



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.

Call to Order / Roll Call

Dental Board Roster

David Nielson, DDS - Board President

Gail Walden RDH, BSDH - Board Secretary

Steven Scheller, DDS

Dominic Wenzell, DMD

Kelly lucas, DDS

Jesse Hronkin, DDS

Timothy “Jon” Woller, DDS

Brittany Dschaak, RDH

Robin Wahto, Public Member

STATE OF ALASKA 2020

State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)
09/07	Labor Day
10/18	Alaska Day (observed 10/19)
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

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

Holiday
 Payday



State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Revised 10/31/2019

STATE CALENDAR

JANUARY

S	M	T	W	T	F	S
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FEBRUARY

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DECEMBER

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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

August 7th, 2020

Teleconference

Please email boardofdentalexaminers@alaska.gov
for meeting contact information.

AGENDA

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
1.	9:00 a.m.	Call to Order/Roll Call	CHAIR
2.	9:05 a.m.	Ethics Report	CHAIR
3.	9:08 a.m.	Review / Approve Agenda	CHAIR
4.	9:12 a.m.	Review / Approve Minutes <ul style="list-style-type: none">• February 11th, 2020• April 15th, 2020• April 22nd, 2020• April 29th, 2020• May 5th, 2020	CHAIR
5.	9:45 a.m.	Investigative Report	BAUTISTA/MEDINA
6.	10:15 a.m.	Break	CHAIR
7.	10:30 a.m.	Regulation Update: Chapter 28 <ul style="list-style-type: none">• Public Comments Received• Vote	ZINN

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

BOARD OF DENTAL EXAMINERS AGENDA

August 7th, 2020

Teleconference

**Please email boardofdentalexaminers@alaska.gov
for meeting contact information.**

AGENDA

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
8.	11:15 a.m.	PDMP <ul style="list-style-type: none">• Report• Notice to Providers	SHERRELL
9.	12:00 p.m.	Lunch	CHAIR
10.	1:00 p.m.	Public Comment	CHAIR
11.	1:30 p.m.	Old Business <ul style="list-style-type: none">• PDMP Dental Penalty Matrix• Inspections Regulations Compliance Dates• COVID-19 Renewal Date Modifications	CHAIR
12.	2:00 p.m.	Break	CHAIR
13.	2:15 p.m.	New Business <ul style="list-style-type: none">• OSCE Exams for Dental Hygienists• After Mandate 15• Create Task List	CHAIR
14.	3:15 p.m.	Adjourn	CHAIR

Motion Sheets

Meeting Date: _____

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

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

**Review / Approve
Past Meeting
Minutes**

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND
ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS,
BUSINESS & PROFESSIONAL LICENSING
BOARD OF DENTAL EXAMINERS

MINUTES OF MEETING
FEBRUARY 11, 2020

These DRAFT minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Dental Examiners was held in Conference Room A in the State Office Building, 333 Willoughby Avenue, 9th Floor, Juneau, Alaska.

Tuesday, February 11th, 2020

Agenda Item 1

Call to Order/Roll Call

Time: 1:30 PM

The meeting was called to order by Dr. David Nielson, President, at 1:30 p.m.

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

Dr. David Nielson, President – *(Via Teleconference)*
Dr. Jonathan Woller – *(Via Teleconference)*
Dr. Dominic Wenzell – *(Via Teleconference)*
Ms. Robin Wahto – *(Via Teleconference)*
Brittany Deschaak – *(Via Teleconference)*
Dr. Kelly Lucas – *(Via Teleconference)*
Ms. Gail Walden – *(Via Teleconference)*
Dr. Steven Scheller – *(Via Teleconference)*

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

Ms. Christianne Carrillo, Licensing Examiner – Juneau
Mr. Joseph Bonnell, Records and Licensing Supervisor – Juneau

Agenda Item 2

Review of Agenda

Time: 1:32 PM

There were no changes to the agenda.

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

RESOLVED to approve the 2.11.2020 dental board agenda as amended.

Agenda Item 3

Legislative Discussion

Time: 1:33 PM

Dr. Nielson gave a summary about House Bill No. 216 / Senate Bill No. 157 and the stated that the reason for the meeting is to see if the board is on the same page on how to testify about them. The chair asked the board if they listened to Director Sara Chambers present the bill to the senate. Dr. Kelly, Dr. Lucas & Dr. Woller all responded with a yes. A goal of generating a letter based on what the board decided after the meeting to be sent to multiple senators was set.

Section 2. AS 08.01.062(1)(a) was discussed. Dr. Nielson and others on the board were concerned that the Division would be unable to properly vet the qualifications of applicants from foreign countries and that it may be possible for a temporary license holder to work for almost a year without input from the Board.

The board moved on to talk about Section 2. AS 08.01.062 (1) (c) which they agreed with which would allow temporary licenses to those who are awaiting the results of an examination required for licensure. Dr. Nielson concluded that (a) and (c) are the only parts of Section 2. AS 08.01.062. He added that Senator Castillo made a good point that she felt it was a heavy lift, the way it's currently written. Dr. Kelly Lucas agreed with the concerns mentioned and believed it is fraught with problems.

Several members of the Board felt the term "substantially equivalent" when it comes to dental training around the world cannot be determined by the Division. The accreditation process done by CODA is stringent and only one school outside the US has achieved it.

The Board felt the portion of HB 216/SB 157 that allows for expedited licensure because of military training would not apply to a dental or dental hygiene licenses because the military does not train dentists or hygienists.

Dr. Woller mentioned that a large omnibus bill like HB216 does not adequately take into consideration the different needs and intricacies of various professions like medicine and dentistry. Dr. Wenzell concurred. Mister Joseph Bonnell said Director Chambers wants the Board to know if HB216 passes, they would be able to define aspects of how it applies to dentistry by regulation. The Board, however, questioned were in section 2 that opportunity existed.

Dr. Nielson shared concern the Division would have to do the investigations and information gathering rather than PBIS. The Board was concerned that by eliminating the lower cost courtesy license, it would deter volunteerism in the state. Dr. Woller asked whether a temporary license holder would be allowed to own a dental practice.

The Board confirmed with Mr. Bonnell that if the bill passes, even though they would not be able to deny an initial license or renew a license due to criminal investigation prior to a conviction, they would be able to still do a summary suspension.

Sec. 5. AS 08.01.065 was cited and that the board supports the amended regulation to have the Department of Health and Social Services to take over inspections of dental radiological equipment under AS 08.36.075.

Gail Walden had some concern about practicing under a temporary license while waiting for exam results. She asked who would be responsible for revoking it if the exam was failed, the Dental Board or the Division? Dr. Kelly Lucas supported the military aspect of the bill has real concerns about the broadness of foreign countries, the rest of the board all felt the same way. Dr. Steven Scheller shared he does not feel the temporary license goes well with the health profession.

With the agreement of all the board members, Dr. Nielson informed the board that he will be writing a letter filled with the similar opinions and concerns of the board. He prompted everyone that they must pick a liaison who is willing to testify if asked or has the desire to speak during the hearings and stated it would be nice to

have a couple of people who can be present. Dr. Woller and Dr. Nielson volunteered to represent the board; Dr. Woller being the back up.

Agenda Item 4

Specialty License

Time: 1:57 PM

A draft of the specialty license bill was presented to the board by Dr. Nielson. He notified the board that it is sponsored by Senator Wilson and though it does not have a number yet, it does not mean it is dead. He explained that it is still in the works and needs more tweaking and asked for some help from the board to take get a chance to look at it before the next board meeting.

Dr. Nielson tasked Miss Christianne Carrillo, to upload the letter to the senators on OnBoard.com for the board to review once he finishes writing it.

Agenda Item 5

Adjourn

Time: 2:05 PM

The board finished discussing SB157 early.

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

RESOLVED to adjourn the meeting early.

The Alaska Board of Dental Examiners Chair, Dr. David Nielson, adjourned the meeting at 2:06 PM.

Respectfully Submitted:

Christianne Carrillo
Occupational Licensing Examiner

Approved:

David Nielsen, DDS, President

Date:_____

Motion Sheets

Meeting Date: _____

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

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

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND
3 ECONOMIC DEVELOPMENT
4 DIVISION OF CORPORATIONS,
5 BUSINESS & PROFESSIONAL LICENSING
6 BOARD OF DENTAL EXAMINERS
7

8 MINUTES OF MEETING
9 April 15, 2020
10

11 These DRAFT minutes were prepared by the staff of the Division of Corporations, Business and
12 Professional Licensing. They have not been reviewed or approved by the Board.
13

14 **Teleconference**
15

16 Wednesday, April 15th, 2020
17

18 **Agenda Item 1**

19 **Call to Order/Roll Call**

20 **Time: 1:32 PM**

21 The meeting was called to order by Dr. David Nielson, President, at 1:32 p.m.
22

23 **Board Members present, constituting a quorum of the board, were:**
24

25 Dr. David Nielson, President – *(Via Teleconference)*
26 Dr. Steven Scheller – *(Via Videoconference)*
27 Dr. Dominic Wenzell – *(Via Teleconference)*
28 Dr. Kelly Lucas – *(Via Teleconference)*
29 Ms. Robin Wahto – *(Via Teleconference)*
30 Dr. Jesse Hronkin – *(Via Teleconference)*
31 Dr. Jonathan Woller – *(Via Teleconference)*
32 Ms. Brittany Dschaak – *(Via Teleconference)*

33 **In attendance from the Division of Corporations, Business & Professional Licensing, Department of**
34 **Commerce, Community and Economic Development were:**
35

36 Ms. Christianne Carrillo, Licensing Examiner - Juneau
37 Mr. Joseph Bonnell, Records and Licensing Supervisor - Juneau
38 Ms. Sher Zinn, Regulation Specialist - Juneau
39

40 **In Attendance from the Public:**
41

42 Mr. Paul Anderson – *(Via Teleconference)*
43 Mr. Jack Duclose - *(Via Teleconference)*
44 Mr. Dave Logan, Alaska Dental Society – *(Via Teleconference)*
45 Mr. Birch Ukness – *(Via Teleconference)*
46 Mr. Logan Cornwell - *(Via Teleconference)*
47 Ms. Terry Wood - *(Via Teleconference)*
48

49 Gail Walden entered the teleconference at 1:36 PM.
50
51

Agenda Item 2

Review / Approval of Agenda

Time: 1:39 PM

The board reviewed the DRAFT agenda for the 4.15.2020 Board Meeting. Dr. Nielson suggested the board review teledentistry after the ethics report. This item was moved from agenda item 5 to agenda item 4.

On a motion duly made by Gail Walden, seconded by Jesse Hronkin, and approved unanimously without any objections, it was

RESOLVED to approve the 4.15.2020 dental board agenda as amended.

Agenda Item 3

Ethics Report

There were no reports.

Agenda Item 4

Teledentistry Statement

Time: 1:41 PM

Dr. Nielson directed the board to review the teledentistry statement. He noted there was a letter sent from Dr. Albertson and there was input from Dr. Jesse Blanco. The statement was created by Dr. Woller and is quite extensive with some links for additional information.

Dr. Nielson informed the board that any additional regulations or regulation changes regarding the teledentistry statement remains to be seen. Dr. Nielson asked Dr. Woller if this should be sent as a letter to the state or just posted as a policy or statement. Dr. Woller informed the board that the intent was to send it out as a policy statement as there was some lack of clarity at the state level regarding 3rd party payers and if they would acknowledge teledentistry as a valid treatment modality. Dr. Woller informed the board the statement supports teledentistry as a treatment modality and cited the ADA as having excellent policies on the topic.

Dr. Nielson believed the Division of Medicaid should see the statement and it should be sent to the appropriate people. Dr. Woller stated the Division of Medicaid was accepting almost all other healthcare practices use of telehealth but had cited the dentists lack of regulations regarding teledentistry in the Board of Dental Examiners Statutes and Regulations as a reason to not accept 3rd party reimbursement for telehealth procedures. Dr. Nielson requested the boards permission to send the letter to appropriate people and post it on the State of Alaska Board of Dental Examiners website under the covid-19 links.

Dr. Nielson asked the board if there were any objections to mailing and posting the letter. Gail Walden stated the letter would be appropriate and a reference to the ADA would be appropriate but it would not necessary to copy the information from the ADA as that information was on the ADA website. She did say a link to the ADA website would be acceptable. Ms. Walden clarified she did not believe all 10 pages of the Covid-19 information from the ADA needed to be posted to the website. Dr. Nielson stated once the link is added to the ADA website there will be a lot of stuff on the State of Alaska Board of Dental Examiners Website. It was also stated non-ADA members may not have the same access and members. Gail suggested adding the link and letting the ADA decide what people see.

On a motion duly made by Dr. Dominic Wenzel, seconded by Dr. Jesse Hronkin, and approved unanimously by roll call vote, it was

101 **RESOLVED to add the teledentistry advisory statement with links to the ADA to the State**
102 **of Alaska Board of Dentistry Website and mail the statement to the appropriate people in the form**
103 **of a letter.**
104

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

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107 **Agenda Item 5**

Public Comment

Time: 1:39 PM

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109 Dr. Nielson directed the board to the public comment agenda item. He stated that the board has received 4
110 e-mails for public comment. He believed one of the e-mails should be addressed and the others would
111 most likely have their questions answered as the board meeting progressed.
112

113 The email Dr. Nielson wanted the board to discuss pertained to the emergency meeting the board held on
114 April 8, 2020. The e-mail from Dr. Nizich was asking for clarification on what an emergency or urgent
115 care is. Dr. Nielson stated that the e-mail assumed orthodontists are working as normal. Dr. Nielson was
116 not sure why it was believed orthodontists were still working. Dr. Nizich also believed that exams,
117 perimaintenance, cleanings and denture adjustments could be considered critically necessary to prevent
118 harm. Dr. Nielson did not believe these procedures qualify for what would be considered critically
119 necessary to prevent emergencies. Dr. Nielson also noted that the board had adopted the ADA's
120 guidelines as to what constitutes emergent dental care. He stated the link was added to board website and
121 the information changes. He stated the link is the same but the information on the link changes. Dr.
122 Nielson wants to send an e-mail reminding licensees to check the ADA link as it provides extensive
123 guidance on emergent care. The board has adopted the ADA guidelines for this topic.
124

125 Before the chair moved on to hear public comment he wanted to make it clear that the mandates that have
126 come out without any input from the board of dental examiners. Dr. Nielson revealed he had one
127 conversation from Commissioner Crum about getting additional information that might come later in the
128 day.
129

130 Dr. Paul Anderson who is a general dentist in the interior of Alaska found dentists who perform emergent
131 care are required to wear a N95 mask to be ironic as there are no masks in the interior of Alaska available
132 to them.
133

134 Dr. Jack Duclose shared that his office received calls about questions from patients that were confused
135 about the mandates and asked if there were specific orthodontists who were opened. Dr. Nielson insured
136 Dr. Duclose that there were no specific offices named.
137

138 Dr. Birch Ukness made a comment about educating Dr. Zink about the intricacies of dentistry and was
139 appalled that the board of dental examiners was not involved in the oral health mandate. Dr. Dominic
140 Wenzell responded and suggested that those who do not receive emails must not have an updated email in
141 their record.

Logan Cornwell, a student asked for clarification for new graduates who would like to be licensed in Alaska. The chair responded to Mr. Cornwell that the board has come into road blocks about the subject and shared that the board will have more time to discuss the topic at the Board of Dental Examiners' next board meeting on May 5th, 2020.

Terry Wood asked if the applications for licensure in Alaska are currently on pause and if other masks can be used other than N95s. Dr. Nielson stated to Ms. Wood that initial applications are currently on pause and the second part of her question will be discussed later in the meeting.

Agenda Item 6

Teledentistry Statement

Time: 2:10 PM

Dr. Nielson presented a draft letter to Director Sara Chambers, CC'd to Commissioner Crum. The letter notified Director Chambers of their weekly emergency meetings to determine whether any emergency regulations are needed and gather any information specific to how dental examiners should react to COVID-19 presently and for the future. The board requested that the board may be able to provide input to DHSS and Dr. Zink as standing orders are drafted for dentists.

Dr. Nielson asked the board if there were any comments about the letter. Ms. Gail Walden made a request to correct DHHS to DHSS and change the word repairing to preparing. She also asked to include AK DHS to the list of organizations. The letter was planned to be sent out by the end of the day.

Dr. Nielson asked Dr. Jon Woller if he could task him to develop a plan going forward for dental routines. Dr. Woller accepted the task and would like to also ask the thoughts other dentists who are willing to help. He urged the public to click the links on Mandate 6 that would answer a lot of the public's questions. The resources list guidelines that do not mention an N95 mask but highly recommend it. Dr. Nielson reminded everyone that the board plans to get an email out on Friday.

On a motion duly made by Dr. Dominic Wenzel, seconded by Ms. Gail Walden, and approved unanimously by roll call vote, it was

RESOLVED to adopt the letter to Director Sara Chambers as amended.

Task:

Dr. Jon Woller will draft out a plan for dental examiners going forward on dental routines by the next meeting.

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

Agenda Item 7

Adjourn

Time: 2:28 PM

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

RESOLVED for the meeting to adjourn at 2:29 PM.

Respectfully Submitted:

Christianne Carrillo
Occupational Licensing Examiner

Approved:

David Nielsen, DDS, President

Date: _____

Motion Sheets

Meeting Date: _____

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

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

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STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND
ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS,
BUSINESS & PROFESSIONAL LICENSING
BOARD OF DENTAL EXAMINERS

MINUTES OF MEETING
April 22, 2020

These DRAFT minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

Teleconference

Wednesday, April 22nd, 2020

Agenda Item 1

Call to Order/Roll Call

Time: 1:30 PM

The meeting was called to order by Dr. David Nielson, President, at 1:30 p.m.

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

Dr. David Nielson, President – *(Via Teleconference)*
Dr. Kelly Lucas – *(Via Teleconference)*
Ms. Gail Walden – *(Via Teleconference)*
Dr. Dominic Wenzell – *(Via Teleconference)*
Ms. Robin Wahto – *(Via Teleconference)*
Dr. Jesse Hronkin – *(Via Teleconference)*
Dr. Jonathan Woller – *(Via Teleconference)*
Ms. Brittany Dschaak – *(Via Teleconference)*

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

Ms. Christianne Carrillo, Licensing Examiner – *(Via Teleconference)*
Ms. Sara Chambers, Division Director – *(Via Teleconference)*
Mr. Joseph Bonnell, Records and Licensing Supervisor – *(Via Teleconference)*

In attendance from public:

Dr. Coleman Hutchins – *(Via Teleconference)*
Katrina Virgin – *(Via Teleconference)*
Dr. Jessica Blanco – *(Via Teleconference)*

Agenda Item 2

Review / Approval of Agenda

Time: 1:32 PM

The board reviewed the draft agenda for the 4.22.2020 Board Meeting. There were no changes.

On a motion duly made by Dr. Jesse Hronkin, seconded by Ms. Gail Walden, and approved unanimously without any objections, it was

RESOLVED to approve the 4.22.2020 dental board agenda.

Agenda Item 3

Ethics Report

Time: 1:33 PM

There were no reports.

Agenda Item 4

Public Comment

Time: 1:35 PM

A letter from Alaska Dental Society was shared which requested for the governor to allow modifications to the Health Mandate 015 by the Alaska Board of Dental Examiners. The chair notified the board that this will be addressed in agenda item 6. There were also questions that were submitted to ADS for the board.

Dr. Nielson read from questions that was submitted by ADS out loud. He said many of the questions will be touched on in agenda item 6. There was a question about whether dentists will be able to perform testing for COVID-19 themselves. Dr. Nielson said he does not think dentists have been authorized to do the tests themselves. Director Sara Chambers notified the public and the board that Coleman Hutchins from epidemiology will be joining the meeting after 2:00pm for any details or clarifications about testing materials. There was discussion about whether staff should be required for their temperatures to be taken three times a day. Some did not find the difficulty in that requirement.

The board moved on to public comment emails. Emails that asked about testing were not answered due to the lack information at that time. There was an email implying that Dr. Zink has not been in contact with the board. Dr. Nielson clarified that Dr. Zink has been in contact with the Alaska Board of Dental Examiners through Director Chambers through the order of operations with the mandates. Director Chambers verified this statement and stated that the state is blessed with the steady, thoughtful, and contemplative leadership of Dr. Zink and Commissioner Crum during this usual situation. Director Chambers believed that it was important to frame that Dr. Zink who is an emergency department physician is working with the best information she has by working with the board and data from other states and that ultimately the Governor is making the decisions based on those generalities through mandates. Mandate 015's FAQ stated clearly they are not the experts nor do they have the specifics to the mandate. She clarified that that is why the board, as the official state governor of the practice of dentistry is critically important to take the mandate with the existing statutes and regulations and put forth guidance.

Dr. Nielson explained he does not think it is appropriate at this point to do any other procedures that create an aerosol even if a patient is sedated. Dr. Wenzell agreed. The board added that if the patient is sedated and there are other services a dentist can do that does not create an aerosol would be okay. Dr. Woller agreed with this statement. The board stated that ultrasonic cleaners may be used if there is a top on the device.

The chair clarified that after April 20th, 2020 orthodontists may work if they are not performing any aerosol generating procedure and that orthodontists are to follow the same guidelines as dentists.

Agenda Item 5

Modifying Current Recommendations

Time: 2:05 PM

The original version of the recommendations email written by the board to licensees was modified to read as “requirements” for Mandate 015. By doing so Dr. Nielson asked Director Chambers if the board is responsible for the disciplinary violations of the board’s requirements. Director Chambers explained that the authority of the board comes from the statutes and regulations that govern them. By issuing a statement, the board is saying how they interpret the mandate for their licensees. If a dental examiner disobeys a mandate it should be reported to investigations@alaska.gov. The board can make a requirement if it does not conflict with the existing statutes and regulations. Director Chambers reiterated that Mandate 015 is not a mandate to get back to work. She said that it is a cautious approach to say that if dental offices are confident about meeting the requirements then they do the routine services or non-postpone able procedures.

Dr. Nielson moved on to talk about Mandate 015’s Testing FAQs. The chair went over changes and additions that he made. Dr. Wenzell wanted to add “for at least sixty seconds prior to treatment” under “Suggested Decision Matrix,” (1) in the board’s recommendation guidelines. Dr. Woller added that the correct time is sixty seconds. There was discussion on what kills bacteria and viruses. Gail Walden suggested to do some research before adding more specifics. Dr. Nielson notified the board and public that there are no guidelines on how to proceed after May 4th, 2020 and that the purpose of the discussion is to determine whether the board has the authority to modify testing requirements and plans to draft a letter to DHSS.

Dr. Jon Woller found information from the ADA that hydrogen peroxide is recommended to destroy the virus. Dr. Nielson moved on to section IV of the email guidelines. The board decided that they would like more time to review the guidance.

Dr. Coleman Hutchins joined the teleconference and was asked some questions. Dr. Wenzell stated the concerns of dental examiners that the requirement of tests for COVID-19 is stated in the mandate inhibits dental examiners from opening their office for dental work. Dr. Hutchins notified the board that he is aware of discussions of increasing testing capacities by pharmacies and testing sites and believes that dental examiners know their field best and would like their suggestions. There was more discussion about the price and intent of asymptomatic testing and the ever-growing symptoms of COVID-19. Dr. Hutchins answered the questions of the board until he had to leave the meeting. He concluded that he believes the board has a great plan moving forward and appreciates the board’s work.

Agenda Item 6

PDMP Pharmacy Letter

Time: 2:22 PM

The chair shared a letter that the Board of Pharmacy asked the Board of Dental Examiners to support. Ms. Laura Carrillo, Executive Administrator of the PDMP asked all prescribing boards to write a letter to express their full support for the PDMP to receive a grant from the Bureau of Justice Assistance Administration. Dr. Nielson entertained a motion to approve the letter to Commissioner Julie Anderson.

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

RESOLVED for the board to accept the letter to Commissioner Julie Anderson in support of the PDMP.

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Britney Dschaak	X		
Dr. Dominic Wenzell	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jon Woller	X		

Ms. Gail Walden presented a response letter to the Alaska Dental Hygiene Association.

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

RESOLVED for the board to adopt the response letter to the Alaska Dental Hygiene Association.

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

Agenda Item 8

New Business

Time: 3:15 PM

Email to Licensees:

Dr. Nielson shared that the board guidance email to the licensees will be sent out by Friday afternoon 4.24.2020.

Agenda Item 4

Public Comment

Time: 3:25 PM

The board allowed for more public comment. Information from China was shared by a dentist who is also a former board member and compared the level of care in the US to other countries and found that the level of care is the highest in the US. He shared that the board should have more of a say in the mandate and waiting for more information would be best rather than having something out by Friday 4.24.2020.

There was a question about what dental examiners can perform in the next two weeks. The chair responded that the guidance that will come out on 4.24.2020 will explain what is allowed and added that anything that creates an aerosol will not be allowed.

Katrina Virgin, president of the Alaska Dental Hygiene Association asked if dental examiners can produce an aerosol during emergency procedures. The chair answered that it is already allowed. Ms. Virgin asked what the procedure would if a non-emergency procedure and an emergency procedure were to happen in the same office. Dr. Woller responded with greater than 8 feet away would be advisable and

added that it is impossible to write guidance for each dental office design. Dr. Nielson added that practitioners must do whatever it takes to mitigate the risks and to use professional judgement.

PPE specific information was requested. The board informed the meeting that the email will have this information with links to more information. A dental examiner from a remote area expressed concern about the availability of PPEs. The board sympathized for many who will not be able to meet requirements.

Dr. Blanco saw an ethical dilemma about not treating the entire mouth of children who might have to be put under anesthesia two times. The board responded to Dr. Blanco that dentists will have to use their best judgement on what constitutes an emergency.

Dr. Ellis commented that he believes the requirements from Mandate 015 inhibit proper care.

Agenda Item 8

New Business

Time: 3:40 PM

Email to Licensees:

There was further discussion on whether the guidance from the board should keep the wording to stay as recommendations rather than requirements. Director Chambers reminded the board that what they are dealing with is uncharted territory and explained to the board that what is important to follow will show up during the investigation of a licensee. She recommended that the board should determine how strongly they feel stating what is stated as a recommendation vs what is a requirement and what they would like to adopt as a regulation.

There was more discussion on PPE equipment and how it should be worded in the board guidance email. The board decided to take time to read through the written guidance to licensees and planned to adjust if needed through their licensing examiner, Ms. Carrillo to send to the chair. The recommendations will be voted on in OnBoard.

Schedule a Meeting:

There will be another Emergency Board Meeting the same time next week on 4/29/2020 at 1:30PM.

Agenda Item 9

Adjourn

Time: 4:13 PM

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

RESOLVED for the meeting to adjourn at 4:14 PM.

Respectfully Submitted:

Christianne Carrillo
Occupational Licensing Examiner

Approved:

David Nielsen, DDS, President

Date: _____

Motion Sheets

Meeting Date: _____

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

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

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STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND
ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS,
BUSINESS & PROFESSIONAL LICENSING
BOARD OF DENTAL EXAMINERS

MINUTES OF MEETING
May 5th, 2020

These DRAFT minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

Teleconference

Wednesday, May 5th, 2020

Agenda Item 1

Call to Order/Roll Call

Time: 9:01 AM

The meeting was called to order by Dr. David Nielson, President, at 1:30 p.m.

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

Dr. David Nielson, President – *(Via Teleconference)*
Dr. Kelly Lucas – *(Via Teleconference)*
Ms. Gail Walden – *(Via Teleconference)*
Dr. Dominic Wenzell – *(Via Teleconference)*
Ms. Robin Wahto – *(Via Teleconference)*
Dr. Jonathan Woller – *(Via Teleconference)*
Ms. Brittany Dschaak – *(Via Teleconference)*

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

Ms. Christianne Carrillo, Licensing Examiner – *(Via Teleconference)*
Ms. Sara Chambers, Director – *(Via Teleconference)*
Mr. Joseph Bonnell, Licensing Supervisor – *(Via Teleconference)*
Jasmin Bautista, Investigator – *(Via Teleconference)*
Sonia, Lipker, Senior Investigator – *(Via Teleconference)*

Agenda Item 3

Ethics Report

Time: 1:33 PM

There were no reports.

Agenda Item 3

Review / Approval of Agenda

Time: 9:04 PM

Agenda item 9 was merged to item 13.

On a motion duly made by Dr. Jonathan Woller, seconded by Ms. Gail Walden, and approved unanimously without any objections, it was

RESOLVED to approve the 5.5.2020 dental board agenda as amended.

Agenda Item 4

Review / Approve Minutes

Time: 9:08 PM

That after April 20th, 2020 orthodontists may work if they are not performing any aerosol generating procedure and that orthodontists are to follow the same guidelines as dentists.

Agenda Item 5

Modifying Current Recommendations

Time: 2:05 PM

There were many changes made on December 6th, 2019 minutes.

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

RESOLVED to approve the 12.6.2019 minutes as amended.

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

TASK:

Dr. Nielson tasked himself to send Ms. Carrillo a summarized and concise version of the February 11th, 2020 board meeting minutes.

Jasmin Bautista entered the teleconference at 9:20 am.

There were some changes made on March 3rd, 2020gb minutes.

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

RESOLVED to approve the 3.3.2020 minutes as amended.

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

Dr. Jesse Hronkin			
Dr. Jon Woller	X		

There were some changes made on March 20th, 2020 minutes.

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

RESOLVED to approve the 3.20.2020 minutes as amended.

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

There were changes made on April 8th, 2020 minutes.

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

RESOLVED to approve the 4.8.2020 minutes as amended.

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

Agenda Item 5

Investigative Report

Time: 9:39 AM

Ms. Jasmin Bautista presented the investigative report which listed 49 open cases, 3 of which are closed cases to the board. She added that they are all in compliance. Ms. Bautista gave chief investigator, Sonia Lipker the floor when Dr. Nielson asked if investigations is in communication with Medicaid when there is an issue with a dentist. Investigator Lipker confirmed that they do have a partnership with Medicaid. They went into a brief discussion on how investigations are conducted.

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

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

RESOLVED to enter into executive session in accordance with the provisions of Alaska Statute 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing, subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and matters which by law, municipal character, or ordinance are required to be confidential. Board staff members, Jasmin Bautista, Sonia Lipker, and Christianne Carrillo remained during the session.

Off Record: 9:56 AM

On record: 10:51 AM

The board's chair, Dr. David Nielson entertained a motion to a roll call to see who is in attendance and notified the board of one person from the public to be in attendance. Ms. Carrillo conducted roll call.

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

Dr. David Nielson, President – *(Via Teleconference)*

Ms. Gail Walden – *(Via Teleconference)*

Dr. Jonathan Woller – *(Via Teleconference)*

Dr. Kelly Lucas – *(Via Teleconference)*

Dr. Dominic Wenzell – *(Via Teleconference)*

Ms. Robin Wahto – *(Via Teleconference)*

Ms. Brittany Dschaak – *(Via Teleconference)*

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

Ms. Christianne Carrillo, Licensing Examiner – *(Via Teleconference)*

Mr. Joseph Bonnell, Licensing Supervisor – *(Via Teleconference)*

Ms. Sher Zinn, Regulations Specialist – *(Via Teleconference)*

Ms. Melissa Dumas, Administrative Officer – *(Via Teleconference)*

In attendance from public:

John _____, Oral Surgeon, AAAASF – *(Via Teleconference)*

The Board skipped to agenda item 7 and planned to back to agenda item 6 later in the meeting.

Agenda Item 7

Regulations Update: Sedation Regulation

Time: 10:52 PM

The Board looked over the public comment provided by Ms. Zinn. Dr. Nielson asked John from AAAASF, if he believes his organization, AAAASF conduct inspections that follow the applicable guidelines provided in the office anesthesia manual. John notified the board that he believes his organization meets if not supersede the recommendations in the office anesthesia manual.

The board responded to a public comment about sedation regulations interfering with dental care. The board believed inspections once every four years will not limit care.

A public comment in response to the regulation project was sent to Ms. Carrillo, the licensing examiner, rather than to the regulations and public comment email. The board asked for the public to send all public comments correctly in the future. The public comment was sent on the 15th, before the last day allowed, and was read to the board. There was a short discussion between board members.

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

RESOLVED for the board to adopt the entire regulation project for 12 AAC. 28.068 with the withdrawal of Section 28.010 (e)(5)(b) with the correction to number 4, page 2.

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

Melissa Dumas entered the room at 11:30am.

Agenda Item 6

Division Update

Time: 11:30 AM

Ms. Dumas presented the 3rd quarter financial report. She shared that the State of Alaska is providing payment plans for applicants who are having difficulty paying their licenses. The State is working on a fee analysis for the program. There was a large jump in indirect expenditures and investigations. Ms. Dumas explained that the number has gone up because the number of licensees has gone up along with the cost of the department as whole. Dental is growing in contrast to other divisions that are shrinking. There was further discussion on the way the division pays each employee of the state that is involved indirectly.

Melissa Dumas left the room at 11:56am.

Agenda Item 7

Review / Approve Tabled Applications

Time: 11:58 AM

Rebecca Richardson's local anesthetic certificate application was discussed by the board. Ms. Richardson's application does not meet the required experience to acquire a local anesthetic certificate. Her employer, Dr. Lee voiced that he believes Ms. Richardson has the correct certifications to qualify for the local anesthetic certificate. The board spoke about the specifics of the required education in the application and that the dental board's regulations will not allow exceptions. Ms. Richardson decided to keep her application in process and take the required WREB exam to complete her application.

The Board recessed for lunch.

Off record: 12:24pm

On record: 1:30pm

The meeting was called to order by Dr. Nielson, at 1:26 p.m.

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

Dr. David Nielson, President – *(Via Teleconference)*
Dr. Kelly Lucas – *(Via Teleconference)*
Dr. Dominic Wenzell – *(Via Teleconference)*
Ms. Robin Wahto – *(Via Teleconference)*
Ms. Gail Walden – *(Via Teleconference)*
Dr. Jonathan Woller– *(Via Teleconference)*
Ms. Brittany Dschaak – *(Via Teleconference)*

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

Ms. Christianne Carrillo, Licensing Examiner - *(Via Teleconference)*
Mr. Joseph Bonnell, Records and Licensing Supervisor - *(Via Teleconference)*
Ms. Laura Carrillo, Executive Administrator – *(Via Teleconference)*
Ms. Lisa Sherrell, PDMP Manager – *(Via Teleconference)*

The board skipped voting on consent agreements and wanted to wait until more people were present in the meeting.

Agenda Item 12

PDMP Report

Time: 1:37 PM

Lisa Sherrell did not have a report to view. She notified the board about enhancements features for the PDMP AWARe. Dental is close to being caught up compared to the other boards with the PDMP. Dentists make up about 10% of the prescribers that are using the PDMP. 60% of dentists have written a dangerous combination of drugs. Ms. Carrillo asked the Dental Board to develop a disciplinary matrix for the PDMP and clarified with that the Board must make a change in regulations rather than a board motion. Dr. Nielson asked if it's a requirement by the state to do so. Ms. Carrillo explained that it would help improve the effectiveness of the data base and improve the public health and safety but it is not a mandate.

The board revisited agenda item 5 to vote on consent agreements.

Agenda Item 5

Investigative Report

Time: 1:47 PM

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

RESOLVED for the board to approve case number 20-000024 Consent Agreement.

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

Dr. Jesse Hronkin			
Dr. Jon Woller	X		

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

RESOLVED for the board to approve case number 20-2000298 Consent Agreement.

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

Agenda Item 13

Old Business

Time: 1:50 PM

Public Comment:

Public comment about Mandate 015 was shared. The board clarified that they are not requiring people to go back to work. The board stated that dental professionals often must make difficult decisions on a case by case basis reminding licensees that they have always had risks in their professions that they must manage best to their ability.

Sher Zinn entered the room at 2:10 pm.

Dental Exams for New Graduates:

The board presented two ideas to create regulation changes on 12 AAC 28.940 so new graduates may qualify for licensure during an emergency such as the COVID-19 pandemic. Dr. Nielson explained that Ms. Zinn has defined an emergency regulation as a regulation that helps the COVID-19 emergency. The licensing of dentists is not a solution needed for COVID-19 so it may not become an emergency regulation. The board discussed the option of allowing mannequin based exams such as, the Dental Licensure Objective Structured Clinical Examination (DLOSCE), National Board Dental Examination Part I and Part II. The board members preferred Option 2.

The Board recessed for break.

Off record: 2:58 PM

On record: 3:04 PM

The meeting was called to order by Dr. Nielson, at 3:00 p.m.

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

Dr. David Nielson, President – *(Via Teleconference)*
Dr. Kelly Lucas – *(Via Teleconference)*

289 Dr. Dominic Wenzell – *(Via Teleconference)*
290 Ms. Robin Wahto – *(Via Teleconference)*
291 Ms. Gail Walden – *(Via Teleconference)*
292 Dr. Jonathan Woller– *(Via Teleconference)*
293 Ms. Brittany Dschaak – *(Via Teleconference)*
294

295 In attendance from the Division of Corporations, Business & Professional Licensing, Department of
296 Commerce, Community and Economic Development were:
297

298 Ms. Christianne Carrillo, Licensing Examiner - *(Via Teleconference)*
299 Mr. Joseph Bonnell, Records and Licensing Supervisor - *(Via Teleconference)*
300 Ms. Sher Zinn, Regulations Specialist – *(Via Teleconference)*
301

302 **On a motion duly made by Gail Walden seconded by Dr. Nielson, and approved unanimously by a**
303 **roll call, it was**
304

305 **RESOLVED to enter into executive session in accordance with the provisions of Alaska**
306 **Statute 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose**
307 **of discussing, subjects that tend to prejudice the reputation and character of any person,**
308 **provided the person may request a public discussion and matters which by law, municipal**
309 **character, or ordinance are required to be confidential. Board staff members, Christianne**
310 **Carrillo remained during the session.**
311

312 *Off Record: 3:05 PM*

313 *On record: 3:59 PM*
314

315 Annual Report:
316

317 Dr. Nielson said he would go over the annual report on his own time.
318

319 **Agenda Item 14**

New Business

Time: 2:02 PM

320
321 Task List:

- 322 • **Dr. Wenzell:** Disciplinary Matrix for PDMP
 - 323 • **Dr. Nielson:** Send February minutes.
 - 324 • **Christianne:**
 - 325 1. Finish edits on minutes.
 - 326 2. Forms to be updated online
 - 327 3. Look for Penalty Matrix for Dental by Dr. Hronkin
 - 328 • **Gail:** Dental Hygiene penalty matrix.
 - 329 • Teeth mannequin exam models from ADEX.
 - 330 • MME recommendation for regulation project.
- 331

332 **Agenda Item 15**

Adjourn

Time: 4:08 PM

333
334 **On a motion duly made by Gail Walden, seconded by Dr. Woller and approved unanimously, it was**
335

336 **RESOLVED to adjourn the meeting at 4:08 PM.**
337
338

Respectfully Submitted:

Christianne Carrillo
Occupational Licensing Examiner

Approved:

David Nielson, DDS, President

Date: _____

Investigative Report

EXECUTIVE SESSION MOTION

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

Board staff to remain during the session.

Off record: _____

On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

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

BREAK TIME

Regulation
Project Update:
Chapter 28

May 19, 2020

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

BRIEF DESCRIPTION: The Board of Dental Examiners proposes to update regulations regarding examinations, registration with the prescription drug monitoring program (PDMP), and the use of an opioid for acute dental pain.

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

1. **12 AAC 28.940. Dental licensure by examination**, is being proposed to repeal the patient based periodontics testing, amend the constructive response testing, and allow for a mannequin based examination if taken before December 31, 2020. These regulations are being proposed as a response to the public health emergency declared by the governor March 11, 2020.
2. **12 AAC 28.953. Registration with the prescription drug monitoring program controlled substance prescription database**, is being proposed to repeal and readopt the requirements for registration with the prescription drug monitoring program (PDMP).
3. **12 AAC 28.957. Maximum dosage of an opioid for acute pain**, is a proposed new section that limits a dentist's prescription or dispensing of an opioid.

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 Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/198237>, and using the comment link. **The comments must be received not later than 4:30 p.m. on June 19, 2020.** Comments received after this deadline will not be considered by the Board.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, no later than June 12, 2020, 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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-Regs-0520.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **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 08.36.070; AS 08.36.110; AS 08.36.234; AS 08.36.355; AS 17.30.200.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.36.070; AS 08.36.110; AS 08.36.234; AS 08.36.355; AS 17.30.200.

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

DATE: 5/19/2020

/s/
Sher Zinn, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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

ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

1. **Adopting agency:** Board of Dental Examiners – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Examinations, prescription drug monitoring program, prescribing and dispensing.
3. **Citation of regulation:** 12 AAC 28.940; 12 AAC 28.953; 12 AAC 28.957.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
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 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**
Christianne Carrillo, Licensing Examiner
Board of Dental Examiners
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-2542
E-mail: christianne.carrillo@alaska.gov
10. **The origin of the proposed action:** Board of Dental Examiners.
11. **Date:** 5/19/2020 **Prepared by:** /s/
Sher Zinn
Regulations Specialist

Chapter 28. Board of Dental Examiners.

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

12 AAC 28.940(b)(8)(B)(ii) is repealed:

(ii) **repealed** ____ / ____ / ____; [PATIENT BASED

PERIODONTICS TESTING;]

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

(iii) constructive response **or objective structured clinical exam**

testing that includes **diagnosis and** treatment planning, **periodontics, restorative dentistry, oral pathology, medical considerations, prescription writing and prosthodontics;**

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

(vi) patient based, **or if passed before December 31, 2020, a**

mannequin based operative examination that includes one class II posterior alloy or composite procedure, and one additional operative procedure, either anterior class III or posterior class II; or

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

Authority: AS 08.36.070 AS 08.36.110

12 AAC 28.953 is repealed and readopted to read:

12 AAC 28.953. Registration with the prescription drug monitoring program controlled substance prescription database. A licensed dentist under this chapter who holds a federal Drug Enforcement Administration registration number must

(1) register with the prescription drug monitoring program (PDMP) controlled substance prescription database within 30 days of initial licensure or registration with the Drug Enforcement Administration (DEA), whichever is later; and

(2) comply with the requirements of AS 17.30.200 and 12 AAC 52.865. (Eff. 9/26/2018, Register 227; am ____/____/____, Register ____)

Authority: AS 08.36.070 AS 08.36.234 AS 17.30.200

AS 08.36.110

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

12 AAC 28.957. Maximum dosage of an opioid for acute pain. A licensed dentist prescribing or dispensing an opioid for acute dental pain under AS 08.36.355, shall not exceed 60 morphine milligram equivalents (MME) a day. (Eff. ____/____/____, Register ____)

Authority: AS 08.36.070 AS 08.36.355

Zinn, Sher K (CED)

From: Alaska Online Public Notices <noreply@state.ak.us>
Sent: Friday, June 19, 2020 2:27 PM
To: Regulations and Public Comment (CED sponsored)
Subject: New Comment on NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

A new comment has been submitted on the public notice **NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS.**

Submitted:

6/19/2020 2:27:03 PM

Joe Koliadko DDS
akkoliadko@gci.net

Palmer, AK, US
Anonymous User

Comment:

Dear Alaska Board of Dentistry Members.

Re:Notice of Proposed Changes

1. 12 AAC 28.940 language "Amend the constructive response testing"

Canada has for some time licensed Dentist without a clinical exam.

The ADA has been developing a comparable test and during the Pandemic has debuted it. This test (DLOSCE) is intended to be a stand alone test for dental licensure. Adding it to the other requirements (mannequin based exam) is double testing. I suggest you remove this language from the proposed rule change.

Most harm to the public comes from ethical failure rather than technical skills.

Thank you for your consideration

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

Zinn, Sher K (CED)

From: Alaska Online Public Notices <noreply@state.ak.us>
Sent: Friday, June 19, 2020 6:34 AM
To: Regulations and Public Comment (CED sponsored)
Subject: New Comment on NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

A new comment has been submitted on the public notice **NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS.**

Submitted:

6/19/2020 6:33:47 AM

Eric Esplin
esplin.eric.ak@gmail.com

Louisville, KY, US
Anonymous User

Comment:

I hope that the Alaska Board of Dental Examiners considers both the quality and the logistics of mannequin licensure exams moving forward into 2021. I am a dental student at the University of Louisville graduating in 2021. My dean has made it clear that our school has no plans to sponsor patient-based licensure exams going forward. I see a huge logistical problem if the state of Alaska returns to patient-based licensure in 2021 while the majority of dental schools across the country only sponsor mannequin-based exams. The cost and ethical considerations of flying patients across the country for a patient-based licensure exam would all but exclude any future dentist like myself from obtaining a license to practice in our home state upon graduation.

I sincerely hope that the mannequin-based licensure exams go smoothly and are found to be of sound quality.

Thank you for considering my comment in your decision process.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

Zinn, Sher K (CED)

From: Heather Willis <heather.willis@spruceroots.net>
Sent: Thursday, June 18, 2020 10:39 PM
To: Regulations and Public Comment (CED sponsored)
Subject: ADS Comments on proposed dental regulation changes
Attachments: 6.17.20 Regualtion letter.docx

Hi Sher,

Please accept the attached sheet as the Alaska Dental Society's comments to the proposed dental regulations.

Thank you,

Heather

Heather A Willis, DDS
Governmental Affairs Chair
Alaska Dental Society
(907)687-3492



June 17, 2020

The comments below by the Alaska Dental Society (ADS) are being supplied for the most recent Alaska Board of Dental Examiners regulation review.

The ADS is supportive of changes to 12AAC29.940 (b)(8)(B) (ii), (iii) and (vi) provided the sunset date remains in the final regulations and there will be a chance for public comment before the date of acceptance of mannequin exams is extended or codified. In the event the sunset date is removed from the final regulations for any reason, the ADS will not support allowing mannequin-based exams until such time as the mannequins better approximate clinical conditions.

The ADS is neutral on changes to 12AAC29.953.

The ADS is not supportive of changes to 12AAC28.957 but recognizes it is required due to action by the legislature without consultation of health professionals.

Heather Willis, DDS

Governmental Affairs Chair, Alaska Dental Society

Zinn, Sher K (CED)

From: Zinn, Sher K (CED)
Sent: Thursday, June 4, 2020 7:43 AM
To: Sandy Pence
Subject: FW: Board of Dental Examiners 198237 and suggested RDH regulation changes

Good Morning Ms. Pence,

I have received information from the board chair regarding the interpretation of "clinical exam". The board does interpret that to mean an in person patient-based clinical exam.

The board will be discussing this further and possible changes to regulations at their next meeting. Please see the meeting dates on the board's website at

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofDentalExaminers/BoardMeetingsAgendas.aspx>

Let me know if you have any further questions.

Respectfully,
Sher Zinn
Regulations Specialist
Division of Corporations, Business
And Professional Licensing
907-465-1049
Sher.zinn@alaska.gov

From: Regulations and Public Comment (CED sponsored)
Sent: Wednesday, June 3, 2020 10:32 AM
To: Sandy Pence <spence2@alaska.edu>
Subject: RE: Board of Dental Examiners 198237 and suggested RDH regulation changes

Good Morning Ms. Pence,

Thank you for your input, it will go to the board for review of public comments after the comment period has closed. I would like to address your proposal of a temporary permit for dental hygienists. The board does not have statutory authority for issuing a temporary or provisional permit under current statutes. Therefore, they may not make regulations for issuing a temporary permit. To obtain the statutory authority to issue a temporary permit would take passing of a bill through the legislature.

I will get back with you on the question of the OSCE in place of the clinical exam. I will tell you however, that the board discussed that as a means for the dentists, and opted to not pursue changes to include the OSCE.

Let me know if you have any further questions.

Thank you,
Sher Zinn
Regulations Specialist
Division of Corporations, Business
And Professional Licensing

From: Sandy Pence [<mailto:spence2@alaska.edu>]
Sent: Wednesday, June 3, 2020 8:49 AM
To: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>
Subject: Board of Dental Examiners 198237 and suggested RDH regulation changes

This is a comment of a proposed change to 12 AAC 28.940 Dental licensure by examination.

This change provides a means to licensure for dentists in response to the public health emergency declared by the governor March 11, 2020, because patient-based clinical boards are not available. I support this, but feel consideration should also be given for dental hygienists needing a path to licensure. Our state has a shortage of hygienists and needs to provide hygienists moving into the state a means of obtaining employment. UAA does not have a graduating class this year, which makes the path for licensure of hygienists from outside Alaska even more critical.

I have one question, then will make regulation change suggestions that will depend on the answer to the question.

- Question:

When reading the current regulations for RDHs, it seems to me they could be interpreted to allow use of the new WREB Dental Hygiene Objective Structured Clinical Examination (OSCE) without any change because the regulations just state "clinical examination." Is that the correct interpretation and intent? Or does the Board intend for hygienists to take the patient-based clinical examination? If a patient-based exam is required, then I propose the following two regulation changes:

- I would support a waiver allowing for temporary licensure for new graduates of an accredited dental hygiene program under direct supervision by a licensed dentist OR dental hygienist (meaning work is checked after being done, before the patient is dismissed).

12 AAC 28.935. DENTAL HYGIENIST LICENSURE BY EXAMINATION.

(a) The board will issue a license by examination to practice dental hygiene to an applicant who meets the requirements of AS 08.32.014 and this section. (b) An applicant for license under this section shall submit

- (1) a complete, notarized application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.190;
- (3) as required under 12 AAC 28.908(a), a signed statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(a);
- (4) an authorization from the applicant for release of the applicant's records to the department;
- (5) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental hygiene licenses that the applicant holds or has ever held in any jurisdiction;
- (6) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques that meets the requirements of 12 AAC 28.920;
- (7) a copy of the applicant's certificate of examination from the Western Regional Examining Board (WREB) showing that the applicant has passed the clinical examination conducted by WREB within the five years immediately preceding the date of application; **the board may issue a temporary license under direct supervision of a dentist licensed under AS 08.36 or a dental hygienist licensed under AS 08.32 to an applicant who has passed the WREB Dental Hygiene Objective Structured Clinical Examination (OSCE) if passed before December 31, 2020.**

- I would also support relaxing the clinical practice regulation requiring 2500 hours for practicing hygienists to obtain permanent licensure by credentials for a limited period of time. Some hygienists may not have been practicing sufficient number of hours to meet that requirement, but cannot take a patient-based clinical board exam at the current time.

12 AA 28.937 (c)

(4)

(B) that the applicant has been licensed for five years or more and in active clinical practice documenting at least 2,500 hours for five years immediately preceding the date of application, **waived if applying before December 31, 2020;**

(5) if the applicant is or has ever been employed as a dental hygienist with a federal agency, verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed;

(6) verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license;

(7) affidavits from three licensed dentists or licensed dental hygienists stating the applicant has been licensed for five years or more and in active clinical practice documenting at least 2,500 hours during the five years immediately preceding the date of application, **waived if applying before December 31, 2020.**

Thank you for considering these suggestions. Please feel free to contact me if you have questions. I will not be at UAA after July 3, 2020, but can be reached at spence5863@yahoo.com or (907) 350-2047 (cell).

Sandy Pence

Sandra Pence, RDH, MS
Program Director, Professor
UAA Dental Hygiene Program
Interim Associate Director, School of Allied Health
3211 Providence Dr. AHS 148D
(907)786-6925
spence2@alaska.edu

Zinn, Sher K (CED)

From: Alaska Online Public Notices <noreply@state.ak.us>
Sent: Wednesday, May 27, 2020 3:12 PM
To: Regulations and Public Comment (CED sponsored)
Subject: New Comment on NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

A new comment has been submitted on the public notice **NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS.**

Submitted:

5/27/2020 3:11:30 PM

Katherine Koliadko
kkoliadko@llu.edu

Palmer, AK, US
Anonymous User

Comment:

The DLOSCE, as presented by the ADA and the JCNDE, is designed and intended to be a stand-alone examination for dental licensure. This is what the examination was designed for, and is how the exam is being advertised by the ADA. To require both a manikin examination (such as WREB) and an additional written examination (the DLOSCE) would make it more difficult and expensive to obtain an Alaskan dental license than usual. The WREB examination already includes a written exam (the CTP) which includes pt cases, Rx writing, pt treatment planning, evaluation of cases, etc.. Due to the COVID Pandemic circumstances, many clinical examinations have been cancelled, and future examinations are uncertain, both for accessibility, reliability, and social-distancing requirements. Many dental students have already lost funds to the WREB exam in cancellations (Full reimbursements were not given due to completion of the CTP exam). With access to the new WREB exam limited due to the large need for licensure pathways by many students, and dependability of the new tooth materials used under question (example: beta testing= 40% fail rate), the DLOSCE provides a strong alternative to clinical examinations, and should be approved as a path to Alaska licensure in and of itself. The fee for WREB this year was \$3,135. The 2020 fee for the DLOSCE is \$800, and will be increased to \$1,600. To require both of these examinations together for licensure will deter future dentists from applying for Alaska licensure. In summary, both the manikin version of WREB (with its included CTP exam) and the DLOSCE examination should be approved, not required as a package together, but as stand-alone paths to Alaska licensure. In addition, students from CODA-accredited schools are required to complete competencies in all areas tested by WREB, and students who have successfully completed parts 1 and 2 of national boards have already demonstrated their capability both clinically and didactically. It is a disappointment that Alaska is not approving licensure by graduation, especially during this pandemic situation.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

Motion Sheets

Meeting Date: _____

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

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

PDMP Report



Lunch Time

Dental Board Roster

David Nielson, DDS - Board President

Gail Walden RDH, BSDH - Board Secretary

Steven Scheller, DDS

Dominic Wenzell, DMD

Kelly lucas, DDS

Jesse Hronkin, DDS

Timothy “Jon” Woller, DDS

Brittany Dschaak, RDH

Robin Wahto, Public Member

Public Comment

From: [Sitka Dental Clinic](#)
To: [Board of Dental Examiners \(CED sponsored\)](#)
Subject: Telephone screening questions
Date: Monday, July 20, 2020 10:42:54 AM

Dear Ms. Carillo,

I have a question concerning the Board of Dental Examiners April 18, 2020, Announcement. It concerns the recommended telephone screening questions for patients receiving care that will not generate an aerosol or for patients that will receive care producing an aerosol.

Question 4 references "large groups of people (greater than 10)". Are we still going with 10 or has that been changed to 50? What is the recommended protocol for patients that answer Yes to Question 4?

We have a patient scheduled for a non-aerosol producing hygiene visit tomorrow. In the pre appointment telephone screening, she answered No to all questions except Question 4, to which she answered Yes. What is the Board recommendation for this situation?

Thanks so much for your help.

[REDACTED]
[REDACTED]
[REDACTED]

Thank you,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This email transmission and any attachments that accompany it may contain patient information that is protected by federal and state privacy laws. It is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you received this email by mistake, or you are not the intended recipient, you are hereby notified that any disclosure, review, dissemination, distribution, copying or other use or retention of this communication or its substance is strictly prohibited. If you have received this communication in error, please contact the author by reply email and then immediately permanently destroy the original transmission, any attachments, and all copies.

From: [REDACTED]
To: [Board of Dental Examiners \(CED sponsored\)](#)
Subject: COVID19 Test Result Delays
Date: Wednesday, July 29, 2020 11:03:47 AM

Good Morning,

Currently, we are requiring 48-hour COVID test for all patients who are scheduled for elective aerosolizing procedures per health mandate 015, but as the lab is becoming more and more overwhelmed, we have been running into issues with tests being returned to us within this 2 day timeframe. Is it advised to extend this timeframe to 72 hours to allow more time for lab results to return? I just wanted to reach out to see what the board recommends we do in these cases and for guidance on how other offices in the state been working around this issue to delayed lab turn-around times.

Thank you,

[REDACTED] DMD

From: [REDACTED]
To: [Board of Dental Examiners \(CED sponsored\)](#)
Subject: Group of 50
Date: Friday, July 31, 2020 10:04:10 AM

Dear Ms Carillo,

We would like some clarification concerning one question on the Board's pre screening questionnaire.

Question #4 asks if the patient has been in a group of 50. This is becoming unworkable for us; anyone working at the hospital, coming in on the jet, attending church or even being in the grocery store has to be rejected for treatment.

The Alaska Mandate 17, Appendix 3, amended July 17, says nothing about a group of 50. Neither does the embedded link to CDC.

We would appreciate some clarification on this.

[REDACTED] DDS
Sitka, Alaska

[Sent from Yahoo Mail for iPhone](#)

Old Business

State of Alaska Dental Board PDMP Penalty Matrix- Proposed

Prescribing Issues

Inappropriate prescribing due to incompetence or negligence. AS 08.36.315

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

Proposed Sanctions

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

Prescribing Issues

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

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

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

Proposed Sanctions

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

Prescribing issues

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

Proposed Sanctions

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

Education Requirements

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

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

Proposed Sanctions

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

Unprofessional Conduct issues

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

Proposed sanctions

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

BREAK TIME

New Business

Dental Hygiene Pathways to Licensure Qualification: 2021



A Note for State Dental Board Members and Staff Leaders: 3

ADEX and The CDCA 4

Pathways to Licensure for Dental Hygiene Candidates 5

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2. What ADEX pathways are states’ boards allowing for dental hygiene licensure qualification?..... 5

3. What does the CSCE OSCE test?..... 5

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7. Are candidates able to take the computerized CSCE OSCE examination now? 6

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CDCA DH Mankin Exam Press Release

Typodont Evaluation Report, ACS Ventures



A Note for State Dental Board Members and Staff Leaders:

CDCA representatives have been honored to be invited to present to dental boards across the country regarding licensure pathway options available for consideration during the pandemic crisis and beyond. We want to provide the most complete information possible to you and your colleagues. To this end, we have put together this resource we believe may be helpful to you and your colleagues moving forward.

These pages document potential pathways to licensure that your board can consider for dental hygiene candidates. This guide highlights answers to many of the questions asked of the CDCA by dental, dental hygiene, and public board members.

As recognition of the importance of psychometrically validated assessments grows, we hope this provides the dental board with additional information needed to evaluate licensure pathway options for both dental and dental hygiene applicants. The CDCA currently delivers the ADEX exam at 50 dental and 113 dental hygiene schools and is proud to have done so successfully for 50 years.

We appreciate what you are doing to protect the public in this time of uncertainty. You can depend on CDCA and our commitment to do the same.

Sincerely,



Harvey Weingarten, DDS
Chairman, CDCA Board of Directors



Alexander Vandiver, MBA
CDCA Chief Executive Officer

ADEX and The CDCA



To understand how the CDCA can offer such widely accepted examinations, a closer look at ADEX, its composition, and the examination development process is necessary.

The American Board of Dental Examiners (ADEX) is comprised of representatives from member jurisdictions' boards. As of Summer 2020, nearly all US states participated including Alabama, Arizona, Arkansas, Connecticut, District of Columbia, Florida, Hawaii, Illinois, Indiana, Jamaica, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York (Dental Hygiene), North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, US Virgin Islands, West Virginia, Wisconsin, Wyoming.

Membership gives a recognizing state dental board direct involvement in the development and evolution of the examinations through committee appointments; and approval of the final form of the examinations in dentistry and dental hygiene.

A strict development and review process begins with a regularly updated occupational analysis (OA) to ensure current practice and standards of care are represented. ADEX uses information from the OA to determine the content necessary to include in each examination.

The Commission on Dental Competency Assessments (CDCA) develops examinations using these criteria. Subject matter experts develop questions and psychometricians set discriminate values for candidate performance and determine the final score (pass or fail). Exams are piloted and evaluated.

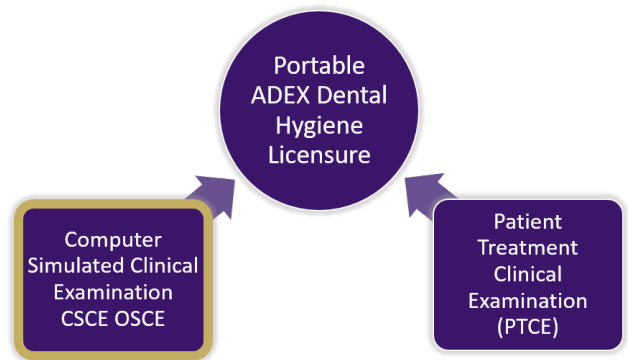
ADEX then considers piloted examinations and selects to approve examinations that have been proven to be psychometrically sound, valid expressions of readiness for the oral professions.

In addition to supporting ADEX directly, the CDCA also answers the call from many jurisdictions to develop supporting examinations in emerging fields such as Dental Therapy, Sedation, Local Anesthesia and Dental Specialty examinations.

Pathways to Licensure for Dental Hygiene Candidates

1. What are the components of the current ADEX Dental Hygiene Licensure Examination?

The examination for ADEX licensure in dental hygiene has always consisted of two parts: a) a psychometrically validated computerized Objective Skills Clinical Examination otherwise known as an OSCE, and b) an in-clinic evaluation called the Patient Clinical Examination (PTCE) that is delivered in schools and evaluated by examiners.



2. What ADEX pathways are states' boards allowing for dental hygiene licensure qualification?

1. *Patient-Based Examination*
CSCE OSCE, Patient Treatment Clinical Examination (PTCE)
2. *Manikin-Based Examination*
CSCE OSCE, Makinin Treatment Clinical Examination (MTCE)
3. *Provisional Licensure*
CSCE OSCE plus national boards and state jurisprudence until patient-based assessment is taken

3. What does the CSCE OSCE test?

The CSCE OSCE utilizes a simulated true-to-life environment to demonstrate all aspects of dental hygiene other than direct hand skills, which are tested in the Patient Treatment Clinical Examination. Candidates can expect questions to cover Medical and Dental Assessment, Intra and Extraoral Assessment and Charting, Evaluation of Soft Tissue, Bone and Tooth Pathology, Anatomy, Physiology, Radiology and Imaging, Treatment Planning, Materials, Patient Care including Periodontal Procedures, Medical Emergency Management and relevant aspects related to various dental specialties and Applied Pharmacology. More information regarding content and scoring can be found [here](#).

4. Are patient-based examinations taking place?

The CDCA is delivering examinations as requested by schools. Schools seeking to offer patient-based examinations must present with facilities capable of meeting any local, state, or federal guidelines for safety at this time. Since July 2020, examinations have been largely completed using a manikin.

5. Will candidates be using Ultrasonic scalers during patient-based examinations?

As of September 1, 2020, ultrasonic scalers may be used during the dental or dental hygiene exams, with the following provision:

When used while treating a patient, high-speed suction must also be provided by an assistant or by other equivalent processes.

Requirements for high-speed evacuation do not apply when these devices are used in manikin examinations.

The decision to permit the use of ultrasonics in any exam will rest with the school. A 30-minute time extension is allowed for examinations where only handscaling is permitted. Time will not be extended when ultrasonic scalers are allowed. The standard time allowance of two hours will be in place at an exam site that allows the use of ultrasonics. Should a candidate at a site where such equipment is approved choose not to utilize these instruments, an individual time waiver will not be applied. Should a dental hygiene examination take place without the use of ultrasonics, the time allowed for treatment will be 2.5 hours.

6. What do we know about the manikin-based clinical examination (Manikin Treatment Clinical Exam/MTCE)?

At the urging of many states' boards of dentistry, ADEX approved the use of a selected manikin in dental hygiene licensure assessments on May 15, 2020. The first examinations took place July 10, 2020. A link to the ADEX announcement and a video supporting questions for candidates can be found [here](#). The examination assesses 1. calculus detection, 2. calculus removal, 3. periodontal measurement. Students will make a final case presentation that evaluates any calculus remaining. This examination is meant to complement the CSCE OSCE by providing a handskills assessment for readiness to practice.

7. Are candidates able to take the computerized CSCE OSCE examination now?

Yes. The CDCA worked closely with our testing partner, Prometric, to identify oral health professions candidates as Essential Service workers offering the first opportunities since May 1, 2020 to take assessments in this setting.

Additional Resources





AMERICAN BOARD OF DENTAL EXAMINERS, INC.

William Pappas, D.D.S., President
Jeffery Hartsog, D.M.D., Vice-President
Conrad McVea, III, D.D.S., Secretary
Renee McCoy-Collins, D.D.S., Treasurer
Bruce Barrette, D.D.S., Past President

ADEX™ Approves Use of Typodont In Dental Hygiene and Dental Periodontal Scaling Clinical Licensure Examinations

2020 ADEX™ Press Release

For Release: May 18, 2020

Email Inquiries: office@adexexams.org

LAS VEGAS, NEVADA — The American Board of Dental Examiners, ADEX™, has approved the use and offering of a selected typodont as an option in the dental hygiene licensure examination and the dental periodontal scaling challenge. The typodont selected will be used in calculus detection, calculus removal, and periodontal probing exercises for the ADEX Dental Hygiene Patient Treatment Clinical Examination after completing a feasibility study under the supervision of ACS Ventures, LLC. This will offer dental hygiene licensure boards/agencies the choice to accept this non-patient professional proficiency demonstration or continue to accept the patient required participation for dental hygiene.

Further, the feasibility study included analysis of periodontal scaling proficiency utilizing the selected typodont and was accepted by the ADEX Board of Directors to be offered as an option for the periodontal scaling exercise part of the ADEX Dental Licensure Clinical Examination. This too would give licensure boards, that intend to accept a non-patient clinical assessment of candidates for licensure, an option for such acceptance of demonstrated proficiency.

“While facing circumstances as a result of the COVID-19 crisis, ADEX has endeavored to critically and psychometrically provide licensing jurisdictions options given the current conditions in delivery of dental education, dental treatment, and independent dental skills evaluation. With the previous addition of the CompeDont™ to the ADEX™ dental testing repertoire, licensure boards and agencies have additional non-patient assessment modalities upon which to aid in licensure evaluation during these unprecedented times. These hands-on skill assessments are joined by our computerized Objective Clinical Simulated Examination (OSCE) in both dentistry and dental hygiene, the longest running, continually maintained OSCE in the dental profession in North America,” said ADEX President William G. Pappas, D.D.S. “ADEX™ has taken additional steps in dental hygiene by approving and offering both patient and non-patient demonstration options, if desired by licensing boards, to meet the current unique obstacles presented by the COVID-19 crisis,” added Beth Jacko-Clemence, R.D.H, and Chair of the ADEX Dental Hygiene Examination Committee. This committee utilized practicing licensed hygienists, hygiene educators, and hygiene students to conduct the feasibility study prior to acceptance and adoption of the use of this particular typodont for examination purposes.

The offering of the typodont based dental hygiene examination and typodont based dental periodontal scaling exercise will commence this summer in the examination series currently scheduled to resume by both The Commission on Dental Competency Assessments (CDCA) and the Council of Interstate Testing Agencies (CITA). As always, it will be at the discretion of state licensing boards/agencies whether to accept these additional offerings in testing modality.

For any questions about the ADEX™ examination please contact: ADEX™ at office@adexexams.org For questions about the administration of ADEX examinations, please contact The Commission on Dental Competency Assessments at: www.cdcaexams.org or the Council of Interstate Testing Agencies at www.citaexam.com



CDCA Typodont Evaluation Report for the ADEX Dental Hygiene Examination

May 29, 2020

Prepared by:

Russell Keglovits, M.Ed.

719.233.4315

rkeglovits@acsventures.com

Chad W. Buckendahl, Ph.D.

402.770.0085

cbuckendahl@acsventures.com

Introduction

In April 2020, the Commission on Dental Competency Assessments (CDCA) conducted a product evaluation of a simulated patient (i.e., typodont). The evaluation was designed to determine the suitability of the typodont for use in a clinical skills (i.e., psychomotor skills) assessment for dental hygiene candidates. The results of the evaluation include the summary judgements of 30 subject matter experts (SMEs) who were each provided a typodont and a web based survey for data collection on their experience and perceptions. The CDCA identified ACS Ventures, LLC (ACS) to assist with the design of the product evaluation study and then independently analyze the results. This report summarizes the methodology, results, and conclusions of the study.

Study Method

To determine the feasibility of using a typodont in the assessment of prospective dental hygienists, multiple sources of validity evidence were collected and analyzed. This evidence consisted of a review of the content and response processes, reliability, and fairness. Content and responses processes were specifically aimed at the degree to which the typodont represents actual practice and the degree to which tasks and scoring criteria remain consistent between modes. It is both pragmatic and a matter of industry expectations (AERA, APA, & NCME 2014) to evaluate the effect of adding or transitioning to a new administration mode. The use of a typodont in the assessment represents a potential, additional mode option if jurisdictions are not able to administer the current examination.

The pursuit of the validity evidence is in service to two evaluation questions: Does the proposed mode result in technical characteristics that are comparable to the current mode? Does the proposed mode yield comparable evidence to support conclusions about entry level competency?

The study consisted of 30 SMEs who served as field test participants. They completed periodontal probing before and after treatment (i.e., instrumentation), calculus detection, and calculus removal skills on the typodont. These field testers included students, dental hygiene faculty, and practitioners.

Quantitative Data Analyses and Summary

The quantitative data collected were with respect to the amount of agreement among SMEs regarding the pocket depth determined both pre- and post-treatment, and the presence and size of calculus deposits prior to scaling. These data were evaluated for the percent of interrater agreement on each of these skills and were observed to be relatively high (from 82% to 95%). This source of reliability informs readers as to the consistency of the SME judgements for each skill evaluated in this study. In addition, historical reliability data regarding probing, detection, and removal were used to check the reasonableness of the new findings. These data are presented in the following table.

Table 1 – Periodontal probing, calculus detection, and calculus removal agreement results

	Field Test	2018	2016
Perio probing – Pre-treatment (+/- 1 mm)	93%	96%	95%
Perio probing – Post-treatment (+/- 1 mm)	95%	N/A	N/A
Calculus detection – Presence and absence (S/M/L)	82%	85%-91%	86%-90%
Calculus detection – Presence and absence (M/L only)	85%	N/A	N/A
Calculus detection – Presence and absence (L only)	92%	N/A	N/A
Calculus removal	92%	91%	N/A



As shown in the table, the calculus detection analysis was performed for different combinations of deposit sizes. Small, medium, and large deposits are represented by the letters S, M, and L, respectively. The least amount of agreement was found in the calculus detection activity when all three sizes of deposits were included in the rate. This rate represents a relatively high rate of agreement and is within 4% of the historical rates of comparison. When deposits were limited to just the medium and large, or just large, the level of agreement increases. Additional discussion of deposit size is included in the next section of this report.

The periodontal probing analysis was performed as a strict interrater agreement rate using the most prevalent examiner rating (i.e., mode) as the reference criterion. For this analysis, SMEs were determined to have agreed when they agreed with each other to a tolerance of plus or minus one millimeter. This metric was chosen as an alternative to a measure of agreement with the intended pocket depth suggested by the typodont manufacturer given. In approaching the analysis in this way, we were able to replicate the current practice on the patient-based examination.

Qualitative Data Analysis and Summary

Field testers were also asked to complete a qualitative survey regarding their experience with and perceptions of the typodont. This survey consisted of three question types: dichotomous questions for which a yes or no choice must be made; a 5-response option Likert rating from strongly disagree to strongly agree; and open ended comment questions, some of which were prompted by a “No” response from questions of the first type.

The survey aimed to collect data in six categories: Calculus Detection; Calculus Removal; Tissue; Periodontal Probing; Typodont Teeth; Ultrasonic Usage. The data were analyzed by category, response type, and SME type (non-student and student). The yes or no questions were with respect to the operational aspects of the typodont and were generally answered favorably across all categories. The Likert items were designed to measure the degree to which the SMEs believed the experience was realistic. The most prevalent responses to these survey questions were “Agree” and “Not ideal, but sufficient.” Finally, the open-ended comments were coded and counted. The recurrent comments were split between favorable and unfavorable across categories expressing a neutral disposition toward the typodont.

The following highlights the qualitative survey results:

Calculus Detection

- Realistic feel of calculus deposits? – Yes (73%), No (27%)
- Realistic placement? – Yes (87%), No (13%)
- Detection similar to that of a patient? Agree (30%), Sufficient (37%), Disagree (33%)
- Respondent Comments:
 - Calculus is too smooth
 - Stiffness of the tissue limited accuracy
 - Calculus deposits difficult to detect
 - Burnished/small deposits were difficult to detect

Calculus Removal

- Deposits come off in layers? – Yes (80%), No (20%)
- Realistic using hand instruments? – Yes (77%), No (23%)



- Removal similar to that of a patient? Agree (57%), Sufficient (23%), Disagree (20%)
- Respondent Comments:
 - Tooth material came off with hand scaling
 - Calculus behaved realistically
 - Teeth became loose/fell out
 - Teeth were soft

Tissue

- Did the sulcus remain intact after scaling? – Yes (90%), No (10%)
- Could you damage the tissue while hand scaling? – Yes (60%), No (40%)
- Tissue simulates the gingiva found with a patient? Agree (33%), Sufficient (33%), Disagree (33%)
- Respondent Comments:
 - Impressed with tissue
 - Tough/rubbery tissue
 - Not realistic
 - Realistic tissue

Periodontal Probing

- Distinguish between enamel and cementum? – Yes (53%), No (47%)
- Mobility during scaling? – Yes (37%), No (63%)
- Teeth similar to that of a patient? Agree (37%), Sufficient (27%), Disagree (36%)
- Respondent Comments:
 - Tooth/teeth came out
 - Teeth are soft
 - Teeth did not move when scaled
 - Did not have gloss or sheen as expected

Typodont Teeth

- Distinguish between enamel and cementum? – Yes (53%), No (47%)
- Mobility during scaling? – Yes (37%), No (63%)
- Teeth similar to that of a patient? Agree (37%), Sufficient (27%), Disagree (36%)
- Respondent Comments:
 - Tooth/teeth came out
 - Teeth are soft
 - Teeth did not move when scaled
 - Did not have gloss or sheen as expected

Ultrasonic Usage

- Eleven SMEs in the study an ultrasonic scaler.
- Was there any negative effect on the tissue with the ultrasonic? Yes (0%), No (100%)
- Was there any damage to the tooth surface by the ultrasonic? Yes (36%), No (64%)
- Calculus removal experience was similar to a patient? Agree (55%), Sufficient (37%), Disagree (9%)
- Respondent Comments:
 - Teeth are soft
 - Realistic



Conclusions

Regarding the technical characteristics of the current mode, examiner agreement for probing, calculus detection, and calculus removal was comparable with historical rates. Regarding the degree to which the mode yields comparable evidence to support conclusions about entry level competency, the study found that small and some medium deposits were more difficult to detect and may not represent entry-level skills.

The qualitative data indicated that, with some caveats noted in ratings and comments, the typodont was realistic. Field tester responses to the survey questions were a mixture of favorable and unfavorable ratings which were significantly skewed towards favorability. Therefore, the collection of evidence supports use of this typodont in ADEX examination exercises for jurisdictions that may want to offer both a psychomotor performance examination and a fully non-patient licensure pathway. Notwithstanding this conclusion, the data also suggests that a patient-based demonstration of clinical skills remains a superior comparative option.

References

American Educational Research Association (AERA), American Psychological Association (APA), & National Council on Measurement in Education (NCME) (2014). *Standards for educational and psychological testing*. Washington, D.C.: American Educational Research Association.



Task List

Adjourn