


Call to Order / Roll Call

STATE OF ALASKA 2021

State Holidays

Date	Holiday
01/01	New Year's Day
01/18	MLK Jr.'s Birthday
02/15	Presidents' Day
03/29	Seward's Day
05/31	Memorial Day
07/04	Independence Day (observed 7/5)
09/06	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/25	Thanksgiving Day
12/25	Christmas Day (observed 12/24)
01/01/22	New Year's Day (observed 12/31/21)

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



State calendar maintained by the
Division of Finance,
Department of Administration
<http://dos.alaska.gov/calendars.html>
Revised 12/16/2019

HOLIDAY CALENDAR

JANUARY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY

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28						

MARCH

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APRIL

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MAY

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30	31					

JUNE

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JULY

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AUGUST

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SEPTEMBER

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OCTOBER

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31						

NOVEMBER

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DECEMBER

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26	27	28	29	30	31	



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
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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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
December 3, 2021

Teleconference

Meeting ID: 847 8563 8998

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

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• 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	Division Update <ul style="list-style-type: none">• FY21 4th Quarter Report• FY22 1st Quarter Report• SB 21	Dumas/Chambers
7. 12:00 PM	Lunch	
8. 1:00 PM	PDMP Report <ul style="list-style-type: none">• PDMP Fee Change• PDMP Penalty Matrix	Sherrell
9. 1:30 PM	Regulations Update <ul style="list-style-type: none">• Mannequin Regulation Change• Residency Regulation Change• Credentialing Regulation Change	Maiquis/Chair

	<ul style="list-style-type: none"> • Specialty Initial Licensure Regulation Change 	
10. 2:30 PM	Old Business	Chair
11. 2:45 PM	New Business	Chair
	<ul style="list-style-type: none"> • BeamReaders • Letter to UA 	
12. 3:30 PM	Adjourn	
	<ul style="list-style-type: none"> • Do Outs • Next Meeting Date 	

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
August 20, 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: 863 9424 9311

Registration Link: <https://us02web.zoom.us/joining/register/tZlufu2ggjlpG9UjwQ2U-vx9r2xlmFdwCY6>

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

Board members present, constituting a quorum, were:

Jon Woller
Kelly Lucas
David Nielson – Board President
Bradley Heaston
Jesse Hronkin
Greg Johnson
Dominic Wenzell
Brittany Dschaak - *Joined at 9:07 AM*
Christina Hansen - *Joined at 9:13 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
Greg Francois – Chief Investigator
Eva Pajarillo – Licensing Examiner
Sharon Walsh – Deputy Director *Joined at 9:33 AM*
Jasmin Bautista – Investigator 3 - *Joined at 9:34 AM*
Lisa Sherrell – PDMP Program Coordinator - *Joined at 11:20 AM*
Jun Maiquis – Regulations Specialist - *Joined at 1:05 PM*
Reid Bowman – Licensing Examiner - *Joined at 1:00 PM*

Members of the Public in attendance:

Juan Zazueta
Malcolm Giles
9077232884

44 *On Record at 9:03 AM*

45 **Agenda Item 1 – Roll Call – 9:03 AM**

46 Dr. Nielson reported that he had received no ethics notifications or determinations.

47 Dr. Nielson gave an update on SB21, the temporary licensing bill for military spouses, and where it was
48 in the legislative process. He added that it might require a regulations project on the board's part, and
49 asked Ms. O'Brien to add the discussion time to Agenda Item 8 to allow the board to present their
50 questions to Mr. Maiquis.

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

53 **Agenda Item 2 – Review/Approve Minutes – 9:15 AM**

54 Dr. Nielson asked Ms. O'Brien to change "state" to "stated" on Line 108 of the May 14, 2021 minutes.
55 Dr. Wenzell added that the minutes were reading better, to which Dr Nielson and Dr. Woller agreed.

56 **On a motion duly made by Dr. Johnson, seconded by Dr. Woller, and with unanimous consent, it was**
57 **RESOLVED that the Board accept the minutes from May 14, 2021 as amended. 9:09AM**

58 **Agenda Item 3 – Public Comment – 9:09 AM**

59 Dr. Nielson asked Ms. O'Brien if there was anyone who had presented public comment for the period.
60 Ms. O'Brien replied that the two questions she had received, one regarding mannequin exams and one
61 regarding the language defining "residency" in regulations, were in the form of emails, and attached to
62 the board packet.

63 Dr. Nielson introduced the mannequin exam question, on whether the board will accept mannequin
64 exams for next year. He added that the board needed to decide if this was going to be a change for one
65 more year or if it was going to be on a permanent basis.

66 Dr. Nielson then introduced the "residency definition" question, which was if an applicant can substitute
67 a 1-year GPR in place of a regional or national exam. He added that the email which was received had
68 offered substitutions for a GPR and contained language that had been adopted by other states. Dr.
69 Nielson stated that he had written a synopsis of the email, and asked Ms. O'Brien to upload the synopsis
70 over a break and add to Agenda Item 8.

71 Dr. Nielson then entertained a motion to adjust the agenda to utilize the open time before the
72 Investigations Report.

73 **On a motion duly made by Dr. Nielson, seconded by Dr. Hronkin, and with unanimous consent, it was**
74 **RESOLVED that the Board move Agenda Item 9 up to Number 4 and Agenda Item 10 up to Number 5,**
75 **and renumber as necessary. 9:18AM**

76 **Agenda Item 4 – Old Business – 9:18 AM**

77 Ms. O'Brien let the board know that the Annual Report had been finished. She added that they had
78 previously voted on it and had approved it, and so it had been finalized and uploaded to the State
79 Dental Board Website.

Ms. O'Brien let them know that Dr. Woller's work on rewriting the dental board COVID Guidance had been finalized and uploaded to the Dental Board Website. Dr. Nielson asked Dr. Woller if the guidance is still current with the Delta Variant spreading and if any changes are being monitored. Dr. Woller replied that he is checking updates from the ADA and the CDC as they are received on a weekly basis. He added that besides a 1-page memo on indoor masking recommendations, most of the new material is not specific to the dental profession. He said that he had received a report of a study regarding the spread of COVID infections based on healthcare occupations, and that the dental profession had one of the lowest rates of transmission of any profession. Dr. Woller let the board know that if he received any new information or guidance, that he would pass it forward.

Agenda Item 5 – New Business – 9:23 AM

Dr. Nielson introduced the merger of the CDCA and WREB exams as one step closer to a true national exam. He stated that the two exams had more in common than not, and that the process would still take a couple years to finalize before there was the new CDCA-WREB exam. Dr. Nielson encouraged board members to sign up for an exam, so that they can understand the materials that applicants must utilize. He especially encouraged Ms. Dschaak and Ms. Hansen to sign up as an examiner, so that they could evaluate the mannequins that hygiene candidates use. Dr. Nielson said that as of last October, after discussion with former board member and hygienist Ms. Gail Walden, that the board should accept patient-based exams from hygiene candidates only, as the mannequins were deemed insufficient.

Ms. Hansen stated that she had signed up as an examiner for the CDCA, and that the mannequins for hygiene candidates are terrible and not up to date. She added that the soft tissue is already torn up on mannequins, and there are real patient factors that are not being considered, such as bleeding and possible trauma to the patient. Ms. Hansen said that she has signed up as an examiner for an in-patient exam, just so that she can compare the different testing formats.

Ms. Dschaak stated that management of patient is such a large component of dental hygiene school, that it may be superfluous to test again during an exam. She added that she is more open to mannequin exams since the last time that she and Ms. Walden had discussed the subject. Ms. Dschaak stated that once the hygiene mannequins are upgraded, that the new testing procedures will become more mainstream and eventually the norm.

Dr. Lucas had attended an exam and said dental mannequins were impressive and provided a pretty good test. He added that as an examiner, it is difficult to make a judgement against a hygiene candidate based on the shortcomings of the mannequins. He and Ms. Dschaak are just hoping that the hygiene mannequins will catch up.

Dr. Johnson asked if the mannequins became widely used because of the pandemic. Dr. Nielson stated that while the pandemic may have pushed the timeline of their use forward, it was not exclusively the cause. He added that candidates were sometimes failing the patient-based exams because of factors beyond their control, and that this variable has been removed by the mannequin exams. Dr. Nielson said that exam statistics are showing that there is now a lower rate of passing on the mannequin exams, due to the lack of decay, demineralized enamel, tissue damage, and absence of patient management on the simulated models. Dr. Wenzell stated that the CDCA-ADEX was trying to introduce demineralized enamel simulations within the next year, based on review materials that he had received.

Dr. Nielson briefly introduced an update letter from the CRDTS exam website. He added that he was not sure how much longer CRDTS will be around as an exam option with the CDCA-WREB Merger coming into play.

Dr. Nielson then reviewed the results of the DANB survey. He stated that he was not sure how many dental assistants in Alaska are DANB registered, as it's not required. Ms. O'Brien said that she presented the survey results to the board as informational only.

Dr. Nielson then introduced the "No Surprises Act" that was coming through from the federal level, and its response to out-of-network billing and insurance claims. He stated that the Dental Board doesn't have a history of dealing with billing and insurance, as any processes would go through the Law and AAG's offices. Ms. O'Brien replied that she had received notice from the Division and was presenting this as a heads up to the board that federal legislation is coming through. She added that the public comment was still open until September 7, 2021, should the board like to issue a statement.

Before the board moved to Agenda Item 6, Ms. O'Brien asked if there needed to be an ethics statement from the two employer/employee pairs, as the entire board was present. Nielson replied that he was under the impression that their statements from previous meetings should suffice, so the meeting continued.

Agenda Item 6 – Investigations Report – 9:45 AM

Ms. Bautista presented the Investigative Report from March 2, 2021 through August 16, 2021. There are 58 open cases for the program. Ms. Bautista added that two respondents had multiple cases open against them. Dr. Wenzell asked why some of the dentists that had multiple cases against them had different dates listed. Ms. Bautista explained that the dates were different because additional complaints had been filed against the dentists after the initial claim, and that Division policy required the Investigations team to accept them all. Dr. Nielson asked if there was a threshold of complaints for an individual dentist. Ms. Bautista replied no and added that the Investigations Team was required to process every complaint that is received. She added that they must add new complaints to each respondent as they come in and adjust the consent agreement as necessary.

Dr. Johnson asked if there was a way to marry the multiple complaints to the single dentists at the top of the memo so that the numbers aren't so dismal. Ms. Bautista replied that she will work with supervisors to see if they can condense the cases as it has been a concern on multiple reviews.

Dr. Nielson reiterated the importance of communicating with the board about how the reports are going, and that clarification would be helpful to the board and help them stay engaged. Ms. Bautista agreed, and told the board that she would explain the complaint and investigative process during a training session during executive session. She added that sometimes a complainant takes extra time to collect paperwork and information, which slows down the entire process as it hinders the actual start date of an investigation. Ms. Bautista explained that a complainant can always come back with the claim, and a case can be reopened, which translates to the statistics in the investigative report. Ms. Bautista stated that the board had 5 closed cases during the reporting period, and that she would explain the definitions in greater detail once the board moved to executive session.

I, Dr. David Nielson, 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 Investigative training. Seconded by Dr. Hronkin. 10:01 AM

Off Record at 10:01 AM

On record at 11:20 AM

Agenda Item 7 – Break – 11:21 AM

Dr. Nielson moved for a short break before the board returned at 11:30 AM to begin the PDMP report.

Off Record at 11:21 AM

On Record at 11:29 AM

Agenda Item 8 – PDMP Report – 11:30 AM

Having a quorum after roll call, the board proceeded to the PDMP Report. Ms. Sherrell began the PDMP report by introducing changes made by Appriss, the company that runs the database. She stated that they are changing the patient report display to a tile view to allow a provider to rearrange files as they see fit. Ms. Sherrell added that License Integration is postponed until September, and after integration has been completed, the communications module will roll out. She stated that the Provider risk score (narx score) is rolling out as well but is only visible to Ms. Sherrell and the Pharmacy Board's Executive Administrator. She added that the rubrics have been set up, but the PDMP can be adjusted to set parameters and give the board an indication if a provider should fall within the low scoring zone.

Ms. Sherrell then presented the board with the dental program's registration and compliance data, using July 2021 as an example. She offered the lists of licensed providers, DEA registered providers, and providers completely registered with the PDMP. She added that there will be a list of dentists with outdated DEA numbers that will be deactivated once integration takes place, but that the PDMP program is prepared to receive any communications when this takes place.

Ms. Sherrell then reviewed the prescribing practices of the dental program during the last reporting period. She listed the numbers of prescribers that had prescribed at least once, those who reviewed zero patients before prescribing, and those who prescribed a combination of benzodiazepines and opioids.

Dr. Nielson then asked about the table with reviewing and reporting guidelines that Dr. Johnson and Ms. Sherrell created together. Dr. Johnson replied that his intent with creating the table was to simplify the information and requirements from the PDMP program and give providers an easily accessible card to utilize when prescribing. He added that most of the work has been completed, and that they are looking for feedback at this point. Dr. Johnson stated that some factors to consider are adding the requirements for emergency patients, which may need clarification from the statutes.

Dr. Wenzell asked how the communications module will present within the PDMP website. Ms. Sherrell replied that it will show up on the provider's dashboard once they are logged in. Dr. Wenzell then asked how the alert system for tracking a patient's previous prescriptions will be integrated. Ms. Sherrell replied that the clinical alert system was put into play last April, and that an alert will show up on a provider's dashboard when they search a patient. She added that a patient's file will also be flagged with any high-risk notices, making it easier for the provider to see the patient's prescription history. Ms.

200 Sherrell stated that while the communications module is meant to be an internal email system between
201 providers, the clinical alerts will be generated on their own.

202 Dr. Nielson asked if the reviewing and reporting table was consistent with the law department. Ms.
203 Sherrell replied that while the table was under review, a question arose regarding the exemption of non-
204 refillable substances and the definition of the substances themselves. She added that they are waiting
205 to hear back on a reply from the law department before releasing the table for the board's approval.

206 Dr. Woller asked if there was available data that correlates with illicit opioid abuse in Alaska. Ms.
207 Sherrell replied that there has been a marked decrease in the number of prescriptions and dispensations
208 written, and that she can access the data to present at the next board meeting. She added that while
209 the number of overdoses may be rising nationwide, the PDMP program can edit out variables such as
210 manufactured substances to refine the data as well.

211 Dr. Nielson moved to break for lunch, and Ms. O'Brien stated that she would upload the information
212 regarding SB21 and the Residency Language during the break so that the board could utilize it for
213 Agenda Item 10.

214 **Agenda Item 9 – Lunch – 11:55 AM**

215 *Off Record at 11:56 AM*

216 *On Record at 1:00 PM*

217

218 **Agenda Item 10 – Regulations Project – 1:02 PM**

219 Having quorum after roll call, the board proceeded to the Regulations Report. Dr. Nielson introduced
220 the regulations changes that the board had proposed at the March 15, 2021 meeting. He reviewed 12
221 AAC 28.940 and the history of the dental board's acceptance of regional exams. He then presented the
222 question of Subsection vi, and whether the board would extend the acceptance of mannequin-based
223 exam for dental applicants through December 31, 2022. Dr. Nielson then presented an additional
224 pathway to licensure under Subsection vi, changing the two-year residency requirement to one-year. He
225 reviewed the synopsis that he created for Section C, which included the language "dental specialty
226 training", and a new Section D, which would incorporate the acceptance of a residency program or
227 advanced education degree in lieu of a regional exam. Dr. Nielson also presented an addendum (#15) to
228 12 AAC 28.990, which added the description of "dental specialty" to the board's list of other definitions.

229 Dr. Nielson then introduced the edits proposed for 12 AAC 28.951, eliminating sections e, f, and h. He
230 stated that the board has never utilized this criteria, and elimination of these components would
231 streamline the licensure process for dental credential applicants.

232 Dr. Woller asked if these regulations changes were proposed because the board was experiencing
233 barriers to licensure. Dr. Nielson replied that as far as the mannequin component is concerned, the
234 board is trying to get in line with what is considered an acceptable psychomotor test. He added that he
235 wasn't sure if the residency requirement has acted as a barrier but accepting it would present an
236 applicant with multiple pathways to licensure in the state. Dr. Woller asked if the board would do the
237 research on postgraduate programs as it seems that there aren't barriers to licensure as the regulations
238 are written. Dr. Nielson replied that there would be a barrier for an applicant who hadn't taken an
239 exam but completed a post graduate program, and that is what the board is trying to amend.

Dr. Nielson stated that should the board choose to put the proposed changes out for public comment and there is significant pushback, that the board could always revisit the proposal. Dr. Woller emphasized the importance of presenting the rationale behind the changes to licensees. Dr. Nielson asked if that after the questionnaires for beginning a regulations project are completed, if the board needs to vote on those. Mr. Maiquis replied that after the questionnaires are completed, he can collect the information and justifications from the board and create a draft for both the board members' and law department's precursory review. Mr. Maiquis added that the draft can be uploaded to OnBoard and reviewed by the board members before it is released for public comment.

Dr. Nielson asked for input regarding the addition of "dental specialty" to Section C. Dr. Lucas stated a concern that if a graduate went straight into a residency after graduation and stayed within the same institution, that the graduate's potential education is limited to a single establishment, and that there would not be an objective second party reviewing their skills. Dr. Johnson agreed, stating that the board needed to be wary of avoiding the perception of creating licensees with a limited skill set. He added that a licensee should be able to use their specialty when called upon, but still requires a general dentistry base of education. Dr. Johnson also said that having a statement of purpose attached to the proposed regulations changes would help the public see the board's intent.

Dr. Nielson referenced former legislation put forth by the Alaska Dental Society which created specialty licenses. He agreed with Dr. Johnson's point of the shortcomings of having a licensee with specialty training only as opposed to a general dentistry background and said that offering the specialty license pathway wouldn't hinder general dentistry applicants. He also stated that the board should wait for public comment, just so they can hear from varying perspectives before moving forward.

Dr. Nielson asked Dr. Logan for his input, as he had helped draft the prior legislation. Dr. Logan recommended keeping the legislative aspect of the work as minimal as possible. He also recommended drafting a list of specialties and their respective actions to add into regulations, so that the board could maintain jurisdictional control and make adjustments through regulations changes if necessary, thus freeing up the legislators.

On a motion duly made by Dr. Nielson, seconded by Dr. Johnson, and with unanimous consent, it was RESOLVED that the Board move to accept the draft of Dr. Nielson's PDF for Mr. Maiquis to start drafting the regulations change to present to the board in their upcoming December meeting. 01:34 PM

Dr. Nielson then reviewed the language in SB21, the temporary courtesy license legislation. He asked when this piece of legislation becomes enacted, is the dental board able issue a temporary license, even though a temporary permit for an incapacitated dentist already exists [08.36.254] and will it supersede the existing permit. Mr. Maiquis replied that the board would have to change the existing regulations to allow issuance for a military spouse. He added that he believed it would not supersede 08.36.254, and he would double check with the Assistant Attorney General's office and law department to be sure.

Dr. Nielson thanked the other board members for attending, stating that it was encouraging to see such high levels of participation and he was appreciative. He then re-emphasized the importance of board participation in voting on applicants' ballots, stating that multiple voting periods for applicants was hindering their ability to earn a living.

Dr. Nielson reviewed the task list for the board members. Ms. O'Brien stated that she would send Dr. Nielson's PDF of regulation changes to Mr. Maiquis, send the regulation change questionnaire to Dr. Nielson, email the penalty matrix information to Dr. Wenzell, and see if she could find similar penalty matrices from other healthcare boards. Dr. Wenzell would review the penalty matrix information he had previously sent Ms. O'Brien, and draft framework for the board's approval. Dr. Nielson would complete the regulations changes questionnaires to submit for public comment.

Agenda Item 11 – Adjourn – 1:48 PM

On a motion duly made by Dr. Nielson, seconded by Dr. Wenzell, and with unanimous consent, it was the board moved to adjourn. 1:48 PM

Off Record at 1:48 PM

Respectfully Submitted:

Abby O'Brien
Occupational Licensing Examiner

Approved:

David Nielson, DDS, President

Date: _____

Investigations Report

Public Comment

BREAK 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 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium
Revenue												
Revenue from License Fees	\$ 75,095	\$ 479,846	\$ 554,941	\$ 103,201	\$ 686,060	\$ 789,261	\$ 179,011	\$ 636,660	\$ 815,671	\$ 77,965	\$ 626,646	\$ 704,611
General Fund Received											\$ 227,625	227,625
Allowable Third Party Reimbursements	-	-	-	-	-	-	-	127	127	\$ -	\$ -	-
TOTAL REVENUE	\$ 75,095	\$ 479,846	\$ 554,941	\$ 103,201	\$ 686,060	\$ 789,261	\$ 179,011	\$ 636,787	\$ 815,798	\$ 77,965	\$ 854,271	\$ 932,236
Expenditures												
Non Investigation Expenditures												
1000 - Personal Services	61,692	76,334	138,026	95,580	68,010	163,590	113,144	117,120	230,264	105,784	114,394	220,178
2000 - Travel	12,796	14,040	26,836	8,138	5,286	13,424	9,189	5,862	15,051	2,232	-	2,232
3000 - Services	7,534	21,614	29,148	16,955	27,740	44,695	26,606	62,283	88,889	11,450	8,444	19,894
4000 - Commodities	525	1,102	1,627	427	846	1,273	493	309	802	605	202	807
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	82,547	113,090	195,637	121,100	101,882	222,982	149,432	185,574	335,006	120,071	123,040	243,111
Investigation Expenditures												
1000-Personal Services	92,394	40,575	132,969	36,948	99,335	136,283	51,494	115,538	167,032	119,771	55,971	175,742
2000 - Travel								-	-	-	-	-
3023 - Expert Witness	15,637	-	15,637	-	14,800	14,800	14,800	-	14,800	-	800	800
3088 - Inter-Agency Legal	81,128	29,978	111,106	536	15,896	16,432	8,011	29,796	37,807	56,993	25,258	82,251
3094 - Inter-Agency Hearing/Mediation	1,619	3,845	5,464	-	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	190,778	74,398	265,176	37,484	133,007	170,491	75,569	146,476	222,045	179,429	102,261	281,690
Total Direct Expenditures	273,325	187,488	460,813	158,584	234,889	393,473	225,001	332,050	557,051	299,500	225,301	524,801
Indirect Expenditures												
Internal Administrative Costs	61,643	43,586	105,229	64,849	112,465	177,314	113,011	129,737	242,748	71,838	69,597	141,435
Departmental Costs	28,056	29,915	57,971	27,858	58,120	85,978	57,385	72,191	129,576	36,414	31,551	67,965
Statewide Costs	18,528	16,586	35,114	9,544	16,002	25,546	18,400	24,144	42,544	29,715	23,383	53,098
Total Indirect Expenditures	108,227	90,087	198,314	102,251	186,587	288,838	188,796	226,072	414,868	137,967	124,531	262,498
TOTAL EXPENDITURES	\$ 381,552	\$ 277,575	\$ 659,127	\$ 260,835	\$ 421,476	\$ 682,311	\$ 413,797	\$ 558,122	\$ 971,919	\$ 437,467	\$ 349,832	\$ 787,299
Cumulative Surplus (Deficit)												
Beginning Cumulative Surplus (Deficit)	\$ 180,038	\$ (126,419)		\$ 75,852	\$ (81,782)		\$ 182,802	\$ (51,984)		\$ 26,681	\$ (332,821)	
Annual Increase/(Decrease)	(306,457)	202,271		(157,634)	264,584		(234,786)	78,665		(359,502)	504,439	
Ending Cumulative Surplus (Deficit)	\$ (126,419)	\$ 75,852		\$ (81,782)	\$ 182,802		\$ (51,984)	26,681		\$ (332,821)	171,618	
										*	Fee analysis recommended	
Statistical Information												
Number of Licenses for Indirect calculation	2,314	2,448		2,461	4,774		5,144	5,350		2,337	2,658	
Additional information: • 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 program changes per AS 08.01.065.												

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	92,669.63			92,669.63
1014 - Overtime	807.60			807.60
1023 - Leave Taken	8,862.84			8,862.84
1028 - Alaska Supplemental Benefit	6,290.70			6,290.70
1029 - Public Employee's Retirement System Defined Benefits	8,614.13			8,614.13
1030 - Public Employee's Retirement System Defined Contribution	3,364.02			3,364.02
1034 - Public Employee's Retirement System Defined Cont Health Reim	2,606.07			2,606.07
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	805.05			805.05
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	7,197.82			7,197.82
1039 - Unemployment Insurance	190.91			190.91
1040 - Group Health Insurance	31,280.19			31,280.19
1041 - Basic Life and Travel	41.19			41.19
1042 - Worker's Compensation Insurance	838.84			838.84
1047 - Leave Cash In Employer Charge	2,018.05			2,018.05
1048 - Terminal Leave Employer Charge	1,423.00			1,423.00
1053 - Medicare Tax	1,437.35			1,437.35
1069 - SU Business Leave Bank Contributions	26.78			26.78
1077 - ASEA Legal Trust	136.98			136.98
1079 - ASEA Injury Leave Usage	12.46			12.46
1080 - SU Legal Trst	40.06			40.06
1970 - Personal Services Transfer	1,701.67			1,701.67
3023 - Expert Witness		800.00		800.00
3044 - Courier		3.55		3.55
3045 - Postage		29.06		29.06
3046 - Advertising		1,755.39		1,755.39
3088 - Inter-Agency Legal		29,233.23		29,233.23
3094 - Inter-Agency Hearing/Mediation		20,202.70		20,202.70
4005 - Subscriptions			202.00	202.00
3970 - Contractual Transfer		-		-
3085 - Inter-Agency Mail		2,709.56		2,709.56
Grand Total	170,365.34	54,733.49	202.00	225,300.83

FY 2021 CBPL COST ALLOCATIONS

Name	Task Code	Direct Revenues	General Fund Received	3rd Party Reimbursement	Total Revenues	Direct Expense	Percentage of board licenses/total licensees:	Division cash receipt transactions % by Personal Services \$	Department certified transactions % by Fiscal Revenue \$	Indirect Expense (Total Non-PCN Allocated)	Percentage of program direct Personal Services:	Total Indirect Expenses	Total Expenses	2021 Annual Surplus (Deficit)
Acupuncture	ACU1	\$ 36,968		\$ -	\$ 36,968	\$ 3,734	\$ 2,929	\$ 227	\$ 1,227	\$ 4,383	1,106	\$ 5,489	\$ 9,223	\$ 27,745
Architects, Engineer	AEL1	\$ 146,310		\$ -	\$ 146,310	\$ 282,663	170,358	\$ 8,151	\$ 3,365	181,874	72,156	254,030	536,693	(390,383)
Athletic Trainers	ATH1	\$ 3,405		\$ -	\$ 3,405	\$ 8,349	1,130	\$ 151	\$ 545	1,826	2,555	4,381	12,730	(9,325)
Audiology and Speech Pathologists	AUD1	\$ 184,965		\$ -	\$ 184,965	\$ 26,607	19,352	\$ 3,798	\$ 2,168	25,318	7,919	33,237	59,844	125,121
Barbers & Hairdressers	BAH1	\$ 389,183		\$ -	\$ 389,183	\$ 281,634	160,440	\$ 20,062	\$ 3,044	183,546	74,255	257,801	539,435	(150,252)
Behavior Analysts	BEV1	\$ 10,060		\$ -	\$ 10,060	\$ 4,966	2,007	\$ 366	\$ 1,359	3,732	1,374	5,106	10,072	(12)
Chiropractors	CHI1	\$ 208,070		\$ -	\$ 208,070	\$ 137,019	8,211	\$ 1,918	\$ 1,757	11,886	33,229	45,115	182,134	25,936
Collection Agencies	COA1	\$ 17,325		\$ -	\$ 17,325	\$ 33,147	16,884	\$ 1,956	\$ 1,221	20,061	9,466	29,527	62,674	(45,349)
Concert Promoters	CPR1	\$ 6,670		\$ -	\$ 6,670	\$ 574	438	\$ 139	\$ 433	1,010	171	1,181	1,755	4,915
Construction Contractors	CON1	\$ 1,477,270		\$ -	\$ 1,477,270	\$ 496,407	211,690	\$ 23,771	\$ 4,084	239,545	87,635	327,180	823,587	653,683
Home Inspectors	HIN1	\$ 8,115		\$ -	\$ 8,115	\$ 6,676	2,629	\$ 542	\$ 849	4,020	2,016	6,036	12,712	(4,597)
Dental	DEN1	\$ 626,646	\$ 227,625	\$ -	\$ 854,271	\$ 225,301	61,307	\$ 8,719	\$ 2,188	72,214	52,317	124,531	349,832	504,439
Dietitians/Nutritionists	DTN1	\$ 6,360		\$ -	\$ 6,360	\$ 13,508	7,150	\$ 606	\$ 921	8,677	789	9,466	22,974	(16,614)
Direct Entry Midwife	MID1	\$ 142,945		\$ -	\$ 142,945	\$ 22,687	1,153	\$ 13	\$ 550	1,716	3,839	5,555	28,242	114,703
Dispensing Opticians	DOP1	\$ 31,870	\$ 107,465	\$ -	\$ 139,335	\$ 15,035	2,699	\$ 530	\$ 724	3,953	4,532	8,485	23,520	115,815
Electrical Administrator	EAD1	\$ 17,276		\$ -	\$ 17,276	\$ 67,402	21,174	\$ 1,666	\$ 1,097	23,937	9,238	33,175	100,577	(83,301)
Euthanasia Services	EUT1	\$ 2,800	\$ 6,200	\$ -	\$ 9,000	\$ 1,833	254	\$ 25	\$ 141	420	561	981	2,814	6,186
Geologists	GEO1	\$ 795		\$ -	\$ 795	\$ 793	300	\$ 227	\$ 270	797	242	1,039	1,832	(1,037)
Guardians/Conservators	GCO1	\$ 11,681	\$ 9,166	\$ -	\$ 20,847	\$ 637	369	\$ 101	\$ 319	789	130	919	1,556	19,291
Guide-Outfitters	GUI1	\$ 458,520		\$ -	\$ 458,520	\$ 405,369	33,352	\$ 12,731	\$ 3,618	49,701	84,929	134,630	539,999	(81,479)
Marine Pilots	MAR1	\$ 124,200		\$ -	\$ 124,200	\$ 51,354	3,183	\$ 442	\$ 1,133	4,758	13,521	18,279	69,633	54,567
Foreign Pleasure Craft	FPC1	\$ 77,010		\$ -	\$ 77,010	\$ 9,368	-	\$ 328	\$ 515	843	2,864	3,707	13,075	63,935
Marital & Family Therapy	MFT1	\$ 106,101	\$ 20,151	\$ -	\$ 126,252	\$ 37,587	3,022	\$ 669	\$ 910	4,601	10,124	14,725	52,312	73,940
Massage Therapists	MAS1	\$ 79,165	\$ 33,654	\$ -	\$ 112,819	\$ 197,556	28,739	\$ 3,772	\$ 1,874	34,385	53,692	88,077	285,633	(172,814)
Mechanical Administrator	MEC1	\$ 15,510		\$ -	\$ 15,510	\$ 56,147	13,309	\$ 1,035	\$ 754	15,098	8,674	23,772	79,919	(64,409)
Medical	MED1	\$ 2,597,830		\$ -	\$ 2,597,830	\$ 899,162	295,417	\$ 25,361	\$ 4,627	325,405	243,855	569,260	1,468,422	1,129,408
Mortuary Science	MOR1	\$ 22,708		\$ -	\$ 22,708	\$ 4,042	3,114	\$ 341	\$ 611	4,066	1,127	5,193	9,235	13,473
Naturopaths	NAT1	\$ 4,355		\$ -	\$ 4,355	\$ 7,091	1,130	\$ 126	\$ 460	1,716	2,034	3,750	10,841	(6,486)
Nurse Aides	NUA1	\$ 190,159		\$ -	\$ 190,159	\$ 226,749	94,590	\$ 9,602	\$ 1,885	106,077	40,678	146,755	373,504	(183,345)
Nursing	NUR1	\$ 4,487,396		\$ -	\$ 4,487,396	\$ 1,448,247	544,196	\$ 33,348	\$ 5,798	583,342	328,279	911,621	2,359,864	2,127,532
Nursing Home Administrators	NHA1	\$ 12,265	\$ 7,411	\$ -	\$ 19,676	\$ 6,051	1,407	\$ 126	\$ 473	2,006	1,384	3,390	9,441	10,235
Optometry	OPT1	\$ 131,950		\$ -	\$ 131,950	\$ 73,836	7,565	\$ 921	\$ 1,363	9,849	21,644	31,493	105,329	26,621
Pawnbrokers	PAW1	\$ 1,300		\$ -	\$ 1,300	\$ 60	507	\$ 50	\$ 110	667	18	685	745	555
Pharmacy	PHA1	\$ 1,121,447		\$ -	\$ 1,121,447	\$ 432,923	159,541	\$ 37,686	\$ 4,695	201,922	118,262	320,184	753,107	368,340
Physical/Occupational Therapy	PHY1	\$ 111,935		\$ -	\$ 111,935	\$ 134,328	43,570	\$ 5,413	\$ 3,184	52,167	39,979	92,146	226,474	(114,539)
Prescription Drug Monitoring Program	PDMP	\$ 191,320		\$ -	\$ 191,320	\$ 1,728	-	\$ -	\$ -	-	-	-	1,728	189,592
Professional Counselors	PCO1	\$ 84,420		\$ -	\$ 84,420	\$ 154,477	25,026	\$ 4,265	\$ 2,751	32,042	45,118	77,160	231,637	(147,217)
Psychology	PSY1	\$ 156,005		\$ -	\$ 156,005	\$ 67,981	9,341	\$ 1,766	\$ 1,473	12,580	19,959	32,539	100,520	55,485
Public Accountancy	CPA1	\$ 164,635		\$ -	\$ 164,635	\$ 212,245	39,649	\$ 2,826	\$ 798	43,273	59,633	102,906	315,151	(150,516)
Real Estate	REC1	\$ 325,590		\$ -	\$ 325,590	\$ 261,752	84,879	\$ 18,989	\$ 1,812	105,680	64,581	170,261	432,013	(106,423)
Real Estate Appraisers	APR1	\$ 207,770		\$ -	\$ 207,770	\$ 104,618	8,534	\$ 3,571	\$ 1,498	13,603	22,600	36,203	140,821	66,949
Social Workers	CSW1	\$ 323,280		\$ -	\$ 323,280	\$ 197,763	27,240	\$ 3,810	\$ 3,903	34,953	39,564	74,517	272,280	51,000
Storage Tank Workers	UST1	\$ 785		\$ -	\$ 785	\$ 5,406	1,315	\$ 76	\$ 422	1,813	1,659	3,472	8,878	(8,093)
Veterinary	VET1	\$ 295,030		\$ -	\$ 295,030	\$ 138,572	26,409	\$ 3,243	\$ 2,157	31,809	38,446	70,255	208,827	86,203
No longer existent board/commission (ie Athletic)													-	-
Totals All Boards		\$ 14,619,400	\$ 411,672	\$ -	\$ 15,031,072	\$ 6,763,380	\$ 2,145,509	\$ 243,465	\$ 73,086	\$ 2,462,060	\$ 1,626,154	\$ 4,088,214	\$ 10,851,594	\$ 4,179,478
ABL & Corporations	080801005	\$ 7,430,662		\$ -	\$ 7,430,662	\$ 1,102,096	\$ 162,419	\$ 243,465	\$ 7,228	\$ 413,112	\$ 206,865	\$ 619,977	\$ 1,722,073	

DIVISION INDIRECT EXPENSES	Total	Prof Lic	Corp & Bus Lic
Percentage of program direct Personal Services:			
Business Supplies	85,168	29,383	55,785
Office Equipment	18,652	16,973	1,679
State Vehicles	2,870	2,612	258
Storage and Archives	9,909	9,899	10
Legal Support	88,145	85,849	2,296
Central Mail Services Postage	31,258	11,836	19,422
Software Licensing and Maintenance	70,759	66,578	4,180
Division Administrative Expenses - all other	160,543	160,223	320
Division allocated by percentage of direct personal services:	467,304	383,353	83,950
Percentage of board licenses/total licensees:			
Division supervisors of receipting Personal Services 75%	331,242	302,374	28,868
Receipting Personal Services 40%	251,010	229,135	21,875
Investigations indirect Personal Services	392,649	372,934	19,715
Division Administration Personal Services	421,260	383,355	37,906
Professional License Administration Personal Services	420,998	411,111	9,886
Division allocated by percentage of board licenses/total licensees:	1,817,159	1,698,909	118,250
Receipting transaction % by Personal Services:			
Division supervisors of receipting Personal Services 25%	110,414	55,207	55,207
Receipting Personal Services 60%	376,516	188,258	188,258
Division cash receipt transactions % by Personal Services \$	486,930	243,465	243,465
Total Division Indirect Expenses	2,771,392	2,325,727	445,665
DEPARTMENT INDIRECT EXPENSES	Total	Prof Lic	Corp & Bus Lic
Percentage of program direct Personal Services:			
Commissioner's Office	168,430	153,272	15,158
Administrative Services - Director's Office	58,529	53,261	5,268
Administrative Services - Human Resources	91,643	83,395	8,248
Administrative Services - Fiscal	90,296	82,169	8,127
Administrative Services - Budget	58,254	53,011	5,243
Administrative Services - Information Technology	79,553	72,393	7,160
Administrative Services - Information Technology - Network & Database	9,875	8,986	889
Administrative Services - Mail	10,456	9,515	941
Administrative Services - Facilities - Maintenance	-	-	-
Department allocated by percentage of direct personal services:	567,036	516,002	51,034
Percentage of board licenses/total licensees:			
Department administrative services support: Fiscal, IT, Procurement	490,769	446,600	44,169
Receipting transaction % by Personal Services:			
Department certified transactions % by Fiscal Revenue \$	80,314	73,086	7,228
Total DEPARTMENT INDIRECT EXPENSES	1,138,119	1,035,688	102,431
STATEWIDE INDIRECT EXPENSES	Total	Prof Lic	Corp & Bus Lic
Percentage of program direct Personal Services:			
Accounting and Payroll Systems	18,276	16,631	1,645
State Owned Building Rental (Building Leases)	359,593	327,230	32,363
State OIT Server Hosting & Storage	6,720	6,115	605
State OIT SQL	18,531	16,864	1,668
State Software Licensing	-	-	-
Human Resources	57,945	52,730	5,215
IT Non-Telecommunications (Core Cost)	299,874	272,886	26,989
IT Telecommunications	34,440	31,340	3,100
Risk Management	3,300	3,003	297
Statewide allocated by percentage of direct personal services:	798,680	726,799	71,881
FY21 TOTALS BY METHODOLOGY	Total	Prof Lic	Corp & Bus Lic
Percentage of program direct Personal Services:	1,833,019	1,626,154	206,865
Percentage of board licenses/total licensees:	2,307,928	2,145,509	162,419
Receipting transaction % by Personal Services:	567,244	316,551	250,693
Grand Total	4,708,191	4,088,214	619,977

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 QTR							
<u>Revenue</u>																				
Revenue from License Fees	\$	103,201	\$	686,060	\$	789,261	\$	179,011	\$	636,660	\$	815,671	\$	77,965	\$	626,646	\$	704,611	\$	29,315
General Fund Received																				
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	\$	29,315
<u>Expenditures</u>																				
Non Investigation Expenditures																				
1000 - Personal Services		95,580		68,010		163,590		113,144		117,120		230,264		105,784		114,394		220,178		16,132
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		48
4000 - Commodities		427		846		1,273		493		309		802		605		202		807		52
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		16,232
Investigation Expenditures																				
1000-Personal Services		36,948		99,335		136,283		51,494		115,538		167,032		119,771		55,971		175,742		10,659
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		10,659
Total Direct Expenditures		158,584		234,889		393,473		225,001		332,050		557,051		299,500		225,301		524,801		26,891
Indirect Expenditures																				
Internal Administrative Costs		64,849		112,465		177,314		113,011		129,737		242,748		71,838		69,597		141,435		17,399
Departmental Costs		27,858		58,120		85,978		57,385		72,191		129,576		36,414		31,551		67,965		7,888
Statewide Costs		9,544		16,002		25,546		18,400		24,144		42,544		29,715		23,383		53,098		5,846
Total Indirect Expenditures		102,251		186,587		288,838		188,796		226,072		414,868		137,967		124,531		262,498		31,133
TOTAL EXPENDITURES	\$	260,835	\$	421,476	\$	682,311	\$	413,797	\$	558,122	\$	971,919	\$	437,467	\$	349,832	\$	787,299	\$	58,024
<u>Cumulative Surplus (Deficit)</u>																				
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				(28,709)
Ending Cumulative Surplus (Deficit)	\$	(81,782)	\$	182,802			\$	(51,984)		26,681			\$	(332,821)	\$	171,618			\$	142,909
<u>Statistical Information</u>																				
Number of Licenses for Indirect calculation		2,461		4,774				5,144		5,350				2,337		2,658				
<u>Additional information:</u>																				
• 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 program ch																				

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	12,554.81			12,554.81
1014 - Overtime	306.85			306.85
1023 - Leave Taken	2,967.07			2,967.07
1028 - Alaska Supplemental Benefit	971.96			971.96
1029 - Public Employee's Retirement System Defined Benefits	2,046.74			2,046.74
1030 - Public Employee's Retirement System Defined Contribution	479.37			479.37
1034 - Public Employee's Retirement System Defined Cont Health Reim	377.97			377.97
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	96.59			96.59
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	1,764.87			1,764.87
1039 - Unemployment Insurance	52.15			52.15
1040 - Group Health Insurance	4,281.80			4,281.80
1041 - Basic Life and Travel	7.62			7.62
1042 - Worker's Compensation Insurance	147.26			147.26
1047 - Leave Cash In Employer Charge	265.24			265.24
1048 - Terminal Leave Employer Charge	217.10			217.10
1053 - Medicare Tax	221.50			221.50
1063 - GGU Business Leave Bank Usage	-			-
1077 - ASEA Legal Trust	22.45			22.45
1079 - ASEA Injury Leave Usage	8.78			8.78
1080 - SU Legal Trst	1.17			1.17
3046 - Advertising		47.81		47.81
4005 - Subscriptions			52.00	52.00
Grand Total	26,791.30	47.81	52.00	26,891.11

32-LS0865\B
Marx
11/18/21

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR WILSON

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of dentistry; relating to dental radiological equipment;**
2 **and providing for an effective date."**

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

4 *** Section 1.** AS 08.01.065(c) is amended to read:

5 (c) Except as provided in (f) - (k) [(f) - (j)] of this section, the department shall
6 establish fee levels under (a) of this section so that the total amount of fees collected
7 for an occupation approximately equals the actual regulatory costs for the occupation.
8 The department shall annually review each fee level to determine whether the
9 regulatory costs of each occupation are approximately equal to fee collections related
10 to that occupation. If the review indicates that an occupation's fee collections and
11 regulatory costs are not approximately equal, the department shall calculate fee
12 adjustments and adopt regulations under (a) of this section to implement the
13 adjustments. In January of each year, the department shall report on all fee levels and
14 revisions for the previous year under this subsection to the office of management and

1 budget. If a board regulates an occupation covered by this chapter, the department
2 shall consider the board's recommendations concerning the occupation's fee levels and
3 regulatory costs before revising fee schedules to comply with this subsection. In this
4 subsection, "regulatory costs" means costs of the department that are attributable to
5 regulation of an occupation plus

6 (1) all expenses of the board that regulates the occupation if the board
7 regulates only one occupation;

8 (2) the expenses of a board that are attributable to the occupation if the
9 board regulates more than one occupation.

10 * **Sec. 2.** AS 08.01.065 is amended by adding a new subsection to read:

11 (k) Notwithstanding (c) of this section, the department shall establish fee
12 levels under (a) of this section so that the total amount of fees collected by the Board
13 of Dental Examiners approximately equals the total regulatory costs of the department,
14 the board, and the Department of Health and Social Services for all occupations
15 regulated by the board. For purposes of this subsection, the regulatory costs of the
16 Department of Health and Social Services for the occupations regulated by the board
17 include the cost of inspecting dental radiological equipment under AS 44.29.020(d).

18 * **Sec. 3.** AS 08.36 is amended by adding new sections to read:

19 **Sec. 08.36.242. License to practice as specialist required.** A licensed dentist
20 may not represent to the public to be qualified in a specialized branch of dentistry
21 through any means of public advertising using the term "specialist," the name of a
22 specialty, or a phrase that would suggest to the public that the dentist is a qualified
23 specialist in a branch of dentistry unless the dentist has a specialist license in that
24 branch as provided in this chapter.

25 **Sec. 08.36.243. Qualification for specialist license; scope of practice.** (a) An
26 applicant for a specialist license must

27 (1) hold a license issued by the board in accordance with AS 08.36.110
28 or 08.36.234; and

29 (2) meet additional qualifications for a specialist license in a specified
30 branch of dentistry as established by the board by regulation.

31 (b) In determining the qualifications for a specialist license in a specified

1 branch of dentistry under (a) of this section, the board shall consider the qualifications
2 necessary to obtain specialty certification by a nationally recognized certifying entity
3 approved by the board.

4 (c) The practice of a dentist who obtains a specialist license under (a) of this
5 section is limited to the branch of dentistry in which the dentist holds a specialist
6 license.

7 **Sec. 08.36.245. Suspension or revocation of specialist license.** The board
8 may suspend or revoke a specialist license on grounds and according to the procedures
9 set out in AS 08.36.315.

10 * **Sec. 4.** AS 44.29.020 is amended by adding a new subsection to read:

11 (d) The Department of Health and Social Services shall establish standards
12 that comply with federal law for the registration, use, and inspection of dental
13 radiological equipment, including standards for record keeping relating to the control
14 panels and the use of the equipment. In this subsection, "dental radiological
15 equipment" means equipment for use in the practice of dentistry, consisting of a
16 control panel and associated tube heads, if the equipment emits electronic product
17 radiation, as defined in AS 18.60.545, or uses radionuclides, as defined in
18 AS 18.60.545.

19 * **Sec. 5.** AS 44.46.029 is amended to read:

20 **Sec. 44.46.029. Dental radiological equipment.** This chapter does not
21 authorize the department to register, inspect, test, or otherwise regulate dental
22 radiological equipment or records relating to dental radiological equipment regulated
23 by the Department of Health and Social Services [BOARD OF DENTAL
24 EXAMINERS] under AS 44.29.020(d) [AS 08.36.075].

25 * **Sec. 6.** AS 46.03.022 is amended to read:

26 **Sec. 46.03.022. Dental radiological equipment.** This title does not authorize
27 the department to register, inspect, test, or otherwise regulate dental radiological
28 equipment or records relating to dental radiological equipment regulated by the
29 Department of Health and Social Services [BOARD OF DENTAL EXAMINERS]
30 under AS 44.29.020(d) [AS 08.36.075].

31 * **Sec. 7.** AS 08.36.075; AS 18.05.065; AS 18.60.525(e); and AS 44.29.027 are repealed.

1 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

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

8 * **Sec. 9.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 10.** Except as provided in sec. 9 of this Act, this Act takes effect March 1, 2023.



Lunch Time

PDMP Report



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

Juneau Office

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

September 16, 2021

Dear licensees and interested parties:

Alaska's professional licensing statutes (AS 08.01.065) require the Division of Corporations, Business and Professional Licensing (CBPL) to "annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation." Alaska's licensing fee statutes go on to say, "If the review indicates that an occupation's fee collections and regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations...to implement the adjustments."

The division conducted a thorough fee analysis for the Prescription Drug Monitoring Program (PDMP) to comply with the AS 08.01.065. Federal funding has been available to the division to offset certain administrative costs of running this program. **To that end, we recommend decreasing the PDMP fee to zero.** This fee will be reviewed annually and may be increased in the future.

This fee proposal is entering a public comment period. The division encourages all licensees and interested parties to comment on this proposal through the division's regulations specialist. After the comment period closes and the division reviews all comments received, the division may adopt the regulation as drafted, may amend a proposed fee, or may withdraw the regulations in part or in whole.

All comments received will be reviewed and taken into consideration prior to adopting the final regulations. The final decision will result in fee implementation this fall and will apply to initial and renewal fees for PDMP registration.

Follow the instructions enclosed to make written comments during the public comment period. Comments must be addressed to CBPL Regulations Specialist, PO Box 110806, Juneau, AK 99811 or regulationsandpubliccomment@alaska.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sara Chambers".

Sara Chambers
Division Director

**NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR
PRESCRIPTION DRUG MONITORING PROGRAM IN THE REGULATIONS OF THE
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing proposes to decrease the prescription drug monitoring program fees to zero.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code including the following:

12 AAC 02.107. Prescription drug monitoring program (PDMP) controlled substance prescription database registration, is proposed to decrease the PDMP registration and renewal fees to zero.

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 Department 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/203804>, and using the comment link. **The comments must be received not later than 4:30 p.m. on October 22, 2021.** Comments received after this deadline will not be considered by the Department.

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 Department 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 Division's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PrescriptionDrugMonitoringProgram.aspx>. The Department 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 October 15, 2021 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/PDMP-Fees-2021.pdf>.

After the public comment period ends, the Department 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 08.01.065; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 17.30.200

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

DATE: 9/17/2021

/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:** Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Occupational licensing fees (PDMP registration and renewal fees).
3. **Citation of regulation:** 12 AAC 02.107.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: Decrease PDMP registration and renewal fees to zero.
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:**
Lisa Sherrell, PDMP Manager
Prescription Drug Monitoring Program
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-1039
E-mail: lisa.sherrell@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.
11. **Date:** 9/17/2021 **Prepared by:** /s/
Jun Maiquis
Regulations Specialist

Chapter 02. General Occupational Licensing Functions.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 02.107 is amended to read:

12 AAC 02.107. Prescription drug monitoring program controlled substance prescription database registration. The following fees are established for registration as required under AS 17.30.200 with the prescription drug monitoring program (PDMP) controlled substance prescription database by a pharmacist who dispenses, or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law:

(1) initial registration fee, **\$0** [\$25];

(2) biennial registration renewal fee, **\$0** [\$25]. (Eff. 4/22/2018, Register 226; am
____/____/____, Register _____)

Authority: AS 08.01.065 AS 17.30.200

Regulations Project

Old Business

New Business

From: [REDACTED]
To: [REDACTED]
Subject: RE: [EXTERNAL]RE: CBPL Contact Form Submission
Date: Thursday, October 28, 2021 8:33:10 AM
Attachments: [REDACTED]

Hi, Dr. Nielsen. Do you have any issues with the advice I provided (below) in the meantime before the December meeting? I have attached further correspondence and don't agree with their counsel—as much as I wish I could.

I believe it would be in the best interest of all involved if the board adopted regulations clarifying these remote services. Under AS 08.36.360, SmileDirect Club and BeamReaders both meet the definition of practicing dentistry. The main difference I see between these two is that SMD was *directly* treating patients; BR is not. As Abby points out, the office ownership statute does not pertain solely to locations where patients must be present to perform dental services. Other health care programs exempt providers who are licensed in the state where they are located if they are not seeing patients—only advising licensed providers.

Please let us know if you want to review further. Otherwise, we will await board discussion in December and stand by the advice provided below.

Sara Chambers

Division Director

Alaska Division of Corporations, Business and Professional Licensing

From: David Nielson [REDACTED]
Sent: Wednesday, October 27, 2021 7:43 PM
To: Board of Dental Examiners (CED sponsored) [REDACTED]
Cc: Chambers, Sara C (CED) [REDACTED] >
Subject: Re: [EXTERNAL]RE: CBPL Contact Form Submission

Hi Abby,

Ok, this is worth discussing for sure. If you want to add it to new business in December it would be OK with me. But, 08.36.367 has to do with practice "ownership" and not what is considered the practice of dentistry under 08.36.360. I believe what we are talking about here is the practice of dentistry defined under 08.36.360(8). Reason being, the OMR is offering a service to Alaskan dentists by interpreting or diagnosing radiographs or images remotely for them. This reminds me of when I asked for an opinion from the AG's office about "Smile Direct Club" (SDC) where orthodontic appliances are made out of state by an entity that has no Alaska dental license and never evaluated the patient other than from models the patient sent to them. The AG's office gave an opinion that SDC was in fact practicing dentistry in Alaska without a proper license in violation of 08.36.360(2), but decided to "research" it some more

and gather more information to see if any harm was being done. In the meantime, SDC just got some Alaska licensed dentists to review their cases to fill in that requirement thus sort of bypassing the issue. Following that logic, OMR reviewers would only need an Alaska dental license in order to provide their service I would imagine. There are not many services dentists can perform with "tele-dentistry" but this service is one of them. And in order to have some jurisdiction over issues with mis-diagnosis, it would seem the dental board would need to have the OMR licensed in Alaska. I'm not sure any regulation change would be needed in that case. Does that all make sense?

Regards,
Dave Nielson, DDS

From: Board of Dental Examiners (CED sponsored) <[REDACTED]>
Sent: Wednesday, October 27, 2021 3:54 PM
To: Dave Nielson <[REDACTED]>
Subject: FW: [EXTERNAL]RE: CBPL Contact Form Submission

Afternoon!

I was asked to forward this chain to you at the request of Director Chambers. It gets its fingers into a whole bunch of different pies, like telemedicine, business registry, etc. The director thinks that a regulations change may be needed to accommodate this type of entity. (08.36.367)

She would like this added to the agenda for our upcoming meeting in December, just giving you a heads up!

Abby

From: Occupational, License (CED sponsored) <[REDACTED]>
Sent: Wednesday, October 27, 2021 3:37 PM
To: Tom Hatcher <[REDACTED]>
Cc: Board of Dental Examiners (CED sponsored) <[REDACTED]>; Kautz, Colleen K (CED) <[REDACTED]>
Subject: RE: [EXTERNAL]RE: CBPL Contact Form Submission

Greetings, Tom. I've been reviewing your message and Board of Dental Examiners statutes and regulations. I feel like BeamReaders may be in a murky area of law that could use a little attention by the board.

I'm copying our board staff so we can discuss the most efficient and effective pathway forward for your business. In the meantime, I would recommend the following:

- Register BeamReaders with the [Telemedicine Business Registry](#).
- OMRs should apply for [dentist licensure](#) here.
- OMRs do not need to also register for the Telemedicine Business Registry if they are working

for BeamReaders and not independently.

That said, let me reiterate that BeamReaders likely needs to hold a license as a dental office, given my reading of the law. However, I'd like to consult with staff and perhaps the board chair prior to offering final advice.

Sincerely,

Sara Chambers

Division Director

Alaska Division of Corporations, Business and Professional Licensing

From: Tom Hatcher <[REDACTED]>
Sent: Wednesday, October 20, 2021 1:14 PM
To: Occupational, License (CED sponsored) [REDACTED]
Subject: Re: [EXTERNAL]RE: CBPL Contact Form Submission

Jessica

Thank you for your quick response. Our business, BeamReaders, is a web platform that connects Alaska dentists with Oral Maxillofacial Radiologist (OMR) for consultation on their images. There is no patient contact, only doctor to doctor consultation. It is my understanding that BeamReaders needs to have a corporate license and register with the Telemedicine Business Registry even though we are only the vehicle that allows the OMR to consult. First, I want to confirm BeamReaders needs to have a AK business license and register on the registry. I have been trying to register via myAlaska account but I am not able to access any pages after I log in so I would appreciate your guidance if I need to license and register and how to proceed.

I also want to be able to instruct the OMR in the proper steps to become registered with the Telemedicine Registry. Could you provide those details?

Thanking in advance for your assistance.

Thomas Hatcher
President
BeamReaders.com
916.771.3505

From: Occupational, License (CED sponsored) [REDACTED] >
Date: Wednesday, October 20, 2021 at 1:48 PM
To: Tom Hatcher [REDACTED] >

Subject: [EXTERNAL]RE: CBPL Contact Form Submission

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

Hi,

How may we assist you?

Thank you,
Jessica Wright
Accounting Technician II

-----Original Message-----

From [REDACTED]

Sent: Wednesday, October 20, 2021 11:28 AM

To: Occupational, License (CED sponsored) <[REDACTED]>

Subject: CBPL Contact Form Submission

Applicant Name: Tom Hatcher

Contact Name: Tom Hatcher

Contact Address: [REDACTED]

License Number:

License Program: TELEMEDICINE BUSINESS REGISTRY

Contact Reason: I have another question not listed here

From: [nbexams](#)
To: [nbexams](#)
Subject: Important Update from the JCNDE
Date: Friday, September 10, 2021 7:17:26 AM

Greetings from the Joint Commission on National Dental Examinations (JCNDE). This email contains important updates for Boards from the JCNDE in the following areas:

- Transition to the standard-length-NBDHE in October 2021
- The DHLOSCE and DLOSCE

Transition to the standard-length-NBDHE in October 2021

In July 2020, the Joint Commission on National Dental Examinations released the short-form National Board Dental Hygiene Examination (NBDHE), a shortened version of the NBDHE. The short-form-NBDHE was made available to help address a growing backlog of candidates who were unable to test due to circumstances surrounding the COVID-19 pandemic. The content appearing in the short-form-NBDHE is proportionally representative of the current test specifications of the standard-length-NBDHE, and the level of skill required to pass this reduced length examination is the same as that required to pass the standard-length examination. Additional information about the short-form-NBDHE is available [here](#).

Recent improvements in the availability of NBDHE testing appointments have eliminated the need for short-form-NBDHE administrations. Accordingly, the JCNDE announces that it will begin transitioning to the standard-length version of the NBDHE on October 8, 2021. This transition period will continue for several months, during which both the short-form-NBDHE and standard-length-NBDHE will be administered, depending upon when candidates submitted their application to test. Both sets of examination forms have been fully validated and rely on the same performance standard that determines passing and failure. It should be noted that—due to the rigor and success of the short-form-NBDHE, and consistent with prior recommendations by JCNDE technical panel advisors—in June 2021 the JCNDE approved a resolution directing staff to conduct a general investigation on the possibility of shortening the length of Joint Commission examinations. The Department of Testing Services will present a report on this topic to the JCNDE's Committee on Research and Development at the Committee's 2022 annual meeting.

The DHLOSCE and DLOSCE

The JCNDE would also like to announce its recent decision (June 2021) to approve a business plan to develop, validate, and implement a Dental Hygiene Licensure Objective Structured Clinical Examination (DHLOSCE). The DHLOSCE is expected to launch in 2024. Information on this exciting new examination program is available on a new [JCNDE DHLOSCE webpage](#).

Boards are also welcome to contact the JCNDE, to learn more about the JCNDE's [Dental Licensure Objective Structured Clinical Examination \(DLOSCE\)](#). Recently conducted studies provide strong evidence of the DLOSCE's validity, with data demonstrating the substantial positive relationship between DLOSCE performance and candidate clinical performance. Please [contact](#) the JCNDE for additional information, and to setup a time when the JCNDE can present DLOSCE information to your Board.

A Note of Thanks to Boards

The JCNDE would like to thank Boards for their work during an incredibly challenging time. The JCNDE appreciates the opportunity to serve Boards, as Boards make decisions that protect the public health. The JCNDE shares Boards' concerns for the public health, and is committed to supporting the work of Boards through the provision of valid, reliable and fair assessments of candidate knowledge, skills, and abilities.

Task List

Adjourn