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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 16, 2018**

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These minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have been reviewed and approved by the Board.

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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 meeting of the Board of Dental Examiners was held February 16, 2018, in person in Anchorage, AK.

The meeting was called to order by Dr. Paul Silveira, President, at 8:48 a.m.

Roll Call

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

Dr. Paul Silveira, President – Valdez
Dr. Thomas Wells – Anchorage
Dr. David Nielson – Anchorage
Ms. Paula Ross – Anchorage
Ms. Gail Walden – Wasilla
Dr. Steven Scheller – Fairbanks
Dr. Michael Moriarty – Seward
Ms. Robin Wahto - Anchorage
Dr. Thomas Kovaleski – Chugiak on phone via Mexico

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

Ms. Amber Treston, Licensing Examiner – Juneau – videoconference
Ms. Sher Zinn, Records and Licensing Supervisor – Juneau –
videoconference
Jasmin Bautista, Investigator – Anchorage
Al Kennedy, Senior Investigator - Anchorage

Members of the public in attendance:

47 Dr. Dave Logan, Dentist - Anchorage
48 Dr. Mike Boothe, Dentist – Anchorage
49 Sarah Philips – Legislative Audit – teleconference
50 William Sogge – Legislative Audit – teleconference

51
52 Off the record at 8:55 a.m.

53 On the record at 8:56 a.m.

54
55 **Agenda Item 1 – Review of Agenda**

56
57 Dr. Silveira asked the board if they had any matters that they would like to add to
58 the agenda. Dr. Nielson requested that the board have a discussion on the Medicaid
59 Compliance from H.S.S. and sedation payment and how that may or may not effect
60 sedation regulations. Dr. Nielson also requested to add the registration fee for the data
61 base for the Opioid Prescription Monitoring Database. Zinn explained that item #11
62 regarding continuing education course application for review with Dr. Joshua Jeon will
63 not take place because he is not available.

64
65 **Agenda Item 2 – Review/Approve Minutes**

66
67 **On a motion duly made by Neilson, seconded by Scheller, and approved by roll**
68 **call vote, it was**

69
70 **RESOLVED to approve the minutes of the December 8, 2017 meeting.**

71
72 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**
73 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**
74 **9 yeas, 0 nays. Motion passed.**

75
76 **Agenda Item 3 - Ethics Report**

77
78 There were no ethics violations to report.

79
80 **Agenda Item 4 – Public Comment**

81
82 Dr. Logan wanted to discuss the prescription database fee and would like the
83 board to make a response to the division on that. Upon review of the documentation on
84 the website the fee seems a bit excessive of \$50 for what they are estimating to be the
85 deficit and when that deficit occurs. When the amount is calculated the fee is \$3.56 per
86 registry and not the \$50 that they public noticed for. He would also like to make a
87 response to the continuing education and have the board give guidance on what
88 continuing education courses that will and will not qualify on the prescription drug
89 monitoring program. He states that the wording in the statute there are a lot of “ands”
90 mentioned. Requiring a copy of a certificate verifying participation in a minimum of 2
91 hours of Continuing Education in pain management and opioid use and addiction within
92 3 years preceding the application for license. Dr. Logan believes that 2 hours of

93 continuing education in each of the 3 areas of pain management, opioid use and
94 addiction is a lot of material to be covered in only 2 hours of time and he does not know
95 of a course that covers all of these items in one course. He suggests that the continuing
96 education may need to be increased for this topic.

97
98 **Agenda Item 5 – Investigative Report**
99

100 Ms. Jasmin Bautista gave the investigative report, for the period between
101 December 7, 2017 and February 2, 2018 informing the board of the number of cases
102 opened (6), number of cases closed (5), and total number of cases that remain open at
103 this time (24). She explained that they are all in compliance with probation.

104 Dr. Nielson wanted to clarify what was discussed at the previous meeting about
105 how the cases are dispersed. She explained that they do not have a lot of cases at this
106 point but they do try to spread them around and that they are all intakes. Once it goes
107 into a complaint that is the time to review the case and it begins.

108
109 **Agenda Item 6 – Smile Direct update**
110

111 Dr. Silveira decided to skip this item at this time.
112

113 **Agenda Item 7 – Division Update**
114

115 Zinn reviewed the budget expense report with the board. The current report has
116 the first quarter of FY18 and for the second quarter there is a significant difference in
117 the amount. The reason for this difference is that several of the time sheets were
118 incorrectly entered into the new IRIS system so the fees that were allocated to individual
119 boards were not entered correctly. So they are currently going back and fixing all the
120 time sheets. So the one that says second quarter is an estimate at this time and by next
121 quarter it should all be in working order and updated.

122 Dr. Silveira wanted to add to the budget update that the Dental Board is up for
123 sunset next year and currently in the middle of an audit. They had a teleconference
124 yesterday afternoon regarding the audit and they are going to get ahold of one other
125 board member. It is a routine thing and they asked if there were any problems and how
126 to resolve them. They should be getting a report on these next month.
127

128 Introduction of new board member Robin Wahto and new Licensing Examiner
129 Amber Treston.
130

131 **Agenda item 6 – Smile Direct Update**
132

133 **On a motion duly made by Paula Ross, seconded by Gail Walden, and approved**
134 **by roll call vote, it was**
135

136 **RESOLVED to go in to executive session in accordance with Alaska Statute**
137 **44.62.310(c)(2)(3) for the purpose of discussing investigative matters.**
138

139 Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,
140 Walden – yea, Scheller – yea, Moriarty – yea, Wahto - yea.
141 9 yeas, 0 nays. Motion passed.
142

143 Board staff to remain.
144

145 Off record at 9:21 a.m.

146 On record at 9:32 a.m.
147

148 **Agenda Item 8 – PDMP Implementation and CE regulations**
149

150 Dr. Nielson started the discussion going back to what Dr. Logan had brought up
151 in public comment about how the department came up with the \$50 fee. How is the fee
152 derived and how did they settle on \$50 and who is going to be collecting the money. It
153 will not be the Board of Dental Examiners it will be licensing. The other question is will
154 this fee be adjustable on actual cost and he would like to get a break down of what the
155 actual costs are at some point. Asked if Zinn can comment on this.

156 Zinn stated that the purpose of the fees are to administer to the Prescription Drug
157 Monitoring Program (PDMP) and that is the initial fee they came up with and once the
158 program is up and running then the fees will likely come down significantly. There are
159 new software programs being installed and the initial fee will help get that up and
160 running. The \$50 is directly allocated to the PDMP and that is how it will be receipted in
161 our system. If you would like us to request the information from Laura Carrillo, who is
162 the PDMP administrator, then we can get you a sheet with all of the information from
163 her which will provide you with all the information you are requesting. Dr. Nielson
164 wanted to know if all the users will have the same fee and Zinn responded that yes, all
165 the users will share the same \$50 fee.

166 Dr. Nielson stated that he will draft a letter based on the questions he stated
167 earlier to get updated on what the real cost of the program is, and to be updated on
168 what they believe will be the cost moving forward.

169 Dr. Kovaleski asked if there have been any pushbacks from the other boards
170 such as optometry or medical. Dr. Moriarty heard from medical and they were
171 discussing doing a patient tax or something similar. Primarily, they want to write a letter
172 and get more information about the real cost of the program. Dr. Nielson believes there
173 are federal grants for this program so it is not just the providers paying for this. Not sure
174 if the grants are something that will be available every year or if this is just to help get it
175 up and running. Dr. Moriarty mentions that it is not just the \$50 fee it is the CE that is
176 required on top of it now too.

177 Dr. Nielson begins to discuss the CE and that a lot of times the Dental Society
178 will field questions from the dentists who want to know if the courses they are taking will
179 qualify or not. The way it is written in AAC 28.400 (a) has completed no less than 2
180 hours of continuing education in pain management and opioid use and addiction in the
181 licensing period. The “AND” and “AND” are in statute and we cannot change that in a
182 regulation. But we might be able to clarify what course may qualify. If we could add
183 something to clarify what courses may qualify, or if we could add a frequently asked
184 questions page on the website. Another question they get a lot is that of moderate

185 sedation on a child. Having a FAQ section on the website would help free up time for
186 everyone when trying to determine what qualifies for the 2 hours of CE. It may be
187 difficult to find a course that will cover all this material in only 2 hours. AS.36.110 was
188 discussed. Basic life support was discussed. Statutes regarding the CE will not be in the
189 book until 7/18/18 so they will need to set the regulations prior to that date. Cannot lump
190 this in with all the other CE. This will need to be very specific. Will plan to get frequently
191 asked questions together for the next meeting and the board will answer them.

192

193 The board took a short break.

194

195 Off the record at 9:50 a.m.

196 On the record at 10:07 a.m.

197

198 The board discussed AAC 28.951(b)(7) and AAC 28.940(b)(10)(A) will amend
199 both to read: has completed no less than two hours of education in pain management
200 and opioid use and addiction within the 2 years prior to the date of application.

201

202 William Sogge joined with legislative audit joined the meeting at 10:25 a.m.

203

204 Dr. Nielson brings up the discussion of AAC 28.940(b)(8)(A) and corrected it to
205 read as follows: The examinations, or combination of examinations, must include the
206 following subject areas and their components or characteristics; will also change (iv)
207 endodontics testing, on a mannequin and/or live patient, to include access and
208 obturation of an anterior tooth and access of a multi-canalled posterior tooth; (v)
209 prosthetic testing, on a mannequin and/or live patient, to include a crown prep or a
210 bridge prep; (vi) patient based operative examination that includes one class II posterior
211 alloy and one composite procedure, either anterior class III or posterior class II;

212

213 Where are we at in regards to backpedaling in the specialty licensing? Do we
214 want to bring back specialty licensing? Where are the sedation regulation items at?
215 Credentialing under 9 - Discussed AAC 28.951 (c)(9) in regard to credentials and
216 licensing exams. This clarifies what an equivalent test may be. Is it necessary to have
217 that? How does it have to be described? Dr. Nielson wants to know if these
218 requirements have been tracked or confirmed 5 years back on someone who has taken
219 another regional exam. When you took the Central regional Dental Testing Service
220 (CRDTS) exam did it cover these items? How is that tracked? When you put you had
221 something equivalent do you describe what that is or is that at the board's discretion?
222 Change 12 AAC 28.951(e) (10) operative examination that includes one posterior Class
223 II alloy and one composite procedure, either class III anterior or class II posterior.

224

225 **On a motion made by Silveira, seconded by Moriarty, and approved by roll call**
226 **vote, it was**

227

228 **RESOLVED to remove AAC 28.951(e)(10) from the professional regulations**
229 **draft as corrected to send out to public comment.**

230

231 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**
232 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**
233 **9 yeas, 0 nays. Motion passed.**
234

235 Dr. Silveira had questions about where the sedation regulations were at and if
236 that was on the agenda. Zinn informed the board that it is with the department of law
237 and they have to do the review before they send it to the lieutenant governor's office.
238 The board will receive an email once it has been sent out. The department of law has
239 had it for 3 weeks but they will get to the regulations at their earliest convenience. Once
240 the lieutenant governor signs the regulation it will go into effect 30 days later.

241
242 **Agenda Item 9 – Old/New Business**
243

244 HB 268: discussed the matrix for penalty if someone is in violation what is the
245 penalty or disciplinary actions. Dr. Nielson requested having something in writing that
246 shows what the disciplinary actions would be for someone who dispenses more than
247 their 7 days of opioids. Sher explained that it will take extensive research because not
248 all the disciplinary documents are easily accessed and the investigative unit likely has
249 better access to those disciplinary documents. Dr. Nielson requested a graph or spread
250 sheet of different violations that can happen and what the fine or penalty are for that
251 violation. Penalties for different violations would be beneficial so the board has
252 something to go off of. Frequently asked questions are what do I do when my radiologic
253 equipment is out of date? Need to have a document started for violations and
254 disciplinary actions.

255
256 Discussed SB 161 – Sec. 08.36.254 and about extending the permit and making
257 some changes to the wording. Recommended to remove (g)(3) as it is redundant and
258 mentioned in (f). Will still have a regulation project once the bill passes. Temporary
259 permit to substitute for an incapacitated dentist. The board would like to change
260 08.36.254(b) to say A dentist applying for a temporary permit under (a) of this section
261 shall... by removing (1)meet the requirements of AS 08.36.234, except the board may
262 waive the proof of continued competence requirement, giving the board authority to
263 adopt regulations for the licensing qualifications.

264
265 **On a motion made by Silveira, seconded by Nielson, and approved by roll call**
266 **vote, it was**

267
268 **RESOLVED to approve the wording giving the board authority to set the**
269 **qualifications by regulations.**
270

271 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea,**
272 **Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea.**
273 **9 yeas, 0 nays. Motion passed.**
274

275 Decided that Dr. Nielson will be testifying at the hearings.
276

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

325
326 Ms. Amber Treston, Licensing Examiner – Juneau - videoconference
327 Ms. Sher Zinn, Records and Licensing Supervisor – Juneau -
328 videoconference
329 Jasmin Bautista, Investigator – Anchorage
330 Al Kennedy, Senior Investigator - Anchorage

331
332 Members of the public in attendance:

333
334 Dr. Dave Logan, Dentist – Anchorage
335 Dr. Mike Boothe, Dentist - Anchorage
336 Sarah Philips – Legislative Audit – teleconference
337 William Sogge – Legislative Audit – teleconference

338
339 Discussion turned to a statute work group. Gail Walden started the discussion
340 and reviewed the remaining items on the agenda under item #9. The work group will
341 consist of Dr. Nielson, Gail Walden, Dr. Logan, Dr. Willis, Michele Summers, and Mina
342 Allen. Are we going to wait until the legislative session ends? Or should we try to gather
343 the team together and see what dates and times work for everybody. She would prefer
344 to meet and have an agenda for the meeting. The public notice needs to be in by the
345 15th of the month to avoid additional fees. Will get the public notice in by March 15th,
346 2018. Anticipate meeting being sometime in April. The meeting will need to be recorded
347 and have meeting minutes as well. After further discussion they decided Dr. Nielson will
348 send out a doodle poll to the work group and try to arrange a date for the meeting.
349 Requested a check from Zinn as to what is required for their meeting.

350
351 Dr. Kovalski was disconnected and left the meeting at 1:35 p.m.

352
353 **Agenda Item 11 – Medicaid Compliance Notice**

354
355 Running ahead of scheduled and elected to discuss item #11 at this time.
356 Medicaid compliance notice and the requirements the state is putting in place to have
357 reimbursement from sedation. Some of the items are already in the statutes such as
358 recording the start and stop times and having a physical evaluation. There did not seem
359 to be any conflicts with the regulations. They do not believe Medicaid is asking for a
360 letter. They are just asking who is receiving the sedation and why. Dr. Wells states there
361 is a code for local anesthetic and if they are treating a Medicaid patient they can submit
362 a code for it. Dr. Neilson says that he can draft a letter in general asking about the
363 requirements for sedation codes and local anesthetic. Everything with Medicaid gets
364 preauthorized prior to the treatment. There are reports of offices not getting reimbursed
365 for the charges they submitted or even denied due to not having the required
366 information. Last August it was decided that Medicaid will require the list of criteria
367 necessary to get reimbursed for the fees after the effective date of August 1, 2017. The

368 letter will be drafted by Dr. Nielson and submitted to the Board of Dental Examiners for
369 review before being sent in.

370

371 **Agenda Item 10 - Applicant Interviews**

372

373 Gail Walden asked a few questions to the board before the interviews began.
374 She found that Dr. Sastry has continuing education credits that he claims CE credit for
375 multiple courses, however, the titles all appear to be for Practice Management. It is
376 decided that they will ask him to clarify his CE courses at the time of the interview. It
377 was then discussed about Dr. William Traynor that he was working at a Pediatric Dental
378 Office in Idaho but does not have an Idaho License listed on his packet. Will plan to ask
379 Dr. Traynor about this when they have him on the teleconference for his interview.

380

381 The board welcomed Dr. Vilas Sastry to the meeting and explained the interview
382 process. Dr. Sastry appeared telephonically. The Board asked the standard interview
383 questions. Explained that upon review of his CE credits he has a lot of hours that cover
384 practice management material and the Board only accepts 3 hours of practice
385 management. They will require him to take 6 CE credits that are non-practice
386 management courses. Also, if he can give us more information on some of the CE
387 courses that are listed as a CSL video that he can support them to be sufficient.

388

389 **On a motion made by Walden, seconded by Ross, and approved by roll call vote,**
390 **it was**

391

392 **RESOLVED to approve Dr. Vilas Sastry’s application for a Dental License**
393 **by Credentials pending receipt of all the required CE paper work that are**
394 **not Practice Management courses.**

395

396 **Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Walden – yea,**
397 **Scheller – yea, Moriarty – yea, Wahto – yea.**
398 **9 yeas, 0 nays. Motion passed.**

399

400 Ms. Walden will email Ms. Treston the number of required CE’s.

401

402 The board welcomed Dr. William Traynor to the meeting and explained the
403 interview process. Dr. Traynor appeared telephonically. The Board asked the standard
404 interview questions.

405

406 **On a motion made by Walden, seconded by Silveira, and approved by roll call**
407 **vote, it was**

408

409 **RESOLVED to approve the application for an Alaska Dental License by**
410 **Credentials for Dr. William Traynor after submitting his PALS certificate,**
411 **Pediatric residency certificate and a copy of his notarized Idaho Pediatric**
412 **Dental License.**

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Pediatric residency certificate and a copy of his notarized Idaho Pediatric Dental License.

Wells – yea, Silveira – yea, Nielson – yea, Ross – yea, Kovaleski – yea, Walden – yea, Scheller – yea, Moriarty – yea, Wahto – yea. 9 yeas, 0 nays. Motion passed.

Agenda Item 12 – Office Business

- Sign the meeting minutes
- Sign Wall Certificates
- Submit travel receipts for travel, hotel, taxi
- Return all laptops and thumb drives

Tasks –

- Continue working on a penalty matrix for presentation to the board at the December meeting.
- Zinn to submit a guideline for the dental work group for minutes, recording, public notice, etc.

The board adjourned the meeting at 2:34 p.m.

Respectfully Submitted:



Amber Treston
Occupational Licensing Examiner

Approved:



Paul Silveira, DMD, President

Date: 5/15/18

