.360. The board does not take a stance on insurance payment or who should be reimbursed.

218 Dr. Neilson asked Ms. O'Brien to correspond with Dr. Bressler and reaffirm that he and his wife may
219 complete all of his CE's online, just no more than 8 credit hours in a day as per 12 AAC 28.410 (i). Also,
220 Dr. Neilson asked Ms. O'Brien to add in her email that there is a renewal extension coming up so that Dr.
221 Bressler will have more time to complete his CE's.

222 Ms. Walden asked Ms. O'Brien to contact CDCA and reply that the board wishes to join the state
223 membership programs. She asked Ms. O'Brien to use her name as a point of contact as well.

224 Having finished all new business early, the board agreed to reconvene after lunch to hear public
225 comment.

226 Off Record at 12:07PM

227 On Record at 1:02PM

228 Roll call – Lucas, Neilson, Walden, Hronkin, Wahto, Woller, Dschaak, O'Brien

229 Dr. Boothe asked if tribal health centers are considered part of the state or as sovereign entities,
230 answerable only to the federal government. He also asked if a licensee is privy to board business if

231 solely practicing within an IHS capacity. Ms. O'Brien directed Dr. Boothe to inquire with
232 boards@alaska.gov, as they would handle jurisdictional matters for all the boards in the state.

233 Nielson asked if there was a Task list

234 1:15PM - PDMP Penalty Matrix – Hronkin made a matrix, sent to Dom, Dom is reviewing it, and it's in a
235 holding pattern now. Neilson said that the board needs more time to review the finished matrix.
236 Hronkin said he would appreciate more time to look at it after Wenzell's review. Walden agrees, stating
237 that the process needs to be more streamlined before the board starts issuing penalties.

238 O'Brien agreed to create a DoodlePoll for the next board meeting in March. Neilson asked O'Brien to
239 find out where in the nomination process the new Board members are.

240 1:23 – Motion to Adjourn - First Hronkin, Second Walden

241 1:24 – Adjourn

242 I certify these meeting minutes are true and correct to the best of my knowledge:

243 Respectfully Submitted,

244 
245 A9BFAD520B3A45F...
246 Terry Ryals
Records and Licensing Supervisor

5/26/2023

Date

247 
248 5534A78C28E6456...
249 Gregory Johnson, DDS
Board Chair

5/26/2023

Date