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**STATE 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
February 20, 2015**

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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 20, 2015, at 550 W. 7th Ave, Suite 1270, Anchorage, Alaska.

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The meeting was called to order by Dr. Thomas Wells at 8:32 a.m.

Roll Call

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

Dr. Thomas Wells, President – Anchorage
Gail Walden – Dental Hygienist – Wasilla
Dr. Steven Scheller- Dentist - Fairbanks
Cheryl Fellenberg – Dental Hygienist - Wasilla
Dr. Paul Silveira – Dentist – Valdez
Robyn Chaney- Public Member – Dillingham,

Absent:

Dr. Thomas Kovaleski – Dentist – Chugiak - excused
Dr. Mary Anne Navitsky – Dentist - Sitka - resigned
Dr. Robert Warren – Dentist – Anchorage - deceased

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

Stacia Erkenbrack, Licensing Examiner – Juneau
Martha Hewlett, – Administrative Officer II, Juneau
Angela Birt, Chief Investigator - Anchorage
Jasmin Bautista, Investigator – Anchorage
Harriet Milks, Attorney – Juneau (teleconference)

47 Dr. Wells began the meeting letting the board know that Navitsky had resigned, Dr.
48 Kovaleski was at a meeting in Phoenix and that Dr. Warren had passed away last
49 week in Hawaii. We do still, however, have a quorum.

50

51 **Agenda Item 1- Agenda**

52

53 Under review of the agenda, it is mentioned that Dr. Kovaleski will be calling in at
54 11:30 a.m. to discuss the Computer Simulated Clinical Examination for Dental
55 Hygienists with Gail Walden.

56

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

59

60 **RESOLVED to approve the Agenda for February 20, 2015.**

61

62 **Agenda Item 2- Minutes**

63

64 The Board reviewed the minutes from the December 5, 2014 board meeting and
65 was corrected. Line 194, Walden is making and seconding a motion, needs to be
66 corrected. Line 231, should say Dr. Wells. Line 122 should be changed from Ms.
67 Moe to Ms. Lewis. Line 129-130 nurse anesthetics rather than nurse anesthetist .
68 Line 132-133 did a repeat of references, gave examples to Ms. Walden, and needs to
69 be stated more clearly. Line 207 Dr. Joe Cayas is spelled incorrectly. Line 280 take
70 out the last word, were. Line 338; delete last word in regulation project. Walden
71 asked to have it noted in the minutes that the board approved a permanent
72 certification for both local anesthetic and nitrous oxide after initial application has
73 been approved by the board. This discussion occurred but was not written into the
74 minutes for December 2014. Line 373 needs a period after Warren and 375
75 mentions Scheller made a motion but does not say what the motion is. Line 118,
76 needs to be changed to it was discussed that the examiner will keep the file. All
77 corrections are noted and made.

78

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

81

82 **RESOLVED to approve the minutes of the December 5, 2015 minutes**
83 **with the above- mentioned amendments.**

84

85 **Agenda Item 3- Ethics**

86

87 There were no ethics violations to report.

88 **Agenda Item 4- Dr. Lockwood**

89
90 It was questioned if the investigator, Jasmin Bautista needed to be present for this, in
91 which Angela Birt notified the board did not have any investigative action other than the
92 consent agreement in which Dr. Lockwood is compliant. Attorney Taylor Rounds
93 introduced himself and the Board called Harriet Milks for representation via
94 teleconference. Dr. Lockwood handed out copies of petition to reinstate and exhibits.
95 Attorney Rounds states that in 2009 Dr. Lockwood was convicted of felony tax evasion
96 for making investments he believed were legal but turned out they were not. As a result,
97 he was sentenced to 16 months in Federal prison; his California license was revoked and
98 had suspension of his Alaska license. He was released in 2013 and taking every step he
99 can to get his life back on track and stay on the right side of the law. After release from
100 prison, he voluntarily went to see a psychologist. There is nothing psychologically
101 keeping him from practicing dentistry. He takes responsibility for his actions, shows
102 regret and is not a threat to patients. He is willing to fully comply with the board upon
103 reinstatement, which brings us to the petition for reinstatement. The statute the board is
104 considering is AS 08.01.075(d). This statute says, A board may reinstate a suspended or
105 revoked license if, after a hearing, the board finds that the applicant is able to practice the
106 profession with skill and safety. There was also the consent agreement that Dr.
107 Lockwood had entered into and complied with. Dr. Lockwood has been practicing
108 dentistry for 30 years and there has never been a question of his competency. His
109 transgressions had nothing to do with patient safety. Harriet Milks asks about the terms
110 of the consent agreement that would impose a probationary period of five years after the
111 date of reinstatement. Taylor Rounds explains that the probationary period is important
112 in order to give the board confidence that Dr. Lockwood will not re-offend and comply
113 with the terms of the agreements.

114
115 Dr. Lockwood addressed the board stating he had relied on those he thought he could
116 trust, including his attorney and accountant. In a case of too good to be true, he should
117 have known better. Dr. Lockwood discussed the incident and the measures he has taken
118 to rectify the incident and prevent any future incidents or problems. He states he regrets
119 any pain he caused his family or anyone else and believed he is fortunate, in that his
120 family stuck with him and is still there for him. He has done his time, paid his fine and
121 paid his restitution and is doing his best to move forward. He has a new accountant and
122 has made it clear he does not want to deal in any shades of gray. Everything must be
123 black and white. Dr. Lockwood mentioned a letter that his clinical psychologist had
124 written and is in his exhibits for the board to look at. Harriet Milks had not yet seen the
125 letter. The examiner read the letter from the psychologist stating that Dr. Lockwood had
126 been seen for six sessions and does not have any concerns regarding Dr. Lockwood
127 returning to seeing patients.

128 Dr. Lockwood continued that he just wanted to put this behind him and get back to work.
129 He stated that he has complied with all aspects of the consent agreement and taken more

130 continuation education credits than required. Dr. Lockwood stated that he still has the
131 hands and ability for dentistry and has worked with another dentist on new techniques in
132 dentistry.

133

134 The examiner asked if the board would like to go into executive session for further
135 discussion. Attorney Taylor Rounds waived executive session and requested to stay on
136 public record. Walden asked if this was a new petition after the last board meeting. The
137 examiner confirmed it was a new petition that did not make it in time for the December 5,
138 2014 board meeting. Therefore, the final decision was made and now this is a new
139 petition. Scheller asked why Lockwood let his license lapse; Lockwood explained that he
140 had not answered a question correctly and that he was in prison and did not get the
141 paperwork in on time. Wells asked when his license was revoked in California.
142 Lockwood responded 2011 and that it was revoked because of the conviction. Public
143 member, Nielson asked why Lockwood's name was still associated with his practice after
144 he lost his license. Lockwood answered because it was a corporation, Kenai Dental
145 Clinic, and Ellis wanted to keep the name. Walden states that in the consent agreement
146 Lockwood acknowledges the felony and admits that he completed his application for
147 renewal incorrectly and did not disclose the accusation in the State of California. Walden
148 states that she appreciated Lockwood talking because in 2014 he didn't say anything to
149 support and now his ethics training has been completed and he has fully complied, so if
150 his license is reinstated, he will be on five years' probation and everything is in the
151 agreement and complied with. Birt stated that everything that was needed to be
152 completed had been. Lockwood's five years of probation would be from date of
153 reinstatement and would go on hold whenever he left the state of Alaska and would re-
154 start upon return. Any violation of probation would result in revocation of his dental
155 license. The board discussed reinstating Lockwood's license, the consent agreement and
156 that Lockwood had complied with the agreement. Wells asked Birt if she had anything to
157 add, Birt did not. Walden felt comfortable with reinstating the license since the consent
158 agreement had been met and stated she appreciated Lockwood being there to expand at
159 this meeting. Scheller suggested the board examine the regulations closely to ensure the
160 board was meeting the requirements of the regulations to reinstate his license. Fees were
161 discussed and when license should be reinstated. Dr. Lockwood would be agreeable to
162 whatever the board decided. Walden stated the board could entertain a motion to
163 reinstate his license pending payment of all required fees. Milks suggested the board use
164 "subject to payment of all required fees."

165

166 **On a motion duly made by Scheller, seconded by Fellenberg, to reinstate**
167 **Dr. Lockwood's dental license subject to payment of all required fees**
168 **effective February 20, 2015.**

169

170 The board had further discussion regarding details of license fees, reinstatement
171 and renewal fees and reinstatement date. Milks suggested verbiage of a motion.

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

174

175 **RESOLVED to amend the previous motion to reinstate Dr. Lockwood's**
176 **dental license subject to payment of all required fees due effective**
177 **February 20, 2015 for the period ending February 28, 2015.**

178

179 Roll call-Silveira, yea-Walden, yea-Scheller, yea-Fellenberg, yea-Chaney, yea-Wells,
180 yea.

181

182 The examiner thanked Harriet Milks and disconnected. Dr. Lockwood thanked the
183 board and departed.

184

185 Off the record: 10:00 a.m.

186 On the record: 10:12 a.m.

187

188 **Agenda Item 5 - Investigative Report**

189

190 Investigator Jasmin Bautista had provided reports for board packets and had extra
191 copies if needed. Bautista also stated 7 files were opened and 17 were closed dental
192 board matters. There were still 6 total ongoing. Bautista handed out a probation
193 report to the board. Dr. Ness's probation was explained. It is suggested the board
194 go into executive session for Case # 2014-002162.

195

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

198

199 **RESOLVED to go into executive session in accordance with AS**
200 **44.62.310(c)(2), for the purpose of discussing case number 14-0874-**
201 **DEN.**

202

203 Off record at 10:32 a.m.

204 On record at 11:14 a.m.

205

206 The Board thanked Ms. Bautista and she left.

207

208 **Agenda Item 7 - Public Comment**

209

210 Julie Grills, Dental Hygienist, addressed the Board regarding her application by
211 credentials which to board had previously found her not eligible through credentials
212 due to conflicting regulations. The examiner had presented past correspondence

213 and an email from PBIS in the board packets. Scheller stated the problem is the
214 board is still bound by regulation. Grills presented an application she had printed
215 from the Dental Board website showing the same information regarding license by
216 credentials, which also supported information previously given to her.

217

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

220

221 **RESOLVED to approve Dental Hygiene license for Julie Grills.**

222

223 Roll call-Silveira, yea-Scheller, yea-Walden, yea-Fellenberg, yea-Chaney, yea-Wells,
224 yea.

225

226 Frank Thomas-Mears stopped in to honor Dr. Robert Warren in his passing. He
227 discussed AS 08. 38. 067 and a Risk Management seminar he and Chief Investigator,
228 Angela Birt would be presenting.

229

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

231

232 Kovaleski called in to discuss the Computer Simulated Clinical Examination for
233 Dental Hygienists with Walden. Walden handed out information regarding the CSCE
234 along with statutes and regulations that apply should the board want to move
235 forward and a letter from the ASDHA that supports pursuing this option. Kovaleski
236 discussed the letter he presented to the WREB Board of Directors last month
237 regarding the board's disappointment of the Hygiene exam dropping the POC. They
238 said it would be impossible to continue the computer exam just for Alaska because
239 the number is so small and they cannot share the information with the board
240 because it is all copyrighted. Walden discussed other options for the CSCE exam for
241 the State of Alaska. It was suggested the ADEX people come up to present for the
242 May meeting. The board may have more information for the next meeting after time
243 to consider. Kovaleski gave his condolences for Dr. Warren and thanked Fellenberg
244 for eight years of service to the board.

245

246 Chaney left at 11:35 a.m.

247

248 The board reviewed the consent agreement for case # 2014-001778.

249

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

252

253 **RESOLVED to adopt the consent agreement for David Schramm.**

254 The board reviewed the consent agreement for case # 2014-001809.

255

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

258

259 **RESOLVED to adopt the consent agreement for Brynn Moe.**

260

261 Scheller wanted to discuss the issue with the licensure renewal. The dental
262 community was concerned they would not receive their license on time. The
263 examiner did the best to reassure the board and will take the concern to Director,
264 Sara Chambers.

265

266 Walden brought up question 4 on the dental application to be changed so it reads
267 better in hopes to end confusion in answering the question.

268

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

271

272 **RESOLVED to change professional fitness question 4 on the dental**
273 **application(s) from: Have you ever been the subject of a report from the**
274 **National Practitioner Data Bank or the American Association of Dental**
275 **Boards Clearinghouse for Board Actions that relates to criminal or**
276 **fraudulent activity, or dental malpractice? To: read: "Have you ever been**
277 **the subject of a report from the National Practitioner Data Bank or the**
278 **American Association of Dental Boards Clearinghouse?**

279

280 Off the record: 12:00 p.m.

281 On the record: 1:03 p.m.

282

283 **Agenda Item 9 – Personal Interviews for Applicants by Credentials**

284

285 The board welcomed Dr. Yung Nam to the Board meeting and explained the
286 interview process. Dr. Nam appeared in person. The Board asked the standard
287 interview questions.

288

289 **On a motion duly made by Walden, seconded by Silveira, and approved**
290 **unanimously, it was**

291

292 **RESOLVED to approve the application for a dental license for Dr. Yung**
293 **Nam.**

294

295 Walden explained the fee increase since Nam's application submission. Nam agreed
296 to pay the balance of the fee increase and understood the license will be generated
297 once the fee had been received.

298
299 Nam thanked the board and he departed.

300
301 The board welcomed Dr. Benjamin Hadfield to the Board meeting and explained the
302 interview process. Dr. Hadfield appeared in person. The Board asked the standard
303 interview questions.

304
305 **On a motion duly made by Wells, seconded by Fellenberg, and approved**
306 **unanimously, it was**

307
308 **RESOLVED to approve the application for a dental license for Dr.**
309 **Benjamin Hadfield.**

310
311 Hadfield had heard Walden explain the fee increase. Hadfield agreed to pay the
312 balance of the fee increase and understood the license will be generated once the fee
313 had been received.

314
315 The board welcomed Dr. Christopher Chang to the Board meeting and explained the
316 interview process. Dr. Chang appeared telephonically. The Board asked the
317 standard interview questions.

318
319 **On a motion duly made by Fellenberg, seconded by Scheller, and approved**
320 **unanimously, it was**

321
322 **RESOLVED to approve the application for a dental license for Dr.**
323 **Christopher Chang.**

324
325
326 Walden explained the fee increase since Chang's application submission. Chang
327 agreed to pay the balance of the fee increase and understood the license will be
328 generated once the fee had been received.

329
330 The board welcomed Dr. Edith "Jane" Gillette to the Board meeting and explained
331 the interview process. Dr. Gillette appeared telephonically. The Board asked the
332 standard interview questions.

333 **On a motion duly made by Silveira, seconded by Fellenberg, and approved**
334 **unanimously, it was**

335

336 **RESOLVED to approve the application for a dental license for Dr. Edith**
337 **"Jane" Gillette.**

338

339 Walden explained the fee increase since Gillette's application submission. Gillette
340 agreed to pay the balance of the fee increase and understood the license will be
341 generated once the fee had been received.

342

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

344

345 The board reviewed and discussed Kristin Sanders Local Anesthetic permit
346 application file. The board requested that she be available to discuss her application
347 further at the May 15, 2015 board meeting. Although she is coming in by licensure
348 in another state, she did not pass the WREB Local Anesthetic and the board would
349 like to discuss licensure with the applicant. The examiner explained that had she
350 not submitted the applications together, the Board would not know that the
351 applicant did not pass the Local Anesthetic section of the WREB. The Board still
352 requested to speak with Sanders so she could explain the process that she went
353 through to be licensed for local anesthesia in California. The examiner confirmed
354 that she would notify the applicant. The board reviewed and discussed the
355 parenteral sedation permit application for Dr. Keusung Yun.

356

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

359

360 **RESOLVED to approve the application for a parenteral sedation permit**
361 **for Dr. Keusung Yun.**

362

363 **Agenda item 10 - Miscellaneous Correspondence**

364

365 The board acknowledged the decision of Edd Johnson to cease providing services to
366 Alaska dentists as "Dental X-ray Machine Inspector". The board looked at the
367 Herzing University information but did not need to take action.

368 The RDH & LA "Bottom Legal Line" from David Oyster asked if the RDH's in Alaska
369 were allowed to give "block anesthesia" - if they have anesthetic permit, yes, they
370 could give "block anesthesia". The Board discussed the letter from Susanne
371 Kennard. Wells asked who owned the practice and Silveira stated it sounded like a
372 corporation. Wells wanted to know where the licensed dentist was that owned the
373 practice. He stated that she was not a licensed dentist. The Board discussed
374 whether an investigator should be sent out and that the board will ask the
375 investigator to find out ownership.

376

377 **Agenda item 11- Regulations**

378

379 The board reviewed the anesthesia and sedation regulations that had been
380 submitted to the regulations specialist. The board discussed and questioned the
381 status of an older regulation project that had not yet gone out for public comment.
382 Walden requested that the regulations specialist be available for the next board
383 meeting, May 15, 2015. The board was very concerned on why the regulations were
384 taking so long to get completed.

385

386 Off the record at 2:15 p.m.

387 On the record at 2:18 p.m.

388

389 **Agenda item 6 - Budget Review**

390

391 The Board called Martha Hewlett, Administrative Officer II, for the Budget Review.
392 Martha discussed the FY2015 2nd Quarter report. Hewlett explained the direct,
393 personal, indirect and travel expenditures. Hewlett broke down legal expenses for
394 the board and explained that the investigator is under direct expense under the
395 seven thousand series and that they track their time by the quarter hour, day by day,
396 specifically to what board(s) they are working on. It was discussed that contracting
397 for an inspector would fall under the seventy three thousand series. The board
398 asked if Sara Chambers was available to talk with the board. Chambers was not
399 available.

400 The board thanked Hewlett and disconnected the call.

401

402 The board discussed the display of licenses for dentists and dental hygienists, again,
403 concerned by the license renewal turn-around time. The board wanted to ensure
404 that no one in the dental community would be penalized for not having their license
405 displayed by the new renewal date. Scheller stated the board could make a
406 resolution that anyone that has their licensure application in on time, payment is
407 made and applications are completed and without problem should be considered
408 renewed.

409

410 **On a motion duly made by Scheller, seconded by Fellenberg, and approved**
411 **unanimously, it was**

412

413 **RESOLVED to extend all licensure of Dental and Dental Hygienist**
414 **licenses that made proper application, without problem, to state on or**
415 **before the deadline of February 28, 2015, until they have received hard**
416 **copy of license.**

417

418 Walden and the examiner voiced concern regarding the legality of the motion.
419
420 Wall certificates were signed, travel receipts were collected. Fellenberg signed in
421 the absence of Chaney.
422

423 **Meeting adjourned 3:00 p.m.**
424

Respectfully submitted:



Stacia Erkenbrack
Licensing Examiner

Approved:



Thomas Wells, DDS, President

Date: 2/15/2015

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