

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

**MINUTES OF MEETING  
MAY 27, 2010**

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 May 27, 2010, at the Atwood Bldg., Conference Room 1270, 550 W. 7<sup>th</sup> Ave., Anchorage, Alaska.

The meeting was called to order by Dr. David Eichler, Chairman at 8:30 a.m.

**Roll Call**

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

Dr. David Eichler, President – Fairbanks  
Cheryl Fellenberg – Dental Hygienist – Wasilla  
Deborah Stauffer – Dental Hygienist – Anchorage  
Dr. Clifford D. White – Dillingham  
Robyn Chaney – Public Member – Dillingham

Not present, joined the meeting at 8:35 a.m.:

Dr. Mary Anne Navitsky – Sitka

Not present, joined the meeting at 8:43 a.m.:

Dr. Newell Walther – Wasilla

Not present, excused:

Dr. Arne Pihl – Ketchikan  
Dr. Thomas Wells - Anchorage

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

Brenda Donohue, Licensing Examiner – Juneau

**Agenda Item 1 – Review Agenda**

Dr. Eichler reviewed the Agenda. Ms. Donohue noted additions to the Agenda as follows:

**Item 6 – REVIEW APPLICATIONS**

- Collaborative Agreement Applications
  - Michele R. Steinke – 2
  - Lotes L. Barkley – 2
  - Royann Royer – 2
  - Judy A. Oyler - 2

**Item 7 – MISCELLANEOUS CORRESPONDENCE**

- DANB – Email – Develops Certified Oral Preventive Assistant Exam

**Item 11 – REGULATIONS**

- Coronal Polishing – Returned with changes – Must be re-adopted

**Item 13 – NEW/OLD BUSINESS**

- Reconsider Dental CE Audit – Michael W. Remillard, DDS
- Executive Session Motion & Statute

**Agenda Item 2 – Review Minutes**

Following review of the February 4, 2010 meeting minutes the Board approved the minutes as corrected. Ms. Fellenberg noted correction on page 8, 4<sup>th</sup> line, assistance changed to assistants.

**Upon a motion duly made by Dr. Eichler, seconded by Dr. White and approved unanimously, it was:**

**RESOLVED to approve the February 4, 2010 meeting minutes, as corrected.**

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**Agenda Item 3 – Ethics Report**

Dr. Eichler 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 7, 2010, and felt they were on track. They noted for FY2010 to date they had \$194.9K in expenses and \$30.8K in revenue. The Fiscal Year ends June 30, 2010. Ms. Donohue reminded them this is a renewal year and they will see significant revenue for November and December.

The Board moved on to Application Assignments and Review until it was time for the Investigative Report.

**Agenda Item 6 – Application Assignments and Review**

Dr. Eichler proceeded in assigning questions to be asked of the applicant who will be interviewing later in the meeting. Ms. Donohue noted Dr. Mesdag will be interviewing telephonically.

**Credential Application Review**

The board reviewed the dental applications by credentials for the following in preparation for the personal interview:

Lucas B. Mesdag, DDS

Reviewed by Stauffer

The application appears to be in order for meeting the requirements for dental license by credentials.

**Collaborative Agreement Applications**

The Board requested that a question be added to the Collaborative Agreement (CA) application asking how many agreements the dental hygienist is engaged in.

Discussion ensued regarding to whom does the dental hygienist refer patients if he/she is engaged in more than one CA. Ms. Donohue pointed out that each agreement must state the location where the dental hygienist can operate under that agreement. When operating at a stated location, the dental hygienist must refer to the dentist named in the CA for that location. If concerns arise, the Board will address them on a case-by-case basis.

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In review of all nine Collaborative Agreement applications before the Board, it was noted that the location(s) of practice named in the Agreement appears to be the usual place of practice for the collaborating dentists. In accordance with AS 08.32.115(b)(2) the services described in the Agreement must be performed "in a setting other than the usual place of practice of the licensed dentist..."

Additionally, each collaborating dentist is employed by the IHS and is claiming exemption under FTCA regarding liability insurance. If exemption is being claimed under ISDEAA and FTCA regarding legal protections for the collaborating dentists named in the Agreements, then exemption from compliance with the Alaska Dental Practice Act also applies. Consequently, a Collaborative Agreement is not required for these applicants, as the exemption from Alaska licensing stated in AS 08.36.350, allows dentists in the employ of the IHS to define how their dental hygienists practice. The fact that these practitioners hold Alaska dental licenses is a policy of the employing entity, not a requirement of the AK Board of Dental Examiners. A Collaborative Agreement is not applicable to these applicants.

The Board's interpretation of AS 08.32.115 is that this law applies to private practice dentists and hygienists who must hold an Alaska dental license to practice, and who hold individual professional liability insurance. Dr. Eichler suggested sending the applicants a letter thanking them for their application, and stating that in accordance with AS 08.36.350, the Board has no jurisdiction over them. The Board neither denies nor approves these applications as the State claims no jurisdiction over employee of the IHS. Furthermore, if the applicants choose to pursue the application, individual liability insurance will be required for both the dental hygienist and the dentist entering into the Collaborative Agreement, and the place of practice must be "other than the usual place of practice for the licensed dentist", and be stated specifically.

Ms. Donohue noted the only applications received for Collaborative Agreement are from employees of the IHS.

The Board took a recess.

Off record at 9:10 a.m.

Back on record at 9:17 a.m.

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**Agenda Item 5 – Investigative Report**

Dr. Eichler moved directly to review of the Dr. Douglas Ness case, on remand from the Alaska Supreme Court to reconsider the disciplinary sanction of a four-month suspension of respondent's dental license, considering especially nine additional disciplinary decisions not previously cited in the original decision. Mr. Brian Howes provided a packet of information, including the Supreme Court ruling, the original Board decision, and the nine additional cases, to the Board members in February with instructions to review the packet thoroughly in preparation of their consideration of this matter at the May 27, 2010 meeting.

Dr. Eichler noted a few ground rules stating what he wants to do today is to keep the presentation and deliberation very specific to the subject of the remand, which is reconsideration of the 120-day suspension portion the decision. Ms. Donohue called Dan Branch, AAG, to join the meeting telephonically from Juneau.

Also present were: Thomas Van Flein and Paul Stockler, representing Dr. Ness; Dr. Ness; Brian Howes, Chief Investigator, Division of Corporations, Business & Professional Licensing; Karen Hawkins, Dept. of Law, representing the Investigative Unit; Jo Anna Williamson, Investigator, Dental Board; Andy Hemenway, Administrative Law Judge, present to advise the Board on procedure.

Dr. Eichler returned to his instructions. He asked the State to present the case, then they had 20 minutes for oral arguments to discuss the nine additional decisions and the applicability of the sanctions adopted in relation to the Ness case. Twenty minutes were allowed for rebuttal and argument by Dr. Ness. At the conclusion of oral arguments, the Board would enter into Executive Session to deliberate the case. He asked if there were any questions; there were none. Ms. Hawkins asked for clarification if Mr. Hemenway was present in place of Mr. Kennedy, and he stated he was, as Mr. Kennedy had a conflict with another Board meeting.

Ms. Hawkins passed out a two-page summary of the nine additional cases. Before she commenced oral arguments she provided a review of the case as follows: On June 6, 2002 Dr. Ness performed a surgical procedure, variously referred to as corticotomy, segmental osteotomy, distraction osteogenesis on RR, a patient of record which resulted in major damage to RR mandible and the subsequent need for major reconstructive surgery.

A complaint was filed by Dr. Katie Julien, a member of the attending reconstructive team, on Sept. 4, 2002. An investigation by the Division of Occupational Licensing was commenced, which resulted in an accusation being issued, seeking disciplinary sanctions, on Dec. 30, 2003. Hearings before an Administrative Law Judge were held with

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conclusions issued April 19, 2006. Sanctions recommended included that Dr. Ness: 1) be suspended from practice for four months; 2) pay a fine of \$20,000 with \$5,000 suspended; 3) participate in continuing education for eight hours on ethics before resuming practice; and 4) that his license be subject to probation for a period of five years.

The Board adopted the proposed decision in its entirety on May 2, 2006.

Dr. Ness appealed the decision to the Superior Court, which upheld all sanctions with the exception of the four-month suspension. The State Attorney General's Office, acting on behalf of the Board, appealed to the Alaska Supreme Court, which reversed the Superior Court decision and issued a remand order of the case back to the Board for reconsideration.

Ms. Hawkins then proceeded discussing each case and how it compared to the Ness case.

Following Ms. Hawkins presentation, Dr. Ness's counsel, Mr. Paul Stockler, presented oral arguments for the defense. Mr. Stockler's main argument was that in 21 years of practice in Alaska, this is the only case brought against Dr. Ness. Further, since this case began eight years ago there have been no complaints lodged against him. He argued that if the Board felt they must impose a license suspension, 30 days was far more appropriate in light of the singularity of this case, than 120-days adopted in the original decision.

Following Ms. Hawkins' and Mr. Stockler's presentations, Dr. Eichler asked Dr. Ness if he wished to make a statement. Dr. Ness responded he did. Dr. Eichler swore in Dr. Ness. Dr. Ness stated he has thought long and hard about the outcome of this treatment to RR, and he regrets it. After consulting with other professionals and reviewing the procedure he feels he could competently perform this procedure, but he chooses not to do so. It has cost him immensely both financially and emotionally. He's learned a lesson that he needs to consult with specialists more, and he has incorporated this practice into his treatments. He feels a suspension of this magnitude doesn't do anything to make him a better dentist, which is his life-long goal. Every day he strives to be a better dentist than the day before.

Dr. Eichler thanked Dr. Ness, then asked if any Board members had questions for either party. Dr. Eichler said he had a question that there was reference in the new cases for consideration that a few were not dentists. Were any cases not involving dentists taken into consideration for the first decision? Ms. Hawkins noted none mentioned in the original decision but mentioned in Houseman, which is part of the original decision. That's what has caused the Supreme Court to ask for those additional nine decisions.

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During arguments before the Supreme Court the defense argued that never in the State of Alaska had such a severe suspension been imposed when only one complaint was involved. The Court challenged that and asked "what about Houseman?" One of the Justices seemed to have information about Houseman and how Houseman had referenced other prior decisions. She explained there was nothing to prevent the Board for looking at cases from other Boards, but it would probably be best to pull from Dental Board cases. It's more persuasive.

Mr. Stockler stated he doesn't see the relevance of adding in medical doctor decisions, especially since none of those cases closely reflect the Dr. Ness case. Dr. Eichler noted it was difficult to find enough Dental Board cases to assist in maintaining consistency in imposition of sanctions.

Ms. Hawkins explained the Board has broad discretion, and it is up to them to determine what weight to assign the different elements of the case, and to justify their final decision.

The board determined to enter executive session to deliberate the Dr. Douglas Ness case. The room was cleared, and Dan Branch disconnected telephonically.

**On a motion duly made by Ms. Fellenberg, seconded by Dr. Eichler and approved unanimously, it was**

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**RESOLVED to enter executive session in accordance with AS 44.62.310(c)(2), and Alaska Constitutional Right to Privacy Provisions, for the purpose of reviewing the Dr. Douglas Ness case which was remanded to the Board from the Alaska Supreme Court.**

Entered into executive session at 10:13 a.m.  
Out of executive session at 11:45 a.m.

Ms. Donohue contacted Dan Branch telephonically, and Ms. Hawkins, Dr. Ness, Mr. Stockler and Jo Anna Williamson came back into the room.

Dr. Eichler stated the Board has come to a decision. They will work with ALJ Hemenway to draft their decision and order. When it is ready, they will call a telephonic meeting of the Board and adopt the decision at that time.

All participants except Ms. Williamson left the meeting. Ms. Williamson proceeded in presenting the Investigative Report noting there seven (7) open complaints, two of which are ready for review by the Board's Discipline Review Panel; eight (8) open

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investigations, of which one is at the Attorney General's Office, and the others are ready to enter into a Consent Agreement, which will then be presented to the Board for review. Three of those eight cases are for one practitioner. She then relayed that nine (9) complaints and two (2) cases have been closed since the last meeting. Dr. Eichler and Ms. Chaney asked if any of the complaints are for the same respondent, or for a respondent who has other investigations. Ms. Williamson replied there may be one.

Ms. Williams then passed out a document drafted by Mr. Howes titled "The Investigative and Administrative Processes Follow this Pattern." explaining the allegation/complaint/investigative process. Dr. Eichler then asked how the "flow" got interrupted for seven (7) years as in case 1200-03-001 1200-04-001. Ms. Williamson responded that the licensee in those two cases (same licensee) had retained an attorney, which has prolonged the process. The Board members voiced their concern that there are several extremely old investigations on the report, and what can be done to bring these cases to completion. Dr. Eichler asked what is the time-line from initial complaint to conclusion of a case and Ms. Williamson said there is no set time-line as all cases are different. Ms. Chaney and Dr. Walther explained that the Board, as the ultimate authority to oversee discipline, feels they are not doing their job properly if such old cases are still showing on the report. They want to know what can be done to assure cases move along in a timelier manner. Ms. Williamson reiterated that sometimes the back and forth flow of information in a case is very lengthy.

Dr. Eichler pointed out that a licensed dentist has a requirement to assist with an investigation. He suggested that if the Investigator feels the respondent is not being cooperative, bring the case to the Board and they will suspend their license. She explained that when the licensee engages an attorney, they can no longer talk directly to the dentist, they must go through the attorney. Dr. Eichler stated that the hiring of an attorney could be perceived as obstructing an investigation, and, again, the licensee has the responsibility to cooperate. Ms. Williamson explained that one of the cases is in civil litigation, which keeps getting postponed. That respondent won't sign anything with the Division until the civil litigation is concluded.

Ms. Williamson agreed that once a Consent Agreement has been adopted for cases 1200-03-001/1200-04-001/1200-08-001, she can construct a summary of the chronology of those cases for the Board. She explained that the 2005 case is at the Attorney General's Office so an Accusation can be drafted. She believes the time this takes is dependent on the workload in their office. She further explained that a case doesn't go over for issuance of an Accusation unless the licensee has refused to sign a Consent Agreement. This is the next step.



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There being no other questions, Dr. Eichler thanked Ms. Williamson, and she left the meeting.

**Agenda Item 8 – Public Comment**

Dr. Eichler noted there were no members of the Public who appeared for Public Comment. The Board was in Executive Session as the time set for that Agenda item, and no public appeared when the Board came out of Executive Session.

Recess for lunch 12:08 p.m.  
Back from lunch 1:01p.m.

**Agenda Item 11 – Personal Interview for Dental Applicants by Credentials**

**Lucas B. Mesdag, DDS**

Applicant Lucas B. Mesdag, joined the meeting via teleconference for the personal interview.

Dr. Eichler welcomed the applicant to the meeting and explained the interview process.

Dr. Stauffer reviewed the application for Dr. Mesdag, and the board proceeded in asking the standard interview questions.

**Upon a motion duly made by Dr. Stauffer, seconded by Dr. Walther and approved unanimously, it was:**

**RESOLVED to approve Dr. Lucas B. Mesdag, DDS for dental licensure by credentials.**

**Agenda Item 5 – Investigative Report (continued)**

The Board returned to review of the Continuing Education Fine Schedule. Ms. Wilke has provided a summary of agreements approved since the Guideline was adopted by the Board in June 2004. That Guideline stated a \$5,000 fine could be imposed comprised of two elements: \$2,000 fine for falsification on an application PLUS \$200 per credit hour lacking, up to \$2,000 maximum. The obvious flaw is the parts do not add to \$5,000. Following discussion the Board revised the Guideline as follows:

The full \$5,000 may be imposed for falsification of an application, regardless of how many continuing education hours short, depending on circumstances;

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\$200 per continuing education credit short, up to \$5,000 if no falsification involved;  
Refer to Investigator if falsification with intent to deceive involved.

**Agenda Item 6 – Application Assignments and Review (cont'd)**

**Continuing Education Course Applications**

Ms. Donohue noted there are thirteen (13) Course Approval Applications for review.

Review and discussion of the applications ensued, and the Board took the following action:

**Upon a motion duly made by Dr. Walther, seconded by Dr. White and approved unanimously, it was:**

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

**What is it? How do I use it? Today's Dental Products and Treatment Options**, sponsored by AK State Dental Hygienists' Association, for three (3) hours of continuing education;

**Upon a motion duly made by Dr. Stauffer, seconded by Dr. Walther and approved unanimously, it was:**

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

**Save Me – Save You! Ergonomics and Effective Patient Care**, sponsored by AK State Dental Hygienists' Association, for three (3) hours of continuing education;

**Upon a motion duly made by Dr. White, seconded by Ms. Chaney and approved unanimously, it was:**

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

**Bisphosphonate Induced Osteonecrosis of the Jaws**, sponsored by AK AGD, for two (2) hours of continuing education;

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**Upon a motion duly made by Dr. Stauffer, seconded by Ms. Fellenberg and approved unanimously, it was:**

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

**Rejuvenating the Failing Chewing System**, sponsored by AK AGD, for two (2) hours of continuing education;

**Upon a motion duly made by Ms. Fellenberg, seconded by Dr. Stauffer and approved unanimously, it was:**

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

**22<sup>nd</sup> Annual Alaska Federal Services Dental Meeting**, sponsored by US Air Force, for fifteen (15) hours of continuing education;

**Upon a motion duly made by Ms. Fellenberg, seconded by Dr. Walther and approved unanimously, it was:**

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

**Teenagers-What Their Mouths are Telling You but They're Not: Practical Information on Teen Health Issues**, sponsored by AK State Dental Hygienists' Association, for three (3) hours of continuing education;

**Upon a motion duly made by Dr. Walther, seconded by Ms. Fellenberg and approved unanimously, it was:**

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

**Creating and Promoting Oral Health for People with Special Needs**, sponsored by State of Alaska Oral Health Program, for five and one-half (5.5) hours of continuing education;

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**Upon a motion duly made by Dr. Stauffer, seconded by Ms. Fellenberg and approved unanimously, it was:**

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

**What's Sex Got to do With It? Understanding the Mythology of Gender Biology**, sponsored by AK State Dental Hygienists' Association, for three (3) hours of continuing education;

**Upon a motion duly made by Ms. Fellenberg, seconded by Dr. White and approved unanimously, it was:**

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

**Aesthetic & Functional Enhancement of Removable Partial Dentures Outcome Through the Use of Attachments & Implants**, sponsored by Anchorage Dental Society, for eight (8) hours of continuing education;

**Upon a motion duly made by Dr. Stauffer, seconded by Dr. White and approved unanimously, it was:**

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

**Clinical Complications with Conventional and Implant Prosthodontics: Causes & Prevention**, sponsored by Anchorage Dental Society, for five and one-half (5.5) hours of continuing education;

**Upon a motion duly made by Ms. Fellenberg, seconded by Dr. Stauffer and approved unanimously, it was:**

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

**Brace Yourself, It's Time to Talk Orthodontics**, sponsored by Midnight Sun Dental Hygiene Association, for two (2) hours of continuing education;

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**Upon a motion duly made by Dr. Stauffer, seconded by Dr. White and approved unanimously, it was:**

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

**Periodontal Therapies & Supportive Care, sponsored by Midnight Sun Dental Hygiene Association, for two (2) hours of continuing education;**

**Upon a motion duly made by Dr. Stauffer, seconded by Dr. Walther and approved unanimously, it was:**

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

**The Problem of Cracked Teeth and Root Resorption, sponsored by Anchorage Dental Society, for six (6) hours of continuing education;**

**Agenda Item 7 – Miscellaneous Correspondence**

**Western Conference of Dental Examiners and Dental School Deans - Invitation, agenda and registration information for the Annual Meeting in Seattle, WA, July 23-24, 2010.**

**Upon a motion duly made by Ms. Fellenberg, seconded by Dr. Walther and approved unanimously, it was:**

**RESOLVED to approve Dr. Eichler to attend the Annual Meeting of the Western Conference of Dental Examiners and Dental School Deans July 23-24, 2010 in Seattle, WA.**

**Multiple Risk Managers, Inc. – Mr. Thomas-Mears of MRM posed the question “What is the meaning of the phrase, “established office,” in AS 08.36.260, Branch office registration, a licensee who practices in an established office with an address other than that address for which the licensee’s registration certificate is issued shall obtain a branch office registration certificate for each office”?**

Discussion ensued where the Board determined this statute is confusing because there is no statutory requirement to use the address of an established office for a dental license,

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and many are issued with the dentist' home address. This statute is included for deletion in the reviser bill being drafted by a committee of Board members and other dental professionals to update the Practice Act. It is not being actively enforced at this time. Ms. Donohue will relay this information to Mr. Thomas-Mears.

AADB Annual Meeting - Ms. Donohue asked permission to add an item here. She asked the Board to consider approving a representative to attend the Annual Meeting of the AADB to be held in Orlando, FL. during the first week of October 2010. She hasn't seen the registration material yet, however, the next Dental Board meeting in September will be held too late to allow travel approval for this meeting. Following discussion the Board took the following action:

**Upon a motion duly made by Ms. Fellenberg, seconded by Dr. White and approved unanimously, it was:**

**RESOLVED to approve Dr. Walther to attend the Annual Meeting of the American Association of Dental Boards in Orlando, FL, the first week of October, 2010.**

Following discussion they took the additional action of approving Ms. Donohue to attend both the AADB and the American Association of Dental Administrators meeting, which immediately precedes the AADB Annual Meeting.

**Upon a motion duly made by Dr. Walther, seconded by Dr. Stauffer and approved unanimously, it was:**

**RESOLVED to approve Ms. Donohue to attend the Annual Meetings of the American Association of Dental Boards and the American Association of Dental Administrators in Orlando, FL, the first week of October 2010.**

Elizabeth Mallot – Collaborative Agreement Questions – Ms. Mallot inquired: 1) if a dental hygienist can have more than one collaborative agreement. The Board noted there is no statutory limitation on the number of collaborative agreements a dental hygienist can participate in; 2) what is the difference between AS 08.32.115 (a)(2) and (a)(9)? The Board responded that all non-surgical periodontal therapy to be performed, except that stated in (a)(2) must be defined in the Collaborative Agreement; and 3) Can she as an employee of SEARHC in Juneau, be in a Collaborative Agreement with a Juneau SEARHC dentist when practicing in the SEARHC clinics in Yakutat and Hoonah? The Board responded that as she is employed by an IHS entity, the Collaborative Agreement is unnecessary as she can already practice in any way directed by her employer. As an

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IHS employee, she is not under the jurisdiction of the Alaska Dental Board. If she were to enter into a Collaborative Agreement, it would be with a dentist not employed by IHS, or any exempted entity, and the location of practice would be stated in the Agreement,

and, in compliance with AS 08.32.115(b)(2), would be “in a setting other than the usual place of practice of the licensed dentist”. Ms. Donohue will forward the Board’s response to Ms. Mallott.

Stephen D. Carter, DDS – Letter to the Board advocating caution about including implants in “standard of care”. Information only.

Beyond Whitespa – Letter requesting formal statement of the policy regarding cosmetic teeth whitening in Alaska. The Board stands by its previously stated position that if you sell a product to a customer who then takes it home to use, that is not the practice of dentistry. Any other scenario would constitute the practice of dentistry, in accordance with AS 08.36.360 Practice of Dentistry Defined. Ms. Donohue will forward the Board’s response.

AADB – Letter advising the Board of two on-line continuing education courses developed by AADB. The courses are: “Sexual Boundary Issues in Dentistry” and “The Dental Patient Record”. Information only.

DANB – Correspondence from DANB advising development of a Certified Oral Preventive Assistant Exam. The exam consists of four component exams, Coronal Polishing, Sealants, Topical Fluoride and Topical Anesthetic and are considered expanded functions in most states. DANB shares state dental boards’ public protection mission, and encourages states to consider using national DANB expanded functions exams to assess dental auxiliaries knowledge-based competency at the national level to ensure public protection and enhance intrastate mobility of qualified assistants. Information only.

**Agenda Item 11 – Regulations**

The Dept. of Law has returned the coronal polishing regulations the Board adopted at their February 4, 2010 meeting for review and re-approval of minor changes.

Ms. Donohue contacted Gayle Horetski from Dept. of Law, and connected her telephonically to the meeting to answer questions. Following discussion, and considering the cost of changes to private persons, the Board took the following action:

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**Upon a motion duly made by Ms. Fellenberg, seconded by Ms. Chaney and approved unanimously, it was:**

**RESOLVED to re-approve 12 AAC 28.810, 12 AAC 28.820, 12 AAC 28.830, 12 AAC 28.840 and 12 AAC 28.990 with these changes: 12**

**AAC 28.810(b) change the word "shall" to "must"; and 12 AAC 28.820(4) delete "including written and clinical competency examinations".**

Dr. Eichler signed the Order Certifying the Changes to Regulations of the Board of Dental Examiners. Ms. Donohue will forward that document to Mr. Maiquis, Regulation Specialist, who will forward it to Dept. of Law.

Dr. Stauffer inquired why CPR certification is not required for dental or dental hygiene courtesy licenses. Dr. Eichler explained there are two reasons he can see why we don't require the CPR and those are that in remote locations, there may not be any emergency personnel available to respond to an emergency. The second reason is the holder of a Courtesy License is only going to be practicing for a short period of time in the State, and they hold a license to practice in another state. Dr. Stauffer thanked him for the clarification, and withdrew her question.

Dr. Eichler assigned Ms. Fellenberg and Dr. Walther to work as a committee to re-draft the expanded function regulations for dental hygienists and dental assistants. He directed them to include one or two practitioners from non-board members of the profession to work on that committee with them.

**Agenda Item 12 – Task List**

Dr. Eichler assigned Dr. Pihl and Dr. Wells to the Discipline Review Panel for July-Sept. 2010.

Dr. Eichler then initiated a discussion regarding requiring the WREB exam, or any clinical exam, for licensure. The requirement for having passed the WREB is stated in regulation, so is under the authority of the Board to change if they determine a clinical exam is not necessary to verify that an applicant meets minimum competency to practice. He urged the dentist members of the Board to do the WREB exam and see the work that's being done and what passes, so they can make an informed decision on the subject. He believes that monitoring the exam to make sure it meets the Boards needs is in-line with the Board's mandate to license minimally qualified applicants. Dr. Walther added that monitoring the other regional clinical exams would be a good idea.



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Dr. Walther initiated a discussion that when an applicant has a “yes” answer to the professional fitness questions that pertains to having a psychological condition. It has been brought up by other states that the Board may wish to have their own expert examine the applicant and sign off on the application, rather than accept a status letter from the applicants provider. He advised what he is advocating is having a system in place to insulate the Board from having to make decisions on these types of “yes” answers; to assure consistent, adequate research of these situations. This process will also apply to a licensee. The Board asked Ms. Donohue to send an inquiry to Investigations if other Boards use a process of having our own professionals sign-off on “yes” answers that pertain to psychological issues. Dr. Walther will email Ms. Donohue the criteria provided at the AADB meetings where this topic has been discussed. Dr. Stauffer pointed out that the issue is not so much that there is a condition, but rather that there has been no complaints or disciplinary action brought against the applicant.

**Agenda Item 13 – New/Old Business**

**License Renewal Continuing Education Audit**

Ms. Wilke provided documentation the Board had requested from Dr. Michael W. Remillard, describing course content for “Influenza: A Comprehensive Review” and “Diagnosing and Managing Headaches” to verify the content was “directly related to dental patient clinical care” in accordance with 12 AAC 28.410. Following review of the material the Board determined the courses both met the requirement.

**Upon a motion duly made by Ms. Chaney, seconded by Dr. White and approved unanimously, it was:**

**RESOLVED to approve ten continuing education hours for the course “Influenza: A Comprehensive Review”, and ten continuing education hours for the course “Diagnosing and Managing Headaches” for the license renewal audit for Dr. Michael W. Remillard, Dental License #688.**

Dr. Eichler updated the Board that the Practice Act revision committee has sent their revisions of the Dental Practice Act to Legislative Legal for drafting, and that they have found a legislator to sponsor the changes.

Ms. Donohue reminded the Board the Annual Report is due by July 31, and outlined some of the changes to the format. Dr. Eichler will provide the Narrative Statement, to include what’s coming up and what does the Board want that it doesn’t have. Ms. Donohue will provide the statistical and administrative information as usual. The Budget

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and Discipline Reports will be pulled out of the Annual Report and will be reported in another format. She explained that the only chance that the Department may support legislative recommendations is if they appear in the Annual Report, and the Report is submitted on-time.

Ms. Donohue asked the Board if they have a recommendation for fees for the Coronal Polishing certificate. They recommend a \$50 application fee, and \$50 initial issue/renewal fee.

**Agenda Item 14 – Office Business**

**A. Travel Authorizations**

Ms. Donohue collected signed TAs and travel receipts.

**B. Meeting Dates**

Sept. 13, 2010 in Dillingham - Confirmed

**C. Sign Wall Certificates**

The President and Secretary signed wall certificates.

**D. Election of Officers**

**Upon a motion duly made by Ms. Chaney, seconded by Ms. Fellenberg and approved unanimously, it was:**

**RESOLVED to approve Dr. Eichler to serve as Board President for the next year.**

**Upon a motion duly made by Dr. Stauffer, seconded by Dr. White and approved unanimously, it was:**

**RESOLVED to approve Dr. Pihl to serve as Board Vice-President for the next year**

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**Upon a motion duly made by Ms. Chaney, seconded by Dr. Stauffer and approved unanimously, it was:**

**RESOLVED to approve Ms. Fellenberg to serve as Board Secretary for the next year**

**Agenda Item 13 – New/Old Business (continued)**

Dr. Walther Report on AADB Mid-Winter Meeting – Dr. Walther played a power point presentation of the AADB on-line continuing education program. The two courses presented are the same one noted in the letter from AADB in Miscellaneous Correspondence Agenda Item.

He then gave a brief overview of the revamped AADB web site: [www.dentalboards.org](http://www.dentalboards.org)

One of the main topics discussed at the two-day meeting was the changing scope of practice of dentistry; state reports; dental education and how they are reacting to the changing scope of practice; and the new workforce models with the allied team members. ADA encourages that the standard should be that all these new designated team members are supervised by dentists, that they have sufficient education and training at CODA programs, and the scope of practice ensure protection of the public.

They also talked about scope of practice in the different state, including dermal-fillers, botox, and how these things are being addressed in different states. The dental hygiene scope of practice varies greatly from state to state. For example there are still seven states that don't allow administration of local anesthetics, and only half the states allow administration of nitrous oxide. One area of great change just recently has been the availability of direct access to patients by dental hygienists, and Alaska is joining those states that allow it with the Collaborative Agreement.

That's a really quick run-down of the meeting, and he will be happy to answer questions. There were none at this time.

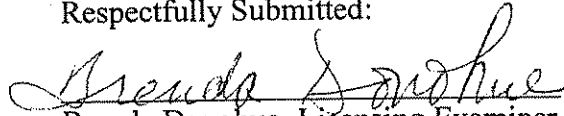
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**Agenda Item 17 - Adjourn**


There being no further business Dr. Eichler called to adjourn the meeting.

The board adjourned the meeting at 4:35 p.m.

Respectfully Submitted:

  
Brenda Donohue, Licensing Examiner

APPROVED:

  
David Eichler, DMD  
Chairman  
Board of Dental Examiners

Date: 9-13-10

**BOARD OF DENTAL EXAMINERS  
TASK LIST FROM MAY 27 2010 MEETING**

**Ms. Fellenberg**

- Dental Hygiene CE Audit
- Draft letter to Brian Howes re: Investigative Report

**Dr. Navitsky**

**Dr. Walther**

**Dr. Pihl**

- Discipline Review Committee

**Dr. Wells**

- Discipline Review Committee – Contact Dr. Eichler for instructions.

**Ms. Chaney**

- Send Ms. Donohue list of accommodations, car rentals, taxis for the Dillingham meeting.

**Licensing Examiner**

- Work on board's Web site – updating/adding information
- CE Course approval letters to applicants
- Letters to Collaborative Agreement applicants
- As part of application package for Coronal Polishing Certificate include Course Verification Form similar to one for Local Anesthetic Permit