

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

## **MINUTES OF MEETING**

### **March 08, 2019**

These minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have been reviewed and approved by the Board.

By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the provisions of Article 6 of AS 44.62, a meeting of the Board of Dental Examiners was held March 08, 2019, with the board via Zoom Videoconferencing.

The meeting was called to order by Dr. Dave Nielson, President, at 3:03 p.m.

## Agenda Item 1 - Roll Call

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

Dr. David Nielson, President – Anchorage  
Ms. Gail Walden, Board Secretary - Wasilla  
Dr. Kelly Lucas – Wasilla  
Dr. Jesse Hronkin – Wasilla  
Dr. Jonathan Woller – Fairbanks  
Ms. Brittany Dschaak – Dillingham  
Ms. Robin Wahto – Anchorage  
Dominic Wenzell – Gridwood – called in at 3:04 p.m.

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

Ms. Tracy Wiard Occupational Licensing Examiner - Juneau  
Ms. Sher Zinn, Regulation Specialist – Juneau – Teleconference

Members of the public in attendance:

Dr. David Logan, Alaska Dental Society – Anchorage

## **Agenda Item 2 – Review of Agenda**

45 Dr. Nielson present the DRAFT agenda for the 03.08.2019 Board Meeting. The purpose of this  
46 videoconference meeting prior to the regularly scheduled board meeting in April is to develop the  
47 State of Alaska Dental Boards position on SB 68. In addition, the board would like to discuss  
48 requirements of licensing foreign dental graduates with a 2-year, post-graduate residency. Dr.

49 Nielson asked if there were any requested changes to the agenda. Gail Walden suggested adding a  
50 public comment period at the end of the meeting for Dr. Logan to make comments from the Alaska  
51 Dental Society.

52  
53 **On a motion made by Gail Walden, seconded by Dominic Wenzell, and passed**  
54 **unanimously, it was RESOLVED to approve the agenda with the discussed amendments.**

55  
56 **Agenda Item 3 – Ethics Report**

57 Dr. Nielson asked if there were any ethics violations or potential conflicts of interest? It was stated  
58 by Dr. Kelly Lucas that he has a collaborative agreement with fellow board member and Dental  
59 Hygienist Britany Dschaak. Dr. Lucas stated he does not see a conflict of interest or their  
60 employment relationship impacting board business or decisions. He stated Ms. Dschaak was very  
61 independent and their working relationship would not affect either persons decision regarding board  
62 business. He did state SB 68 may affect their collaborative plan but would not likely affect decisions  
63 either of them make regarding board business.

64  
65 Brittany Dschaak stated on the record that she has a working relationship and collaborative plan  
66 with fellow board member Dr. Kelly Lucas. Ms. Dschaak stated that the board business is  
67 completely independent of any work they do together and that their employment arrangement  
68 would not affect board business. She further emphasized any judgement and decisions made  
69 regarding board business and votes are completely independent of Dr. Lucas.

70  
71 **Agenda Item 4 - 2 Year Residency for Foreign Dental Graduates**

72 Dr. Nielson overviewed the history of the board having to deny applicants that have not graduated  
73 from a dental school accredited by CODA. CODA accreditation only occurs in the US and that  
74 would mean only US dental school graduates would meet the qualification. The board tried adding a  
75 section to 12 AAC 28.938 allowing applicants who have not graduated from an accredited dental  
76 school but have successfully completed a 2 or more-year CODA accredited post-graduate residency  
77 program to be eligible for licensure.

78 It was determined by Department of Law that the board did not have the statutory authority to  
79 make that change. AS 08.36.110(1)(A) states that the applicant must graduate from a dental school  
80 approved by the board. The Department of Law states that a dental school and a residency program  
81 are not the same thing. The board cannot accept a CODA accredited residency in lieu of a dental  
82 school approved by the board. It was recommended a statute change or regulation change be made  
83 to qualify applicants who have not graduated from a CODA accredited dental school.

84 Dr. Nielson stated that the board should withdraw the suggested changes to 12 AAC 28.938 from  
85 the regulations project as long as the board lacks authority anyways. Previous concerns with giving a  
86 general practice license to a graduate of a specialty program in the US who never went to a US  
87 dental school were raised again. The reason being Alaska does not have a specialty license that  
88 restricts practice to the specialty and a licensee could perform procedures they were not trained in  
89 in the US to perform. The board thought it would be best to revisit this when they discuss bringing  
90 back specialty licenses. Dr. Nielson suggested complete removal of the 2-year residency requirement  
91 from current regulations projects.

97   **On a motion made by Gail Walden, seconded by Dominic Wenzell, and passed**  
98   **unanimously, it was RESOLVED to withdraw any changes from 12 AAC 28.938 from the**  
99   **regulation project.**

100  
101   **Agenda Item 5 - SB 68**

102  
103   Dr. Nielson brought SB 68 to the board's attention. He stated it may be nice to draft a letter of the  
104   board's stance on the bill to present to the legislature if needed. He stated the bill would get rid of  
105   the current collaborative plan, allow for advanced dental hygienists to perform some functions  
106   independently and bill for insurance.

107  
108   The board reviewed SB 68 and discussed the proposed bill. Ms. Dschaak stated a concern of hers  
109   regarded the requirement of practice to be a section of the population that is considered  
110   underserved as determined by the dental board. She stated that may not allow her to practice if her  
111   location was not considered underserved. With her current collaborative plan with a licensed  
112   dentist she has the option to practice independently within the agreed scope of practice. Ms.  
113   Walden stated the State of Alaska previously had a list of recognized areas considered underserved.  
114   Dr. Nielson stated more options would be preferred over just one option to provide the greatest  
115   access to dental care possible.

116  
117   Dr. Woller stated that he spoke to some dental hygienists regarding the bill and the sponsor of the  
118   bill thought it would be best to replace the collaborative agreement with an advanced level dental  
119   hygiene license. Dr. Woller stated that the sponsor of the bill and hygienists thought the dental  
120   board would bristle against having both a collaborative agreement and an advanced dental hygiene  
121   license. Dr. Woller stated the dentists he spoke with stated that they would like to have the options  
122   for an advanced level dental hygiene license in addition to a collaborative plan.

123  
124   Dr. Wenzell stated that this bill is basically replacing a collaborative agreement with an independent  
125   hygienist. As a board member he did not want to replace the collaborative agreement with  
126   independent hygienists but would like to see both license types in place. Dr. Nielson stated  
127   removing the collaborative agreement could affect certain populations in a negative way if the area  
128   was not determined to be an underserved portion of the population.

129  
130   Dr. Nielson stated there are a few items he has an issue with. He stated there are many procedures  
131   performed by dental hygienists that are done under general supervision and local anesthesia is one of  
132   them. He wanted the boards input about this as administration of local anesthesia may require a  
133   health evaluation and may be best left under general supervision. He also stated the atraumatic  
134   restorative technique (ART) may require additional training. Ms. Walden stated that (ART) is not  
135   part of a dental hygiene curriculum as far as she is aware.

136  
137   Dr. Woller stated he did some research on other states that allow dental hygienists to perform  
138   atraumatic restorative technique (ART) and found that Kansas is the only state allowing the  
139   technique under a level III permit that requires a certain number of clinical hours of practice and  
140   completion of an 18-hour board approved course. The other issue Dr. Woller noted was the  
141   application of silver diamine fluoride. He stated when you combine these 2 modalities of treatment  
142   (ART) and (SDF) it brings forth the question if dental hygienists will begin diagnosing and treating  
143   dental caries. He stated that this seems to be beyond the scope of any dental hygiene practice. He

144 stated there is a public health benefit to having a dentist make the diagnosis to prevent miss-  
145 treatment and misdiagnosis of dental caries.

146

147 Dr. Nielson asked the board to come to a consensus of what the dental hygienists would be allowed  
148 to do with the advanced practice license. Dr. Wenzell suggested the board remove local anesthesia,  
149 atraumatic restorative technique and silver diamine fluoride from the allowable procedures AS  
150 08.32.115(a)(3), (9) and (11). Dr. Woller recommended adding a definition under radiographs or a  
151 defined type of radiograph under AS 08.32.115(a)(7). This would be to eliminate the use of cone  
152 beam or 3-dimensional imaging as that is not in the scope of practice. Ms. Walden and Dr. Nielson  
153 stated the population served by this license type would be underserved and there would be no cone  
154 beam.

155

156 Regulations specialist Zinn addressed the board and stated the current collaborative agreement  
157 08.32.115 (9) allows the dental hygienist to administer local anesthesia. Dr. Nielson stated item (9) is  
158 only allowed after being authorized by the dentist with whom the collaborative agreement is with  
159 and an advanced dental hygiene license would not require approval from a dentist. Dr. Nielson  
160 states the dentist has evaluated the patient prior to approving the hygienist to administer local  
161 anesthesia.

162

163 After further discussion Dr. Nielson believed the board wanted to keep the collaborative agreements  
164 between dentists and hygienists and add the advanced dental hygiene license. Ms. Walden stated  
165 that the training of dental hygienists is more than adequate to treat syncope and administer local  
166 anesthetic. Ms. Walden stated, to her knowledge, ART has not traditionally been included in a  
167 dental hygiene curriculum.

168

169 Dr. Nielson stated the market would best determine if a collaborative plan or advanced dental  
170 hygienist would meet the needs to the communities being served. Ms. Dschaak stated that having a  
171 hygienist place silver diamine fluoride could be advantageous in more rural communities with home  
172 bound or patients or other underserved, immobile patients where dental visits are rare. She  
173 approves removal of AS 08.32.115(b)(7) if the collaborative plans remain in place.

174

175 Regulations specialist Zinn addressed the board before moving on to public comment. She noted  
176 possible contradictory information on page 4 of the bill AS 08.32.115(d)(1) stating services could be  
177 limited to preventive and not comprehensive. Ms. Zinn wanted to know if there were any  
178 procedures listed that would be considered comprehensive? Board members stated atraumatic  
179 restorative technique and silver diamine fluoride would be considered comprehensive treatment.  
180 Dr. Woller stated that nonsurgical periodontal therapy was also not preventive. It was suggested  
181 that preventive phraseology be removed from AS 08.32.115 (d)(1)

182

183 **Agenda Item 6 - Public Comment**

184

185 Dr. Logan addressed the board and stated that the Alaska Dental Society is still formulating a  
186 position regarding SB 68. He was interested to listen to the boards discussion regarding  
187 administration of local anesthetic as that hasn't been discussed in depth by the Alaska Dental Society  
188 at this point. Dr. Logan stated he has not formulated an opinion now.

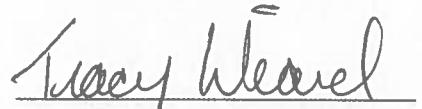
189

190 Dr. Nielsen felt he understood the position of the board. He stated he would draft a letter to  
191 present to the board for a vote. He would then submit the letter to the legislature in case any of the  
192 members are asked to provide testimony regarding SB 68.  
193

194 There was a recap and Dr. Nielson stated the board would like to see some extra training if the  
195 hygienists were going to provide atraumatic restorative technique. The silver diamine fluoride may  
196 be okay if the word preventive in AS 08.32.115(d)(1) was replaced with different wording. Dr.  
197 Woller believed it should mirror the collaborative agreement and the wording should be within the  
198 scope of practice. Dr. Lucas wanted to make sure this bill would not remove collaborative  
199 agreements per which the board agreed.  
200

201 Dr. Woller made a motion to adjourn the meeting, Gail Walden seconded. There were no  
202 objections. Meeting adjourned at 4:05 p.m.  
203  
204  
205  
206

Respectfully Submitted:

  
Tracy Ward  
Occupational Licensing Examiner

Approved:

  
David Nielson, DDS, President

Date: April 16, 2019