

HOUSE BILL NO. 23

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE G.DAVIS BY REQUEST

SENATORS Donley, Taylor, Miller, Torgerson, Kelly

Introduced: 1/16/95

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to referrals involving dental services."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 08.36.315 is amended to read:

4 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION, OR
5 REVOCATION OF LICENSE. The board may revoke or suspend the license of a
6 dentist, or may reprimand, censure, or discipline a dentist, or both, if the board finds
7 after a hearing that the dentist

8 (1) used or knowingly cooperated in deceit, fraud, or intentional
9 misrepresentation to obtain a license;

10 (2) engaged in deceit, fraud, or intentional misrepresentation in the
11 course of providing or billing for professional dental services or engaging in
12 professional activities;

13 (3) advertised professional dental services in a false or misleading
14 manner;

15 (4) received compensation for referring a person to another dentist

or dental practice;

(5) has been convicted of a felony or other crime that affects the dentist's ability to continue to practice dentistry competently and safely;

(6) [(5)] engaged in the performance of patient care, or permitted the performance of patient care by persons under the dentist's supervision, that does not conform to minimum professional standards of dentistry regardless of whether actual injury to the patient occurred;

(7) [(6)] failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;

(8) [(7)] continued to practice after becoming unfit due to

(A) professional incompetence;

(B) failure to keep informed of or use current professional theories or practices;

(C) addiction or dependence on alcohol or other drugs that impairs the dentist's ability to practice safely;

(D) physical or mental disability;

(9) [(8)] engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;

(10) [(9)] permitted a dental hygienist or dental assistant who is employed by the dentist or working under the dentist's supervision to perform a dental procedure in violation of AS 08.32.110 or AS 08.36.070(a)(11);

(11) [(10)] failed to report to the board a death that occurred on the premises used for the practice of dentistry within 48 hours.

*** Sec. 2.** AS 45.50.471(b) is amended by adding new paragraphs to read:

(38) referring a person to a dentist or a dental practice that has paid or will pay a fee for the referral unless the person making the referral discloses at the time the referral is made that the dentist or dental practice has paid or will pay a fee based on the referral;

(39) advertising that a person can receive a referral to a dentist or a dental practice without disclosing in the advertising that the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral if, in

- 1 fact, the dentist or dental practice to which the person is referred has paid or will pay
- 2 a fee based on the referral.