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.

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:
Off the record at 8:55 a.m.
On the record at 8:56 a.m.

**Agenda Item 1 – Review of Agenda**

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

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

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

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

9 yeas, 0 nays. Motion passed.

**Agenda Item 3 - Ethics Report**

There were no ethics violations to report.

**Agenda Item 4 – Public Comment**

Dr. Logan wanted to discuss the prescription database fee and would like the board to make a response to the division on that. Upon review of the documentation on the website the fee seems a bit excessive of $50 for what they are estimating to be the deficit and when that deficit occurs. When the amount is calculated the fee is $3.56 per registry and not the $50 that they public noticed for. He would also like to make a response to the continuing education and have the board give guidance on what continuing education courses that will and will not qualify on the prescription drug monitoring program. He states that the wording in the statute there are a lot of “ands” mentioned. Requiring a copy of a certificate verifying participation in a minimum of 2 hours of Continuing Education in pain management and opioid use and addiction within 3 years preceding the application for license. Dr. Logan believes that 2 hours of
continuing education in each of the 3 areas of pain management, opioid use and
addiction is a lot of material to be covered in only 2 hours of time and he does not know
of a course that covers all of these items in one course. He suggests that the continuing
education may need to be increased for this topic.

**Agenda Item 5 – Investigative Report**

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

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

**Agenda Item 6 – Smile Direct update**

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

**Agenda Item 7 – Division Update**

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

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

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

**Agenda item 6 – Smile Direct Update**

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

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

9 yeas, 0 nays. Motion passed.

Board staff to remain.

Off record at 9:21 a.m.
On record at 9:32 a.m.

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

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

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

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

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

Dr. Nielson begins to discuss the CE and that a lot of times the Dental Society will field questions from the dentists who want to know if the courses they are taking will qualify or not. The way it is written in AAC 28.400 (a) has completed no less than 2 hours of continuing education in pain management and opioid use and addiction in the licensing period. The “AND” and “AND” are in statute and we cannot change that in a regulation. But we might be able to clarify what course may qualify. If we could add something to clarify what courses may qualify, or if we could add a frequently asked questions page on the website. Another question they get a lot is that of moderate
sedation on a child. Having a FAQ section on the website would help free up time for everyone when trying to determine what qualifies for the 2 hours of CE. It may be difficult to find a course that will cover all this material in only 2 hours. AS.36.110 was discussed. Basic life support was discussed. Statutes regarding the CE will not be in the book until 7/18/18 so they will need to set the regulations prior to that date. Cannot lump this in with all the other CE. This will need to be very specific. Will plan to get frequently asked questions together for the next meeting and the board will answer them.

The board took a short break.

Off the record at 9:50 a.m.
On the record at 10:07 a.m.

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

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

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

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

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

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

9 yeas, 0 nays. Motion passed.

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

**Agenda Item 9 – Old/New Business**

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

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

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

RESOLVED to approve the wording giving the board authority to set the qualifications by regulations.


9 yeas, 0 nays. Motion passed.

Decided that Dr. Nielson will be testifying at the hearings.
Regarding items 08.36.315 and how it pertains to the disciplinary authority the board has if the maximum dosage prescribed was exceeded in violation. The board requests a penalty matrix to show what the penalties will be for each violation. HB 268 discussion and these are the statutes that correlate with HB 268.

Discussed credit hours for ACLS certification, as opposed to basic CPR. In the CE credit hours the applicant can claim up to 4 hours for CPR. ACLS is initially a 2 day course and there after an 8 hour course. As for how many of the hours are counted towards your 32 hours of CE. This can be added to the websites FAQ sheet: If I took an 8 hour CE course how many hours will that count towards my 32 credit hours? Although, the course is an 8 hour CE course it would only be able to count as 4 CE credit hours if it comes up in an audit. Do they require both a BLS and ACLS card? If they have a current ACLS card do they need a BLS as well? Even though the course is approved for 8 hours of CE credit and they have an audit it will only count as 4 CE credits.

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

RESOLVED to request the division to repeal the local anesthesia renewal fee.

9 yeas, 0 nays. Motion passed.

Off the record at 11:55 a.m.
On the record at 1:12 p.m.

Dr. Silveira reminded the board to not be discussing board items when not on the record.

**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 via videoconference 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:

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

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

Dr. Kovaleski was disconnected and left the meeting at 1:35 p.m.

**Agenda Item 11 – Medicaid Compliance Notice**

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

**Agenda Item 10 - Applicant Interviews**

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

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

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

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

9 yeas, 0 nays. Motion passed.

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

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

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

RESOLVED to approve the application for an Alaska Dental License by Credentials for Dr. William Traynor after submitting his PALS certificate, Pediatric residency certificate and a copy of his notarized Idaho Pediatric Dental License.
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, MORIAERTY – 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:

[Signature]
Amber Treston
Occupational Licensing Examiner

Approved:

[Signature]
Paul Silvier, DMD, President

Date: 5/15/18
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<tbody>
<tr>
<td>Dave Logan</td>
<td>1407 W 31st Ave</td>
<td>ADS</td>
</tr>
<tr>
<td>Mike Booth</td>
<td>550 W 7th Ave #1800</td>
<td>Self/SpA</td>
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