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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 26, 2016**

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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 26, 2016, at 550 W. 7th Ave, AAC 106, Anchorage, Alaska.

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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:

47 Seth Lockhart, Anchorage
48 Shana Cranford, Anchorage
49 Guy Burk, Anchorage
50 H. William Gottschalk, Tarzana, CA
51 Kenley Michaud, Anchorage
52 Jon McNiel, Anchorage
53 Jessica Blanco, Juneau
54

55 **Agenda Item 1- Agenda**

56
57 Dr. Nielson requested that ethics violations, such as sending letters of reprimand or
58 warnings to offices advertising lesser fees for the non-insured, be added to Old/New
59 Business. Nielson stated that it was a blatant disregard of the ADA Code of Ethics,
60 which the board had adopted. He continued that according to the Code of Ethics
61 that type of advertising should not be done.
62

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

65
66 **RESOLVED to approve the Agenda with additional item added.**
67

68 **Agenda Item 2- Minutes**

69
70 The Board reviewed the minutes from the December 4, 2015 board meeting.
71 Correction was made to line 235 to read, "It was determined that a meeting with
72 three or more people was considered a sub-committee and would need to be public
73 noticed." Correction to line 477, to read "definitions are straight out of ADA
74 guidelines for use of sedation."
75

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

78
79 **RESOLVED to approve the minutes of the September 4, 2015 minutes**
80 **with corrections.**
81

82 **Agenda Item 3- Ethics**

83
84 Wells discussed ethics and asked if there were any comments or reports to make.
85 There were no ethics violations to report.
86

87 **Agenda Item 4- Budget Review**

88

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

92

93 **Agenda item 5-Investigations**

94

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

97

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

100

101 **RESOLVED to go into executive session in accordance with AS**
102 **44.62.310(c)(2), for the purpose of discussing general open and**
103 **pending cases.**

104

105 Staff to remain

106

107 Off record at 9:20 a.m.

108 On record at 9:45 a.m.

109

110 Break at 9:45 a.m.

111 Back at 9:56 a.m.

112

113 **Agenda Item 6 - Regulations**

114

115 Walden made changes to the draft sedation regulations, which included the updated
116 and changed requirements for moderate and deep sedation and airway
117 management, including additional requirements for providers working with
118 patients 12 and under. When completed Walden would email to examiner. It was
119 determined the cost to licensees would be dependent upon training and equipment
120 licensees already had or may need. There would be no cost to the public, private or
121 other state agencies. The regulation project would be mailed to current dental and
122 dental hygiene licensees.

123 Updated draft will be forwarded to the regulations specialist for update before being
124 released for Public Comment.

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

127

128

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

129

130

131

Agenda Item 7 – Public Comment

132

133

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 today's BODE meeting for public comment felt strongly that airway management was the concern, especially when it comes to pediatrics.

145

146

Off the record 12:02 p.m.

147

On the record 1:05 p.m.

148

149

Agenda Item 8 – Personal Interviews for Applicants by Credentials

150

151

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.

158

159

The Board asked the standard interview questions.

160

161

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

162

163

164

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

165

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

168

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

172

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

175

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

178

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

182

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

185

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

188

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

192

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

195

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

198

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

202

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

205

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

208
209 The board discussed Dr. Martha Truncale. Dr. Truncale is more than qualified and
210 had an active license in Canada, however did not have an active license in the United
211 States as required by regulation. Dr. Truncale will be renewing her New York
212 license so she would meet the requirement for license by credential. The board
213 agreed to review Truncale's application file and interview Dr. Truncale, moving
214 forward with licensure "pending" receipt of active US license.

215
216 The board welcomed Dr. Truncale to the Board meeting and explained the interview
217 process. Dr. Truncale appeared telephonically. The Board asked the standard
218 interview questions.

219
220 **On a motion duly made by Wells, seconded by Nielson, it was**

221
222 **RESOLVED to approve the application for a dental license for Dr.**
223 **Martha Truncale "pending" receipt of New York renewed "active"**
224 **license.**

225
226 Roll call- Nielson, yea - Chaney, yea - Silveira, yea - Wells, yea - Scheller, nay -
227 Walden, yea - Moriarty, yea - 6 yeas, 1 nay - motion passed.

228
229 **Agenda Item 9 - Old/New Business**

230
231 The Board reviewed and discussed articles from "Death in Dentistry". Nielson
232 transitioned to what was meant by "Stress Test" was how prepared the Board was if
233 an accident or emergency did arise? Nielson gave examples of incidences he had
234 heard of but that had not been reported to the board. He inquired about a databank
235 or clearinghouse where this type of thing was reported. Scheller asked who would
236 collect that data and Nielson responded that was the problem and that the board
237 needed to figure out how hospital databases were set up. Silveira asked if hospitals
238 were required to report things like that or if the HIPAA law would prevent releasing
239 information like that. It was determined that HIPAA provided client confidentiality,
240 not provider. The board agreed that the sedation regulations were a good place to
241 start. Scheller asked about a spokesperson for the board, who would talk with the
242 press if something bad did occur. Nielson stated the ADA had spokesperson training
243 for just that reason. The board would ask the investigator about who would give the
244 media information. Nielson suggested the board determine what constituted an ER
245 visit. Walden suggested that when the board runs CE audits on licensees, that the

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

254
255 CE audits were discussed. Scheller and Silveira gave their CE audits replies to the
256 examiner. It was determined that CPR cards submitted needed to be active at time
257 of renewal. The examiner asked that it reflect on the record to continue and
258 approve those licensees that had an active CPR card at the time of renewal rather
259 than multiple CPR cards that reflected the whole renewal period.

260
261 Frank Thomas-Mears was unable to make the meeting. Silveira stated that what
262 was going to be discussed was, is it law that an exam be done before a patient see a
263 hygienist. The board confirmed that yes, it was law. On page five of the statutes,
264 under general supervision and scope of practice, it says that an exam be done before
265 seeing a hygienist. Nielson stated this went back to the board writing letters
266 regarding practices being out of compliance, such as advertising lower prices for
267 uninsured patients versus insured patients. Nielson stated this type of practice was
268 against the Code of Ethics. It was written, in black and white and not just hearsay.
269 Chaney confirmed that Nielson was looking for an avenue for the board to go to for
270 those who were not complying with the code of ethics. Chaney and Nielson would
271 like a process for advisory letters to be drawn up for those who were not following
272 the code of ethics or keeping the standard of care. Chaney requested the examiner
273 investigate a process for the board to follow up on doing such. Wells suggested that
274 is a good question for legal. What could the board do and could the board
275 reprimand a licensed dentist working at a tribal clinic? Moriarty and Chaney stated
276 if they had an Alaska State dental license, the board could.

277
278 Recess at 2:55 p.m.
279 Return at: 3:07 p.m.

280
281 **Agenda Item 10 –Miscellaneous Correspondence**

282
283 The board discussed SRTA. Walden stated that the frustration was that the regional
284 examinations are no longer concerned about the examination itself, they are
285 concerned about market share. Walden stated concern about moving away from

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

300
301 Nielson and Wells looked at the Western Surgical and Sedation website that Dr.
302 Wayland had called to inquire if the program offered would meet the State of Alaska
303 requirements. Wells and Nielson stated the board would need more detailed
304 information. They stated they could not tell from the website if the program met the
305 required hours for sedation for the State of Alaska. The examiner will follow up with
306 Dr. Wayland.

307
308 Chair called for break at 2:55 p.m.
309 Returned 3:07 p.m.

310
311 The board agreed that nothing else was needed for David Butler regarding x-ray
312 machines or radiology.

313 The board discussed the application for Thomas Hipsher for Radiology Equipment
314 Inspector that the examiner took to the meeting for the board to review. The board
315 agreed that application was incomplete and that once required transcripts and
316 supporting documentation was submitted, that the board would re-visit and review
317 the application.

318 The board discussed HB29, regarding radiology equipment being given back to
319 Health and Social Services. If this bill goes through, the dental board would be
320 responsible for licensing dental assistants, etc. However, the radiology equipment
321 would be with Health and Social Services.

322 The board discussed the Travel Summary Report and verified that the board must
323 meet in person in order to continue Public Comment, trying to do that telephonically
324 would be a fiasco as well as trying to interview Credential applicants as a board.
325 Nielson stated he had not turned in a voucher for any money as of yet. Moriarty has

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

335

336 **Agenda item 11- Office Business**

337

338 The December BODE meeting was scheduled for December 9, 2016.

339 Wall certificates were signed and travel will be sent in with a copy to the examiner.

340

341 Chaney left at 3:30 p.m.

342

343 **Meeting adjourned 4:10 p.m.**

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Respectfully submitted:



Stacia Erkenbrack
Licensing Examiner

Approved:



Thomas Wells, DDS, President

Date: May 13, 2016