



[BOARD OF DENTAL EXAMINERS - February 23, 2024 Meeting in Anchorage](#)

Minutes

Alaska Division of Corporations, Business and Professional Licensing

Attendance

Present:

Members: Kenley Michaud, Dominic Wenzell, Greg Johnson, Christina Hansen, Jesse Hronkin, Newell Walther, Jonathan Woller

Absent:

Members: Bradley Heaston, Megan Ferguson

1. Zoom Information

Board of Dental Examiners is inviting you to a scheduled Zoom meeting.

Topic: Board of Dental Examiners February 23, 2024 Zoom Meeting

Time: Feb 23, 2024 09:00 AM Alaska

Join Zoom Meeting

<https://us02web.zoom.us/j/86033725225?pwd=djhCV1JXZ3dmWIZ5UXZLWktJYTRUUT09>

Meeting ID: 860 3372 5225

Passcode: 014901

Find your local number: <https://us02web.zoom.us/u/kbUJSsqAE8>

2. Call to Order/Roll Call

This meeting was called to order by Chair Dr. Greg Johnson at 9:08 am.

Attendance

Present:

Members: Dominic Wenzell, Greg Johnson, Christina Hansen, Jesse Hronkin, Kenley Michaud, Jonathan Woller

Absent:

Members: Bradley Heaston, Megan Ferguson, Newell Walther

Dr. Walther was not present for the first roll call attendance but joined the meeting via zoom a few minutes after it began.

A. Ethics Report

Dr. Johnson reported as the designated ethics supervisor for the board he had not received any notification of ethics violations.

B. Review/Approve Agenda

Dr. Wenzell suggested item 18, Discussion on Dental Implants, be indefinitely tabled as his research indicated other states are not taking steps to regulate implants as they aren't hearing significant concerns that would require Board involvement. The Board will revisit the topic should dental implants become a cause for concern via public inquiry,

complaints, and/or investigations. Dr. Wenzell also indicated he will need to leave early, so he requests item 15, Final Draft of Disciplinary Matrix, be moved up to take place after item 5 so he is present to go over the final draft as he created it.

Motion:

RESOLVED to APPROVE the agenda as written, with item 15 now taking place after item 5.

Motion moved by Kenley Michaud and motion seconded by Jesse Hronkin. The motion passed unanimously.

3. Division Update (Presenters: Melissa Dumas)

The 4th quarter financial report for Fiscal Year 2023 (FY23) was presented by Melissa Dumas. All board questions were answered. Board members were curious about a reported 11 % increase in licenses from last year and directed to the Board Members Resource page where they can locate licensing statistics.

A. DEN FY23 Q4 Report

 [DEN FY23 Q4.pdf](#)

4. Regulation Changes


A. Regulation Project - Repealing Radiological Equipment Regulations
(Presenters: Stefanie Davis, Alison Osborne)

i. Review Public Comments

Stefanie Davis presented public comment received relating to the regulations project to repeal the radiological equipment regulations as the statutory authority transferred to the Department of Health (DOH) last year after the passage of Senate Bill 173. The Board indicated they had had adequate time to review the comments received and nearly all comments received were about proposed DOH regulations and therefore not comments the Board could speak to in a statutory or regulatory capacity. One comment that was received did express that although the DOH is going to do inspections the board should still retain something in writing that allows them to enforce these inspections and verify compliance. Dr. Walther voiced that the comments received, regardless of whether they relate to the Board's proposed changes, express justifiable concern from the dental community for how radiological inspections will be handled moving forward and the fact that the dental boards hands are now tied due to the legislation is an issue the Board should address. Ultimately the Board's option is that they should recapture authority to regulate registration in a way that does not require fees by working in collaboration the DOH. The plan moving forward is:

- The Board will draft a letter to DOH with actionable bullet points to ensure the right questions are asked to the right people, and invite them to a meeting to explain to the Board the changes that are being made and help them understand how radiological inspections and fees are expected to work.
- Rachel to work with Director Robb to navigate the interdepartmental public process and determine and who the best contact is for the Board to engage with.

- The Board will create a subcommittee to begin investigating the process to potentially transfer any part of radiological inspections back to their authority.
- Consider drafting a letter to Dental licensees confirming they have received their comments and have had thoughtful conversation surrounding their concerns, and let them know that the proposed DOH regulations were not created in collaboration with the Dental Board, but the Board is actively pursuing their options for establishing this collaboration to initiate positive change. They also want to be sure licensees/ members of the public are informed in this letter where they should be directing their comments for best reception.

 [Public Comments - Questions Received.pdf](#)

Motion:

RESOLVED to APPROVE drafting a letter outlining concerns to the Department of Health and open up a line of communication for future collaboration.

Motion moved by Jonathan Woller and motion seconded by Dominic Wenzell. The motion passed unanimously via role call vote.

Motion:

RESOLVED to APPROVE drafting a letter to licensees explaining the Dental Board's position and the history of radiological inspection shift and provide information on where to direct concerns to the DOH.

Motion moved by Jonathan Woller and motion seconded by Jesse Hronkin. The motion passed unanimously via role call vote.

Motion:

RESOLVED to APPROVE creating a subcommittee to investigate the process to make the change to move the radiologic inspection back to the Dental Board.

Motion moved by Jonathan Woller and motion seconded by Jesse Hronkin. The motion passed unanimously via role call vote.

- ii. Adopt Regulation Changes

 [Certification of Board Action.pdf](#)

 [Certification Order.pdf](#)

Motion:

RESOLVED to ADOPT the proposed regulations regarding repealing 12 AAC 28.960 – 12 AAC 28.970 relating to dental radiological equipment in their entirety as proposed and publicly noticed.

Motion moved by Jonathan Woller and motion seconded by Kenley Michaud. The motion passed unanimously via role call vote.

B. Proposed Sedation Regulation Changes

i. Presentation amended draft of Proposed Sedation Regulation Changes

Dr. Michaud presented the most recent draft of the proposed sedation regulation changes. The main changes he highlighted were:

- The new regulations would split the permit types up to a minimal pediatric sedation permit, moderate sedation pediatric or adult permit, and a deep sedation/general anesthesia permit, and no changes are happening for the deep sedation/general anesthesia. Dr. Michaud also mentioned he used much of the ADA 2021 Teaching Pediatric Pain Control for Patients to Dentists and Dental Students to craft the requirements for a minimal sedation permit, as the minimal permit is entirely new to the board
- The new regulations also aim to formalize the collaborative agreement available between a dentist and a certified nurse anesthetist or physician to administer deep sedation, general anesthesia, or moderate sedation.

Dr. Walther expressed that the proposed requirements for pediatric minimal sedation training are cause for concern as the level of detail has been shown in the past to potentially restrict applicants unnecessarily from licensing because they don't meet one specific phrasing of words, and suggests lessening these detailed requirements both to the benefit of applicants and to the licensing examiners who have to vet them. He also had concerns about adopting just vastly different regulations without adequate public comment, and staff took this time to remind the Board that a regulations project has not yet been started, and once it has there will be a public comment period, and they have the power to extend the comment period to allow thorough review and feedback from the public. The Board decided that they do not wish to make these changes before the 2025 renewal period. In the meantime members will continue to review and suggest edits, and will discuss an updated draft at their next meeting.

 [Sedation Regs Draft 2.19.24.pdf](#)

C. Discuss Possible Regulation Changes for Dentists Administering Botox (Presenters: Sara Chambers)

Sara Chambers was present to discuss the topic of Dentists performing Botox, following the Boards October 27th, 2023 stance that Dentists can perform Botox if it's within the definition of Dentistry defined in statute Sec 08.36.360. She expressed that their attorney advised the Board work on some regulations to clarify the scope in which a Dentist can perform Botox, and also think through if there is extra training or education to be able to do so that the Board may want to ensure Dentist's have, especially where Botox may go from correcting a Dental problem and into more of a cosmetic area. She mentioned considering the worst case scenario and the benefit to having regulations to point to should issues surrounding Botox arise.

Dr. Woller spoke on behalf of the Board and said that attempting to regulate every procedure a Dentist may perform, given the sheer number of procedures that Dentists do perform, is just unrealistic. He mentioned that a better use of their time might be defining what the standard of care is in Dentistry, and putting the burden of determining what level of education a provider feels they need to meet that standard on the individuals, especially considering that the current concerns or complaints they are getting surrounding these niche topics is virtually none.

In the same realm of botox, Ms. Chambers brought to the Board's attention that the division as a whole is dealing with quite a few questions and concerns regarding a variety of medical spa/ aesthetic related procedures that have a fair amount of overlap between multiple boards, and that staff is in the process of forming a 'team' of sorts across these overlapping boards to collaborate and discuss how to handle issues surrounding these procedures. She asked if the Dental Board wishes to be involved in that process and future discussions later this year, and the Board ultimately decided they do want to be involved, with Dr. Michaud volunteering to be the spokesperson for them in these later discussions.

Amidst the general discussion of these procedures, she also informed the Board that the Nursing Board is getting quite a few questions about whether a nurse can legally administer botox under the supervision of a dentist, and while staff has been looking at both Dental and Nursing statutes and regulations to try and find an answer she did want to open the floor to the Board for any additional thoughts or insight. Dr. Woller spoke first, noting that the Dental statutes and regulations clearly dictate who Dentists can and cannot delegate to and what specific procedures they can delegate, and in the Board's experience with non-dental license holders it's been that they have zero authority. Dr. Michaud pointed out that it's not uncommon for Oral Surgeons to have Nurses working in their offices assisting with post-operative recovery or other similar matters so there is a history of Dentists working with Nurses, and if Botox is allowed under a Dentist's license, which the Board has determined it is, there doesn't seem to be a reason why a Dentist couldn't direct a Nurse to administer it. Despite that opinion, he circled back to Dr. Woller's earlier mention of the fact that their statutes and regulations do specifically say what can and cannot be delegated, and if botox is not included there, how can the delegation then be allowed. The Board does not currently have an opinion one way or the other regarding Nurses administering botox under the supervision of a Dentist, but will continue to discuss the topic moving forward.

 [RE_Dentists Performing Botox.pdf](#)

The Board went off the record for a break at 10:40 am, returning at 10:45 am.

Attendance

Present:

Members: Kenley Michaud, Dominic Wenzell, Greg Johnson, Christina Hansen, Jesse Hronkin, Newell Walther, Jonathan Woller

Absent:

Members: Bradley Heaston, Megan Ferguson

The Board decided to skip to agenda items 6 and 7 as the previous topic went over the scheduled time and the presenter for these items Glenn Saviers was on the line for discussion.

5. Myofunctional Therapy - Update from Subcommittee

Discussed after agenda items 6 and 7

Dr. Woller had not yet drafted a position statement for the Board to review, as the subcommittee wanted to do some more investigation on what the climate is around the country regarding Myofunctional Therapy as a modality. States that have spoke on Myofunctional Therapy, including California and Idaho which have made blanket statements, have not made regulatory changes but have said in their statements that Orofacial Myofunctional Therapy does fall under the purveyance of Dentistry and Dental Hygiene and that they support both advanced education prior to treating and also working in collaboration with other Healthcare providers. The subcommittee also found that the American Dental Hygienists Association has recognized Myofunctional Therapy as within the Dental Hygiene scope of practice. Dr. Woller stated that it is essentially a type of Physical Therapy, and the risk of patients doing it and being harmed are negligible. The Board reiterated a topic they have brought up in the past which is a desire to not get into trying to regulate every single specific practice and modality, and instead produce position statements where they express their support of a practice with the proper advanced training.

Motion:

RESOLVED to APPROVE subcommittee crafting a letter on the Boards position on Myofunctional Therapy to later be presented to the Board for voting via OnBoard.

Motion moved by Jonathan Woller and motion seconded by Kenley Michaud. The motion passed unanimously via role call vote.


6. Executive Administrator Position Review (Presenters: Glenn Saviers)

Glenn Saviers was present for further discussion on creating statute to obtain an Executive Administrator (EA) position for the Board, and provided a cost analysis as well as suggested statutory language if the Board chooses to go that route. The Board's main concerns are

- How much involvement will the Board have in the hiring process?
- How much say would the Board have in the event that an ineffective EA needs to be removed?

Glenn informed members that their involvement in the hiring process is largely up to them, and that in her nearly 10 years with the division she has never seen a Board want to try and remove their EA, but that the Board would absolutely have authority to express their dissatisfaction and explore removal. She stressed that as the position is non-unionized position it does not have the same contractual obligations as a unionized position. The Board was informed that funding for the position is the same as it is for their current Board staff and an EA would be paid by the Dental Board, but that an EA would eliminate their Program Coordinator and that their licensing examiner may be used for multiple programs, resulting in a potential reduction in costs due to changes with those positions. The Board is in agreement that they would be remiss not to explore the option of obtaining and EA, and Chair Dr. Johnson expressed a desire to speak with Board Chair's of programs that currently have EA's so that he can get a feel for their experiences. Staff will get the

Chair in touch with other Board Chairs, and the Board will continue discussing statute change for an EA.

 [DEN - Guidance Cost Potential Statutory Language for Creating a EA - 11.16.2023.pdf](#)

7. Discussion on House Bill 314 / Senate Bill 225 (Presenters: Glenn Saviers)

Glenn Saviers presented House Bill 314 / Senate Bill 225, which would remove the costs for investigations and legal/hearing costs related to investigations or license discipline from the “regulatory costs” that currently must be covered by professional licenses fees due to AS 08.01.065, with the Board including their options for expressing their support to the Legislature should they wish to. The Board is in full support of the bill(s), largely in the hopes that taking the burden of investigative costs off the Board will allow for a reduction in fees for applicants/licenseses. A draft letter of the support to send to the Legislature on behalf of the Board was presented and the Board wishes to have the letter uploaded to OnBoard for a vote following the meeting.

 [Board Letter of Support - Draft.pdf](#)

8. Correspondence

A. Ordering Lab Tests

The Board received correspondence from a Dentist asking whether it is within a Dentist's scope of practice to order lab tests such as A1C, CBC, vitamin/mineral levels and pregnancy tests (for sedation cases). The Board decision is as follows:
Yes it is within a Dentist's scope of practice to order lab tests for the purpose of providing dental care.

 [RE Lab testing.pdf](#)

B. Dentists Treating Immediate Family Members

The Board received correspondence from a Dentist asking whether he allowed to practice dentistry on immediate family members. The Board decision is as follows:
Though it isn't out right ‘not allowed’, it is strongly recommended against and often times not covered by insurances. The Board has adopted the ADA Code of Ethics which includes a provision that states “Dentists should avoid interpersonal relationships that could impair their professional judgment or risk the possibility of exploiting the confidence placed in them by a patient”, and recommends providers follow this guidance.

 [RE_treating immediate family members.pdf](#)

C. Dental Hygienist Scope of Practice - Exam Frequency

The Board received correspondence from a Dental Hygienist asking how often a patient must receive an exam when coming in for hygiene services. The Board decision is as follows:

There is no requirement in Alaska for how often a patient must receive an exam (either periodic or comprehensive) when coming in for hygiene services. That is up to the professional judgement of the hygienist and their supervising dentist.

 [RE_Scope of Practice_Dental Hygienists.pdf](#)

D. Dental Hygiene Treatment Plans

Dr. Johnson received correspondence from a Dental Hygienist asking if a dental hygiene treatment plan be followed if the authorizing dentist is no longer with the facility/office as she is hearing conflicting answers from colleagues. She also expressed confusion surrounding the definition of general supervision vs direct supervision and how that might affect things in this specific situation.

It is the Board's understanding that if a Dentist leaves a facility and the patient is still being treated at that facility, the new supervising Dentist can authorize the continuation of the original treatment plan, and they would assume the liability of said treatment plan, but if a patient leaves a facility and goes somewhere else, that Dentist could authorize resuming the treatment plan from the other facility. Members stated that most places they have practiced this is an internal agreement and monitored by the Dental Director of the facility. Based on the question from the hygienists it wasn't immediately clear if the issue at hand is a hygienist unsure if he/she can follow the treatment plan of a Dentist that has left the facility, or if the new supervising Dentist is not willing to follow the original treatment plan and assume liability.

Chair Dr. Johnson will think about a proper response to the hygienist as staff does not have her contact information, and in the meantime thinks the topic of general supervision vs direct supervision should be expanded to include indirect supervision, and that changes are needed to prevent confusion between these terms. No formal action was taken to begin said changes, but staff will review and discuss further with the Chair.

 [Re_RDH question.pdf](#)

E. Tribal Organizations Requiring Alaska Dental Licenses - FYI

FYI to the Dental Board that Tribal Organizations, which did not previously require Dentists employed with them to have an Alaska Dental license, are beginning to require them within the next year. The Board has concerns as to the 'why' of making such a change. Staff will see if they can find a representative for one or more of these organizations to attend the next meeting and answer questions.

 [RE Tribal Organizations requiring AK Dental License.pdf](#)

9. Application Reviews

A. Moderate Sedation Application - A.A.

This application was tabled by Dr. Michaud after noting possible inconsistencies in the case hours submitted by the applicant.

The Board did not speak to the applicant during the meeting, but they were present via Zoom for the Board's deliberation. Dr. Michaud presented a table he had created, which showed that multiple start and stop times for sedation patients overlapped with one another. Per 12 AAC 28.015(e)(1)(B), which states that **an applicant for an initial permit to administer moderate sedation to a patient who is at least 13 years of age under this section must provide documentation that the applicant completed a board-approved continuing education course in sedation consistent with the Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, adopted by reference in (A) of this paragraph, and required under 12 AAC 28.026; the course must consist of a minimum of 60 hours of instruction plus administration of sedation for at least 20 individually managed patients per participant to establish competency and clinical experience in moderate sedation and management of a compromised airway**, the applicant does not appear to meet requirements as overlapping case times shows that they were not individually managed.

The Board discussed the fact that this is a problem they are seeing more and more with sedation courses where multiple students are handling the same case at different intervals, thus eliminating the 'individually managed' aspect. The Board recognizes that this is not a fault of the applicant, but that they also cannot approve sedation courses that are not meeting requirements. As Dr. Michaud was the Board member that noted the inconsistencies, he did ask that before denying the application another Board member should review the case hours to confirm his math is correct.

 [A.A. Moderate Sedation Permit - Board Packet_REDACTED.pdf](#)

Motion:

RESOLVED to APPROVE tabling A.A.'s application pending review of case hours by Dr. Wenzell, after which the application will be uploaded to OnBoard for Board vote.

Motion moved by Kenley Michaud and motion seconded by Jonathan Woller. The motion passed unanimously via role call vote.

The Board chose to discuss item C ahead of item B to respect the applicant's time as he was on the line and the applicant for item B was not.

B. Reinstatement of Dentist License - B.T.

Discussed after agenda item 9 C

This application for reinstatement of a dentist license was tabled by Dr. Michaud as licensee is looking to meet the continuing education (CE) requirements for renewal with multiple study club/self study courses/hours, which require board approval per 12 AAC 28.410(a)(3) and (a)(4).

The Board reviewed the CE provided by the licensee and did not approve of the submitted study club/ self study courses, as well as noting that a majority of hours were taken after the concluding licensing period of 3/1/21-2/28/23 which conflicts with the licensee's renewal application where he attested that "I have successfully completed the required 32 hours of continuing education during the concluding licensing period of March 1, 2021, through February 28, 2023".

 [B.T. Reinstatement of Dental License - Board Packet for review.pdf](#)

Motion:

RESOLVED to DENY the reinstatement application for B.T. based on 12 AAC 28.410 (3).

Motion moved by Kenley Michaud and motion seconded by Christina Hansen. Motion passed unanimously via role call vote.

C. Dentist by Exam Level II - R. K.

This application was tabled by staff after noting that the applicant's education was obtained at a university that is not CODA accredited, which is required per 12 AAC 28.938. After being notified that their education did not meet requirements the applicant requested board member review.

The Board reviewed R.K.'s application. Their school is accredited by the Commission on Dental Accreditation of Canada (CDAC), not CODA. The CDAC and CODA do have a

reciprocity agreement, but a CODA representative confirmed the reciprocity agreement does not mean CDAC accreditation = CODA accreditation.

The Board had the opportunity to speak to the applicant during the meeting and gave them the opportunity to plead their case. The Board was in agreement that despite the qualifications of the applicant, they do not have the ability to accept the education based on regulation, and noted the need to review the regulation and possibly make changes to allow the Board to make exceptions in situations such as this. The applicant asked staff send contact information for the legislature so they may bring this topic to discussion if that is a helpful next step, and the Board also requested that staff ask the division's Law Department if the Board has the authority to accept CDAC accredited education.

 [DEN - R.K. - Dentist by Exam Level II - Board Packet_REDACTED.pdf](#)

 [CODA CDAC reciprocity.pdf](#)

Motion:

RESOLVED to APPROVE tabling R.K.'s application while staff obtains an opinion from Law regarding the Board's ability to accept CDAC accredited education.

Motion moved by Kenley Michaud and motion seconded by Jesse Hronkin. Motion passed unanimously via role call vote.

10. Lunch

The board recessed for lunch at 12:35 pm and returned to the record at 1:01 pm.

Attendance

Present:

Members: Kenley Michaud, Dominic Wenzell, Greg Johnson, Christina Hansen, Jesse Hronkin, Newell Walther, Jonathan Woller

Absent:

Members: Bradley Heaston, Megan Ferguson

11. Public Comment

No members of the public were in attendance.

12. Continuing Education Audits (Executive Session) (Presenters: Marilyn Zimmerman, Julienne Kim)

Motion:

RESOLVED to APPROVE moving to Executive Session in accordance with AS 44.62.31 (0) (c) to discuss agenda items 12 A, B, C, and D.

Motion moved by Jesse Hronkin and motion seconded by Dominic Wenzell. The motion passed unanimously via role call vote.

The Board entered into executive session at 1:11 pm and returned on the record at 1:37 pm. A quorum was maintained.

Attendance

Present:

Members: Dominic Wenzell, Greg Johnson, Christina Hansen, Jesse Hronkin, Kenley Michaud, Newell Walther, Jonathan Woller

Absent:

Members: Megan Ferguson, Bradley Heaston

A. Confidential Investigative Memo - C. C.

The proposed random continuing education audit with opioid education taken after the previous concluding licensing period was proposed by Marilyn Zimmerman for Board approval.

 [Investigative Memo \(CDE\) C.C. 11.22.2023.pdf](#)

 [Board review audit docs C.C..pdf](#)

Motion:

RESOLVED to APPROVE C.C.'s audit as presented.

Motion moved by Jonathan Woller and motion seconded by Dominic Wenzell. The motion passed unanimously via role call vote.

B. Confidential Investigate Memo and Consent Agreement - L. H.

The proposed consent agreement for L.H. was proposed by Marilyn Zimmerman for Board approval.

 [Investigative Memo L.H. 1.3.2024.pdf](#)

 [Approved CA L.H. 12.5.2023.pdf](#)

Motion:

RESOLVED to APPROVE the consent agreement for L.H.

Motion moved by Jonathan Woller and motion seconded by Kenley Michaud. The motion passed unanimously via role call vote.

C. Confidential Investigative Memo and Voluntary Surrender - C. H.

The proposed voluntary surrender for C.H. was proposed by Marilyn Zimmerman for Board approval.

 [Investigative Memo \(VS\) C.H 1.3.2024.pdf](#)

 [Signed Voluntary Surrender C.H. 12.18.23 \(1\).pdf](#)


Motion:

RESOLVED to APPROVE the voluntary surrender for C.H.

Motion moved by Jonathan Woller and motion seconded by Dominic Wenzell. The motion passed unanimously via role call vote.

D. Confidential Investigate Memo and Consent Agreement - K.H.

The proposed consent agreement for K.H. was proposed by Marilyn Zimmerman for Board approval.

 [Investigative Memo \(CA\) K.H. 2.8.2024.pdf](#)

 [Approved CA K.H. 2.9.2024.pdf](#)

Motion:

RESOLVED to APPROVE the consent agreement for K.H.

Motion moved by Jonathan Woller and motion seconded by Kenley Michaud. The motion passed unanimously via role call vote.

13. Break

The Board did not take a break and moved directly into agenda item 14.

14. Investigative Report (Presenters: Josh Hardy)

The Board decided to discuss agenda item 14 B prior to 14 A as Dr. Wenzell will need to leave shortly he would like to be present for the discussion.


A. Investigative Memo Case 2022-000730 (previously item B).

Investigator Josh Hardy presented the non-confidential case memo for case 2022-000730 at the request of Dr. Michaud for Board awareness and discussion. The case was closed without action so the discussion on record was limited to general terms to protect the integrity of the case.

Sec 08.36.367 says that **only a person who holds a valid license issued under this chapter may own, operate, or maintain a dental practice, office, or clinic**, and if a Dentist leaves the practice the practice must identify a new Dentist within 24 months or request for an extension, but in the case in question a dental practice was owned by a non-dentist over a period of multiple years and failed to identify a new Dentist within given extensions, therefore the reviewing board member (RBM) determined a violation. During the investigation it was determined that statute doesn't specify actions available to the Board when a violation has taken place by a non dental license holder, and the default statute for pursuing any action in these situations is under the business statutes, and is a minor one time fine per violation of something like \$150.

Dr. Michaud expressed to the Board that an inability to enforce their own statutes is a serious issue that needs to be addressed. He mentioned the Board's ability to enforce a fee for a dental license holder practicing dentistry illegally, so maybe the best option available is to expand the definition of dentistry to include a dental director so that

statutes can be applied to non dental license holders. Investigator Hardy informed the Board that that both the Real Estate Board and the Architects, Engineers, and Land Surveyor's Board (AELS) have adopted statutes that permit them to level a civil penalty to violators outside of their licensees for related actions, and suggested the Board explore a legislation project to adopt something similar. Judge Leduc was present for the end of the discussion and said she will send Rachel the language form the Real Estate Board and the AELS Board so that the Board can review and begin exploring making these changes.

 [Investigative Memo for Dental Practice Case 11.06.23 \(Non-confidential\).pdf](#)

B. DEN Board Report (previously item A).

Discussed after agenda item 14 A (previously item B).

Investigator Josh Hardy presented the investigative report, stating that over the period of October 18th, 2023, through February 9th, 2024. There were 16 cases closed during this time frame, 42 remain open. The Board decided to move into executive session to discussion item 15(C), the consent agreement for D.L.

 [DEN Board Report FEBRUARY 2024.pdf](#)

Dr. Wenzell departed for the remainder of the meeting prior to the motion to move into executive session.

Motion:

RESOLVED to APPROVE moving to Executive Session in accordance with AS 44.62.31 (0) (c) to discuss agenda item 14 C.

Motion moved by Jesse Hronkin and motion seconded by Jonathan Woller. The motion passed unanimously.

The Board entered into executive session at 2:09 pm and returned on the record at 2:11 pm. Dr. Johnson was not present during executive session due to a conflict of interest as the reviewing board member for the case. A quorum was maintained.

Attendance

Present:

Members: Greg Johnson, Christina Hansen, Jesse Hronkin, Kenley Michaud, Newell Walther, Jonathan Woller

Absent:

Members: Bradley Heaston, Dominic Wenzell, Megan Ferguson

C. Confidential Investigative Memo and Consent Agreement for D. L. (Executive Session)

The proposed consent agreement for D.L. was proposed by Josh Hardy for Board approval.

 [Investigative Memo to the Board - 2022-000683.pdf](#)

 [Consent Agreement for D.L. - 2022-000683.pdf](#)

Motion:

RESOLVED to APPROVE the consent agreement for D.L.

Motion moved by Jesse Hronkin and motion seconded by Kenley Michaud. The motion passed unanimously via role call vote. Dr. Johnson abstained from voting due to his conflict of interest.

Following this discussion, the Board decided to skip agenda item 14 D and move on to agenda item 16 and continue through the agenda while they wait for the presenter to join as they were running ahead of schedule.

- D. Amendment to Consent Agreement for J.D. (Deliberative Session)
(Presenters: Judge Lawrence Pederson)

Discussed after items 16-19

The proposed amended consent agreement for J.D. was presented by Judge Lawrence Pederson for Board approval.

 [Revised Consent Agreement - J.D..pdf](#)

Motion:

RESOLVED to APPROVE the amended consent agreement for J.D.

Motion moved by Jesse Hronkin and motion seconded by Kenley Michaud. The motion passed via role call vote five to one. Approvers: Gregory Johnson, Newell Walther, Kenley Michaud, Jesse Hronkin, and Christina Hansen. Dissenters: Jonathan Woller

15. Final Draft Disciplinary Matrix

Discussed after agenda item 5

The Board reviewed the final draft of the Disciplinary Matrix Proposal, and Dr. Wenzell noted that he has not received any suggested edits since our last meeting, and that the draft is the same. Staff pointed out that during the last meeting the Board had discussed amending the draft to include an option for licensees with violations to continuing education requirements to be allowed to complete additional continuing education hours as opposed to paying a required fee. The Board no longer wishes to make that change. Towards the end of the discussion Christina Hansen expressed the desire to have a disciplinary matrix created for dental hygienists, but no formal decision was made to begin that process.

 [DRAFT DEN Board Disciplinary Matrix Proposal 2023.docx](#)

Motion:

RESOLVED to ADOPT Disciplinary Matrix as written.

Motion moved by Jonathan Woller and motion seconded by Kenley Michaud. The motion passed unanimously via role call vote.

16. Dental Compacts - CDCA Alaska Caucus Report - FYI

The Board reviewed the Alaska Caucus Report from January 12, 2024 and concluded their position regarding Dental Compacts aligns with the Board's current position which is that they do not wish to advance any one suggested compact over another or be one of the first states to adopt such legislation.

 [CDCA Alaska Caucus Report20240114_08463985.pdf](#)

17. Discussion on Dental Implants

Discussion tabled indefinitely, see agenda item 2 B

18. Annual Reports

A. FY23

The Board reviewed the final draft of the FY 2023 Annual Report and did not have any suggested edits.

 [AnnualReport_Template_2023.pdf](#)

Motion:

RESOLVED to APPROVE FY 2023 Annual Report.

Motion moved by Kenley Michaud and motion seconded by Jonathan Woller. The motion passed unanimously via role call vote.

B. FY24

The Board reviewed the working draft of the FY 2024 Annual Report and further expressed the need for the Board to better understand the investigative process and discuss how they can be more involved and informed, as well as the need to have full participation from all members.

 [Annual Report - Template 2024.docx](#)

19. Clarify FY 24 Board Travel Preferences

The Board discussed sending a representative to the American Association of Dental Boards (AADB) Mid-Year meeting in Chicago taking place April 12 and April 13 of 2024 as Dr. Walther had expressed interest in attending should the Board support this and obtain division approval. They agreed having a member in attendance would be beneficial as collaboration and discussion with other boards regarding topics coming down the line has been fruitful in the past.

 [AADB 2024 Mid-Year Preliminary Meeting Program.pdf](#)

Motion:

RESOLVED to APPROVE sending Dr. Walther to the AADB Mid-Year meeting.

Motion moved by Jesse Hronkin and motion seconded by Kenley Michaud. The motion passed unanimously via role call vote.

Following this discussion, the Board decided to begin the discussion on agenda item 14 D as Judge Pederson was on the line.

20. Next Meeting Date

Prior to discussing their next Board meeting date the Board briefly discussed which members are currently certified testing examiners for the Western Regional Examining Board and stressed the importance of having an Alaskan presence. Chair Dr. Johnson expressed the need to make it happen members can make themselves available and requested we continue to discuss this topic at upcoming meetings, if nothing more than to just check in.

The Board decided it's next meeting should take place sometime late April or early May before everyone is busy and out of town for the summer. A few dates were suggested but Board members needed to review their patient schedules and requested staff create a poll with some suggested dates and email it to all members for a vote. Rachel will create the poll next week and distribute for a vote.

21. Tasks

- Letter to license holders stating the Board's stance on the DOH regulation changes and directs license holders towards the proper avenue for voicing their concerns regarding the changes to be drafted by Dr. Johnson.
- Letter to the DOH to open a line of communication and discuss options to regain some Board involvement and regulatory power in regards to the radiological equipment to be drafted by Dr. Johnson.
- Moderate Sedation Application for A.A. to be sent to Dr. Wenzell for review by Rachel Billiet.
- Dr. Michaud assigned to be Board representative for Medical Spa discussion group amongst overlapping Boards. Sara Chambers will follow-up when these discussions begin happening.
- Sub committee to investigate the process to make the change to move some of the radiological inspection regulations back to dental will be Dr. Woller and Dr. Hronkin.
- Sedation Regulations subcommittee to continue making edits to the proposed changes to the sedation regulations for review at the next meeting
- Staff to review the process for electing a new Board Chair.
- Staff to create poll for next meeting date and send out for Board member vote.

22. Adjourn

Motion:

RESOLVED to APPROVE adjourning the February 23rd Board of Dental Examiners meeting.

Motion moved by Kenley Michaud and motion seconded by Jonathan Woller. Motion passed unanimously via role call vote.

Date Final Minutes Approved by the Board: <input type="checkbox"/> Meeting <input checked="" type="checkbox"/> OnBoard	Board Ballot PASS 8/3/2024
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