

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

**MINUTES OF MEETING
MARCH 23-24, 2006**

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 AS 08.36.040 and in compliance with the provisions of Article 6 of AS 44.62, a scheduled meeting of the Board of Dental Examiners was held March 23-24, 2006, at the State Office Bldg., 333 Willoughby Ave., Conference Room A, Juneau, Alaska.

March 23, 2006

The meeting was called to order by Dr. Robert Warren, Chairman at 8:40 a.m.

Those present, constituting a quorum of the board, were:

Dr. Robert Warren, Chairman – Anchorage
Dr. Kevin Gottlieb – Anchorage
Dr. David Eichler – Fairbanks
Mary Cerney – Dental Hygienist – Fairbanks
Vicki Hauff – Dental Hygienist – Anchorage
Gregory Gurse – Public Member – Anchorage

Those absent and excused were:

Dr. Arne Pihl, Ketchikan
Dr. Rebecca Neslund, Kodiak
Dr. William Gerace, Anchorage

Dr. Gerace is planning to be at the meeting Friday, March 24, 2006, but is recovering from food poisoning and was unable to travel to Juneau in time for the March 23, 2006 portion of the meeting.

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

Rick Urion, Director, Div. Of Corps, Business & Professional Licensing - Juneau
Brenda Donohue, Licensing Examiner – Juneau

Guests present were:

- Richard Monkman, representing Sonosky, Chambers Sachse Miller & Munson
- Alex Cleghorn, representing Sonosky, Chambers Sachse Miller & Munson

Discussion was held regarding scheduling the March 2007 meeting earlier in the month so it will not conflict with Spring Break. As it is now, many of the state officials the board wants to visit are out of town. In addition, the WREB testing schedule is in full-swing by this time of March, and many of the board members are out-of-state proctoring these exams.

Agenda Item 1 – Review Agenda

Ms. Donohue went over the additions to the Agenda packet. Dr. Warren requested the members take the packet with them to review before the Friday meeting.

- **Item 6 Investigative Report**
 - Investigative Report
 - Surrender of License

- **Item 7 Miscellaneous Correspondence**
 - Memo from ASDA re: Initial Clinical Licensure Process
 - Letter from Am. Assoc. of Endodontists with “AAE Endodontic Case Difficulty Assessment Form: attached
 - Letter from Susan Finn with Am. Assoc. of Oral & Maxillofacial Surgeons
 - Memo from ADA re: National Board Exams at Univ. of AK., March 28, 2006

- **Item 9 Review Applications**
 - CE Course Reviews:
 - Conscious Patient Management with IV and Nitrous Sedation in General Dentistry

 - Local Anesthetic Permit – Elizabeth Barnett
 - Dental Hygiene & Local Anesthetic Permit – Jennifer Tovar

- **Item 16 Regulation Projects**
 - Copy of Regulation Project process
 - Specialty License Questions

- **Item 17 Office Business**
 - Board Meeting Dates list
 - Board Goals and Objectives – FY 2006

Dr. Warren added a letter from Jack Clinton, DMD, Dean, School of Dentistry at Oregon Health & Science University to be added to Item 7 – Miscellaneous Correspondence.

Agenda Item 4 – Ethics Report

Dr. Warren asked board members if anyone had any possible ethics violations to report. There was no response, indicating no ethics reports were necessary.

Agenda Item 3 – Review Minutes

Following review of the December 9, 2005 minutes:

Upon a motion by Ms. Cerney, seconded by Ms. Hauff and approved unanimously, it was:

RESOLVED to approve the December 9, 2005 minutes as presented.

Following review of the February 13, 2006 teleconference meeting minutes:

Upon a motion by Ms. Cerney, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to approve the February 13, 2006 minutes as presented.

Agenda Item 2 – Review HB 93

Mr. Urion discussed HB 93, and advised the board he had given testimony several times on this bill. He noted that the language in the bill is disjointed and confusing. Further, he informed the board members that he had been called a liar when he testified that the Board has already set up a discipline committee, which reviews investigative cases with the division investigator to determine their merit.

Dr. Warren conveyed to Mr. Urion that the general perception in the dental community in Anchorage is that the Board is not doing its job because of the length of time it takes to act on complaints against a licensee. Mr. Urion agreed with Dr. Warren that that is sometimes true. He noted that the delays are frequently the result of many factors out of the control of the investigator or the board.

When Mr. Urion pointed out some of the confusing language in HB 93, Dr. Eichler explained that the legislative committees reviewing the bill have changed some of the original language, thus accounting for the confusion.

Dr. Warren noted that in its original inception, when the ADS presented it to their membership, he felt the changes addressed some legitimate complaints in the process, but in its current form he finds it very confusing. He is now looking at it in the context of how will the board be able to implement the changes. Mary Cerney noted that the board's instituting the current disciplinary committee addresses one of the main complaints that cases brought against a dentists aren't reviewed by a professional.

On another subject, Dr. Warren requested Mr. Urion to include in the division's legislative packet changes to the statutes that state which examinations the board will accept when reviewing dental applications. The board wants the wording to reflect "an examination acceptable to the Board of Dental Examiners". Mr. Urion advised the board they would have a better chance of getting these changes introduced in the legislature if they find a legislator to sponsor them.

It was discovered in meetings with legislators later on Thursday that the referenced statutes, specifically AS 08.36.120, 130, 160, 180, and 190 had been repealed in Sept. 2005.

There being no further questions for Mr. Urion, he left the meeting at 9:18 a.m.

Agenda Item 17 – Office Business

The board confirmed the June 23-24, 2006 board meeting date, and set Dec. 1, 2006 for the December meeting.

The date for the September 2006 meeting will be decided on March 24, 2006 to allow several of the members to check their office schedules.

Ms. Donohue asked for the board's direction about when they want her to act on a mail vote. Should she act upon receipt of a quorum, or wait until all the votes are back.. The board directed her to give it one week after receipt of a quorum vote, then take action, unless all votes are back prior to then.

Ms. Donohue then advised the board that AS 08.01.070(6) gives the board the authority to draft regulations to exempt licensees on active duty military service from CE requirements. The Dental Board does not have a regulation to implement this waiver, so consider if they want to do so, and be prepared to go on the record on this issue at Friday's meeting.

Ms. Donohue asked for two board members to review the CE Audit documentation turned in to date, so the board can act on these files at this meeting. Ms. Cerney and Ms. Hauff volunteered to review the files, and present to the board on Friday.

Upon a motion by Dr. Gottlieb, seconded by Dr. Eichler and approved unanimously, it was:

RESOLVED to recess until 8:30 a.m. Friday, March 24, 2006.

The meeting recessed at 9:50 a.m.

March 24, 2006

The meeting was called to order by Dr. Robert Warren, Chairman at 8:38 a.m.

Those present, constituting a quorum of the board, were:

Dr. Robert Warren, Chairman – Anchorage
Dr. Kevin Gottlieb – Anchorage
Dr. David Eichler – Fairbanks
Mary Cerney – Dental Hygienist – Fairbanks
Vicki Hauff – Dental Hygienist – Anchorage
Gregory Gursey – Public Member – Anchorage
Dr. William Gerace - Anchorage

Those absent and excused were:

Dr. Arne Pihl, Ketchikan
Dr. Rebecca Neslund, Kodiak

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

Brenda Donohue, Licensing Examiner – Juneau

Guests present were:

- Alex Cleghorn, representing Sonosky, Chambers Sachse Miller & Munson

Agenda Item 1 – Review Agenda

Ms. Donohue went over the additions to the Agenda . The changes were reviewed on Thursday morning as well.

Agenda Item 9 – Review Applications

Dr. Gerace advised the board he had reviewed several course approval applications. Discussion was held.

Course Approval Applications

Upon a motion by Dr. Gerace, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to approve the following courses as meeting the requirements in accordance with 12 AAC 28.410:

Organ Transplantation and Dentistry, sponsored by AK State Dental Hygienist Association, for three (3) hours of continuing education.

High Risk-Is It Our Patients...Or Us???, sponsored by AK State Dental Hygienist Association, for three (3) hours of continuing education.

Current Concepts in Complete Denture Prosthodontics, sponsored by Anchorage Dental Society, Academy of General Dentistry, for seven (7) hours of continuing education.

Concepts of Periodontal Infections and Modern Technologies, sponsored by AK Academy of General Dentistry, for four (4) hours of continuing education.

Periodontal Esthetics, sponsored by AK Academy of General Dentistry, for four (4) hours of continuing education.

Concepts of Periodontal Infections, sponsored by AK Academy of General Dentistry, for two (2) hours of continuing education.

Gingival Recession: Etiology and Treatment Options, sponsored by AK Academy of General Dentistry, for two (2) hours of continuing education.

Systemic Disease and Periodontitis Interactions, sponsored by AK Academy of General Dentistry, for four (4) hours of continuing education.

Dr. Warren advised the board they should review the course "Conscious Patient Management with IV and Nitrous Sedation in General Dentistry", sponsored by Montefiore Medical Center. He has been contacted by Dr. Call who inquired if this course would be approved by the board or not. In the past Dr. Call had taken the course

in order to apply for a parenteral sedation permit, and the board had accepted it, and then at a later date, an associate of his had taken the course and the board had not approved it.

Discussion was held. The board determined the course included only thirty-seven and one-quarter hours of classroom hours.

Upon a motion by Dr. Gerace, seconded by Ms. Cerney and approved unanimously, it was:

RESOLVED to deny the following course as not meeting the requirements in accordance with 12 AAC 28.620(a)(1) –have received formal training in the administration of parenteral sedation that included a minimum of 40 classroom hours:

Conscious Patient Management with IV and Nitrous Sedation in General Dentistry, sponsored by Montefiore Medical Center.

Dr. Warren will advise Dr. Call the course does not meet the requirements of 12 AAC 28.620.

Agenda Item 4 – Budget Review

Cathy Mason, Administrative Manager, joined the meeting at 8:50 a.m. to address questions from the board about the budget. Ms. Mason reviewed the budget, item by item. She noted that legal expenses, included in “Contractual Services”, were already \$20K over last year’s budget. This is most likely because of the \$37K bill from Dept. of Law for the DHATs opinion.

Dr. Warren asked if it was possible to have the Dept. of Law remove the billing for the DHATs opinion rendered by the AG’s office in September 2005, as the opinion was in the interest of statewide public health. Ms. Mason stated she didn’t think that would happen. Dr. Warren then conveyed that when he visited with the Attorney General on Thursday regarding this issue, the AG said this was a possibility, and he would look into it.

Ms. Mason left the meeting at 9:07 a.m.

Agenda Item 9 – Review Applications (cont’d)

Continuing Education Audit – Dental Hygiene

Ms. Strickler’s continuing education documentation to comply with a mandatory audit prior to renewal of her license, had been sent to the board on a mail ballot. Two members of the board voted to table the vote to the regularly scheduled meeting to discuss the course, “Management of Angina”. Discussion was held.

Upon a motion by Dr. Gerace, seconded by Ms. Cerney and approved unanimously, it was:

RESOLVED to approve the CE audit documentation, “Management of Angina”, sponsored by Dental Didactics, as meeting the requirements in accordance with 12 AAC 28.410(a) –subject matter relates directly to clinical care, for Glori A. Strickler.

Local Anesthetic Permit

Upon a motion by Ms. Cerney, seconded by Ms. Hauff and approved unanimously, it was:

RESOLVED to approve the Local Anesthetic Permit application for Theresa McCarter.

Upon a motion by Ms. Cerney, seconded by Dr. Gerace and approved unanimously, it was:

RESOLVED to approve the Local Anesthetic Permit application for Elizabeth Barnett.

Agenda Item 8 – Application Assignments

A. Assign Jurisprudence Exam Administrator

Ms. Donohue advised the board that the Alaska Jurisprudence examination would be administered to two applicants beginning at 12:00 noon.

Ms. Cerney will administer the Alaska Jurisprudence examination to the applicants for Dental Licensure by Credential.

Assign Questions for Credential Candidates

Dr. Warren assigned credential review interview questions to the board members.

Credential Application Review

The board reviewed the credential application of the following in preparation for the personal interview:

Dr. Lawrence Johnston
Dr. Marlo Saenz

Reviewed by Mary Cerney.
Reviewed by Dr. Warren

The applications for Dr. Marlo Saenz and Dr. Lawrence Johnston appear to be in order for meeting the requirements for dental licensure by credentials.

Recess: 9:20 a.m.

Reconvene: 9:30 a.m.

Agenda Item 6 – Investigative Report

Margaret McQuaid, Investigator, joined the meeting at 9:30 a.m. to present the Investigative Report.

Open Cases

Case 1200-02-016 – Allegations that dentist performed a “Distraction Osteogenesis” resulting in severe bone. Hearing completed, awaiting Hearing Officer’s decision.

Case 1200-03-001 – Allegation that dentist treated patient with six root canals, all of which failed. MOA presented to respondent.

Case 1200-03-002 – Allegation that dentist performed unnecessary work on patient. Presented to Dr. Warren for review.

Case 1200-03-003 – Allegation that dentist performed unnecessary work on patient. Presented to Dr. Warren for review.

Case 1200-04-001 – Allegation that dentist is using outdated methods that do not conform to minimum professional standards. MOA presented to respondent.

Case 1200-05-002 – Allegation of incompetence. MOA sent to respondent November 10, 2005. Currently being negotiated.

Case 1200-05-003 – Summary Suspension ordered. Appeal hearing on summary suspension scheduled for 03-13-06.

Case 1200-05-004 – Allegation of negligence. MOA was refused by dentist and attorney. Case has been referred to AG’s office for Accusation.

Case 1200-05-010 – Allegation of incompetence and abandonment. MOA served.

Case 1200-05-021 – Allegation of fraud/misrepresentation. Investigation continues.

Case 1200-06-003 – Allegation of incompetence. Investigation continues.

Cases Closed

Case 1201-05-001 – Allegation of unlicensed practice. Reviewed by Dr. Warren, closed 12/02/05. No Action/No Violation.

Case 1200-05-005 – Allegation of incompetence. Case reviewed by Review Panel, closed 01/13/06. No Action/Insufficient Evidence.

Case 1200-05-006 – Allegation of incompetence. Case reviewed by Review Panel, closed 01/13/06. No Action/Insufficient Evidence.

Case 1200-05-013 – Allegation that dentist provided unnecessary services. Reviewed by Review Panel, closed 12/19/05. No Action/No Violation.

Case 1200-05-014 – Allegation of incompetence. Reviewed by Review Panel, closed 01/11/06. No Action/No Violation.

Case 1200-05-015 – Allegation of negligence. Reviewed by Review Panel, closed 01/11/06. No Action/No Violation.

Case 1200-05-017 – Allegation that dentist performed unnecessary services. Reviewed by Review Panel, closed 01/11/06. No Action/Insufficient Evidence.

Case 1200-05-018 – Allegation of incompetence. Reviewed by Review Panel, closed 01/11/06. No Action/No Violation.

Case 1200-05-019 – Allegation of incompetence. Reviewed by Review Panel, closed 03/06/06. No Action/No Violation.

Case 1200-05-020 – Allegation of incompetence. Unable to investigate due to death of respondent.

Case 1200-06-001 – Allegation of incompetence. Reviewed by Review Panel, closed 03/02/06. No Action/No Violation.

Case 1200-06-002 – Allegation of negligence. Reviewed by Review Panel, closed 03/02/06. No Action/No Violation.

Action for the Board

Case 1200-05-003 – Surrender of License Order

Upon a motion by Dr. Gerace, seconded by Gregory Gursej and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) for the purpose of discussing the License Surrender in Case 1200-05-003.

Entered into executive session at 9:38 a.m.

Out of executive session at 9:50 a.m.

Upon a motion by Greg Gursej, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to accept the Order of Surrender in case 1200-05-003.

Dr. Warren signed the Order of Surrender, and Ms. Donohue will pouch the original to Maggie McQuaid on Tuesday, March 28, 2006.

Ms. McQuaid announced she would be retiring at the end of April, 2006. The board members wished Ms. McQuaid well in her retirement. She left the meeting at 9:53 a.m.

Dr. Gottlieb and Dr. Pihl will serve on the Review Committee for investigations for April through June, 2006.

Recess: 9:55 a.m.
Reconvene: 10:00 a.m.

Agenda Item 9 – Application Review (cont'd)

Dental Hygiene & Local Anesthetic Permit

Upon a motion by Ms. Cerney, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to approve the Dental Hygiene License application for Jennifer Tovar

Upon a motion by Ms. Cerney, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to approve the Local Anesthetic Permit application for Jennifer Tovar.

Continuing Education Audits

Upon a motion by Ms. Hauff, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to approve the Continuing Education Audit for the following licensees:

- Michael Steele, #943
- Mary Sipes, #652
- Susan Ventura, #935
- Bruce Turner, #884
- Jean Maloney, #426
- Tammy Clancy, #830
- Catherine McQuigg, #741
- Francine Bancroft, #408
- Patricia Grover, #347
- Kelli Moore, #751
- Jodee Dobson, #425
- Charlene Rodda, #295
- Sharon Schlicht, #301
- Chrisie Trujillo, #499
- Katherine Flores, #885
- Helen Grund, #776
- Heather Klotz, #921
- Trisha Mitchell, #662
- Donna Huffman, #693
- Karen Cottrell-Petters, #413

- Eileen Quinn, #663
- Erica Kitter, #900
- Julie Bleier, #700
- Kelly Harris, #851

Discussion was held regarding the courses submitted by Debora Bale-Griffeth to comply with the CE Audit. The discussion centered specifically on the courses, "Successful Aging", "Osteoporosis: Diagnosis & Treatment", and "The Aging Brain".

Upon a motion by Ms. Cerney, seconded by Dr. Eichler and approved unanimously, it was:

RESOLVED to not accept the Continuing Education Audit documentation for the following licensee as it does not comply with 12 AAC 28.410(a) "subject matter relates directly to dental patient clinical care":

- Debora Bale-Griffeth, #253

Recess: 10:08 a.m.

Reconvene: 10:19 a.m.

Steve Winker, division Paralegal, joined the meeting at 10:08 a.m. to explain continuing education (CE), hours earned out-of-time-frame. He gave the board a handout titled "General Guideline of Disciplinary Sanctions for MOA Where Licensees Who Have Failed to Meet CE Requirements Are Identified Through The Audit Process. Mr. Winker explained the division negotiates an MOA that includes fines to address two elements: an amount for falsification on the renewal application, plus an amount per credit hour lacking, to include a dollar maximum amount. He pointed out that an important element is to be consistent in implementing fines and license actions for similar cases.

He further advised the elements of an MOA include the CE hours earned to meet the requirement of 12 AAC 28.410 cannot be used on the current renewal cycle, and the licensee will be the subject of a mandatory audit of CEs for two renewal cycles..

Dr. Gottlieb requested Ms. Donohue send him a copy of the June 2004 minutes in which the board recommended the procedure to follow when a licensee is unable to supply proof of meeting the requirements of the CE audit.

There being no further questions, Mr. Winker left the meeting at 10:30 a.m.

Agenda Item 7 – Miscellaneous Correspondence

1. AOMS – March 14, 2006

Letter from American Assoc. of Oral and Maxillofacial Surgeons (AOMS), asking if the board has a policy regarding the performance of Microdermabrasion in dental offices. The board does not have a position on this issue. Ms. Donohue will reply to Ms. Finn's letter advising her of the board's position.

AADE – December 2, 2005

Memo reporting on the NPDB Executive Committee Meeting, 11/17/05. It is noted in the memo that no decision has been made as to whether the NPDB will waive the fees for queries for a period of time. State dental boards comprise the smallest number of queries to the NPDB from any major group. Information only, no action required.

AADE – February 13, 2006

Fax giving notice of the first meeting of the American Board of Dental Examiners (ADEX) House of Representatives, Tuesday, March 21, 2006 in Chicago IL. Information only, no action required.

AADE – February 14, 2006

Letter calling for nominations for AADE's Citizen of the Year Award. Information only, no action required.

AADE – February 22, 2006

Memo with AADE Non-Dues Revenue Statement. Information only, no action required.

Council of Interstate Testing Agencies – January 12, 2006

Letter giving notice of mid-year meeting in Chicago, IL, Saturday, March 18, 2006. Information only, no action required.

Council of Interstate Testing Agencies – January 23, 2006

Position statement and request to consider recognizing results of the CITA dental and dental hygiene licensure examinations as satisfying state's clinical licensure examination requirements. Information only, no action required.

ADA – January 5, 2006

Letter asking for a member of Alaska's board to assist with National Board Dental Hygiene Exam at Univ. of AK-Anchorage, March 28, 2006. Information only, no action required.

ADA – January 11, 2006

Memo to advise state boards of resolutions adopted by the 2005 House of Delegate on policy and issues related to dental education and licensure. Information only, no action required.

ADA – December 6, 2005

Memo advising state boards of the link for the 2005-2006 Dentist Well-Being Directory, published by the Council on Dental Practice. Information only, no action required.

Southern Regional Testing Agency – December 22, 2005

Press release on position of SRTA reflecting recent advances and developments in computer technology that allow for removal of the periodontal patient. Information only, no action required.

WREB – January 18, 2006

January 7, 2006 Board of Directors meeting minutes, and General Membership meeting minutes. Information only, no action required.

WREB – February 22, 2006

WREB exam assignments for 2006. Information only, no action required.

Michale L. Booth – December 13, 2005

Letter to Gov. Murkowski requesting removal of Dr. Gottlieb and Dr. Neslund from the board. His justification for the request is that state regulations should be interpreted and enforced only by those who are subject to them, and as part of the Public Health Service/Indian Health Service, Drs. Gottlieb and Neslund are employed by an entity which does not consider itself subject to either the Alaska State Medical or Dental Boards. Information only, no action required.

Michale L. Booth – December 13, 2005

Copy of letter sent to State Office of Children's Services referencing Rhonda McBride's television series "Toothaches and Heartache". Information only, no action required.

American Dental Student Assoc. – March 17, 2006

Memo stating concerns students have about changes in the initial clinical licensure process and which exam they will be taking and where its results will be accepted. Information only, no action required.

American Assoc. of Endodontists – March 9, 2006

Letter presenting the AAE Endodontic Case Difficulty Assessment Form. Information only, no action required.

Oregon Health & Science University – February 1, 2006

Letter outlining a program their School of Dentistry is developing where dental school applicants from states without dental schools could compete for positions reserved for certified residents of that state. Information only, no action required.

Agenda Item 11 – Quality Assurance

A. Mail Ballots/Licensing Response Report

The board reviewed the Dentist and Dental Hygiene “application complete” and “license issued” timeline charts.

The board feels that the process of licensing is being done in a timely manner and thanked the Licensing Examiner for her efforts.

B. Radiological Equipment Report

Ms. Donohue reported to the board that the IT section is still working out the bugs in the data base for this program. She will keep them updated on it’s progress.

C. Board Member Task List

The board reviewed the Task List and the items that have been accomplished. A copy of the Task List will become an integral part of the minutes.

Dr. Warren reported he will draft a FY 2005/FY 2006 Annual Report.

Ms. Donohue advised the board that meeting minutes and agenda’s are now on the web site.

Ms. Donohue will update the board on the number of hits on the Newsletter link on their web site at the June meeting. She has not heard back from Mr. Urion responding to the board’s request to have the Newsletter mailed to all licensees.

Ms. Donohue will send out a new Task List with assignments.

Dr. Warren handed out a copy of several dental advertisements he copied out of the paper. He asked the board members to review them to assure they were in compliance with advertising per the ADA Code of Ethics. Dr. Warren asked to table this item until later in the day after he has an opportunity to review the ADA Code of Ethics article on advertising, as well as the Dental Board letter sent to all licensees in December 2003.

Agenda Item 17 – Office Business

A. Travel Authorizations

Ms. Donohue collected signed TAs and travel receipts.

B. Meeting Dates for 2006

The board confirmed the following scheduled meeting dates:

June 23-24, 2006 in Anchorage

September 22, 2006 in Dillingham

December 1, 2006 in Anchorage

March 1-2, 2007 in Juneau

Dr. Eichler asked if a board meeting could be scheduled for Fairbanks. Ms. Donohue advised the board that one of their charges was to be accessible to the public. That means they can meet in other cities if they feel it provides better access to the public.

Upon a motion by Ms Cerney, seconded by Dr. Gerace and approved unanimously, it was:

RESOLVED to hold the September 2006 meeting in Bethel to provide access to the board proceedings for the public.

Discussion followed.

Upon a motion by Ms. Cerney, seconded by Dr. Gerace and approved unanimously, it was:

RESOLVED to amend the previous motion to hold the September 2006 meeting in Dillingham.

Ms. Donohue advised the board she will work up a cost-analysis for holding the meeting in Dillingham for their review at the June meeting. Dr. Gottlieb will contact the hospital and set up a tour for the board.

C. Sign Wall Certificates

The Board signed the following wall certificates:

Dental Hygiene

Sarah T. Lawson

Dentist

Douglas P. Winslow
Elisha B. Mayes

Agenda Item 15 – Legislation

Discussion was held on the results of the board member's visits with legislators and state officials on Thursday. The general impression is that HB 93 is dead. The legislature is very busy with the oil tax legislation, and HB 93 is a non-issue at this time. There is concern that the bill's language is not what it was when the bill was submitted.

Agenda Item 16 – Regulation Projects

Ms. Donohue updated the board that per AS 08.01.070(6) the board has authority to establish a waiver of continuing education hours for licensees on deployed, active military duty. Discussion was held.

Upon a motion by Dr. Eichler, seconded by Ms. Cerney and approved unanimously, it was:

RESOLVED to have the division Regulation Specialist initiate a regulation project to draft regulations to implement a waiver of CEs for deployed active duty military personnel, to include reservists and national guard. The waiver should be prorated to 7 CEs per six months of deployed service.

Recess for lunch at 11:40 a.m.

Reconvene from lunch at 1:00 p.m.

Agenda Item 12 – Personal Interviews for Applicants by Credential

Applicants Dr. Marlo Saenz and Dr. Lawrence Johnston took the Alaska Jurisprudence examination and passed.

Dr. Warren welcomed the applicants to the meeting and explained the interview process.

Dr. Lawrence Johnston

Ms. Cerney reviewed the application of Dr. Lawrence Johnston. The board proceeded in asking the standard interview questions.

Upon a motion by Ms. Cerney, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to approve Dr. Lawrence Johnston for dental licensure by credentials.

Dr. Marlo Saenz

Dr. Warren reviewed the application of Dr. Marlo Saenz. The board proceeded in asking the standard interview questions.

Upon a motion by Dr. Warren, seconded by Ms. Cerney and approved unanimously, it was:

RESOLVED to approve Dr. Marlo Saenz for dental licensure by credentials.

Agenda Item 7 - Miscellaneous Correspondence

Discussion was held regarding Washington State not accepting license verifications for dental hygienists from the State of Alaska because the licensing examiner for Alaska cannot answer the questions asked on their request. The licensing examiner can only respond to questions covered by the Scope of Practice in Alaska's Practice Act. The board reviewed a Washington state request form, then directed Ms. Donohue that she could respond to the questions asked as they are an accepted part of a dental hygienist's job duties. The items on their request form do not include any items listed in excluded practices in the Alaska Practice Act.

Upon a motion by Ms. Cerney, seconded by Dr. Eichler and approved unanimously, it was:

RESOLVED to adopt as a policy of the AK Dental Board that the licensing examiner shall positively respond to the questions on the license verification request form from the State of Washington regarding scope of practice for Dental Hygiene license .

Discussion was held on the practice of redacting names on investigative cases submitted to the Review Panel. It is felt that because the dental community in Alaska is so small a decision can be influenced because of a personal acquaintance with the respondent.

Upon a motion by Dr. Gerace, seconded by Dr. Eichler and approved unanimously, it was:

RESOLVED to request for the next three months, the investigator redact the name of the respondent in a case when it is sent to the Review Panel.

Ms. Donohue conveyed the division is considering combining renewal cycles for the dentists and dental hygienists, and want to know if the board has a preference. The board has no preference.

The board requested Ms. Donohue to inquire about increasing the fee for Inactive License status to match that of Active License status.

**Recess at 1:55 p.m.
Reconvene at 2:07 p.m.**

Agenda Item 14 – Public Comment

Royann Royer, President, AK State Dental Hygiene Association joined the meeting via teleconference at 2:07 a.m.

Ms. Royer asked the board to review the list of proposed regulation changes included in their packet under Agenda Item 14. Following discussion the board conveyed to Ms. Royer that statute changes would be required before the board could draft regulations to address the following items:

AS 08.32.110(6) – proposed change – adding “general” to “...under direct or indirect supervision...”

AS 08.32.110 – Restorative - proposed new section to allow dental hygienists to place restorations, as well as carve, contour and adjust contacts and occlusion of the restoration.

AS 08.32.190 – Collaborative Agreement (limited access permit) - proposed new definition for “Collaborative Practice of Dental Hygiene”. The definition would describe a working relationship with a consulting dentist or federal or state corporation whereby a dental hygienist would provide services specified in AS 08.32.110.

Upon a motion by Ms. Hauff, seconded by Dr. Gottlieb and approved on a roll-call vote, it was:

RESOLVED that the board would support statute changes to AS 08.32.110(6) to add the word “general” supervision, and to AS 08.32.109 by adding a definition of “Collaborative Agreement”, and to AS 08.32.110(c)(2) include language to include “restorative” procedures.

Upon a motion by Ms. Cerney, seconded by Dr. Gottlieb and approved on a roll-call vote, it was:

RESOLVED to amend the previous motion to “the board give voice of support for changes to the Dental Hygiene scope of work which would expand the use of anesthesia to “general supervision” setting with the stipulation the hygienist has their own liability insurance, and to include limited access permit such as collaborative agreement”.

Roll Call Vote

**Ms. Hauff – Yes
Ms. Cerney – Yes
Mr. Gurse – Yes
Dr. Gottlieb – Yes
Dr. Gerace – Abstain
Dr. Eichler – No**

Ms. Royer left the meeting at 3:00 p.m.

Agenda Item 16 – Regulations Projects

Jun Maiquis, Regulation Specialist, joined the meeting at 3:00 p.m.

Dr. Warren asked Mr. Maiquis if the board could get copies of current statutes and regulations booklets that include the repeal of AS 08.36.120, 130, 160, 180 and 190. While visiting with legislators on Thursday about changing the language in statutes stating the exams the board will accept for dental licensing, board members were informed those changes had occurred last session. Mr. Maiquis assured Dr. Warren that the division will be updating the booklets shortly and these changes will be included. Dr. Warren thanked Mr. Maiquis and stressed that the board relies on these booklets to be up to date.

Dr. Warren then asked direction from Mr. Maiquis about whether AS 08.32.110(b) gives the board authority to write regulations to allow dental hygienists to pack and carve restoratives. Following discussion Mr. Maiquis advised the board a statute change would be required to give this authority per AS 08.32.110(c)(2).

Ms. Donohue then asked the boards direction for developing an application for specialty license under the proposed new statute requirements. Dr. Warren explained that an applicant will be either "board certified" or "board eligible". A dentist can't be "board certified" until he/she has practiced in the profession and has developed a caseload. They will have to have held a dental license in a jurisdiction, and will apply for specialty license by the same criteria as a credential applicant.

A dentist who is "board eligible" may have clinical experience, or may be a new graduate and not hold a license in any jurisdiction. In this case they will have had to pass the dental specialty examination approved by the board, and will apply for a specialty license by the same criteria as an exam applicant.

To summarize, applications for applicants applying by AS 08.36.246(a)(4)(C) should mirror the current credential applications, and the applications for applicants applying by AS 08.36.246(a)(4)(A) and (B) should mirror the application by exam.

Ms. Donohue then asked the board what their intent was if a dentist currently holds a general dentist license in Alaska and applies for a specialty license. Will they want a PBIS report, DEA form, AADE Clearinghouse report, Jurisprudence Exam and verification of dental association membership. They advised Ms. Donohue that they had already requested to delete the verification of dental association membership. They requested Ms. Donohue to verify if a regulation project has already been initiated to accomplish this, and if not to have the Regulation Specialist do so. However, they want the same documentation as is asked of an applicant not holding an Alaska general dentist license.

Should Department of Law determine the board has no statutory authority to require an applicant for specialty license to pass the Alaska Jurisprudence Exam, would the board agree to having the applicant do a jurisprudence questionnaire? Following discussion they agreed this would be acceptable.

Dr. Warren requested Mr. Maiquis to do a regulation project to change the language in 12 AAC 28.105(b)(1), 12 AAC 28.500(b)(1), 12 AAC 28.935(b)(7) and 12 AAC 28.940(b)(8) to "exam approved by the board". He asked that Mr. Maiquis and Ms. Donohue review the regulations and make this change to any other regulations he may have missed, the intent being to delete the name of a specific exam, and include "exam approved by the board".

Dr. Eichler pointed out 12 AAC 28.105(c)(1) also needs to be changed to “passing score on exam approved by the board”.

Upon a motion by Dr. Eichler, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to include in a regulation project to change the language in 12 AAC 28.105(c)(1) to “passing score on exam approved by the board.

Mr. Maiquis advised the board that the regulation project for 12 AAC 28.952, Specialty License, and 12 AAC 28.955, Courtesy License was sent out for public comment. There were no written comments received. Therefore, this is being presented to the board for adoption.

Dr. Gottlieb presented revised language to 12 AAC 28.955(b) which clarifies the definition of “under-served communities”. The revised language will not affect the intent of the regulation.

Although there were no written comments the Board of Dental Examiners discussed the cost to private persons of the regulatory action being taken and determined that there would be no extra cost to the private person(s).

Upon a motion by Dr. Gottlieb, seconded by Mary Cerney and approved unanimously, it was:

RESOLVED to adopt the amendments to 12 AAC 28.952, adding a new section to regulate dental specialty license, and 12 AAC 28.955, adding a new section to regulate dental courtesy license.

Dr. Warren signed the Adoption Order, which will be returned to the Regulation Specialist for filing

Dr. Warren thanked the board members for their participation in the meeting. He notified the board he would not be at the June meeting because of WREB exams, but told them he had enjoyed being their President. The board members asked if he'd be interested in holding the position again, and he said he would.

There being no further business Dr. Warren called for a motion to adjourn.

Upon a motion by Ms. Cerney, seconded by Dr. Gottlieb and approved unanimously, it was:

RESOLVED to adjourn the meeting of the Board of Dental Examiners.

The board adjourned the meeting at 4:05 p.m.

Respectfully Submitted:

Brenda Donohue, Licensing Examiner

APPROVED:

Robert E. Warren, DDS
Chairman
Board of Dental Examiners

Date: _____

**BOARD OF DENTAL EXAMINERS
TASK LIST FROM MARCH 23-24, 2006 MEETING**

Ms. Cerney

- Dental Hygiene CE Audit

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Dr. Gerace

- Review Course Approvals for continuing education.

Dr. Eichler

Dr. Arne Pihl

- Work on budget bill regarding fines to go directly to Occupational Licensing Dental Account. Contact Rob Robinson.

Vicki Hauff

- Backup person for reviewing Course Approvals when needed.
- Dental Hygiene CE Audit

Gregory Gurse

Dr. Warren

- Work on letter to Director regarding board's concern on receiving guidance/direction from Department of Law.
- Work with Licensing Examiner in preparing the Annual Report for FY 2005/FY 2006.
- Invite Commissioner of Department of Health & Social Services to attend a meeting to discuss DHATs and billing issues associated with Medicaid recipients

Dr. Neslund

Licensing Examiner

- Work on board's web site – adding information.
- Work with Dr. Warren in preparing the Annual Report for FY 2005/FY 2006.
- Follow-up with Mr. Urion on the board's request the Newsletter be mailed to all licensees
- Research if there's a way to count "hits" on the Newsletter link on the web site
- CE Course approval letters to applicants
- Check with division about raising fee on Inactive License status licensees to full fee of active license status
- Advise Ms. Finn of AAOMS the board has no position on microdermabrasion being done in dental offices
- Send Dr. Gottlieb copy of June 2004 minutes
- Regulation projects memo to Regulation Specialist
- Policy on redacting respondent names on cases sent to review panel to Rick Younkings and Maggie McQuaid