

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

**MINUTES OF MEETING
SEPT. 9, 2011**

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 Sept. 9, 2011, at the Legislative Information Office 1292 Sadler Way, Fairbanks, Alaska.

The meeting was called to order by Dr. Thomas Wells, Chairman at 8:32 a.m.

Roll Call

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

Dr. Thomas Wells, President – Anchorage
Cheryl Fellenberg – Dental Hygienist – Wasilla
Dr. Clifford D. White – Dillingham
Robyn Chaney – Public Member – Dillingham
Dr. Mary Anne Navitsky – Sitka
Dr. Paul Silveira - Valdez
Dr. Thomas Kovaleski - Chugiak
Dr. Robert Warren – Anchorage
Deborah Stauffer – Dental Hygienist – Anchorage

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

Brenda Donohue, Licensing Examiner – Juneau

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Agenda Item 1 – Review Agenda

Dr. Wells asked Ms. Donohue to review the Agenda. Ms. Donohue then noted additions to the Agenda as follows:

Item 6 – INVESTIVATIVE

- Consent Agreement – CE Audit
- Consent Agreement – CE Audit
- Schopen Letter – RE: CE Audit

Item 12 – REGULATIONS

- Draft of Regulation Project Adopted May 16, 2011

Agenda Item 2 – Review Minutes

Following review of the May 16, 2011 meeting minutes the Board approved the minutes as corrected.

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

RESOLVED to approve the May 16, 2011 meeting minutes, as corrected.

Agenda Item 3 – Ethics Report/Training

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

Agenda Item 4 – Budget Review

No Budget Report due to staffing issues in the Division. Ms. Donohue assured the Board they were in a sound financial position currently.

Agenda Item 5 – Miscellaneous Correspondence

Before review of the correspondence items, Ms. Fellenberg and Dr. Kovaleski shared a report of their attendance at WREB dental hygiene and dental meetings respectively. Both had relayed the Board's concern that several of the members had not been contacted to be included in the 2012 Exam schedule, specifically Dr. Stauffer, Dr. Silveira and Dr.

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White. Dr. Stauffer was subsequently contacted on August 29 and assured her name would be included for scheduling purposes. However, Drs. White and Silveira were not contacted. Dr. Kovaleski will check with WREB about this and get back to the Board.

AADB – Invoice for 2011-2012 membership dues. Information only.

UAA – Letter from Sandra Pence of UAA inquiring if community dentist supervision of dental hygiene students participating in “free dental day” event. By statute students are to be under the direct supervision of an AK licensed dentist who is a faculty member with an accredited program. Following discussion the Board determined the statute must be abided by as is, and suggested to Ms. Pence the school appoint adjunct faculty for the event. Ms. Donohue will advise Ms. Pence of the Board’s response.

Multiple Risk Managers, Inc. – inquiry from MRM, Inc. asking if the Board considers a dentist license issued when it is posted online at the Professional License Search site, or when the dentist received the USPS mailed license from the Board’s staff.

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

RESOLVED that a copy of a dentist license posted to the Division web page, License Search link, is sufficient for the requirement in AS 08.36.240 Issuance and Display of License that a licensee shall display the license in a conspicuous place where the licensee practices.

WREB – The Board directed Ms. Donohue to provide a copy of the current Board Roster to Beth Cole with WREB and request they contact each member with information to sign up for exams.

ADA – Council on Dental Education and Licensure – Memo to remind constituent dental societies and state boards of dentistry about the ADA’s policy, Guidelines for Licensure, and in particular, the sections related to specialty licensure and specialty licensure by credentials. Information Only.

AADB – Email from AADB with draft of the AADB Guidelines on Advertising, with a request for comments. Information only.

Joint Commission on National Dental Examinations – Follow-up to a 2008 survey to determine the potential impact of policy changes made by the JCNDE regarding the reporting of National Board Dental Examinations and National Board Dental Hygiene

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examination results. The Board directed Ms. Donohue to respond to JCNDE that the Board is aware of the pending policy change and does not anticipate problems in accepting National Board certificate with the new language. Beginning 1/1/2012 candidate performance on the National Board exams for both dentists and dental hygienists will be reported as Pass or Fail. Numerical standard scores will no longer be produced or reported to State Dental Boards.

Agenda Item 6 – Investigative Report

Investigator Bundick joined the meeting via teleconference for the Investigative Report at 10:10 a.m.

Ms. Bundick proceeded to present the Investigative Report noting there are four (4) open complaints; fifteen (15) open investigations; and four (4) cases have been closed since the last report.

Dr. Wells directed Ms. Donohue to provide a copy of the Annual License Actions Report to both the AK Dental Society and the State Dental Hygiene Association.

There being no other Investigative business Dr. Wells thanked Ms. Bundick for her report and she left the meeting at 10:30 a.m.

The Board moved on to review of two Consent Agreements provided by Karen Wilke, Paralegal, for continuing education audit violations.

On a motion duly made by Ms. Chaney, seconded by Dr. Stauffer , it was

RESOLVED to adopt the Consent Agreement in Case #2011-000670.

Dr. Wells noted the licensee in this case is Lori A. Wallow, holding Dental Hygiene License #722.

On a motion duly made by Ms. Chaney, seconded by Dr. Navitsky, it was

RESOLVED to adopt the Consent Agreement in Case #2011-000748.

Dr. Wells noted the licensee in this case is Elizabeth Nixon, holding Dental Hygiene License #554.

The Board reviewed a letter from Mary K. Schopen, RDH, asking the Board to reconsider denial of continuing education hours for the course titled “The Ever Changing

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Brain”. The Board determined there was no new material presented in the letter to support the course is “directly related to dental patient clinical care” in accordance with 12 AAC 28.410, and upheld their previous ruling to not approve the course for meeting the continuing education requirements to renew a license.

Agenda Item 7 – Application Assignments and Review

The Board discussed if a CPR Certification that states “CPR-Adult Review” meets the requirements in accordance with 12 AAC 28.920. They determined it does only if the course includes both didactic and hands-on elements. If the hands-on element is not part of the course it does not meet the requirement.

The Board moved on to discussion of continuing education certificates. They determined if a list of courses presented at a convention or annual meeting is provided, a confirmation code must be included for the courses actually attended at that meeting. Credit will not be given for a course marked as having been attended unless a code has been provided.

Credential Application Review

The board determined to enter executive session to deliberate questions on a dental application.

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

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 questions on a dental application.

Entered into executive session at 9:34 a.m.

Out of executive session at 9:46 a.m.

Upon a motion duly made by Dr. Kovaleski, seconded by Dr. Warren and approved unanimously, it was:

RESOLVED to deny the application for dental license by credentials for Robert H. Johnson, DDS as he does not meet the qualifications in accordance with AS 08.36.110 (1)(E) & (F) and AS 08.36.234 (a)(1)(F). Dr. Johnson has several malpractice settlements reported in the

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National Practitioner Data Bank Report which he did not disclose on his application, in violation of AS 08.36.315.

Dr. Wells proceeded in assigning questions to be asked of the applicants who will be interviewing later in the meeting.

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

John H. Anderson, DDS	Reviewed by Warren
Klaus J. Radtke, DDS	Reviewed by White

The applications appear to be in order for meeting the requirements for dental license by credentials.

The Board reviewed the list of questions they ask the interviewees, and made several changes. Ms. Donohue will bring the new list to the next Board meeting.

Continuing Education Course Applications

Ms. Donohue noted there are three (3) 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 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:

Local Anesthesia and Analgesia, sponsored by Dr. Lucas Mesdag, for two (2) 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:

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Parenteral Moderate Sedation, sponsored by OR Academy of General Dentistry, for one hundred twelve (112) hours of continuing education.

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

RESOLVED to approve the following continuing education course pending submission of course content to include elements listed in 12 AAC 28.830:

Coronal Polishing, sponsored by North Star Children's Dentistry, PC, for four (4) hours of continuing education.

The Board reviewed a letter submitted by Douglas J. Luiten, DMD, asking to present the following CE Course the Board had approved at their Dec. 10, 2010 meeting on additional dates than what had been asked for. Dr. Wells directed Ms. Donohue to advise Dr. Luiten the course was approved to present anytime during the two-year approval period stipulated in the application information.

Following discussion the Board determined that Continuing Education Course Approval Applications can be sent to the Board members via mail ballot, and do not have to be reviewed only at a regularly scheduled quarterly meeting. If any member has concerns or questions about an application they must respond to the Licensing Examiner promptly with a "tabled" vote, and that application will be brought to the regularly scheduled meeting for full Board discussion and action.

Agenda Item 8 – Public Comment

There were no members of the public present for Public Comment.

Recess for lunch 11:30 a.m.
Back from lunch 12:50 p.m.

Agenda Item 9 – Personal Interview for Dental Applicants by Credentials

John H. Anderson, DDS

Applicant John H. Anderson, DDS joined the meeting via teleconference for the personal interview.

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

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Dr. Warren reviewed the application for Dr. Anderson, and the board proceeded in asking the standard interview questions.

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

RESOLVED to approve John H. Anderson, DDS for dental licensure by credentials.

Klaus J. Radtke, DDS

Applicant Klaus J. Radtke, DDS joined the meeting via teleconference for the personal interview.

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

Dr. White reviewed the application for Dr. Radtke, and the board proceeded in asking the standard interview questions.

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

RESOLVED to approve Klaus J. Radtke, DDS for dental licensure by credentials.

Agenda Item 10 – CE Audit Review

CE Audits

Following review follow-up documentation of continuing education random audits of renewed dental licensees, the Board took the following action:

On a motion duly made by Dr. Silveira, seconded by Dr. Navitsky, and approved unanimously, it was

RESOLVED to approve the continuing education audit documentation for Robert D. Maurer, Dental license #363.

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On a motion duly made by Dr. Silveira, seconded by Dr. Warren, and approved unanimously, it was

RESOLVED to approve the continuing education audit documentation for William C. Schlansker, Dental license #395.

Agenda Item 11 – Legislation

SB92

Current legislation for the Board’s review and position. This is a comprehensive bill to update the current Dental Practice Act. Following review of the bill the Board took the following position:

Drop subsection (E) from Sec. 08.32.014 (page 2 lines 10-14)

Correct the word “Examiners” to “Boards” (page 2, line 23)

Need clarification as to ramification about addition of Sec. 08.36.073 Investigator. Exactly how does this work and who pays the salary; how does this new section work with the current Administrative Law and Hearings procedures?

Drop subsection (D) from Sec. 08.36.110 (page 14, lines 11-16)

Replace the word “shall” with “may” in Sec. 27. AS 08.36.110(b) (page 15, line 7)

Need clarification of new Sec. 08.36.367(a) only a person who holds a valid license issued under this chapter may own, operate, or maintain a dental practice, office, or clinic. This restriction does not apply to.....(1) a labor organization or a nonprofit organization formed by or on behalf of a labor organization for the purpose of providing dental services; (page 19, lines 26-27)

Add “dental hygienists” to new Sec. 08.36.367(c) nothing in this chapter precludes a person or entity not licensed by the board from.....(2) employing or contracting for the services of personnel other than licensed dentists; (page 20, line 26)

At this time the Board has no further concerns. The members will review the bill again at their December 2011 meeting with input provided by Dr. Silveira regarding the ownership section.

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HB126

The Board reviewed correspondence from the Department advising them of Governor Parnell's decision to veto House Bill 126, which extended several boards including the AK Board of Dental Examiners. The Governor had serious concerns about a provision added at the last minute to the bill that prohibits a person convicted of a felony from serving on a State board or commission. In addition to his concerns about the specific prohibition, there was no public testimony or commission discussion of the provision. The Governor intends to work with the Legislature to pass a sunset extension of the affected boards early in the next Legislative Session.

Agenda Item 12 – Regulations

Following review and discussion of the draft copy of the Regulation Project the Board adopted at the May 16, 2011 meeting, the Board accepted the draft with the following additions:

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

RESOLVED to add to the current Regulation Project the following items: add to 12 AAC 28.770 and 12 AAC 28.870 three sub-sections to read: (8) classroom hours sufficient to meet the restorative course requirements listed above; (9) laboratory experience to be able to place and finish all classes of restorations; and (10) demonstrate clinical proficiency to establish ability to place and finish all classes of restorations.

Ms. Donohue will forward the regulation project to Mr. Maiquis, Regulation Specialist, for drafting.

Agenda Item 13 – Old Business

Ms. Donohue advised the Board that upon review of the statutes and regulations she can find no requirement the Board must do an annual Newsletter.

The Board reviewed the final draft of the Sanctions Guidelines and directed Ms. Donohue to provide a copy to the Investigator.

Following discussion of the public noticing requirements for Board committees, Dr. Wells tabled his suggestion of forming a Credential Applicant Review Panel.

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Agenda Item 14 – Goals & Objectives

The Board reviewed their Goals and Objectives for FY 2012 and determined there are no changes at this time.

Agenda Item 15 – Task List

Dr. Wells assigned Dr. Warren and Dr. Kovaleski to the Discipline Review Panel for Oct.-Dec. 2011.

Agenda Item 16 – Office Business

A. Travel Authorizations

Ms. Donohue collected signed TAs and travel receipts.

B. Meeting Dates

Dec. 2, 2011 - Anchorage – Confirmed
Feb. 3, 2012 - Juneau – Tentative
May 14, 2012 – Anchorage - Tentative

C. Sign Wall Certificates

The President and Secretary signed wall certificates.

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Agenda Item 17 - Adjourn

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

The board adjourned the meeting at 2:52 p.m.

Respectfully Submitted:

Brenda Donohue, Licensing Examiner

APPROVED:

Thomas Wells, DDS
President
Board of Dental Examiners

Date:_____

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TASK LIST FROM SEPT. 9, 2011 MEETING**

Ms. Fellenberg

Dr. Stauffer

Dr. Navitsky

Attend AADB Annual Meeting

Dr. Kovalski

WREB Representative

Check with WREB to assure they have contact all current Board members

To sign up for exams.

Discipline Review Committee

Dr. Silveira

Research intent of new section in SB92 pertaining to “ownership”

Dr. Warren

Discipline Review Committee

Dr. White

Robyn Chaney

Licensing Examiner

Work on board’s Web site – updating/adding information