

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

**MINUTES OF MEETING
DECEMBER 1, 2006**

By authority of AS 08.01.070(2) and AS 08.36.040 and in compliance with the provisions of Article 6 of AS 44.62, a scheduled meeting of the Board of Dental Examiners was held December 1, 2006, at the Atwood Bldg., 550 W. 7th Ave., Suite 602, Anchorage, Alaska.

The meeting was called to order by Dr. Robert Warren, Chairman at 8:35 a.m.

Agenda Item 1 – Roll Call

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

Dr. William Gerace, – Anchorage
Dr. Kevin Gottlieb – Anchorage
Dr. David Eichler – Fairbanks
Mary Cerney – Dental Hygienist – Fairbanks
Vicki Hauff – Dental Hygienist – Anchorage
Dr. Rebecca Neslund - Kodiak
Dr. Arne Pihl, Ketchikan
Dr. Robert Warren, President - Anchorage

Those absent and excused were:

Mr. Gregory Gurse

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 2 – Review Agenda

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

ITEM 5 – BUDGET

ITEM 6 – INVESTIGATIVE REPORT

ITEM 9 – REVIEW APPLICATIONS

- Dental License – Demetrius LaTocha
- License Reactivation
 - Bergh, Scott, Lic # 647
 - Snyder, Kevin, Lic #640

ITEM 14 – NEW/OLD BUSINESS

- Adoption Order for 12 AAC 28.105, 28.500, 28.930, 28.935, 28.937 and 28.940

Agenda Item 3 – Review Minutes

Following review of the September 22, 2006 meeting minutes:

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

RESOLVED to approve the September 22, 2006 minutes as corrected.

Agenda Item 4 – Ethics Report

Dr. Warren 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

Ms. Donohue advised the board that an audit of the budget back to 1996 revealed a \$3500 revenue item that had not been included in the budget. The effect was to increase the roll-forward of \$110 thousand to \$114 thousand.

Dr. Pihl noted that license fees did not go up this renewal cycle.

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The board had no questions about the budget report.

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

Agenda Item 7 – Miscellaneous Correspondence

Randall Wolf, DDS – Letter protesting the board not approving a CE course on teaching methodology given by the University of Alaska, Oct. 7, 2006. Information only.

Alaska Pediatric Dental Society – Letter from the Society asking the process to lodge a complaint when they encounter what they believe to be false or misleading advertising. The board directed Ms. Donohue to respond to the letter advising about the complaint process.

Joint Commission on National Dental Examination – Memo re: Vacancies on National Board Test Construction Committees and asking the board's assistance in disseminating the application information to individuals they think meet the criteria. Information only.

CODA – Letter asking for state board participation on Accreditation Site Visits. Ms. Donohue will submit form to CODA presenting Ms. Cerney and Dr. Eichler as interested parties.

Professional Background Information Services (PBIS) – Letter advising a disgruntled former employee soliciting business from clients of PBIS. Information only.

Joint Commission on National Dental Examinations – Letter asking if any of the board members would be interested in assisting with the administration of exams at University of Alaska-Anchorage, Dec. 11-12, 2006. Information only.

American Assoc. of Dental Examiners (AADE) – letter advising the board of the dates and location of the 2007 AADE mid-Year Meeting, Forum on Exams and Open Forum for Educators. This meeting will be held in Chicago, IL, March 25-27, 2007. Dr. Warren will attend to represent the Alaska board.

AADE Conference Report

Dr. Pihl gave a report on the Oct. 2006 AADE Conference. He told the board that the anesthesia/conscious sedation guidelines were re-written by the ADA and published in November. He noted most states are also reviewing and updating their guidelines. The board should review the regulations for Alaska, as they are out-of-date. Wisconsin has

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totally re-written their regulations on conscious sedation, making them more stringent, and they are available on-line. The Alaska board could use them as a guide rather than starting from scratch.

Alabama is having problems with dental licensees not renewing their DEA certification, and then prescribing without current DEA certification. They are now requiring proof of current DEA certification in order to renew their licenses. Pennsylvania is using pro-bono work for license sanctions and has found it to be extremely successful. The Alaska board may want to consider this option as well, especially as a way to reach underserved populations.

ASDA has a resolution that a student cannot receive their diploma unless they pass the clinical license exam. Only 50% of dental schools in the US require passage of both parts of the clinical exam for graduation. Dr. Pihl is not sure if this resolution has passed.

Agenda Item 6 – Investigative Report

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

Ms. Winton noted there were 13 open cases, 2 probation cases being monitored, and 2 cases closed since the last board meeting.

Dr. Warren appointed himself and Dr. Gerace to serve on the Review Panel for December 2006 until February 2007.

Following discussion of the report, Dr. Warren thanked Ms. Winton and she left the meeting.

Recess 9:55 a.m.

Back from recess 10:10 a.m

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Agenda Item 8 – Application Assignments

Assign Questions for Credential Candidates

Dr. Warren assigned credential review interview questions to the board members.

Credential Application Review

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

Dr. Sydney J. Seeauer
Dr. John F. Hamilton, JR

Reviewed by Dr. Eichler
Reviewed by Dr. Neslund

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

Agenda Item 9 – Review Applications

Continuing Education Course Applications

The board reviewed three 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 by Ms. Cerney, seconded by Dr. Gottlieb and approved unanimously, it was:

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

TMD's (Temporomandibular Disorders), sponsored by Dr. William Gerace and Pain Study Group for 38 hours of continuing education. The course consists of 19 2-hour classes over a one-year period of time.

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

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

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Orthodontic Concepts, sponsored by Kenai Kodiak Dental Society, for six (6) hours of continuing education.

Current Concepts, Dental Materials, Techniques & Treatment Modalities in Restorative Dentistry, sponsored by the Anchorage Dental Society, for eight (8) hours of continuing education.

Dental Hygiene Application

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

RESOLVED to table review of Deborah L. Wilson's dental hygiene application until Dr. Gerace contacts her references.

Dental License Reinstatement

The board reviewed two applications for reinstatement of inactive dental licenses.

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

RESOLVED to approve the reinstatement of dental license #640 held by Dr. Kevin Snyder.

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

RESOLVED to approve the reinstatement of dental license #647 held by Dr. Scott Bergh.

Dental License Application

The board reviewed one application for Dental License by Exam Level II. Dr. Gottlieb recused himself from review of this applicant due to conflict of interest.

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

RESOLVED to approve the dental license by exam level II for Demetrius LaTocha.

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Agenda Item 10 – ADEX Discussion

Dr. Warren wanted to wait for Dr. Gerace to proceed with this discussion. Dr. Gerace has stepped out of the meeting to call references for an applicant who's file the board will be considering later in the meeting.

As they were ahead of schedule the board moved on to Agenda Item 14 New/Old Business.

Agenda Item 14 – New/Old Business

Discussion followed regarding AS 08.36.110(E) ... "[applicant] is not the subject of an unresolved or an adverse decision based upon a complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction, dental society, or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or negligent dental care and that adversely reflects on the applicant's ability or competence to practice dentistry or on the safety or well-being of patients;". The basis for this discussion was the board had granted a license to a dental applicant by credentials at a previous meeting, who had a malpractice settlement of \$2500 on the National Practitioner Data Base report. When asked to explain the settlement, the applicant stated that the insurance company chose to settle rather than defend because it would cost considerably more to defend. There was no admission of wrongful practice in the settlement.

Upon discussion the board believes that each applicant that has an adverse report in their file should be considered on a case-by-case basis. Because of the cost of litigation, many practitioners will have malpractice settlements on their record. Only by interviewing the applicant can the board determine if the settlement is for frivolous or significant reasons and if it is pertinent to the applicant's ability to practice in a competent manner.

The next item for discussion is to review if the board should draft a position on the administration of Botox. Several members of the board, as well as division staff, have researched other states' position on this topic, and there is no general consensus. The board determined there is not a statute or regulation that prohibits the practice. However, in order to do the procedure, a dentist must have training in the administration of Botox, just as they would be required to have training in any procedure they were to perform. The board chose to refer back to the statutes and regulations, and not draft a formal policy at this time.

Dr. Gerace has rejoined the meeting, and Dr. Warren went back to Agenda Item # 10, Adex Discussion.

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Agenda Item 10 – ADEX Discussion

The discussion regarding the ADEX exam has become necessary due to the board's decision to drop CRDTS as an accepted clinical exam for applicants for state dental licensure. Originally, the board wanted to change the regulation language to "a clinical exam approved by the board" but were advised this wording would put an undue burden on the division staff as well as dental students because they would need to check with the board continually to see what exam the board was accepting.

WREB was initially involved in the development of a national exam along with CRDTS, NERB and SERTA. However, WREB didn't feel the calibration exercises in the exam would be enough, and were concerned that the people formulating the national exam were not asking for in-put from educators.

WREB dropped out, deciding to develop their own national exam. This year they will be administering 33 exams across the nation. By accepting only the WREB exam, the board feels they are offering candidates a large pool of exam sites to choose from while accepting an exam they are confident is being administered to an acceptable minimal competency.

From the time Dr. Warren took over on the WREB board from Dr. Neslund, WREB has wanted to come to Alaska to make a presentation to the board. Dr. Warren has advised them this was unnecessary because Alaska is confident in the caliber of this exam, and being a board member, has the opportunity to monitor the exam. When it became known that Alaska was dropping the CRDTS exam, Dr. Kanna from Hawaii offered to come to Alaska to make a presentation to the board on the merits of the ADEX as it is administered by CRDTS. Before any representatives come to Alaska to make presentations to the board, Dr. Warren felt it was important for the board to discuss the pros and cons of the ADEX exam as it is currently being administered.

Historically the argument has not been that one exam doesn't test the same things as another, but that criteria of what is minimally competent in one part of the country is different than it is in another part of the country. Dr. Warren's concerns about the ADEX are that it is administered differently in the NERB states than in the SERTA states than in the CRDTS states, thereby undermining the Alaska board's confidence in the continuity of the exam. The WREB examination is administered the same in all locations across the country. And, as members of WREB, the Alaska board has direct input into the examination's content and administration.

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Following discussion the board reaffirmed their decision to drop the CRDTS exam at this time. They do not feel they need a representative from any exam entity to address the board. However, the board will follow the progress on the administration of the ADEX exam as it evolves over time, and may revisit their decision.

The board then returned to Agenda Item 14- New/Old Business as they were still ahead of schedule.

Agenda Item 14 – New/Old Business (continued)

The regulation project for 12 AAC 28.105, 12 AAC 28.500, 12 AAC 28.930, 12 AAC 28.935, 12 AAC 28.937 and 12 AAC 28.940 whereby Central Regional Dental Testing Service, Inc (CRDTS) will be removed as a clinical exam accepted by the board, and repealing Inactive license status, was sent out for public comment. There were no written comments received. Therefore, this is being presented to the board for adoption.

Although there were no written comments, the Board of Dental Examiners discussed the cost to private persons of the regulatory action being taken and determined that there would be a cost implication to the licensee in that they would be required to pay the \$590 active renewal fee instead of the \$295 Inactive license renewal fee if Inactive status is repealed.

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

RESOLVED to adopt the amendments to 12 AAC 28.105, 12 AAC 28.500, 12 AAC 28.930, 12 AAC 28.935, 12 AAC 28.937 and 12 AAC 28.940.

Dr. Warren signed the Adoption Order, which will be returned to the Regulation Specialist for filing.

Ms. Donohue inquired if an application is post-marked prior to the change in the regulations becoming effective will the board accept that file for licensure under the regulations in place, and they responded they would.

The board then took up discussion regarding accepting the AGD State Transcript which documents continuing education courses taken by licensees. The board clarified that they will accept the transcript as verification that a course has been taken and continuing education credits awarded. However, if the topic or content of a

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course is unclear, the licensee will be asked to provide clarification documentation so the board can determine that the course relates directly to dental patient clinical care.

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

RESOLVED to accept the AGD State Transcript as evidence of courses being taken. Further documentation may still be requested from the licensee to verify that a course content relates directly to dental patient clinical care.

Recess for lunch 11:45 p.m.

Back from lunch 1:00 p.m.

Agenda Item 12 – Personal Interview for Dental Applicants by Credentials

Applicants Dr. Sydney J. Seeauer and Dr. John Hamilton, Jr. were present for their personal interview with the board.

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

Dr. Sydney J. Seeauer

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

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

RESOLVED to approve Dr. Sydney Seeauer for dental licensure by credentials.

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

RESOLVED to approve Dr. Sydney Seeauer for dental specialty licensure in orthodontics.

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Dr. John F. Hamilton, Jr.

Dr. Neslund reviewed the application of Dr. Hamilton. The board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. John F. Hamilton, Jr. for dental licensure by credentials.

Agenda Item 13 – Public Comment

There was no one present during the scheduled public comment period.

Agenda Item 15 – Quality Assurance

There were no items to discuss regarding quality assurance. The board feels applications are being processed in a timely fashion.

Agenda Item 16 – Goals and Objectives

The board reviewed the Goals and Objectives for FY 2007, and felt they were on track for accomplishing these goals.

Item 8 – Discuss with the division recouping investigation costs and having those funds returned to the board’s revenue. Cannot be done, crossed off list.

Item 10 – repeal of 12 AAC 28.935 “Inactive License Renewal” is nearing completion. The board adopted the final Order Certifying Changes to these regulations at this meeting.

Item 12 – obtaining agreement from the division to mail the Annual Newsletter as well as posting it to the dental board web page. Done, cross off list.

The board contacted Director Urion via teleconference to discuss this item. The board’s concern is that dental practitioners are not seeing the Annual Newsletter as they are unaware that it is posted on the dental board’s website. With the introduction of HB93 to the legislature last year, it is clear the profession is unaware of the investigations procedures the division must operate by, and the board’s participation in the

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investigations. Following this discussion, Director Urion agreed to the mailing of the Newsletter.

Item 14 – draft position on Botox. This was discussed at this meeting and the board decided to refer back to the statutes and regulations regarding dental scope of practice for now.

Item 16 – Invite Dental Health Aide Therapist and dentist from outlying “bush” area to attend board meeting. The practitioners who were approached and asked to attend chose to abstain at this time, and until the lawsuit filed by the ADA has been settled. Cross off list.

The added Item 17, support on-line license renewals.

Agenda Item 17 – Office Business

A. Travel Authorizations

Ms. Donohue collected signed TAs and travel receipts.

B. Meeting Dates for 2007

The board confirmed the following scheduled meeting dates:

February 22-23, 2007 in Juneau

June 22-23, 2007 in Anchorage

C. Sign Wall Certificates

The Chairman and Secretary signed wall certificates.

D. Board Member Task List

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.

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E. Annual Newsletter

Ms. Donohue will draft a paragraph to advise dentists they are responsible to verify that dental hygienists they hire hold a current Alaska license. She will also incorporate the comparison of the Occupational Licensing Hearing Process Before and After July 1, 2005 outlining new procedures implemented by Office of Administrative Hearings (OAH).

Agenda Item 18 – Unfinished Business

The board returned to their review of Deborah Wilson's application for Dental Hygiene License. Rick Younkens, Chief Investigator, joined the meeting at this time to assist the board with this review.

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2) for the purpose of discussing application for Dental Hygiene License for Deborah Wilson.

Entered into Executive Session at 2:19 p.m.
Out of Executive Session at 2:22 p.m.

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

RESOLVED to deny dental hygiene license application for Deborah Wilson in accordance with AS 08.32.160, because of adverse information supplied by Oregon and their subsequent denial of her license in that state.

Agenda Item 19 - Adjourn

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

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

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

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The board adjourned the meeting at 2:23 p.m.

Respectfully Submitted:

Brenda Donohue, Licensing Examiner

APPROVED:

Robert Warren, DDS
Chairman
Board of Dental Examiners

Date: _____

**BOARD OF DENTAL EXAMINERS
TASK LIST FROM DECEMBER 1, 2006 MEETING**

Ms. Cerney

- Dental CE Audit
- Check on required license for instructors at UAA-do they need license to teach on limited basis?

Dr. Gerace

- Review Course Approvals for continuing education.

Dr. Eichler

Dr. Arne Pihl

Dr. Kevin Gottlieb

Vicki Hauff

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

Gregory Gurse

Annual Newsletter

Items to include in the Newsletter:

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

Dr. Warren

- Work on letter to Director regarding board's concern on receiving guidance/direction from Department of Law.

Dr. Neslund

Licensing Examiner

- Work on board's web site – updating/adding information.

- CE Course approval letters to applicants.
- Ask if Dept. of Law's billing can be broken-out by case.
- Draft article for Newsletter advising employers must verify current license for dental hygienist hire
- Include comparison of new procedures and time-line used by Office of Administrative Hearings for discipline case hearings in the Newsletter
- Respond to correspondence as directed by the board.