

SENATE CS FOR CS FOR HOUSE BILL NO. 81(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/23/01

Referred: Rules

Sponsor(s): REPRESENTATIVES FATE, Harris, McGuire

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the termination date of the Board of Dental Examiners; relating to**
2 **the Board of Dental Examiners and regulation of the practice of dentistry; and relating**
3 **to dental hygienists and dental assistants."**

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

5 * **Section 1.** AS 08.03.010(c)(7) is amended to read:

6 (7) Board of Dental Examiners (AS 08.36.010) -- June 30, **2005**
7 [2001];

8 * **Sec. 2.** AS 08.32.110(a) is amended to read:

9 (a) The role of the dental hygienist is to assist members of the dental
10 profession in providing oral health care to the public. A person licensed to practice
11 the profession of dental hygiene in the state may

12 (1) remove calcareous deposits, accretions, and stains from the
13 exposed surfaces of the teeth beginning at the epithelial attachment by scaling and
14 polishing techniques;

- 1 (2) apply topical preventive [OR PROPHYLACTIC] agents;
- 2 (3) apply pit and fissure sealants;
- 3 (4) perform root planning and periodontal soft tissue curettage;
- 4 (5) perform other dental operations and services delegated by a
- 5 licensed dentist if the dental operations and services are not prohibited by (c) of this
- 6 section; and
- 7 (6) if certified by the board and under the direct or indirect supervision
- 8 of a licensed dentist, administer local anesthetic agents.

9 * **Sec. 3.** AS 08.32.110(d) is amended to read:

- 10 (d) This section does not prohibit a dental assistant from applying topical
- 11 preventive [OR PROPHYLACTIC] agents or pit and fissure sealants when those
- 12 duties have been delegated to the assistant by a dentist licensed under AS 08.36 or by
- 13 a dentist exempt from licensure under AS 08.36.350(a)(2).

14 * **Sec. 4.** AS 08.36.010 is amended by adding a new subsection to read:

- 15 (b) When making appointments of dentists and dental hygienists under (a) of
- 16 this section, the governor may consider licensed dentists who have been nominated by
- 17 the Alaska Dental Society and licensed dental hygienists who have been nominated by
- 18 the Alaska State Dental Hygienists' Association.

19 * **Sec. 5.** AS 08.36.075(d) is amended to read:

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

inspector who is not a member of the board to determine whether the owner or lessee of dental radiological equipment is in compliance with the inspection standards of the board, collect the appropriate fee and remit the fee to the board, and issue an inspection seal indicating the date by which the dental radiological equipment must pass inspection again. An inspector who performs an inspection under this subsection shall report the results of each inspection to the board and to the department, indicating whether the dental radiological equipment was in compliance with the inspection standards of the board and whether an inspection seal was issued.

* Sec. 6. AS 08.36.160(e) is amended to read:

(e) A passing score on a clinical examination given by the Western Regional Examining Board or a passing score on a clinical examination taken after January 1, 2001, and given by the Central Regional Dental Testing Service, Inc., which is an entity incorporated in the state of Kansas, within the five years preceding licensure application under this chapter constitutes a passing score on a clinical examination required under this chapter [, PROVIDED THE EXAMINATION WAS TAKEN ON OR AFTER JANUARY 1, 1987].

* Sec. 7. AS 08.36.234(a) is amended to read:

(a) The board shall provide for the licensing without examination, except as provided in (2) of this subsection, of a dentist who

(1) provides certification to the board that the dentist

(A) is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association, or its successor agency, and holds a certificate from the American Dental Association Joint Commission on National Dental Examinations that the dentist has passed the written examination given by the commission;

(B) has passed clinical and written examinations required for licensure in another state, territory, or region of the United States and is [HAS BEEN] licensed to practice dentistry in a [THAT] state, territory, or region of the United States; the state, territory, or region in which the dentist is licensed must have licensing requirements at least generally equivalent to those of this

1 state at the time of application; if the board does not consider the licensing
 2 requirements of the other jurisdiction to be generally equivalent to those of this
 3 state at the time of application because certain areas of subject matter were not
 4 included in the other jurisdiction's examinations, the board may find
 5 compliance with the requirements of this subparagraph if the dentist holds a
 6 specialty certification in the omitted subject areas;

7 (C) is in good standing with the licensing entity in the
 8 jurisdiction where the dentist is currently licensed and in all jurisdictions in
 9 which the dentist was previously licensed while practicing in those
 10 jurisdictions; if the dentist is employed by the federal government, the dentist
 11 must be in good standing with the employing federal agency;

12 (D) has been engaged in continuous active clinical practice
 13 averaging at least 20 hours a week for each of the five years immediately
 14 preceding the application

15 (i) in a jurisdiction in which the dentist was licensed
 16 and in good standing; or

17 (ii) working for the federal government while in good
 18 standing with the employing federal agency and after having been
 19 licensed by a jurisdiction;

20 (E) is not the subject of an adverse decision based upon a
 21 complaint, investigation, review procedure, or other disciplinary proceeding
 22 within the five years immediately preceding application, or of an unresolved
 23 complaint, investigation, review procedure, or other disciplinary proceeding,
 24 undertaken by a state, territorial, local, or federal dental licensing jurisdiction
 25 or a dental society;

26 (F) is not the subject of an unresolved or an adverse decision
 27 based upon a complaint, investigation, review procedure, or other disciplinary
 28 proceeding undertaken by a state, territorial, local, or federal dental licensing
 29 jurisdiction, dental society, or law enforcement agency that relates to criminal
 30 or fraudulent activity, dental malpractice, or negligent dental care and that
 31 adversely reflects on the applicant's ability or competence to practice dentistry

1 or on the safety or well-being of patients;

2 (G) has not previously had a license to practice dentistry
3 suspended for grounds similar to those specified under AS 08.36.315, revoked,
4 or voluntarily surrendered;

5 (H) has completed at least 42 hours of continuing education
6 related to clinical dentistry in the three years preceding application for a
7 license in this state; the continuing education must have been approved by the
8 American Dental Association, the Academy of General Dentistry, or the
9 appropriate specialty board;

10 (I) has not within the previous three years failed the clinical
11 exam given by the Western Regional Examining Board;

12 (J) is not the subject of an adverse report from the National
13 Practitioner Data Bank or the American Association of Dental Examiners
14 Clearinghouse for Disciplinary Information that relates to criminal or
15 fraudulent activity, negligent dental care, or malpractice;

16 (2) has passed, to the satisfaction of the board, a written examination
17 that consists of the portion of the written examination given under AS 08.36.160(b)
18 that pertains to the state's laws on the practice of dentistry; the board may not require a
19 higher passing score for applicants under this section than the board requires for
20 applicants under AS 08.36.110;

21 (3) is personally interviewed by the board for purposes of verifying
22 credentials;

23 (4) pays all required fees;

24 (5) provides the board with an affidavit that the dentist is not an
25 impaired practitioner;

26 (6) provides to the board an authorization for release of records in a
27 form prescribed by the board.

28 * **Sec. 8.** AS 08.36 is amended by adding a new section to read:

29 **Sec. 08.36.317. Civil fine authority.** Notwithstanding AS 08.01.075(a), in a
30 disciplinary action, the board may impose a civil fine not to exceed \$25,000 for each
31 violation of this chapter or of a regulation adopted under this chapter.

1 * **Sec. 9.** AS 08.36.360 is amended to read:

2 **Sec. 08.36.360. Practice of dentistry defined.** A person engages in the
3 practice of dentistry who

4 (1) performs or holds out to the public as being able to perform dental
5 operations;

6 (2) diagnoses, treats, operates on, corrects, attempts to correct, or
7 prescribes for [,] a disease, lesion, pain, injury, deficiency, deformity, or physical
8 condition, malocclusion or malposition of the human teeth, alveolar process, gingiva,
9 maxilla, mandible, or adjacent tissues;

10 (3) performs or attempts to perform an operation incident to the
11 replacement of teeth;

12 (4) furnishes, supplies, constructs, reproduces, or repairs dentures,
13 bridges, appliances or other structures to be used and worn as substitutes for natural
14 teeth, except on prescription of a duly licensed and registered dentist and by the use of
15 impressions or casts made by a duly licensed and registered dentist;

16 (5) uses the words "dentist" or "dental surgeon" or the letters "D.D.S."
17 or "D.M.D." or other letter or title that represents the dentist as engaging in the
18 practice of dentistry;

19 (6) extracts or attempts to extract human teeth;

20 (7) exercises control over professional dental matters or the operation
21 of dental equipment in a facility where the acts and things described in this section are
22 performed or done;

23 **(8) evaluates, diagnoses, treats, or performs preventive procedures**
24 **related to diseases, disorders, or conditions of the oral cavity, maxillofacial area,**
25 **or adjacent and associated structures; a dentist whose practice includes the**
26 **services described in this paragraph may only perform the services if they are**
27 **within the scope of the dentist's education, training, and experience and in accord**
28 **with the generally recognized ethical precepts of the dental profession; nothing in**
29 **this paragraph requires a person licensed under AS 08.64 to be licensed under**
30 **this chapter.**