

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

**MINUTES OF MEETING
SEPTEMBER 22, 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 September 22, 2006, at the Atwood Bldg., 550 W. 7th Ave., Suite 1270, Anchorage, Alaska.

The meeting was called to order by Dr. Robert Warren, Chairman at 8:31 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
Gregory Gurse – Public Member – Anchorage
Dr. Arne Pihl, Ketchikan
Dr. Robert Warren, Chairman, - Anchorage

Those absent and excused were:

Dr. Rebecca Neslund

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

Brenda Donohue, Licensing Examiner – Juneau

Agenda Item 2 Review Agenda

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

Item 7 – MISC CORRESPONDENCE

- Letter from Kenneth L. Reed re: use of certain drugs for conscious sedation
- Ann Seals letter re: jurisdiction when dentist works on his own patient, but does the work at a CE course out-of-state

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Item 9 – REVIEW APPLICATIONS

CE COURSE REVIEW

- Are You Prepared to Treat Medically & Developmentally Compromised Patients?
- Oral Bioterrorism & Weapons of Mass Destruction

Agenda Item 14

REGULATIONS PROJECT

- Status of “Inactive” Licenses – 12 AAC 28.930
- Review change of wording to “Exam Approved by the Board”, tabled from June 2006 meeting.

Agenda Item 15

NEW/OLD BUSINESS

- Review question 9 on Jurisprudence Exam

Agenda Item 3

Review Minutes

Following review of the June 23-24, 2006 meeting minutes:

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

RESOLVED to approve the June 23-24, 2006 minutes as presented.

Following review of the August 10, 2006 teleconference meeting minutes:

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

RESOLVED to approve the August 10, 2006 minutes as presented.

Following discussion that the exam administered by Central Regional Dental Testing Service, Inc., (CRDTS) is the new ADEX exam the board determined to request a regulation project to remove CRDTS as an accepted clinical examination for Alaska dental and dental hygiene licensure. Alaska has not yet approved the ADEX examination as an acceptable clinical exam.

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

RESOLVED to not accept the CRDTS clinical examination effective January 1, 2007 for both dental and dental hygiene licensure.

The board would like this action to be added to the regulation project for repealing Inactive License status.

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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 4 Budget Review

The board reviewed the budget presented as of September 11, 2006, and felt they were on track. Following discussion about having the Dept. of Law's billing broken out by case for each budget report Ms. Donohue suggested the board draft a letter to Mr. Urion requesting this action. The board noted that Contractual Services Expenses were \$144 thousand for FY 2006 as compared to \$62 thousand for FY 2005. They are concerned about this amount and would like to know what makes up that figure. They believe a report breaking out the amount charged for each case from Dept. of Law would accomplish this. There were no other questions regarding the budget.

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

LVI Global - Ann Seals of LVI Global requests an answer to the following question: "When a doctor who is licensed in Alaska takes part in an education course where he/she treats his/her own patient of record but that course is outside the jurisdiction of Alaska, does Alaska maintain jurisdiction over the actions of that doctor." The board will refer

this question to the investigator when she joins the meeting. Ms. Donohue will respond to Ms. Seals.

Kenneth L. Reed, DMD – the board reviewed an email from Mr. Reed inquiring about the board's position on the use of certain drugs for IV Conscious Sedation. The board is silent on this issue. Ms. Donohue will advise Mr. Reed.

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

RESOLVED to remain silent on the issue of which approved drugs a dentist may use for IV Conscious Sedation.

AGD – Letter from AGD inquiring if the board will accept AGD's state transcript as documentation of continuing education earned by dental professionals. The board wants to see an example of the transcript for review before it decides this issue. Ms. Donohue will obtain a copy of the transcript from AGD for the Dec. 1, 2006 board meeting.

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National Dental Association – Letter requesting state dental boards to extend any provisional licenses issued to practitioners who relocated because of Hurricanes Rita and Katrina. No action necessary.

Agenda Item 6 Investigative Report

Susan Winton, Investigator, joined the meeting to present the Investigative Report.

Open Cases

<u>Case 1200-02-016</u> – Negligence	Litigation Initiated and Appeal filed (closed)
<u>Case 1200-03-001</u> – Negligence	MOA not signed; requires inv. Follow-up (closed)
<u>Case 1200-04-001</u> – Negligence	MOA not signed, requires inv. Follow-up
<u>Case 1200-05-002</u> – Incompetence (pt. Care)	MOA pending; Board to consider on 9/22/06
<u>Case 1200-05-004</u> – Negligence	Under review – Attorney General’s Office
<u>Case 1200-05-010</u> – Negligence	Attorney General and Inv. work required
<u>Case 1200-06-004</u> – Negligence	On-going investigation
<u>Case 1200-06-006</u> – Professional Ethics	On-going investigation
<u>Case 1250-05-001</u> – Action in Another State	Actively working with Colorado Attny Gen.
<u>Case 1202-06-006</u> – Negligence	New complaint; on-going inquiry

Probation

<u>Case 1250-02-001</u> – Substance Abuse	In compliance; probation until March 2008
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Cases Closed

<u>Case 1202-06-001</u> – Unlicensed Practice	Board approved MOA effective 8/14/06
<u>Case 1250-06-002</u> – License Application Problem	Closed with board denial of licensure
<u>Case 1200-03-002</u> – Fraud - Misrepresentation Closed	– no action insufficient evidence
<u>Case 1200-03-003</u> – Fraud - Misrepresentation Closed	– no action insufficient evidence

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The board asked Ms. Winton to respond to Ann Seals request for an answer to the following question: "When a doctor who is licensed in Alaska takes part in an education course where he/she treats his/her own patient of record but that course is outside the jurisdiction of Alaska, does Alaska maintain jurisdiction over the actions of that doctor." Ms. Winton responded that any complaints arising from treatment rendered out-of-state would come under the jurisdiction of the state where the treatment took place, not Alaska.

If the dentist does not hold a license in that jurisdiction, it would be considered practicing without a license. Any complaint arising from treatment delivered in Alaska would come under Alaska's jurisdiction.

Action for the Board

Upon a motion by Ms. Cerney, seconded by Dr. Pihl 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 Case 1200-05-002.

Entered into Executive Session at 9:46 a.m.
Out of Executive Session at 10:35 a.m.

Recess: 10:35 a.m.
Reconvene: 11:00 a.m.

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 Case 1200-05-002.

Entered into Executive Session at 11:15 a.m.
Out of Executive Session at 11:25 a.m.

Upon a motion by Dr. Gerace, seconded by Ms. Cerney and approved by a roll call vote, it was:

RESOLVED to reject the Memorandum of Agreement in Case 1200-05-002.

Roll Call Vote:

**Dr. Eichler – abstain due to conflict of interest
Dr. Gottlieb – abstain due to conflict of interest
Dr. Pihl – abstain due to conflict of interest
Ms. Cerney – yes to reject**

**Mr. Gurse – no to reject
Ms. Hauff – no to reject
Dr. Gerace – yes to reject
Dr. Warren – yes to reject**

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Agenda Item 7 Miscellaneous Correspondence (cont'd)

ADA – Letter advising state boards of the upcoming changes the Joint Commission on National Dental Examinations is implementing to Part I of the National Board Dental Examination, effective January 2007. Information only.

CITA – Newsletter updating state boards on CITA's recent activities. Information only.

Cheri Todd – Email inquiring on the dental board's position on dermal filler (Hylaform, Captiqu and Juvederm). The board regulations are silent on this issue. Ms. Donohue will respond to the inquiry and advise Ms. Todd the board is silent.

WREB – Letter advising educators may serve as WREB examiners, even if they are not board members. Boards are welcome to submit educators names if they wish. Information only.

WREB – 2007 Exam Schedules. Information only.

Louisiana State Board of Dentistry – Letter advising clinical examining agencies Louisiana will accept scores from. Information only.

Southern Regional Testing Agency – Letter to Dr. Scott Houfek, President of ADEX expressing concerns about actions of ADEX Board of Directors in advancing the ADEX exam, and asking for an apology from Dr. Bruce Barrette, member of ADEX BOD, who made statements publicly at a Minnesota Board of Dentistry Meeting that there were questions about SRTA's viability. Information only.

Kentucky Board of Dentistry – Letter to Dr. Scott Houfek, President of ADEX requesting information in order to compare the ADEX as it is currently being administered by CRDTS with the exam previously administered by CRDTS. Information only.

Tennessee Board of Dentistry – Letter to Dr. Scott Houfek, President of ADEX, requesting information to properly evaluate and assess the ADEX Dental Board Licensure Examination and Dental Hygiene Board Licensure Examination. Information only.

Agenda Item 8 Application Assignments

A. Assign Jurisprudence Exam Administrator

Ms. Donohue advised the board that the Alaska Jurisprudence examination will be administered to three applicants beginning at 12:00 p.m. Dr. Gerace will administer the examination.

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. Stephen W. Christensen	Reviewed by Dr. Warren.
Dr. Ross E. Sanford	Reviewed by Dr. Pihl
Dr. Scott A. Hoopes	Reviewed by Ms. Hauff

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

Agenda Item 9 Review Applications

Continuing Education Course Applications

Upon a motion by Ms. Cerney, 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:

Periodontal Instrumentation Workshop I, sponsored by University of AK-Anch. Dental Hygiene Program, for three and one-half (3.5) hours of continuing education

Periodontal Instrumentation Workshop II, sponsored by University of AK-Anch. Dental Hygiene Program for three and one-half (3.5) hours of continuing education

Are You Prepared To Treat Medically and Developmentally Compromised Patients?, sponsored by Alaska State Dental Hygienists' Association, for three (3) hours of continuing education

Oral Bioterrorism and Weapons of Mass Destruction, sponsored by Alaska State Dental Hygienists' Association, for three (3) hours of continuing education

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

RESOLVED to not approve the following continuing education courses as meeting the requirements in accordance with 12 AAC 28.410:

Allied Dental Educators' Teaching Methodology, Part I, sponsored by University of AK-Anch. Dental Hygiene Program, for four (4) hours of continuing education.

Allied Dental Educators' Teaching Methodology, Part II, sponsored by University of AK-Anch. Dental Hygiene Program, for four (4) hours of continuing education.

Dental Hygiene Continuing Education Audit

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

RESOLVED to approve the Continuing Education Audit for Ginger Nizich as meeting the requirements of 12 AAC 28.410.

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

RESOLVED to not accept the course "Total Team Training" submitted by Cara Shirk for the CE Audit, as it does not meet the requirements of 12 AAC 28.410, specifically the subject is not directly related to dental patient clinical care.

Ms. Shirk must submit 5.25 more continuing education hours to document meeting the requirement of 14 continuing education hours for license renewal.

Agenda Item 10 Continuing Education Review

Steve Winker, Paralegal, joined the meeting at 11:35 a.m. to advise the board on continuing education cases.

Following discussion the board determined to accept the MOA in Case No. 1202-06-002.

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

RESOLVED to adopt the MOA and Proposed Decision and Order under Case No. 1202-06-002, Renewal Application for Joyce Latham-Hahn, Dental Hygiene License #841.

Mr. Winker asked the board to reconsider continuing education course "Dental Education 1455: Women's Health: Obesity, Menopause & Fatigue" submitted in Case No. 1202-06-002 as he had received further documentation describing the course. Following review of the additional material the board chose to stay with their original decision to not accept the course as meeting the requirements of 12 AAC 28.410.

Following review of the syllabus for "Public Health Professional Conference" the board approved this course for 3.5 continuing education hours.

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

RESOLVED to approve continuing education course titled "Public Health Professional Conference, presented 5/18/04 for 3.5 hours of continuing education.

Conference Report

Western Regional Examining Board Meeting Report - Dr. Warren relayed that Dr. David Low, one of the founding members of WREB, had passed away in July.

Dr. Eichler has been appointed to the Operative Committee.

Exam Review Committee – reviewed Report of Practice Analysis in on-going endeavor to assure the WREB exam is relevant to actual practice. A cast gold procedure will be incorporated into the exam to bring WREB in compliance with states who want to see this procedure included in the clinical exams they accept.

The committee adopted action to reduce the exam to two clinical days and add a Curriculum Integrated Procedure on the third day. The Curriculum Integrated Procedure will be comprised of a crown prep and impression done in the dental school clinic. The impression would be poured and graded at the WREB office. Permanent cementation of crown would be done in clinic under supervision of school instructor.

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When this was presented to educators they didn't like it. In response to the outcry, the Executive Committee met and voted to include a cast gold procedure, but to have it on a typodont instead of it being curriculum integrated. This would involve returning to a 3-day exam. Also, it was decided to change from two posterior restoration of composite and amalgam. The composite will change to an anterior tooth.

Ms. Cerney reported the Dental Hygiene Exam Review Committee made no substantial changes to the exam. The calculus requirement was tweaked minimally.

Dr. Eichler inquired if out-of-state applicants took the Dental Hygiene WREB exam in Alaska and Ms. Cerney responded that yes, there are always a few. There are no plans to administer the WREB to dental hygienists in any towns in Alaska other than Anchorage because of the cost.

Recess for lunch 12:00 p.m.

Back from lunch 1:07 p.m.

Agenda Item 12 Personal Interview for Dental Applicants by Credentials

Applicants Dr. Christensen, Dr. Sanford, and Dr. Hoopes took the Alaska Jurisprudence examination and passed.

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

Dr. Stephen W. Christensen

Dr. Warren reviewed the application of Dr. Christensen. The board proceeded in asking the standard interview questions.

Upon a motion by Dr. Warren, seconded by Dr. Gerace and approved unanimously, it was:

RESOLVED to approve Dr. Stephen W. Christensen for dental licensure by credentials.

Dr. Ross E. Sanford

Dr. Pihl reviewed the application of Dr. Sanford. The board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Ross E. Sanford for dental licensure by credentials.

Dr. Scott A. Hoopes

Ms. Hauff reviewed the application of Dr. Hoopes. The board proceeded in asking the standard interview questions.

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

RESOLVED to approve Dr. Scott A. Hoopes for dental licensure by credentials.

Agenda Item 13 Public Comment

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

Agenda Item 14 Regulations

David Brower, Assistant Attorney General, joined the meeting at 1:50 p.m.

Mr. Brower reviewed amendments to 12 AAC 28.955, whereby definitions for "remuneration" and "underserved residents" would be added to the regulation.

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

RESOLVED to readopt 12 AAC 28.952 and adopt 12 AAC 28.955 as amended.

Mr. Brower discussed with the board two different options to accomplish doing away with the Inactive License status.

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

RESOLVED to approve repealing 12 AAC 28.930(b) & (d), amending (c), and adding a new subsection to read: (f) The provisions of this section do not apply after (1) December 31, 2007 for a dental hygienist; and (2) December 31, 2008 for a dentist.

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

RESOLVED to approve 12 AAC 28.937 as amended by adding new subsection to read: (d) In addition to the requirements of (b) and (c) of this section, an applicant for licensure by credentials must pass the written Alaska jurisprudence examination required under 12 AAC 28.500.

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

RESOLVED to approve 12 AAC 28.500(b)(2) amended to read: the written Alaska jurisprudence examination.

There being no further questions for Mr. Brower and Mr. Maiquis they left the meeting.

Agenda Item 15 New/Old Business

Following review and discussion the board directed Ms. Donohue to change the wording in question 9b of the Jurisprudence Exam to: b. licensed to deliver local anesthetic in another state.

The board asked if they had statutory authority to ask for disclosure of malpractice claims on dental license renewal applications. Ms. Donohue advised she would research that and get back to them.

Recess: 3:00 p.m.

Reconvene: 3:12 p.m.

Following a review by Dr. Warren of a summary of different state board's position on the use of Botox, the board feels it needs more information before it can make a decision on this matter. Dr. Warren will do further research and bring more information to the December 1, 2006 meeting.

Agenda Item 9 Review Applications (cont'd)

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

RESOLVED to approve renewal of Dental License #532 for William C. Murdock.

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

RESOLVED to accept 12 hours of continuing education for the "2006 Endodontic Opinion Leaders Forum, earned July 19-23, 2006 for the 2005-2006 renewal of Dental License #532 for William C. Murdock. These hours cannot be used to meeting the CE requirement for the 2007-2008 renewal of Dr. Murdock's license.

Agenda Item 16 Quality Assurance

Mail Ballots/Licensing Response Report

The board determined that licenses are being issued in a timely fashion, and they no longer need the Dentist/Dental Hygiene Application Completion and License Issued Timeline report included in the board packet.

Agenda Item 17 Goals and Objectives

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

Agenda Item 18 Office Business

A. Travel Authorizations

Ms. Donohue collected signed TAs and travel receipts.

B. Meeting Dates for 2006

The board confirmed the following scheduled meeting dates:

December 1, 2006 in Anchorage

February 22-23, 2007 in Juneau

June 22-23, 2007 in Anchorage

C. Sign Wall Certificates

The Chairman and Secretary signed wall certificates for the following licensees:

Dentist

Dominic Wenzel – 1116
Lawrence Johnston – 1196
Lara Mabry – 1200
Tony Guilbeau – 1202
Henry C. Seymour – 1204
Jack Hamilton – 1205
Anthony Nizich – 1206
Sung Y Cho – 1209

Dental Hygienist

Marina Vinnikova - 1026
Kara Peterson - 1027
Kenneth Anderson - 1029
Kimberly Israel - 1025
Stacy Minkler - 1033
Elizabeth Scott - 1034
Lora A Cutler – 1036
Erin Koning – 1032
Roxanne Oldani – 1039

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.

E. Annual Newsletter

Dr. Warren noted that in the Narrative Statement of the Annual Report he had requested Director Urion to mail the board's Annual Newsletter in addition to posting it on the web site. The board feels strongly that practitioners do not know the Newsletter is on the web site, so do not see it.

Ms. Donohue provided an updated copy of the Annual Newsletter for the board's review. Mr. Gurse will draft an article to make dentists aware they are responsible to verify dental hygienists they hire hold a current Alaska license, and an article outlining new procedures implemented by Office of Administrative Hearings (OAH).

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Agenda Item 19 Unfinished Business

Agenda Item 20 Adjourn

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

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

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

The board adjourned the meeting at 4:50 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 SEPTEMBER 22, 2006 MEETING**

Ms. Cerney

- Dental Hygiene CE Audit

Dr. Gerace

- Review Course Approvals for continuing education.

Dr. Eichler

Dr. Arne Pihl

Dr. Kevin Gottlieb

Work with Dr. Neslund to arrange for a dentist and DHAT from the “bush” to attend a board meeting and present current concerns and issues in their areas and professions.

Vicki Hauff

- Backup person for reviewing Course Approvals when needed.
- Dental Hygiene 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.
- Contact Rick Urion, Division Director, requesting Annual Newsletter be mailed to licensees.

Dr. Neslund

Work with Dr. Gottlieb to arrange for a dentist and DHAT from the “bush” to attend a board meeting and present current concerns and issues of their areas and professions.

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.
- Work on Dental Application by Credentials to include elements required to verify CE documentation is “authentic certificate”.
- Change wording on JP Exam question #9b.