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

MINUTES OF MEETING
February 26, 2016

These draft minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the board.

By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the provisions of Article 6 of AS 44.62, a scheduled meeting of the Board of Dental Examiners was held February 26, 2016, at 550 W. 7th Ave, AAC 106, Anchorage, Alaska.

The meeting was called to order by Dr. Thomas Wells at 8:30 a.m.

Roll Call

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

Dr. Thomas Wells, President – Anchorage
Dr. David Nielson – Dentist - Anchorage
Dr. Steven Scheller- Dentist - Fairbanks
Dr. Paul Silveira – Dentist – Valdez
Robyn Chaney- Public Member – Dillingham
Dr. Michael Moriarty – Dentist – Seward
Gail Walden – Dental Hygienist - Wasilla

Absent:

Paula Ross – Dental Hygienist - Anchorage, excused
Dr. Thomas Kovaleski – Dentist – Chugiak, excused

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

Stacia Erkenbrack, Licensing Examiner – Juneau
Jasmin Bautista, Investigator – Anchorage
Ed Riefle, Investigator – Anchorage
Martha Hewlett, Administrative Officer II, - Juneau

In attendance for Public Comment were:

Seth Lockhart, Anchorage
Shana Cranford, Anchorage
Guy Burk, Anchorage
H. William Gottschalk, Tarzana, CA
Kenley Michaud, Anchorage
Jon McNiel, Anchorage
Jessica Blanco, Juneau

Agenda Item 1- Agenda

Dr. Nielson requested that ethics violations, such as sending letters of reprimand or warnings to offices advertising lesser fees for the non-insured, be added to Old/New Business. Nielson stated that it was a blatant disregard of the ADA Code of Ethics, which the board had adopted. He continued that according to the Code of Ethics that type of advertising should not be done.

On a motion duly made by Chaney, seconded by Scheller and approved unanimously, it was

RESOLVED to approve the Agenda with additional item added.

Agenda Item 2- Minutes

The Board reviewed the minutes from the December 4, 2015 board meeting. Correction was made to line 235 to read, "It was determined that a meeting with three or more people was considered a sub-committee and would need to be public noticed." Correction to line 477, to read "definitions are straight out of ADA guidelines for use of sedation."

On a motion duly made by Scheller, seconded by Chaney and approved unanimously, it was

RESOLVED to approve the minutes of the September 4, 2015 minutes with corrections.

Agenda Item 3- Ethics

Wells discussed ethics and asked if there were any comments or reports to make.

There were no ethics violations to report.

Agenda Item 4- Budget Review

Martha Hewlett, Administrative Officer II discussed the FY16 2nd quarter reports. Hewlett discussed the direct, personal, indirect and travel expenditures. There were no furthers questions. The board thanked Hewlett and disconnected the call.

Agenda item 5-Investigations

Jasmin Bautista and Ed Riefle appeared for investigative report. Wells introduced Jasmin Bautista and Bautista suggested the board go into Executive Session.

On a motion duly made by Walden, seconded by Nielson, and approved unanimously, it was

> **RESOLVED to go into executive session in accordance with AS 44.62.310(c)(2), for the purpose of discussing general open and pending cases.**

Staff to remain

Off record at 9:20 a.m.
On record at 9:45 a.m.

Break at 9:45 a.m.
Back at 9:56 a.m.

Agenda Item 6 – Regulations

Walden made changes to the draft sedation regulations, which included the updated and changed requirements for moderate and deep sedation and airway management, including additional requirements for providers working with patients 12 and under. When completed Walden would email to examiner. It was determined the cost to licensees would be dependent upon training and equipment licensees already had or may need. There would be no cost to the public, private or other state agencies. The regulation project would be mailed to current dental and dental hygiene licensees.
Updated draft will be forwarded to the regulations specialist for update before being released for Public Comment.

On a motion duly made by Scheller, seconded by Moriarty, and approved unanimously, it was

> **RESOLVED to approve the draft sedation regulations with changes to be released for Public Comment.**

Agenda Item 7 – Public Comment

There was much detailed discussion with Dr. Guy Burk, Dr. Gottschalk, Dr. Michaud, and Dr. Blanco regarding requirements for moderate and deep sedation regulations. It was agreed that most problems tend to arise with airway management. It was also agreed that Alaska would set precedent by requiring a certain number of hours in airway management, including additional number of hours for pediatric airway management if providing sedation for children 12 and under. It was also agreed there needed to be recurring training for renewal. Scheller wanted to confirm that there were courses out there for applicants and licensees to take. It was confirmed by Michaud and Blanco that there were. The concern was that the courses available now did not have the 20 hours of strictly airway management. The professionals that attended todays BODE meeting for public comment felt strongly that airway management was the concern, especially when it comes to pediatrics.

Off the record 12:02 p.m.
On the record 1:05 p.m.

Agenda Item 8 – Personal Interviews for Applicants by Credentials

The board welcomed Dr. Clifford Sorenson to the Board meeting and explained the interview process. Dr. Sorenson appeared in person. Nielson asked Dr. Sorenson for clarification on two different license numbers in Utah and Dr. Sorenson explained that Utah had changed their number system and he was given a new number. Nielson asked about the gap in Sorenson's insurance and Sorenson explained that if there was a gap in insurance it was because he had attempted to retire.

The Board asked the standard interview questions.

On a motion duly made by Nielson, seconded by Scheller, and approved unanimously, it was

> **RESOLVED to approve the application for a dental license for Dr. Clifford Sorenson.**

The board thanked Dr. Sorenson for attending the board meeting and Dr. Sorenson left the meeting.

The board welcomed Dr. Hompesch to the Board meeting and explained the interview process. Dr. Hompesch appeared telephonically. The Board asked the standard interview questions.

On a motion duly made by Walden, seconded by Moriarty, and approved unanimously, it was

> **RESOLVED to approve the application for a dental license for Dr. Richard Hompesch.**

The board welcomed Dr. Cordova to the Board meeting and explained the interview process. Dr. Cordova appeared telephonically. The Board asked the standard interview questions.

On a motion duly made by Silveira, seconded by Scheller, and approved unanimously, it was

> **RESOLVED to approve the application for a dental license for Dr. Charles Cordova, Jr.**

The board welcomed Dr. Ichimura to the Board meeting and explained the interview process. Dr. Ichimura appeared telephonically. The Board asked the standard interview questions.

On a motion duly made by Scheller, seconded by Silveira, and approved unanimously, it was

> **RESOLVED to approve the application for a dental license for Dr. David Ichimura.**

The board welcomed Dr. Smith to the Board meeting and explained the interview process. Dr. Smith appeared telephonically. The Board asked the standard interview questions.

On a motion duly made by Chaney, seconded by Walden, and approved unanimously, it was

RESOLVED to approve the application for a dental license for Dr. Erik Smith.

The board discussed Dr. Martha Truncale. Dr. Truncale is more than qualified and had an active license in Canada, however did not have an active license in the United States as required by regulation. Dr. Truncale will be renewing her New York license so she would meet the requirement for license by credential. The board agreed to review Truncale's application file and interview Dr. Truncale, moving forward with licensure "pending" receipt of active US license.

The board welcomed Dr. Truncale to the Board meeting and explained the interview process. Dr. Truncale appeared telephonically. The Board asked the standard interview questions.

On a motion duly made by Wells, seconded by Nielson, it was

RESOLVED to approve the application for a dental license for Dr. Martha Truncale "pending" receipt of New York renewed "active" license.

Roll call- Nielson, yea - Chaney, yea - Silveira, yea - Wells, yea – Scheller, nay - Walden, yea - Moriarty, yea - 6 yeas, 1 nay - motion passed.

Agenda Item 9 – Old/New Business

The Board reviewed and discussed articles from "Death in Dentistry". Nielson transitioned to what was meant by "Stress Test" was how prepared the Board was if an accident or emergency did arise? Nielson gave examples of incidences he had heard of but that had not been reported to the board. He inquired about a databank or clearinghouse where this type of thing was reported. Scheller asked who would collect that data and Nielson responded that was the problem and that the board needed to figure out how hospital databases were set up. Silveira asked if hospitals were required to report things like that or if the HIPAA law would prevent releasing information like that. It was determined that HIPAA provided client confidentiality, not provider. The board agreed that the sedation regulations were a good place to start. Scheller asked about a spokesperson for the board, who would talk with the press if something bad did occur. Nielson stated the ADA had spokesperson training for just that reason. The board would ask the investigator about who would give the media information. Nielson suggested the board determine what constituted an ER visit. Walden suggested that when the board runs CE audits on licensees, that the

board would also run a databank check on the licensees. The board agreed that would be a good idea to see if any licensees had anything reported since licensure. Scheller stated the board could sign up for notices of those who had malpractice reports that would generate for a licensee in our state. The board would mention this to the investigator to see if licensees were being run through the databank during renewal. Nielson and Walden would talk with local hospitals to see how the board would go about getting data on someone who was admitted from a dental office. Scheller would check with the NPDB.

CE audits were discussed. Scheller and Silveira gave their CE audits replies to the examiner. It was determined that CPR cards submitted needed to be active at time of renewal. The examiner asked that it reflect on the record to continue and approve those licensees that had an active CPR card at the time of renewal rather than multiple CPR cards that reflected the whole renewal period.

Frank Thomas-Mears was unable to make the meeting. Silveira stated that what was going to be discussed was, is it law that an exam be done before a patient see a hygienist. The board confirmed that yes, it was law. On page five of the statutes, under general supervision and scope of practice, it says that an exam be done before seeing a hygienist. Nielson stated this went back to the board writing letters regarding practices being out of compliance, such as advertising lower prices for uninsured patients versus insured patients. Nielson stated this type of practice was against the Code of Ethics. It was written, in black and white and not just hearsay. Chaney confirmed that Nielson was looking for an avenue for the board to go to for those who were not complying with the code of ethics. Chaney and Nielson would like a process for advisory letters to be drawn up for those who were not following the code of ethics or keeping the standard of care. Chaney requested the examiner investigate a process for the board to follow up on doing such. Wells suggested that is a good question for legal. What could the board do and could the board reprimand a licensed dentist working at a tribal clinic? Moriarty and Chaney stated if they had an Alaska State dental license, the board could.

Recess at 2:55 p.m.
Return at: 3:07 p.m.

Agenda Item 10 –Miscellaneous Correspondence

The board discussed SRTA. Walden stated that the frustration was that the regional examinations are no longer concerned about the examination itself, they are concerned about market share. Walden stated concern about moving away from quality clinical exams to just get it done and compete with each other for the money.

Silveira stated the exams he was a grader in, he did not feel that at all and that the exams were good and that they are necessary. Walden stated the quality of the WREB was going down. Scheller asked why it was the board only accepted the WREB. Moriarty asked if he felt the dental board should be based on mannequins or artificial teeth. Moriarty asked if any of them had patients that came in that were mannequins. Moriarty continued that part of being a dentist was working on patients and dealing with whatever comes up. He also stated that SRTA does a root canal on a plastic tooth and asked how many plastic teeth were worked on in a day - zero. Moriarty shared more differences between the two exams. Scheller suggested the board consider looking at other regional exams. Walden suggested the board invite all of the regional boards to come and give a presentation of what they offer or let the BODE watch their course and the board could then make a decision. The board will re-visit that maybe next year.

Nielson and Wells looked at the Western Surgical and Sedation website that Dr. Wayland had called to inquire if the program offered would meet the State of Alaska requirements. Wells and Nielson stated the board would need more detailed information. They stated they could not tell from the website if the program met the required hours for sedation for the State of Alaska. The examiner will follow up with Dr. Wayland.

Chair called for break at 2:55 p.m.
Returned 3:07 p.m.

The board agreed that nothing else was needed for David Butler regarding x-ray machines or radiology.
The board discussed the application for Thomas Hipsher for Radiology Equipment Inspector that the examiner took to the meeting for the board to review. The board agreed that application was incomplete and that once required transcripts and supporting documentation was submitted, that the board would re-visit and review the application.

The board discussed HB29, regarding radiology equipment being given back to Health and Social Services. If this bill goes through, the dental board would be responsible for licensing dental assistants, etc. However, the radiology equipment would be with Health and Social Services.
The board discussed the Travel Summary Report and verified that the board must meet in person in order to continue Public Comment, trying to do that telephonically would be a fiasco as well as trying to interview Credential applicants as a board. Nielson stated he had not turned in a voucher for any money as of yet. Moriarty has

stayed with a friend for both meetings since he had been on the board. The board did not feel it was frivolous with travel nor had that much of a travel expense. The board felt meeting quarterly in person was the best way for the board to get critical issues resolved and a majority of the board lives in, or close to Anchorage. Silveira stated they had a telephonic board meeting at one point and it simply did not work. Nielson stated that meeting telephonically would appear as meeting behind closed doors, that transparency was key. Walden stated it was a benefit and helps the applicants and the public to meet with and see the board in person.

Agenda item 11- Office Business

The December BODE meeting was scheduled for December 9, 2016.
Wall certificates were signed and travel will be sent in with a copy to the examiner.

Chaney left at 3:30 p.m.

Meeting adjourned 4:10 p.m.

Respectfully submitted:

_____
Stacia Erkenbrack
Licensing Examiner

Approved:

_____
Thomas Wells, DDS, President

Date:_____