

Call to Order / Roll Call

State of Alaska

2022 HOLIDAY

CALENDAR

State Holidays

Date	Holiday
01/01/2022	New Year's Day (observed 12/31/2021)
01/17/2022	MLK Jr.'s Birthday
02/21/2022	Presidents' Day
03/28/2022	Seward's Day
05/30/2022	Memorial Day
07/04/2022	Independence Day
09/05/2022	Labor Day
10/18/2022	Alaska Day
11/11/2022	Veterans' Day
11/24/2022	Thanksgiving Day
12/25/2022	Christmas Day (observed 12/26/2022)

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



JANUARY

S	M	T	W	T	F	S
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30	31					

JULY

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31						

FEBRUARY

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AUGUST

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MARCH

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SEPTEMBER

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APRIL

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MAY

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NOVEMBER

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JUNE

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DECEMBER

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STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING BOARD OF DENTAL EXAMINERS

MISSION STATEMENT

To protect the health, safety, and welfare of Alaskans by ensuring that practitioners possess competency, ethical standards, and integrity necessary to offer or deliver quality services to consumers.

VISION STATEMENT

To ensure that all Alaskans receive the best possible dental care.

Dental Board Roster

David Nielson, DDS – *Board President*

Kelly Lucas, DDS

Jesse Hronkin, DDS

Dominic Wenzell, DMD

Jon Woller, DDS

Greg Johnson, DDS

Brittany Dschaak, RDH

Christina Hansen, RDH

Bradley Heaston, Public Member

Ethics Report

MEMORANDUM

State of Alaska Department of Law

TO:

DATE:

FILE NO.:

TEL. NO.:

FROM: Angie White
Litigation Assistant
Department of Law
Opinions, Appeals, & Ethics Section

FAX:

SUBJECT: Executive Branch Ethics Act, AS
39.52 Quarterly Report

******SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY
ONTO YOUR BOARD OR COMMISSION’S LETTERHEAD ******

As designated ethics supervisor and chair [executive director] for the _____, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

OR

As designated ethics supervisor and chair [executive director] for the _____, I have received ____ notification(s) of a potential violation and ____ requests for ethics determinations under the Ethics Act (AS 39.52). I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

AND

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

OR

In addition to the above, at the [date] meeting, [Board member] [Commissioner] _____ disclosed a potential conflict with respect to _____ [insert brief description] _____. *Insert disposition:* [S/He refrained from participation.] *or* [I determined s/he could [could not] participate.] *or* [The Board [Commission] members voted to permit [not to permit] participation.]

CONFIDENTIAL

ETHICS SUPERVISOR DETERMINATION FORM

(Board or Commission Member)

Board or Commission: _____

Member Disclosing Potential Ethics Violation: _____

I have determined that the situation described on the attached ethics disclosure form

☐ does or would violate AS 39.52.110 - .190. Identify applicable statute below.

☐ does not or would not violate AS 39.52.110 - .190.

Signature of Designated Ethics Supervisor (Chair)

Printed Name of Designated Ethics Supervisor

Date: _____

COMMENTS (Please attach a separate sheet for additional space):

Note: Disclosure Form must be attached. Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110 - 39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4th Avenue, Suite 200, Anchorage, AK 99501.

Revised 2012

State of Alaska Department of Law

Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

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State of Alaska

Department of Law

Executive Branch Ethics Act

Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
 1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
 1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
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Review / Approve Agenda

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING

BOARD OF DENTAL EXAMINERS AGENDA

March 4, 2022

Teleconference

Meeting ID: 810 0773 2668

Registration Link: <https://us02web.zoom.us/j/81007732668>

Remote Call in Number: 1-253-215-8782

AGENDA

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
1. 9:00 AM	Call to Order/Roll Call <ul style="list-style-type: none">• Ethics Report• Welcome new Board Member• Review/Approve Agenda	Chair
2. 9:15 AM	Review/Approve Minutes	Chair
3. 9:30 AM	Investigations	Bautista
4. 10:00AM	Public Comment	Chair
5. 10:15 AM	Break	
6. 10:30 AM	PDMP Report <ul style="list-style-type: none">• PDMP Report• PDMP Penalty Matrix	Carrillo
7. 11:00 AM	Regulations Update <ul style="list-style-type: none">• Public Comment Received• Update on Reg Change Process	Maiquis/Chair
8. 12:00 PM	Lunch	
9. 1:00 PM	Division Update <ul style="list-style-type: none">• FY22 2nd Quarter Report• Legislative Guidance Refresher• HB111 – Advanced Hygiene - Update• SB173/HB295 – Specialty/DHSS - Update	Dumas

10. 2:30 PM

Old Business

Chair

- Penalty Matrix
- CDCA/WREB Webinar - FYI

11. 2:45 PM

New Business

Chair

- Letter to Sedation Permit Holders
- New Letter of Support for HB111

12. 3:30 PM

Adjourn

- Due Outs
- Next Meeting Date – Friday, May 13

DRAFT

**Review / Approve
Past Meeting
Minutes**

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING

BOARD OF DENTAL EXAMINERS AGENDA
December 3, 2021

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business, and Professional Licensing. These minutes have not been approved by the Board.

Teleconference

Meeting ID: 847 8563 8998

Registration Link: <https://us02web.zoom.us/j/84785638998>

Remote Call in Number: 1-253-215-8782

Board members present, constituting a quorum, were:

Jon Woller
Kelly Lucas
David Nielson – Board President
Jesse Hronkin
Greg Johnson
Dominic Wenzell
Christina Hansen – *joined at 9:10 AM*

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

Abby O'Brien – Licensing Examiner
Terry Ryals – Records and Licensing Supervisor
Erika Priksat – Senior Investigator – *Joined at 9:40 AM*
Colleen Kautz – Program Coordinator - *Joined at 9:33 AM*
Christina Bond – Investigator 3 - *Joined at 9:21 AM*
Sara Chambers – Division Director – *Joined at 10:29 AM*
Jasmin Martin – Legislative Admin Assistant – *Joined 11:22 AM*
Lisa Sherrell – PDMP Program Coordinator - *Joined at 1:06 PM*

Members of the Public in attendance:

Tom Hatcher
Cindy Gaskill – *Joined at 9:41 AM*
Kenley Michaud – *Joined at 9:42 AM*
Richard Cobler – *Joined at 10:10 AM*
Dr. David Logan – *Joined at 10:29 AM*
Dr. Richard Downing – *Joined at 2:52 PM*

45 *On Record at 9:02 AM*

46 **Agenda Item 1 – Roll Call – 9:02 AM**

47 Dr. Nielson reported that he had received no notifications or complaints and had made no written
48 determinations for the preceding quarter.

49 When reviewing the agenda, Dr. Nielson did not have any proposed changes. Dr. Wenzell offered a brief
50 explanation of the penalty matrix he would be covering under Old Business and requested that the
51 agenda item be moved up if possible, to accommodate his needing to leave early in the afternoon.

52 **On a motion duly made by Dr. Hronkin, seconded by Dr. Woller, and with unanimous consent, it was**
53 **RESOLVED that the Board accept the agenda as amended. 9:04 AM**

54 **Agenda Item 2 – Review/Approve Minutes – 9:05 AM**

55 Dr. Nielson requested a change in the minutes from the board's August 20, 2021 meeting. He asked Ms.
56 O'Brien to change Line 117 from "due to the lack of decay, demineralized enamel, tissue damage, and
57 absence of patient management on the simulated models" to "due to the fact that the simulated teeth
58 tend to have more decay to deal with than the teeth chosen by candidates to treat on live patients,
59 which usually had minimal decay. The only thing missing from the simulated teeth is demineralized
60 dentin and management of a live patient", to better align with his intent stated previously.

61 **On a motion duly made by Dr. Johnson, seconded by Dr. Hronkin, and with unanimous consent, it was**
62 **RESOLVED that the Board accept the previous minutes as amended. 9:07 AM**

63 **Agenda Item 3 – Old Business – 9:08 AM**

64 Dr. Wenzell began his introduction to the Washington State Penalty Matrix, which was created as a
65 method to discipline dental professionals for varying offenses. He added that while there are monetary
66 penalties attached to infractions, the fines were left out of the matrix to allow the dental board
67 oversight and discretion when deciding on a consequence. Dr. Wenzell noted that the offenses ranged
68 from standard of care up to felonies and were sorted into 3 tiers based on severity. He liked the layout
69 of the charts and would like to add an additional section regarding Continuing Education requirement
70 violations. Dr. Wenzell stated that this penalty matrix would be the easiest to develop, as the
71 requirements are laid out in and supported by statutes and regulations, and it would be difficult for a
72 practitioner to argue that they were short of credits. He wanted to develop a monetary-based penalty
73 matrix, which would utilize an initial fine and then a sliding scale dependent on the number of credits a
74 licensee was missing. Dr. Wenzell also recommended requiring the licensee in question to complete the
75 unearned credits within a specific timeframe, such as 90 days. He then requested feedback from the
76 board, asking if they'd prefer a monetary fine or a penalty of earning additional or double credits.

77 Dr. Nielson found the fine range penalty appropriate, with Dr. Wenzell adding that larger fines for more
78 egregious offenses would be drafted. Dr. Nielson also added a request for a section to address ethics
79 violations and noted that the Washington matrix included a Prescriptive Drugs Violations section, asking
80 if Dr. Wenzell would be able to use the board's draft of the PDMP penalty matrix and incorporate it with
81 his matrix already in development. Dr. Wenzell replied that yes, he could create a draft, and that he
82 would want any new fines to be substantial enough to deter potential future violations. Dr. Nielson

83 agreed, adding that should the penalty matrix be adopted, then the Investigations team would have it as
84 a reference for their punitive guidelines.

85 Dr. Johnson offered that if the board was looking for distinction between the tiers for the penalty
86 amount, that tiers 2 and 3 could be for repeat offenders. He liked the idea of a monetary punishment,
87 stating that CE credits are easily obtained online and only having the licensee make up credit time would
88 do little to deter future infractions. Dr. Woller added that the matrix should serve as a framework
89 rather than a rule as it would provide flexibility and discretion for individual cases, stating that the board
90 should avoid tying too much into existing statutes and regulations to allow for change. Dr. Wenzell
91 finished by saying that creating the matrix would allow the board to take a proactive course of action
92 rather than a reactive one when addressing violations by licensees along with the Investigations team.

93 **Agenda Item 4 – Investigations – 9:26 AM**

94 Ms. Bond was subbing in for Ms. Bautista from the Investigations unit. She introduced the
95 Investigations report from August 17, 2021 through November 19, 2021, stating that there were 61
96 cases currently open and 6 closed during that time period. Dr. Wenzell requested clarification of the
97 number of cases between the last 2 quarters, asking if these were new cases opened versus existing
98 cases remaining open from the past. Ms. Bond replied that the difference between the two quarters'
99 numbers are cumulative, so the total number of cases from the previous report (open minus the
100 number of closed, or 53) taken from this quarter's total case report would represent the number of new
101 cases opened for the period, which was 8.

102 Dr. Nielson asked if it was possible to combine the number of cases with each offending licensee, to see
103 how they affect the total numbers. Dr. Johnson agreed, stating that public perception of the profession
104 could be negatively affected if there is the impression that 61 separate licensees have violations, versus
105 fewer licensees with multiple infractions. Ms. Bond replied that while it is not a standard procedure, she
106 will try to assist the board with its request and would forward any revamped data to Ms. O'Brien to
107 disperse. She added that she would also forward the board's request to combine data for future board
108 reports to Ms. Bautista. Ms. Bond stated that working from experience with other boards, the Dental
109 board has a minimal amount of cases open in comparison, so the situation is not as dire as it may seem
110 when the report is created.

111 Dr. Nielson asked the definition of "Monitor" as a designation on the Board Report. Ms. Bond defined
112 "Monitor" as when a case is with an AAG's office, on its way to a hearing, in court, or otherwise with a
113 source outside the division, and the designation represents that it is in a holding pattern.

114 Dr. Nielson reiterated the board's concern with investigative timelines. Dr. Wenzell asked who was
115 reviewing cases as a board member, as he had not seen one in 2 years. Dr. Johnson replied that he had
116 received a couple cases for reviewal in the last quarter. Ms. Bond replied that the Investigations team
117 should be sending reports to all board members down the line for reviewal, adding that if there are
118 multiple cases for a single licensee, then all subsequent complaints and new case files would be sent to
119 the same board member to maintain consistency. She reiterated that she heard the board's concerns
120 about the caseload and would send a brief summary and breakdown of this quarter's data to Ms.
121 O'Brien for the board to review.

122 Ms. Prieksat also offered her assistance should the board have any further questions regarding the
123 investigative report or process. The board thanks them both for their time and assistance.

124 Dr. Nielson then moved for a break until 10:00AM for public comment.

125 *Off record 9:45*

126 *On record 10:01*

127

128 **Agenda Item 5 – Public Comment – 10:01 AM**

129 Having quorum re-established, Dr. Nielson called the meeting back to order.

130 Tom Hatcher from BeamReaders provided a background to his services. His company is a web platform
131 that connects Alaska Dentists with Oral and Maxillofacial Radiologists (OMRs). The radiologists
132 connected with his company have dental licenses in good standing with other states and provide a
133 consultation of dental images. There is no patient contact, only doctor to doctor consulting.

134 Mr. Hatcher stated that there are roughly 200 OMRs in the country, and it makes access difficult. Access
135 to their expertise is critical for assuring the best possible care and aligns with the Alaska Dental board's
136 mission statement. The surgeons using the platform are not employees of BeamReaders. He asked if
137 doctors would be able to consult each other through the platform using their out of state dental licenses
138 when no patient contact was involved, or if an Alaska dental license was required to do so. Mr. Hatcher
139 then asked if telemedicine business registry is required for use of the BeamReaders platform, and if the
140 OMR surgeons would need to register as well.

141 Dr. Nielson reviewed the practice of dentistry defined per the board's statutes. He stated that as long as
142 no diagnosing is involved, the users are not creating a treatment plan, and it is truly just a consultation
143 between professionals, then [out of state] BeamReaders users would not need an Alaska dental license
144 or to enlist with the telemedicine registry.

145 Dr. Johnson asked if using BeamReaders falls into overreach in the sense that practitioners are hoping to
146 improve quality of care with access to higher quality of imaging. Mr. Hatcher replied yes, adding that

147 his platform cannot give a clinical diagnosis as no patient background information is utilized. He added
148 that in the contract between BeamReaders and the OMR, it states that the final diagnosis is
149 responsibility of the established dentist of record, and that any billing will be between the licensees and
150 the platform, not the patient's insurance. Dr. Wenzell asked what the liability exposure for the platform
151 is if it is helping a dentist with 3D scan and there is a misdiagnosis. Mr. Hatcher replied that attending
152 dentists and OMRs would have their own personal coverage and BeamReaders would maintain vicarious
153 liability in that situation, adding that BeamReaders exercises strict quality control with its users and has
154 a complete onboarding process.

155 Dr. Nielson asked the board if there was any issue with BeamReaders doing business as presented. He
156 then asked what kind of a statement that BeamReaders was looking for. Mr. Hatcher replied that he
157 would like a written statement from the board that shows users are operating within the scope of their
158 licenses, adding that this support could be used specifically for radiologists dealing with their
159 malpractice carriers. Dr. Nielson asked Mr. Hatcher to get a list of bullet points to Ms. O'Brien, who
160 would forward them to him so that he could create the statement. The board would then vote on the
161 proposed statement on OnBoard. Dr. Nielson thanked Mr. Hatcher for his time.

Agenda Item 6 – New Business – 10:22 AM

While waiting for Division staff to sign in, Dr. Nielson moved up two items from New Business. Ms. O'Brien provided the update from the Joint Commission on National Dental Examinations (JCNDE), letting the board know that the email she had received was an FYI regarding changes to their testing structure, adding a DLOSCE for hygiene applicants. Dr. Nielson stated that the board has only accepted DLOSCE for the OSCE portion of licensure, as it requires hands-on components, and that the consensus remains that live-patient exams are still required for hygiene candidates.

Dr. Nielson also moved up an introduction to a letter of support that the UA hygiene program had requested. He said that the letter would be addressed to the provost and establish that the dental board supports UA keeping its Hygiene and Assistant programs open to create new licensed professionals in order to combat the ongoing staff shortages in the state. Dr. Nielson reiterated the importance of maintaining a pipeline of licensed professionals in the state and said that he would draft the letter for Ms. O'Brien to then upload into OnBoard for a vote. He then asked Dr. Logan for additional input. Dr. Logan said that the letter's intent was not only to provide support for keeping the program up and running, but to potentially increase the number of slots for candidates in the program.

Agenda Item 7 – Division Update – 10:31 AM

Director Chambers introduced the FY21 report. The period ended June 30, and from July 1 through late October went into a re-appropriation period, where the Division is busy reconciling data from the previous year. Director Chambers stated that the review of FY21 is shown as a biennium on the report, adding that the large number for revenue was due to it being a renewal year, which generated the bulk of the board's income. She stated that the board had received an appropriation from the general fund by the governor's office, provided as a response to the board not utilizing fee increases in the last year and falling into debt. She added that the revenue received by the General fund covers money that would have been generated by fee increases and recommended that the board would need to pursue angles to raise licensure fees without drastic jumps in cost to potential licensees. Dr. Nielson asked if the same situation with the general fund happened across all programs and professions, to which Director Chambers replied yes. She added that the governor's office was viewing the situation as a long-term potential policy change, where the public would be asked to share in the cost of its own protection, for example the maintenance of a regulating board. Director Chambers said that they were looking at a way to codify the process into statute so that the public could maintain a vested interest to recoup fees and revenue.

Director Chambers then reviewed direct expenditures. She noted that the board had an increase in inter-agency mediation from OAH and appeals, and that a high year of investigations also contributed to the increase in these costs. Dr. Nielson asked if regulations projects were also a contributing factor, to which Director Chamber replied yes, adding that legal fees, attorney time billed, and regulations projects were all combined in the total direct expenditure cost.

She then reviewed the board's Indirect Expenditures, which are overhead operating costs that are split up between all programs. She noted that the amount changes periodically, dependent upon board activity. Director Chambers stated that costs have gone down over the last 2 years and that FY20 ended up short, mostly due to it being a non-renewal year. She then added that fees are used to make up the difference in cost during the 2-year period, and that a fee analysis is recommended to adjust into the

203 next renewal cycle. Dr. Nielson asked if the fee analysis team would present their findings and consult
204 with the board before adjusting the new costs, to which Director Chambers replied yes. She added that
205 how much an individual board received from the general fund was determined by how much the
206 program would need to increase their license fees, and that bigger, more complex programs would
207 require more funds.

208 Director Chamber then briefly introduced the FY22 first quarter report. She stated that the board can
209 review the data on their own time and view it as a prediction of costs for the upcoming year.

210 She then reviewed the Military Spouse Temporary Licensure Bill, SB21, which is meant to streamline the
211 licensure by credentials process for military members and their spouses while they are transferring to
212 Alaska. The administration and legislature both support SB21, which will become law Jan 1, 2022, and
213 boards will need to adjust their regulations accordingly to comply with the new law to create the new
214 pathway to licensure. She asked if the board was preparing to put out Dr. Nielson's proposed draft of
215 regulations changes for public comment and notice, to which Dr. Nielson replied yes. He asked if a
216 separate regulations change was needed to match SB21 with the board's existing routes to temporary
217 licensure. Director Chambers replied that SB21 is an additional pathway to licensure, and as such is not
218 supplemental to the board's existing regulations.

219 Dr. Nielson asked if military spouses and personnel were served by SB21, then why wouldn't new initial
220 licensees by exam get the same opportunity to have a temporary permit within 30 days. Director
221 Chambers replied that the situation would not be reasonable due to ongoing staff shortages and the size
222 of the Division staff's workload. She added that the department pushed back on the 30-day
223 requirement to try and alleviate some of the staff's workload, and that the 30-day clock starts once
224 100% of an application is received. She reiterated the importance of the board's participation in voting,
225 to make sure that licensees are processed in the timeliest manner possible. Director Chambers added
226 that the Division is directing licensees and applicants to utilize the state's MyLicense platform to cut
227 down on direct correspondence with examiners, freeing time for the examiners to work on processing
228 licenses instead.

229 Dr. Nielson asked if proposed draft of the regulations was ok to pass to the Division's regulations
230 specialist for editing. Director Chambers replied that all except Section 4, which required verification of
231 an applicant's graduation in the form of a copy of an applicant's diploma and transcripts, would work.
232 She added that Section 4 goes above and beyond what the new law is requiring, and if an applicant has a
233 substantially equivalent license in another state, then verification of graduation is not needed.

234 Director Chambers stated that the Military Licensing statute is its own statute, so it could conflict with
235 existing statutes from individual boards. She presented the question of how the board would check
236 "substantially equivalent" qualifications without requesting additional information from applicants and
237 exceed its authority. She proposed that the board should review and discuss the proposed regulations,
238 and then move it forward for public notice. Dr. Nielson asked if the proposed draft was enough to
239 submit to the Division's regulations specialist to get the process started. Director Chambers said yes and
240 recommended including portions of 12 AAC 02.956 (b)(2) and (3), which would address application
241 criteria, such as the department's fees and the applicant providing proof that they meet the
242 requirements for a temporary license.

243 On a motion duly made by Dr. Johnson, seconded by Dr. Hronkin, and with unanimous consent, it was
244 RESOLVED that the Board accept the draft of the Military Courtesy License language for regulation
245 with the caveat that the Department is going to look through 12 AAC 02.956-02.957 to comply. The
246 draft would then be added to OnBoard for a vote. 11:22 AM

247 Ms. Martin presented a rundown of the proposed legislation, which builds off a bill 2 years ago that
248 allows the board to create specialty licenses. It also would move the oversight of Dental Radiological
249 Equipment to DHSS. Ms. Martin stated that the previous bill was delayed due to the pandemic.

250 Dr. Nielson asked why sections 44.46.029 and 46.03.022 were necessary and included in the bill, Ms.
251 Martin explained that it is conforming language, and that she would look for further clarification.
252 Director Chambers added that it could possibly be DEC wording, meant to change "Board of Dental
253 Examiners" to "Department of Health and Social Services" as a way make sure the language matches
254 across all mentions of the statute. Dr. Nielson drafted a letter of support from the board for moving the
255 radiological equipment program to DHSS to have on hand for various entities should they request it. He
256 then asked Director Chambers if the department was willing to move forward on the transfer of the
257 program. She replied yes, adding that it makes more sense to keep all types of Radiological Equipment
258 with DHSS, as they already have an existing program. She stated that the Division would still have a
259 hand in collecting revenue as a regulatory cost, which would be part of the board's operating expenses.
260 The revenue would then be portioned out between the Division and DHSS. Director Chambers also
261 noted that adding a specialty license designation will require more staff, which will in turn be reflected
262 in the board's expenditures.

263 Dr. Nielson presented the letter of support that he created for moving the radiological program to DHSS.
264 He did have some corrections to the letter, changing the verbiage in line 3 from "has...formally
265 requested" to "formally requests", updating paragraph 2 from "adding a specialty dental license
266 category" to "reinstate a specialty license", and changing "concerns" to "requests" in the last paragraph.

267 On a motion duly made by Dr. Wenzell, seconded by Dr. Hronkin, and with unanimous consent, it was
268 RESOLVED that the Board accept the Letter of Support as amended. 11:41 AM

269 Director Chambers thanked Ms. Martin and Sen. Wilson for putting the bill forward, and thanked Dr.
270 Nielson for being proactive and having the letter at the ready. The board thanked Ms. Martin and
271 Director Chambers for their time.

272 Dr. Nielson moved to break for lunch.

273 *Off record at: 11:46 AM*

274 *On Record at: 1:01 PM*

275

276 **Agenda Item 8 – Lunch – 11:46 AM**

277 **Agenda Item 9 – PDMP Report – 1:02 PM**

278 Ms. Sherrell began by letting the board know that Quarterly data was not prepared until Thanksgiving,
279 so no full report was available. She did give the board an update on PMPAWARE's features, noting that
280 prescriber report cards had been added to the dashboard in the system. These report cards compare
281 prescribers to peers in the same field to see how an individual licensee's practices are performing. Dr.
282 Nielson asked if anyone had looked at the report card feature, but the board replied no. Ms. Sherrell let

the board know that an individual prescriber can look back at all 4 previous quarters, but only the current quarter will have the interactive report card. Ms. Sherrell also let the board know that the vendor for the PDMP has undergone a re-branding and is now called Bamboo Health. Apriss, the parent company, has been split into different entities, and the one that runs and maintains the PDMP is called Bamboo. She added that PDMP's webpage on the state website had been updated with new troubleshooting links to provide answers to FAQs from licensees on a 24-hour basis.

Ms. Sherrell announced that license integration will be launching on December 9th, which will reverify everyone who is in the PDMP. This will also provide faster approval for the PDMP designation once licensure is obtained and the licensee is registered with the program. She added that once this is complete, prescribers would no longer will have a PDMP registration number. Everything related to the PDMP, including delegates, will either show up as a designation or relationship on the professional license. She added that in Mid-December, the PDMP fee would be reduced to \$0. A prescriber would still be required to register with the program but would no longer be charged the fee. Dr. Nielson asked if assistants would be allowed to serve as delegates for dentists, to which Ms. Sherrell replied it would take a statute change to allow for that.

Dr. Nielson briefly introduced the PDMP Penalty Matrix that the board has been developing. He let Ms. Sherrell know that the board will incorporate the existing PDMP penalty matrix into Dental Penalty Matrix that Dr. Wenzell is developing and will submit the entire project for approval. The board then thanked Ms. Sherrell for her time.

Agenda Item 10 – Regulations Project -1:23 PM

Dr. Nielson introduced the 4 regulations projects that the board started working on after the August 20 meeting. They are the Mannequin Regulation Change to extend the acceptance date for mannequin-based exams for dental candidates, the Residency Language Regulation change which would create an additional pathway to licensure, the Credentialing Regulation change which would clean up some of the criteria from the regulations that the board does not use, and the Specialty Initial Licensure Regulation Change which would allow acceptance of a 1-year residency program towards licensure in addition to a 2-year program. He presented the FAQ forms that he had completed for the Division, which reviewed the board's intent behind the proposed regulation changes, the positives and negatives of enacting the changes, the cost of the changes, and if these changes would affect any existing statutes or regulations. With the FAQ forms completed by Dr. Nielson, he stated that the next step in the regulations process would be for the board to submit them for public comment. He then presented the formal draft written by the Division's regulations specialist, Jun Maiquis for the board to review.

On a motion duly made by Dr. Johnson, seconded by Dr. Hronkin, and with unanimous consent, it was RESOLVED that the Board send the proposed regulations changes out for public comment. 1:38 PM

Dr. Nielson provided introduction to the upcoming interview process for the board. He offered other members the opportunity to conduct Zoom interviews with Ms. O'Brien for incoming Dental candidates. Dr. Wenzell stated that he would be willing to assist in conducting interviews, and Ms. O'Brien thanked him for the interest.

Dr. Wenzell left the meeting at 1:41 PM, but quorum was still maintained.

322 Dr. Nielson moved for a recess until 2:00 PM, at which point Ms. O'Brien would let the board know if the
323 interview was able to be completed earlier than the original 2:45 PM time.

324 On a motion duly made by Dr. Nielson, seconded by Dr. Johnson, and with unanimous consent, it was
325 RESOLVED that the Board recess until 2:00 PM. 1:43 PM

326 *Off Record at 1:43 PM*

327 *On Record at 2:03 PM*

328

329 Ms. O'Brien informed the board that the Division staff that was requested by the board could not make
330 the earlier time of 2:00 PM, so the interview would take place as planned at 2:45 PM.

331 *Off Record at 2:03 PM*

332 *On Record at 2:49 PM*

333

334 **Agenda Item 11 – New Business – 2:51 PM**

335 I, Dr. David Nielson, move that the Alaska State Board of Dental Examiners enter into executive
336 session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for
337 the purpose of discussing matters which by law, municipal charter, or ordinance are required to be
338 confidential. Richard Downing, Sara Chambers, Terry Ryals, Abby O'Brien, and Richard Moses are
339 invited to attend. Seconded by Dr. Woller. 2:52 PM

340

341 *Off Record at – 2:52 PM*

342 *Inner Exec Session – 3:09 PM*

343 *On record at – 3:21 PM*

344

345 On a motion duly made by Dr. Woller, seconded by Dr. Hronkin, and with unanimous consent, it was
346 RESOLVED that the Board leave executive session. 3:21 PM

347 On a motion duly made by Dr. Woller, seconded by Dr. Johnson, and with quorum established through
348 a roll call vote, it was RESOLVED that the Board accept the application for Licensure by Credentials for
349 Dr. Richard Downing. 3:21 PM

350 **Agenda Item 12 – Adjourn – 3:24 PM**

351 Dr. Nielson reviewed the task list for board members. Ms. O'Brien stated that she would re-submit a
352 Doodle Poll to check the board's availability for the upcoming March and May meetings.

353 On a motion duly made by Dr. Johnson, seconded by Dr. Hronkin, and with unanimous consent, it was
354 RESOLVED that the Board move to adjourn. 3:25 PM

355 *Off Record at 3:25 PM*

356

357

358

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361

Respectfully Submitted:

362

363

Abby O'Brien

364

Occupational Licensing Examiner

365

366

Approved:

367

368

David Nielson, DDS, President

369

370

Date: _____

371

DRAFT

Investigations Report



THE STATE
of **ALASKA**

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

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MEMORANDUM

DATE: February 17, 2022
TO: Board of Dental Examiners
THRU: Greg Francois, Chief Investigator ²⁰
FROM: Jasmin Bautista, Investigator ¹⁸
RE: Investigative Report for the March 04, 2022 Meeting

The following information was compiled as an investigative report to the Board for the period of November 20, 2021 thru February 17, 2022; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 55

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
DENTAL HYGIENIST			
2021-000214	Violation of licensing regulation	Complaint	06/03/2021
DENTIST			
2020-000953	Violation of licensing regulation	Intake	10/12/2020
2021-000300	Fraud or misrepresentation	Intake	04/12/2021
2021-000436	License application problem	Intake	05/24/2021
2021-000451	License application problem	Intake	05/27/2021
2021-000562	Standard of care	Intake	07/07/2021
2018-000011	Standard of care	Complaint	05/07/2018
2019-000320	PDMP Violation	Complaint	04/28/2019

2020-000414	Incompetence	Complaint	06/09/2020
2020-000779	Violation of licensing regulation	Complaint	08/18/2020
2020-000780	Violation of licensing regulation	Complaint	08/18/2020
2020-000781	Violation of licensing regulation	Complaint	08/18/2020
2021-000228	Standard of care	Complaint	05/12/2021
2017-001252	Standard of care	Investigation	12/26/2019
2019-000802	Standard of care	Investigation	04/29/2020
2020-000474	Standard of care	Investigation	02/18/2021
2011-000163	Probation	Litigation Initiated	12/15/2020
2017-000421	Unethical conduct	Litigation Initiated	06/21/2018
2017-000526	Unprofessional conduct	Litigation Initiated	06/21/2018
2017-000527	Standard of care	Litigation Initiated	06/21/2018
2017-000528	Standard of care	Litigation Initiated	06/21/2018
2017-000529	Standard of care	Litigation Initiated	06/21/2018
2017-000546	Standard of care	Litigation Initiated	06/21/2018
2017-000547	Standard of care	Litigation Initiated	06/21/2018
2017-000549	Standard of care	Litigation Initiated	06/21/2018
2017-000560	Standard of care	Litigation Initiated	06/21/2018
2017-000635	Standard of care	Litigation Initiated	06/21/2018
2017-000814	Fraud or misrepresentation	Litigation Initiated	06/21/2018
2017-000926	Standard of care	Litigation Initiated	06/21/2018
2018-001023	Standard of care	Litigation Initiated	06/21/2018
2019-000352	Standard of care	Litigation Initiated	01/26/2022
2019-000775	Standard of care	Litigation Initiated	
2019-000793	Standard of care	Litigation Initiated	
2019-000797	Standard of care	Litigation Initiated	
2019-000798	Standard of care	Litigation Initiated	
2019-000799	Standard of care	Litigation Initiated	
2019-000803	Standard of care	Litigation Initiated	
2019-000804	Standard of care	Litigation Initiated	
2019-000807	Standard of care	Litigation Initiated	

2019-000808	Standard of care	Litigation Initiated
2019-000809	Standard of care	Litigation Initiated
2019-000810	Standard of care	Litigation Initiated
2019-000811	Standard of care	Litigation Initiated
2019-000812	Standard of care	Litigation Initiated
2019-000813	Standard of care	Litigation Initiated
2019-000814	Standard of care	Litigation Initiated
2019-000815	Standard of care	Litigation Initiated
2019-000817	Standard of care	Litigation Initiated
2019-000818	Standard of care	Litigation Initiated
2019-000821	Standard of care	Litigation Initiated
2019-000822	Standard of care	Litigation Initiated
2019-000824	Standard of care	Litigation Initiated
2019-000825	Standard of care	Litigation Initiated
2019-000826	Standard of care	Litigation Initiated
2019-000827	Standard of care	Litigation Initiated

Closed - 7

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
DENTAL HYGIENIST				
2021-001314	License application problem	Closed-Intake	12/30/2021	Review Complete
2021-000783	Standard of care	Closed-Complaint	02/01/2022	No Action - No Violation
2021-000439	Prohibited activities	Closed-Investigation	01/20/2022	License Action
DENTIST				
2021-000805	Standard of care	Closed-Intake	01/06/2022	Incomplete Complaint
2021-000911	Standard of care	Closed-Intake	02/11/2022	Incomplete Complaint
2021-000933	Violation of licensing regulation	Closed-Intake	01/05/2022	Incomplete Complaint
2021-000948	Standard of care	Closed-Intake	01/05/2022	Incomplete Complaint

END OF REPORT

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Dental
Examiners enter into executive session in accordance with AS 44.62.310(c), and
Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff to remain during the session.

Off record: _____

On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- **matters involving consideration of government records that by law are not subject to public disclosure.**

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state “The board is off the record at _____(time).”

Public Comment

BREAK TIME

PDMP Report

Alaska Prescription Drug Monitoring Program
Summary Prepared for the Board of Dental Examiners
Q4 2021



This report contains summary data from the Prescription Drug Monitoring Program (PDMP). Data is provided as a courtesy for the board and is intended to be used for informational purposes only.

News as of February 16, 2022

- The PDMP fee was reduced to \$0 and the PDMP Registration has been discontinued effective December 23, 2021. Registration status will be reflected on the professional license.
- We have hired an Occupational Licensing Examiner (OLE) to assist with the processing and migration of data as we implement changes in the licensing system.
- We are currently advertising for a Project Assistant to work on Reporting.
- License integration was successfully launched on January 11, 2022.
- The Communications module went live on February 8, 2022. Configurations are still be enabled and we expect to go live before March 2022.
- We are now data sharing with 17 states and the Military Health System. We recently started sharing with Arizona and Florida.
- We will begin conducting a delegate audit during the month of March. An announcement will be sent out through AWARe and a guide will be made available next week on the PDMP website.

Registration

Portal (Professional license system)

Number of licensed Dentists: 785
Number of Dentists with DEA registrations: 723
Number of PDMP Dental registrations: 487
Directly dispensing controlled substances: 9

AWARxE (PDMP)

Number registered with the PDMP: 619

Use – Review Compliance

Federally scheduled II – III, over a three-day supply, some specialties omitted)
Q3 2021: 4.2%
Q4 2021: 6.2%

Delinquent Reporters

Providers who directly dispense are required to report daily. We are working with Appriss to develop a process for identifying delinquent reporters.

Recommendations

- Encourage increased reviewing, including the use of delegates
- Issue periodic reminders to licensees on mandatory reviewing and reporting
- Provide guidance to licensees on prescribing practices related to the use of dangerous combinations
- Develop a plan for communication with licensees about mandatory reporting
- Develop a disciplinary matrix to guide appropriate actions taken against licensees who do not comply with mandatory registration and use

State of Alaska Dental Board PDMP Penalty Matrix- Proposed

Prescribing Issues

Inappropriate prescribing due to incompetence or negligence. AS 08.36.315

Failure to practice pain management with sufficient knowledge, skills, and training and in accordance with professional standards. AS 08.36.315

Proposed Sanctions

Reprimand, Civil Fine of up to \$25,000, require Proper Prescribing Course CE, License suspension.
Discipline to be commensurate with severity of violation.

Prescribing Issues

Failure to maintain appropriate records for prescribing controlled substances. AS 08.36.315

Failure to review information from the PDMP before prescribing schedule II or III controlled substances.
AS 17.30.200 b

Failure to comply with maximum dosage for opioid prescriptions. AS 08.36.355

Proposed Sanctions

Reprimand, Civil Fine of up to \$25,000, Proper Prescribing Course CE, Medical Record Keeping CE.
Discipline to be commensurate with the severity of the violation.

Prescribing issues

Failure of a licensee who has a DEA registration to register with the PDMP when no schedule II or III controlled prescriptions have been issued. AS 17.30.200, 12 ACC 28.953

Proposed Sanctions

Civil Fine of \$1,000 for each violation. Discipline to commensurate with severity of violation.

Education Requirements

Failure of applicants for licensure to receive education in pain management and opioid use and addiction prior to licensure, unless the applicant has demonstrated to the satisfaction of the board that the applicant does not currently hold a valid federal DEA registration number. AS 08.36.110

Failure to no provide documentation of at least two hours of education in pain management and opioid misuse and addiction in the two years preceding application for renewal of license, unless the applicant has demonstrated to the satisfaction of the board that the applicant does not currently hold a valid federal DEA registration number. AS 08.36.070

Proposed Sanctions

Reprimand, require completion of required education before license is renewed or approved.

Unprofessional Conduct issues

Allowing an unlicensed individual to perform duties that would normally be performed by a licensed individual. AS 17.30.200(d)

Proposed sanctions

- o First time violation – Imposition of civil fine without censure or reprimand (technical violation not related to the delivery of health care); Civil Fine of \$1,000 for each violation or each unlicensed individual, unless there are mitigating factors.
- o Additional violations, or if mitigating factors - Reprimand; Civil Fine of up to \$10,000 for each violation or each unlicensed individual. Discipline to be commensurate with the severity of the violation.

Regulations Project

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF DENTAL EXAMINERS

BRIEF DESCRIPTION: The Board of Dental Examiners proposes to update regulations relating to licensure requirements, definitions, and establish temporary courtesy licenses for an active duty military member or their spouse.

The Board of Dental Examiners (Board) proposes to adopt regulation changes in Title 12, Chapter 28 of the Alaska Administrative Code including the following:

1. **12 AAC 28.940. Dental licensure by examination**, is proposed to amend the licensure by examination requirements by allowing additional options to qualify for an initial dental license, removing the time frame for a mannequin based exam, and adding dental specialty along with its definition to clarify a pathway to dental licensure to allow dentists who have completed two or more years of dental specialty training to apply for a license without having to take a regional licensing exam.
2. **12 AAC 28.951. Dental licensure by credentials**, is proposed to amend the licensure by credentials requirements by removing outdated regulations.
3. **12 AAC 28.958. Temporary military courtesy licenses**, is a proposed new section that establishes temporary courtesy licenses for an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice dentistry or dental hygiene. The proposed regulations will allow for an expedited temporary licensing pathway for those in the military and their spouse.
4. **12 AAC 28.990. Definitions**, is proposed to add a definition for “dental specialty”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/205189>, and using the comment link. **The comments must be received not later than 4:30 p.m. on February 28, 2022.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board’s website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofDentalExaminers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than February 22, 2022 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to

<https://www.commerce.alaska.gov/web/portals/5/pub/DEN-0122.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.062; AS 08.01.063; AS 08.32.014; AS 08.32.085; AS 08.32.160; AS 08.32.165; AS 08.36.070; AS 08.36.110; AS 08.36.234; AS 08.36.315; AS 08.36.342; AS 08.36.344; AS 08.36.346

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.01.063; AS 08.32.014; AS 08.32.085; AS 08.32.160; AS 08.32.165; AS 08.36.070; AS 08.36.110; AS 08.36.234; AS 08.36.315; AS 08.36.342; AS 08.36.344; AS 08.36.346

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 1/25/2022

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Dental Examiners – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Dental licensure by examination and credentials, temporary military courtesy licenses, and definitions.
3. **Citation of regulation:** 12 AAC 28.940, 12 AAC 28.951, 12 AAC 28.958, and 12 AAC 28.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, and to implement statutory changes made under Sec. 1 and 2, Chapter 29, SLA 2021 (SB 21).
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$100 application fee; \$100 temporary courtesy license fee.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2022 or in subsequent years.
9. **The name of the contact person for the regulation:**
Abby O'Brien, Occupational Licensing Examiner
Alaska Board of Dental Examiners
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2542
E-mail: abby.obrien@alaska.gov
10. **The origin of the proposed action:** Board of Dental Examiners.
11. **Date:** 1/25/2022 **Prepared by:** Jun Maiquis /s/
Regulations Specialist

Chapter 28. Board of Dental Examiners.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 28.940(b)(8)(B)(vi) and (b)(8)(C) are amended to read:

12 AAC 28.940. Dental licensure by examination.

• • •

(b) An applicant for a license under this section shall submit

• • •

(8) a copy of the applicant's certificate

• • •

(B) of examination showing that the applicant has passed the clinical examination conducted by WREB on or after February 1, 2019 or an equivalent examination; an applicant must have passed an examination under this subparagraph within the five years immediately preceding the date of application; and the examination must include the following subject areas, components, or characteristics:

• • •

(vi) a patient based [,] or [IF PASSED BEFORE DECEMBER 31, 2021,] a mannequin based operative examination that includes one class II posterior alloy or composite procedure, and one additional operative procedure, either anterior class III or posterior class II; [OR]

(C) showing successful completion of a two-year or more postgraduate **dental specialty** training program approved by the Commission on Dental Accreditation of the American Dental Association, and evidence of having five years of

continuous clinical practice with an average of 20 hours per week, immediately preceding the date of application; for purposes of the clinical practice requirements of this subparagraph, clinical practice may include dental school; **or**

12 AAC 28.940(b)(8) is amended by adding a new subparagraph to read:

(D) showing satisfactory completion of a clinically-based postdoctoral general practice residency (GPR) or an advanced education in general dentistry program (AEGD), of at least one year's duration, in a hospital or dental facility accredited for teaching purposes by the Commission on Dental Accreditation of the American Dental Association. The residency program must include a formal evaluation of the resident's competence to practice dentistry;

• • •

(Eff. 1/28/2000, Register 153; am 8/15/2001, Register 159; am 1/15/2003, Register 165; am 1/22/2004, Register 169; am 4/27/2007, Register 182; am 10/19/2008, Register 188; am 12/2/2012, Register 204; am 12/15/2013, Register 208; am 9/26/2018, Register 227; am 5/1/2019, Register 230; am 3/5/2020, Register 233; am 10/4/2020, Register 236; am 2/19/2021, Register 237; am ____/____/_____, Register _____)

Authority: AS 08.36.070 AS 08.36.110

12 AAC 28.951(e), (f), and (h) are repealed:

12 AAC 28.951. Dental licensure by credentials.

• • •

(e) **Repealed** ____/____/____ [TO DETERMINE WHETHER THE EXAMINATION

PORTION OF THE LICENSING REQUIREMENTS OF ANOTHER JURISDICTION ARE GENERALLY EQUIVALENT TO THOSE OF THIS STATE, THE EXAMINATIONS FOR LICENSURE IN THAT JURISDICTION MUST INCLUDE AT LEAST SIX OF THE FOLLOWING SUBJECT AREAS AND THEIR COMPONENTS OR CHARACTERISTICS:

- (1) PERIODONTICS; CLINICAL ABILITIES TESTING;
- (2) ENDODONTICS; CLINICAL ABILITIES TESTING;
- (3) AMALGAM; CLINICAL ABILITIES TESTING;
- (4) CAST GOLD; CLINICAL ABILITIES TESTING;
- (5) PROSTHETICS; WRITTEN OR CLINICAL ABILITIES TESTING;
- (6) ORAL DIAGNOSIS; WRITTEN OR CLINICAL ABILITIES TESTING;
- (7) OTHER RESTORATIVE PROCEDURE; CLINICAL ABILITIES TESTING;
- (8) STANDARDIZATION AND CALIBRATION OF EXAMINERS AND ANONYMITY BETWEEN CANDIDATES AND GRADING EXAMINERS;
- (9) CONSTRUCTIVE RESPONSE TESTING].

(f) **Repealed** _____ / _____ / _____ [IF THE LICENSING REQUIREMENTS OF ANOTHER JURISDICTION ARE DETERMINED TO NOT BE GENERALLY EQUIVALENT TO THOSE OF THIS STATE BECAUSE A SUBJECT AREA SPECIFIED IN (e)(1) - (9) OF THIS SECTION WAS NOT INCLUDED IN THE OTHER JURISDICTION'S LICENSING EXAMINATION, THE BOARD WILL DETERMINE IF THE APPLICANT MEETS THE REQUIREMENTS FOR THAT SUBJECT AREA].

• • •

(h) **Repealed** _____ / _____ / _____ [IN THIS SECTION, "CLINICAL ABILITIES TESTING" MEANS AN EXAMINATION THAT

- (1) EVALUATES A CANDIDATE'S PERFORMANCE OF A PROCEDURE OR

PORTION OF A PROCEDURE;

(2) IS CONDUCTED FOR THE PURPOSE OF DEMONSTRATING AN
ACCEPTABLE LEVEL OF PRACTICAL SKILL IN A SUBJECT; AND

(3) USES A LIVE PATIENT, LABORATORY SIMULATION, OR
INTERACTIVE COMPUTER SIMULATION]. (Eff. 2/18/93, Register 125; am 2/4/94, Register
129; am 2/22/98, Register 145; am 1/28/2000, Register 153; am 8/15/2001, Register 159; am
1/22/2004, Register 169; am 5/5/2006, Register 178; am 10/19/2008, Register 188; am
12/15/2013, Register 208; am 3/11/2016, Register 217; am 9/26/2018, Register 227; am
5/1/2019, Register 230; am 3/5/2020, Register 233; am 2/19/2021, Register 237; am
_____/_____/_____, Register _____)

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

12 AAC 28 is amended by adding a new section to read:

12 AAC 28.958. Temporary military courtesy licenses. (a) The board shall issue a
temporary military courtesy license to an active duty military member or spouse of an active duty
military member of the armed forces of the United States to practice dentistry or dental hygiene
who meets the requirements of AS 08.01.063 and this section within 30 days after the board
receives a completed application.

(b) An applicant for a temporary military courtesy license under this section must

(1) submit a completed notarized application on a form provided by the
department;

(2) pay the temporary license application and license fees set out under
12 AAC 02.105;

(3) submit a copy of the applicant's military identification or military dependent

identification card and a copy of current active duty military orders showing assignment to a duty station in this state;

(4) submit verification of the applicant's current license to practice dentistry or dental hygiene from a board of dental examiners of a state or territory of the United States; the verification must include the applicant's status and complete information regarding any disciplinary action or investigation taken or pending relating to the applicant;

(5) submit verification of the applicant's graduation from a dental school that at the time of graduation was accredited by the Commission on Dental Accreditation of the American Dental Association by submitting

(A) a certified true copy of the applicant's dental school diploma; or

(B) transcripts sent directly from the issuing educational institution; and

(6) not have been convicted of a felony or another crime that affects the applicant's ability to practice dentistry or dental hygiene competently and safely.

(c) A temporary military courtesy license to active duty military personnel or spouse of military personnel under this section will be issued for a period of 180 days and may be renewed for one additional period specified by the board, not to exceed 180 days.

(d) The department shall request a report from the National Practitioner Data Bank on behalf of the applicant. The board will review the report as part of the application process and may deny a temporary military courtesy application based on the report.

(e) An applicant for a temporary military license may not have had a license to practice dentistry or dental hygiene revoked, suspended, or voluntarily surrendered in this state or another state or territory of the United States.

(f) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.32.160, AS 08.32.165, and

Register _____, _____ 2022 **PROFESSIONAL REGULATIONS**

AS 08.36.315. (Eff. ____/____/_____, Register _____)

Authority: AS 08.01.062 AS 08.32.160 AS 08.36.110
AS 08.01.063 AS 08.32.165 AS 08.36.315
AS 08.32.014

12 AAC 28.990(a) is amended by adding a new paragraph to read:

12 AAC 28.990. Definitions. (a) In this chapter,

...

(15) "dental specialty" means an area of dentistry that has been formally recognized by the National Commission on Recognition of Dental specialties and Certifying Boards.

...

(Eff. 5/31/81, Register 78; am 4/13/91, Register 118; am 11/7/99, Register 152; am 3/30/2001, Register 157; am 1/15/2003, Register 165; am 7/25/2010, Register 195; am 3/18/2011, Register 197; am 12/15/2013, Register 208; am 4/14/2018, Register 226; am ____/____/_____, Register _____)

Authority: AS 08.32.085 AS 08.36.342 AS 08.36.346
AS 08.36.070 AS 08.36.344

Maiquis, Jun C (CED)

From: Sandra Pence [REDACTED]
Sent: Monday, February 7, 2022 2:10 PM
To: Regulations and Public Comment (CED sponsored)
Subject: Proposed dental regulation changes

[You don't often get email from spence5863@yahoo.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Just a small suggestion for 12 AAC 28.958 Temporary military courtesy licenses

In (b)(5), change the word "school" to "program". CODA accredits programs, not schools. The board also might want to consider using both "dental" and "dental hygiene" terms before program, as CODA refers to dental programs related to training dentists and dental hygiene programs for training dental hygienists.

Thank you,

Sandra Pence
Please excuse any typos or autocorrect mistakes.

Sandy Pence
Please excuse any typos or autocorrect mistakes.

Chapter 28. Board of Dental Examiners.

12 AAC 28.940(b)(8)(B)(vi) is amended to read:

(vi) a patient based [,] or [IF PASSED BEFORE DECEMBER 31, 2021,] a mannequin based operative examination that includes one class II posterior alloy or composite procedure, and one additional operative procedure, either anterior class III or posterior class II; [OR]

12 AAC 28.940(b)(8)(C) is amended to read:

(C) showing successful completion of a two-year or more postgraduate **dental specialty** training program approved by the Commission on Dental Accreditation of the American Dental Association, and evidence of having five years of continuous clinical practice with an average of 20 hours per week, immediately preceding the date of application; for purposes of the clinical practice requirements of this subparagraph, clinical practice may include dental school; **or**

12 AAC 28.940(b)(8) is amended by adding a new subparagraph to read:

(D) showing satisfactory completion of a clinically-based postdoctoral general practice residency (GPR) or an advanced education in general dentistry program (AEGD), of at least one year's duration, in a hospital or dental facility accredited for teaching purposes by the Commission on Dental Accreditation of the American Dental Association. The residency program must include a formal evaluation of the resident's competence to practice dentistry;

(Eff. 1/28/2000, Register 153; am 8/15/2001, Register 159; am 1/15/2003, Register 165; am 1/22/2004, Register 169; am 4/27/2007, Register 182; am 10/19/2008, Register 188; am

Register _____, _____ 2022 **PROFESSIONAL REGULATIONS**

12/2/2012, Register 204; am 12/15/2013, Register 208; am 9/26/2018, Register 227; am 5/1/2019, Register 230; am 3/5/2020, Register 233; am 10/4/2020, Register 236; am 2/19/2021, Register 237; am ____/____/_____, Register _____)

Authority: AS 08.36.070 AS 08.36.110

12 AAC 28.951(e) is repealed:

(e) Repealed ____/____/_____.

12 AAC 28.951(f) is repealed:

(f) Repealed ____/____/_____.

12 AAC 28.951(h) is repealed:

(h) Repealed ____/____/_____. (Eff. 2/18/93, Register 125; am 2/4/94, Register 129; am 2/22/98, Register 145; am 1/28/2000, Register 153; am 8/15/2001, Register 159; am 1/22/2004, Register 169; am 5/5/2006, Register 178; am 10/19/2008, Register 188; am 12/15/2013, Register 208; am 3/11/2016, Register 217; am 9/26/2018, Register 227; am 5/1/2019, Register 230; am 3/5/2020, Register 233; am 2/19/2021, Register 237; am ____/____/_____, Register _____)

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

12 AAC 28 is amended by adding a new section to read:

12 AAC 28.958. Temporary military courtesy licenses. (a) The board shall issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice dentistry or dental hygiene who meets the requirements of AS 08.01.063 and this section within 30 days after the

DOL File#2022200045

board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section must

(1) submit a completed notarized application on a form provided by the department;

(2) pay the temporary license application and license fees set out under 12 AAC 02.105;

(3) submit a copy of the applicant's military identification or military dependent identification card and a copy of current active duty military orders showing assignment to a duty station in this state;

(4) submit verification of the applicant's current license to practice dentistry or dental hygiene from a board of dental examiners of a state or territory of the United States; the verification must include the applicant's status and complete information regarding any disciplinary action or investigation taken or pending relating to the applicant;

(5) submit verification of the applicant's graduation from a dental school that at the time of graduation was accredited by the Commission on Dental Accreditation of the American Dental Association by submitting

(A) a certified true copy of the applicant's dental school diploma; or

(B) transcripts sent directly from the issuing educational institution; and

(6) not have been convicted of a felony or another crime that affects the applicant's ability to practice dentistry or dental hygiene competently and safely.

(c) A temporary military courtesy license to active duty military personnel or spouse of military personnel under this section will be issued for a period of 180 days and may be renewed for one additional period specified by the board, not to exceed 180 days.

(d) The department shall request a report from the National Practitioner Data Bank on behalf of the applicant. The board will review the report as part of the application process and

DOL File#2022200045

may deny a temporary military courtesy application based on the report.

(e) An applicant for a temporary military license may not have had a license to practice dentistry or dental hygiene revoked, suspended, or voluntarily surrendered in this state or another state or territory of the United States.

(f) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.32.160, AS 08.32.165, and AS 08.36.315. (Eff. ____/____/_____, Register _____)

Authority: AS 08.01.062 AS 08.32.160 AS 08.36.110
AS 08.01.063 AS 08.32.165 AS 08.36.315
AS 08.32.014

12 AAC 28.990(a) is amended by adding a new paragraph to read:

(15) "dental specialty" means an area of dentistry that has been formally recognized by the National Commission on Recognition of Dental specialties and Certifying Boards.

(Eff. 5/31/81, Register 78; am 4/13/91, Register 118; am 11/7/99, Register 152; am 3/30/2001, Register 157; am 1/15/2003, Register 165; am 7/25/2010, Register 195; am 3/18/2011, Register 197; am 12/15/2013, Register 208; am 4/14/2018, Register 226; am ____/____/_____, Register _____)

Authority: AS 08.32.085 AS 08.36.342 AS 08.36.346
AS 08.36.070 AS 08.36.344



Lunch Time

Division Update

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Dental Examiners	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22 1st & 2nd QTR
Revenue										
Revenue from License Fees	\$ 103,201	\$ 686,060	\$ 789,261	\$ 179,011	\$ 636,660	\$ 815,671	\$ 77,965	\$ 626,646	\$ 704,611	\$ 54,900
General Fund Received								\$ 227,625	227,625	\$ 264,167
Allowable Third Party Reimbursements	-	-	-	-	127	127	\$ -	\$ -	-	\$ -
TOTAL REVENUE	\$ 103,201	\$ 686,060	\$ 789,261	\$ 179,011	\$ 636,787	\$ 815,798	\$ 77,965	\$ 854,271	\$ 932,236	\$ 319,067
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	95,580	68,010	163,590	113,144	117,120	230,264	105,784	114,394	220,178	34,762
2000 - Travel	8,138	5,286	13,424	9,189	5,862	15,051	2,232	-	2,232	-
3000 - Services	16,955	27,740	44,695	26,606	62,283	88,889	11,450	8,444	19,894	2,404
4000 - Commodities	427	846	1,273	493	309	802	605	202	807	108
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	121,100	101,882	222,982	149,432	185,574	335,006	120,071	123,040	243,111	37,274
Investigation Expenditures										
1000-Personal Services	36,948	99,335	136,283	51,494	115,538	167,032	119,771	55,971	175,742	18,072
2000 - Travel					-	-	-	-	-	-
3023 - Expert Witness	-	14,800	14,800	14,800	-	14,800	-	800	800	-
3088 - Inter-Agency Legal	536	15,896	16,432	8,011	29,796	37,807	56,993	25,258	82,251	-
3094 - Inter-Agency Hearing/Mediation	-	2,976	2,976	1,264	563	1,827	2,496	20,203	22,699	-
3000 - Services other					579	579	169	29	198	-
4000 - Commodities					-	-	-	-	-	-
Total Investigation Expenditures	37,484	133,007	170,491	75,569	146,476	222,045	179,429	102,261	281,690	18,072
Total Direct Expenditures	158,584	234,889	393,473	225,001	332,050	557,051	299,500	225,301	524,801	55,346
Indirect Expenditures										
Internal Administrative Costs	64,849	112,465	177,314	113,011	129,737	242,748	71,838	69,597	141,435	34,799
Departmental Costs	27,858	58,120	85,978	57,385	72,191	129,576	36,414	31,551	67,965	15,776
Statewide Costs	9,544	16,002	25,546	18,400	24,144	42,544	29,715	23,383	53,098	11,692
Total Indirect Expenditures	102,251	186,587	288,838	188,796	226,072	414,868	137,967	124,531	262,498	62,267
TOTAL EXPENDITURES	\$ 260,835	\$ 421,476	\$ 682,311	\$ 413,797	\$ 558,122	\$ 971,919	\$ 437,467	\$ 349,832	\$ 787,299	\$ 117,613
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ 75,852	\$ (81,782)		\$ 182,802	\$ (51,984)		\$ 26,681	\$ (332,821)		\$ 171,618
Annual Increase/(Decrease)	(157,634)	264,584		(234,786)	78,665		(359,502)	504,439		201,454
Ending Cumulative Surplus (Deficit)	\$ (81,782)	\$ 182,802		\$ (51,984)	26,681		\$ (332,821)	\$ 171,618		\$ 373,072
Statistical Information										
Number of Licenses for Indirect calculation	2,461	4,774		5,144	5,350		2,337	2,658		
Additional information:										
<ul style="list-style-type: none"> Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses * Most recent fee change: New fee added FY19 Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and progr 										

Appropriation Name (Ex)	(All)
Sub Unit	(All)
PL Task Code	DEN1

Sum of Budgetary Expenditures	Object Type Name (Ex)			
Object Name (Ex)	1000 - Personal Services	3000 - Services	4000 - Commodities	Grand Total
1011 - Regular Compensation	25,619.11			25,619.11
1014 - Overtime	371.88			371.88
1023 - Leave Taken	4,528.23			4,528.23
1028 - Alaska Supplemental Benefit	1,874.42			1,874.42
1029 - Public Employee's Retirement System Defined Benefits	3,599.12			3,599.12
1030 - Public Employee's Retirement System Defined Contribution	985.83			985.83
1034 - Public Employee's Retirement System Defined Cont Health Reim	784.26			784.26
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	198.76			198.76
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	3,621.61			3,621.61
1039 - Unemployment Insurance	99.53			99.53
1040 - Group Health Insurance	9,224.96			9,224.96
1041 - Basic Life and Travel	16.66			16.66
1042 - Worker's Compensation Insurance	277.71			277.71
1047 - Leave Cash In Employer Charge	515.19			515.19
1048 - Terminal Leave Employer Charge	422.04			422.04
1053 - Medicare Tax	426.83			426.83
1063 - GGU Business Leave Bank Usage	-			-
1077 - ASEA Legal Trust	47.70			47.70
1079 - ASEA Injury Leave Usage	8.78			8.78
1080 - SU Legal Trst	2.78			2.78
1970 - Personal Services Transfer	-			-
3002 - Memberships		2,235.00		2,235.00
3046 - Advertising		168.94		168.94
4005 - Subscriptions			108.00	108.00
1016 - Other Premium Pay	2.05			2.05
1062 - GGU Business Leave Bank Contributions	206.13			206.13
Grand Total	52,833.58	2,403.94	108.00	55,345.52

Division of Corporations, Business and Professional Licensing

2022 Legislative Guidance for Professional Licensing Board & Commission Members

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an active bill, board members also need to be prepared to champion their cause.

THE OPEN MEETINGS ACT ALWAYS APPLIES

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject on which the body is authorized to act and set policy and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator or an industry gathering.

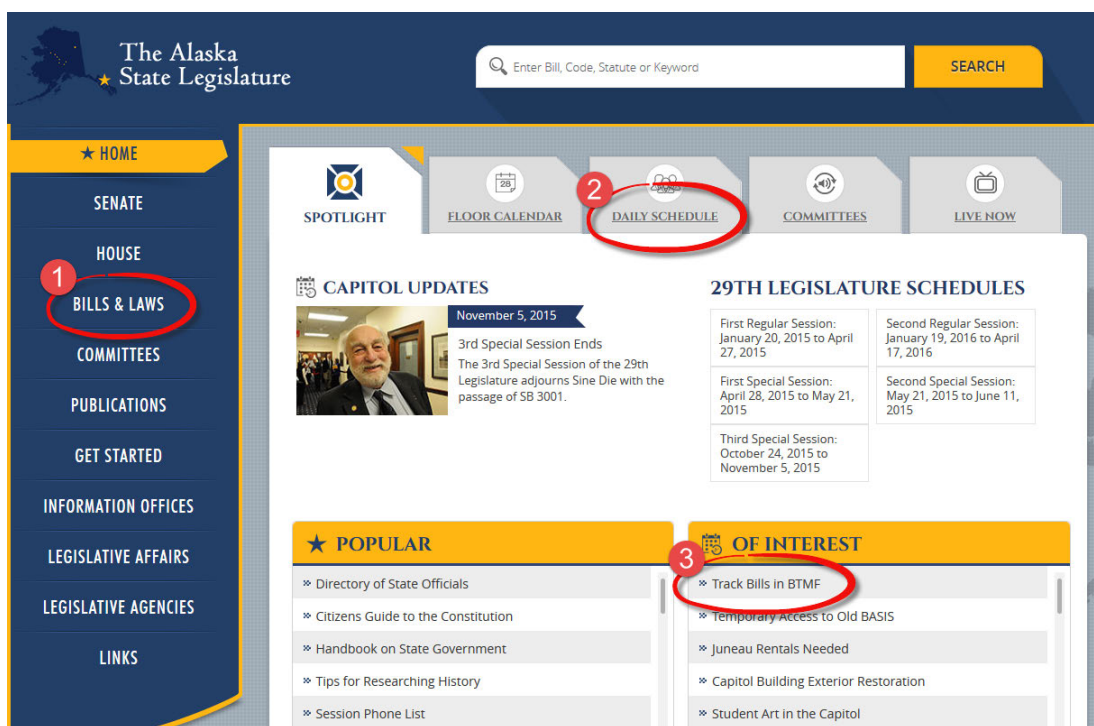
Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public’s business.

This information is contained in the *CBPL Guide to Excellence in Regulation*. Board members are provided a bound copy of this guidance manual; however, if you need another copy, you may download it here:
<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardMemberResources.aspx>.

BE INFORMED: IF NOT YOU, THEN WHO?

- As soon as possible before legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the division will look to the chair of the board for input and interpretation. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.
- When a bill is filed, division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes more than 50 bills to track, analyze, and testify on, division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.
- That said, know where to find any bill using the Alaska State Legislature’s web page: akleg.gov. (See graphic below.)
 1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
 2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.

3. The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



GUIDELINES FOR BOARD MEMBER TESTIMONY

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter supporting the board's official position, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with "one voice." Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with division management and clearance from the Governor's Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.
- Individual board members may offer their personal or professional opinions on the legislation. They must clearly state that while they are appointed to a board, they do not speak on behalf of the board.
- Boards must provide a member to testify telephonically (or in person, if in Juneau) at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission's continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify telephonically (or in person, if in Juneau) on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process or assign another board member to do so.
- Be sure to differentiate the state licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska licensing board.

- Nervous? Don't worry! Please email or call the division director or deputy director to discuss tips or even run through some potential questions/roleplay.

LEGISLATIVE TESTIMONY CALL-IN DO'S AND DON'TS

* For the 2022 session, masks are required in the Capitol.

Do remember this "off-net" system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

Do remember that off-net calls to the committee must be authorized prior to the meeting by the chairman. A minimum of 24 hours in advance is appreciated. Please work through the Director, Division Operations Manager, or the committee chairman's office for authorization.

Do use the streaming video available at <http://akl.tv/> to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up. If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early. Once the bill is before the committee, call **844-586-9085**, let the operator know what committee you are calling for, give your name, state board position/affiliation, bill number, whether you wish to testify or to be available only to answer questions. Examples: "Hi, I'm calling in to be available for questions on SB21 in Senate Finance. My name is Richard Wein, and I am the chair of the State Medical Board." "Good morning. My name is Danette Schloeder, I am the chair of the Board of Nursing, and I'm on the list to provide invited testimony on HB83 in House Labor and Commerce."

Do Not call in before the bill you are testifying on comes before the committee.

Do remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at <http://akl.tv/>.

Do use the "mute" function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

Do Not use the "hold" function.

Do try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Please treat the important responsibility of testifying with utmost respect and professionalism.

Do remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

Do remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio "loop."

Do try to adhere to time limits imposed by the chairman.

Remember: There are a limited number of phone lines coming into the Capitol. These lines are also used by LIOs around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

HOUSE BILL NO. 111

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SPOHNHOLZ, Kreiss-Tomkins

Introduced: 2/24/21

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of dental hygiene; relating to advanced practice permits**
2 **for dental hygienists; relating to dental assistants; prohibiting unfair discrimination**
3 **under group health insurance against a dental hygienist who holds an advanced practice**
4 **permit; relating to medical assistance for dental hygiene services; and providing for an**
5 **effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 08.32.110(e) is amended to read:

8 (e) This section does not prohibit a licensed dental hygienist

9 (1) with an endorsement issued under AS 08.32.085 from performing
10 the activities authorized under AS 08.32.085;

11 (2) who **holds an advanced practice permit issued by the board**
12 **under AS 08.32.125 or** has entered into a collaborative agreement approved by the
13 board under AS 08.32.115 from performing the activities authorized under the **permit**

1 or collaborative agreement; or

2 (3) from performing a dental operation, procedure, or service a dentist
3 may delegate to a dental assistant under AS 08.36.346.

4 * **Sec. 2.** AS 08.32 is amended by adding a new section to read:

5 **Sec. 08.32.125. Advanced practice permits.** (a) The board may issue an
6 advanced practice permit to a licensed dental hygienist with a minimum of 4,000
7 documented hours of clinical experience. A licensed dental hygienist holding an
8 advanced practice permit may

9 (1) promote oral health and provide disease prevention education and
10 oral systemic health education;

11 (2) remove calcareous deposits, accretions, and stains from the
12 surfaces of teeth;

13 (3) apply topical preventive or prophylactic agents, including silver
14 diamine fluoride, fluoride varnishes, and pit and fissure sealants;

15 (4) polish and smooth restorations;

16 (5) remove marginal overhangs;

17 (6) perform preliminary charting and triage to formulate a dental
18 hygiene assessment and dental hygiene treatment plan;

19 (7) expose and develop radiographs;

20 (8) use local periodontal therapeutic agents;

21 (9) perform nonsurgical periodontal therapy, with or without the
22 administration of local anesthesia;

23 (10) screen for oral cancer;

24 (11) if certified by the board, administer local anesthesia;

25 (12) prescribe

26 (A) fluoride that is applied or provided to a patient; and

27 (B) chlorhexidine or a similar antibacterial rinse; and

28 (13) delegate dental operations and services to a dental assistant as
29 provided in AS 08.36.346.

30 (b) A licensed dental hygienist holding an advanced practice permit may
31 provide the services described in (a) of this section to a patient who is unable to

1 receive dental treatment because of age, infirmity, or disability and is

2 (1) a resident in a senior center, including a hospital, long-term care
3 facility, adult foster home, residential care facility, or adult congregate living facility;

4 (2) a resident in a health care facility, including a mental health
5 residential program or facility for individuals with developmental or other disabilities;

6 (3) held in a local correctional facility for juveniles or adults;

7 (4) enrolled in a nursery school, day care program, vocational training
8 facility, primary school, secondary school, private school, or public charter school;

9 (5) entitled to benefits under 42 U.S.C. 1786 (Special Supplemental
10 Nutrition Program for Women, Infants, and Children);

11 (6) homebound; or

12 (7) a resident of a dental health professional shortage area designated
13 under 42 U.S.C. 254e.

14 (c) A licensed dental hygienist holding an advanced practice permit may
15 provide the services described in (a) of this section to a patient described in (b) of this
16 section without

17 (1) the physical presence, authorization, or supervision of a licensed
18 dentist;

19 (2) a licensed dentist's examination of the patient.

20 (d) A licensed dental hygienist who provides services under an advanced
21 practice permit shall maintain professional liability insurance and provide the patient,
22 or the parent or legal guardian of the patient, with

23 (1) a written notice that the treatment provided will be limited to
24 services permitted under (a) of this section;

25 (2) a written recommendation that the patient be examined by a
26 licensed dentist for comprehensive oral health care services; and

27 (3) assistance in obtaining a referral to a licensed dentist for further
28 dental planning and treatment, including a written description of methods for
29 obtaining a referral and a list of licensed dentists in the patient's community or other
30 resources for finding a licensed dentist.

31 (e) A licensed dental hygienist holding an advanced practice permit may

1 practice as an independent contractor.

2 (f) An advanced practice permit is valid until the expiration of the dental
3 hygienist's license to practice. A licensed dental hygienist may renew an advanced
4 practice permit at the time of license renewal under AS 08.32.071.

5 * **Sec. 3.** AS 08.32.160 is amended to read:

6 **Sec. 08.32.160. Grounds for discipline, suspension, or revocation of license.**

7 The board may revoke or suspend the license of a dental hygienist, or may reprimand,
8 censure, or discipline a licensee, if, after a hearing, the board finds that the licensee

9 (1) used or knowingly cooperated in deceit, fraud, or intentional
10 misrepresentation to obtain a license, certificate, or endorsement;

11 (2) engaged in deceit, fraud, or intentional misrepresentation in the
12 course of providing or billing for professional services or engaging in professional
13 activities;

14 (3) advertised professional services in a false or misleading manner;

15 (4) has been convicted of a felony or other crime that affects the
16 licensee's ability to continue to practice competently and safely;

17 (5) failed to comply with this chapter, with a regulation adopted under
18 this chapter or under AS 08.36, or with an order of the board;

19 (6) continued to practice after becoming unfit due to

20 (A) professional incompetence;

21 (B) addiction or dependence on alcohol or other drugs that
22 impairs the licensee's ability to practice safely;

23 (C) physical or mental disability;

24 (7) engaged in lewd or immoral conduct in connection with the
25 delivery of professional service to patients;

26 (8) **except as permitted under an advanced practice permit under**
27 **AS 08.32.125,** performed clinical procedures without being under the supervision of a
28 licensed dentist;

29 (9) did not conform to professional standards in delivering dental
30 hygiene services to patients regardless of whether actual injury to the patient occurred;

31 **(10) permitted a dental assistant employed by a dental hygienist or**

working under the supervision of a dental hygienist to perform a dental procedure in violation of AS 08.32.110 or AS 08.36.346;

(11) falsified or destroyed a patient or facility record, or failed to maintain a patient or facility record for at least seven years after the date the record was created.

* **Sec. 4.** AS 08.36.346 is amended by adding a new subsection to read:

(c) A dental hygienist holding an advanced practice permit issued under AS 08.32.125 may delegate to a dental assistant under a level of supervision specified by the board in regulations

(1) the exposure and development of radiographs;

(2) application of topical preventive agents or pit and fissure sealants;

(3) other tasks specified by the board in regulations.

* **Sec. 5.** AS 21.36.090(d) is amended to read:

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, physician assistant, dentist, osteopath, optometrist, chiropractor, advanced practice registered nurse, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, licensed professional counselor, [OR] certified direct-entry midwife, or dental hygienist holding an advanced practice permit.

* **Sec. 6.** AS 47.07.030(b) is amended to read:

(b) In addition to the mandatory services specified in (a) of this section and the services provided under (d) of this section, the department may offer only the following optional services: case management services for traumatic or acquired brain injury; case management and nutrition services for pregnant women; personal care services in a recipient's home; emergency hospital services; long-term care

noninstitutional services; medical supplies and equipment; advanced practice registered nurse services; clinic services; rehabilitative services for children eligible for services under AS 47.07.063, substance abusers, and emotionally disturbed or chronically mentally ill adults; targeted case management services; inpatient psychiatric facility services for individuals 65 years of age or older and individuals under 21 years of age; psychologists' services; clinical social workers' services; marital and family therapy services; midwife services; prescribed drugs; physical therapy; occupational therapy; chiropractic services; low-dose mammography screening, as defined in AS 21.42.375(e); hospice care; treatment of speech, hearing, and language disorders; adult dental and dental hygiene services; prosthetic devices and eyeglasses; optometrists' services; intermediate care facility services, including intermediate care facility services for persons with intellectual and developmental disabilities; skilled nursing facility services for individuals under 21 years of age; and reasonable transportation to and from the point of medical care.

* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REGULATIONS. The Department of Commerce, Community, and Economic Development, the Department of Health and Social Services, and the Board of Dental Examiners may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulations.

* **Sec. 8.** Section 7 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect January 1, 2022.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of
Commerce, Community and
Economic Development**

DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING
Board of Dental Examiners

PO Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2250
Fax: 907.465.2974

January 28, 2022

The Honorable David Wilson
Chair, Senate Health & Social Services Committee
Alaska State Capitol, Room 121
Juneau, Alaska 99801

Re: Support Letter for SB 173 – Dentist Spec. License/Radiological Equip

Dear Chair Wilson,

For reasons beyond its control, the Alaska Board of Dental Examiners (Board) has been unable to comply with AS 08.36.075, the statutory requirement to register and inspect the dental radiological equipment of our licensees. As a result, the Board formally requests the Department of Health and Social Services once again take over the function of registering and inspecting dental radiological equipment.

Additionally, the Board wishes to reinstate a specialty license. The main reason is to help reduce public confusion over deceptive or false advertising brought by dentists using the term “specialist” or “specializing in” to an area of dentistry that is professionally recognized to require significantly more training than they have received. Typically, a dental specialty residency demands at least an extra two-years of focused training beyond dental school.

SB 173 properly addresses our requests in both of these areas. Therefore, the Board of Dental Examiners offers its full support and is prepared to draft companion regulations.

Best Regards,

A handwritten signature in black ink, appearing to read "David Nielson".

David Nielson, DDS
President, Alaska Board of Dental Examiners



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of
Commerce, Community and
Economic Development**

DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING
Board of Dental Examiners

PO Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2250
Fax: 907.465.2974

February 1, 2022

The Honorable Dan Ortiz
Alaska House of Representatives
Alaska State Capitol, Room 513
Juneau, Alaska 99801

Re: Support Letter for HB 295 – Dentist Spec. License/Radiological Equip

Dear Representative Ortiz,

For reasons beyond its control, the Alaska Board of Dental Examiners (Board) has been unable to comply with AS 08.36.075, the statutory requirement to register and inspect the dental radiological equipment of our licensees. As a result, the Board formally requests the Department of Health and Social Services once again take over the function of registering and inspecting dental radiological equipment.

Additionally, the Board wishes to reinstate a specialty license. The main reason is to help reduce public confusion over deceptive or false advertising brought by dentists using the term “specialist” or “specializing in” to an area of dentistry that is professionally recognized to require significantly more training than they have received. Typically, a dental specialty residency demands at least an extra two-years of focused training beyond dental school.

HB 295 properly addresses our requests in both of these areas. Therefore, the Board of Dental Examiners offers its full support and is prepared to draft companion regulations.


Best Regards,

A handwritten signature in black ink, appearing to read "David Nielson".

David Nielson, DDS
President, Alaska Board of Dental Examiners


Old Business

WAC 246-16-810 Sanction schedule—Practice below standard of care.

PRACTICE BELOW STANDARD OF CARE				
Severity	Tier / Conduct	Sanction Range In consideration of Aggravating & Mitigating Circumstances		Duration
		Minimum	Maximum	
least  greatest	A – Caused no or minimal patient harm or a risk of minimal patient harm	Conditions that may include reprimand, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 3 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc.	0-3 years
	B – Caused moderate patient harm or risk of moderate to severe patient harm	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 5 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation.	2 years - 5 years unless revocation
	C – Caused severe harm or death to a human patient	Oversight for 3 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. In addition - demonstration of knowledge or competency.	Permanent conditions, restrictions or revocation.	3 years - permanent


[Statutory Authority: RCW 18.130.390. WSR 09-15-190, § 246-16-810, filed 7/22/09, effective 8/22/09.]

WAC 246-16-820 Sanction schedule—Sexual misconduct or contact.

SEXUAL MISCONDUCT OR CONTACT (including convictions for sexual misconduct)				
Severity	Tier / Conduct	Sanction Range In consideration of Aggravating & Mitigating Circumstances		Duration
		Minimum	Maximum	
least  greatest	A —Inappropriate conduct, contact, or statements of a sexual or romantic nature	Conditions that may include reprimand, training, monitoring, probation, supervision, evaluation, etc.	Oversight for 3 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc.	0-3 years
	B – Sexual contact, romantic relationship, or sexual statements that risk or result in patient harm	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 5 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation.	2 years - 5 years unless revocation
	C – Sexual contact, including but not limited to contact involving force and/or intimidation, and convictions of sexual offenses in RCW 9.94A.030.	1 year suspension AND oversight for 5 additional years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. AND demonstration of successful completion of evaluation and treatment.	Permanent conditions, restrictions, or revocation.	6 years - permanent

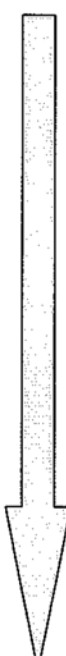
[Statutory Authority: RCW 18.130.390. WSR 09-15-190, § 246-16-820, filed 7/22/09, effective 8/22/09.]

WAC 246-16-830 Sanction schedule—Abuse—Physical and emotional.

ABUSE -- Physical and/or Emotional				
Severity	Tier / Conduct	Sanction Range In consideration of Aggravating & Mitigating Circumstances		Duration
		Minimum	Maximum	
<p>least</p>  <p>greatest</p>	A – Verbal or nonverbal intimidation, forceful contact, or disruptive or demeaning behavior, including general behavior not necessarily directed at a specific patient or patients	Conditions that may include reprimand, training, monitoring, probation, supervision, evaluation, etc.	Oversight for 3 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc.	0-3 years
	B – Abusive unnecessary or forceful contact or disruptive or demeaning behavior causing or risking moderate mental or physical harm, including general behavior not directed at a specific patient or patients.	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 5 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation.	2 years - 5 years unless revocation
	C – Severe physical, verbal, or forceful contact, or emotional disruptive behavior, that results in or risks significant harm or death	1 year suspension AND oversight for 5 additional years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. AND demonstration of successful completion of evaluation and treatment.	Permanent conditions, restrictions, or revocation.	6 years - permanent


[Statutory Authority: RCW 18.130.390. WSR 09-15-190, § 246-16-830, filed 7/22/09, effective 8/22/09.]

WAC 246-16-840 Sanction schedule—Diversion of controlled substances or legend drugs.

DIVERSION OF CONTROLLED SUBSTANCES OR LEGEND DRUGS				
Severity	Tier/Conduct	Sanction Range In consideration of Aggravating & Mitigating Circumstances		Duration
		Minimum	Maximum	
<div> <div>least</div> <div>  </div> <div>greatest</div> </div>	A – Diversion with no or minimal patient harm or risk of harm	Conditions that may include reprimand, training, monitoring, probation, supervision, evaluation, treatment, etc.	Oversight for 5 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, treatment etc.	0-5 years
	B – Diversion with moderate patient harm or risk of harm or for distribution	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, treatment, etc.	Oversight for 7 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, treatment, etc. OR revocation.	2 - 7 years unless revocation
	C – Diversion with severe physical injury or death of a patient or a risk of severe physical injury or death or for substantial distribution to others	1 year suspension AND oversight for 5 additional years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. AND demonstration of successful completion of evaluation and treatment.	Permanent conditions, restrictions OR revocation.	6 years - permanent


[Statutory Authority: RCW 18.130.390. WSR 09-15-190, § 246-16-840, filed 7/22/09, effective 8/22/09.]

WAC 246-16-850 Sanction schedule—Substance abuse.

SUBSTANCE ABUSE				
Severity	Tier / Conduct	Sanction Range In consideration of Aggravating & Mitigating Circumstances		Duration
		Minimum	Maximum	
<p>least</p>  <p>greatest</p>	A – Misuse of drugs or alcohol with no to minimal patient harm or risk of harm	Conditions that may include reprimand, training, monitoring, probation, supervision, evaluation, treatment, etc.	Oversight for 5 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, treatment, etc.	0-5 years
	B – Misuse of drugs or alcohol with moderate patient harm or risk of harm	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, treatment, etc.	Oversight for 7 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, treatment, etc. OR revocation.	2 - 7 years unless revocation
	C – Misuse of drugs or alcohol with severe physical injury or death of a patient or a risk of significant physical injury or death	1 year suspension AND oversight for 5 additional years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. AND demonstration of successful completion of evaluation and treatment.	Permanent conditions, restrictions OR revocation.	6 years - permanent

[Statutory Authority: RCW 18.130.390. WSR 09-15-190, § 246-16-850, filed 7/22/09, effective 8/22/09.]

WAC 246-16-860 Sanction schedule—Criminal convictions.

CRIMINAL CONVICTIONS (excluding sexual misconduct)				
Severity	Tier / Conviction	Sanction Range In consideration of Aggravating & Mitigating Circumstances		Duration
		Minimum	Maximum	
least  greatest	A – Conviction of a Gross Misdemeanor except sexual offenses in RCW 9.94A.030	Conditions that may include reprimand, training, monitoring, probation, supervision, evaluation, etc.	Oversight for 5 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc.	0-5 years
	B – Conviction of a Class B, C, OR Unclassified Felony, except sexual offenses in RCW 9.94A.030	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 5 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation.	2 years - 5 years unless revocation
	C – Conviction of a Class A Felony, except sexual offenses in RCW 9.94A.030	5 years suspension	Permanent revocation	5 years - permanent revocation

[Statutory Authority: RCW 18.130.390. WSR 09-15-190, § 246-16-860, filed 7/22/09, effective 8/22/09.]

Alaska Board of Dental Examiners

Penalty Matrix

Proposed DRAFT copy

Created 02/22/2022

by

Dr. Dominic Wenzell

Alaska State Board of Dental Examiners-Disciplinary Matrix

Violation Tiers

First Tier Violations: Violations that are distinguished as First Tier Violations are those that the Board determines to be less serious, or which pose minimal threat to public safety, after consideration of any aggravating or mitigating factors.

Second and Third Tier Violations: Violations that are distinguished as second or third tier violations are those that the Board determines to be more serious, or which pose more than a minimal threat to public safety, after consideration of any aggravating or mitigating factors.

Sanctions

The Board will determine an appropriate sanction after consideration of any aggravating or mitigating factors. When considering conduct constituting a violation of multiple statute sections, the Board will determine an appropriate sanction after consideration of the sanction recommendations from all applicable violation sections and any aggravating or mitigating factors.

Levels listed from lowest(no action) to highest (revocation)

- *denial of licensure
- *Warning-Lowest level of disciplinary action
- *Administrative Penalty—Fine-based penalty limited to those violations that do not involve the provision of direct patient care
- *Reprimand-Increased level of disciplinary action. May involve financial penalties
- *Suspension-Increased level of disciplinary action. Suspension may be enforced in full or for limited time periods.
 - *Emergency Suspension-If a licensee is found by the Board to constitute a clear, imminent, or continuing threat to a person's physical health or well-being, the person's license or permit will be immediately suspended.
- *Revocation of license or certification.

Aggravating and Mitigating Factors

The Board will consider all factors required by statute or board rule. The following **nonexclusive** list identifies factors that may mitigate or aggravate the sanctions that should be imposed in an order or stipulation to informal disposition.

- 1) General Factors:
 - (a) license holder's knowledge, intent, and degree of responsibility
 - (b) presence of pattern of other violations
 - (c) prior violations of a similar nature
 - (d) potential for successful rehabilitation
 - (e) isolated incident unlikely to reoccur
- 2) Factors related to the license holder:
 - (a) experience in practice and level of competency exhibited over course of career
 - (b) mental and/or physical health
 - (c) personal circumstances
 - (d) personal problems having a nexus with the unprofessional conduct
 - (e) involvement of, or impairment by alcohol, illegal drugs, or controlled substances
- 3) Factors related to disciplinary process:
 - (a) admission of key facts
 - (b) self report or voluntary admission of violation
 - (c) full and free disclosure to the disciplining authority
 - (d) false evidence, statements or deceptive practices during the investigation or discipline process or proceedings

- (e) impact on the patient or victim, via potential or actual harm
 - (f) material or financial gain from violation
 - (g) attempts to circumvent a statute or board rule
 - (h) remorse or awareness that the conduct was wrong
- 4) Factors related to the unprofessional conduct
- (a) gravity of the unprofessional conduct
 - (b) age, capacity and/or vulnerability of the patient or victim
 - (c) number or frequency of the acts of unprofessional conduct
 - (d) degree of responsibility for the outcome
 - (e) abuse of trust
 - (f) intentional or inadvertent act or acts
 - (g) motivation is criminal, immoral, dishonest, or for personal gain

Oversight

Means a period of time during which respondent must engage in on-going affirmative conduct intended to encourage rehabilitation and ensure public safety. It also includes active compliance monitoring by the disciplining authority. The passage of time without additional complaints or violations, with or without payment of a fine or costs, is not, by itself oversight.

The disciplining authority may deviate from the sanction schedules if the schedule does not adequately address the facts in a case. The disciplining authority will acknowledge the deviation and state its reasons for deviating from the sanction schedules in the order or stipulation to informal disposition.

If the unprofessional conduct is not described in a schedule, the disciplining authority will use its judgement to determine appropriate sanctions. The disciplining authority will state in the order or stipulation to informal disposition that no sanction schedule applies.

Using the sanction schedules

- Step 1: The findings of fact in an order or the allegations in an informal disposition describe the unprofessional conduct. The disciplining authority uses the unprofessional conduct described to select the appropriate sanction schedule
- (a) If the act of unprofessional conduct falls in more than one sanction schedule, the greater sanction is imposed
 - (b) If different acts of unprofessional conduct fall in the same sanction schedule, the highest sanction is imposed and the other acts of unprofessional conduct are considered aggravating factors.
- Step 2: The disciplining authority identifies the severity of the unprofessional conduct and identifies a tier using the sanction schedule tier descriptions
- Step 3: The disciplining authority identifies aggravating or mitigating factors listed above
- Step 4: The disciplining authority selects sanctions within the identified tier. The starting point for duration of the sanctions is the middle of the tier range
- (a) Aggravating factors move the appropriated sanctions towards the maximum end of the tier range
 - (b) Mitigating factors move the appropriate sanctions towards the minimum end of the tier range
 - (c) Mitigating of aggravating factors may result in determination of a sanction outside the range in the tier. The disciplining authority will state its reasons for deviation from the tier range in the sanction

schedule in the order of stipulation to informal disposition. The disciplining authority has complied with these rules if it acknowledges the deviation and states its reasons for deviating from the sanction schedules in the order or stipulation to informal disposition.

Fine schedule

The amount of administrative fine assessed will be based on the following criteria:

- * The seriousness of the violation, including but not limited to, the nature, the circumstances, extent and gravity of the prohibited acts and the hazard or potential hazard created to the health, safety, or welfare of the public
- * the economic damage to property or environment caused by the violation
- * the history of previous violations
- * the amount necessary to deter future violations
- * efforts made to correct the violation
- * If the respondent fails to pay or appeal the administrative penalty by the due date, the penalty amount will double

PRACTICE BELOW STANDARD OF CARE AND/OR ETHICS VIOLATIONS				
Severity	Tier/Conduct	Sanction Range - In consideration of Aggravating & Mitigating Circumstances		Duration
		Min	Max	
Least	Caused No or minimal patient harm or a risk of minimal patient harm	Conditions that may include reprimand, training, monitoring, supervision, probation, evaluation, etc	Oversight for 3 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc	0-3 years
		\$1,000 fine	\$5,000 fine	
	Caused Moderate patient harm or risk of moderate to severe patient harm AND/OR repeat offender	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 5 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation	2-5 years unless revocation
		\$2,000 fine	\$5,000 fine	
Greatest	Caused severe harm or death to a human patient	Oversight for 3 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. In addition - demonstration of knowledge or competency	Permanent conditions, restrictions or revocation	3 years -permanent
		\$5,000 fine	\$10,000 fine	

Diversion of Controlled Substances or Legend Drugs				
Severity	Tier/Conduct	Sanction Range - In consideration of Aggravating & Mitigating Circumstances		Duration
		Min	Max	
Least	Diversion with no or minimal patient harm or risk of harm	Conditions that may include reprimand, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 5 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc.	0-5 years
		\$1,000 fine	\$2,500 fine	
	Diversion with moderate patient harm or for distribution	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 7 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation.	2-7 years unless revocation
		\$2,500 fine	\$5,000 fine	
Greatest	Diversion with severe physical injury or death of a patient or a risk of severe physical injury or death or for substantial distribution to others	1 year suspension AND oversight for 5 additional years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. AND demonstration of successful completion of evaluation and treatment.	Permanent conditions, restrictions or revocation.	6 years - permanent
		\$5,000 fine	\$10,000 fine	

SUBSTANCE ABUSE				
Severity	Tier/Conduct	Sanction Range - In consideration of Aggravating & Mitigating Circumstances		Duration
		Min	Max	
Least	Misuse of drugs or alcohol with no to minimal patient harm or a risk of minimal patient harm. Self report.	Conditions that may include reprimand, training, monitoring, supervision, probation, evaluation, etc	Oversight for 3-5 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc	0-5 years
		No fine	\$5,000 fine	
	Misuse of drugs or alcohol with moderate patient harm or risk of harm.	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 7 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation	2-7 years unless revocation
		\$1,000 fine	\$5,000 fine	
Greatest	Misuse of drugs or alcohol with severe physical injury or death of a patient or a risk of significant physical injury or death	1 year suspension AND oversight for 5 additional years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. AND demonstration of successful completion of evaluation and treatment.	Permanent conditions, restrictions or revocation	6 years -permanent
		\$5,000 fine	\$10,000 fine	

SEXUAL MISCONDUCT OR CONTACT				
Severity	Tier/Conduct	Sanction Range - In consideration of Aggravating & Mitigating Circumstances		Duration
		Min	Max	
Least	Inappropriate conduct, contact or statements of a sexual or romantic nature	Conditions that may include reprimand, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 3 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc.	0-5 years
		\$1,000 fine	\$2,500 fine	
	Sexual contact, romantic relationship or sexual statements that risk or result in patient harm	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 5 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation.	2-5 years unless revocation
		\$2,500 fine	\$5,000 fine	
Greatest	Sexual contact including but not limited to contact involving force and/or intimidation, and convictions of sexual offences	1 year suspension AND oversight for 5 additional years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Permanent conditions, restrictions or revocation.	6 years - permanent
		\$5,000 fine	\$10,000 fine	

ABUSE - PHYSICAL AND/OR EMOTIONAL				
Severity	Tier/Conduct	Sanction Range - In consideration of Aggravating & Mitigating Circumstances		Duration
		Min	Max	
Least	Verbal or nonverbal intimidation, forceful contact, or disruptive or demeaning behavior, including general behavior not necessarily directed at a specific patient or patients	Conditions that may include reprimand, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 3 years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc.	0-3 years
		\$1,000 fine	\$2,500 fine	
	Abusive unnecessary or forceful contact or disruptive or demeaning behavior causing or risking moderate mental or physical harm, including general behavior not directed at a specific patient or patients	Oversight for 2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 5 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation.	2-5 years unless revocation
		\$2,500 fine	\$5,000 fine	
Greatest	Severe physical, verbal or forceful contact, or emotional disruptive behavior that results in or risks significant harm or death	1 year suspension AND oversight for 5 additional years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Permanent conditions, restrictions or revocation.	6 years - permanent
		\$5,000 fine	\$10,000 fine	

CONTINUING EDUCATION				
Severity	Tier/Conduct	Sanction Range - In consideration of Aggravating & Mitigating Circumstances		Duration
		Min	Max	
Least	Short 0-4 credit hours	Conditions that may include reprimand, training, monitoring, supervision, probation, evaluation, etc	Oversight for 0-2years which may include reprimand, training, monitoring, supervision, evaluation, probation, suspension, etc	0-2 years
		\$250 fine per credit	\$500 fine per credit	
	Short 5-10 credit hours	Oversight for 0-2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 0-2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation	0-2 years
		\$500 fine per credit	\$1,000 fine per credit	
Greatest	Short over 10 credit hours	Oversight for 0-2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc.	Oversight for 0-2 years which may include suspension, probation, practice restrictions, training, monitoring, supervision, probation, evaluation, etc. OR revocation	0-2 years unless revocation
		\$500 fine per credit	\$2,000 fine per credit	



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February 3, 2022

Dear Dental Hygiene State Board Members and Executive Directors,

A sincere thank you to those of you who were able to attend Wednesday night's webinar featuring information regarding the CDCA-WREB merger and our SimProDH™ typodont for licensure examination. We appreciate your thoughtful questions and opportunity to address your needs. For those of you who could not attend, we missed seeing you but wanted to provide some information to share with your Board Members. To support your board efforts, your jurisdiction is welcome to [request a sample SimProDH™](#).

CDCA-WREB's online [ADEX Acceptance Map](#) demonstrates the portability of this tool. States' decisions are expressed in the chart below, current as of 2-3-22.

States Accepting ADEX DH Simulated Patient Exam Long Term		States Accepting ADEX DH Simulated Patient Exam, Interim/2022 (*Through State of Emergency)		Patient Only (**Legislation or rules pending)
Arizona Colorado Connecticut Hawaii Illinois Indiana Iowa Kentucky Maine Maryland Massachusetts Michigan New Jersey	New Hampshire North Dakota Oregon Rhode Island South Dakota Tennessee Texas Vermont Virginia Washington West Virginia Wisconsin	Alabama Arkansas California Kansas Louisiana* Minnesota Mississippi Montana New York	North Carolina* Ohio Oklahoma Pennsylvania South Carolina Utah Washington DC	Alaska** Florida** Idaho Missouri** New Mexico Nevada Wyoming

We hope you found the evening informative! As a service to attendees wishing to connect with one another, a resource list of contact information as provided post-meeting is attached to this message. We encourage you to utilize this tool to network, interact and support your colleagues through board-related issues.

As your committees and boards prepare to make recommendations and decisions regarding examination acceptance, we are prepared to share with you our Dental Hygiene Mode Effects study, an independent comparison of patient and simulated patient modalities, and any in-meeting appearances you believe beneficial. Please let us know if you would benefit from our participation.

Sincerely,

Kimber Cobb, RDH
National Director Licensure Portability, Director of Dental Hygiene Examinations

Enclosures: SimProDH™ one-pager/Contacts

Modern Dental Hygiene Licensure

SimProDH + CSCE OSCE: COMPLETE ASSESSMENT IN READINESS FOR PRACTICE IN ADEX EXAMINATION

DELIVERING UNMATCHED FIDELITY

- Interdental papillae appear and behave realistically during instrumentation
- Enables life-like periodontal assessment and calculus detection
- Designed and tested by the developers of CompeDont™
- Calculus removal instrumentation simulates clinical experience
- Realistic calculus location, texture and color
- Standardized examination, randomized assignments

"The calculus feels authentic. All of the candidates take the exam under the same conditions. That makes it a very fair exam."

Linda Retchin, RDH, former Member, VT Board

"We have found that the manikin teeth/calculus provide a realistic simulation... The use of manikins helps eliminate subjectivity and ethical concerns from dental hygiene education."

Shawn Kiser, RDH, Pennsylvania College of Technology

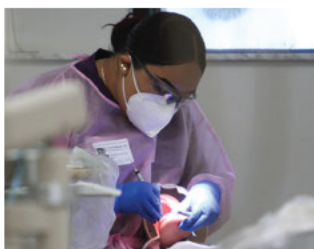
"The clinical dental hygiene exam is about as close to human as possible. Instrumenting the teeth gives the same tactile feedback as natural teeth and the calculus is a great replication of that found on live patients!"

Barbara Dixon, RDH, Member, UT Board

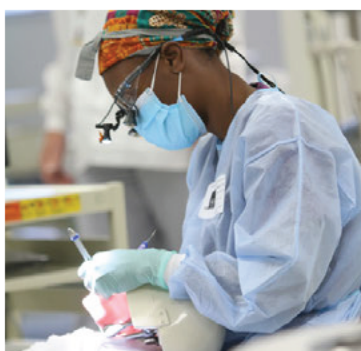
"It is a win-win by allowing for a standardized exam with measurable competency; while removing the unpredictable variables of a live patient."

Karyn Hill, RDH, FL Board

UNPARALLELED QUALITY IN CLINICAL EXAMS



[VIEW
ACCEPTANCE MAPS](#)



The National Standard for
Licensure Portability
in the Oral Health Professions

New Business

In 2019, the Board of Dental Examiners (Board) enacted some major changes to the sedation permitting process in Alaska. Both initial and renewal requirements can be found in ACC 28.010-28.080. It is the sedation permit holder's responsibility to know and follow these regulations. However, this letter will highlight two changes that were made that may not be on your radar.

The second change people must be aware of is the requirement for an in-office inspection every 4 years, and anyone issued a sedation permit before August 8, 2020 will need to show the Board you have had such an inspection before your renewal February 28, 2023. If no inspection has been done, it will produce a delay in getting your permit renewed! There are organizations pre-approved by the Board with links below to help you schedule an inspection or you can do some research on your own for another certifying inspection organization that the Board can then evaluate and approve. Most Oral Surgeons will likely have inspections done through AAOMS as part of their membership, but they will need to document that. Below is the section about on-site inspections:

[REDACTED]

11

[REDACTED]

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THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of
Commerce, Community and
Economic Development**

DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING
Board of Dental Examiners

PO Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.22501
Fax: 907.465.2974

March 17, 2021

RE: House Bill No. 111
"An Act relating to the practice of dental hygiene and advanced practice permits"

To Whom it May Concern,

At our last publicly noticed Alaska Board of Dental Examiners meeting held on March 15, 2021, we reviewed HB 111 which has been introduced during this thirty-second legislature by Representatives Spohnholz and Kreiss-Tomkins. The language in HB 111 appears identical to the committee substitute versions of SB 68 and HB 127 the Board supported during the previous legislature. Therefore, the Board supports HB 111 in its current form as of the date of this letter. We will attempt to have a member of the Board available during committee hearings for questions when able depending on scheduling

Sincerely,

A handwritten signature in dark ink, appearing to read "David Nielson".

David Nielson, DDS
President, Alaska Board of Dental Examiners

From: [Jon Woller](#)
To: [OBrien, Abby J \(CED\)](#)
Subject: Re: Call back
Date: Wednesday, February 23, 2022 4:15:19 PM

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Abby,

I believe it is time the board removes its temporary guidance on COVID-19. Available research has demonstrated that dentistry remains the safest profession regarding COVID-19 transmission and infection. At this point in time, COVID -19 awareness is omnipresent. Not only to dentists have an increased awareness, but dental office staff and patients have an awareness. I would recommend removing the COVID-19 guidance from the Board of Dental Examiners website, and recommending a return to pre-COVID-19 standard precautions.

Jon

On Wed, Feb 23, 2022 at 2:19 PM Jon Woller [REDACTED] wrote:

Hi abby, I'm free now until 3:30 if you can call me
907-388-3693
jon

On Wed, Feb 23, 2022 at 9:49 AM OBrien, Abby J (CED) [REDACTED] wrote:

Morning!

I tried calling back yesterday, but maybe it didn't go through. Just let me know when you'd like to chat, and I'll try again!

Thank you,

Abby O'Brien

Occupational Licensing Examiner

State of Alaska – DCCED – CBPL

Dental Examiners

DEN: (907) 465-2542

Email: boardofdentalexaminers@alaska.gov

Fax: (907) 465-2974

Please visit our [COVID-19 information page](#) to read the guidance document. This guidance for licensees and facilities should be straightforward and self-explanatory. However, if you still have questions, please email your programs email or license@alaska.gov.

NOTICE: This electronic mail transmission is for the use of the named individual or entity to which it is directed and may contain proprietary and/or confidential information. It is not to be transmitted to or received by anyone other than the named addressee (or a person authorized to deliver it to the named addressee). It is not to be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, delete it from your system immediately without copying or forwarding it, and notify the sender of the error by replying via email, so our address record can be corrected.

Task List

Adjourn