

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING
4

5 BOARD OF DENTAL EXAMINERS AGENDA

6 March 4, 2022

7
8 Teleconference

9 Meeting ID: 810 0773 2668

10 Registration Link: [https://us02web.zoom.us/meeting/register/tZUtd-6vrTksHNy99KVZNak0svVQhxa2Buxq](https://us02web.zoom.us/join/https://us02web.zoom.us/meeting/register/tZUtd-6vrTksHNy99KVZNak0svVQhxa2Buxq)

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12 Remote Call in Number: 1-253-215-8782
13

14 Board members present, constituting a quorum, were:

15 Dr. Greg Johnson – Meeting Chair
16 Christina Hansen, RDH
17 Dr. Dominic Wenzell
18 Brittany Dschaak, RDH
19 Dr. Jesse Hronkin– *Joined at 10:20 AM*
20 Dr. David Nielson – Board President - *Joined at 9:24 AM*
21

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

24 Terry Ryals – Records and Licensing Supervisor
25 Abby O’Brien – Occupational License Examiner
26 Warren Gordon - Occupational License Examiner
27 Jasmin Bautista – Investigator III - *Joined at 9:35 AM*
28 Laura Carrillo – Executive Administrator - *Joined at 10:30 AM*
29 Jun Maiquis – Regulations Specialist II - *Joined at 11:01 AM*
30 Sara Chambers – Division Director - *Joined at 12:59 PM*
31 Charley Larson – Occupational License Examiner - *Joined at 10:29 AM*
32 Bradley Johnson - Occupational License Examiner - *Joined at 10:34 AM*
33

34 Members of the Public in attendance:

35
36 Dr. David Logan
37 Tanner Menard – *Joined at 11:00 AM*

38 *On Record at 9:22AM*

39 **Agenda Item 1 – Roll Call – 9:22 AM**

40 Dr. Johnson began the meeting by letting the board know that he had received no ethics violations or
41 concerns to report. He then gave an update on the board roster, stating that there was no new
42 incoming board member for the quarter, that Dr. Lucas was stepping down from the board due to other
43 commitments, and that Dr. Wenzell had renewed his position on the board for another term.

44 **On a motion duly made by Dr. Nielson, seconded by Ms. Hansen, and with unanimous consent, it was**
45 **RESOLVED that the Board accept the agenda. 9:24 AM**

46 **Agenda Item 2 – Review/Approve Minutes – 9:24 AM**

47 Dr. Johnson asked Ms. O’Brien to change the wording on lines 145-146 of the December 3, 2021 minutes
48 from “overreach” to “overread” and “quality of image” to “quality of interpretation” from the discussion
49 regarding the BeamReaders program.

50 **On a motion duly made by Dr. Nielson, seconded by Ms. Hansen, and with unanimous consent, it was**
51 **RESOLVED that the Board accept the previous minutes as amended. 9:26 AM**

52 While waiting for the Investigations Report, the board moved up Dr. Wenzell’s presentation on a penalty
53 matrix from Old Business. Dr. Wenzell introduced a penalty matrix that he developed based off
54 Washington State’s existing matrix. His intent was to provide an outline to the existing board, future
55 boards, and the Investigations team when penalizing licensees for misconduct. Dr. Wenzell added that
56 he wanted to make it general enough to encompass a range of offenses and penalties, and presented a
57 tiered matrix, representing levels of potential violations in various categories. The matrix listed the
58 severity of a potential violation from low to high and provided both a sanction range for consideration
59 as well as a duration of the proposed penalty. He recommended that the board members print off hard
60 copies of the matrix, so that they have a guideline of potential actions on hand for any cases they may
61 review.

62 Dr. Wenzell stated that an area of concern where the matrix would already be applicable is licensees
63 being short on CE Credits. Dr. Nielson asked if Ms. Bautista and the Investigations team have reviewed
64 the matrix yet, and if there were already existing fines for CE violations. He added that he thought the
65 matrix was very well put together and would just wait for input from the Investigations Department to
66 adjust the matrix if needed. Ms. Bautista joined the meeting and was provided a brief explanation of
67 the penalty matrix by Dr. Johnson. He stated that the board’s intent was to create consistency with
68 fines and punishments for varying violations, act as a deterrent for future potential violations, and
69 quantify the violations that are occurring. Ms. Bautista explained that while CE cases are examined
70 through a different office, fines have been inconsistent to represent the differences between cases. Ms.
71 O’Brien stated that she would send a copy of the proposed to Ms. Bautista for review.

72 **Agenda Item 3 – Investigations – 9:39 AM**

73 Ms. Bautista presented the Investigations Report from the period of November 20, 2021 through
74 February 17, 2022. She stated that there were 55 cases open and 7 cases closed for the board. Ms.
75 Bautista added that she fulfilled the board’s request from the previous meeting to combine the number
76 of open cases per respondent. She specified that 3 respondents made up for 45 of the 55 incidents with
77 26, 13, and 6 open cases, respectively. Dr. Johnson asked if going forward the board could have
78 combined cases per respondent in order to address their concerns regarding the number of bad actors.
79 Ms. Bautista agreed to provide further information in the requested format.

80 **Agenda Item 4 – Public Comment – 9:46 AM**

81 Dr. Johnson addressed the single public comment that Ms. O’Brien had submitted to the board
82 regarding changing the terminology from “school” to “program” in the board’s regulations project. He

83 added that he saw the change as a cleanup type adjustment and saw no problem with adjusting the
84 language. Ms. O'Brien added that the change will line up all of the language in the board's existing
85 regulations. Dr. Johnson then asked if the language change would parallel the specialty license
86 regulations change that is in progress, to which Ms. O'Brien replied that it would be a future adjustment.

87 Dr. Johnson then asked Dr. Logan if he had any comments. Dr. Logan gave a brief introduction to SB173,
88 regarding specialty licenses and transferring the radiological program to DHSS, which is currently moving
89 through the legislature. He stated that he had received a request from Senator Von Imhof's office for a
90 change to the wording of the bill dealing with advertising for specialty licenses. (Sec. 3, Pg. 2, Line 19).
91 The request asked for the phrase "...name of a specialty" to be removed and was made by the husband
92 of Von Imhof's Chief of staff, who is a dentist, but not a specialist, in the state. Dr. Logan stated that the
93 board would be presented the amendment "whether they like it or not" and that should they wish to
94 preserve the bill as written, they should "be prepared for an argument in front of senate finance". He
95 added that there was talk of SB173 being combined with HB111, the dental hygiene specialty license bill,
96 but no action has been taken yet. Dr. Nielson stated that the change requested by the dentist would not
97 detract from the spirit of the bill, and that having a specialty license that the board can write regulations
98 for remains the goal. He added that the potential combining of the two bills does not affect the board,
99 as they had previously approved and supported moving both forward. Dr. Johnson agreed, adding that
100 as long as licensees stayed within their standard of care and general dentistry scope of practice when
101 advertising, that he did not see a problem with the proposed language adjustment.

102 Dr. Logan then asked for an update regarding COVID testing for patients within a practitioner's office, as
103 he had received multiple queries from licensees. He added that offices are trying to find the balance
104 between requiring testing and potentially losing patients that refuse to test versus not requiring testing
105 and being held liable should an outbreak occur. He stated that the CDC has recently updated their
106 guidance on indoor masking, as has the ADA, and asked that the board consider doing the same. Dr.
107 Johnson recognized the component of risk to a practice, and stated that as CDC, OSHA, and ADA
108 recommendations are constantly changing, perhaps writing the guidance to direct licensees to their
109 respective websites would be appropriate. Ms. O'Brien reminded everyone that an update of the
110 board's COVID guidance was on the agenda for later that afternoon.

111 Dr. Logan then asked for a potential regulations project, stating that a license for an applicant who
112 submits a GPR needs to meet the conditions in 12 AAC 28.938 and require graduation from an approved
113 dental school. He added that he did not think that someone should be a foreign graduate, be able to
114 take a GPR, and automatically meet requirements. He added that if not possible to do a case by case
115 basis, that it should be a country by country basis, as criteria towards licensure isn't uniform. Dr. Logan
116 stated that a 1-year GPR is not enough to overcome potential learning barriers when an applicant is
117 coming from a "third world dental school". Dr. Nielson replied that the regulation already exists as a
118 stand-alone requirement and the only pathway to licensure.

119 Ms. O'Brien closed public comment at 10:01 AM.

120 **Agenda Item 5 – Old Business – 10:02 AM**

121 Dr. Johnson moved up the remainder of Agenda Item 10, Old Business, to number 5 while filling time
122 before the break. Ms. O'Brien provided an overview of the CDCA/WREB Webinar on the dental hygiene
123 mannequin exam that she attended. She reviewed the graphics for the webinar's outline and summary

124 of testing materials used. Ms. O'Brien let the board know that the CDCA/WREB offered samples of the
125 testing materials for distribution and review should they so choose and if so, said that she would contact
126 the company and request the prototypes.

127 **Agenda Item 6 – New Business – 10:05 AM**

128 Dr. Johnson then moved up Agenda Item 11, New Business, to number 6. He asked Dr. Nielson to
129 introduce a proposed letter to all sedation permit holders. Dr. Nielson stated that this letter came to
130 fruition out of a concern to reduce possible delays with the next upcoming renewal. He added that an
131 official announcement from the board would also serve to notify licensees of the requirements for
132 maintaining an active sedation permit. Dr. Nielson noted that there has been confusion in the past
133 regarding how the regulation (12 AAC 28.015) was written regarding patients under 13 years of age,
134 stating that if a licensee gives a pediatric patient anything other than nitrous oxide, then a sedation
135 permit is required. Dr. Nielson's intent was to clarify the requirements of the permit in his proposed
136 letter and to remind licensees of the guidelines for any pediatric sedation other than nitrous oxide. Dr.
137 Johnson replied that any clarification was helpful when providing guidance to licensees.

138 Dr. Johnson then reviewed the Letter of Support for HB111, which was written last year and provided
139 support from the board for the formation of an advanced dental hygiene permit. Dr. Nielson stated that
140 as there were no major changes to the bill, the board was still in support, and the letter was still usable,
141 the board could simply change the dates on the letter and resubmit it to the legislature.

142 **Agenda Item 7 – Break – 10:15AM**

143 *Off Record at 10:16 AM*

144 *On Record at 10:31 AM*

145

146 **Agenda Item 8 – PDMP Report – 10:31 AM**

147 Having established quorum through roll call, the board invited Ms. Carrillo to present the PDMP report.
148 Ms. Carrillo began the report by stating that in the last quarter, the PDMP has been actively working to
149 eliminate barriers and ease registration. The PDMP fee was reduced to \$0 on December 23, 2021, and
150 registration through the state has been discontinued. She added that licensees will still register with
151 AWARxE and that their registration status will be reflected on their professional license. Ms. Carrillo
152 announced that license integration was launched on January 11, 2022, stating that it eliminates
153 duplicate administrative work and helps OLE's focus on licensing duties. Ms. Carrillo introduced Mr.
154 Larson, who was brought on board with the PDMP program as an OLE to help streamline and maintain
155 these new processes.

156 Ms. Carrillo announced that the Communications module went tentatively live on February 8, 2022 and
157 would finish its configurations and go fully live starting March of 2022. This module serves to provide
158 enhancement for providers across systems to communicate about their patients, and Alaska will be data
159 sharing with 17 states and military health system when it begins. Ms. Carrillo let the board know that
160 there is an upcoming delegate audit in March. She encouraged the board members to let licensees
161 know to utilize their delegates in the patient review process, as rates are still low. She also informed the
162 board that the PDMP is developing education and outreach programs to identify barriers to access and
163 to aid in review compliance. Ms. Carrillo ended the report by informing the board that a cleanup of
164 direct dispenser designations was in progress to clarify capabilities for licensees.

165 Dr. Johnson asked Ms. Carrillo what the outreach looks like. She replied that the PDMP has sent letters
166 to all licensees as well as offers to hold in-office meetings for dental staff. She added that Lisa Sherrell is
167 developing an outreach training program and considering development of potential video training. Ms.
168 Carrillo stated that 1 on 1 meetings and training methods are most fruitful to prevent security risks. Dr.
169 Johnson then asked if the program was seeing positive impacts from the use of PDMP and CE
170 requirements. Ms. Carrillo replied yes, adding that the program is required to annually report to the
171 legislature how the PDMP has affected prescribing practices in the state. She said that the PDMP has
172 come a long way by using tools, collaborating with DHSS, participating in a statewide opioid action plan,
173 and assessing the awareness and feedback questionnaire sent to licensees. Dr. Johnson thanked Ms.
174 Carrillo and Mr. Larson for their time.

175 **Agenda Item 9 – Regulations Update - 11:02 AM**

176 Mr. Maiquis presented the proposed regulations changes that the board had approved at the December
177 3, 2021 meeting and sent out for public comment. Public comment closed on February 28, 2022, and
178 Mr. Maiquis had received 1 comment, suggesting that board change the wordage from “school” to
179 “program” in 12 AAC 28.958 in order to be more inclusive. Dr. Johnson asked if the board would be able
180 to accept the regulation changes in the aggregate or if they needed to do so separately. Mr. Maiquis
181 replied that the proposed changes that did not require amending could be accepted together, adding
182 that the board should note that they considered both public comment and the cost to private persons
183 when making their respective motions.

184 **On a motion duly made by Ms. Hansen, seconded by Dr. Nielson, with unanimous consent through a**
185 **roll call vote, and considering public comments received and cost to private persons, it was RESOLVED**
186 **that the Board move to adopt 12 AAC 28.940, 12 AAC 28.951, and 12 AAC 28.990 as proposed and**
187 **publicly noticed. 11:11 AM**

188 **On a motion duly made by Ms. Dschaak, seconded by Dr. Wenzell, with unanimous consent through a**
189 **roll call vote, and considering public comments received and cost to private persons, it was RESOLVED**
190 **that the Board move to adopt 12 AAC 28.958 as amended by changing “school” to “program”. 11:12**
191 **AM**

192 Dr. Johnson asked Mr. Maiquis if there were any other updates regarding the adopted regulations
193 changes. Mr. Maiquis replied that he would get a new Certification Order drafted to send to Dr. Nielson
194 for his signature, and thus carry the regulations changes forward to the department of law. Dr. Johnson
195 thanked Mr. Maiquis for his time.

196 Dr. Johnson then moved the final piece of New Business, an update of the board’s COVID guidance, up
197 for discussion. Ms. O’Brien let the board know that she had received correspondence from another
198 board member, Dr. Woller, who had offered to re-write the board’s COVID guidance for its website. Dr.
199 Nielson recommended that Dr. Woller compose new guidance, and then Ms. O’Brien would upload the
200 new procedures to OnBoard for a vote.

201 **On a motion duly made by Dr. Nielson, seconded by Dr. Hronkin, and with unanimous consent, it was**
202 **RESOLVED that the Board authorize Dr. Jon Woller to update the COVID guidance to be put on**
203 **OnBoard for a vote. 11:14 AM**

204 Dr. Johnson moved to convene for lunch, asking the board members to reconvene at 12:55 PM in order
205 to meet quorum and finish the Division update.

206 **Agenda Item 10 – Lunch – 11:17 AM**

207 *Off Record at 11:17AM*

208 *On Record at 12:59 PM*

209

210 **Agenda Item 11 – Division Update – 12:59 PM**

211 Having established quorum through roll call, Dr. Johnson invited Director Chambers to begin her
212 presentation. Director Chambers began by introducing the FY22 2nd Quarter Report. She stated that the
213 data was gathered through December 31, 2021, and that there was some missing information. She
214 added this was due to LAW department experiencing delays in billing to the Division, and that the
215 information will be added into the FY22 3rd quarter report for review. Director Chambers added that
216 another request was made for a general fund infusion in FY23, and that the board may need a require a
217 future fee increase after the analysis is completed later this year.

218 Dr. Nielson thanked Dr. Johnson for chairing the meeting. He then asked Director Chambers about
219 SB173, the Specialty License Creation bill, asking if the fiscal note was so large due to DHSS anticipating
220 costs for a new Medicaid Reviewer position. He added that the bill would not create a higher number of
221 licenses, but instead would attach designations to existing licenses. Director Chambers recommended
222 that the board defer to DHSS regarding questions about Medicaid, adding that DHSS should have the
223 pertinent information listed in the fiscal note. She added that DHSS has not had any issues with the bill
224 from a content standpoint and has been advocating to pass the bill through several committees, keeping
225 it in motion. Director Chambers then briefly introduced the Legislative Guidance Refresher, providing
226 the board with information should they attend any bill hearings or need to contact the legislature. Dr.
227 Johnson asked for an update on the Advanced Hygiene Permit Bill, HB111. Director Chambers replied
228 that the bill is in a holding pattern, as it has moved from the house to the senate and is waiting to be
229 assigned a hearing. She added that as it is an election year, sponsors and committees may hold or move
230 bills in order to appease their constituents. Director Chambers encouraged the board members to reach
231 out to the various committee chairs who were hearing the bills in order to keep them moving forward.
232 Dr. Johnson presented the previously board-approved letters of support for SB173 and HB 295, which
233 would create a specialty license and move the dental radiological program to DHSS. Director Chambers
234 let the board know that the letters made it to the proper parties and were reflected on the legislative
235 website. She added that the content of the bills was solid, and that the only reviews taking place were
236 those of the bills' proposed fiscal notes. Dr. Johnson thanked Director Chambers for her time.

237 **Agenda Item 12 – Adjourn – 1:16 PM**

238 Ms. O'Brien reviewed her list of due outs, which included: Emailing a PDF of the board's proposed
239 Penalty Matrix to Ms. Bautista, Contacting the CDCA for hygiene mannequin samples, Emailing Dr.
240 Nielson the Certification Order for the approved regulations changes, Sending the Legislative Guidance
241 Refresher packet to the Board, Sending Mr. Maiquis the Affidavit of Board Action for the approved
242 regulations changes, and letting Dr. Woller know that his COVID Guidance re-write had been approved.

243 Ms. O'Brien also confirmed the next Board meeting date for Friday, May 13, 2022 based on the Board's
244 response to a previous Doodle Poll.

245 **On a motion duly made by Dr. Nielson, seconded by Ms. Dschaak, and with unanimous consent, it was**
246 **RESOLVED that the Board move to adjourn. 1:17 PM**

247 *Off Record at 1:18PM*

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

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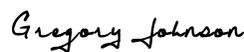
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DocuSigned by: Respectfully Submitted:

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Terry Ryals
Records and Licensing Supervisor

DocuSigned by: Approved:

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Gregory Johnson, DDS, Board Chair

Date: 5/25/2023