

1 State of Alaska
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATION, BUSINESS, AND PROFESSIONAL LICENSING
4 BOARD OF DENTAL EXAMINERS

5
6 Minutes of the meeting on
7 October 16, 2020
8

9 These minutes are prepared by the staff of the Division of Corporation, Business, and
10 Professional Licensing. These minutes have been approved by the Board.

11 By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the provision of Article 6 of AS
12 44.62, a meeting of the Board of Dental Examiners was held October 16, 2020, via Zoom
13 Videoconferencing.

14 The meeting was called to order by Dr. Nielson at 10:06 a.m.

15 **Agenda Item 1 – Roll Call**

16 Board Members present, constituting a quorum, were:

17 Dr. David Nielson, President
18 Ms. Gail Walden
19 Ms. Brittany Dschaak
20 Dr. Jesse Hronkin
21 Ms. Robin Wahto
22 Dr. Dominic Wenzell
23 Dr. Kelly Lucas – *joined at 10:15 a.m.*
24 Dr. Jon Woller – *joined at 10:12 a.m.*

25 Board Members Absent:

26 Dr. Steven E. Scheller - *unexcused*

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

29 Ms. Sara Chambers, Division Director – *joined at 11:19 a.m.*
30 Ms. Jasmin Bautista, Investigator III
31 Ms. Melissa Dumas, Administrative Officer II - *Joined at 11:20 a.m.*
32 Mr. Joseph Bonnell, Records and Licensing Supervisor
33 Ms. Sher Zinn, Regulations Specialist – *Joined at 12:00 p.m.*
34 Ms. Abby O'Brien, Licensing Examiner

35
36 In attendance from the Office of Administrative Hearings, were:

37
38 Ms. Cheryl Mandala, Deputy Chief Administrative Law Judge
39 Mr. Eric Senta, AAG

40 Ms. Joan Wilson, AAG

41 Members of the Public in attendance:

42 Mr. Chester Gilmore, Attorney

43 Dr. Seth Lookhart

44 Ms. Mary Murphy, American Dental Association

45 Dr. Dave Logan, Alaska Dental Society

46 Mr. Mitchell MacGregor

47 405-593-1244

48

49 Dr. Nielson began the meeting by reading the ethics statement. He then entertained a motion to accept
50 the agenda.

51 **On a motion duly made by Dr. Wenzell, seconded by Dr. Hronkin, and with unanimous consent, it was**
52 **RESOLVED that the Board accept the agenda for the meeting as written.**

Board Member	Motion	First	Second	Yes	No	Abstain
David Nielson, DDS						
Gail Walden						
Steven Scheller, DDS						
Dominic Wenzell, DDS		X				
Kelly Lucas, DDS						
Robin Wahto						
Jesse Hronkin, DDS			X			
Jonathan Woller, DDS						
Brittany Dschaak						

53

54 **Agenda Item 2 - OAH Hearing: Case No. 17-0607-DEN**

55 **On a motion duly made by Gail Walden, seconded by Dominic Wenzell with unanimous consent, it**
56 **was RESOLVED that Pursuant to AS 44.62.310(d)(1), that the Board enter a deliberative session to**
57 **make a decision in the adjudicatory proceeding captioned OAH Case No. 17-0607-DEN. The**
58 **Administrative Law Judge with the Board’s Records and Licensing Supervisor and Occupational**
59 **Licensing Examiner will remain in the deliberative session to assist the Board if needed.**

60 *Off Record at 10:12 a.m.*

61 *On Record at 11:01 a.m.*

62

63 Dr. Nielson allowed both Dr. Lookhart and Ms. Wilson up to 5 minutes to make a statement. Dr.
64 Lookhart read a statement in the form of an apology letter. Ms. Wilson made a reply emphasizing the
65 Board’s responsibility to protect the public.

66 **On a motion duly made by Gail Walden, seconded by Jesse Hronkin with unanimous consent, it was**
67 **RESOLVED that Pursuant to AS 44.62.310(d)(1), that the Board enter a deliberative session to make a**
68 **decision in the adjudicatory proceeding captioned OAH Case No. 17-0607-DEN. The Administrative**

69 **Law Judge with the Board’s Records and Licensing Supervisor and Occupational Licensing Examiner**
70 **will remain in the deliberative session to assist the Board if needed.**

71 *Off Record at 11:08 a.m.*

72 *On Record at 11:16 a.m.*

73

74 **On a motion duly made by Dr. Wenzell, seconded by Dr. Hronkin, and with unanimous consent, and**
75 **pursuant to AS 44.64.060 (e)(1) regarding OAH Hearing Case No. 17-0607-DEN, it was RESOLVED to**
76 **adopt the Administrative Law Judge’s proposed Decision as written.**

Board Member	Motion	First	Second	Yes	No	Abstain
David Nielson, DDS				X		
Gail Walden				X		
Steven Scheller, DDS						
Dominic Wenzell, DDS	X					
Kelly Lucas, DDS				X		
Robin Wahto				X		
Jesse Hronkin, DDS			X			
Jonathan Woller, DDS				X		
Brittany Dschaak				X		

77

78 *Joan left, Gilmore/Lookhart left, Mandala left, Senta left*

79 **Agenda Item 3 - EA Proposal**

80 Dr. Nielson presented an introduction to subject. He believes that having an Executive Administrator
81 (EA) would allow the Board to expedite the licensure process. Director Chambers provided a brief
82 explanation of the EA position. Dr. Woller recommended that more in-depth discussion be moved to
83 the upcoming December meeting. Director Chambers said it would require legislation to create this
84 position, so the Board needs to allow ample time for this process as they would have to amend state
85 dental statutes.

86 **Agenda Item 4 - Fee Changes/Budget Reviewal**

87 Dr. Nielson introduced a letter that he and Dr. Wenzell composed regarding the fee changes. Many
88 questions were raised regarding the breakdown of indirect expenses. He was concerned how the
89 Division came up with the 5,300 number regarding the number of licenses and certifications. Ms.
90 Walden agreed with Dr. Nielson, emphasizing the number of times a licensee is calculated into the
91 budget, based on their initial application and any additional certifications.

92 Director Chambers gave an explanation and breakdown of how the indirect fees are created and
93 applied. She stated that indirect fees are going up across the division. These fees include the number of
94 office staff that spend time processing papers, as well as maintenance of software and systems for
95 information processing, creation, and storage. Director Chambers requested an hour at the Board’s
96 next quarterly meeting to go over the expense report in detail. She also explained that the cost of
97 processing an application remains the same, regardless of the size of the fee attached to the application.
98 Director Chambers and Ms. Dumas recognized Dr. Nielson’s concern that the Board is paying for items

99 that are inactive, and reassured the Board that the Division is checking that the Board isn't being
 100 charged for things that are unused, and only active expenses from new applications are being
 101 calculated.

102 Dr. Wenzell asked when the last fee increase was, and if the Division had requested a board meeting.
 103 Ms. Dumas replied that the last increase was in FY2017. Ms. Dumas explained that she was under the
 104 impression that fees could not be discussed due to the Governor's mandates. She continued that the
 105 Division had planned to discuss fee changes after the upcoming renewal period for the dental board, but
 106 was given permission to start early to address the board's financial situation. Director Chambers
 107 explained that the process was started earlier to prevent the board from going into \$300,000-\$400,000
 108 of debt before the renewal period.

109 Ms. Walden and Dr. Wenzell expressed concern that the process of changing the fees had not been
 110 optimally followed. Director Chambers and Ms. Dumas reminded the Board that these fee changes are
 111 a proposal, and are not a final draft. Director Chambers let the Board know that she is taking public
 112 comment and the board's comments into consideration to reevaluate and update the fee changes. She
 113 stated that the fiscal variable for the licensee has not yet been taken into consideration. She also
 114 recognized that 2020 has been an exceptional year due to the fiscal impact of COVID on dental
 115 licensees, and that may play into fee proposals. Dr. Nielson stated that he would amend the letter to
 116 include a line about COVID.

117 **On a motion duly made by Dr. Wenzell, seconded by Dr. Hronkin, and with unanimous consent, it was**
 118 **RESOLVED that the Board approve and accept the letter created by Dr. Nielson and Dr. Wenzell to**
 119 **send to Director Chambers and Ms. Zinn for reviewal.**

120

Board Member	Motion	First	Second	Yes	No	Abstain
David Nielson, DDS				X		
Gail Walden				X		
Steven Scheller, DDS						
Dominic Wenzell, DDS		X				
Kelly Lucas, DDS						
Robin Wahto				X		
Jesse Hronkin, DDS			X			
Jonathan Woller, DDS				X		
Brittany Dschaak				X		

121

122 **Agenda Item 5 – PBIS Closing**

123 Dr. Nielson introduced the issue that PBIS is going out of business at the end of the year and not
 124 accepting any more applications for reviewal after mid-November. He said that he had talked to other
 125 state boards to inquire as to their processes for license verification without PBIS.

126 Mr. Bonnell explained that communications with PBIS mainly provided which states were being affected
 127 by the closure, and which background services the company was utilizing. Mr. Bonnell explained that

128 the he has reached out to the other states to find out their plans of action, and that several were
129 mirroring the direction that Alaska is taking, by moving more of their verifications in-house

130 Dr. Nielson expressed the need to expedite the process, and that the regulation changes mainly remove
131 “PBIS” from the regulations. Ms. Zinn confirmed, and listed the documentation that should be sent
132 directly to the Board of dental examiners from the application. She also explained that the board needs
133 to have a certification in the dental application during the lapse period when PBIS closes and there is
134 something to replace it. Director Chambers reminded the board that they have to go through the
135 legislative process if they want to require applicants to have a background check or fingerprints
136 processed by the state of Alaska.

137 Director Chambers explained that PBIS leaving would increase the division’s workload, so the fee would
138 stay to cover the costs of moving the verifications to in-house. Ms. Zinn would amend the regulations to
139 include removal of the application fee in section 12 AAC 28.915 and remove any mention of PBIS from
140 all conforming regulations.

141 12 AAC 28.915 is amended to read:

142 **12 AAC 28.915. Application deadline for personal interview.** To be scheduled for a personal interview
143 as required in AS 08.36.234, an applicant for licensure by credentials must file with the department a
144 complete application at least 30 days before the interview will be conducted. An application is
145 considered complete when the completed application form, all supporting document required in AS
146 08.36.234 and 12 AAC 28.951, and the application [AND CREDENTIAL REVIEW FEES] **fee** required in 12
147 AAC 02.190 are filed with the department. (Eff. 2/28/96, Register 137; am 5/29/98, Register 146; am
148 11/15/2005, Register 176; am 12/15/2013, Register 208; am 3/11/2016, Register 217;
149 am ____/____/____, Register ____)

150 **Authority:** AS 08.36.070 AS 08.36.110 AS 08.36.234

151 12 AAC 28.932 – Gives board ability to request additional documentation (ie, background checks) if
152 necessary

153 **12 AAC 28.932 – Additional documentation for licensure.** The board may require additional
154 documentation necessary to substantiate the qualifications for a license under AS 08.32.014, AS
155 08.36.110, and this chapter, before approving an applicant for licensure to practice dental hygiene or
156 dentistry. (Eff ____/____/____, Register ____)

157 **Authority:** AS 08.32.014 AS 08.36.070 AS 08.36.234

158 AS 08.32.030 AS 08.36.110

159 Ms. Zinn explained that this amendment gives the board the authority to request more information
160 from an applicant if necessary. In her experience, Ms. Zinn has not found an example of information
161 being omitted from an application that wasn’t found by other means, such as NPDB or Clearinghouse.
162 She also explained that should the board wish for a background check, that the applicant must provide
163 that themselves, in accordance to local statutes.

164 **On a motion duly made by Dr. Wenzell, seconded by Dr. Hronkin, and with unanimous consent, it was**
 165 **RESOLVED that the Board accept the proposed regulation changes under Chapter 28 to support**
 166 **removal of the PBIS Report and conforming regulations as presented.**

Board Member	Motion	First	Second	Yes	No	Abstain
David Nielson, DDS	X					
Gail Walden				X		
Steven Scheller, DDS						
Dominic Wenzell, DDS		X				
Kelly Lucas, DDS				X		
Robin Wahto				X		
Jesse Hronkin, DDS			X			
Jonathan Woller, DDS				X		
Brittany Dschaak				X		

167

168 **Agenda Item 6 - Hygiene exams**

169 Ms. Dschaak said that the board needs to make it as easy as possible for hygienists to get licensed in
 170 Alaska. She stated that the hoops an applicant needed to jump through were excessive, especially for
 171 military spouses. Ms. Walden stated that CRDTS is another exam that is comparable to WREB, based on
 172 its patient-based and written instruction components, and therefore should be considered equivalent.

173 Dr. Nielson stated that the board needed to decide whether a patient-based exam is required or not. He
 174 mentioned that ADEX is not patient based, so it wouldn't pass current requirements. He said that some
 175 of the soft-tissue tests on mannequins are not comparable to live patients, so these exams wouldn't
 176 qualify. He restated the importance of easing licensure for military spouses. He also proposed making
 177 the wording to the hygienist's regulation changes equivalent to dentist's applications.

178 Ms. Zinn recommended adding "or equivalent examination" to the regulation to encapsulate the various
 179 exams.

180 **On a motion duly made by Gail Walden, seconded by Dr. Hronkin with unanimous consent, it was**
 181 **RESOLVED that the Board adopt the regulation project for 12 AAC 28.320 (a)(4) and 12 AAC**
 182 **28.935(a)(7) with amendments.**

183 12 AAC 28.320(a)(4) is amended to read:

184 Evidence of having passed the local anesthetic **written and patient based clinical components**
 185 [PORTION] of the Western Regional Examining Board (WREB) dental hygienist examination **or**
 186 **equivalent examination** within the five years immediately preceding the date of application. (Eff.
 187 5/31/81, Register 78: am 5/6/88, Register 106; am 1/22/2004, Register 169: am ____/____/____,
 188 Register ____)

189 Authority: AS 08.32.110 AS 08.36.070

190

Board Member	Motion	First	Second	Yes	No	Abstain
David Nielson, DDS				X		

Gail Walden	X					
Steven Scheller, DDS						
Dominic Wenzell, DDS				X		
Kelly Lucas, DDS						
Robin Wahto				X		
Jesse Hronkin, DDS			X			
Jonathan Woller, DDS						
Brittany Dschaak				X		

191

192 **Agenda Item 7 - Regulation Update: Dental Exam Deadline Extension**

193 Dr. Nielson proposed moving the deadline for accepting mannequin-based exams from December 31st,
 194 2020 to December 31st, 2021 to deal with the lack of patient-based exams due to COVID. He cited the
 195 accuracy of hard tissue component in the new mannequin-based exams as acceptable. He stated that
 196 the board is not obligated to change this, but if they don't, it would limit the number of applicants in
 197 Alaska for the upcoming year. Dr. Wenzell agreed that the date should be changed, as the field of
 198 dentistry is still in flux from COVID. Dr. Nielson asked if Ms. Zinn could add the change to the regulations
 199 project, which she confirmed.

200 **On a motion made by Dr. Neilson, seconded by Dr. Wenzell, and passed unanimously, it was**
 201 **RESOLVED to amend the end date of 12 AAC 28.940(b)(8)(B)(vi) from December 31st, 2020 to**
 202 **December 31st, 2021.**

Board Member	Motion	First	Second	Yes	No	Abstain
David Nielson, DDS	X					
Gail Walden				X		
Steven Scheller, DDS						
Dominic Wenzell, DDS			X			
Kelly Lucas, DDS				X		
Robin Wahto				X		
Jesse Hronkin, DDS				X		
Jonathan Woller, DDS						
Brittany Dschaak				X		

203

204 **Agenda Item 8 - New Business**

205 Dr. Nielson addressed an application that had been tabled on September 25th, 2020, for Dr. Mitchell
 206 MacGregor. He asked Dr. MacGregor for an update on both his court situation and his living personal
 207 situation. Dr. MacGregor stated that his investigation is ongoing, and asserted that the delays were
 208 coming from the Arizona court system, which hasn't allowed him to receive a final disposition on his
 209 case. He has since moved to Juneau and is awaiting licensure from the board. Dr. Nielson explained
 210 that the board usually likes to have all potential cases closed before issuance of a license. Dr. Wenzell
 211 asked Ms. O'Brien to reopen the application packet for Dr. MacGregor on OnBoard, so that they may
 212 review the information available and vote on his licensure. Ms. O'Brien agreed to reopen the application
 213 later that afternoon when the meeting was finished.

214 Having completed the agenda as approved for the day, Dr. Neilson entertained a motion to adjourn,
215 which was seconded by Ms. Walden.

216

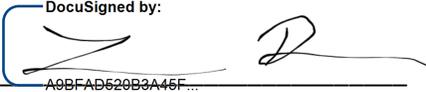
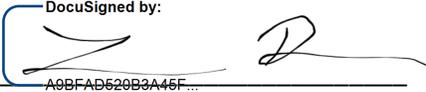
217 *Off Record at 1:10 p.m.*

218

219 I certify these meeting minutes are true and correct to the best of my knowledge:

220

221 Respectfully Submitted,

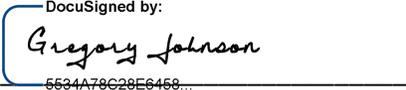
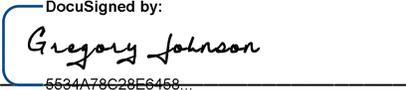
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5/26/2023

224 Terry Ryals

Date

225 Records and Licensing Supervisor

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5/26/2023

228 Gregory Johnson, DDS

Date

229 Board Chair