1 2 3 4 5 6 7		STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION OF CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING BOARD OF DENTAL EXAMINERS		
8		MINUTES OF MEETING		
9		March 3, 2020		
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13		of AS 08.01.070(2), and in compliance with the provisions of AS 44.		
14		eting of the Board of Dental Examiners was held in Conference Roor	n A in the	
15	State Office I	Building, 333 Willoughby Avenue, 9th Floor, Juneau, Alaska. a		
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18		T 1 15 1 2vd 2020		
19		Tuesday, March 3 <sup>rd</sup> , 2020		
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21	A 1 T/ 1		Tr: 0.02 A N.T.	
22 23	Agenda Item 1	Call to Order/Roll Call	Time: 9:03 AM	
23 24				
24 25	The meeting was	called to order by Dr. David Nielson, President, at 9:03 a.m.		
25 26	The meeting was	railed to order by Dr. David Meison, Flesident, at 9.05 a.m.		
27	Roard Members n	resent, constituting a quorum of the board, were:		
28	Doard Memoers p	resent, constituting a quorum of the board, were.		
29	D	r. David Nielson, President – (Via Teleconference)		
30	Dr. Kelly Lucas – (Via Teleconference)			
31	Ms. Gail Walden – (Via Teleconference)			
32	Dr. Steven Scheller – (Via Teleconference)			
33	Dr. Dominic Wenzell – (Via Teleconference)			
34	Dr. Jesse Hronkin – (Via Teleconference)			
35		Is. Brittany Dschaak – (Via Teleconference)		
36				
37	In attendance fro	m the Division of Corporations, Business & Professional Licensis	ng, Department of	
38	Commerce, Comm	nunity and Economic Development were:		
39				
40	M	Is. Tracy Wiard, Licensing Examiner – Juneau		
41	M	Ir. Joseph Bonnell, Records and Licensing Supervisor - Juneau		
42		Is. Jasmin Bautista, Investigator – Anchorage (Via Teleconference)		
43	Ms. Sher Zinn, Regulation Specialist – Juneau			
44	M	Is. Karina Medina, Probation Monitor – Anchorage		
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47	Agenda Item 2	Review / Approval of Agenda	Time: 9:04 AM	
48	m	1.1 PROFILE TO A CONTROL OF THE CONT		
49		ed the DRAFT agenda for the 3.3.2020 Board Meeting. There were n	no changes made to	
50	the DRAFT 3.3.20	020 agenda for the 3.3.2020 Board Meeting.		
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On a motion duly made by Dr. Dominic Wenzell, seconded by Dr. Jesse Hronkin, and approved unanimously without any objections, it was

**Time: 9:05 AM** 

RESOLVED to approve the 12.06.2019 dental board agenda with no changes.

### Agenda Item 3 Review / Approve Past Meeting Minutes

Dr. Nielson found the minutes from 12.6.2019 to be inaccurate and would like to change line 97 among many other edits. Licensing examiner, Ms. Tracy Wiard suggested that the licensing examiner could send the minutes via e-mail and designate someone to revise the minutes and e-mail the corrections back to the licensing examiner. Dr. Nielson asked for the minutes to be voted on in OnBoard.com and planned on making corrections with Dr. Wenzell on the 7.11.2020 minutes and 12.6.2929 and uploading them on to OnBoard.com when they are finished.

On a motion duly made by Dr. Nielson, seconded by Dr. Wenzell, and approved unanimously without any objections, it was

RESOLVED to revise the minutes for the 12.06.2019 and 2.11.2929 dental board meetings for completion to be approved at the next board meeting.

RESOLVED to approve the 08.23.2019 dental board minutes as amended.

## Agenda Item 4 Ethics Report Time: 9:14 AM

Dr. Nielson advised the board there have not been any disclosures of potential violations or requests for determinations under the Ethics Act AS 39.52 and there have been no written determinations for this quarter. The board was asked if there were any outstanding ethics issues to report and none were reported.

Jasmin Bautista, Investigator entered the room at 9:15 AM.

### Agenda Item 5 Investigative Report Time: 9:15 AM

*Karina Medina, Probation Monitor entered the room at 9:18 AM.* 

Ms. Jasmin Bautista listed 8 closed cases from the last period. Case number 0000352 – 2018 000827 are related cases to be discussed during executive session. Additionally, the cases on page 2 that are under monitor are also all related.

Karina Medina notified the board about 4 licensees who are on probation.

The board's chair, Dr. David Nielson, entertained a motion regarding matters discussed in executive session.

On a motion duly made by Dr. Wenzell, seconded by Dr. Nielson, and approved unanimously by a roll call, it was

RESOLVED to enter into executive session in accordance with the provisions of Alaska Statute 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing, subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and matters which by law, municipal

103 104 105	character, or ordinance are required to be confidential. Board staff members, Jasmin Bautista, Karina Medina, and Tracy Wiard remained during the session.
106 107	Off Record: 9:22 AM On record: 10:55 AM
108 109 110	The board's chair, Dr. David Nielson entertained a motion to a roll call to see who is in attendance and notified the board of one person from the public to be in attendance. Ms. Wiard conducted roll call.
111 112	Board Members present after executive session, constituting a quorum of the board, were:
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114	Dr. David Nielson, President – (Via Teleconference)
115	Dr. Steven Scheller – (Via Teleconference)
116	Dr. Jonathan Woller – (Via Teleconference)
117	Dr. Kelly Lucas – (Via Teleconference)
118	Dr. Dominic Wenzell – (Via Teleconference)
119	Ms. Robin Wahto – ( <i>Via Teleconference</i> )
120 121	Dr. Jesse Hronkin – (Via Teleconference)
122	In attendance from the Division of Corporations, Business & Professional Licensing, Department of
123	Commerce, Community and Economic Development were:
124	Commerce, Community and Economic Development were.
125	Ms. Tracy Wiard, Licensing Examiner – Juneau
126	Ms. Karina Madena, Probation Monitor – Juneau
127	Kenley Michand, Member of the Public – Anchorage
128	Refiley Michand, Member of the Fublic – Alichotage
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130	Agenda Item 6 Review / Approve Tabled Applications Time: 10:57 AM
131	Agenda Item 0 <u>Review / Approve Tabled Applications</u> Time: 10:57 AM
132	On a motion duly made by Dr. Nielson, seconded by Dr. Scheller, and approved unanimously by a
133	roll call.
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135	RESOLVED to deny the release from probation of Dr. Ness in case 211000163.
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137	On a motion duly made by Dr. Nielson, seconded by Dr. Wenzell, and approved unanimously by a
138	roll call, it was
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140	RESOLVED to accept the consent agreement for case 2019-00096 for Dr. Mann.
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142	On a motion duly made by Dr. Wenzell, seconded by Dr. Hronkin, and approved unanimously by a
143	roll call, it was
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145	RESOLVED to approve Dr. Derek Wallin's application for dental licensure pending, a signed
146	consent agreement that includes 8 hours of medical emergency, local anesthesia, 8 hours
147	hands on endodontics, and 8 hours ethics online based on 08.36.110 (1)(e).
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149	On a motion duly made by Dr. Nielson, seconded by Dr. Hronkin, and approved unanimously by a
150	roll call, it was
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152 RESOLVED to accept the application for Dr. Uldrickson pending a signed consent agreement that includes a probationary period up until the end of the next renewal period and fined 153 154 based on 08.36.315 (1) for misrepresentation to obtain a license. 155 Ms. Jasmin Bautista and Ms. Karina Medina left the room at 11:05am. 156 157 158 **Agenda Item 8 Public Comment** Time: 11:06 AM 159 Dr. Nielson asked if there were any member of the public present for public comment. There were none. 160 161 Dr. Nielson called for a recess at 11:06 a.m. 162 163 164 Off record on 11:06 a.m. Back on record at 11:17 a.m. 165 166 Ms. Wiard conducted roll call. 167 168 Board Members present after break, constituting a quorum of the board, were: 169 170 171 Dr. David Nielson, President – (Via Teleconference) Dr. Kelly Lucas – (Via Teleconference) 172 Dr. Dominic Wenzell – (Via Teleconference) 173 174 Ms. Robin Wahto – (*Via Teleconference*) Britney Dschaak – (Via Teleconference) 175 176 In attendance from the Division of Corporations, Business & Professional Licensing, Department of 177 Commerce, Community and Economic Development were: 178 179 180 Ms. Tracy Wiard, Licensing Examiner – Juneau Ms. Melissa Dumas, Administrative Officer – Juneau 181 182 183 184 Agenda Item 10 **Division Update** Time: 11:17 AM 185 Ms. Melissa Dumas presented the FY19's total revenue for the year was \$636,660 with \$127 dollars of 186 187 third party reimbursements for a total of \$636,787 in revenue. There was a total of \$117,120 in noninvestigative expenditure cost which includes OLE payments, regulations costs, healthcare etc. Travel costs 188 was \$5,862 which covers employee and board travel, and in state and out of state travel. Services such as 189 memberships, postage, advertising and things that are directly attributed to the dental program was at 190 \$62,383 for the year a bulk of it was the board's interagency legal is at \$66,987 which is what the board 191 paid to the Department of Law which is more than double from previous years. There was \$309 in 192 commodity costs for a total of \$ 185,574. \$115,538 was spent in personal services for investigations which 193

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Sher Zinn entered the room at 11:29am. Melissa Dumas left the room at 11:37am.

in investigative costs for a total of \$332,050 in direct expenditures.

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Agenda Item 11

**Sedation Inspector Regulations** 

Time: 11:37 AM

is more than double than the previous year. There was no investigative travel or expert witness. \$146,476

Dr. Nielson started to discuss 12 AAC 28.058 On-site inspections. Dr. Nielson addressed questions that the attorney had. He noted that the board uses substantially equivalent organizations to inspect and a manual that they can go through to make sure it is substantially equivalent. Dr. Nielson asked Ms. Sher Zinn's opinion on the way the regulation is currently written. Sher Zinn shared that she had made minor tweaks to conform with the standards of drafting for regulations but are very minimal but does not see any problems with the way it is currently written.

Dr. Nielson asked the board if it was clear according to the written regulation how long applicants should turn an inspection form in. He added it would give current holders until the end of the next full renewal period which would be 2023. It would give new permit holders 2 years to get their equipment inspected. Dr. Nielson believes this regulation would give people a fair amount of time. He voiced that his concern is the ability of the licensing examiner to track the applications based on what happened in the past.

A change to deep sedation renewal requirements has been made to remove the requirement of 20 deep sedation cases on patients younger than 13 years old. Dr. Nielson stated the board that he expects a pushback from the public. He explained the purpose of removing the 20 deep sedation cases on patients younger than 13 years of age is to try to decrease the number of times a dentist wants to deeply sedate a child and the requirement of it.

Ms. Zinn informed the board that the project has clean up to be done. She noted that in 2012, when the specialty licensed was removed, they also removed the CPR requirements out of AS 0836.070. Ms. Zinn suggested that the two statutes citations 400 (a)(2) and 400 (b)(2) to be removed as they no longer apply. Ms. Zinn added 400 (a)(f) where it refers to the Drug Enforcement Administration member having to do CE in the concluding licensing period which was recommended by the paralegal. Dr. Nielson agreed.

The words calendar year under 405 (a)(1) and 405 (b)(1) was found and was removed as The Board of Dental Examiners no longer issues licenses for calendar years but issues them every odd number years of February 28. 405 (a)(2) and 405 (b)(2) was also removed as the statute is no longer in existence. Ms. Zinn notified the board that she performed clean-up regulation changes which would not cost the board more money. She then suggested a motion be made for the inspections regulations to be sent out with the corrections for public comment to save money.

On a motion duly made by Dr. Nielson, seconded by Dr. Dominic Wenzell, and approved unanimously, it was

RESOLVED to send changes to 28.010 (e)(5)(b) for public comment and the repeal & readoption of 2806(8) and all the clean-up proposed by Sher Zinn.

TASK:

Dr. Nielson will write up the frequently asked questions for the inspections regulations.

Item 12 Specialty License, SB190 Time: 11:49 AM

Dr. Nielson asked if the board had read the regulation and shared that it has a sponsor from the Senate side and that it might be coming up in a senate hearing in a week or two. He stated that believes he will be around to attend and that Dr. Wenzell is the back up if Dr. Nielson cannot make it.

Dr. Nielson shared that the specialty license regulation would give The Board of Dental Examiners authority to issue licenses for dental anesthesiologists, oral medicine, and other ones that the board is used to. Dr. Nielson was happy to hear that the fiscal note is minimal and would not cost much to add this

designation. Dr. Nielson inquired with Ms. Zinn if it was a designation to their dental license. Ms. Zinn replied that it appears to be a separate license but is required to obtain a regular dental license to obtain a specialty license which would be different than the prior specialty license and asked why it was so. Ms. Zinn stated that it is not specific in the regulation if a specialty license would require applicants to keep their regular dental license and that is something to think about by the board. Dr. Nielson explained that the reason the board wanted to reinstate the specialty license is so that they may determine when a specialist is not using the ADA designation of what a specialist is and be able to use this new certifying board. He shared that his vision for the specialty license would be that an applicant has a dental license and then have a designation on it specifying being a specialist within that dental license. The board members agreed that it would be a great idea to be able to specify the specialties of all dentists. The chair notified the board that he will need to speak to Dr. Logan of the Alaska Dental Society about this subject.

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A suggestion was made by Dr. Wenzell that an applicant keeps two licenses, keep the general license and then pay an additional fee for a specialty license. Dr. Nielson explained that the way it's currently written, it limits their practice to the specialty license. Ms. Zinn added that that is the problem. Dr. Nielson went on saying the board would then have to define the scope of practice for each specialist.

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The chair broke down how the regulation would function, the way it is written right now. Dr. Nielson added that it would take care of false misleading advertising. Dr. Nielson asked Ms. Zinn if the way it is written currently, says that an applicant would give up their dental license for a specialty license. Ms. Zinn responded that it is confusing due to it being a specialty license and not a designation making it not a designation on a general dentistry license but a separate specialty license. She explained that if the board would like to create a designation they would have to call it something to that effect.

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Feedback was requested from the board whether the board would like to have a designation or a separate specialty license. The board was in agreement.

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#### TASK:

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### Dr. Nielson will contact ADS and Dr. David Logan and get their opinion.

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Dr. Nielson inquired with Ms. Zinn whether the fiscal note would be minimal with this regulation change. Ms. Zinn said that the only extra work would be through the IT section for adding the new permit into the database. She added that she noticed there is no effective date on this legislation and suggested to make sure to at least have a six-month effective date in advance date so that the board would have time to make their regulations as well as the authority work on regulations.

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Sher Zinn left the meeting at 12:00pm.

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The Board recessed for lunch.

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The meeting was called to order by Joseph Bonnell, at 1:02 p.m.

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Board Members present, constituting a quorum of the board, were:

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Dr. David Nielson, President – (Via Teleconference)

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Dr. Kelly Lucas – (Via Teleconference) Dr. Dominic Wenzell – (Via Teleconference)

Ms. Robin Wahto – (Via Teleconference)

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Dr. Jesse Hronkin – (Via Teleconference)

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Ms. Brittany Dschaak – (Via Teleconference)

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

Mr. Joseph Bonnell, Records and Licensing Supervisor - Juneau

Ms. Laura Carrillo, Executive Administrator – Juneau
 Ms. Lisa Sherrell, PDMP Manager – Juneau

### Agenda Item 14

### PDMP Report/Compliance

**Time: 1:00 PM** 

Laura Carrillo, Executive Administrator for the board of pharmacy introduced herself and Lisa Sherrell, the new PDMP Manager of the board of dental examiners. Ms. Carrillo and Ms. Sherrell did not have a PDMP report prepared for the board however they had prepared an annual legislative report for 2020. Ms. Carrillo prefaced that when they talk about the compliance rate for registrations, it is a best estimate of the proportion of licenses who are registered that are required to register due to many variables that can skew the data. There was information on a data clean-up project that has been going on for several months that would keep users in the database once the PDMP goes live with their PDMP license integration.

 Ms. Carrillo reported that 88% of all dentists are registered with the PDMP. 645 dentists are registered under the user role of 800 dentist licensees; and 62 are registered under a federal user role. Ms. Carrillo added that 93 licensees are not registered and explained that it could be because they do not have DEA registration numbers, in the process of renewing or might have surrendered or purposefully allowed it to expire. There's been a 9.9% decrease in prescription reviewing from 2018-2020. While the registrations are increasing, the reporting has decreased. Ms. Carrillo notified the board that dentists are required to register, query and report it they are directly dispensing more than three days of supply. Dr. Nielson had a question about how these numbers are impacting the overall prescription rates and asked for confirmation that not reviewing is part of the penalty matrix that is in the works. Ms. Carrillo said yes, that it should be. The chair inquired with Dr. Hronkin if he was still working on the penalty matrix. There was a mix up on who would be completing the project.

Ms. Carrillo continued to tell the board about the overall impact of opioids. There has been a steady decrease of opioids dispensed which coincides with an inverse relationship of patient reviews increasing sharply especially in July which is the mandatory date to register and to review. Ms. Carrillo said as the reviews increased, there has been a decrease in opioids dispensed but it is not to say it is because of the numbers and that there are many other factors such as continuing education specifically related to opioid abuse addiction.

Dr. Nielson stated that he has been working on MME thresholds for the dental board and asked Ms. Carrillo if she was looking for that number. Ms. Carrillo responded yes, that HB242 was heard last week which is a bill that proposes that all boards establish MME's. The PDMP has an expectation that they provide some sort of notification to a provider from the board when a provider is not prescribing within the safe standards of practice. She cited that in 2016 there was a committee made up of a board member from each prescribing board and the board of pharmacy that convened and talked about setting some sort of standard which was based off the state of Washington apart from their 120 MME per day prescriptive guidelines; it has been brought down to 90 by the joint committee. The CDC recommends a 0-50 range. Dr. Nielson named that 50 MME's is equivalent to about 10 Vicodin's per day, 10 Hydrocodones, 7 Percocets, Oxycodones or 11 Tylenols. He added that most of the time dentists do not prescribe more than that. Ms. Carrillo advised that the board adds HB242 to the PTMF.

 Dr. Nielson said 60 MMEs per day to be high and suggested 60 MMEs per day. The board was in agreement. Ms. Sherrell asked the chair for clarification whether 60 MMEs per day was too high or a good amount. Dr. Nielson explained that it was a standard amount and would like the daily threshold to not exceed it.

On a motion duly made by Dr. David Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously, it was

RESOLVED for the board of dental examiners to suggest a morphine milligram equivalent threshold of 60 MMEs and not to exceed 60 MMEs per day limit for the dental board.

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Kelly Lucas	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Brittany Dschaak	X		

There was discussion on whether the board was going to include information on the threshold for MMEs in the disciplinary matrix. The board notified Ms. Carrillo that there would be once it is written. Ms. Carrillo made the board aware of a new feature in the PDMP that allows providers to look up the patients that they may have forgotten to query before prescribing.

Laura Carrillo and Lisa Sherrel exited the room at 1:29 PM.

# Agenda Item 15

**Old Business** 

Time: 1:30 PM

# 75 Dental Exams

It was not clear as why dental examinations were on the agenda. The chair suggested for the regulations to be cited if there were any confusion on what is equivalent to the WREB Exam for the licensing examiner who was not present. It was decided that if examinations would like to be considered completely equivalent, the board would need to see their exams to be able to judge if they meet regulation standards.

#### TASK:

#### Gail will evaluate and gather information on dental hygiene exams.

### **Professional Fitness Questions**

Professional fitness questions were viewed and were deemed good to send off to the proper channels to make changes in the future.

# Dental Hygiene Advanced Practice Permit

 Dr. Nielson reminded the board about the concerns the board had with the original House Bill No.127. The new version was adjusted to the board's preference after expressing their concern, excluding one detail about reporting deaths within 48 hours that should be in the dental hygiene section of the bill.

Dr. Barry Uldrikson entered the room at 1:55 PM Agenda item number 6 was revisited.

396 397	Agenda Item 6	Review / Approve Tabled Applications	Time: 1:56 PM			
398 399 400 401 402	The board notified Dr. Uldrikson that his application had been discussed earlier in the meeting with M Jasmin Bautista and a decision had already been made. Dr. Uldrikson was asked to contact Jasmin for tinformation.					
403 404	The board returned to	discussing agenda item 15.				
405 406 407	Agenda Item 15	Old Business	Time: 1:57 PM			
408	Moderate Sedation Pr	rogram Verification Form Revision				
409		ted the board that the changes to the application are in the pro-	ocess of being processed			
410	by the publication spe		seess of semig processes			
411	of the pastication spe	orianot for changes.				
412	The board revisited a	genda item 3.				
413		Serial nem el				
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415	Agenda Item 3	Review / Approve Past Meeting Minutes	Time: 2:00 PM			
416	Tigonium Ivom v	Transfer of the first of the fi				
417	Dr. Nielson and Dr. V	Wenzell asked Ms. Walden if she found any necessary change	es to the December 12 <sup>th</sup> .			
418	2019 or February 11 <sup>th</sup> , 2020 minutes. Ms. Walden found some spelling mistakes. The board chose not to					
419		and decided to approve them once changes have been made at				
420 421	on May 5 <sup>th</sup> , 2020.	and coordinate of the coordina				
422	Agenda Item 22	New Business	Гіте: 2:02 РМ			
423						
424 425	A task list was create	d:				
426	1) Gail Walden	will continue to research dental hygiene examinations with E	Britney Dschaak.			
427	2) Dr. Wenzell	will work on the PDMP disciplinary matrix.				
428	3) Dr. Nielson v	3) Dr. Nielson will check on SB190 with the Alaska Dental Society.				
429	4) Dr. Nielson v	vill check on SB127.				
430	5) Dr. Nielson v	vill work on corrections on the last two board meeting minute	es.			
431	6) Christianne v	vill work on the Moderate Sedation Application Forms				
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433	There was discussion	of problems with glitches on OnBoard.com. Mr. Bonnell in	sured that the problems			
434	are being addressed.					
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436	Board Meeting Sched					
437	The board would like to have an in-person meeting. A doodle poll will be sent to the board for the May					
438	meeting.					
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441	Agenda Item 22	<u>Adjourn</u>	<b>Time: 2:16 PM</b>			
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443		made by Dr. Jesse Hronkin, seconded by Dr. Dave I	Nielson and approved			
444	unanimously, it was					

RESOLVED to adjourn the meeting at 2:16 PM.

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Respectfully Submitted:

Christianne Carrillo

Occupational Licensing Examiner

Approved:

David Nielson, DDS, President

Date: Jely 28, 2020