

**HOUSE CS FOR CS FOR SENATE BILL NO. 160(FIN) am H**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Amended: 5/9/98**

**Offered: 5/8/98**

**Sponsor(s): SENATOR TAYLOR BY REQUEST**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to radiological equipment used in the practice of dentistry."**

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

**3 \* Section 1.** AS 08.36 is amended by adding a new section to read:

**4           Sec. 08.36.075. Dental radiological equipment.** (a) Subject to (b) of this  
**5** section, the board shall establish standards for the registration and inspection of dental  
**6** radiological equipment, including standards for record keeping relating to the control  
**7** panels and the use of the equipment. The inspection standards adopted by the board  
**8** must require that an inspection be performed by a person who has qualifications  
**9** equivalent to the qualifications established as of the effective date of this Act in the  
**10** "Applicant Profile and Job Qualification Summary" for a state Radiological Health  
**11** Specialist I.

**12           (b)** The board may not adopt a standard under this section that is more  
**13** stringent than a standard applicable under federal law or regulations or that is more  
**14** strict than a manufacturer's standard that is applicable to the same aspect of the dental  
**15** radiological equipment except that, if a federal standard is different from the

1 manufacturer's standard on the same subject, the board shall adopt the stricter of the  
2 two standards unless adoption of the other standard would not present a risk of harm  
3 to the public or to the operator of the equipment.

4 (c) A dentist may not use, or allow a person under the dentist's supervision to  
5 use, dental radiological equipment in this state unless the owner or lessee of the  
6 equipment has registered the equipment's control panel with the board and the control  
7 panel displays a seal indicating that it has been registered. The board may charge the  
8 owner or lessee of the dental radiological equipment a fee for the registration of each  
9 control panel registered under this subsection. For each registered control panel, the  
10 board shall issue to the owner or lessee a registration seal that indicates that the  
11 registration requirement has been met.

12 (d) The board shall require that inspection of dental radiological equipment  
13 occur once within every five calendar years and require that records concerning the  
14 inspection be provided to the board by the owner or lessee of the equipment and kept  
15 on file where the equipment is located. The board shall, upon application by the  
16 owner or lessee of the dental radiological equipment, submission of evidence  
17 documenting compliance with the inspection standards of the board, and payment of  
18 a fee set by the board, issue to the owner or lessee an inspection seal indicating the  
19 date by which the dental radiological equipment must pass inspection again. The date  
20 on the inspection seal shall be December 31 of the fourth calendar year that occurs  
21 after the calendar year in which the inspection occurred. A dentist may not use, or  
22 allow a person under the dentist's supervision to use, dental radiological equipment in  
23 this state after the date on the most recent inspection seal.

24 (e) Fees charged under this section may not be higher than the amount  
25 necessary to cover the board's cost of registering a control panel or approving the  
26 inspection of dental radiological equipment, as appropriate, plus the cost of issuing the  
27 applicable seals.

28 (f) In this section, "dental radiological equipment" means equipment for use  
29 in the practice of dentistry, consisting of a control panel and associated tube heads, if  
30 the equipment emits electronic product radiation, as defined in AS 18.60.545, or uses  
31 radionuclides, as defined in AS 18.60.545.

\* **Sec. 2.** AS 18.05 is amended by adding a new section to read:

**Sec. 18.05.065. Dental radiological equipment.** This chapter does not authorize the department to register, inspect, test, or otherwise regulate dental radiological equipment or records relating to dental radiological equipment regulated by the Board of Dental Examiners under AS 08.36.075.

\* **Sec. 3.** AS 18.60.525 is amended by adding a new subsection to read:

(e) AS 18.60.475 - 18.60.545 do not authorize the department to register, inspect, test, or otherwise regulate dental radiological equipment or records relating to dental radiological equipment regulated by the Board of Dental Examiners under AS 08.36.075.

\* **Sec. 4.** AS 44.29 is amended by adding a new section to read:

**Sec. 44.29.027. Dental radiological equipment.** This chapter does not authorize the department to register, inspect, test, or otherwise regulate dental radiological equipment or records relating to dental radiological equipment regulated by the Board of Dental Examiners under AS 08.36.075.

\* **Sec. 5.** AS 44.46 is amended by adding a new section to read:

**Sec. 44.46.029. Dental radiological equipment.** This chapter does not authorize the department to register, inspect, test, or otherwise regulate dental radiological equipment or records relating to dental radiological equipment regulated by the Board of Dental Examiners under AS 08.36.075.

\* **Sec. 6.** AS 46.03 is amended by adding a new section to read:

**Sec. 46.03.022. Dental radiological equipment.** This title does not authorize the department to register, inspect, test, or otherwise regulate dental radiological equipment or records relating to dental radiological equipment regulated by the Board of Dental Examiners under AS 08.36.075.

\* **Sec. 7. TRANSITIONAL PROVISIONS.** (a) All litigation, hearings, investigations, and other proceedings pending under a law amended by this Act, or in connection with functions transferred by this Act, continue in effect and may be continued and completed notwithstanding a transfer or amendment provided for in this Act. Certificates, orders, and regulations issued or adopted under authority of a law amended by this Act remain in effect for the term issued or until revoked, vacated, or otherwise modified under the provisions of

1 this Act. All contracts, rights, liabilities, and obligations created by or under a law amended  
2 by this Act, and in effect on the day before the effective date of this Act, remain in effect  
3 notwithstanding this Act's taking effect. Records of agencies of the state whose functions are  
4 transferred under this Act shall be transferred commensurate with the provisions of this Act.

5 (b) Notwithstanding other provisions of this Act, the Department of Health and Social  
6 Services and the Department of Environmental Conservation may continue to regulate dental  
7 radiological equipment and record keeping relating to dental radiological equipment, as  
8 defined in AS 08.36.075, added by sec. 1 of this Act, to the same extent that the respective  
9 departments were authorized to regulate dental radiological equipment and records on the day  
10 before the effective date of this Act until the effective date of regulations adopted by the  
11 Board of Dental Examiners to implement AS 08.36.075, added by sec. 1 of this Act.

12 (c) Notwithstanding other provisions of this Act, a person is not considered to be in  
13 violation of AS 08.36.075(c) or (d), added by sec. 1 of this Act, unless the violation occurs  
14 more than one year after the effective date of regulations adopted by the Board of Dental  
15 Examiners to implement AS 08.36.075, added by sec. 1 of this Act.