

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

**MINUTES OF MEETING  
JUNE 22-23, 2007**

By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the provisions of Article 6 of AS 44.62, a scheduled meeting of the Board of Dental Examiners was held June 22-23, 2007, at the Atwood Bldg., 550 W. 7th Ave., Suite 1270, Anchorage, Alaska.

**FRIDAY, JUNE 22, 2007**

The meeting was called to order by Dr. William Gerace, Acting-Chairman at 8:30 a.m. Dr. Gerace welcomed new board members Cheryl Fellenberg, RDH and Newell Walther, Dentist.

**Agenda Item 1 - Roll Call**

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

Dr. William Gerace, Acting-Chairman - Anchorage  
Dr. David Eichler - Fairbanks  
Cheryl Fellenberg, Dental Hygienist - Wasilla  
Vicki Hauff, Dental Hygienist - Anchorage  
Dr. Arne Pihl - Ketchikan  
Dr. Newell Walther - Wasilla  
Dr. Rebecca Neslund - Kodiak  
Dr. Kevin Gottlieb - Anchorage  
Mr. Gregory Gursey, Public Member - Anchorage

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

Brenda Donohue, Licensing Examiner – Juneau

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**Agenda Item 2 – Review Agenda**

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

**FRIDAY, JUNE 22, 2007**

**ITEM 7 –MISC CORRESPONDENCE**

June 18, 2007 ADA News article on CDEL anesthesia guideline changes

**ITEM 8 – REVIEW APPLICATIONS**

CE Course Reviews

- How to Get Your Office Staff Prepared For Any Medical Emergency

Dental Hygiene-Exam Level II

- Kathleen Young, DH & LA

Dental Hygiene-Exam Level III

- Jody Otto, DH & LA
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**ITEM 10 – PUBLIC COMMENT**

Frank Thomas-Mears-Mandating Reports by Dentists under ADA Ethics 4.C

**ITEM 13 –REGULATIONS**

Review & approve for public notice regulation project for 12 AAC 28.952

**Agenda Item 3 - Review Minutes**

Following review of the Feb. 22-23, 2007 meeting minutes:

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

**RESOLVED to approve the Feb. 22-23, 2007 minutes as presented.**

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**Agenda Item 4 – Ethics Report**

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

**Agenda Item 5 – Budget Review**

Following review of the budget the board noted a positive balance of \$258,300 as of June 7, 2007. It is normal to have excess revenues in a renewal year. Dr. Pihl suggested travel for the licensing examiner to attend the annual AADA/AADE meeting be added to the Budget Recommendations in the Annual Report. Dr. Gerace advised the new members of the board that in accordance with state law the board is self-supporting. The division reviews expenses and revenues approximately six months prior to renewal to assess if dues remain the same, decrease or increase.

Mr. Gurse stated he is currently attempting to contact Director Urion by phone, to ascertain what should be included in a letter to the division asking for a case-by-case breakdown of Dept. of Laws billing. Mr. Gurse next inquired if the unfunded liability for retirement the State is dealing with currently will affect the board's budget. Ms. Donohue suggested expenses incurred for that item would show up in the board's budget in Personal Services Expenses. She advised the board she'd check with the division's Administrative Manager and may be able to bring an answer to the September meeting.

The board is ahead of schedule, so Dr. Gerace moved ahead to Agenda Item 7 – Misc. Correspondence until Ms. Winton, Investigator, joins the meeting at 9:30 a.m.

**Agenda Item 7 – Miscellaneous Correspondence**

Yukon-Kuskokwim Health Corporation – Letter to the board requesting approval for exemption from license requirements for full-time students participating in training of Advanced Education in General Dentistry (AEGD) Residents of the Lutheran Medical Center.

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

**RESOLVED to approve, in accordance with AS 08.36.238, exemption from license requirements of full-time students with Lutheran Medical Center AEGD program working at Yukon-Kuskokwim Health Corp. facilities under the direct supervision of a licensed dentist. Approval for this course does not need to be requested each year unless the content of the course changes.**

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WREB – Memo from Linda Paul asking for name and contact information of newly appointed board members so WREB can determine if they would like to serve as examiners. She also requested names of any designated examiners that the board would like to submit. These are individuals not on the board, but who the board feels would serve as good WREB examiners.

Dr. Eichler said Dr. James Cerney is interested, and asked that the board advise WREB of his contact information. Dr. Gerace directed Dr. Walther and Ms. Fellenberg to contact WREB if they are interested in signing up, and have Linda Paul send them the information.

The board suggested adding an item to their web-site that if a licensee is interested to contact WREB.

WREB – Letter from Linda Paul with information about the July Board of Directors meeting, and the Dental and Dental Hygiene Exam Review Committee meetings. Dr. Eichler will attend this meeting. Vicki Hauff will be attending as the Dental Hygiene representative.

Discussion ensued regarding the board funding a representative to attend the Western Conference of Dental Examiners and Dental School Deans meeting which immediately follows the ERC meeting. The board determined it is important to have a member attend the Western Conference meeting as Alaska is a member state and accepts only the WREB exam for dentists and dental hygienists applying for license in Alaska.

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

**RESOLVED to approve paying two days lodging, two days per diem, registration and ground transportation for Dr. Eichler to attend the Western Conference of Dental Examiners and Dental School Deans meeting, July 13-14, 2007.**

WREB – Letter advising the board that WREB currently does not have a full crown preparation as part of the current clinical exam, but are field testing an integrated curriculum crown preparation exam on patients in the dental school setting. They believe this concept has merit and will be conducting further field testing in the fall at Baylor University, and possibly other sites. The letter further advises that if the board requires a clinical prosthetics component for licensure, WREB still has the option of an indirect gold restoration as part of the operative section. Information only – no response necessary.

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ADA – Letter from Dr. Stephen K Young, chair, Council on Dental Education and Licensure, summarizing the education and licensure related actions taken by 2006 House of Delegates. Information only – no response necessary.

ADA – Letter from Dr. Laura Neumann, Interim Director, CODA seeking nominations to fill upcoming vacancies on review committees and a public member position on the Commission. Information only – no response required.

Kentucky Board of Dentistry – Letter advising that Kentucky now requires regional licensing boards/agencies to report scores by individual sections of their examinations in lieu of an overall exam result. The letter also advises that Kentucky accepts the CRDTS and NERB exams, provided they are accompanied with the results of a successfully completed CSW Computer Simulated Periodontal/Removable Prosthodontics Exam at a level of 75% or higher. Information only, no response necessary.

AADE – Letter from Ronald C. Short, seeking nominations for Citizen of the Year Award. The nominee should be an AADE member who has made significant contributions to the dental profession in general and the dental examining community in particular. Information only, no response necessary.

UAF - Tanana Valley Campus – Memo inviting the board to participate in an accreditation site visit on May 3 & 4, 2007 for the new dental hygiene program. Information only, no response necessary.

Richard F Edlich, MD, PHD – email from Dr. Edlich with an attached copy of a collective review article entitled “The Need for Informed Consent for Dentists who use Mercury Amalgam Restorative Material as well as Technical Considerations in Removal of Dental Amalgam Restorations” for the board’s review. Information only, no response necessary.

ADA – ADA news article on Council on Dental Education and Licensure (CDEL) anesthesia guideline changes. Information only – no response necessary.

A list of correspondence reviewed will be attached as an integral part of the minutes.

The board is still ahead of schedule, so Dr. Gerace moved ahead to Agenda Item 8 until Ms. Winton joins the meeting at 9:30 a.m.

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**Agenda Item 8 – Application Assignments and Review**

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

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3) and the Alaska Constitutional right to Privacy Provisions, for the purpose of reviewing the application file of Dr. Mark Edwards.**

Entered into Executive Session at 9:17 a.m.

Out of Executive Session at 9:30 a.m.

**Agenda Item 6 – Investigative Report**

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

Ms. Winton provided the board with statistics regarding opened and closed cases for calendar years 2005, 2006 and partial 2007. In calendar year 2005, 26 complaints were opened, and 15 cases closed; calendar year 2006, 23 complaints were opened, and 27 cases closed; so far for calendar year 2007, 24 complaints have been opened. Dr. Gerace inquired if any of the complaints were for the same practitioner. Ms. Winton responded there were two practitioners with multiple complaints.

Ms. Winton explained for the new board members that she could not provide details of the investigations to the board, so that when, and if, the case comes before the board to consider and act upon, the board can act impartially as they have no background on the case. If a complaint is submitted pertaining to patient care, Ms. Winton will contact both members of the current Discipline Review Panel to determine if a violation has occurred; the complaint is then closed or proceeds to an investigation. Investigations are reviewed by one Board member – no relation to designated Review Panel members; that board member reviews and makes recommendations regarding an appropriate disposition of the case/investigation. In both cases and panel review complaints, the reviewing member(s) can participate in discussions but must recuse themselves from any vote on disciplinary action.

Ms. Winton then proceeded on to her report and stated there were nine (9) open investigations, three (3) probation cases being monitored, six (6) open complaints, and three (3) cases closed since the last board meeting.

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Dr. Gerace appointed Dr. Neslund and Dr. Walther to serve on the Discipline Review Panel for the July 2007 – Sept. 2007 quarter.

Dr. Eichler inquired if an investigation would proceed without the cooperation of an actual patient. Ms. Winton explained that yes, if a complaint is received where the ramifications are patient and public safety, not just one person with a negligence issue, the investigation will proceed without the cooperation of the patient because the board has a duty to protect public safety.

Chief Investigator Rick Younkings joined the meeting.

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

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3) and the Alaska Constitutional right to Privacy Provisions, for the purpose of reviewing the application file of Dr. Mark Edwards.**

Entered into Executive Session at 9:46 a.m.  
Out of Executive Session at 10:15 a.m.

The board reviewed the Investigative summaries for six licensees who had answered “yes” to professional fitness questions on their license renewal applications. There is no further investigation or board action required on any these applications.

Dr. Gerace thanked Ms. Winton and Mr. Younkings for their time, and they left the meeting.

The board returned to Agenda Item 8.

**Agenda Item 8 – Application Assignments and Review (cont’d)**

Credential Application Review

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

Dr. Ryan C Wayland	Reviewed by Ms. Hauff
Dr. Jerry P Sparks	Reviewed by Dr. Eichler
Dr. Norma Westerbend Garcia	Reviewed by Dr. Pihl
Dr. Mark Edwards	Reviewed by Dr. Gottlieb

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Three of the applications appear to be in order for meeting the requirements for dental licensure by credentials. The board has concerns about Dr. Edwards file, and will ask Dr. Edwards to address those concerns during his interview.

Dr. Gerace assigned questions to be asked of the dental applicants by credentials to board members.

Continuing Education Approval Applications

The board reviewed seven applications for Approval of Continuing Education Courses. Dr. Gerace relayed that he had reviewed the applications and they met the requirements in accordance with 12 AAC 28.410.

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

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

**19<sup>th</sup> Annual Alaska Federal Services Dental Meeting**, sponsored by 3<sup>rd</sup> Dental Squadron, Elmendorf Air Force Base, Alaska, for fourteen (14) hours of continuing education.

**Contemporary Endodontics**, sponsored by North Pacific Endodontic Conference, for twelve (12) hours of continuing education.

**Instrumentation: Blended Strategies for Nonsurgical Periodontal Therapy**, sponsored by AK State Dental Hygienists' Assoc., for four (4) hours of continuing education.

**Evaluation, Assessment and Maintenance Strategies for Dental Implants**, sponsored by the AK State Dental Hygienists' Assoc., for three (3) hours of continuing education.

**Options in Esthetic Whitening**, sponsored by AK State Dental Hygienists' Assoc., for three (3) hours of continuing education.

**Periodontal-Systemic Connections: The Importance of Maintaining Oral Health for Young Adults and for the Aging Population**, sponsored by Anchorage Dental Society, for seven (7) hours of continuing education.



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**How to Get Your Office & Staff Prepared for Any Emergency**, sponsored by Mark J Castle, DDS, for five (5) hours of continuing education.

**Agenda Item 9 – Legislation Update**

Ms. Donohue updated the board on the status of HB 136/SB 98 – Expanded Functions for Dental Hygienists. HB 136 has been referred to the House Finance Committee, and SB 98 has been referred to the Senate Health, Education & Social Services Committee. When the second session of the Legislative Session commences in January, the respective bills will be considered by these committees, then continue through the Legislative process.

The board is ahead of schedule, so Dr. Gerace moved ahead to Agenda Item 11. There are speakers scheduled to address the board at 11:15 a.m. during Agenda Item 10-Public Comment.

**Agenda Item 11 – Jurisprudence Exam Review**

Ms. Donohue explained that because of changes in regulations, several questions on the Jurisprudence Exam must be changed as well. She further advised the board this should be done in Executive Session to protect the security of the exam.

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

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3) and the Alaska Constitutional right to Privacy Provisions, for the purpose of updating the board’s Jurisprudence Exam.**

Entered into Executive Session at 10:37 a.m.

Out of Executive Session at 10:58 a.m.

Ms. Fellenberg will be responsible to track that the Jurisprudence Exam is in accord with all statute and regulation changes.

The board returned to Agenda Item 8 to review two dental hygiene applications.

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**Agenda Item 8 – Application Review**

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

**RESOLVED to approve the Dental Hygiene application by Exam Level III, and the Local Anesthetic Permit Application for Jody Otto.**

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

**RESOLVED to approve the Dental Hygiene application by Exam Level II for Kathleen Young.**

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

**RESOLVED to approve the Local Anesthetic Permit Application for Kathleen Young.**

**Agenda Item 10 – Public Comment**

Ms. Winton joined the meeting again to clarify the Division's position on ethic # 4.C contained in the "Principles of Ethics and Code of Professional Conduct" to Mr. Frank Thomas-Mears.

While waiting for Mr. Thomas-Mears, Ms. Winton advised the board she had checked with staff and reported that if the board denies a license application, or an applicant withdraws a license application, it is not reported to the National Practitioners Data Bank.

Mr. Frank Thomas-Mears, representing Multiple Risk Managers, joined the meeting at 11:15 a.m. He stated he actually has two questions for the board.

First, he proceeded to ask the board for clarification of ADA ethic 4.C - Justifiable Criticism, and what a dentist's duties are under this section. The ethic states that "dentists shall be obliged to report to the appropriate reviewing agency, as determined by the local component or constituent society, instances of gross or continual faulty treatment by other dentists." Mr. Thomas Mears questions is: When is a dentist obligated to report faulty work?

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Ms. Winton explained that dentists are obligated to report gross or continual faulty treatment when they see it. The reporting dentist must provide the name of the dentist providing the faulty treatment, as well as disclose the name of the patient. If they choose not to disclose the patient, the division will subpoena their records to discover the name of the patient. The defining element that triggers mandatory reporting is if the treatment is gross and/or continual. Gross faulty treatment could involve one instance of a patient with several identified elements of faulty treatment.

She advised that if a dentist has a question about if they should be reporting something they see, to call her to discuss their concerns. If she receives a call from five different dentists concerning a specific practitioner, she becomes aware there is an issue requiring investigation, although the reporting practitioners are not aware of this.

She explained that if a complaint is received from a practitioner concerning one patient, and that patient does not wish to pursue the complaint, the division is unlikely to continue investigating the complaint. However, if the division receives several complaints, and a pattern can be established that a practitioner is not performing to minimum professional standards, the division will pursue the investigation, even without the cooperation of a patient.

Mr. Thomas Mears second question is, "During an investigation, does the division use the 5 ethics outlined in the ADA's "Principles of Ethics and Code of Professional Conduct" to gauge whether a dentist has acted ethically or not?" Ms. Winton answered yes, the division uses these stated ethics, but in the complaint stage, not necessarily in the investigative stage. She clarified that a complaint may actually not be a violation and will not trigger an investigation. A complaint that cannot be shown to be a violation of a law, ethic or standard, will be closed. Alternately, if a violation has occurred, an investigation will be triggered.

Mr. Thomas Mears thanked the board and Ms. Winton for their time, and left the meeting.

**Agenda Item 13 – Regulations Update**

The board reviewed the draft of changes to regulation 12 AAC 28.952, Specialty License, provided by Mr. Jun Maiquis, the division Regulation Specialist. The draft is ready for the board to approve for public notice. The changes are "housekeeping" changes, stating which documentation will be provided by the applicant, and which by Professional

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Background Information Service, as well as adding a requirement for dental applicants for specialty license to pass the Jurisprudence Exam prior to being licensed.

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

**RESOLVED to approve for public notice the changes to regulation 12 AAC 28.952.**

The board moved on to Agenda Item 15 rather than break early for lunch.

**Agenda Item 15 – New Business**

Discussion ensued regarding dental applicants by credentials being “personally interviewed by the board...” Dept. of Law provided an opinion that “personally interviewed” is not the same as “in person”, therefore, the board can conduct a personal interview telephonically.

**Upon a motion duly made by Mr. Gurse, seconded by Dr. Walther, it was:**

**RESOLVED to approve conducting personal interviews for dental applicants by credential telephonically.**

Recess for lunch: 12:04 a.m.

Back from lunch: 1:20 p.m.

Further discussion followed, after which an amendment to the motion was proposed.

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

**RESOLVED to amend the previous motion by stating a dental applicant by credential be offered the option of appearing in person or telephonically for the personal interview with the board.**

Mr. Gurse restated the original motion. Following further discussion, Dr. Gerace called for a vote.

The motion passed with 8 yes responses, and 1 no response.

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**Agenda Item 13 – Regulations Update**

Ms. Donohue advised the board they may want to initiate a regulation project to draft regulations stating on what grounds a dental hygiene license may be denied. Ms. Hauff will look over the regulations tonight and bring back suggestions tomorrow.

It came to light during the discussion that currently a National Practitioner Data Bank report is not being requested for dental hygiene applicants as it is for dental applicants.

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

**RESOLVED to have Division of Corporations, Business and Professional Licensing staff request a National Practitioner Data Bank (NPDB) report for dental hygiene applicants as well as the American Association of Dental Examiners (AADE) report that is currently being requested.**

**Agenda Item 14 – Conference Reports**

Dr. Gerace inquired if Dr. Warren was planning to attend the meeting to give a report on the AADE Mid-Year Meeting of March 25-26, 2007. He shared that Dr. Warren had been very ill. Ms. Donohue stated she had sent him a copy of the agenda, but had not heard back from him about attending the meeting. She was unaware of his illness. Dr. Eichler called Dr. Warren to see if he was planning to attend, and Dr. Warren said he had planned to, but was not up to it. At this time there will be no report for the AADE Mid-Year Meeting.

Dr. Pihl confirmed that he had been nominated by the board to attend the AADE/AADA and the ADA Conferences in San Francisco in September, as the deadline to register is July 6. He was advised that he was nominated to attend at the Feb. 2007 meeting, and to submit his registration information. Ms. Donohue will be preparing the travel authorization in July.

**Agenda Item 15 – New/Old Business**

Dr. Pihl introduced a discussion of what are the responsibilities of a dentist, licensed in the State, who lives and practices in another state, and only practices in Alaska for one week a month, to implement an emergency protocol for his Alaska patients for when he is out of state. Is that dentist required to have a formal arrangement with one of the resident dentists. The board determined it would be the most ethical process to have an

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arrangement with a resident dentist, however there is nothing stated in statutes and regulations requiring such an agreement.

**Agenda Item 16 – Continuing Education Audit**

Mr. Steve Winker, Paralegal, joined the meeting telephonically at 2:15 p.m.

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

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3) and the Alaska Constitutional right to Privacy Provisions, for the purpose of reviewing MOAs for Case No. 1200-07-003 and Case No. 1200-07-004.**

Entered into Executive Session at 2:25 p.m.  
Out of Executive Session at 2:40 p.m.

**Upon a motion duly made by Mr. Gurse, seconded by Dr. Neslund and approved unanimously, it was:**

**RESOLVED to adopt the MOA in Case No. 1200-07-003.**

Mr. Gurse noted the MOA adopted is for Dr. Jody R. Sessoms.

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

**RESOLVED to adopt the MOA in Case No. 1200-07-004.**

Mr. Gurse noted the MOA adopted is for Dr. Phillip H. Mabry.

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

**RESOLVED to accept 12 continuing education hours from the course “Dentistry Update Plus”, May 3-4, 2007, sponsored by CRA Foundation.**

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Following review of continuing education documentation provided by licensees selected for audit the board took the following action:

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

**RESOLVED to approve the continuing education audit for the following dentists:**

<b>Robert L Horchover</b>	<b>John F Kobylarz</b>	<b>Louis J Thornley, Jr.</b>
<b>Keith D McGranahan</b>	<b>Robert J Veazie</b>	<b>Ryle A Radke, Jr.</b>
<b>James Stratton</b>	<b>James A Cerney</b>	<b>Nile P Ersland</b>
<b>Gary A Moeller</b>	<b>Robert W Robinson, II</b>	<b>John R Ellenbecker</b>
<b>Ryle A Radke, III</b>	<b>Nicholas W Feldman</b>	<b>Stephen R Libby</b>
<b>Donald Calvert</b>	<b>Douglas Smole</b>	<b>Wendell Wright</b>
<b>William Heagy</b>	<b>John L Drager</b>	<b>Scott Hebertson</b>
<b>Julie M Robinson</b>	<b>Richard J Cook</b>	<b>Kirk A Johnson</b>
<b>Kelly W Lucas</b>	<b>James E Hyer</b>	<b>Douglas G Ness</b>
<b>Steve E Hofstad</b>	<b>Robert Samuel Matthews</b>	<b>Ronald F Rosser</b>
<b>Robert Steadman</b>	<b>Robert L Biehl</b>	<b>Mark Rene Laurin</b>
<b>Bradley C Vergien</b>	<b>Daniel M Keir</b>	<b>Stuart M Nunnally</b>
<b>Daniel M Bergeron</b>	<b>Dale F Burke</b>	<b>Gerald E Hanson</b>
<b>Kevin H Cochran</b>	<b>Kelly L Buttrick</b>	<b>John J Murray, Jr.</b>
<b>Glenn E Lockwood</b>	<b>Charles M Sage, Jr.</b>	<b>Jerry C Hu</b>
<b>Charles J Schultz</b>	<b>Robert W Morehead</b>	<b>Joseph K Baggette</b>
<b>Alan E Lentz</b>	<b>Christine A Roalofs</b>	<b>Brian Cook</b>
<b>Richard C Gregorian, II</b>	<b>Christine M Moleski</b>	<b>Joseph Y Wang</b>
<b>Roy F Schoppert, III</b>	<b>Brian C Barron</b>	<b>Justin S Barber</b>
<b>Matthew A Welch</b>	<b>Brett L Keeler</b>	<b>Christina M Dahlke</b>
<b>Nathan Faber</b>	<b>Enoch N Ross</b>	<b>Douglas P Winslow</b>

The board moved on to Agenda Item 3-Goals and Objectives, originally scheduled for Saturday, June 23, 2007 as it is ahead of schedule.

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**Agenda Item 3 – Goals and Objectives**

Goal 1 – ongoing

Goal 2 – ongoing. Added as part of goal that board members respond to mail ballot within two weeks.

Goal 3 – ongoing

Goal 4 – ongoing

Goal 5 – ongoing. The board feels strongly that fines should help off-set the cost of investigations, hearings and disciplinary actions by being credited back to the board rather than going into the general fund. Because the board is “self-supported” they feel there should be a means to recoup expenses.

Goal 6 – remove and replace with “Continue annual mailing of newsletter”

Goal 7 – ongoing

Goal 8 – ongoing

Goal 9 – ongoing

Goal 10 – remove – accomplished

Goal 11 – remove – accomplished

Goal 12 – ongoing – is on Legislative Recommendations in Annual Report

Goal 13 – ongoing – There is already an un-sworn statement on the renewal application stating CPR certification is current – can we do away with requiring a copy of the card?

**Agenda Item 5 – Office Business**

Wall Certificates

The board proceeded with signing Wall Certificates.

Travel Authorizations

Ms. Donohue collected signed travel authorizations and receipts.

Confirm Meeting Dates

The board confirmed the next meeting will be Sept. 14, 2007 in Fairbanks.

The meeting following that is tentatively scheduled for Nov. 30, 2007, in Anchorage. The date will be finalized at the September meeting.



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Ms. Donohue inquired why the board holds their June meeting on Friday and Saturday instead of Thursday and Friday. She explained that on Saturday there is no support available as the state does not work on Saturday. Following discussion the board determined the June meeting could be changed to a one-day meeting to be held on a Friday.

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

**RESOLVED to change the June meeting to a one-day meeting to be held on a Friday.**

Following discussion initiated by Dr. Neslund, the board agreed they would like to submit a letter of appreciation to Ms. Donohue's supervisor for her competent, professional assistance in providing guidance and support for their meetings, to her supervisor.

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

**RESOLVED to draft a letter of appreciation for a job-well-done for Ms. Donohue to her supervisor.**

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

**RESOLVED to recess the meeting until 9:00 a.m. Saturday morning, June 23, 2007.**

The board recessed until Saturday, June 23, 2007 at 9:00 a.m.

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**SATURDAY, JUNE 23, 2007**

Dr. Gerace called the meeting to order at 9:00 a.m.

**Agenda Item 1 – Roll Call**

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

Dr. William Gerace, Acting-Chairman - Anchorage  
Dr. David Eichler - Fairbanks  
Cheryl Fellenberg, Dental Hygienist - Wasilla  
Vicki Hauff, Dental Hygienist - Anchorage  
Dr. Arne Pihl - Ketchikan  
Dr. Rebecca Neslund - Kodiak  
Dr. Kevin Gottlieb - Anchorage

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

Brenda Donohue, Licensing Examiner – Juneau

Mr. Gursey arrived at 9:10 a.m.

Dr. Newell Walther arrived at 9:15 a.m.

**Agenda Item 2 – Personal Interview with Credential Applicants**

Applicants Dr. Ryan C. Wayland, Dr. Jerry P. Sparks, Dr. Norma Westerband Garcia and  
Dr. Mark Edwards were present for their personal interview with the board.

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

**Dr. Ryan C. Wayland, DMD**

Ms. Hauff reviewed the application of Dr. Wayland, and stated his file was in order and  
his references were good. The board proceeded in asking the standard interview  
questions.

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

**RESOLVED to approve Dr. Ryan C. Wayland for dental licensure by credentials.**

**Dr. Jerry P. Sparks, DDS**

Dr. Eichler reviewed the application of Dr. Sparks, and stated her file was in order and her references were good. The board proceeded in asking the standard interview questions.

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

**RESOLVED to approve Dr. Jerry P. Sparks for dental licensure by credentials.**

**Dr. Norma Westerband Garcia**

Dr. Pihl reviewed the application for Dr. Westerband Garcia, and stated her file was in order and her references were good. The board proceeded in asking the standard interview questions.

**Upon a motion duly made by Dr. Pihl, seconded by Mr. Gurseay and approved unanimously, it was:**

**RESOLVED to approve Dr. Norma Westerband Garcia for dental licensure by credentials.**

**Dr. Mark D. Edwards, DDS**

Dr. Gottlieb reviewed the application for Dr. Edwards, and stated there were concerns on the application. The board proceeded in asking the standard interview questions. They then proceeded to ask Dr. Edwards if he would like to add any comments in support of his application.

Dr. Edwards relayed to the board that he had self-medicated prior to surgery to repair his ACL. He did not properly advise the anesthesiologist about the pre-medication, and consequently went into a deeper state of un-consciousness, which precipitated a halt to the surgery.

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Dr. Pihl indicated he wanted to ask further questions about this incident, and would Dr. Edwards want the board to enter executive session, or stay on the record. Dr. Edwards stated he was fine with the interview being on the record.

Dr. Pihl then asked him if the medication he took was prescribed to him by another physician. Dr. Edwards stated he took a valium from the stock in his office, as well as an Ambien, which has been prescribed to him by his physician. Dr. Edwards in currently under the care of a psychiatrist for the purpose of calibrating medication he is currently taking. He anticipates being completely off this medication in about a week.

Dr. Pihl explained to Dr. Edwards that the board's duty in licensing dentists is to protect the public, and therefore, he should understand why the board has concerns about his questionable judgment concerning self medicating, a history of some psychological issues, as well as some anger issues that resulted in misdemeanors.

Currently, the board is waiting for a letter from Dr. Edward's psychiatrist to determine if these issued have been resolved. Dr. Pihl told Dr. Edwards that the board will be going into Executive Session following his interview in order to further discuss his application. He indicated that in all likelihood the board will table Dr. Edwards application until they have received and had a chance to review the report from Dr. Edward's psychiatrist's. Dr. Pihl asked Dr. Edwards to make a closing statement that would put Dr. Pihl's mind at-ease about these issues.

Dr. Edwards stated he is not a self-medicator. He doesn't use alcohol to de-stress when he comes home from work, and in fact doesn't even drink coffee, tea and other caffeinated beverages. Engaging in exercise is how he unwinds after work. He self-medicated prior to the knee surgery because he was apprehensive about how painful this surgery is. He has had a previous knee surgery and well remembered the pain from that recovery. He stated he knew it was a mistake, and that two months after this incident he underwent successful knee surgery without any further incidents.

In regard to the misdemeanor charges for assault against his neighbor, he stated that was a situation that got out-of-hand, and he admitted he acted inappropriately. It started with the children on the playground, escalated to the wives becoming involved, and then to the husbands having words. It became blown out-of-proportion when the neighbor called in his sister, who is a police officer. He further stated he had not become physical, that the confrontation was verbal.

Dr. Gerace asked if anyone had any questions before having Dr. Edwards leave the meeting.

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Dr. Pihl asked, in regards to the proposed MOA presented to Dr. Edwards by Investigations, if Dr. Edwards was prepared to sign that MOA, and have his license issued on probationary status. Dr. Edwards stated he was.

Mr. Gurse then asked Dr. Edwards if he had written himself the prescription for the medication he used prior to the knee surgery. Dr. Edwards stated yes, he had written himself a prescription. Then, upon reflection, he stated he did not know if he had written himself a prescription for the medicine. He conceded that when it comes to licensing, it is a concern if he wrote himself a prescription.

Ms. Hauff asked why he wanted to move to Alaska. He stated he has four boys, and after visiting and falling in love with Alaska, his family is eager to move here and experience the outdoor recreation and relaxed lifestyle the state has to offer.

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

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) and (3) and the Alaska Constitutional right to Privacy Provisions, for the purpose of reviewing the application file of Dr. Mark Edwards.**

Entered into Executive Session at 9:45 a.m.  
Out of Executive Session at 10:25 a.m.

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

**RESOLVED to table Dr. Mark Edwards dental license application to the Sept. 14, 2007 meeting pending further investigation. The board wants to review the letter Dr. Edwards psychiatrist has been asked to provide in regard to Dr. Edwards current psychological status as well as follow-up with more of his references.**

Dr. Edwards rejoined the meeting, and Dr. Gerace advised him the board had tabled his application until the Sept. 14, 2007 meeting in Fairbanks, pending further investigation. Dr. Edwards left the meeting.

Recess: 10:30 a.m.  
Back from recess: 10:37 a.m.

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**Agenda Item 6 – Unfinished Business**

The board returned to discussion of the letter from WREB advising that WREB currently does not have a full crown preparation as part of the current clinical exam. The letter states that if the board requires a clinical prosthetics component for licensure, WREB still has the option of an indirect gold restoration as part of the operative section. Following discussion, the board decided they do not want to add a requirement for gold inlay to the licensing regulations, at this time. They feel the WREB exam is a very good exam and that adding extra requirements, via regulations, that are not included in the exam will limit good applicants being able to gain licensure in Alaska.

Dr. Eichler polled the board on issues to advise WREB the Alaska Dental Board would like to see as part of the exam. Following discussion the board expressed their confidence that WREB is administering an exam that adequately tests student's skills. There were no issues the board members wished to relay.

Ms. Fellenberg asked if the board would like to review changes to the Jurisprudence Exam now, or if they would like her to bring those changes to the next meeting. The board chose to review now. The board directed Ms. Donohue to make the discussed changes.

The board directed Ms. Donohue to bring a draft of an addition to 12 AAC 28.960, stating when radiological equipment changes hands, the previous owner must advise the division they no longer own the equipment, and the new owner must register the equipment.

The board requested that an agenda item for the September meeting be a review of the list of questions asked dental applicants applying by credentials.

**Agenda Item 7 – Election of Officers**

In accordance with board policy, the board elects a Chair, Vice-Chair and Secretary at their June meeting. Dr. Gerace opened nominations for election of officers.

**Upon a motion duly made by Mr. Gurse, seconded by Ms. Fellenberg, it was:**

**RESOLVED to elect Dr. Gerace Chair of the Board of Dental Examiners.**

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Dr. Gerace declined the nomination, stating that at this time he doesn't have the time he feels is necessary to commit to this position. He did express that he would be willing to serve as Vice-Chair.

**Upon a motion duly made by Dr. Neslund, seconded by Ms. Fellenberg, it was:**

**RESOLVED to elect Dr. Pihl as Chair of the Board of Dental Examiners.**

Dr. Pihl declined the nomination, stating that he also does not have the time to devote to the position that it requires.

Dr. Gerace asked Dr. Eichler if he would be interested in and able to devote the time to serving as Chair. Dr. Eichler expressed his interest.

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

**RESOLVED to elect Dr. Eichler as Chair of the Board of Dental Examiners.**

**Upon a motion duly made by Mr. Gursey, seconded by Dr. Neslund and approved unanimously, it was:**

**RESOLVED to elect Dr. Gerace as Vice-Chair of the Board of Dental Examiners.**

Dr. Gerace asked Ms. Fellenberg if she would be interested in serving as the board Secretary. She said she would.

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

**RESOLVED to elect Ms. Fellenberg as Secretary of the Board of Dental Examiners.**

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**Agenda Item 5 – Office Business**

Ms. Donohue will send out a new Task List with assignments. A copy of the list will be included at the end of the minutes.

**Agenda Item 8 - Adjourn**

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

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

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

The board adjourned the meeting at 11:20 a.m.

Respectfully Submitted:

\_\_\_\_\_  
Brenda Donohue, Licensing Examiner

APPROVED:

\_\_\_\_\_  
David Eichler, DDS  
Chairman  
Board of Dental Examiners

Date: \_\_\_\_\_



**BOARD OF DENTAL EXAMINERS**  
**TASK LIST FROM JUNE 22-23, 2007 MEETING**

**Dr. Gerace**

- Review Course Approvals for continuing education.

**Dr. Eichler**

- Draft Narrative Statement for the FY 2007 Annual Report

**Cheryl Fellenberg**

- Review Jurisprudence Exam for updates

**Dr. Arne Pihl**

- Attend the Sept. 2007 AADE/AADA/ADA Meeting in San Francisco

**Dr. Kevin Gottlieb**

**Vicki Hauff**

- Backup person for reviewing Course Approvals when needed.

**Gregory Gurse**

- Annual Newsletter
- Draft letter to Director Urion asking for more specific break-out of Dept. of Law's bill in the Budget Report.

**Dr. Rebecca Neslund**

- Discipline Review Committee for July-Sept.

**Dr. Newell Walther**

- Discipline Review Committee for July-Sept.

**Licensing Examiner**

- Prepare administrative sections of Annual Report. Work with Dr. Eichler to assure the Report is complete by Aug. 1, 2007
- Work on board's web site – updating/adding information.

- CE Course approval letters to applicants.
- Respond to correspondence as directed by the board.
- Initiate travel approval for Dr. Eichler to attend Western Conference Meeting
- Advise WREB Dr. James Cerney interested in being examiner
- Bring regulation language to Sept. meeting for 12 AAC 28.960  
(when equipment changes hands, the previous owner must notify division they no longer own equipment, new owner must register equipment)