



## Legislative Sponsorship Request

February 2025

The Board of Dental Examiners continually strives to improve the quality and availability of dental services in Alaska. The board has identified two rather simple improvements that require changes to statute. The first requested change is simply operational in nature, and the second proposed change will encourage compliance with an existing statute that currently has no enforcement provision. Your support for these proposed changes is requested either by sponsoring, co-sponsoring, or voting in favor of these legislative changes.

### 1. **Operational Improvement to the Board of Dental Examiners**

Several Alaska boards have a dedicated professional-level position called an Executive Administrator to support their respective programs. The Board of Dental Examiners believes the overall efficiency of the board will be improved with the creation of a dedicated Executive Administrator. This requested change will enable the Board of Dental Examiners and their licensees to benefit from many of the same operational improvements experienced by other Alaska licensing boards with this level of staffing, including the State Medical Board, Board of Nursing, and the Board of Pharmacy.

The Board of Dental Examiners would specifically benefit from this position due to the vast number of license, certification, endorsement, and permit, and course approval types it offers and regulates; the lengthy statutes and regulations required as a result of this complexity; and the severe amount of work currently required of its volunteer board members. Without an executive administrator, the board must review and approve each individual application, which leaves little availability for completing other board priorities.

With an executive administrator, the board could delegate authority to allow that individual to approve straightforward applications and to increase their role in the regulations review process. These are improvements that would streamline licensure, keep Alaska's dental standards up-to-date, and ensure board members can focus on the board work that requires experts in the field. The board is not aware of any controversy or drawback to this legislation, and there are no known opponents.

The statutory changes requested are as follows:

**AS 08.36.070. General powers.** (a) is amended to read:

(a) The board shall

- (1) provide for the examination of applicants and the credentialing, registration, and licensure of those applicants it finds qualified;
- (2) maintain a registry of licensed dentists, licensed dental hygienists, and registered dental assistants who are in good standing;
- (3) affiliate with the American Association of Dental Boards and pay annual dues to the association;
- (4) hold hearings and order the disciplinary sanction of a person who violates this chapter, AS 08.32, or a regulation of the board;
- (5) supply forms for applications, licenses, permits, certificates, registration documents, and other papers and records;
- (6) enforce the provisions of this chapter and AS 08.32 and adopt or amend the regulations necessary to make the provisions of this chapter and AS 08.32 effective;
- (7) adopt regulations ensuring that renewal of a license, registration, or certificate under this chapter or a license, certificate, or endorsement under AS 08.32 is contingent on proof of continued professional competence; the regulations must require that a licensee receive not less than two hours of education in pain management and opioid use and addiction in the two years preceding an application for renewal of a license, unless the licensee has demonstrated to the satisfaction of the board that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number;
- (8) at least annually, cause to be published on the Internet and in a newspaper of general circulation in each major city in the state a summary of disciplinary actions the board has taken during the preceding calendar year;
- (9) issue permits or certificates to licensed dentists, licensed dental hygienists, and dental assistants who meet standards determined by the board for specific procedures that require specific education and training;
- (10) require that a licensed dentist who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(n); **and[.]**
- (11) establish the qualifications and duties of the executive administrator.**

(b) The board may

- (1) order a licensed dentist or licensed dental hygienist to submit to a reasonable physical or mental examination if the dentist's or the dental hygienist's physical or mental capacity to practice safely is at issue;
- (2) authorize a designee of the board or the board's investigator to inspect the practice facilities or patient or professional records of a dentist at reasonable times and in a reasonable manner to monitor compliance with this chapter and with AS 08.32; [AND]
- (3) delegate the board's powers to act, hear, and decide matters as authorized by AS 44.62 (Administrative Procedure Act); **and[.]**
- (4) establish the qualifications and duties of the executive administrator and delegate authority to the executive administrator as necessary to conduct board business.**

**New Section: AS 08.36.~~xxx~~. EXECUTIVE ADMINISTRATOR OF THE BOARD.**

(a) The Department of Commerce, Community, and Economic Development, in consultation with the board, shall employ an executive administrator to carry out the duties established under (b) of this section. The executive administrator is the principal executive officer of the board. The executive administrator is in the partially exempt service under AS 39.25.120 and is entitled to receive a monthly salary equal to a step in Range 23 on the salary schedule set out in AS 39.27.011(a).

(b) The executive administrator shall perform duties as prescribed by the board.

**New Subsection: AS 39.25.120. PARTIALLY EXEMPT SERVICE.**

(c) The following positions in the state service constitute the partially exempt service:

(1) deputy and assistant commissioners of the principal departments of the executive branch, including the assistant adjutant general of the Department of Military and Veterans' Affairs; (2) the directors of the major divisions of the principal departments of the executive branch and the regional directors of the Department of Transportation and Public Facilities;

(3) attorney members of the staff of the Department of Law, of the public defender agency, and of the office of public advocacy in the Department of Administration;

(4) one private secretary for each head of a principal department in the executive branch;

(5) employees of councils, boards, or commissions established by statute in the Office of the Governor or the office of the lieutenant governor, unless a different classification is provided by statute;

(6) not more than two special assistants to the commissioner of each of the principal departments of the executive branch, but the number may be increased if the partially exempt service is extended under AS 39.25.130 to include the additional special assistants;

(7) the principal executive officer of the following boards, councils, or commissions:

(A) Alaska Public Broadcasting Commission;

(B) Professional Teaching Practices Commission;

(C) Parole Board;

(D) Board of Nursing;

(E) Real Estate Commission;

(F) Alaska Royalty Oil and Gas Development Advisory Board;

(G) Alaska State Council on the Arts;

(H) Alaska Police Standards Council;

(I) Alaska Commission on Aging;

(J) Alaska Mental Health Board;

(K) State Medical Board;

(L) Governor's Council on Disabilities and Special Education;

(M) Advisory Board on Alcoholism and Drug Abuse;

(N) Statewide Suicide Prevention Council;

(O) State Board of Registration for Architects, Engineers, and Land Surveyors;

(P) Alaska Health Care Commission;

(Q) Board of Pharmacy;

**(R) Board of Dental Examiners**

(8) Alaska Pioneers' Home and Alaska Veterans' Home managers;

(9) hearing examiners in the Department of Revenue;

(10) the comptroller in the division of treasury, Department of Revenue;

(11) airport managers in the Department of Transportation and Public Facilities employed at the Anchorage and Fairbanks International Airports;

(12) the deputy director of the division of insurance in the Department of Commerce, Community, and Economic Development;

(13) the executive director and staff of the Alaska Public Offices Commission;

(14) the rehabilitation administrator of the division of workers' compensation;

(15) guards employed by the Department of Public Safety for emergencies;

(16) marine pilot coordinator of the Board of Marine Pilots;

- (17) guards employed by the Department of Corrections, other than in state correctional facilities, to carry out the responsibility of the commissioner of corrections under AS 33.30.071(b);
- (18) hearing officers and administrative law judges of the Regulatory Commission of Alaska; (19) the compact administrator appointed under AS 33.36.130;
- (20) the chief administrative law judge and administrative law judges of the office of administrative hearings;
- (21) the executive secretary of the Board of Public Accountancy

## 2. Compliance Enforcement Pertaining to Ownership of a Dental Office or Facility

In recent years, the Board of Dental Examiners has become involved in several cases related to unlicensed practice ownership. Today, while the statutes clearly provide the guidance needed to define “ownership of a dental practice or facility,” the statute fails to compel compliance. The only foreseen controversy or drawback to this legislation is establishing what is perceived to be reasonable penalty for noncompliance of the existing statute. The proposal, below, suggests a limit within which the board can determine the appropriate penalty to encourage compliance. Please note that this is not an attempt to enrich the board’s coffers: Under current law, the fines cannot be used to offset the enforcement expenses since they are deposited into the General Fund.

The statutory changes requested are as follows:

**AS 08.36.367. Ownership of a dental office or facility.** (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 administrator, executor, personal representative, guardian, conservator, or receiver may retain the ownership interest for a period of 24 months following the creation of the ownership interest. The board **may** extend the ownership period for an additional 24 months upon 30 days' notice and may grant additional extensions upon reasonable request. **If, after the initial two 24-month periods, the board determines current ownership is not acting in good faith to facilitate the transfer of ownership as required in AS 08.36.367(a), the board may invoke a financial penalty upon the current owner. This penalty shall not exceed \$1,000.00 per day until the transfer of ownership is complete.**

## 3. Expansion of Acceptable Dental Hygiene Programs for Initial Licensure

The Board of Dental Examiners has seen a significant increase in dental hygiene applicants that have graduated from accelerated programs. Today, the statute requires that a dental hygiene applicant must complete a course of instruction that is at least 2 years duration, which fails to align with even a standard associates degree which is typically accomplished in 18 months or so. Removing the time length specification allows for greater board approval of courses already accredited by the Commission on Dental Accreditation (CODA), which will remain required by statute. There are no foreseen controversies or drawbacks to this legislation. The proposal, below, suggests removing the two-year requirement, leaving the statute otherwise as-is.

The statutory changes requests are as follows:

**AS 08.32.014. Qualifications for license.** is amended to read: (a) An applicant for a license to practice dental hygiene shall

- (1) provide evidence to the board that the applicant
- (A) has successfully completed an academic program in dental hygiene that, [OF AT LEAST TWO YEARS DURATION] at the time of graduation, is accredited by the Commission on Dental Accreditation of the American Dental Association and is approved by the board;
  - (B) has passed a written theory examination of the American Dental Association Joint Commission on National Dental Examinations or an equivalent examination approved by the board;
  - (C) has successfully passed a state or regional dental hygiene clinical examination approved by the board;
  - (D) has not had a license to practice dental hygiene revoked, suspended, or voluntarily surrendered in this state or another state;
  - (E) is not the subject of an adverse decision based on 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;
  - (F) is not the subject of an unresolved or adverse decision based on a complaint, investigation, review procedure, or other disciplinary proceeding undertaken by a state, territorial, local, or federal dental licensing jurisdiction 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 as a dental hygienist or on the safety or well-being of patients;
  - (G) is not the subject of an adverse report from the National Practitioner Data Bank or the American Association of Dental Boards Clearinghouse for Board Actions that relates to criminal or fraudulent activity or dental malpractice;
  - (H) is not impaired to an extent that affects the applicant's ability to practice as a dental hygienist;
  - (I) has not been convicted of a crime that adversely reflects on the applicant's ability or competency to practice as a dental hygienist or that jeopardizes the safety or well-being of a patient; and
- (2) meet the other qualifications for a license established by the board by regulation.

On behalf of the Board of Dental Examiners, we thank you for considering sponsorship and support of these simple, yet important, legislative items. We look forward to discussing each further at your earliest convenience.

Sincerely,



Jonathan Woller, DMD, Board Chair  
boardofdentalexaminers@alaska.gov  
(907) 465-2541