

**CS FOR SENATE BILL NO. 92(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/4/11

Referred: Rules

Sponsor(s): SENATOR EGAN

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to dental hygienists, dentists, dental assistants, dental hygiene, and**  
2   **dentistry."**

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

4   \* **Section 1.** AS 08.32.010 is amended to read:

5           **Sec. 08.32.010. License required.** Except as provided in AS 08.32.095, a  
6           person may not practice, offer or attempt to practice, or advertise or announce as being  
7           prepared or qualified to practice dental hygiene without a license [AND A CURRENT  
8           CERTIFICATE OF REGISTRATION].

9   \* **Sec. 2.** AS 08.32 is amended by adding a new section to read:

10           **Sec. 08.32.014. Qualifications for license.** (a) An applicant for a license to  
11           practice dental hygiene shall  
12               (1) provide evidence to the board that the applicant  
13                   (A) has successfully completed an academic program in dental  
14                   hygiene of at least two years duration that, at the time of graduation, is

1 accredited by the Commission on Dental Accreditation of the American Dental  
2 Association and is approved by the board;

3 (B) has passed a written theory examination of the American  
4 Dental Association Joint Commission on National Dental Examinations or an  
5 equivalent examination approved by the board;

6 (C) has successfully passed a state or regional dental hygiene  
7 clinical examination approved by the board;

8 (D) has not had a license to practice dental hygiene revoked,  
9 suspended, or voluntarily surrendered in this state or another state;

10 (E) is not the subject of an adverse decision based on a  
11 complaint, investigation, review procedure, or other disciplinary proceeding  
12 within the five years immediately preceding application or of an unresolved  
13 complaint, investigation, review procedure, or other disciplinary proceeding  
14 undertaken by a state, territorial, local, or federal dental licensing jurisdiction;

15 (F) is not the subject of an unresolved or adverse decision  
16 based on a complaint, investigation, review procedure, or other disciplinary  
17 proceeding undertaken by a state, territorial, local, or federal dental licensing  
18 jurisdiction or law enforcement agency that relates to criminal or fraudulent  
19 activity, dental malpractice, or negligent dental care and that adversely reflects  
20 on the applicant's ability or competence to practice as a dental hygienist or on  
21 the safety or well-being of patients;

22 (G) is not the subject of an adverse report from the National  
23 Practitioner Data Bank or the American Association of Dental Examiners  
24 Clearinghouse for Board Actions that relates to criminal or fraudulent activity  
25 or dental malpractice;

26 (H) is not impaired to an extent that affects the applicant's  
27 ability to practice as a dental hygienist;

28 (I) has not been convicted of a crime that adversely reflects on  
29 the applicant's ability or competency to practice as a dental hygienist or that  
30 jeopardizes the safety or well-being of a patient; and

31 (2) meet the other qualifications for a license established by the board

1 by regulation.

2 (b) An applicant for a license to practice dental hygiene may be interviewed in  
3 person by the board or a designee of the board. The interview must be recorded. If the  
4 application is denied on the basis of the interview, the denial shall be stated in writing,  
5 with the reasons for it, and the record shall be preserved.

6 \* **Sec. 3. AS 08.32.030** is amended to read:

7 **Sec. 08.32.030. Licensure by credentials.** The board may provide for the  
8 licensing without examination of a dental hygienist who

9 (1) meets the criteria of **AS 08.32.014** [AS 08.32.020(a)];

10 (2) **submits proof of continued competence as specified in**  
11 **regulations adopted by the board;**

12 (3) **is currently licensed to practice dental hygiene in another state**  
13 **or territory of the United States; and**

14 (4) [HAS SUCCESSFULLY PASSED A STATE OR REGIONAL  
15 DENTAL HYGIENE CLINICAL EXAMINATION THAT THE BOARD HAS  
16 DETERMINED IS AT LEAST EQUIVALENT IN SCOPE, QUALITY, AND  
17 DIFFICULTY TO THE ALASKA CLINICAL EXAMINATION;

18 (3) HAS BEEN IN ACTIVE CLINICAL DENTAL HYGIENE  
19 PRACTICE AVERAGING NOT LESS THAN 700 HOURS A YEAR FOR EACH  
20 OF THE TWO YEARS IMMEDIATELY PRECEDING APPLICATION FOR  
21 STATE LICENSURE;

22 (4) HAS NOT FAILED THE CLINICAL DENTAL HYGIENE  
23 EXAMINATION OF THIS STATE;

24 (5) HAS NOT PREVIOUSLY HAD A LICENSE TO PRACTICE  
25 DENTAL HYGIENE ISSUED BY ANY STATE OR REGION REVOKED;

26 (6) HAS COMPLETED NOT LESS THAN 14 HOURS OF  
27 CONTINUING EDUCATION RELATED TO CLINICAL HYGIENE IN THE TWO  
28 YEARS BEFORE FILING AN APPLICATION WITH THE BOARD; THE  
29 CONTINUING EDUCATION REQUIRED UNDER THIS PARAGRAPH MUST BE  
30 APPROVED BY THE BOARD, THE AMERICAN DENTAL ASSOCIATION, THE  
31 ACADEMY OF GENERAL DENTISTRY, OR THE AMERICAN DENTAL

1 HYGIENISTS' ASSOCIATION;

2 (7)] pays the fees established [REQUIRED] under **AS 08.01.065**  
 3 [AS 08.32.097; AND

4 (8) IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT,  
 5 REVIEW PROCEDURE, OR DISCIPLINARY PROCEEDING UNDERTAKEN BY  
 6 A DENTAL OR DENTAL HYGIENE LICENSING JURISDICTION].

7 \* **Sec. 4.** AS 08.32.070 is amended to read:

8 **Sec. 08.32.070. Licensing [REGISTRATION AND LICENSING] of dental**  
 9 **hygienists.** The board shall issue [REGISTER] each successful applicant [AND  
 10 ISSUE THE APPLICANT] a license upon payment of all required fees.

11 \* **Sec. 5.** AS 08.32.071 is amended to read:

12 **Sec. 08.32.071. Renewal of license [REGISTRATION].** At least 60 days  
 13 before expiration of a dental hygienist's license [LICENSEE'S REGISTRATION  
 14 CERTIFICATE], the Department of Commerce, Community, and Economic  
 15 Development shall notify the [MAIL A FORM FOR RENEWAL OF  
 16 REGISTRATION TO EACH] licensed dental hygienist. Each licensee who wishes to  
 17 renew a dental hygienist's license shall submit a completed license renewal form,  
 18 [REGISTRATION CERTIFICATE SHALL COMPLETE THE FORM AND  
 19 RETURN IT WITH] the appropriate fee, and evidence of continued professional  
 20 competence as required by the board. The Department of Commerce, Community, and  
 21 Economic Development shall, as soon as practicable, issue a dental hygienist license  
 22 [REGISTRATION CERTIFICATE] valid for a stated number of years. [EACH  
 23 LICENSEE SHALL KEEP THE REGISTRATION CERTIFICATE BESIDE OR  
 24 ATTACHED TO THE LICENSEE'S LICENSE.] Failure to receive notification from  
 25 the department under this section [THE REGISTRATION FORM] does not exempt  
 26 a licensee from renewing the licensee's dental hygienist license [REGISTRATION].

27 \* **Sec. 6.** AS 08.32.081 is amended to read:

28 **Sec. 08.32.081. Lapse and reinstatement of license.** A licensed dental  
 29 hygienist who does not pay the renewal [REGISTRATION] fee under AS 08.32.071  
 30 forfeits the hygienist's license. The board may reinstate the license without  
 31 examination within two years of the date on which payment was due upon written

1 application, proof of continued professional competence, and payment of all unpaid  
 2 renewal fees and any penalty fee established under AS 08.01.100(b).

3 \* **Sec. 7.** AS 08.32.085(a) is amended to read:

4 (a) The board shall issue a restorative function endorsement to a licensed  
 5 dental hygienist [WHO IS LICENSED UNDER THIS CHAPTER] if the licensee  
 6 furnishes evidence satisfactory to the board that the licensee has

7 (1) successfully completed a course offered by or under the auspices  
 8 of a program accredited by the Commission on Dental Accreditation of the American  
 9 Dental Association or other equivalent course or program [OF INSTRUCTION]  
 10 approved by the board; and

11 (2) passed the Western Regional Examining Board's restorative  
 12 examination or other equivalent examination approved by the board within the five  
 13 years preceding the licensee's endorsement application, or the licensee is licensed,  
 14 certified, or otherwise permitted in another state or United States territory to  
 15 perform restorative functions.

16 \* **Sec. 8.** AS 08.32.095(a) is amended to read:

17 (a) A person enrolled as a [FULL-TIME] student in an accredited [SCHOOL  
 18 OF] dental hygiene program may perform dental hygiene procedures as part of a  
 19 course of study without a license if

20 (1) the procedures are performed under the

21 (A) general [DIRECT] supervision of a member of the faculty  
 22 who is licensed under AS 08.36, and under the direct or indirect  
 23 supervision of a member of the faculty who is licensed under this chapter;  
 24 or

25 (B) [UNDER THE] direct or indirect supervision of a  
 26 member of the faculty who [TEAM OF LICENSED FACULTY DENTISTS,  
 27 AT LEAST ONE OF WHOM] is licensed under AS 08.36; and

28 (2) the clinical program has received written approval from the board.

29 \* **Sec. 9.** AS 08.32.110(a) is amended to read:

30 (a) The role of the dental hygienist is to assist members of the dental  
 31 profession in providing oral health care to the public. A person licensed to practice the

profession of dental hygiene in the state may,

(1) under the general supervision of a licensed dentist,

**(A) perform preliminary charting and triage to formulate a dental hygiene assessment and dental hygiene treatment plan;**

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

**(C) remove marginal overhangs;**

**(D) use local periodontal therapeutic agents;**

**(E) perform nonsurgical periodontal therapy;**

**(F) (2) APPLY TOPICAL PREVENTIVE AGENTS;**

(3) APPLY PIT AND FISSURE SEALANTS;

(4) PERFORM ROOT PLANING AND PERIODONTAL SOFT TISSUE SURGICAL TREATMENT;

(5)] perform other dental operations and services delegated by a licensed dentist if the dental operations and services are not prohibited by (c) of this section;

**(G)** [AND (6)] if certified by the board [AND UNDER THE DIRECT, INDIRECT, OR GENERAL SUPERVISION OF A LICENSED DENTIST], administer local anesthetic agents; **and**

(2) if certified by the board and under the direct or indirect supervision of a licensed dentist, administer and monitor nitrous oxide-oxygen conscious sedation.

\* **Sec. 10.** AS 08.32.110(c) is amended to read:

(c) This section does not authorize delegation of

(1) **dental diagnosis, comprehensive** [DIAGNOSING,] treatment planning, and writing prescriptions for drugs; writing authorizations for restorative, prosthetic, or orthodontic appliances;

(2) operative or surgical procedures on hard or soft tissues [EXCEPT AS ALLOWED IN (a)(4) OF THIS SECTION]; or

(3) other procedures that require the professional competence and skill

1 of a dentist.

2 \* **Sec. 11.** AS 08.32.110(e) is amended to read:

3 (e) This section does not prohibit a licensed dental hygienist

4 (1) with an endorsement issued under AS 08.32.085 from performing  
5 the activities authorized under AS 08.32.085; [OR]

6 (2) who has entered into a collaborative agreement approved by the  
7 board under AS 08.32.115 from performing the activities authorized under the  
8 collaborative agreement; or

9 **(3) from performing a dental operation, procedure, or service a**  
10 **dentist may delegate to a dental assistant under AS 08.36.346.**

11 \* **Sec. 12.** AS 08.32.115(a) is amended to read:

12 (a) If the collaborative agreement is approved by the board under (d) of this  
13 section, a licensed dental hygienist with a minimum of 4,000 documented hours of  
14 clinical experience within the five years preceding application for the board's approval  
15 may enter into a collaborative agreement with a licensed dentist [LICENSED UNDER  
16 AS 08.36] in which the licensed dentist authorizes the licensed dental hygienist to  
17 perform one or more of the following:

18 (1) oral health promotion and disease prevention education;

19 (2) removal of calcareous deposits, accretions, and stains from the  
20 surfaces of teeth;

21 (3) application of topical preventive or prophylactic agents, including  
22 fluoride varnishes and pit and fissure sealants;

23 (4) polishing and smoothing restorations;

24 (5) removal of marginal overhangs;

25 (6) preliminary charting and triage **to formulate a dental hygiene**  
26 **assessment and dental hygiene treatment plan;**

27 (7) **the exposure and development of** radiographs;

28 (8) use of local periodontal therapeutic agents; and

29 (9) performance of nonsurgical periodontal therapy, with or without  
30 the administration of local anesthesia, subsequent to a licensed dentist's authorization  
31 or diagnosis as specified in the licensed hygienist's collaborative agreement.

\* **Sec. 13.** AS 08.32.115(d) is amended to read:

(d) The board may approve a collaborative agreement between a licensed dentist and a licensed dental hygienist. However, the board may not approve more than five collaborative agreements with a licensed dentist, not including any collaborative agreements that have been terminated. A licensed dental hygienist shall notify the board of the termination of a collaborative agreement with a licensed dentist.

\* **Sec. 14.** AS 08.32.160 is amended to read:

**Sec. 08.32.160. Grounds for discipline, suspension, or revocation of license.**

The board may revoke or suspend the license of a dental hygienist, or may reprimand, censure, or discipline a licensee, if, after a hearing, the board finds that the licensee

(1) used or knowingly cooperated in deceit, fraud, or intentional misrepresentation to obtain a license, certificate, or endorsement [REGISTRATION];

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

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

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

(5) failed to comply with this chapter, with a regulation adopted under this chapter or under AS 08.36, or with an order of the board;

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

[D] FAILURE TO KEEP INFORMED OF OR USE CURRENT PROFESSIONAL THEORIES AND PRACTICES;]

(7) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;

(8) performed clinical procedures [FOR COMPENSATION] without being under the supervision of a licensed dentist;

(9) did not conform to professional standards in delivering dental hygiene services to patients regardless of whether actual injury to the patient occurred.

\* **Sec. 15.** AS 08.32.180 is amended by adding a new subsection to read:

(b) Notwithstanding AS 08.01.075(a)(8), the board may impose a civil fine not to exceed \$25,000 for each violation of this chapter or a regulation adopted under this chapter.

\* **Sec. 16.** AS 08.32.187(a) is amended to read:

(a) This chapter applies to a person who practices, or offers or attempts to practice, as a dental hygienist in the state except

(1) a dental hygienist in the military service in the discharge of official duties;

(2) a dental hygienist in the employ of the United States Public Health Service, United States Department of Veterans Affairs, **United States Indian Health** [ALASKA NATIVE] Service, or another agency of the federal government, in the discharge of official duties;

(3) a dental hygienist licensed in another state or jurisdiction who is teaching or demonstrating clinical techniques at a meeting, seminar, or limited course of instruction sponsored by a dental or dental auxiliary society or association or by an accredited dental or dental auxiliary educational institution;

(4) a dental hygienist employed in the state by an Indian health program, as that term is defined in 25 U.S.C. 1603, while providing dental hygiene services to a person the Indian health program is entitled to serve under 25 U.S.C. 450 et seq. (Indian Self-Determination and Education Assistance Act), as amended, and 25 U.S.C. 1601 et seq. (Indian Health Care Improvement Act), as amended

\* **Sec. 17.** AS 08.32.190 is amended by adding new paragraphs to read:

(6) "licensed dental hygienist" means a dental hygienist licensed under this chapter;

(7) "licensed dentist" means a dentist licensed under AS 08.36.

\* **Sec. 18.** AS 08.36.010(a) is amended to read:

(a) There is created the Board of Dental Examiners consisting of nine members. Six members shall be licensed dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment, two members shall be dental hygienists licensed under AS 08.32 who have been engaged in the practice of dental hygiene in the state for five years immediately preceding appointment, and one member shall be a public member **who does not have a direct financial interest in the health care industry.**

**\* Sec. 19.** AS 08.36.010 is amended by adding new subsections to read:

(c) Each member shall take an oath of office. The president or secretary elected under AS 08.36.030 may administer oaths. The oath shall be filed and preserved in the department.

(d) The board shall adopt a seal.

\* **Sec. 20.** AS 08.36.030 is amended to read:

**Sec. 08.36.030. Election of officers.** (a) The board shall elect from among its members

**(1) a president who is a licensed dentist or licensed dental hygienist;**

and

(2) a secretary.

**(b) Officers elected under (a) of this section** [FROM AMONG ITS  
BERS, EACH TO] serve for a term not to exceed two years.

\* **Sec. 21.** AS 08.36.070 is amended to read:

**Sec. 08.36.070. General powers.** (a) The board shall

(1) provide for the examination of applicants and **the credentialing of** [ISSUE LICENSES TO] those applicants it finds qualified;

(2) **maintain a registry of** [REGISTER] licensed dentists, [AND] licensed dental hygienists, **and certified dental assistants** who are in good standing;

(3) affiliate with the American Association of Dental **Boards** [S] and pay annual dues to the association;

(4) hold hearings and order the disciplinary sanction of a person who

1 violates this chapter, AS 08.32, or a regulation of the board;

2 (5) supply forms for applications, licenses, permits, certificates, and  
3 other papers and records;

4 (6) enforce the provisions of this chapter and AS 08.32 and adopt or  
5 amend the regulations necessary to make the provisions of this chapter and AS 08.32  
6 effective;

7 (7) adopt regulations ensuring that renewal of **a license or certificate**  
8 **under this chapter or a license, certificate, or endorsement under AS 08.32**

9 [REGISTRATION] is contingent upon proof of continued professional competence  
10 [BY A LICENSED DENTIST OR LICENSED DENTAL HYGIENIST];

11 (8) [PROVIDE THE DEPARTMENT WITH THE REQUIREMENTS  
12 FOR PROOF OF CONTINUED PROFESSIONAL COMPETENCE AND REQUEST  
13 THE DEPARTMENT TO MAKE THESE REQUIREMENTS AVAILABLE TO  
14 EACH LICENSED DENTIST AND LICENSED DENTAL HYGIENIST AT LEAST  
15 ONE YEAR BEFORE THE DATE ON WHICH THE DENTIST OR DENTAL  
16 HYGIENIST MUST RENEW REGISTRATION;

17 (9)] at least annually, cause to be published **on the Internet and** in a  
18 newspaper of general circulation in each major city in the state a summary of  
19 disciplinary actions the board has taken during the preceding calendar year;

20 (9) [(10)] issue permits or certificates to licensed dentists, licensed  
21 dental hygienists, and dental assistants who meet standards determined by the board  
22 for specific procedures that require specific education and training [;

23 (11) REGULATE THE REENTRY INTO PRACTICE OF INACTIVE  
24 DENTISTS AND DENTAL HYGIENISTS;

25 (12) REQUIRE, AS A CONDITION OF A LICENSE OR LICENSE  
26 RENEWAL ISSUED BY THE BOARD, THAT AN APPLICANT OR LICENSEE  
27 HAS, AT THE TIME OF LICENSING OR RENEWAL AND MAINTAINS  
28 THROUGHOUT THE PERIOD OF A LICENSE, CURRENT CERTIFICATION IN  
29 CARDIOPULMONARY RESUSCITATION TECHNIQUES, EXCEPT THAT THE  
30 BOARD MAY WAIVE THIS REQUIREMENT UNDER AN AGREEMENT WITH  
31 THE APPLICANT OR LICENSEE IF THE APPLICANT OR LICENSEE

1 DOCUMENTS, TO THE SATISFACTION OF THE BOARD, THE EXISTENCE OF  
 2 A PHYSICAL IMPAIRMENT THAT RESULTS IN AN INABILITY TO BE  
 3 CERTIFIED IN CARDIOPULMONARY RESUSCITATION TECHNIQUES AND  
 4 THE AGREEMENT SPECIFIES THAT THE APPLICANT OR LICENSEE WILL  
 5 ENSURE THAT ANOTHER PERSON WHO IS CERTIFIED IN  
 6 CARDIOPULMONARY RESUSCITATION TECHNIQUES WILL BE IN THE  
 7 SAME ROOM AS THE APPLICANT OR LICENSEE WHENEVER THE  
 8 APPLICANT OR LICENSEE IS PRACTICING DENTISTRY ON A LIVING  
 9 PATIENT WHO IS ALSO PRESENT; THE BOARD MAY INCLUDE IN THE  
 10 AGREEMENT AN EXPIRATION DATE OR PROVIDE THAT THE AGREEMENT  
 11 REMAINS IN EFFECT UNTIL REVIEWED BY THE BOARD].

12 (b) The board may

13 (1) order a licensed dentist or licensed dental hygienist to submit to a  
 14 reasonable physical or mental examination if the dentist's or the dental hygienist's  
 15 physical or mental capacity to practice safely is at issue; [AND]

16 (2) authorize **a designee of the board or the board's investigator**  
 17 [ITS REPRESENTATIVE] to inspect the practice facilities or patient or professional  
 18 records of a dentist at reasonable times and in a reasonable manner to monitor  
 19 compliance with this chapter and with AS 08.32; **and**

20 **(3) delegate the board's powers to act, hear, and decide matters as**  
 21 **authorized by AS 44.62.**

22 \* **Sec. 22.** AS 08.36 is amended by adding a new section to read:

23 **Sec. 08.36.073. Investigator.** After consulting with the board, the department  
 24 shall employ a person who is not a member of the board as the investigator for the  
 25 board. The investigator shall

26 (1) conduct investigations into alleged violations of this chapter and  
 27 into alleged violations of regulations and orders of the board;

28 (2) at the request of the board, conduct investigations based on  
 29 complaints filed with the department or with the board; and

30 (3) be directly responsible and accountable to the board, except that  
 31 only the department has authority to terminate the investigator's employment and the

1                   department shall provide day-to-day and administrative supervision of the  
2                   investigator.

3 \* **Sec. 23.** AS 08.36.075(a) is amended to read:

4                   (a) **The** [SUBJECT TO (b) OF THIS SECTION, THE] board shall establish  
5                   standards **that comply with applicable federal law** for the registration, **use**, and  
6                   inspection of dental radiological equipment, including standards for record keeping  
7                   relating to the control panels and the use of the equipment. The **board may charge a**  
8                   **fee for dental radiological equipment registered under this section** [INSPECTION  
9                   STANDARDS ADOPTED BY THE BOARD MUST REQUIRE THAT AN  
10                   INSPECTION BE PERFORMED BY A PERSON WHO HAS QUALIFICATIONS  
11                   EQUIVALENT TO THE QUALIFICATIONS ESTABLISHED AS OF  
12                   SEPTEMBER 7, 1998, IN THE "APPLICANT PROFILE AND JOB  
13                   QUALIFICATION SUMMARY" FOR A STATE RADIOLOGICAL HEALTH  
14                   SPECIALIST I].

15 \* **Sec. 24.** AS 08.36.091 is amended to read:

16                   **Sec. 08.36.091. Records and reports.** The board shall maintain

17                   (1) a record of its proceedings;  
18                   (2) a **registry** [REGISTER] containing the name, office and home  
19                   addresses, and other information considered necessary by the board [,] of each person  
20                   licensed as a dentist or dental hygienist **or certified as a dental assistant**, [AND] a  
21                   **registry** [REGISTER] of the licenses, **certificates, and endorsements** revoked by the  
22                   board, and information on the status of each licensee **and each certified dental**  
23                   **assistant**.

24 \* **Sec. 25.** AS 08.36.100 is amended to read:

25                   **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238, a  
26                   person may not practice, or attempt to practice, dentistry without a license [AND A  
27                   CURRENT CERTIFICATE OF REGISTRATION].

28 \* **Sec. 26.** AS 08.36.110 is amended to read:

29                   **Sec. 08.36.110. Qualifications for license.** An applicant for a license to  
30                   practice dentistry shall

31                   (1) provide certification to the board that the applicant

(A) is a graduate of a dental school that, at the time of graduation, is **approved** [ACCREDITED] by the **board** [COMMISSION ON ACCREDITATION OF THE AMERICAN DENTAL ASSOCIATION];

(B) [HOLDS A CERTIFICATE FROM THE AMERICAN DENTAL ASSOCIATION JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS THAT THE APPLICANT] has successfully passed **a** [THE] written **examination approved** [EXAMINATIONS GIVEN] by the **board** [COMMISSION];

(C) has not had a license to practice dentistry revoked, suspended, or voluntarily surrendered in this state or another state;

(D) is not the subject of an adverse decision based upon a complaint, investigation, review procedure, or other disciplinary proceeding within the five years immediately preceding application, or of an unresolved complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction [OR A DENTAL SOCIETY];

(E) 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;

(F) is not the subject of an adverse report from the National Practitioner Data Bank or the American Association of Dental **Boards** [EXAMINERS] Clearinghouse for Board Actions that relates to criminal or fraudulent activity, or dental malpractice;

(G) is not impaired to an extent that affects the applicant's ability to practice dentistry;

(H) has not been convicted of a crime that adversely reflects on the applicant's ability or competency to practice dentistry or that jeopardizes

the safety or well-being of a patient;

(2) pass, to the satisfaction of the board, written, clinical, and other examinations administered or approved by the board; and

(3) meet the other qualifications for a license established by the board by regulation.

\* **Sec. 27.** AS 08.36.110 is amended by adding a new subsection to read:

(b) An applicant for licensure shall be interviewed in person by the board or by a member of the board before a license is issued. The interview must be recorded. If the application is denied on the basis of the interview, the denial shall be stated in writing, with the reasons for it, and the record shall be preserved.

\* **Sec. 28.** AS 08.36.234(a) is repealed and reenacted to read:

(a) The board may waive the examination requirement and license by credentials if the dentist applicant meets the requirements of AS 08.36.110, submits proof of continued competence as required by regulation, pays the required fee, and has

(1) an active license from a board of dental examiners established under the laws of a state or territory of the United States issued after thorough examination; or

(2) passed an examination as specified by the board in regulations.

\* **Sec. 29.** AS 08.36.234(b) is amended to read:

(b) A dentist applying for licensure without [CLINICAL] examination is responsible for providing to the board all materials required by [THIS SECTION OR BY] the board to implement this section to establish eligibility for a license without [CLINICAL] examination. In addition to the grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued without [A CLINICAL] examination upon evidence of misinformation or substantial omission.

\* **Sec. 30.** AS 08.36.238(a) is amended to read:

(a) A person enrolled as a [FULL-TIME] student in an accredited school of dentistry may perform procedures as part of a course of study without a license if

(1) the procedures are performed under the direct supervision of a member of the faculty who is licensed under this chapter, or under the direct

1 supervision of a team of licensed faculty dentists, at least one of whom is licensed  
 2 under this chapter; and

3 (2) the clinical program has received written approval from the board.

4 \* **Sec. 31.** AS 08.36.250(a) is amended to read:

5 (a) At least 60 days before expiration of a **license issued under this chapter**  
 6 **[LICENSEE'S REGISTRATION CERTIFICATE]**, the department shall **notify the**  
 7 **[MAIL A FORM FOR RENEWAL OF REGISTRATION TO EACH]** licensed  
 8 dentist. A licensee who wishes to renew a license shall **submit a completed license**  
 9 **renewal form**, **[COMPLETE THE FORM AND RETURN IT WITH]** the appropriate  
 10 fee, and evidence of continued professional competence as required by the board. The  
 11 department shall, as soon as practicable, issue a **new license** **[REGISTRATION**  
 12 **CERTIFICATE]** valid for a stated number of years. **[A LICENSEE SHALL KEEP**  
 13 **THE REGISTRATION CERTIFICATE BESIDE OR ATTACHED TO THE**  
 14 **LICENSEE'S LICENSE.]** Failure to receive **notification from the department under**  
 15 **this subsection** **[THE REGISTRATION FORM]** does not exempt a licensee from  
 16 renewing **a license to practice dentistry under this chapter** **[REGISTRATION]**.

17 \* **Sec. 32.** AS 08.36.250 is amended by adding a new subsection to read:

18 (c) A licensed dentist who does not pay the license renewal fee forfeits the  
 19 dentist's license. The board may reinstate the license without examination within two  
 20 years after the date on which payment was due upon written application, proof of  
 21 continued professional competence, and payment of all unpaid renewal fees and any  
 22 penalty fee established under AS 08.01.100(b).

23 \* **Sec. 33.** AS 08.36.315 is amended to read:

24 **Sec. 08.36.315. Grounds for discipline, suspension, or revocation of license.**

25 The board may revoke or suspend the license of a dentist, or may reprimand, censure,  
 26 or discipline a dentist, or both, if the board finds after a hearing that the dentist

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

29 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
 30 course of providing or billing for professional dental services or engaging in  
 31 professional activities;

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

(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) engaged in the performance of patient care, or permitted the performance of patient care by persons under the dentist's supervision, **regardless of whether actual injury to the patient occurred,**

(A) that **did** [DOES] not conform to minimum professional standards of dentistry [REGARDLESS OF WHETHER ACTUAL INJURY TO THE PATIENT OCCURRED]; or

**(B) when the dentist, or a person under the supervision of the dentist, did not have the permit or certificate required under AS 08.32 or this chapter;**

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

(8) 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 **impair** [IMPAIRS] the dentist's ability to practice safely;

**(C) [(D)] physical or mental disability;**

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

(10) 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 08.36.346** [AS 08.36.070(a)(10)];

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

**(12) falsified or destroyed patient or facility records or failed to maintain a patient or facility record for at least seven years after the date the record was created.**

\* **Sec. 34.** AS 08.36.344(a) is amended to read:

(a) The board shall issue a restorative function certificate to a dental assistant if the dental assistant furnishes evidence satisfactory to the board that the dental assistant has

(1) successfully completed a course offered by or under the auspices of a program accredited by the Commission on Dental Accreditation of the American Dental Association or other equivalent course or program [OF INSTRUCTION] approved by the board; and

(2) passed the Western Regional Examining Board's restorative examination or other equivalent examination approved by the board within the five years preceding the dental assistant's certificate application, or the dental assistant has legal authorization from another state or jurisdiction to perform restorative functions.

\* **Sec. 35.** AS 08.36 is amended by adding a new section to read:

**Sec. 08.36.347. Exemption from certificate requirement.** (a) A person enrolled in a program or course of study may perform dental assisting procedures as part of that program or course of study without a certificate if the procedures are performed

(1) under the direct supervision of a member of the faculty who is licensed under this chapter or AS 08.32; and

(2) as part of a clinical program that has received written approval from the board.

(b) A person performing dental assisting procedures under (a) of this section is subject to all other provisions of this chapter and statutes and regulations that apply to the practice of dental assisting by a certified dental assistant.

\* **Sec. 36.** AS 08.36.350(a) is amended to read:

(a) This chapter applies to a person who practices, or offers or attempts to practice, dentistry in the state except

(1) a dental surgeon or dentist in the military service in the discharge

1 of official duties;

2 (2) a dentist in the employ of the United States Public Health Service,  
 3 United States Department of Veterans Affairs, **United States Indian Health**  
 4 [ALASKA NATIVE] Service, or other agency of the federal government, in the  
 5 discharge of official duties;

6 (3) [A PHYSICIAN OR SURGEON;

7 (4) A DENTIST PROVIDING CARE IN AN ISOLATED AREA BY  
 8 AUTHORITY OF A PERMIT ISSUED UNDER AS 08.36.271;

9 (5)] a dentist licensed in another state who is teaching or  
 10 demonstrating clinical techniques at a meeting, seminar, or limited course of  
 11 instruction sponsored by a dental or dental auxiliary society or association or by an  
 12 accredited dental or dental auxiliary educational institution;

13 (4) [(6)] a dentist licensed in another state who provides emergency  
 14 care to an injured or ill person who reasonably appears to the dentist to be in  
 15 immediate need of emergency aid in order to avoid serious harm or death if the care is  
 16 provided without remuneration;

17 **(5) a dentist employed in the state by an Indian health program, as**  
 18 **that term is defined in 25 U.S.C. 1603, while providing dental services to a person**  
 19 **the Indian health program is entitled to serve under 25 U.S.C. 450 et seq. (Indian**  
 20 **Self-Determination and Education Assistance Act), as amended, and 25 U.S.C.**  
 21 **1601 et seq. (Indian Health Care Improvement Act), as amended.**

22 \* **Sec. 37.** AS 08.36 is amended by adding a new section to read:

23 **Sec. 08.36.367. Ownership of a dental office or facility.** (a) Only a person  
 24 who holds a valid license issued under this chapter may own, operate, or maintain a  
 25 dental practice, office, or clinic. This restriction does not apply to

26 (1) a labor organization or a nonprofit organization formed by or on  
 27 behalf of a labor organization for the purpose of providing dental services;  
 28 (2) an institution of higher education recognized by the board;  
 29 (3) a local government;  
 30 (4) an institution or program accredited by the Commission on Dental  
 31 Accreditation of the American Dental Association to provide education and training;

(5) a nonprofit corporation organized under state law to provide dental services to rural areas and medically underserved populations of migrant, rural community, or homeless individuals under 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(l)(2)(B) operating in compliance with other applicable state and federal law;

(6) a nonprofit charitable corporation described in 26 U.S.C. 501(c)(3) (Internal Revenue Code) and determined by the board to be providing dental services by volunteer licensed dentists to populations with limited access to dental care at no charge or a substantially reduced charge.

(b) For the purpose of owning or operating a dental practice, office, or clinic, an entity described in (a) of this section shall

(1) name a licensed dentist as its dental director, who shall be subject to the provisions of AS 08.36.315 and 08.36.317 in the capacity of dental director; the dental director, or an actively licensed dentist designated by the director, shall have responsibility for the entity's practice of dentistry; and

(2) maintain current records of the names of licensed dentists who supervise dental hygienists, dental assistants, and other personnel involved in direct patient care who are employed by the entity; the records must be available to the board upon written request.

(c) Nothing in this chapter precludes a person or entity not licensed by the board from

(1) ownership or leasehold of any tangible or intangible assets used in a dental office or clinic, including real property, furnishings, equipment, and inventory, but not including dental records of patients related to clinical care;

(2) employing or contracting for the services of personnel other than licensed dentists; or

(3) management of the business aspects of a dental office or clinic that do not include the practice of dentistry.

(d) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held by an administrator, executor, personal representative, guardian, conservator, or receiver of the estate of a former shareholder, member, or partner, the

1 administrator, executor, personal representative, guardian, conservator, or receiver  
 2 may retain the ownership interest for a period of 24 months following the creation of  
 3 the ownership interest. The board shall extend the ownership period for an additional  
 4 24 months upon 30 days' notice and may grant additional extensions upon reasonable  
 5 request.

6 (e) In this section, "labor organization" means an organization, not for  
 7 pecuniary profit, constituted wholly or partly to bargain collectively or deal with  
 8 employers, including the state and its political subdivisions, concerning grievances,  
 9 terms or conditions of employment, or other mutual aid or protection in connection  
 10 with employees that has existed for at least three years and that has a constitution and  
 11 bylaws.

12 \* **Sec. 38.** AS 08.36.370 is amended by adding new paragraphs to read:

13 (7) "certified dental assistant" means a person who holds a current  
 14 coronal polishing certificate or restorative function certificate issued by the board;

15 (8) "licensed dental hygienist" means a dental hygienist licensed under  
 16 AS 08.32;

17 (9) "licensed dentist" means a dentist licensed under this chapter.

18 \* **Sec. 39.** AS 08.32.020, 08.32.035, 08.32.040, 08.32.060, 08.32.097, 08.32.100, 08.32.120,  
 19 08.32.130, 08.32.140, 08.32.190(2); AS 08.36.075(b), 08.36.075(c), 08.36.075(d),  
 20 08.36.075(e), 08.36.114, 08.36.230, 08.36.244, 08.36.246, 08.36.247, 08.36.248, 08.36.260,  
 21 08.36.271, and 08.36.290 are repealed.

22 \* **Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to  
 23 read:

24 REVISOR'S INSTRUCTION. The revisor of statutes shall change the catch line of  
 25 AS 08.36.250 from "Renewal of registration" to "License renewal, lapse, and reinstatement."