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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 15, 2019**

These minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing.

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 15, 2019, with the board at 550 W. 7th Ave. Anchorage, AK Suite 1550 and Juneau staff attending via Zoom Videoconferencing.

The meeting was called to order by Dr. David Nielson, President, at 9:01 a.m.

Agenda Item 1 - Roll Call

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

Dr. David Nielson, President – Anchorage
Ms. Gail Walden – Wasilla
Ms. Brittany Dschaak – Dillingham
Dr. Jesse Hronkin – Wasilla
Dr. Jonathan Woller – Fairbanks
Dr. Dominic Wenzell – Girdwood
Ms. Robin Wahto – Anchorage

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
Mr. Allan Alcancia, Occupational Licensing Examiner – Juneau
Ms. Isla Lund, Occupational Licensing Examiner – Juneau
Mr. Joseph Bonnell, Records and Licensing Supervisor - Juneau
Ms. Dawn Hannasch, Records and Licensing Supervisor – Juneau
Ms. Sara Chambers, CBPL Division Director
Ms. Laura Carrillo, Board of Pharmacy Executive Director
Ms. Jasmin Bautista, Investigator – Anchorage
Mr. Carl Jacobs, Investigator – Anchorage
Mr. Billy Homestead, Probation Monitor – Anchorage
Mr. Robb Jacobs, Probation - Anchorage
Ms. Sher Zinn, Regulation Specialist – Juneau

49 Members of the public in attendance:

50
51 Ms. Tina Halvorson, RDH

52 Mr. Michael Boothe, DDS

53 Mr. Kenley Michaud, Dental Anesthesiologist

54 Ms. Gianna Hartwig, American Association of Orthodontists

55
56 **Agenda Item 2 – Review of Agenda**

57
58 The board reviewed the DRAFT agenda for the April 15, 2019 Board Meeting. It was decided to
59 table agenda item 10 until the August 23, 2019 board meeting for more research into radiological
60 equipment inspectors by the Division of Corporations, Business and Professional Licensing. In
61 addition, agenda item 16 would include options regarding the procurement process, requests for
62 proposals and regulation changes that could be utilized to meet requirement for the inspection of
63 sedation offices. Agenda item 17 had a review of HB 127 added.

64
65 **On a motion duly made by Walden, seconded by Hronkin, and approved unanimously, it**
66 **was RESOLVED to approve the agenda as amended.**

67
68 **Agenda Item 3 – Review and Approve Past Meeting Minutes**

69
70 Dr. Nielson recommended changing panna's to pano's on line 112. Lines 293-295 did not read right
71 to the board and it was recommended the wording be changed to, "the board only offers a
72 temporary permit to substitute for an incapacitated dentist or a courtesy license for pro-bono work."
73 It was noted by Ms. Walden that Billy was spelled incorrectly on line 169 and Dr. Nielson noted line
74 422 needed the addition of, "they" and "has."

75
76 **On a motion duly made by Nielson, seconded by Wenzell, and approved unanimously, it**
77 **was RESOLVED to approve the 02.15.19 dental board meeting minutes as amended.**

78
79 It was stated that on line 29 Brittany Dschaak resides in Dillingham and not Naknek. Line 88 needs
80 to have the word, "or," deleted. Line 109 needs to have the word, "not" removed and line 111
81 needs to have the word, "not," added. Lines 143 and 145 have the incorrect spelling of the word
82 caries. Line 166 needs to list atraumatic restorative technique and lines 177, 180, 181, and 196 need
83 the word preventative to be changed to preventive.

84
85 **On a motion duly made by Wahto, seconded by Hronkin, and approved unanimously, it was**
86 **RESOLVED to approve the 03.08.19 dental board meeting minutes as amended.**

87
88 **Agenda Item 4 – Ethics Disclosure**

89
90 There were no reported ethics violations or potential conflicts of interest reported by the board.

91
92 **Agenda Item 5 – Application Review**

93
94 It was explained to the board that since there were previous votes to table or deny the applications
95 on the agenda, they were now presented to the board for a vote at the meeting. There was
96 discussion amongst the board regarding acceptable CEU's for one of the applicants. The board

97 does not have a regulation limiting the number of CEU's accepted from on line courses or the
98 number of CEU's an applicant or licensee may take in a day. It was stated by Dr. Wenzell that many
99 other states have limits to the number of CEU's an applicant or licensee can take on line and how
100 many hours of CEU's can be taken in one day. Dr. Wenzell was curious to know how an applicant
101 could take 20 hours of CEU's in one day. Ms. Walden asked the licensee, who was present at the
102 meeting, how she could accomplish 20 hours of CEU's in one day? Ms. Halvorson advised the
103 board she took some online credits that were worth 4 or 5 CEU's at a time. She also stated she took
104 the CEU's to primarily qualify for licensure in Alaska. She stated the 20 hours of CEU's did not
105 take long to complete as the content of the courses contained a lot of information she already knew.
106 Dr. Nielson noted that courses accredited by CERP or PACE may not require a student to read
107 through every page and it may be worth contacting CERP to see if they would do that to ensure
108 correct hours for CEU's.

109
110 **On a motion duly made by Wenzell, seconded by Walden, and approved unanimously, it**
111 **was RESOLVED to approve Tina Halvorson's application for licensure as a dental**
112 **hygienist.**

113
114 There was discussion regarding the current regulations for continuing education. Dr. Nielson
115 suggested that Dr. Wenzell draft wording for potential changes to the regulations for continuing
116 education. Dr. Wenzell stated he already had a draft made. Dr. Wenzell agreed to provide this at
117 the August 23, 2019 board meeting.

118
119 **On a motion duly made by Walden, seconded by Hronkin, and approved unanimously, it**
120 **was RESOLVED to go in to executive session in accordance with Alaska Statute**
121 **44.62.310(c)(2) for the purpose of discussing license renewal subjects that tend to prejudice**
122 **the reputation and character of any person, provided the person may request a public**
123 **discussion. Board staff to remain.**

124
125 Off Record: 9:37 AM

126 On record: 10:01 AM

127
128 Those present, constituting a quorum of the board, were:

129
130 Dr. David Nielson, President – Anchorage

131 Ms. Gail Walden – Wasilla

132 Ms. Brittany Dschaak – Dillingham

133 Dr. Jesse Hronkin – Wasilla

134 Dr. Jonathan Woller – Fairbanks

135 Dr. Dominic Wenzell – Girdwood

136 Ms. Robin Wahto – Anchorage

137

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

140

141 Ms. Tracy Wiard, Occupational Licensing Examiner – Juneau

142 Mr. Allan Alcancia, Occupational Licensing Examiner – Juneau

143 Ms. Isla Lund, Occupational Licensing Examiner – Juneau

144 Mr. Joseph Bonnell, Records and Licensing Supervisor - Juneau

145 Ms. Dawn Hannasch, Records and Licensing Supervisor – Juneau
146 Ms. Sara Chambers, CBPL Division Director
147 Ms. Laura Carrillo, Board of Pharmacy Executive Director
148 Ms. Jasmin Bautista, Investigator – Anchorage
149 Mr. Carl Jacobs, Investigator – Anchorage
150 Mr. Billy Homestead, Probation Monitor – Anchorage
151 Mr. Robb Jacobs, Probation - Anchorage
152 Ms. Sher Zinn, Regulation Specialist – Juneau

153
154 Members of the public in attendance:

155
156 Ms. Tina Halvorson, RDH
157 Mr. Michael Boothe, DDS
158 Ms. Gianna Hartwig, American Association of Orthodontists
159 Mr. Kenley Michaud, Dental Anesthesiologist
160

161 **On a motion duly made by Woller, seconded by Hronkin, and approved unanimously, it was**
162 **RESOLVED to table the remainder board review applications until investigations at 11:00**
163 **AM.**

164
165 **Agenda Item 7 – Specialty Licenses**

166
167 Dr. Nielson provided some background information regarding dental specialty licenses. They
168 stopped being a license type around 2012. Dr. Nielson noted there are several valid reasons the
169 board may want to consider issuing specialty licenses. One of the reasons to bring back specialty
170 licenses is the boards history of inability to grant a license to a dental specialist from another state
171 who graduated from a CODA accredited residency but has not graduated from a CODA accredited
172 dental school. If there were specialty licenses, the board may be able to grant a license for a specific
173 specialty even if the applicant has not graduated from a CODA approved dental school.
174

175 Dr. Nielson stated there would also be the benefit of truth in advertising in the dental practice in
176 Alaska. The board could have a definition of what a specialty is and what a specialist does and this
177 would mitigate false advertisement to the public. The ADA was the entity that most of the states
178 relied on to determine the definition of specialist. Some groups disagreed with the ADA on their
179 definition. A new commission was formed by the ADA and many states have been in limbo trying
180 to define what a specialist is and not have to rely on the ADA so much. It would require the board
181 getting help legislatively to commence the process of introducing a bill for the statutes. It was stated
182 the board has previously collaborated with the Alaska dental society for help with bill. Discussion of
183 the topic ensued by the board.
184

185 Ms. Walden encouraged the board to review Ms. Gianna Hartwig’s letter. Ms. Hartwig’s letter
186 submitted for the board review suggests using language stating requirements for a specialty license
187 include successful completion of residency accredited by the U.S. Department of education that is 2
188 full time years in length. Currently CODA is the only accreditation agency of this type. Having a
189 federal organization define specialties as opposed to a trade company would minimize current
190 conflict with groups in opposition of ADA’s definition/requirements for a dental specialty. This
191 would also mitigate dental boards being sued by some groups because they also require CODA
192 accredited programs.

193
194 Dr. Nielson suggested nominating a board member to write a letter to the Alaska Dental Society
195 asking for help getting a bill to legislators to add specialty licenses to the Alaska Board of Dental
196 Examiners statutes and regulations. After board discussion ensued Dr. Nielson nominated Dr.
197 Wenzell to be the representative from the Alaska Board of Dental Examiners to work with the
198 Alaska Dental Society to begin the process of implementing new statutes. Dr. Wenzell agreed to
199 accept the nomination and the board had no objections. The board took a 10-minute break.

200
201 Off record: 10:23 AM
202 On record: 10:34 AM

203
204 Those present, constituting a quorum of the board, were:

205
206 Dr. David Nielson, President – Anchorage
207 Ms. Gail Walden – Wasilla
208 Ms. Brittany Dschaak – Dillingham
209 Dr. Jesse Hronkin – Wasilla
210 Dr. Jonathan Woller – Fairbanks
211 Dr. Dominic Wenzell – Girdwood
212 Ms. Robin Wahto – Anchorage

213
214 In attendance from the Division of Corporations, Business & Professional Licensing,
215 Department of Commerce, Community and Economic Development were:

216
217 Ms. Tracy Wiard, Occupational Licensing Examiner – Juneau
218 Mr. Allan Alcancia, Occupational Licensing Examiner – Juneau
219 Ms. Isla Lund, Occupational Licensing Examiner – Juneau
220 Mr. Joseph Bonnell, Records and Licensing Supervisor - Juneau
221 Ms. Dawn Hannasch, Records and Licensing Supervisor – Juneau
222 Ms. Sara Chambers, CBPL Division Director
223 Ms. Laura Carrillo, Board of Pharmacy Executive Director
224 Ms. Jasmin Bautista, Investigator – Anchorage
225 Mr. Carl Jacobs, Investigator – Anchorage
226 Mr. Billy Homestead, Probation Monitor – Anchorage
227 Mr. Robb Jacobs, Probation - Anchorage
228 Ms. Sher Zinn, Regulation Specialist – Juneau

229
230 Members of the public in attendance:

231
232 Ms. Tina Halvorson, RDH
233 Mr. Michael Boothe, DDS
234 Ms. Gianna Hartwig, American Association of Orthodontists
235 Mr. Kenley Michaud, Dental Anesthesiologist

236
237 **Agenda Item 8 – Regulations Update**

238
239 The board reviewed the completed regulations project showing the regulations that become effective
240 May 1, 2019. Dr. Nielson reminded the licensing examiner to be cognizant of the acceptance of the

241 new regional exams if there is a completion of two restorations. There is no longer the requirement
242 of an alloy. In addition, the applicant needs to complete the CTP test offered by WREB through
243 the Prometric's testing site. The test must be a constructive response test. Meaning it is not a
244 multiple-choice exam. Currently WREB is the only testing agency that offers a constructive response
245 treatment exam.

246
247 Ms. Zinn explained to the board the reason new regulations are being proposed is for the addition
248 of an expiration date for deep and moderate sedation permits, hygiene and assistant restorative
249 function certificates, and coronal polishing certificates. Currently deep and moderate sedation
250 permits state they expire when the licensee's dental license expires. Sometimes, a licensee will renew
251 their dental license and not their deep or moderate sedation permit or will renew their deep or
252 moderate sedation permit and fail to renew their dental license. There are currently no regulations
253 stating when the deep or moderate sedation permits will lapse or expire aside from centralized
254 licensing statutes and regulations which state all lapsed licenses expire after 5 years of being in lapsed
255 status. There is also no process to reinstate a lapsed deep or moderate sedation or hygiene
256 restorative function endorsement. This expiration length is different than the dentists and dental
257 hygiene licenses which expire after 2 years of being in lapsed status. Updating the regulations to
258 include dates lapsed and expired of the deep and moderate sedation permits would keep the
259 renewals and expirations in the same cycle as the dental license expirations and renewals.

260
261 The same situation would apply to the dental hygiene restorative function certificate. There is no
262 regulation stating when these certificates lapse or expire. Updating the regulations would keep the
263 hygiene restorative function certificates on the same expiration cycle.

264
265 There are no regulations regarding the lapsed and expired statuses of coronal polishing or restorative
266 function certificates for the dental assistants. The board may like to add some. There is also the
267 possibility the board may want to add continuing education requirements for hygiene and assistant
268 restorative function certificates as well as for the coronal polishing certificates for dental assistants.

269
270 Ms. Zinn presented the board with a draft of possible regulations that the board could implement to
271 address expiration dates and continuing education requirements for the effected license types. The
272 proposed regulations mirror the lapsed and expired requirements for dental and hygiene licenses.
273 This would allow consistency for all license renewal, lapse and expiration cycles.

274
275 Ms. Walden discussed the proposed requirement for hygienist restorative function continuing
276 education requirements. She advised the board that the requirement for continuing education
277 covering materials for a restorative function certificate may not be the best topic because the
278 hygienists and assistant performing the restorative function have no choice over the materials used.
279 Ms. Walden also stated the hygienists work under direct supervision and there is no need to be
280 overly CE happy. Board discussion regarding the continuing education requirement continued.

281
282 **On a motion duly made by Nielson, seconded by Walden, and approved by the majority,**
283 **through roll call vote it was RESOLVED to include the requirements for continuing**
284 **education for restorative function endorsements for hygienists and dental assistants to the**
285 **regulation project.**

286 Nielson – Y, Waldon – N, Dschaak – N, Hronkin – Y, Woller – Y, Wenzell – Y, Wahto – N.

287

288 It was suggested that wording for the NBDE parts I and II be added to the task list and agenda of
289 the August 23, 2019 board meeting. Ms. Zinn also informed the board if they accepted the draft
290 regulations as written they would be presented to the board at the next meeting. The board could
291 add more to the regulations today or at the next meeting if they chose to do so.

292
293 **On a motion duly made by Nielson, seconded by Hronkin, and approved unanimously, it**
294 **was RESOLVED to accept the drafted regulations as written for the regulation project.**

295
296 **Agenda Item 9 – Probation / Investigative Report**

297
298 Investigator Homestead provided the board with the quarterly probationary report. He stated there
299 are 5 licensees on probation with one individual looking to surrender. All licensees are complying
300 with the conditions of their probation. Mr. Homestead reached out to the licensee who is opting to
301 surrender his license as the licensee no longer resides in Alaska and has no intention of returning to
302 Alaska.

303
304 Investigator Bautista joined the meeting to provide the investigative report. From 02/08/2019 –
305 04/03/2019 investigations opened 15 matters and closed 12 matters. There are currently 29 matters
306 remaining open now. The board then heard an overview of the case review process presented by
307 Investigator Carl Jacobs.

308
309 **On a motion duly made by Walden, seconded by Hronkin, and approved unanimously, it**
310 **was RESOLVED to go in to executive session in accordance with Alaska Statute**
311 **44.62.310(c)(2) for the purpose of discussing investigative matters that tend to prejudice the**
312 **reputation and character of any person, provided the person may request a public**
313 **discussion. Board staff to remain.**

314
315 Off Record: 11:39 AM

316 On Record: 12:04 PM

317
318 Those present, constituting a quorum of the board, were:

- 319
320 Dr. David Nielson, President – Anchorage
321 Ms. Gail Walden – Wasilla
322 Ms. Brittany Dschaak – Dillingham
323 Dr. Jesse Hronkin – Wasilla
324 Dr. Jonathan Woller – Fairbanks
325 Dr. Dominic Wenzell – Girdwood
326 Ms. Robin Wahto – Anchorage

327
328 In attendance from the Division of Corporations, Business & Professional Licensing,
329 Department of Commerce, Community and Economic Development were:

- 330
331 Ms. Tracy Wiard, Occupational Licensing Examiner – Juneau
332 Mr. Allan Alcancia, Occupational Licensing Examiner – Juneau
333 Ms. Isla Lund, Occupational Licensing Examiner – Juneau
334 Mr. Joseph Bonnell, Records and Licensing Supervisor - Juneau
335 Ms. Dawn Hannasch, Records and Licensing Supervisor – Juneau

336 Ms. Sara Chambers, CBPL Division Director
337 Ms. Laura Carrillo, Board of Pharmacy Executive Director
338 Ms. Jasmin Bautista, Investigator – Anchorage
339 Mr. Carl Jacobs, Investigator – Anchorage
340 Mr. Billy Homestead, Probation Monitor – Anchorage
341 Mr. Robb Jacobs, Probation - Anchorage
342 Ms. Sher Zinn, Regulation Specialist – Juneau
343

344 Members of the public in attendance:

345
346 Ms. Tina Halvorson, RDH
347 Mr. Michael Boothe, DDS
348 Ms. Gianna Hartwig, American Association of Orthodontists
349 Mr. Kenley Michaud, Dental Anesthesiologist
350

351 **On a motion duly made by Nielson, seconded by Hronkin, and approved unanimously, it**
352 **was RESOLVED to accept the surrendered license of Timothy Harboldt case #2012-001362**
353 **and #2013-001842.**

354
355 **On a motion duly made by Nielson, seconded by Wahto, and approved unanimously, it was**
356 **RESOLVED to table the renewal of Seth Lookhart’s suspended dental license and moderate**
357 **sedation permit until the August 23, 2019 Board of Dental Examiners meeting and**
358 **consultation with the AAG.**

359
360 Off Record: 12:06 PM

361 On record: 1:04 PM

362
363 Those present, constituting a quorum of the board, were:

364
365 Dr. David Nielson, President – Anchorage
366 Ms. Gail Walden – Wasilla
367 Dr. Jesse Hronkin – Wasilla
368 Dr. Jonathan Woller – Fairbanks
369 Dr. Dominic Wenzell – Girdwood
370 Ms. Robin Wahto – Anchorage
371 Ms. Brittany Dschaak – Dillingham, joined at 1:02 PM.
372

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

375
376 Ms. Tracy Wiard, Occupational Licensing Examiner – Juneau
377 Mr. Allan Alcancia, Occupational Licensing Examiner – Juneau
378 Ms. Isla Lund, Occupational Licensing Examiner – Juneau, joined at 1:04 PM.
379 Mr. Joseph Bonnell, Records and Licensing Supervisor - Juneau
380 Ms. Dawn Hannasch, Records and Licensing Supervisor – Juneau
381 Ms. Sara Chambers, CBPL Division Director
382 Ms. Laura Carrillo, Board of Pharmacy Executive Director
383 Ms. Jasmin Bautista, Investigator – Anchorage

384 Mr. Carl Jacobs, Investigator – Anchorage
385 Mr. Billy Homestead, Probation Monitor – Anchorage
386 Mr. Robb Jacobs, Probation - Anchorage
387 Ms. Sher Zinn, Regulation Specialist – Juneau
388

389 Members of the public in attendance:
390

391 Ms. Tina Halvorson, RDH
392 Mr. Michael Boothe, DDS
393 Ms. Gianna Hartwig, American Association of Orthodontists
394 Mr. Kenley Michaud, Dental Anesthesiologist
395

396 **Agenda Item 12 – Public Comment**
397

398 Dr. Michael Boothe sent an e-mail and arrived in person to address the board during public
399 comment. Dr. Boothe addressed the board with 2 comments. Dr. Boothe informed the board he
400 has read the previous meeting minutes regarding the task of finding a qualified radiologic inspector
401 for the dental board. He is currently a dentist with the State of Alaska Department of Corrections
402 and is debating retirement from his current position. Dr. Boothe informed the board he has a
403 minor in physics and if the Governor creates a radiologic equipment inspector position, he would
404 like to discuss his candidacy with the board. Dr. Boothe expressed an interest in being the
405 radiologic equipment inspector for the Board of Dental Examiners if appropriate.
406

407 Dr. Boothe's second comment concerned the questions on the Dental License renewal application
408 which he completed during the 01/01/2019 – 02/28/2019 renewal period. He wanted the board to
409 know that there was no place to declare a civil lawsuit on the renewal form. The closest he found
410 was question 5. He informed the board it is one long sentence that never states a civil lawsuit. His
411 concern is a licensee could have one or multiple civil lawsuits but no place to disclose them on the
412 renewal form.
413

414 Dr. Nielson stated he showed some of the questions to his brother, who is an attorney and his
415 brother had the opinion that the wording of the professional fitness questions on the renewal
416 application are too long and possibly confusing. Dr. Boothe stated he showed the renewal to the
417 attorney generals who defended him and they stated he had answered question 5 honestly by
418 checking no to question 5 even though he was in a civil lawsuit with a former DOC inmate.
419 Discussion ensued over the wording of the sentences and use of commas.
420

421 Ms. Hannasch addressed the board advising they can draft renewal questions that the board believes
422 would be easier for the dental industry to understand and present to board counsel for review. She
423 went on to say that option would be ideal if there is evidence of many licensees having trouble
424 deciphering the meaning or intent of the questions. Dr. Nielson states he has known of numerous
425 people confused about insurance companies paying out for a licensee and licensees do not think that
426 is necessary for disclosure. It was suggested to add this topic to the August 23, 2019 board meeting
427 agenda with suggestions for revisions. Dr. Nielson suggested Jonathan Woller create a draft of
428 question 5 on the renewal application for the August 23, 2019 board meeting agenda to which Dr.
429 Woller concurred.
430
431

432 **Agenda Item 10 – Dental Board Annual Report**

433

434 As amended on the agenda, the board moved on to discuss their requirements to draft their annual
435 report. OLE Wiard showed the outline of the annual report and informed the board she was
436 responsible for the table of contents, identification of staff, identification of the board, FY 2020
437 budget recommendations and the sunset audit recommendations. She then informed the board that
438 they provide the boards narrative statement, legislation recommendations or proposed legislation for
439 2020 and the boards goals and objectives. It was stated the due date for the FY 2019 Boards Annual
440 Report is May 15, 2019. OLE Wiard offered to e-mail the outline for the annual report to Dr.
441 Nielson with some previous reports for examples. It was stated the chair could farm the boards
442 sections out to other members or draft the report himself. OLE Wiard agreed to e-mail the outline
443 by the end of the day.

444

445 **Agenda Item 13 – PDMP Report**

446

447 Before Ms. Carrillo joined the board for the PDMP report, the PDMP penalty matrix was briefly
448 reviewed. Dr. Nielson believes that the board should add some accompanying regulation to 12
449 AAC 28.906 in the disciplinary sanctions section so the board can enforce penalties for PDMP
450 violations or infractions. Dr. Nielson also stated it would be necessary to add failure to register with
451 the PDMP database under AS 08.36.070 as well. He went on to inform the board that we need to
452 add the suggested PDMP information to the current regulation project. Ms. Walden noted that
453 regulation 12 AAC 28.953 requires dentists with a DEA number to register and comply with
454 regulations pertaining to the PDMP database.

455

456 Ms. Carrillo joined the board for the PDMP report. Dr. Nielson asked if the dental board must
457 notify the Board of Pharmacy if a dental licensee has lost their prescriptive authority. Ms. Carrillo
458 advised this was not necessary for the dental board as there is no way for the Board of Pharmacy to
459 monitor DEA license status. The responsibility resides with the licensee to report a change to the
460 Board of Pharmacy if there is a change to the licensee's DEA status.

461

462 Ms. Carrillo conducted the current report and noted that the report includes information through
463 April 4, 2019. Dentists compromise 9% of the total PDMP user base. There is a registration
464 compliance rate of 73%. This rate may be higher than reported as the total number of licensed
465 dentists may include some who are federally employed and held to different PDMP standards and
466 therefore not registered as a PDMP user in the database. It was also stated the dentists may not
467 have a DEA number. If this is the case, the dentists with no DEA number should contact PDMP
468 so they can be removed from the list.

469

470 Ms. Carrillo directed the board to figure 4 showing an interesting spike in log ins for the month of
471 January 2019. There was not a clear reason for the 122.4% increase in log ins for January as
472 opposed to December 2018 and February and March of 2019. The spike in log ins did not
473 correspond to the patient prescription query history. The patient history review remained consistent
474 despite the spike in January log ins.

475

476 Ms. Walden and Dr. Nielson stated many of the dental licensees had expressed frustration with their
477 status as pending after registration with no PDMP number. Ms. Carrillo informed the board that
478 the pending statuses are not included in the current report. The current PDMP report is only of
479 registered users. It was asked how one may check on their PDMP renewal status. Ms. Carrillo

480 stated the Aware database is a separate website platform and the goal with Aware and CBPL is to
481 eventually link active PDMP registrations to the CBPL database. This will allow people to renew
482 their PDMP registration through My Alaska in the same way they renew their professional license.
483

484 **Agenda Item 14 – PDMP Penalty Matrix**

485
486 The board had some concerns with providers inability to check their renewal status and creating a
487 penalty matrix to make sure licensees are in compliance with renewal if they could not check their
488 status. It was noted that compliance issues have a lot to do with initial registration and not renewal.
489 There would be no need to issue a penalty for a licensee whose renewal status was pending due to
490 renewal. It was stated that the board would still be required to determine what a late registration
491 would be and how the board would like to handle that in addition to reviewing patient histories
492 prior to prescribing class II/III medications.
493

494 Board members questioned if they could draft a matrix for review at the August meeting along with
495 a letter informing licensees of their late registration. Ms. Walden stated a letter would be preferred
496 before issuing penalties. Dr. Nielson states it would be easy to adopt a letter to inform licensees they
497 have not registered now. Further clarification was asked for the steps the board should take with the
498 letter. The board decided a letter informing licensees with DEA numbers who have never registered
499 for PDMP would be the best option. Gail Walden decided to draft the letter for late PDMP
500 registrations. It was stated the DEN board could append a DEA status change form to the letter
501 for licensees to report a change in DEA status. OLE Wiard would add the letter to On Board for
502 the board to review before sending to licensees.
503

504 It was asked if the board needs a companion regulation to go along with registering for the PDMP?
505 Dr. Nielson believes the board was previously asked to add regulations to 12 AAC 28.906 (6) for
506 disciplinary actions and it was never added. Sher Zinn addressed the board and did not see any
507 discussion in past meeting minutes regarding the addition of PDMP regulations to 12 AAC 28.906.
508 She informed the board that they could add regulations but discipline issues were also covered in AS
509 08.36.315(7) as later confirmed by Ms. Walden. Ms. Zinn stated if the board would like to define
510 what type of issues licensees can have, such as failure to register for PDMP, failure to renew for
511 PDMP, failure to check prescription database then the board would need to add those issues to 12
512 AAC 28.906.
513

514 Ms. Carrillo wanted the board to consider if violations applicable to PDMP registration and access
515 be considered technical violations or a standard of care issue? This is something Ms. Carrillo hoped
516 the board would discuss on the record prior to making the penalty matrix. It was also stated 12
517 AAC 28.906 would be the correct location for new regulations as they are made. The board
518 questioned what the difference would be of a standard of care violation vs. a technical violation. A
519 standard of care violation seemed more severe. The board nominated Dr. Jesse Hronkin to draft
520 the PDMP penalty matrix for the board to review at the August 23, 2019 meeting.
521

522 Ms. Carrillo addressed the board requesting the joint statement from the dental board. She stated
523 many people including legislators are asking for an update. Ms. Carrillo asked for the dental boards
524 perspective regarding the joint statement. Dr. Nielson offered to draft the joint statement on behalf
525 of the dental board.
526

527 Off Record: 2:05 PM

528 On Record: 2:15 PM

529

530 **Agenda Item 16 – Sedation Inspections**

531

532 Dr. Nielson addressed the board stating dental board may conduct inspections of offices that
533 perform moderate or deep sedation per regulation. Dr. Nielson wants to get the board to a place
534 where they can conduct the inspections for safety and compliance with the regulations. Using
535 AAFDO and the SAMERI program seemed like a great resource as they can conduct the
536 inspections remotely and they are accredited. The ability to conduct remote inspections is a benefit
537 to sedation permit holders given Alaska’s vast geography and limited road system. The board had
538 some confusion regarding the reasons they cannot elect to use SAMERI for dental inspections.

539

540 Ms. Chambers addressed the board, informing them that they can draft regulations that state who is
541 qualified to conduct an inspection of deep and moderate sedation permit holders, how frequent the
542 inspections occur, events that would trigger the inspections, if the permit holders would be subject
543 to audits, etc. The best way to accomplish this would be to draft regulations so permit holders have
544 the option to find qualified inspectors and utilize those services. This would provide the permit
545 holders with clear guidelines and choices to obtain inspections. The current regulations say the
546 board, “may,” conduct an inspection but the standards are not listed.

547

548 It was also noted that the State of Alaska has a procurement process that the State must follow
549 when contracting for supplies and services. A contract for goods or services may not be established
550 with one business without going through the procurement process. There is also a procurement
551 process that is utilized when the State wants to utilize a single source. Without the procurement
552 process being utilized the matter becomes a private and non-transparent transaction which is not
553 allowable when a business has potential to earn money by conducting state business. If the process
554 was not followed it could open the board up for lawsuit liability.

555

556 Dr. Nielson wanted to know how the board could quickly and legally start the inspection process.
557 Ms. Chambers stated the fastest process would likely be to change the current regulations listing the
558 qualifications required for a sedation inspector, frequency of inspections, events that would trigger
559 an inspection, what is required to pass an inspection, etc. This option would allow permit holders to
560 comply on their own accord. The regulation change is far broader then starting the process of a
561 single source procurement.

562

563 The board discussed their options to change regulation or begin the procurement process. It was
564 reiterated that if the board wanted to offer AAFDO exclusive rights to conduct sedation inspection
565 the board would at the very least be required to go through the procurement process. The board
566 asked how they would go through the procurement process. It was stated the state would handle
567 the procurement process. Ms. Chambers recommended the board establish the list of acceptable
568 thresholds for inspection companies to conduct inspections of sedation facilities and return to the
569 OLE. CBPL would then look at the procurement process for the board. Dr. Nielson offered to
570 draft the requirements for the inspection companies to be qualified to conduct inspections of deep
571 or moderate sedation permit holders. The board agreed with Dr. Nielson drafting the requirements.

572

573 Ms. Zinn addressed the board stating several states require a sedation inspection upon initial
574 licensure then re-inspection every 5 years. Some states perform a self-inspection which would be
575 reviewed by a designated inspector with a follow up visit. However, if the board wanted the permit

576 holders to have the inspection initially that would require a regulation change. Ms. Chambers
577 reiterated the wording of, “may,” does not automatically grant the board authority to inspect upon
578 initial licensure or perform audits without stating it in regulation. It was stated that licensees have a
579 right to know what to expect if this process will cost them money and if their license is contingent
580 on the audits and inspections. Ms. Zinn noted that some states also allow the inspection to be
581 conducted within a specific timeframe after licensure but this would not apply retroactively. Ms.
582 Walden asked if they could get an opinion from LAW regarding the interpretation of the current
583 regulations. The board was informed that LAW has been consulted but had not had time to reply
584 by date of the meeting. Ms. Walden asked for an e-mail update from LAW asking if the current
585 regulations would allow them to conduct random inspections or perform audits outside of an
586 investigation.

587
588 Dr. Nielson later asked if the confusion was regarding who is qualified to inspect a sedation permit
589 holder or if it was regarding the random auditing of sedation permit holders. Ms. Chambers
590 addressed the board stating there were 2 separate issues and it would be best if the board spelled out
591 what the requirements are to be an inspector of a sedation permit holder as well as the frequency of
592 inspections and requirements to pass the inspections. Ms. Wahto asked if the board was to require a
593 random audit of 10% of sedation permit holders and gave a list of approved inspectors, would this
594 be allowable as the regulations are currently written? Ms. Chambers stated this is what was being
595 asked of law. OLE would follow up with an e-mail to the board once LAW makes their
596 determination.

597
598 **Agenda Item 17 – Board Business**

599
600 **HB 127**

601
602 The board reviewed HB 127. HB 127 incorporated many of the suggestions from the board
603 regarding SB 68. The board no longer must determine what a designated shortage issue is. Dr.
604 Nielson was not sure if the board needed to draft another letter for HB 127. The topic of
605 maintaining patient records was brought up. Ms. Walden suggested if the board write another letter
606 the topic of including maintaining patient records be included. It was also noted if the hygienist
607 currently has a local anesthetic certificate they may administer local anesthetics but not solely with
608 the advanced hygiene license. Dr. Nielson volunteered to draft a letter for HB 127 including
609 maintenance or records, failure to maintain records and requirement of a local anesthetic certificate
610 be required to administer local anesthetics under the advanced practice hygiene permit.

611
612 **Task List:**

613
614 OLE read tasks to the board to be added to the task list. It was agreed that the OLE would type up
615 the task list and e-mail a copy to the board after draft meeting minutes were typed. All tasks were
616 accounted for.

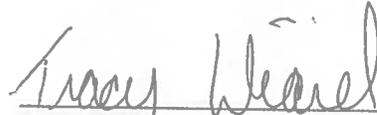
617
618 **Letter to Dental Society:**

619
620 Dr. Nielson asked if he could add one last item to the agenda. In the letter Dr. Wenzell is to write
621 to the Alaska Dental Society regarding specialty licenses, he is requesting a change to centralized
622 statute AS 08.01.062. Dr. Nielson stated by using the wording, “non-resident,” in the courtesy
623 license regulations it eliminates resident military members with no State of Alaska Dental license

624 from providing pro-bono work to Alaska residents. Dr. Nielson suggests removing the word, "non-
625 resident," from AS 08.01.062. He would suggest having it written so a federal employee with not
626 Alaska license could provide pro-bono work. Mr. Bonnell stated that it was not likely centralized
627 statutes would be changed at the request of the board as those statutes cover all licensing programs
628 and not just the dental board. OLE offered to ask LAW if adding the allowance of federal
629 employees (military, public health, Indian Health Services employees) who are residents of Alaska,
630 practicing dentistry or dental hygiene in Alaska without an Alaska license, be added to the courtesy
631 license regulations as an exception. If so, the board could add that to the courtesy license
632 regulations. This was added to the task list. The board members at the meeting also stated they
633 would prefer the next in person board meeting in August vs. December due to weather and road
634 conditions.

635
636 Dr. Nielsen made a motion to adjourn the meeting which was seconded by Dr. Wenzell.
637 Meeting adjourned at: 3:41 PM.

638
639 Respectfully Submitted:

640
641 
642 _____
643 Tracy Wiard
644 Occupational Licensing Examiner

645
646 Approved:

647 
648 _____
649 David Nielsen, DDS, President

650
651 Date: August 29, 2019
652
653