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

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MINUTES OF MEETING
DECEMBER 6, 2019

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13 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled
14 meeting of the Board of Dental Examiners was held in Conference Room B in the State Office Building,
15 333 Willoughby Avenue, 9th Floor, Juneau, Alaska.

16
17

Friday, December 6th, 2019

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19

20 **Agenda Item 1** Call to Order/Roll Call **Time: 9:09 AM**

21
22

23 The meeting was called to order by Dr. David Nielson, President, at 9:09 a.m.

24 Board Members present, constituting a quorum of the board, were:

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- Dr. David Nielson, President – *Via Teleconference*
- Ms. Gail Walden – *Via Teleconference*
- Dr. Jonathan Woller – *Via Teleconference*
- Dr. Kelly Lucas – *Via Teleconference*
- Dr. Dominic Wenzell – *Via Teleconference*
- Ms. Robin Wahto – *Via Teleconference*
- Dr. Jesse Hronkin – *Via Teleconference*

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

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- Ms. Christianne Carrillo, Licensing Examiner – Juneau
- Mr. Joseph Bonnell, Records and Licensing Supervisor - Juneau
- Ms. Jasmin Bautista, Investigator – Anchorage (*Via Teleconference*)
- Ms. Sher Zinn, Regulation Specialist – Juneau
- Ms. Marilyn Zimmerman, Paralegal – Juneau

43 **Agenda Item 2** Ethics Report **Time: 9:14 AM**

44
45
46
47

48 Dr. Nielson addressed the ethics reporting. The board was asked if there were any outstanding ethics issues
49 to report and none were reported.

50 **Agenda Item 3** Review of Agenda **Time: 9:16 AM**

51
52

53 There was only change made to the DRAFT 12.06.2019 agenda. Dr. Nielson added sedation inspection
54 regulations under agenda item number 10 to be discussed. Ms. Walden notified the board that she may not be

52 present after the 3:00pm break. Dr. Lucas also notified the board that he will be away for thirty minutes at
53 noon.

54
55 **On a motion duly made by Dr. Hronkin, seconded by Wahto, and approved unanimously without**
56 **any objections, it was**

57
58 **RESOLVED to approve the 12.06.2019 dental board agenda as amended.**

59
60 **Agenda Item 4 Review / Approve Past Meeting Minutes Time: 9:18 AM**

61
62 The board reviewed the meeting minutes from the August 23, 2019 meeting. Dr. Nielson noted that the
63 word “the” should be changed to “that” on line 333. Ms. Walden does not recall the lines 394-398 to have
64 been “in addition to the 20 hours” and recalled it to be “it could be part of the 20 hours.” Dr. Neilson and
65 Dr. Hronkin recalled it to be “in addition to.” No other changes needed to be made.

66
67 **On a motion duly made by Walden, seconded by Dr. Neilson, and approved unanimously without**
68 **any objections, it was**

69
70 **RESOLVED to approve the 08.23.2019 dental board minutes as amended.**

71
72 **Agenda Item 5 Introduce New License Examiner Time: 9:20 AM**

73
74 Dr. Nielson welcomed new licensing examiner, Christianne Carrillo. Ms. Carrillo introduced herself to the
75 board.

76
77 *Sher Zinn, Regulation Specialist, entered the board meeting at 9:24 AM.*

78
79 **Agenda Item 6 Regulation Training Time: 9:25 AM**

80
81 Ms. Zinn was in attendance to provide regulation training for the new board members who are not yet
82 familiar with the regulations process for drafting regulations. Zinn conducted an in depth look at the proper
83 steps in creating a regulation. She offered her help if board members had any questions about the regulation
84 process via email or live during the board meeting. Dr. Nielson asked Ms. Zinn if she could come back and
85 do agenda item number 10, regulations update while they have her in the room. Ms. Zinn agreed and left the
86 room to retrieve the documents necessary for agenda item number 10.

87
88 *Sher Zinn, Regulation Specialist, left the board meeting at 9:50 AM.*

89
90 Dr. Nielson sought to skip break, and moved ahead in the agenda to item number 13, moderate sedation
91 program verification revision while Ms. Zinn was absent from the meeting.

92
93 **Agenda Item 13 Moderate Sedation Program Verification Revision Time: 9:51 AM**

94
95 Dr. Nielson noticed that the current regulations on the moderate sedation program verification application
96 are not the current regulations in place and should be amended which leads to the necessary removal of
97 sedation forms on page 12. The 60-hour course to get a permit for moderate sedation for patients under the
98 age of 13 is no longer available. The sedation checklist for dental offices under miscellaneous forms will be
99 sent by Dr. Nielson for Ms. Carrillo to revise.

104 **TASK:**
105 **Dr. Nielson will scan the edited program verification form for moderate sedation and email it**
106 **to Ms. Carrillo. Ms. Carrillo will change the outdated regulation and replace it with the**
107 **current regulation and remove page 12 from the sedation forms.**

108
109 *Sher Zinn, Regulation Specialist, entered the board meeting at 9:53 AM.*

110
111 Dr. Nielson revisited agenda item number 10.

112
113 **Agenda Item 10** **Regulations Update** **Time: 9:55 AM**

114
115 Dr. Nielson informed the board he was not going to entertain any oral testimonies from this point forward
116 and that the board was only going to review what they had so far. Dr. Nielson notes that none of the public
117 comments had anything to do with lapsed sedation permits and that the comments all had to do with
118 continuing education (CE) and online CE's. His issue with the way 28.010 (g)(c) is written is that the CE part
119 of the regulation would not allow applicants to do their CE at a later date to make up for what they had not
120 yet completed during the concluding licensing period. Dr. Nielson suggested to remove "completed during
121 the concluding licensing period" under 28.010 (g)(c) and 28.015 (l)3(c) throughout the regulation would allow
122 applicants to make up for the CEs required later to make up any shortages that they have. Dr. Nielson asked
123 if taking this section of the regulation out would affect it significantly. Ms. Zinn said no and added that the
124 board can make the regulations less stringent than what your public notice was but cannot make it more
125 stringent.

126
127 *Sher Zinn, Regulation Specialist, left the board meeting at 10:02 AM.*

128 *Jasmin Bautista, Investigator & Ryan Gill, Investigator, entered the room at 10:05 AM.*

129
130 The board moved back to agenda item number 8 with Jasmin Bautista while Sher Zinn retrieves the necessary
131 documents for agenda item number 10.

132
133 **Agenda Item 8** **Investigative Report** **Time: 10:08 AM**

134
135 Jasmin Bautista handed the board probation report documents and notified the board that there are three
136 probationers that are active and in compliance and asked if there were any questions on that. Ms. Bautista
137 informed the board that from August through November we have 55 open cases and this quarter we closed
138 10 cases. Dr. Nielson asked Ms. Bautista to clarify if there is no violation that means that at least two board
139 members agreed that there is no violation. Ms. Bautista answered yes, anything that involves a patient is going
140 to be reviewed by two board members. If it's a technical violation it is reviewed by one board member. Ms.
141 Bautista asked if there were any questions.

142
143 The board's chair, Dr. David Nielson, entertained a motion regarding matters discussed in executive session.

144
145 **On a motion duly made by Gail Walden, seconded by Dr. Jesse Hronkin, and approved unanimously**
146 **by a roll call, it was**

147
148 **RESOLVED to enter into executive session in accordance with the provisions of Alaska**
149 **Statute 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose**
150 **of discussing, subjects that tend to prejudice the reputation and character of any person,**
151 **provided the person may request a public discussion and matters which by law, municipal**
152 **character, or ordinance are required to be confidential. Board staff members, Jasmin**
153 **Bautista, Christianne Carrillo, Joseph Bonnell, and Ryan Gill remained during the session.**

154
155 Off Record: 10:13 AM

156 On record: 11:22 AM

157

158 The board's chair, Dr. David Nielson entertained a motion to a roll call to see who is in attendance and
159 notified the board of one person from the public to be in attendance.

160

161 Board Members present after executive session, constituting a quorum of the board, were:

162

163 Dr. David Nielson, President – Anchorage (*Via Teleconference*)

164 Ms. Gail Walden – Wasilla (*Via Teleconference*)

165 Dr. Jonathan Woller – Anchorage (*Via Teleconference*)

166 Dr. Kelly Lucas – Wasilla (*Via Teleconference*)

167 Dr. Dominic Wenzell – Girdwood (*Via Teleconference*)

168 Ms. Robin Wahto – Anchorage (*Via Teleconference*)

169 Dr. Jesse Hronkin – Wasilla (*Via Teleconference*)

170 Brittany Dschaak – Naknek (*Via Teleconference*)

171

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

174

175 Ms. Christianne Carrillo, Licensing Examiner – Juneau

176 Mr. Joseph Bonnell, Records and Licensing Supervisor – Juneau

177

178 Dr. Nielson amended the agenda and moved agenda item number 9, consent agreements with Marilyn
179 Zimmerman to after lunch and move on to agenda number 10, regulations update with Sher Zinn.

180

181 **Agenda Item 10**

Regulations Update

Time: 11:25 AM

182

183 Dr. Nielson made an announcement on record and reiterated that the board was no longer going to be taking
184 more public comments on the regulation changes that when out on public comment but would like to discuss
185 the public comments that are part of the board packet. He asked the board if they had a chance to look at
186 them. Ms. Walden notified the board that she had.

187

188 Dr. Nielson acknowledged that the public has had some problems with the online CE requirement and said
189 the public comments seemed confused and explained that the regulation change does not decrease the
190 amount of CE classes done online nor does the regulation disallow CE's to be done online. Dr. Nielson
191 clarified the regulation courses to not be more than 8 hours in a 24-hour period. Addressing a comment said
192 about CE courses online, Dr. Nielson found the public to have a legitimate point about longer courses. He
193 said even when some courses are stamped as one day, they can be 15-hour courses, which he finds to be a
194 legitimate point.

195

196 Dr. Woller shared the percentage of CE courses that are more than 8 hours are available is very small and
197 suggested that if a licensee wants to take a CE course that is longer than 8 hours they should contact the
198 board on a case by case basis.

199

200 Ms. Walden added that from what she had seen, the CE courses that are longer than 8 hours usually indicate
201 how many days they are and was surprised that the certificate did not show that it was over a period of days.
202 Dr. Woller explained that that is why the number of courses this person showed is very few compared to the
203 thousands of online CE course available. Dr. Nielson expressed his opinion that due to Dr. Woller's point, it
204 does not seem to be a problem and that the public comments seem to have a misconception that the board is
205 reducing the amount of CE's online, which is not the case. He added there is also a misconception that the
206 additional 2 hours for restorative function certificates cannot be done online. Dr. Nielson explained that there

207 is no stipulation that an applicant will have to travel outside of Alaska to take a class in person. Dr. Hronkin
208 agreed that the board has addressed the public’s concern.

209
210 Dr. Nielson proposed to remove lines 28.01 (g) 3(c) “completed during the concluding licensing period” and
211 remove 28.01.5(l)3(c) “completed during the concluding licensing period.” He continued saying doing this
212 will allow applicants that have a lapsed sedation permit to make up the didactic and CE they’re lacking for a
213 license renewal. Ms. Walden asked Dr. Nielson to be read exactly what 28.010 (g-c) should say.

214
215 Dr. Nielson recited, page 1 regulation 28.010. (g) 3(c) will read “Evidence on continuing education and
216 documentation of sedation cases required by 12 AAC 28.010 (e) 1, 2, 3, and 5 as applicable. The sedation
217 cases required under this sub paragraph must be completed by holding a deep sedation and general anesthesia
218 permit or while under the supervision of a current deep sedation or general anesthesia permit holder or
219 anesthesiologist or certified registered nurse anesthetist licensed in the state or another jurisdiction.”

220
221 He continued to page 2, the amendment 28.015 (l) 3 (c), “Evidence of continuing education and
222 documentation of sedation cases required by 12 AAC 28.010. (h) 1, 2, 3, and 5 as applicable. The sedation
223 cases required under this sub paragraph must be completed by holding a current moderate sedation permit or
224 while under the supervision of a current deep sedation or general anesthesia permit holder or anesthesiologist
225 or certified registered nurse anesthetist licensed in the state or another jurisdiction.”

226
227 Dr. Nielson asked if there was any discussion about the changes in the regulation project and entertained a
228 motion to accept the project as amended.

229
230 Robin Wahto asked regarding the question if an applicant does a course of 16 CEs and you do it over a three-
231 day period but it shows as only one day. Ms. Wahto asked if there was a discussion on how to resolve that or
232 is it something people would explain or somehow document themselves. Dr. Woller clarified with Ms. Wahto
233 that the board had discussed that the amount of CE online classes that are longer than 8 hours is so miniscule
234 that the applicant should contact the board and it will be handled on a case by case basis by the board. Ms.
235 Wahto further asked about live webinar CEs and if they are considered an online CE since a live webinar is
236 different than just reading something online. Dr. Woller agreed that the applicants should contact the board.
237 Dr. Nielson reminded the board that it does not matter whether the courses are considered in person or
238 online but that you cannot do more than 8 hours in a day. Dr. Nielson asked Ms. Zinn if the way the
239 subsection regulation (i) is now written, leaves any leeway. Ms. Zinn responded with yes, as long as the
240 applicant can provide documentation that they did in fact take longer than 8 hours in a 24 hours period to
241 complete the course, the board can approve it and that the board does not need to change anything in the
242 regulation.

243
244 **On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously**
245 **by a roll call, it was**

246
247 **RESOLVED to adopt the regulation project as amended.**
248

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Dr. Kelly Lucas	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		
Ms. Brittany Dschaak	X		

249 Having finished with the regulation project, the board began discussion of the next bullet point, sedation
250 inspection regulation, which Dr. Nielson explained he wanted to add for the board's next regulation project
251 (which will be in office inspections).

252
253 Dr. Nielson asked the board to go to 28.010 (e) 5b on page 16 of the current regulations which reads
254 "...provide documentation that at least 20 of the 50 anesthesia or deep sedation cases were individually
255 managed patients younger than 13." Dr. Nielson expressed his concern that it forces people to put at least 20
256 children in deep sedation and is okay with it on the moderate side. Dr. Nielson suggested to remove the
257 words 'of 50 anesthesia or deep' from that line to read, "...provide documentation that at least 20 sedation
258 cases were individually managed patients younger than 13." Dr. Nielson explained that this would remove the
259 requirement of putting 13 year old or younger patients into deep sedation. He requested for the board to
260 think about this change and asked for their opinion and if they had any comments.

261
262 Ms. Walden stated that regulation had been debated before and does not feel 20 children over 2 years is too
263 many. Dr. Nielson's recollection was that the discussion being referenced by Ms. Walden was referencing is
264 about deep sedation cases in general but once the board later added pediatric cases to ensure someone was
265 doing enough to be current in their practice, the topic was not discussed.

266
267 Ms. Wahto asked Dr. Nielson if there is no separation between sedating adults and children to obtain the
268 deep sedation license for the 20 cases within two years to stay current. Dr. Nielson clarified that it does not
269 matter as long as an applicant has a deep sedation or general anesthesia license, an applicant would be
270 authorized to sedate children if they have PALS. Dr. Nielson said further discussion about this matter can
271 continue once it has been added to be the next regulation project.

272
273 Dr. Nielson mentioned to the board that there was 15 minutes until lunch and went over the changes on
274 regulation 12AC 28.069, sedation inspection regulation he made after reading comments made by Ashley
275 Brown, Assistant Attorney General. Dr. Nielson reminded the board that according to the board's last
276 meeting, the licensee will be the one responsible to find own inspector. The inspection fee will be paid by
277 licensee. Once through, the board will collect documentation if they pass their inspections. Dr. Nielson
278 thought it was reasonable to require an inspection after 2 years of an initial permit. Dr. Nielson told the board
279 that he did not expect a discussion on his changes during this meeting and asked the board to look over his
280 edits on 12 AC 28.068 to work on in the future. He asked if the rest of the board could be sent his most
281 recent edit of his changes. Mr. Joe Bonnell tasked himself with adding Dr. Nielson's document to the board
282 packet during lunch so the board can have access to it.

283
284
285 Ms. Zinn told the board that there was a question by Ms. Brown regarding number five on page 1 about
286 substantially equivalent organizations approved by the board and how she would check with the legislation
287 and regulations attorney to see whether the line was too broad. Ms. Zinn said that Ms. Brown followed up
288 with her and that they did not feel that it was too broad as long as the board can come up with criteria. Dr.
289 Nielson thanked Ms. Zinn and informed the board that the newest version says something to that effect.

290
291 There was discussion about how licensees can check the adopted right manual references. The manuals were
292 found to not be readily available. Ms. Walden asked how the board is going to know what is substantially
293 equivalent if they cannot access the requirements easily. Ms. Zinn explained that if the board adopts a
294 reference that is copyrighted material, the board would have to purchase two copies. One will stay with the
295 licensing examiner for reference and the other will go with the regulation project to the department of law.
296 Ms. Walden expressed concern that it was not easily referenced.

297
298 Dr. Nielson stated to the board that he had a list of several places and had five substantially equivalent
299 organizations approved by the board that conduct inspections and coordinates with applicable guidelines and
300 when they need to happen. He communicated about how the attorney had some questions about people who

301 do sedations in more than one office and answered that it was the dental anesthesiologist or CRNA. After
302 further discussion, Dr. Nielson concluded that he was hoping to get the new version out to the board to clear
303 the confusion and get it on the agenda for the next board meeting. Ms. Walden asked if the licensee would
304 have to pay for the airfare of the chosen inspector. Dr. Nielson responded that if they chose one that requires
305 it yes and added that there is an inspector who does it via video conference and warned the board that this
306 information is a place holder and reminded everyone that the new version still needs to be in the board
307 packet to be looked at for the next board meeting.

308
309 Dr. Nielson asked Ms. Zinn if there was something that she wanted to add to the next regulation project
310 about CEs. Ms. Zinn told the board yes and that she sent a copy of what the changes are to update their
311 continuing education to include the term “concluding licensing period” so that licensees are aware their
312 continuing education must be completed during that licensing period. She continued saying there are only
313 three programs without that verbiage and it could cause issues if somebody contests a bad CE audit and take
314 it to a hearing. Ms. Zinn would like to make sure every program has the same verbiage about continuing
315 education by adding “concluding licensing period.” Ms. Zinn explained to Dr. Nielson that “concluding
316 licensing period” can be removed for reinstatement of a license but for somebody who is renewing without
317 their license being lapsed, it must have the verbiage “concluding licensing period.” Dr. Nielson asked if a
318 licensee can make up the CE if they did not complete their continuing education during the concluding
319 licensing period. Ms. Zinn answered yes, due to a centralized regulation that allows that. Dr. Nielson had
320 verified with Ms. Zinn that all the boards are cleaning this verbiage up and that it will be part of the next
321 regulation project.

322
323 **Dr. Nielson called recess for lunch at 12:02 p.m.**

324
325 Off Record at 12:02 PM
326 On Record at 1:00 PM

327
328 Ms. Carrillo conducted a roll call.

329
330 Board Members present after executive session, constituting a quorum of the board, were:

331
332 Dr. David Nielson, President – Anchorage (*Via Teleconference*)
333 Ms. Gail Walden – Wasilla (*Via Teleconference*)
334 Dr. Jonathan Woller – Anchorage (*Via Teleconference*)
335 Dr. Dominic Wenzell – Girdwood (*Via Teleconference*)
336 Ms. Robin Wahto – Anchorage (*Via Teleconference*)
337 Dr. Jesse Hronkin – Wasilla (*Via Teleconference*)

338
339 In attendance from the Division of Corporations, Business & Professional Licensing, Department of
340 Commerce, Community and Economic Development were:

341
342 Ms. Christianne Carrillo, Licensing Examiner – Juneau
343 Mr. Joseph Bonnell, Records and Licensing Supervisor – Juneau
344 Ms. Laura Carrillo, Executive Administrator – Juneau

345
346 Present from the Public:

347
348 Kenley Michand, Anchorage

349
350
351
352

353 **Agenda Item 11** Public Comment **Time: 1:01 PM**

354

355 There were no public comments.

356

357 Dr. Nielson revisited agenda item number 9.

358

359 **Agenda Item 09** Review/Approve Tabled Applications **Time: 1:02 PM**

360

361 **On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously**
362 **by a roll call, it was**

363

RESOLVED to accept CE consent agreement on case number 2019-000229.

365

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		

366

367 **On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously**
368 **by a roll call, it was**

369

RESOLVED to accept CE consent agreement on case number 2019-000772.

370

371

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		

372

373 **On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously**
374 **by a roll call, it was**

375

RESOLVED to accept CE consent agreement on case number 2019-000247.

376

377

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		

378

379 **On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously**
380 **by a roll call, it was**

381

RESOLVED to accept CE consent agreement on case number 2019-000561.

382

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		

383
384 On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously
385 by a roll call, it was

386
387 **RESOLVED** to accept CE consent agreement on case number 2019-000687.

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		

389
390 On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously
391 by a roll call, it was

392
393 **RESOLVED** to accept CE consent agreement on case number 2019-000562.

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		

395
396 On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously
397 by a roll call, it was

398
399 **RESOLVED** to accept CE consent agreement on case number 2019-000837.

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		

401
402 **Agenda Item 14** Updated Professional Fitness Questions **Time: 1:01 PM**

403
404 Dr. Jonathan Woller guided the board through the questions. Dr. Nielson asked if the board were to adopt
405 the changes to the professional fitness questions, would they need to be reviewed by the Department of Law.

406 Mr. Joseph Bonnell said that if the changes were adopted, it would have to go to the division director Ms.
407 Sarah Chambers and regulation specialist Ms. Sher Zinn.

408
409 Dr. Nielson was in favor of cleaning up the questions to be less confusing and appreciates the work Dr.
410 Woller put in the questions. Gail Walden finds question number one about approved dental schools
411 confusing as the board does not approve each individual dental school and would lead to more unnecessary
412 questions to the licensing examiner. Dr. Woller added it is two steps removed and agrees it is confusing. The
413 board agreed to remove question number one from the professional fitness questions.

414
415 Ms. Walden asked Dr. Woller which questions apply to malpractice and responded with questions numbers
416 four and five. Ms. Walden suggested a malpractice questions to be clear. Dr. Nielson suggested to separate
417 the questions asking about a malpractice complaint. Ms. Wahto asked if a licensee would not have to report a
418 resolved malpractice from seven years ago if question number 5 says “within the past five years immediately
419 preceding application.” Dr. Nielson responded saying it would still show up on PBIS but you can check no
420 on the question. The board found a similar question with the State of Oregon to be well written: “Have you
421 ever been named in any civil suit or suffered any civil judgement or in competence, negligence or malpractice
422 in connection with the practice of the health care profession?”

423
424 Dr. Nielson suggested the board create a doodle poll for how to word the question. Gail Walden suggested to
425 include Jasmin Bautista’s opinion or a chance to review in writing the updated professional fitness questions.
426 Dr. Nielson asked if it was premature to decide on the questions during the meeting if the board would like
427 more information from others. Mr. Bonnell suggested that Director Chambers and Ms. Zinn to look at the
428 questions and that the law office would not need to be included.

429
430 Dr. Nielson thanked Dr. Woller and tasked him with editing the questions and using the second part that lists
431 questions 1-9 and sending them off to Ms. Carrillo to send to Mr. Bonnell, to send off to Ms. Zinn and
432 Director Chambers so that the board may revisit and vote on the changes by the next board meeting.

433
434 Dr. Nielson communicated to the board that he will conduct a quick announcement about agenda item
435 number 16 since Dr. Jilly is not in the teleconference with the board. Mr. Bonnell spoke through the chair
436 and reminded the board that agenda item number 16 is scheduled for 2:30pm with Director Chambers,

437
438
439 Mr. Bonnell notified the board that Deputy Director Jill Lewis had asked about the inspections and about her
440 department possibly taking over them. Dr. Bernard Jilly, Director Sarah Chambers and Irene Casares who
441 does inspections for Ms. Lewis’ department plan on being in attendance to talk about the inspections to go
442 through their department rather than the dental board having to deal with them.

443
444 Dr. Nielson acknowledged that he had skipped agenda item number 14.

445
446 **Agenda Item 14** **Penalty Matrix/PDMP Penalty Matrix** **Time: 1:23 PM**

447
448 Dr. Wenzell presented his penalty matrix notifying the board and asked what they thought of it. Dr. Nielson
449 shared that he thought it was good but that the board should have a separate matrix for the PDMP per Laura
450 Carrillo’s request. Dr. Nielson tasked Dr. Wenzell with finishing the penalty matrix whoever he might need to
451 work with to get the matrix figured out. Ms. Walden added that she will continue to work on the dental
452 hygiene penalty matrix and add to the draft she had been working on.

453
454 Dr. Neilson moved on to agenda number 17.

455
456
457

458 **Agenda Item 17** **Review/Approve Tabled Applications** **Time: 1:30 PM**

459

460 **On a motion duly made by Gail Walden, seconded by Dr. David Nielson, and approved**
461 **unanimously, it was**

462

463 **RESOLVED to enter into executive session in accordance with the provisions of Alaska**
464 **Statute 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose**
465 **of discussing applications with Board staff members, Christianne Carrillo and Joseph**
466 **Bonnell to remained during the session.**

467

468 Off Record: 1:32 PM

469 On record: 2:20 PM

470

471 *Dr. Derek Wallin, DDS, entered the public board meeting via teleconference at 2:15 PM*

472

473 Dr. Nielson asked if the board can speak about Dr. Wallin's application publicly. Mr. Bonnell answered it is
474 fine as long as the applicant consents to the discussion to be on record.

475

476 Dr. Wallin asked the board if they wanted a definitive resolution or for more information. Dr. Nielson on
477 behalf of the board confirmed with Dr. Wallin that the board would like some sort of resolution from the
478 Arizona board of dental examiners. The last response the the Alaska board has received from the Arizona
479 board was asking for a response by Dr. Wallin by November 4th, 2019. Dr. Wallin notified the board that he
480 had responded to them and forwarded the correspondence to the Alaska dental board. He continued telling
481 the board that the dental insurance company, TDIC had just responded to him and said everything should
482 have been documented and are concerned that there was not sufficient documentation but expressed no
483 concern that he had done any harm.

484

485 Dr. Nielson explained that everything Dr. Wallin has presented to the board is reasonable but would like a
486 resolution from the Arizona dental board about the unresolved investigation against him. He further
487 explained that his application is currently tabled and once the board receives something from Arizona, they
488 can vote on his application as soon as possible.

489

490 Dr. Wallin explained that he does not have a time frame and fears he will run out of money before the
491 Arizona board can give him an answer. Dr. Nielson asked Dr. Wallin to send all recent documents to Ms.
492 Carrillo and the board can vote on his application once the information has been added to his record. Mr.
493 Bonnell tasked himself to send Ms. Carrillo's contact to Dr. Wallin.

494

495 Dr. Nielson tabled Dr. Wallin's application and referred the application back to investigations for more
496 clarification.

497

498 *Sarah Chambers, Director, entered the meeting at 2:29 PM*

499 *Dr. Derek Wallin, DDS, left the meeting via teleconference at 2:31 PM*

500

501 **Agenda Item 16** **Radiologic Equipment Inspection Update** **Time: 2:31 PM**

502

503 Dr. Nielson welcomed Dr. Bernard Jilly, Deputy Director Jill Lewis with the Division of Public Health, and
504 Director Sarah Chambers.

505

506 Dr. Nielson started the discussion and shared a quick timeline. Director Chambers kicked off the
507 conversation and shared with the board that she had been in discussion with Deputy Director Lewis about
508 the possibility of Division of Public Health's radiological inspectors to be given the authority to take over
509 inspections and remove the responsibility from the board of dental examiners. They will be proposing

510 legislation this spring. Director Chambers asked Deputy Director Lewis to describe what she knows so far
511 about that program and where they are in the development.

512
513 Deputy Director Lewis, stated that the Division of Public Health includes the public health laboratories and
514 that the state public laboratories have responsibility for all the other radiologic device inspections and
515 certifications. Deputy Director Lewis said they envision that they would operate dental x-ray certifications
516 very similar to the way they do medical equipment inspections now and recalled that the board has heard
517 from Dr. Jilly before about the resources they would need to do this. Their staffing level is just one person
518 who does all the other devices that are not dental and would need to add a second person due to the volume
519 what will be added by dental x-ray as well as some funding for travel. Dr. Nielson recalls that Dr. Jilly had
520 said it must be a self-sustaining program and does not know anything about the numbers.

521
522 Dr. Jilly referenced a spreadsheet from the board of dental examiners that contained over 2,200 devices listed.
523 He notified the board that they are in the process of analyzing the numbers to get a better grip on the
524 estimated traveling costs. He reiterated that they would need to have two inspectors due to the volume that
525 would be added. With both medical and industrial x-ray devices, they estimate a yearly cost of \$200,000 for
526 the entire program to run. Based on the number of devices it comes to \$80 a tube which means we would
527 break even. Dr. Jilly reiterated that the program will run much like their medical and industrial inspections;
528 which would be an initial installation of the device and then inspections once every three years thereafter.

529
530 Dr. Nielson made a comment about how it would likely take some time to catch up the dental x-ray
531 inspections. He informed the board that in the past, the dentists were paying for their fees but were not
532 getting inspected and hoped that if they pay fees, they get their inspections done. Dr. Jilly responded that this
533 was before he came on board and that it was a perception issue rather than a documented issue and that they
534 are committed to finishing the inspections within the three-year period. Dr. Jilly went on saying that his team
535 had managed to do all the medical and industrial devices within a three-year cycle, adding that the cost of
536 transportation is much better now than it was 25 years ago. Dr. Nielson was happy to hear that the state is
537 willing to look at this issue and asked Dr. Jilly if he had anything more to report before making a motion. Dr
538 Jilly had nothing further to comment.

539
540 **On a motion duly made by Dr. David Nielson, seconded by Robin Wahto, and approved**
541 **unanimously, it was**

542
543 **RESOLVED for the board of dental examiners to request legislation that would transfer**
544 **responsibility for inspection of dental radiologic equipment to the division of Radiological**
545 **Health.**

546

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Kelly Lucas	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Brittany Dschaak	X		

547
548 *Laura Carrillo, Executive Administrator, entered the meeting at 2:45 PM*
549

550 Director Chambers thanked the board for their support and voiced how they will anticipate advocating for
551 the statute through this year's session. Dr. Nielson asked for clarification if this would get through this year.
552 Director Chambers explained that they are adopting and moving forward a bill that the Governor is
553 sponsoring to reform several areas of professional licensing that is ambitious with a lot of moving parts that

554 had troubling moving points and this was one of them knowing that the board was interested in this; they saw
 555 an opportunity and moved forward with it. She adds that it is possible it will not pass and that they will have
 556 to reintroduce it next year. They are going to push hard as it is the number one priority within the
 557 Department of Commerce legislatively this year.

558
 559 **Agenda Item 18** PDMP Report/Compliance Time: 2:46 PM

560
 561 Laura Carrillo, Executive Administrator for the board of pharmacy representing the PDMP apologized she
 562 did not have an updated PDMP report for the month of December but had an overview of August's. Ms.
 563 Carrillo shared that the compliance rate for dentists for August was 84% which is higher than the four
 564 prescribing boards which is good news. She brought to the board's attention that in a past meeting the board
 565 had discussed the board of pharmacy's 30-day period for initial licensed pharmacists to register for the PDMP
 566 and that the dental board was similarly wanting to go in that same direction: however, was not able to find the
 567 minutes reflecting this. Laura Carrillo notified the board that she needs this information as she is compiling
 568 information into a disciplinary matrix for each board's grace periods, deadlines and other PDMP related
 569 guidance.

570
 571 Gail Walden and Robin Wahto shared with Ms. Carrillo that the board had written a letter that the former
 572 licensing examiner, Tracy Wiard had which was planned to be sent out once she had compiled a list of people
 573 who are not and who are in compliance. Ms. Wahto recalled that letter did mention a 30-day period. Ms.
 574 Carrillo asked that this 30-day period be ratified on record since it was already included in the letter but not
 575 reflected in the minutes. Ms. Walden reminded Ms. Carrillo that the letter was in draft form and was not sent
 576 as there was still a lot of work for Tracy Wiard to do before sending it. Dr. Nielson continued with the
 577 clarification. Ms. Carrillo suggested that the board can categorize this into two separate issues: the dentists
 578 who are potentially not registered and therefore potentially out of compliance and the second category of
 579 dentists who haven't yet been issued a license and who should be notified are given guidance as to how long
 580 they will have to register with the PDMP. Ms. Wahto asked if there is a section on the dental application that
 581 exists which asks if a dentist is registered and if not, they have 30 days to do so. Dr. Nielson asked if the
 582 licensing examiner can make a list of those who are already registered with the PDMP and understands that
 583 the 30-day grace period is an important thing to know about and asked if a motion should be made for it to
 584 be in the minutes. Mr. Bonnell concurred. Ms. Walden asked Ms. Carrillo how the board would know who
 585 it's applying to. Ms. Carrillo informed the board that there is a way to identify those providers who are not
 586 registered and believed there was some misunderstanding of how to narrow that list down and can certainly
 587 assist with that project.

588
 589 Gail Walden said that she had reviewed the dental application by examination and did not see any
 590 information about the PDMP. She asked if the board will be sending information to new licensees.
 591 Laura Carrillo offered to send a letter and email template she sends out to newly licensed providers
 592 and offer guidance on creating a compliance module
 593 to the board of dental examiners' licensing examiner, Christianne Carrillo.

594
 595 **On a motion duly made by Dr. David Nielson, seconded by Dr. Jesse Hronkin, and approved**
 596 **unanimously, it was**

597
 598 **RESOLVED for the board of dental examiners to recommend a 30-day grace period upon**
 599 **initial issue of a dental license to sign up for the PDMP.**
 600

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Kelly Lucas	X		
Dr. Dominic Wenzell	X		

Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Brittany Dschaak	X		

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Dr. Nielson inquired how the compliance module is coming. Ms. Laura Carrillo responded that she did not know off the top of her head the number of dentists who didn't query a patient.

TASK:

Laura Carrillo will send a letter and email template she sends out to newly licensed providers and offer guidance on creating a compliance module to the board of dental examiners' licensing examiner, Christianne Carrillo.

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Ms. Laura Carrillo asked if the board had contemplated what type of action they might take or a courtesy warning letter they might issue because of failure to query a patient. Dr. Nielson shared with Ms. Carrillo that it is a work in progress further stating that Dr. Hronkin has put together a document that will be part of the penalty matrix that will address it. Ms. Carrillo shared with the board about another enhancement feature with the PDMP, which is a clinical alert feature and will be setting up many different alerts based on different criteria like dangerous combination threshold, MME (Morphine Milligram Equivalent) thresholds, and supply day alerts. She requested for the board to have a discussion on guidance related to MME thresholds or supply day thresholds. Ms. Carrillo has not found in the dental board's statutes or even guidelines adopted from the ADA a specific number of MME per day is mentioned or a supply date limitation and would like to ask the board to contemplate that amount.

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Ms. Laura Carrillo reminded the board that in 2016, members from the prescribing boards and the board of pharmacy convened at the call of the legislature to discuss and adopt prescriptive guidelines. There was a representative from each prescribing board and the board of pharmacy who adopted Washington's prescriptive guidelines with the exception of lowering the 120 mm per day to 90 per day and asked if that's a reasonable threshold. Dr. Nielson did not feel comfortable putting numbers out until the board has sat down to discuss it. Ms. Carrillo did not expect a decision in that moment and suggested to table and to continue to contemplate.

628
629

TASK:

Dr. Nielson will contact the ADA and get a morphine milligram equivalent and supply day threshold number.

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631
632
633

Laura Carrillo responded to the board's question about whether licensees are required to display their PDMP certificate in their clinic. It's not a requirement to display the certificate and it is just for their records but they can certainly do so if they would like.

636
637

Laura Carrillo, Executive Administrator, left the meeting at 3:07 PM.

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Robin Wahto reported to Dr. Nielson that she had told Jasmin Bautista about questions the board had for her during an executive session. She was going to be back with a file and suggested the board to ask her the questions if they desired.

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Agenda Item 20

Review/Compare Dental Exams

Time: 3:11 PM

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Gail Walden warned the board that she would be leaving soon and wanted to share her thoughts about the dental exams and dental hygiene exams for the next agenda item. She expressed that she wanted more representation especially for the dentistry exam as the board is now receiving more examinations. She mentioned the WREB organization and suggested that the board should discuss bringing other examinations to get involved in them so they have more information. Ms. Walden continued saying that dental examiners

650 have WREB and she has some opinions on the language for it and would like to open it up for the next board
651 meeting. Dr. Nielson agreed and is willing to discuss it later.
652 *Gail Walden, RDH, left the meeting at 3:11 PM.*
653

654 Dr. Nielson notified the board that he had considered what other boards do for their exams and stated his
655 opinion that currently, no one else has a constructed response treatment plan test. Dr. Nielson tasked
656 Christianne Carrillo to confirm what exams are being taken right now.
657

658 **TASK:**

659 **Ms. Carrillo with gather information from Tracy Wiard, the former licensing examiner about**
660 **which exams are being taken for each exam season for dental examiners and to find out if**
661 **they're still covering all the criteria. Ms. Carrillo will send a letter to each person who runs**
662 **the exam to ask the criteria of each one.**
663

664 **Agenda Item 21**

Board Business

Time: 3:15 PM

665
666 Specialty License Update

667 Dr. Nielson recapped that a letter was sent out to the Alaska Dental Society to ask for help to introduce
668 legislation to bring back the specialty license and got a senator to sponsor a bill. The bill is now in the works
669 and is looking for a house sponsor. Dr. Nielson shared with the board the draft of the written bill with the
670 consent of Dr. Logan. The bill gives authority to the board to decide what is best for the state. He added it
671 was up to the board to define what a specialty license is. Mr. Bonnell asked for Dr. Nielson to share the draft
672 of the bill with the licensing examiner so that analysis can be offered when it comes through.
673

674 Review Board Interview Process for Credential Applicants

675 Dr. Nielson asked Mr. Bonnell what Tracy Wiard wanted to talk about in terms of stream lining the review
676 board interview process. Mr. Bonnell did not see the necessity of discussing unless the board would like to
677 make a change. Christianne Carrillo informed the chair that Ms. Wiard had mentioned finding some of the
678 questions in the interview process could be put in the application but did not know more about Ms. Wiard's
679 plans. Dr. Nielson contended that there is information that comes up during the interview process that
680 otherwise would not have been written in the application. Ms. Carrillo let the board know that if they feel that
681 the interview questions are necessary, she would not want to change that. Dr. Nielson shared that he wanted
682 to leave it the same as well.
683

684 **Agenda Item 22**

New Business

Time: 3:15 PM

685
686 Ms. Carrillo offered to type up the task list and was asked to read it out:
687

- 688 1) The moderate sedation application on the website is not current. Page 12 is not needed.
- 689 2) Dr. Woller will update the professional fitness questions and send to Mr. Bonnell and Ms. Zinn.
- 690 3) Work on PDMP template with Laura Carrillo for new licensees after initial issue of license.
- 691 4) Create a compliance module for the PDMP and figure out the list of those who are not and who are
692 in compliance.
- 693 5) Dr. Nielson to find the prescribing recommendation for morphine milligram equivalent and supply
694 day threshold.
- 695 6) Christianne Carrillo to speak with Tracy Wiard about which dental exams are being taking for each
696 exam season.
- 697 7) Dr. Wenzell will work on the penalty matrix for dentists.
- 698 8) Gail Walden will continue working on the penalty matrix for dental hygienists.
699

700 *Jasmin Bautista, Investigator, entered the meeting at 3:26 PM.*

701 The board revisited agenda item 17 and Dr. Nielson announced that Ms. Bautista is present to answer their
702 questions about an application. He warned the board that they may have to go into executive session with the
703 presence of Ms. Bautista and the subject matter. Robin Wahto clarified that she had a general question and
704 that it would not be necessary to go into executive session. The chair consented. Ms. Bautista advised not to
705 name names or circumstances.

707 **Agenda Item 17** Review/Approve Tabled Applications **Time: 3:27 PM**

709 Ms. Wahto asked Ms. Bautista if she remembered this specific email that had six items identified but when
710 she looked at the other page there were additional items that were not addressed in an email. Ms. Bautista
711 apologized that she could not answer that question as she did not have the client's file in front of her but
712 asked if he has been interviewed. Ms. Wahto believed so. Ms. Bautista suggested the board table this item
713 until more information is sent to Mr. Bonnell and Ms. Carrillo. The board shared that they were willing to
714 vote on the application as soon as possible once the information comes in. Ms. Bautista expressed the need
715 for a resolution from the other state in question because once the board clears it, they cannot go back.

717 *Jasmin Bautista, Investigator, left the meeting at 3:31 PM.*

719 **Agenda Item 21** New Business **Time: 3:32 PM**

721 Schedule Upcoming Board Meetings

722 There are no dates set up yet for board meetings in 2020. Mr. Bonnell suggested that the board select the
723 week in the month that they would like to have a board meeting especially in the spring while the legislative
724 session is going. Mr. Bonnell suggested using Doodle Poll to figure out the best time for every personnel who
725 might be tied up in session. Ms. Wahto recalled that Mondays are preferred during session. Mr. Bonnell
726 reminded the board that Thursdays and Fridays are usually busy for the division during this time.

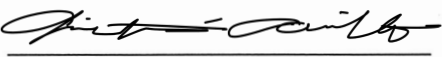
728 **TASK:**

729 **Mr. Bonnell and Ms. Carrillo will create a doodle poll as soon as possible and send the board**
730 **a links to the doodle poll to the board to take.**

732 **Agenda Item 22** Adjourn **Time: 3:36 PM**

734 **The Alaska Board of Dental Examiners Chair, Dr. David Nielson, adjourned the meeting at 3:37**
735 **PM.**

737 Respectfully Submitted:

741 

742 Christianne Carrillo
743 Occupational Licensing Examiner

745 Approved:

746 

748 David Nielson, DDS, President

750 Date: July 28, 2020