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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
May 15, 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 May 15, 2015, at 550 W. 7th Ave, Suite 1535, Anchorage, Alaska.

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The meeting was called to order by Dr. Thomas Wells at 8:31 a.m.

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Roll Call

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

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Dr. Thomas Wells, President – Anchorage
Gail Walden – Dental Hygienist – Wasilla
Dr. David Nielson – Dentist - Anchorage
Dr. Steven Scheller- Dentist - Fairbanks
Paula Ross – Dental Hygienist - Anchorage
Dr. Paul Silveira – Dentist – Valdez
Dr. Thomas Kovaleski – Dentist - Chugiak

Absent:

Robyn Chaney- Public Member – Dillingham, excused

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

Stacia Erkenbrack, Licensing Examiner – Juneau
Angela Birt, Chief Investigator - Anchorage
Jasmin Bautista, Investigator – Anchorage
Josh Henry, Investigator - Anchorage
Ed Riefle, Investigator – Anchorage
Sara Chambers, Operations Manager - Juneau

47 Janey Hovenden, Director – Juneau

48

49 **Agenda Item 1- Agenda**

50

51 Walden suggested adding the Supreme Court decision for North Carolina teeth
52 whitening when Jasmin came in. Wells stated it had been added to Agenda Item 7 -
53 Old/New Business.

54

55 **Agenda Item 2- Minutes**

56

57 The Board reviewed the minutes from the February 20, 2015 board meeting and
58 April 10, 2015 teleconference. Silveira mentioned changing the professional fitness
59 question #4 for the dental applications, the examiner verified it was being worked
60 on and should be completed any day.

61

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

64

65 **RESOLVED to approve the minutes of the February 20, 2015 minutes.**

66

67 The date needed to be changed on line 19 to April 10, 2015. The change was made
68 to the correct date.

69

70 **On a motion duly made by Nielson, seconded by Ross and approved**
71 **unanimously, it was**

72

73 **RESOLVED to approve the minutes of the April 10, 2015 minutes with**
74 **the amended date.**

75

76 **Agenda Item 3- Ethics**

77

78 Wells discussed ethics regarding interview questions. The board discussed adding
79 questions to the interview process and having them looked at by Department of Law
80 to make sure there were no biases. No longer having specialty licenses was also
81 discussed and questioned how that happened. Walden stated there had been a
82 committee and the dentists on the committee no longer wanted specialty licenses
83 due to problems those specialty licenses created. Walden did not know what the
84 problems were just that the dentists on the committee wanted to be rid of them.
85 There were no ethics violations to report.

86

87 **Agenda Item 4- Investigative Report**

88 Jasmin Bautista discussed the investigative report that covered February 1st through April
89 30, 2015. Jasmin stated there were nine files opened, ten closed and a total of eight under
90 investigation. Four probation cases remained open. The board requested Bautista to
91 investigate a practice in the valley to determine who had ownership. The examiner will
92 send the information to Bautista regarding the practice upon return to Juneau.

93

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

96

97 **RESOLVED to go into executive session in accordance with AS**
98 **44.62.310(c)(2), for the purpose of discussing case number 2015-00548**
99 **and case number 2015-00651.**

100

101 Off record at 9:04 a.m.

102 On record at 9:54 a.m.

103

104 The board chair called for a break

105

106 Off record at 9:54 a.m.

107 On record at 10:16 a.m.

108

109 **Agenda item 5 - Budget Review**

110

111 The Board called Sara Chambers, Operations Manager for the Budget Review.
112 Chambers introduced Janey Hovenden, Division Director and discussed the FY2015
113 3rd Quarter report. Chambers discussed the revenue from the renewal period and
114 changing of the renewal date. Chambers then explained the direct, personal,
115 indirect and travel expenditures. All expenditures looked good for this quarter.
116 Nielson asked what percentage of the examiner's time was calculated for
117 expenditures. The examiner stated it was hard to determine at that time since one
118 board was just given up April 1, 2015 and a new board just being learned. The best
119 calculation for FY2015 would be roughly 60% - 65% for the Fiscal year, however,
120 that would be a very rough estimate. Chambers reminded the board that the true
121 indirect expenditures would be reflected at the end of the fiscal year and that was
122 still coming. Chambers discussed the legislative session and that a round up email
123 would be sent to all board members when it was known what the 2016 budget
124 would be. Currently it looked like a \$170, 000 reduction and the possibility of loss
125 of an unfilled position. The board thanked Chambers and Hovenden and
126 disconnected the call.

127

128 Ed Riefle discussed the North Carolina Supreme Court decision. Riefle stated
129 investigations and Department of Law were tracking the decision. Riefle discussed
130 how a cease and desist order generally flowed and that the board did have sufficient
131 independent oversight the way the board was now. The issue in NC was that board
132 may have stepped out of its authority. As long as the board acted in "good faith" in
133 the gray areas, the board would be protected by statute.

134

135 **Agenda Item 6 - Public Comment**

136

137 Julie Robinson from Mission of Mercy asked about the regulation(s) for the courtesy
138 license and conflict with the Fairbanks and Anchorage Mission of Mercy event. The
139 board discussed that the participants could use one license with two dates, since the
140 regulation reads, "A courtesy license may be issued to a non-resident to practice
141 dentistry or dental hygiene, is nonrenewable and is valid for a period not to exceed
142 either a total of 40 days of practice during a 12-consecutive-month period or the
143 duration of the limited purpose approved under 12 AAC 28.955(d) for the courtesy
144 license holder, whichever is less. A person will not be issued more than one courtesy
145 license in a 12-month period." The examiner will amend the courtesy licenses
146 already approved to include the April 2016, Anchorage MOM event. Future MOM
147 applicants will complete the full application with both the August Fairbanks date
148 and the April Anchorage event dates.

149 Dr. Michaud informed the board of two sedation incidents of patients that were
150 hospitalized after sedation that the board was not aware of. One was an 18 month
151 old, the other was a young female. The patient was intubated, the provider had
152 turned off the alarm on the anesthesia machine so when the patient ran out of
153 oxygen, she suffered from negative pressure edema and was sent to the hospital and
154 intubated in the ICU. He believed this happened at the beginning of April. He did not
155 have specifics, just wanted to see how the board handled. Wells stated this should
156 have been reported to the board within 30 days and asked who would be sedating at
157 the mentioned providers office. Michaud stated it had been over 30 days and should
158 have been reported by now. The examiner verified nothing had been reported to
159 investigations regarding either of the above-mentioned incidents. Walden
160 suggested a newsletter reminding providers of mandatory reporting.

161 Dr. Burk signed in and discussed mail in dentistry. Telemedicine was really big and
162 a provider from Florida can mail a molding for a crown to be mailed back and a
163 person could put it on a tooth. The board doesn't have authority over a provider in
164 Florida. He was concerned about boards having less and less power because
165 everything had become antitrust. Kovaleski disagreed because if something
166 happened to a patient with the robot crown, the board would investigate and go
167 after whoever had done the crown, whoever had supervised the robot. Burk was
168 also concerned about who can and can't practice dentistry in the state and

169 concerned about the board being too cautious. He stated corporations had taken
170 over Oregon dentistry and was starting to happen here in Alaska. Wells explained
171 that the board could not investigate ownership, it would be requested through
172 investigations. Investigations was asked to look at one already. The board thanked
173 Dr. Burk for his input. Walden and Wells would like to have someone from
174 Department of Law at the next board meeting in September to ask what the board
175 can do with non-compliant ownership and/or practice, adding questions to the
176 interview process without bias and what the board can do with regulations
177 regarding ownership of practices.

178

179 **Agenda Item 7 - Old/New Business**

180

181 Walden discussed and reported on the CSCE exam and comments, both positive and
182 negative. The board is still looking for a POC since WREB is dropping it from their
183 exam. The board agreed it did not sound like a great option at this point and would
184 continue looking. Kovaleski stated the POC exam is better than the CPT exam and
185 sitting on the shelf at WREB and would not let it come off the shelf for just Alaska
186 because of copyright reasons. Kovaleski would like the board to scream, beg and
187 holler to obtain the POC exam since it is sitting on the shelf because of market share.
188 Walden stated she would continue to look at what was out there.

189

190 The board discussed two course approval applications from H&SS. One was
191 Federally Qualified Health Center/Community Health Center Financing for 2.75
192 hours, the second was The New Dynamic in CHC Dentistry; Linking, Finance,
193 Productivity and Performance. Although the Content Summary stated Risk
194 Management and Office Management, the board did not agree. The board felt these
195 courses covered financial management. Silveira stated somehow practice
196 management became a part of the risk management the board approved, however,
197 practice management was not defined. The board reiterated the two courses
198 reflected financial management, not practice management. The board also agreed
199 that practice management needed to be taken out of the regulation.

200

201 Dr. Wells left the room at 11:45 a.m.

202 Returned 11:48 a.m.

203

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

206

207 **RESOLVED to not approve the course approval application for H&SS,**
208 **The New Dynamic in CHC Dentistry; Linking, Finance, Productivity and**
209 **Performance.**

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

RESOLVED to not approve the course approval application for H&SS, Federally Qualified Health Center/Community Health Center.

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

RESOLVED to approve the regulation project to change regulation 12 AAC 28.410 (g) from courses in practice management and risk management are limited to three hours per licensing period, to read Courses in risk management are limited to three hours per licensing period.

Kovaleski stated that he remembered the regulation to read “ethics and risk management”. The board agreed, they did not remember practice management being part of the regulation submitted.

The board discussed the Annual Report. Wells will do the introduction, Scheller and Silveira will work on the narrative and report. The examiner will add the numbers. The board discussed practice of ownership and requested, again, to have someone available from the Department of Law at the next meeting for discussion. Nielson would investigate other states. Scheller would also talk with Frank Thomas-Mears for language. Walden suggested the board go over objectives together for 2016.

Off record: 12:04 p.m.

On record: 1:12 p.m.

Agenda Item 8 – Personal Interviews for Applicants by Credentials

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

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

RESOLVED to approve the application for a dental license for Dr. Rhonda Beal.

251 The board reviewed and discussed the application for dental hygienist for Blair
252 Lewis.

253

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

256

257 **RESOLVED to approve the application for a dental hygiene license for**
258 **Blair Lewis pending updated PBIS and receipt of fee increase.**

259

260 The board reviewed and discussed the local anesthetic permit application for Blair
261 Lewis. The board determined Lewis did not meet the qualifications under course
262 verification for a local anesthetic permit, having not completed the necessary
263 instruction for block anesthesia, in accordance with 12 AAC 28.340 (2) at least eight
264 clock hours of laboratory instruction during which time three injections each of the
265 anterior palatine, incisive palatine, anterior and middle superior alveolar, posterior
266 superior alveolar, inferior alveolar, mental, long buccal, and infiltration injections
267 are administered.

268

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

271

272 **RESOLVED to deny the application for a local anesthetic permit for Blair**
273 **Lewis until necessary coursework is completed.**

274

275 Wells mentioned the interview questions and requested the board write down
276 questions they would like to ask. Wells also again requested that someone from
277 Department of Law be present at the next board meeting and ask the lawyer if the
278 board can ask more questions and make the interview meaningful.

279

280 The board reviewed and discussed Kristin Sanders local anesthetic permit
281 application. The board had requested to talk with her on how she obtained her
282 anesthetic permit in California since she had not passed the WREB local anesthetic
283 after having attempted three times. Sanders appeared telephonically. Walden
284 asked Sanders questions regarding the WREB and Sanders explained what had
285 happened. Sanders explained how she obtained a local anesthetic permit in
286 California.

287

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

290

291 **RESOLVED to approve the application for a local anesthetic permit for**
292 **Kristin Sanders.**

293

294 The board welcomed Dr. Morrie Talbot to the Board meeting and Scheller explained
295 the interview process. Dr. Talbot appeared telephonically. The Board asked the
296 standard interview questions along with questions regarding the report to the
297 NPDB, training. Dr. Talbot answered “no” to having been subject to disciplinary
298 proceedings, “no” to complaint to dental practice, “no” to being subject to a report
299 from the National Practitioner Data Bank or the American Association Dental
300 Boards, “no”, to reading the American Association’s principle of ethics and code of
301 professional conduct and do you understand this document had been adopted for
302 the ethical standards for dental practice in Alaska. Talbot stated he had not read the
303 ethical standards for dental practice in Alaska. Scheller asked about the consent
304 agreement the board had entered into with Talbot and asked him to explain what
305 that agreement was about in his own words. Talbot answered that he would pay a
306 fine, show on his Alaska record that he had a disciplinary action for not answering a
307 question correctly. Scheller asked what question that was. Talbot responded the
308 question about whether he had ever been fined by a dental board. Scheller asked if
309 he had been. Talbot answered he was fined by Arizona but that he didn’t know that
310 he had been fined by them. Walden stated that there had been another question on
311 the consent agreement related to the National Practitioner’s Data Bank and asked him
312 to elaborate because he had just answered no to the question, again, are you the
313 subject of a report to the National Practitioner’s Data Bank. Talbot explained that he
314 had taken it to mean guilty of malpractice and that he had been leaving the state of
315 Arizona and had relocated to Utah and a patient had lost some implants and he did
316 not want to deal with going back and forth so he just had insurance pay him back for
317 the service he had given the patient. Walden asked if he understood that had been
318 added to the NPDB report. Talbot answered Yes. Walden responded, but you just
319 answered no, again. Talbot stated he thought the board meant current ones.
320 Walden read the question to Talbot, again, with the emphasis on “ever” and “any”
321 reports. Talbot said yes. Walden asked Talbot to elaborate on that implant case and
322 what he believed to happen. Talbot responded it was a patient he had been working
323 with that had been a severe smoker and had told the patient that he was not a good
324 candidate for implants. The patient had told Talbot he had tried to quit smoking but
325 couldn’t and was adamant that he wanted implants to hold dentures in place. Talbot
326 stated two of the four implants failed and the patient was unhappy that they failed.
327 Talbot continued that the patient had been told and that it shows in the report from
328 the state of Arizona that there had been no wrong doing and Talbot had to pay the
329 patient back some money and that was it. Walden asked if Talbot would still place
330 those implants in a case like his. Talbot responded under certain circumstances,
331 yes. Kovaleski asked Talbot to elaborate on his implant training. Talbot responded

332 he received quite a bit of training while at school at Princeton University and since
333 then spent many hours in continuing education, (inaudible) care, some with Colin
334 Mish and some with Frank Spear in Seattle. Nielson asked if Talbot had any idea
335 how many implants he had placed. Talbot responded well over a hundred. Wells
336 asked if Talbot had received written notice from the data bank that he had been
337 reported. Talbot responded that case had never been reported. That he had
338 contacted the insurance company to pay it. It was all his doing to have them pay for
339 that case. Nielson stated that the insurance companies are sometimes obligated to
340 file a report to the data bank and once that happens the databank always informs
341 the person that the report was on. Talbot stated they may have sent one but that
342 was almost eight or nine years ago. Nielson confirmed with Talbot that he did not
343 remember getting anything from the databank in the mail telling him he had a
344 report. Talbot stated he might of. Scheller also stated that Talbot had answered no
345 to any disciplinary action or peer review proceedings and asked Talbot if he
346 considered this a peer review from the State of Arizona. Talbot responded no.
347 Scheller asked if there was an investigation on this incident. Talbot responded no.
348 Talbot continued he went before the board, they asked a few questions and they
349 dismissed it. Scheller stated that was investigation if he had to go before the board.
350 Talbot responded, he had asked if he had a peer review proceedings. Scheller stated
351 he had just asked Talbot if he had been under investigation, also. Talbot responded,
352 no that Scheller had asked if it were a peer review. Scheller asked again, if there was
353 an investigation. Talbot responded I guess if you consider going before the board
354 and answering a few questions an investigation, then yes. Talbot continued that the
355 patient the board wanted to review did not show up. The board thanked Dr. Talbot
356 and Scheller stated they would take this information under consideration and get
357 back in touch with him.

358

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

361

362 **RESOLVED to go into executive session in accordance with AS**
363 **44.62.310(c)(2), for the purpose of discussing the application of Dr.**
364 **Morrie Talbot.**

365

366 **Off record 2:02 p.m.**

367 **On record 2:06 p.m.**

368

369 **On a motion duly made by Nielson, seconded by Ross, and approved**
370 **unanimously, it was**

371

372 **RESOLVED to table the application for Dr. Morrie Talbot until further**

373 **discussion.**

374

375 The board welcomed Dr. Gordon Womack to the Board meeting and explained the
376 interview process. Dr. Womack appeared telephonically. The Board asked the
377 standard interview questions.

378

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

381

382 **RESOLVED to approve the application for a dental license for Dr.**
383 **Gordon Womack.**

384

385 **Agenda Item 9 – Miscellaneous Correspondence**

386

387 There was no miscellaneous correspondence.

388

389 **Agenda Item 7 – Old/New Business**

390

391 The board discussed the Pacific University Practicum. Dr. Bass in Kodiak would be
392 signing a memorandum of agreement for Pacific University so that a Hygienist could
393 go to Kodiak and do a practicum with his practice. The hygienist would work
394 directly under Bass's supervision. She would declare herself as a student and adhere
395 to the memorandum.

396

397 **On a motion duly made by Kovaleski, seconded by Ross, and approved**
398 **unanimously, it was**

399

400 **RESOLVED to approve the application for Pacific University Practicum**
401 **with Dr. Bass pending proof of his signature on the memorandum of**
402 **agreement.**

403

404 Wells and the board discussed other state board activities.

405

406 Nielson suggested dropping the requirement to have liability insurance for courtesy
407 licenses in the next regulation project. The board discussed the topic.

408

409 Kovaleski brought up Sec. 08.36.030(b) Officers elected under (a) of this section
410 serve for a term not to exceed two years. Kovaleski would like to make a motion to
411 remove that section. It was a statute, it could not be removed. Kovaleski felt with
412 the large transition the board had just seen and to make Wells step down just
413 because it was written down it was too cut and dry and too excessive. Kovaleski felt

414 Wells should stay as board chair for the learning curve of the board. Scheller agreed
415 two years was too short and should be four years. It was strongly felt change in the
416 chair would not be good for the board. The board would like to change the statute.
417 The board determined the statute read the board must elect a president after a two
418 year term. It did not read they could not elect the same member.

419

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

422

423 **RESOLVED to elect Dr. Tom Wells as President of the Dental Board of**
424 **Examiners.**

425

426 The board would vote on board secretary after determining when Chaney's term
427 was up and after the board confirmed she wanted to be re-elected.

428

429 **Agenda item 10 - Regulations**

430

431 Walden had minutes from 2013 regarding a past regulation project.

432

433 Regulations included public comment for regulations currently posted. The board
434 will re-visit when public comment closed.

435

436 Radiological inspections were discussed. Walden stated it was mandated by statute.
437 The examiner explained the new data base and that radiological inspection would
438 be easier to be caught up and kept track of once that data base was in place. Silveira
439 stated at one point they had the draft to discontinue inspections all together and
440 someone from Juneau stated it would be bad PR to discontinue inspections
441 altogether. It was mentioned that there had never really been problems found with
442 the machines. It was discussed to change required inspections from six years to ten
443 years. The list of inspectors will be updated as soon as possible.

444

445 Changes were made on the application for sedation permits that were waiting for
446 legal review. The board decided to wait to discuss further regulation changes and
447 issues until the end of the comment period.

448

449 Off the record: 3:04 p.m.

450 On the record: 3:12 p.m.

451

452 Birt and Bautista rejoined the board meeting.

453

454 **On a motion duly made by Walden, seconded by Wells, and approved**
455 **unanimously, it was**

456

457 **RESOLVED to go into executive session in accordance with AS**
458 **44.62.310(c)(2), for the purpose of discussing an application.**

459

460 Off the record: 3:15 p.m.

461 On the record: 3:36 p.m.

462

463 Wells asked the examiner about the change in license applications for question #4.
464 The application should be done by the time the examiner returns to Juneau on
465 Monday.

466

467 Birt and Bautista returned to the board meeting with additional investigative
468 information.

469

470 **On a motion duly made by Nielson, seconded by Ross, and approved**
471 **unanimously, it was**

472

473 **RESOLVED to go into executive session in accordance with AS**
474 **44.62.310(c)(2), for the purpose of discussing an application.**

475

476 Off the record: 3:45 p.m.

477 On the record: 3:54 p.m.

478

479 The board asked to change the September 11, 2015 board meeting to September 4,
480 2015 and December's meeting will be on Friday, December 4, 2015.

481

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

484

485 **RESOLVED to have the next dental board meeting on September 4,**
486 **2015.**

487

488 The board agreed that the December meeting will be held on Friday, December 4,
489 2015.

490

491 Scheller asked about the verbiage for him and Silveira looking into ownership of a
492 dental practice. The dentist in charge should be an Alaska resident and own 51% of
493 the practice. The corporation should also coordinate with Occupational Licensing
494 and registered in Business Licensing. The dentist in charge must be responsible,

495 under his license, for all coding and billing. Wells stated Kentucky and other states
496 require the 51% requirement. Silveira and Scheller will research the above and
497 present at the next board meeting. Silveira confirmed that the board would be
498 changing practice management in the next regulation project. Also on the
499 regulations list would be renewal dates for all dental professionals.

500

501 **Agenda item 11- Office Business**

502

503 Wall certificates were signed. Walden signed in the absence of Chaney.

504

505 **Meeting adjourned 4:02 p.m.**

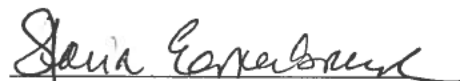
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Respectfully submitted:

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Stacia Erkenbrack
Licensing Examiner

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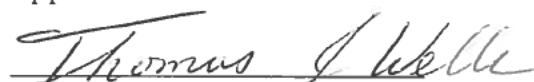
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Approved:

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516



517

Thomas Wells, DDS, President

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519

Date: Feb. 4, 2015