

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

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

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 June 23-24, 2006, at the Atwood Bldg., 550 W. 7th Ave., Suite 1270, Anchorage, Alaska.

June 23, 2006

The meeting was called to order by Dr. William Gerace, Acting Chairman at 8:00 a.m.

Agenda Item 1 – Roll Call

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

Dr. William Gerace, Acting Chairman – Anchorage
Dr. Kevin Gottlieb – Anchorage
Dr. David Eichler – Fairbanks
Mary Cerney – Dental Hygienist – Fairbanks
Vicki Hauff – Dental Hygienist – Anchorage
Gregory Gursej – Public Member – Anchorage
Dr. Arne Pihl, Ketchikan
Dr. Rebecca Neslund, Kodiak

Those absent and excused were:

Dr. Robert Warren, Anchorage

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:

Kenneth L. Anderson, dental hygiene applicant

Agenda Item 2 – Review Agenda

Ms. Donohue reviewed the additions to the Agenda as follows:

FRIDAY, JUNE 23, 2006

Item 6 – INVESTIGATIVE REPORT

- Kathinka White's signed Surrender of Dental Specialty License #140

Item 7 – MISC CORRESPONDENCE

Item 8 – APPLICATION ASSIGNMENTS FOR BOARD

Item 9 – REVIEW APPLICATIONS

CE COURSE REVIEW

- 18th Annual Federal Services Dental Meeting
- But Aren't They Just Baby Teeth?

DENTIST BY EXAM LEVEL II

- Swirczek, Holly, F.

DENTIST BY EXAM LEVEL III

- To'olo, Gaston
- Mabry, Lara

DENTAL HYGIENE BY EXAM LEVEL III

- Anderson, Cari
- Chen, Shelly
- Clement, Kristy
- Carleton, Maryke
- Dykstra, Jennifer
- Israel, Kimberly
- Vinnikova, Marina
- Whitmire, April

LOCAL ANESTHESIA PERMIT

- Anderson, Cari
- Chen, Shelly
- Clement, Kristy
- Dykstra, Jennifer
- Israel, Kimberly
- Vinnikova, Marina
- Gouveia, Tiffany
- Griswold, Paula
- Moore, Brenda

LICENSE RENEWAL/CE APPROVAL

- Mitchell-Flores, Rebecca C.
DH/LA

Item 12 – REGULATIONS PROJECT

- Draft changing wording to “exam approved by the board”

Item 13 – CONFERENCE REPORT

Item 14 – TRAINING IN OFFICE OF ADMIN HEARING PROCEDURES

Item 15 – CON’T REVIEW OF APPLICATIONS

- MOA – Dr. Massey
- CE Hours Review & MOA – Debora Bale-Griffeth
DH License #253

SATURDAY, JUNE 24, 2006

**Item 3 – PERSONAL INTERVIEWS FOR CREDENTIAL
APPLICANTS**

- Dr. Stephen Adamson

Item 4 – QUALITY ASSURANCE

Item 7 – OFFICE BUSINESS

WALL CERTIFICATES
DENTISTS

- Brian Kallus
- Tracy Robinson
- Elisha Mayes
- Christopher Henry
- Marlo Saenz
- Lawrence Johnston
- Sarah Lawson

DENTAL HYGIENISTS

- Jennifer Tovar
- Kathleen Sopp
- Rebecca Hunter-Jensen

Agenda Item 3 – Review Minutes

Following review of the March 23-24, 2006 meeting minutes:

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

RESOLVED to approve the March 23-24, 2006 minutes as presented.

Following review of the May 2, 2006 teleconference meeting minutes:

Upon a motion by Dr. Neslund, seconded by Dr. Pihl and approved unanimously, it was:

RESOLVED to approve the May 2, 2006 minutes as presented.

Agenda Item 4 – Ethics Report

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

Agenda Item 4 – Budget Review

The board reviewed the budget presented as of May 30, 2006, and felt they were on track. The board requested Ms. Donohue to inquire if the Dept. of Law's billing could be broken out by case for each budget report. There were no other questions regarding the budget.

As they were ahead of schedule, the board moved on to Agenda Item 7 – Misc. Correspondence until the Investigator was scheduled to join the meeting at 9:30 a.m.

Agenda Item 7 – Miscellaneous Correspondence

The first item of correspondence the board reviewed was a request from Keith Cook, Radiological Health Specialist with Alaska Native Tribal Health Consortium asking the board to approve use of the Aribex Nomad hand-held x-ray unit. Upon review of the included FDA clearance letter, several State approvals and a study done by the U.S. Air Force and U.S. Navy, the board approved the unit.

Upon a motion by Dr. Neslund, seconded by Dr. Pihl and approved unanimously, it was:

RESOLVED to approve use of the Aribex Nomad hand-held x-ray unit in Alaska.

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Ms. Donohue will reply to Mr. Cook advising him of the board's action.

ADEX Letter from ADEX congratulating individuals who recently successfully completed the American Dental Licensure Examination series (ADLEX). The ADLEX was approved in March 2005 by ADEX and adopted as the clinical examinations of CRDTS and NERB. Information only.

ADEX Letter from ADEX advising state boards the inaugural annual meeting of the ADEX House of Representatives was held in Chicago, Illinois on March 21, 2006. Information only.

WREB Memo with information about the July Board of Directors, Dental and Dental Hygiene Exam Review Committee meetings. Information only.

WREB Press Release announcing that on April 5, 2006 the Dental Board of California became a member of WREB. Information only.

ADA Letter asking a board member to assist with the administration of the National Board of Dental Examinations at the University of Alaska-Anchorage, July 17-18, 2006. Information only.

ADA Letter from Ms. Karen Hart, Director, Council on Dental Education and Licensure asking that state's provide timely and accurate information for licensure candidates. There are some concerns that the exams accepted at the time of license application are no longer accepted. This is not the case in Alaska. Information only.

ADA Memo calling for comments on proposed changes to the ADA CERP Recognition Standards and Procedures. Specifically, CERP is continuing its study of the role of commercialism within continuing dental education. They are considering whether the Standards should be revised to allow product training as a legitimate continuing education activity for keeping current with the advances in dentistry.

They have suggested that product training with a balanced view which leads to skill development should qualify as CE and not adversely impact ADA CERP approval. However, they believe that issuing CE units for product sales and promotion or infomercials is inappropriate. Rather, CE programs should identify a variety of therapeutic options and offer a fair and balanced discussion of the options. Information only.

NERB Letter soliciting qualified dentists and dental hygienists for appointment as Consultant Member of NERB for the 2007 examination series. Information only.

Dr. Warren provided a copy of a letter he received from the Dean of the University of Washington School of Dentistry, Martha J. Somerman. The letter is addressed to Dr. Dan Middaugh, President, Washington State Dental Assoc., and advises that the "UW School of Dentistry does not support the Alaska Native Tribal Health Consortium (ANTHC) proposal to the Kellogg Foundation, #PO116503 titled "Allied Health Training for Dental Therapists", because the proposal supports training in irreversible procedures. The letter states the Dental School supports the training of mid-level oral health care providers to deliver preventive, education and emergency services up to irreversible procedures. Information only.

Agenda Item 6 – Investigative Report

Susan Winton, Investigator, and Rick Younkins, Chief Investigator, joined the meeting at 9:19 a.m. to present the Investigative Report. Ms. Winton has replace Maggie McQuaid as the Investigator for the Dental Board.

Ms. Winton updated the board that the first four cases listed on the Investigation Report have been closed following printing of that report.

Open Cases

<u>Case 1200-02-016</u> – Negligence	Litigation Initiated and Appeal filed (closed)
<u>Case 1200-03-001</u> – Negligence	MOA not signed; requires inv. Follow-up (closed)
<u>Case 1200-03-002</u> – Fraud/Misrepresentation	Under review by the Board (closed)
<u>Case 1200-03-003</u> – Fraud/Misrepresentation	Under review by the Board (closed)
<u>Case 1200-04-001</u> – Negligence	MOA not signed, requires inv. Follow-up
<u>Case 1200-05-002</u> – Incompetence (pt. Care)	MOA pending; requires follow-up
<u>Case 1200-05-004</u> – Negligence	Under review – Attorney General’s Office
<u>Case 1200-05-010</u> – Negligence	Attorney General and Inv. work required
<u>Case 1200-06-004</u> – Negligence	Opened 5/24/06- requires investigation
<u>Case 1200-06-006</u> – Professional Ethics	Opened 5/31/06- requires investigation
<u>Case 1202-06-001</u> – Unlicensed Practice	Opened 5/24/06-requires investigation
<u>Case 1250-06-002</u> – License Application Problem	Opened 5/24/06- investigation in progress

Cases Closed

<u>Case 1200-05-003</u> – Drug Diversion	Board accepted vol. surrender on 3/24/06
<u>Case 1200-05-021</u> – Fraud/Misrepresentation	No action – insufficient evidence
<u>Case 1200-06-003</u> – Incompetence	No action – no violation
<u>Case 1250-06-001</u> – Falsified Application	Board approved licensure

Action for the Board

Ms. Winton presented a signed SURRENDER OF LICENSE for Kathinka White's specialty license number 140.

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

RESOLVED to adopt the Order for the surrender of Kathinka White's specialty license #140

Dr. Gerace signed the Order of Surrender, and gave the original to Ms. Winton for filing.

Ms. Winton advised the board that Dr. Ness has filed an appeal in Superior Court of their action suspending his dental license #703 at the May 2, 2006 teleconference meeting.

The board requested Ms. Winton to join them following a short recess.

Recess: 10:00 a.m.

Reconvene: 10:10 a.m.

Upon a motion by Dr. Gottlieb, seconded by Ms. Cerney 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 Application in Case 1250-06-002.

Entered into Executive Session at 10:13 a.m.

Out of Executive Session at 10:51 a.m.

Agenda Item 9 – Review Applications

Continuing Education Course Applications

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

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

18th Annual Federal Services Dental Meeting, sponsored by U.S. Army Dentac, Fort Richardson, AK AGD #4901, for fourteen (14) hours of continuing education

But Aren't They Just Baby Teeth?, sponsored by Anchorage Dental Society, for seven (7) hours of continuing education

An Introduction to Laser-Assisted Hygiene, sponsored by Mary Lynn Smith, RDH, for seven (7) hours of continuing education

Instrumentation and Instrument Sharpening, sponsored by Alaska State Dental Hygiene Association, for four (4) hours of continuing education

Agenda Item 8 – Application Assignments

A. Assign Jurisprudence Exam Administrator

Ms. Donohue advised the board that the Alaska Jurisprudence examination will be administered to five applicants beginning at 8:00 a.m., Saturday morning, June 24, 2006.

Dr. Pihl will administer the Alaska Jurisprudence examination to the applicants for Dental Licensure by Credential.

Assign Questions for Credential Candidates

Dr. Gerace 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. Rowena Mandanas	Reviewed by Mary Cerney.
Dr. Tony Guilbeau	Reviewed by Dr. Gerace
Dr. Bryan C. Johnson	Reviewed by Dr. Gottlieb
Dr. Henry C. Seymour	Reviewed by Dr. Eichler
Dr. Stephen Adamson	Reviewed by Dr. Neslund

The applications for Dr. Rowena Mandanas, Dr. Tony Guilbeau, Dr. Bryan C. Johnson, and Dr. Henry C. Seymour appear to be in order for meeting the requirements for dental licensure by credentials. The board has concerns regarding some of the continuing education documents in Dr. Stephen Adamson's file.

Dental Hygiene Renewal Application

Upon a motion by Dr. Neslund, seconded by Ms. Cerney 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 Renewal License Application in Case 1202-06-001.

Entered into Executive Session at 11:01 a.m.
Out of Executive Session at 11:30 a.m.

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

RESOLVED to approve the renewal of license application for Rebecca Mitchell-Flores, License #828, pending her acceptance of a board approved MOA for unlicensed practice.

It was noted that an item should be included in the upcoming Annual Newsletter advising that employers must verify dental hygienists they hire hold a current Alaska license.

Following discussion the board recessed for a working lunch.

Recess for lunch 11:40 a.m.

Back from lunch 1:05 p.m.

Agenda Item 11 – Public Comment

Frank L. Thomas-Mears, representing Multiple Risk Managers, Inc. joined the meeting to testify during public comment.

Division staff present for Mr. Thomas-Mears presentation were Rick Younkens, Chief Investigator and Susan Winton Investigator for the Dental Board.

Following discussion about remarks made by presenters at the CNA Risk Mgmt Program presented in Fairbanks in May, Mr. Thomas-Mears offered that if the board wants to respond in writing to remarks made at the seminar he will publish that letter to every dentist who attended so the board's position is provided to all attendees. He noted that is an open offer, with no time or date attached to it. Dr. Gerace noted the board will take the offer under consideration.

Mr. Thomas-Mears then requested a written response from the board at some point in the future to the question, "Does AS 08.36.360(8) allow a licensed dentist (general or specialist) to administer Botox, Restylane or similar materials?"

He then read a list of questions he has about a "perceived information void" in the dental community towards the Dental Board. Broad topics include new procedures put in place recently by Occupational Licensing for investigations; publication of a list of disciplinary actions; and the last item is the annual newsletter.

Included here is his list of questions.

**Board Questions Related to the
Perceived Information Void**

The Division of Corporations, Business and Professional Licensing and the Board of Dental Examiners recently put in place updated investigation processes. There appears to be a void of information about the process update.

1. Does the Division or the Board have sufficient funding to communicate these changes to Alaska licensees?
2. If yes, how and when does the Division or the Board intend to communicate with licensees?
3. If no, what is restricting the Division's or Board's ability to communicate with licensees?
4. In the opinion of the Division and the Board, do the regulated licensees regard the Board as capable of acting in a timely fashion in its investigation of wrongdoing and in the discipline of dentists? If not, why not, and what can be done to improve either that point of view or the process?
5. In the opinion of the Division and the Board, do the current processes of the Division and the Board adequately protect the interests of the Alaska consumer – you, your spouse, children, parents, siblings, friends and neighbors?

AS 08.36.070(9)

1. Is the Board carrying out an annual publication of disciplinary actions in a newspaper of general circulation in each major city?
2. If not, why not?
3. If not, is the failure to publish protecting or harming the public?
4. Is the last available list of disciplinary actions for the period 1/1/04-12/31/04?
5. Was that last list published only on the Board's web-site on March 2005?
6. What is the projected date for publication of the list of disciplinary actions for period 1/1/05-12/31/05, and what is the proposed method of publication?
7. What is the annual date required for publication of the prior year's disciplinary actions?
8. Does the Division or Board know of any of the regulated licensees who actually use the Board's web-site to read the discipline listing?

Newsletter

1. Is there a mandate for the Board to publish an annual newsletter?
2. Is there money available for publication and distribution of an annual newsletter?
3. Would annual publication give the Board a platform to speak to the regulated with board news (to fill the apparent information void), to provide risk management tips to prevent patient injury, and to solicit input and participation by the regulated?
4. Does the Division or Board know of any of the regulated licensees who actually use the Board's web-site to read the newsletter?
5. Is the last newsletter the one on the Division's web-site for the period July 1, 2004 to June 30, 2005?

The board thanked Mr. Thomas-Mears for his comments.

Mr. Younkins provided the information that the board adopted the new discipline procedures now in place at their March 2005 meeting. He noted that the remarks made by the attorneys at the CNA Risk Mgmt. Meeting in Fairbanks were not new tactics. That in fact, similar remarks had been made by these same attorneys at a presentation to the Alaska Dental Society in 2002. Mr. Younkins asked the board's permission to work with Mr. Thomas-Mears to get information out to the licensees regarding the current investigative procedures.

The board agreed to Mr Younkins proposal.

Ms. Cerney noted that she felt a response by the board to the CNA presentation was not necessary at this time.

There were no other members of the public present for comment.

Agenda Item 12 – Regulations

David Brower, Assistant Attorney General, joined the meeting at 1:30 p.m. to discuss the draft regulations for Courtesy License and Specialty License.

Mr. Brower asked the board to draft a more specific definition for "underserved communities" to be included in the regulations for Courtesy License. Mr. Brower pointed out that the current language, "underserved rural areas and underserved urban populations" in essence means all "underserved" populations and areas in the State.

Dr. Gottlieb will draft a definition for "underserved" for the draft regulation for Courtesy License, 12 AAC 28.955. He will present the definition to the board on June 24, 2006 and if approved Ms. Donohue will send a copy to Mr. Brower. Mr. Brower advised the board they may need to re-adopt and re-public notice the proposed regulations if the definition for "underserved" is significantly different than what has already been public-noticed.

Mr. Brower's second question is what does the board mean by 12 AAC 28.955(b) a courtesy license may not be used "for purposes of employment consideration". Ms. Cerney explained that the Courtesy License is not to be used to license a prospective associate of a currently licensed dentist. The board's intent is that a Courtesy License is strictly for "pro-bono" charity work. The license is not to be used to license a dentist for the purpose of a "working interview". Ms. Cerney noted the board is not going to be concerned if someone who has held a Courtesy License, comes to the state at a later date to become licensed and practice.

Mr. Brower went on to ask the board their intent regarding a Courtesy License holder not receiving remuneration for "direct or in-direct" expenses. The board clarified that the license holder could be reimbursed for expenses, i.e., travel and lodging and food. However, no payment for services would be allowed.

The board also explained their intent that a dental hygienist holding a Courtesy License can practice under the direct supervision of a dentist holding a Courtesy License.

Mr. Brower then advised the board they may want to give further consideration to the regulation project whereby the language in 12 AAC 28.105, 12 AAC 28.500, 12 AAC 28.935 and 12 AAC 28.940 is to be changed to "exam approved by the board". As the regulations are currently worded, the board accepts specific examinations. If they remove these exams and change the wording to "exam approved by the board", they will be required to continually provide to the Licensing Examiner a list of approved exams, or review each application as it comes in. Applicants will have no idea what exams to take in order to meet the requirements for an Alaska dental license.

The board determined to give this project further review. Mr. Brower advised the board the project is not time-sensitive as it has not been public noticed.

Agenda Item 13 – Conference Report

Dr. Pihl presented a report on the ADA/AADE meeting he attended in March in Chicago.

He stated he felt it was very important that a representative from the board attend these meeting because so much is going on right now regarding licensing foreign-trained dentists and implementing the national board exam.

One of the most important topics covered at the meeting was a report that if a piece of legislation dealing with Central America Free Trade Agreement (CAFTA), had passed in the House of Representatives, (it did not pass by two votes), the Council On Dental Accreditation, (CODA), would have been mandated to accredit foreign dental schools. Passage of this piece of legislation would have compelled American states to treat all foreign dentists similar to American trained dentists regardless of differences in training or qualifications. Even now, several states are mandating licensing of foreign-trained dentists.

Dr. Pihl relayed to the board that because of the politics surrounding the national exam and the differences of the southern and northeast contingents, there is a feeling that AADE is about to disintegrate. When a representative of WREB was asked point-blank which exam they thought was better, WREB or ADEX, the response was "ADEX".

He conveyed to the board that CRDTS is now administering the ADEX exam in place of it's own. And, as seventeen hundred applicants took that exam this Spring, and because Alaska accepts the CRDTS exam, the board may be approving applicants who have taken that exam.

Following discussion the board resolved to nominate Dr. Pihl to represent the Alaska board at the October ADA/AADE meeting.

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

RESOLVED to approve Dr. Pihl as the board's representative to the fall ADA/AADE meeting in Las Vegas, October 14-15, 2006.

Following discussion by the board that it would provide excellent, pertinent training on dental licensing issues nationwide, it was determined to approve Ms. Donohue to attend the ADA October meeting in Las Vegas.

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

RESOLVED to approve Ms. Donohue attend the 2006 ADA Annual Session to be held October 16-19, 2006 in Las Vegas, Nevada.

Ms. Donohue told the board she would check her schedule for any conflicts with this time period.

Agenda Item 14 – New Business

Dr. Gerace brought up his concern that there is a conflict of interest for the same firm of attorneys who represent the Alaska Dental Society to also represent an individual dentist who is up for hearing on a disciplinary issue. One day the attorney will represent what the board stands for, and the next he will argue against those same standards. Following discussion it was suggested this is not a board concern, and that any board member should bring this up individually with the Alaska Dental Society.

Agenda Item 9 – Review Applications

Dental License Applications

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

RESOLVED to approve the application for Dental License by Exam Level II of Holly Swirczek.

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

RESOLVED to approve the application for Dental License by Exam Level III of the following applicants:

- **Gaston To'olo**
- **Lara Mabry**

Dental Hygiene License Applications

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

RESOLVED to approve the application for Dental Hygiene License by Exam Level III of the following applicants:

- Cari Anderson
- Shelly Chen
- Kristy Clement
- Jennifer Dykstra
- Kimberly Israel
- Marina Vinnikova
- Kara Peterson
- April Whitmire
- Kenneth Anderson

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

RESOLVED to approve the application for Dental Hygiene License by Exam Level II of the following applicants:

- Maryke Carleton
- Rachel Montoya
- Stacie Penaranda

Local Anesthetic Permit Applications

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

RESOLVED to approve the application for Local Anesthetic Permit of the following applicants:

- Cari Anderson
- Shelly Chen
- Kristy Clement
- Jennifer Dykstra
- Marina Vinnikova
- Kara Peterson
- Tiffany Gouveia]
- Paula Griswold
- Brenda Moore
- Valerie Lindeman
- Kimberly Israel

Recess: 2:47 p.m.
Reconvene: 2:57 p.m.

Agenda Item 14 – New Business

Terry Thurbon with Office of Administrative Hearings (OAH) joined the meeting at 2:57 p.m. to conduct training on the new procedures implemented by OAH.

Ms. Thurbon handed out a comparison chart titled "Professional Licensing Hearing Process Before and After July 1, 2005". The pertinent elements of the changes are the imposed time-limit of 165 days from start to finish for discipline cases that go to the hearing process conducted by the Office of Administrative Hearings.

Another important change is that instead of one hearing officer assigned to hear all cases for the Division of Corporations, Business and Professional Licensing, there are now seven hearing officers assigned to the division. In the near future an eighth hearing officer will be hired.

The board felt the training was very timely and pertinent in light of Mr. Frank Thomas-Mears remarks during Public Comment regarding his perceived information void between the board and the licensees. The board has asked that an article be included in the upcoming Annual Newsletter that will include the comparison chart and highlight the new time elements governing discipline hearings.

Ms. Thurbon left the meeting at 3:40 p.m.

Steve Winker, Paralegal, joined the meeting at 3:47 p.m. to advise the board on four (4) continuing education cases.

Upon a motion by Mr. Gurse, seconded by Dr. Pihl and approved unanimously, it was:

RESOLVED to adopt the MOA and Proposed Decision and Order under Case No. 1200-06-005, Renewal Application for Dr. George Benjamin Massey, DMD, Dental License #1026.

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

RESOLVED to accept the continuing education documentation for Debora Bale-Griffeth, Dental Hygiene License #253, as meeting the requirements under 12 AAC 28.410.

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

RESOLVED to adopt the MOA and Proposed Decision and Order under Case No. 1202-06-004, Renewal Application for Debora Bale-Griffeth, Dental Hygiene License #253.

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

RESOLVED to accept the continuing education documentation for Case No. 1202-06-002, as meeting the requirements under 12 AAC 28.410.

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

RESOLVED to accept the continuing education documentation for Case No. 1202-06-003, Renewal Application for Christopher H. Knodel, Dental Hygiene License #892.

Mr. Winker left the meeting at 4:10 p.m.

Agenda Item 15 – Continue Review of Applications

Continuing Education Audits

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

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

Kristi Morehead, #893
Delena Lerandean, #723
Linda Bray, #157
Nikkole Isaacson, #850
Thomas Lannan, #581
Vickie Acton, #669
Taffy Uscola, #973

Michele R. Steinke, #769
Lisa Andersen, #490
Julie Porras, #711
Sarah Sullivan, #952
Donna Lanni, #395
Mary Jeannine Costa, #451
Laurie Zografos, #823

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

RESOLVED to approve the continuing education courses submitted for the audit by Cara Shirk as follows: Not just a Cleaning Anymore, 2.5 CEs, and Painless Injection, 2.5 CEs. However receipt of further documentation clarifying the content of "Team Training" and "In Office Consulting" is required to evaluate the content of these courses.

The board directed Ms. Donohue to impose a 15-day response requirement in the letter to Ms. Shirk asking for further documentation for the above referenced courses.

Recessed at 4:30 p.m. until 9:00 a.m., Saturday, June 24, 2006.

June 24, 2006

Agenda Item 1 – Jurisprudence Exam

Applicants Dr. Rowena Mandanas, Dr. Tony Guilbeau, Dr. Bryan Johnson, Dr. Henry Seymour and Dr. Stephen Adamson took the Alaska Jurisprudence examination and passed.

Agenda Item 2 – Call to Order/Roll Call

The meeting was called to order by Dr. William Gerace, Acting Chairman at 9:04 a.m.

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

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

Those absent and excused were:

Dr. Robert Warren, Anchorage

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

Brenda Donohue, Licensing Examiner

Guests present were:

Dr. Rowena Mandanas, Dentist by Credentials applicant
Dr. Tony Guilbeau, Dentist by Credentials applicant
Dr. Bryan C. Johnson, Dentist by Credentials applicant
Dr. Henry C. Seymour, Dentist by Credentials applicant
Dr. Stephen Adamson, Dentist by Credentials applicant

Agenda Item 3 – Personal Interviews for Applicants by Credential

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

Dr. Rowena Mandanas

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

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

RESOLVED to approve Dr. Rowena Mandanas for dental licensure by credentials.

Dr. Tony Guilbeau

Dr. Gerace reviewed the application of Dr. Guilbeau. The board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Tony Guilbeau for dental licensure by credentials.

Dr. Bryan C. Johnson

Dr. Gottlieb reviewed the application of Dr. Johnson. The board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Bryan C. Johnson for dental licensure by credentials.

Dr. Henry C. Seymour

Dr. Eichler reviewed the application of Dr. Seymour. The board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Henry C. Seymour for dental licensure by credentials.

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

RESOLVED to approve Dr. Henry C. Seymour for dental specialty licensure in Prosthodontics.

Dr. Stephen Adamson

Dr. Neslund reviewed the application of Dr. Adamson. The board proceeded in asking the standard interview questions. They also asked for further clarification concerning some of the continuing education documentation submitted by Dr. Adamson in support of his application. Following the interview with Dr. Adamson the board determined to enter executive session to discuss his application further.

Upon a motion by Mr. Gurse, seconded by Dr. Gottlieb 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 Application of Dr. Stephen Adamson.

Entered Executive Session at 9:28 a.m.

Out of Executive Session at 9:44 a.m.

Dr. Gerace advised Dr. Adamson that he had the choice to withdraw his license at this time, and reapply at a later date, or to continue with the process at this meeting, but it was not looking favorable for approving his application.

Following further discussion, Dr. Adamson withdrew his application.

Agenda Item 5 – Goals and Objectives

The board reviewed the Goals and Objectives for FY 2006, listed below, and felt they were on track for accomplishing these goals.

**BOARD OF DENTAL EXAMINERS
GOALS AND OBJECTIVES FOR FY 2006**

1. Maintain communications with the Department of Law and work closely with the Attorney General's office to improve procedures for investigations, disciplinary actions and licensing.
2. Continue streamlining application process for Dentists and Dental Hygienists. The Board is requesting that the requirement for verification of association membership for dentists be deleted, as it is not necessary. This will need to be added to the list of recommended statute changes.
3. Pursue a better relationship with legislative branch of state government for the purpose of improving communications on issues affecting the health of the public.
4. Support a cooperative relationship with dental education institutions so that they continue to supply an adequate number of quality-trained allied health professionals.
5. Assist the division in the establishment of fines commensurate with costs incurred for investigations, hearings, and disciplinary actions.

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6. Help ensure that expiring Dental Board position(s) are filled in a timely manner.
7. Provide an annual disciplinary report to be available on the Board web-site.
8. Request a regulation change that would require that the professional character reference in the "Licensure by Credential Application" must be a positive and favorable reference for the candidate (being done as a regulation). **DONE**
9. Discuss with the Division of Corporations, Business & Professional Licensing the issue of recouping investigation costs and having those funds returned to the board's revenue.
10. Continue to work on access of dental care in the rural dental communities.
11. To request that 12 AAC 28.935 "Inactive License Renewal" be repealed. **FOLLOW-UP WITH REGULATION SPECIALIST ON STATUS OF THIS PROJECT.**
12. To request an itemized statement of the charges from the Department of Law.

Recess: 10:28 a.m.

Reconvene: 10:33 a.m.

Following discussion they added the following goals to their Goals and Objective for FY 2007:

1. Contact Rick Urion, Division Director, asking that Annual Newsletter be mailed to licensees instead of relying on the licensees to find it on the division web-site.
2. Draft policy outlining required elements to verify continuing education documentation for dental applicants by credential. Want to assure documentation is "authentic certificate". See 12 AAC 28.951(7).

Dr. Eichler proposed the following policy regarding continuing education documentation for dentists applying by credential:

The continuing education documentation for a dentist applying for license by credentials must contain the following items:

1. name of the licensee
2. number of continuing education hours awarded
3. content of course/description of activity
4. date of course/participation
5. name and/or signature of instructor, sponsor or other verifier

The board further noted that if Ms. Donohue cannot determine the validity of continuing education documentation submitted, she can send a copy of it to a board member for review.

3. Draft policy on board's position on Botox and Restylane.

4. Draft letter to the division requesting full license fee for "Inactive" licensees.
5. Work on having board's "designee" approve for licensure all applicants who meet the requirements, except the applicants for dental license by credentials.
6. Change Item 1 on the FY 2006 Goals & Objective to "establish" instead of "maintain" communication with Dept. of Law.
7. Dr. Neslund and Dr. Gottlieb will work on inviting a DHAT and a dentist from the outlying "bush" area to attend a board meeting and update the board regarding issues facing their areas and profession.

Agenda Item 4 – 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 has the bugs worked out of the re-vamped radiological database. Ms. Donohue has not had time to work on in-putting data into the system, but plans to be able to accomplish that task once the rush of newly graduated applicants slows down in July and August. She will keep them updated on her progress.

Ms. Donohue's supervisor, Judy Weske, has in-put all the registrations to this program, and the items needing to be entered at this time are the inspection reports.

C. Board Member Task List

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

Agenda Item 6 – Annual Report for FY 2006

Ms. Donohue reminded the board that the Annual Report for FY 2006 is due in July. Dr. Warren will do the Narrative Statement. Ms. Donohue will compile the statistical information. She reminded the board that part of the Annual Report is a section called Legislative Recommendations. In that section the board may list items they would like to have introduced to the Legislature through the division. Dr. Eichler will contact Dr. Warren to discuss if the board wants to submit any recommendations in the Annual Report.

Agenda Item 7 – 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:

Following discussion the board determined that September would not be the best time to hold a meeting in a remote location for purposes of gathering public testimony on topics of interest, specifically the DHATs issue.

Upon a motion by Mr. Gurse, seconded by Dr. Pihl and approved by a majority vote, it was:

RESOLVED to approve changing the location of the September 22, 2006 meeting to Anchorage.

September 22, 2006 in Anchorage

December 1, 2006 in Anchorage

Following discussion the board changed the date of the March 2007 meeting.

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

RESOLVED to approve changing the March 1-2, 2007 meeting to February 22-23, 2007, in Juneau.

February 22-23, 2007 in Juneau

June 22-23, 2007 in Anchorage

C. Sign Wall Certificates

The Acting-Chairman and Secretary signed wall certificates for the following licensees:

Dentist

Brian Kallus

Elisha Mayes

Marlo Saenz

Sarah Lawson

Tracy Robinson

Christopher Henry

Lawrence Johnston

Dental Hygienist

Jennifer Tovar
Kathleen Sopp
Rebecca Hunter-Jensen

Agenda Item 14 – New Business

The board would like the following items to be on the Agenda for the September 22, meeting:

- Draft a policy on the board's position on Botox

Dr. Gerace appointed Dr. Eichler, and himself to be on the Discipline Review Panel for the next three months.

Agenda Item 8 – Unfinished Business

Ms. Donohue brought to the attention of the board a copy of an Attorney General Opinion published in March 1995 that states "It is the opinion of this office that the chair of any of the occupational licensing boards should routinely vote on any business that comes before the board.

Dr. Gottlieb presented the following definition for "underserved":

"Underserved population" means individuals and groups whose access to dental health care is limited or nonexistent due to geographic or economic factors, including low income and rural residence. Ms. Donohue will forward this definition to Dave Brower in Dept. of Law.

Agenda Item 9 – Election of Officers

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

RESOLVED to re-elect the same slate of officer as for the past year: Dr. Robert Warren as Chairman, Dr. William Gerace as Vice-Chairman, and Mary Cerney as Secretary.

Agenda Item 10 - Adjourn

There being no further business Dr. Gerace 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 10:57 a.m.

Respectfully Submitted:

Brenda Donohue, Licensing Examiner

APPROVED:

William Gerace, DDS
Acting-Chairman
Board of Dental Examiners

Date: _____

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

Ms. Cerney

- Dental Hygiene CE Audit

Dr. Gerace

- Review Course Approvals for continuing education.

Dr. Eichler

Draft letter to Rick Urion requesting full license fee be imposed for “Inactive” status license holders.

Dr. Arne Pihl

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

Dr. Kevin Gottlieb

Work with Dr. Neslund to arrange for a dentist and DHAT from the “bush” to attend a board meeting and present current concerns and issues in their areas and professions.

Vicki Hauff

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

Gregory Gurse

Annual Newsletter

Items to include in the Newsletter:

- article advising employers must verify current license for dental hygienist hire
- New procedures and time-line used by Office of Administrative Hearings for discipline case hearings

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

Work with Dr. Gottlieb to arrange for a dentist and DHAT from the “bush” to attend a board meeting and present current concerns and issues of their areas and professions.

Licensing Examiner

- Work on board's web site – adding information.
- Work with Dr. Warren in preparing the Annual Report for FY 2005/FY 2006.
- CE Course approval letters to applicants.
- Respond to Keith Cook, Radiological Health Specialist, that the board approved use of the Aribex Nomad hand-held dental s-ray unit.
- Follow-up with Regulation Specialist on status of project to abolish “Inactive” status licenses.
- Contact Rick Younkens, Chief Investigator, and Susan Winton, Dental Board Investigator, to advise them of the board 's request on redacting respondent names on cases sent to discipline review panel.
- Ask if Dept. of Law's billing can be broken-out by case.
- Work on Dental Application by Credentials to include elements required to verify CE documentation is “authentic certificate”.