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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
September 5, 2014**

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 scheduled meeting of the Board of Dental Examiners was held September 5, 2014, at 555 West 7th Avenue, Room 1270, Anchorage, Alaska.

The meeting was called to order by chairperson, Dr. Thomas Wells at 8:32 a.m. Dr. Wells introduced the new Licensing Examiner, Stacia Erkenbrack.

Roll Call

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

Thomas Wells, President - Anchorage
Gail Walden – Dental Hygienist – Wasilla
Cheryl Fellenberg – Dental Hygienist - Wasilla
Dr. Steven Scheller- Dentist - Fairbanks
Dr. Mary Anne Navitsky –Dentist - Sitka
Dr. Thomas Kovaleski – Dentist - Chugiak
Dr. Paul Silveira – Dentist – Valdez

Absent:

Dr. Robert Warren – Dentist – Anchorage
Robyn Chaney- Public Member – Dillingham

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

Sher Zinn, Licensing Supervisor – Juneau
Stacia Erkenbrack , Licensing Examiner – Juneau
Sara Chambers, Director – (telephonic from Juneau)
Angela Birt, Investigations – Anchorage

47 **Agenda Item 1- Agenda**

48

49 Add to Old/New Business - WREB reports from Kovaleski & Fellenberg from February
50 meeting and a report from the AADB meeting attended by Scheller .

51

52 **Agenda Item 2- Minutes**

53

54 The Board reviewed the minutes from the May 16, 2014 meeting. Silveira had a correction for
55 line 609, should be Cerac, and Walden found duplication on line 678- 686. Delete duplicated line
56 699-707.

57

58 **On a motion duly made by Fellenberg, seconded by Wells and approved unanimously, it**
59 **was**

60 **RESOLVED to approve the minutes of May 16, 2014 with amendment.**

61

62 **Agenda Item 3- Ethics**

63

64 There were no ethics violations to report.

65

66 **Agenda Item 4 -Budget Review**

67

68 The board reviewed the handout regarding licensing fee increase. It was stated that once the new
69 regulations go through the increase of licensing fees will be reflected. Question was asked about
70 increase of fees at which time Sara Chambers, Director of CBPL was called. Wells asked Ms.
71 Chambers about the handout before the board. Ms. Chambers stated we are looking at the 3rd
72 quarter fiscal reports and that we are just a few weeks away from finalizing the FY14
73 documentation and that all board members would have a package emailed to them once that is
74 complete. Fee analysis for upcoming renewal had been done. The handout included a letter with
75 an overview and breakdown of fee types and how it compared to other fee types and percentage
76 of increase and decrease. Fee analysis was discussed and an increase in licensing fees using the
77 last two closed years, FY12 and FY13 and tried to project the future, estimating what the
78 expenses may be. FY 15/16 target is by using consumer price index as guidance. Expenses will
79 increase 2% per year, the board looked at revenue and expenses together. We are look at overall
80 fee increases so the board doesn't slide back into deficit. Some licensing increases are doubling
81 (dentists), some fees are being taken out but doesn't make a fiscal impact.

82

83 Wells asked about the dramatic increase in legal, going from \$7,000 to \$18,0000. Chambers
84 believed it was from serious investigations and regulations, she will research. The board
85 discussed application fees that should be increased. Wells stated an increase of fees would not
86 deter people from coming up here. Once Ms. Chambers received feedback from the board, the
87 fee changes would be put up for public comment for 30 days. We are at the last cycle of
88 availability to get out in time for renewals.

89

90 Kovaleski left room 9:07

91 Returned 9:10

91 **On a motion duly made by Scheller, seconded by Kovaleski, and approved unanimously, it**
92 **was**

93
94 **RESOLVED to increase Dental License Application fee by Exam to \$600.00 and to**
95 **increase Dental License Application fee by Credentials to \$1000.00.**

96
97 **On a motion duly made by Kovaleski, seconded by Scheller, and approved unanimously, it**
98 **was**

99
100 **RESOLVED to increase Initial Application for Parental Sedation to \$1000.00 and to**
101 **increase Renewal of License for Parental Sedation to \$250.00.**

102
103 **On a motion duly made by Fellenberg, seconded by Scheller, and approved unanimously, it**
104 **was**

105
106 **RESOLVED that there will be no change in fee for Continuing Education**
107 **application and fee will remain \$25.00.**

108
109 The board thanked Ms. Chambers and ended teleconference.

110
111 **Agenda Item 5- Investigative Report**

112
113 Investigator Angela Birt distributed the investigative report to Board members. Ms. Birt
114 discussed the restructuring of the Division in order for investigations to be able to be more
115 responsive. These changes should be done by Christmas. Investigations currently has fourteen
116 actions on file, one was closed, two were before the board for final disposition. Letters of
117 advisement would be approved by two board members, and one member will determine if
118 discipline action is warranted. Ms. Birt discussed the Advisement Letter as a tool the board can
119 use in the first instance of a concern and someone needs to be warned. This is a non disciplinary
120 letter of advisement. Investigations holds onto this letter. If there is a second one, investigations
121 knows who has received formal communication.

122 The probation report includes Dr. Adams, who would be removed from probation tomorrow. Dr.
123 Harbolt is on probation for five years once he comes to Alaska. Dr. Murphy is serving probation
124 for five years. Dr. Ness is still out of the country.

125 Ms. Birt had an issue that the board needed to determine, what is reasonable for emergency
126 contact. The issue seems inconsistent. According to the Ethics guideline, emergency contact
127 "must be reasonable".

128
129 Two matters were given to the board for consideration.

130
131 **On a motion duly made by Kovaleski , seconded by Navitsky and approved unanimously, it**
132 **was**

133
134 **RESOLVED to adopt agreement of proposed decision and order for Case No. 2014-**
135 **001144.**

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136 The second matter was regarding Case No. 2014-001143. The applicant was denied license by
137 Exam due not disclosing his license being revoked in CA. Considered a fraudulent and deceitful
138 application.

139

140 **On a motion duly made by Kovalski, seconded Walden by and approved unanimously, it**
141 **was**

142

143 **RESOLVED to adopt the stipulated agreement and order Case No. 2014-00143.**

144

145

146 Wells signed the adoptions by the board for matters approved for Dr. Fisher and Dr. English.

147

148 Wells asked if all complainants get a letter noting the board's determination. Ms. Birt answered
149 yes and included that there is no appeal process.

150

151 The Board thanked Ms. Birt and she departed.

152

153 **Agenda Item 7- Public Comment**

154

155 Dr. Jeffrey Bowman, a credential applicant for the December 5, 2014 meeting came in, hoping to
156 be interviewed at this board meeting. Dr. Bowman did not make the 30 day cut-off timeline for
157 this meeting. The Board re-iterated that his file was not available to access and that he would
158 need to interview at the December board meeting.

159

160 Break at 9:55 a.m.

161 On record at 10:05 a.m

162

163 **Agenda Item 6- Proposing Legislation**

164

165 Sher Zinn, Licensing Supervisor, discussed how to propose legislation. The Board is wanting to
166 repeal the Dental Radiological Statute AS 08.36 .075. Silveira will talk with Health and Social
167 Services to see what they're doing with medical. Fellenberg and Walden will look at states to
168 see who takes care of radiological equipment.

169

170 **Agenda Item 8- Old/New Business**

171

172 Silveira discussed using DIQUAD as an approved vendor. They do not do cover cone beams or
173 panoramic, only tube heads. It has been determined he will do more research to present
174 DIQUAD to the Board.

175 Discussion regarding the Renewal Insert. The insert is just for dental renewals. The insert must
176 be complete no later than November 1st. Wells stated the dental society would like a report of
177 board disciplines for the year. Walden stated this should not be under the board, should be on
178 them to read the information on the website to see who has been disciplined. Once insert is
179 complete, the board will forward to Stacia.

180 Jurisdiction/Burke. The logs that were submitted were old logs, there are no up to date didactic
181 logs. The Board reviewed the application for Ms. Burke. It was determined that the applicant
182 needs current information, specifically didactic curriculum. Kovaleski states he would like to
183 see WREB for restorative function before bringing Burke back to the board. If the Board
184 approves didactic curriculum, the Board could then approve her to take the WREB.

185 Blair Lewis - the Board did not take action so that she has the opportunity to take the WREB
186 exam. She does not have the five years of experience and must either pass the WREB and apply
187 for license by exam or wait until she has five years of experience.

188 Scheller discussed the AADB meeting and sedation.

189

190 Discussion of consent agreement for Case No 2014-001276.

191

192 **On a motion duly made by Walden, seconded by Fellenberg and approved unanimously, it**
193 **was**

194

195 **RESOLVED to accept the continuing education consent agreement for case number**
196 **2014-001276 for Evelyn Hadley.**

197

198 Off record at 12:08

199 On record at 1:05

200

201 **Agenda Item 9 - Personal Interview for Applicants by Credentials**

202

203 Scheller welcomed Dr. Mark E. Harris to the Board meeting and explained the interview process.
204 Dr. Harris appeared telephonically. The Board asked the standard interview questions.

205

206 **On a motion duly made by Scheller, seconded by Walden, and approved unanimously, it**
207 **was**

208

209 **RESOLVED to approve the application for a dental license for Dr. Mark E. Harris.**

210

211 Gail Walden welcomed Dr. Brian A. Kelleher to the Board meeting and explained the interview
212 process. Dr. Kelleher appeared telephonically. The Board asked the standard interview
213 questions.

214

215 **On a motion duly made by Walden, seconded by Kovaleski, and approved unanimously, it**
216 **was**

217

218 **RESOLVED to approve the application for a dental license for Dr. Brian A.**
219 **Kelleher.**

220

221 Navitsky welcomed Dr. Michael E. Murzyn to the Board meeting and explained the interview
222 process. Dr. Murzyn appeared telephonically. The Board asked the standard interview
223 questions.

224

225 **On a motion duly made by Navitsky, seconded by Scheller, and approved unanimously, it**
226 **was**

227

228 **RESOLVED to approve the application for a dental license for Dr. Michael E**
229 **Murzyn.**

230

231 Scheller welcomed Dr. Mark E. Harris to the Board meeting and explained the interview process.
232 Dr. Harris appeared telephonically. The Board asked the standard interview questions.

233

234 **On a motion duly made by Scheller, seconded by Walden, and approved unanimously, it**
235 **was**

236

237 **RESOLVED to approve the application for a dental license for Dr. Mark E. Harris.**

238

239 Silveira welcomed Dr. Dallin C. Young to the Board meeting and explained the interview
240 process. Dr. Young appeared telephonically. The Board asked the standard interview questions.

241

242 **On a motion duly made by Silveira, seconded by Kovaleski and approved unanimously, it**
243 **was**

244

245 **RESOLVED to approve the application for a dental license for Dr. Dallin Young.**

246

247 Cheryl Fellenberg welcomed Dr. Justin E. Evanson to the Board meeting and explained the
248 interview process. Dr. Evanson appeared telephonically. The Board asked the standard
249 interview questions.

250

251 **On a motion duly made by Fellenberg, seconded by Kovaleski and approved unanimously,**
252 **it was**

253

254 **RESOLVED to approve the application for a dental license and general anesthesia**
255 **permit for Dr. Justin Evanson.**

256

257 Kovaleski welcomed Dr. Cory C. Best to the Board meeting and explained the interview process.
258 Dr. Best appeared in person. The Board asked the standard interview questions.

259

260 **On a motion duly made by Kovaleski, seconded by Scheller, and approved unanimously, it**
261 **was**

262

263 **RESOLVED to approve the application for a dental license for Dr. Mark E. Harris.**

264

264 Kovaleski and Wells left the room at 1:40

265

265 Wells returned at 1:41

266

266 Kovaleski returned at 1:44

267

268 **Agenda Item 10 - Regulations**

269

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270 Kovaleski returned at 1:44

271

272 **Agenda Item 10 - Regulations**

273

274 The board discussed the draft regulations project for level of sedation permits and checklist. The
275 board needs to complete the sedation checklist, continued from the February board meeting.

276 Regulation 12 AAC 28.005 General Provisions will apply to all categories regarding sedation.

277 Changes and additions were made to the checklist and regulations already in place. It was

278 discussed that the Board would like Department Of Law to look at the checklist and regulations

279 before public comment.

280 Wells suggested moderate sedation should require two permits.

281 The board discussed that any pediatric sedation for children 12 and under must have a moderate
282 conscious sedation permit.

283 It was discussed that the board take all definitions from the ADA for sedation. It was discussed

284 that there should be a fee for administering nitrous oxide for the hygienist. Gail will make

285 changes and give to Stacia and Sher to be presented at the next board meeting for further

286 discussion. The regulations project will also be discussed again at the December 5th meeting.

287

288 Off record at 4:10

289 On record at 4:15

290

291 The Board discussed disciplinary sanctions for felony convictions and will address at the next
292 board meeting on December 5th. The board signed wall certificates.

293

294 Motion to adjourn.

295 Adjourn at 4:37

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Respectfully submitted:



Stacia Erkenbrack

Licensing Examiner

Approved:


Thomas Wells, DDS, President

Date: 9/5/2014