

**HOUSE BILL NO. 197**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE TOMASZEWSKI**

**Introduced: 4/16/25**

**Referred: Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the practice of dental hygiene; establishing an executive**  
2 **administrator position for the Board of Dental Examiners; and relating to the ownership**  
3 **of dental offices and clinics."**

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

5 **\* Section 1.** AS 08.32.014(a) is amended to read:

6 (a) An applicant for a license to practice dental hygiene shall

7 (1) provide evidence to the board that the applicant

8 (A) has successfully completed an academic program in dental  
9 hygiene [OF AT LEAST TWO YEARS DURATION] that, at the time of  
10 graduation, is accredited by the Commission on Dental Accreditation of the  
11 American Dental Association and is approved by the board;

12 (B) has passed a written theory examination of the American  
13 Dental Association Joint Commission on National Dental Examinations or an  
14 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.

\* **Sec. 2.** AS 08.36.070 is amended to read:

**Sec. 08.36.070. Duties and [GENERAL] powers of board.** (a) The board shall

(1) provide for the examination of applicants and the credentialing,

1 registration, and licensure of those applicants it finds qualified;

2 (2) maintain a registry of licensed dentists, licensed dental hygienists,  
3 and registered dental assistants who are in good standing;

4 (3) affiliate with the American Association of Dental Boards and pay  
5 annual dues to the association;

6 (4) hold hearings and order the disciplinary sanction of a person who  
7 violates this chapter, AS 08.32, or a regulation of the board;

8 (5) supply forms for applications, licenses, permits, certificates,  
9 registration documents, and other papers and records;

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

13 (7) adopt regulations ensuring that renewal of a license, registration, or  
14 certificate under this chapter or a license, certificate, or endorsement under AS 08.32  
15 is contingent on proof of continued professional competence; the regulations must  
16 require that a licensee receive not less than two hours of education in pain  
17 management and opioid use and addiction in the two years preceding an application  
18 for renewal of a license, unless the licensee has demonstrated to the satisfaction of the  
19 board that the licensee does not currently hold a valid federal Drug Enforcement  
20 Administration registration number;

21 (8) at least annually, cause to be published on the Internet and in a  
22 newspaper of general circulation in each major city in the state a summary of  
23 disciplinary actions the board has taken during the preceding calendar year;

24 (9) issue permits or certificates to licensed dentists, licensed dental  
25 hygienists, and dental assistants who meet standards determined by the board for  
26 specific procedures that require specific education and training;

27 (10) require that a licensed dentist who has a federal Drug  
28 Enforcement Administration registration number register with the controlled substance  
29 prescription database under AS 17.30.200(n);

30 **(11) establish the qualifications and duties of the executive**  
31 **administrator.**

1 (b) The board may

2 (1) order a licensed dentist or licensed dental hygienist to submit to a  
3 reasonable physical or mental examination if the dentist's or the dental hygienist's  
4 physical or mental capacity to practice safely is at issue;

5 (2) authorize a designee of the board or the board's investigator to  
6 inspect the practice facilities or patient or professional records of a dentist at  
7 reasonable times and in a reasonable manner to monitor compliance with this chapter  
8 and with AS 08.32; [AND]

9 (3) delegate the board's powers to act, hear, and decide matters as  
10 authorized by AS 44.62 (Administrative Procedure Act); and

11 (4) delegate authority to the executive administrator as necessary  
12 to conduct board business.

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

14 **Sec. 08.36.072. Executive administrator of the board.** (a) The department, in  
15 consultation with the board, shall employ an executive administrator. The executive  
16 administrator is the principal executive officer of the board, in the partially exempt  
17 service under AS 39.25.120, and entitled to receive a monthly salary equal to a step in  
18 Range 23 on the salary schedule set out in AS 39.27.011(a).

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

21 \* **Sec. 4.** AS 08.36.367(d) is amended to read:

22 (d) If all of the ownership interests of a dentist or dentists in a dental office or  
23 clinic are held by an administrator, executor, personal representative, guardian,  
24 conservator, or receiver of the estate of a former shareholder, member, or partner, the  
25 administrator, executor, personal representative, guardian, conservator, or receiver  
26 may retain the ownership interest for a period of 24 months following the creation of  
27 the ownership interest. The board shall extend the ownership period for an additional  
28 24 months upon 30 days' notice and may grant additional extensions upon reasonable  
29 request. If the board determines that the retainer of the ownership interest is not  
30 acting in good faith to transfer the ownership interest of the dental office or clinic  
31 to a person permitted to own the office or clinic under (a) of this section, the

**board may impose a civil fine on the retainer not to exceed \$1,000 for each day the ownership interest is retained after the expiration of the ownership period permitted under this subsection.**

\* **Sec. 5.** AS 39.25.120(c) is amended to read:

(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;

- 1 (F) Alaska Royalty Oil and Gas Development Advisory Board;  
 2 (G) Alaska State Council on the Arts;  
 3 (H) Alaska Police Standards Council;  
 4 (I) Alaska Commission on Aging;  
 5 (J) Alaska Mental Health Board;  
 6 (K) State Medical Board;  
 7 (L) Governor's Council on Disabilities and Special Education;  
 8 (M) Advisory Board on Alcoholism and Drug Abuse;  
 9 (N) Statewide Suicide Prevention Council;  
 10 (O) State Board of Registration for Architects, Engineers, and  
 11 Land Surveyors;  
 12 (P) Alaska Health Care Commission;  
 13 (Q) Board of Pharmacy;  
 14 **(R) Board of Dental Examiners;**  
 15 (8) Alaska Pioneers' Home and Alaska Veterans' Home managers;  
 16 (9) hearing examiners in the Department of Revenue;  
 17 (10) the comptroller in the division of treasury, Department of  
 18 Revenue;  
 19 (11) airport managers in the Department of Transportation and Public  
 20 Facilities employed at the Anchorage and Fairbanks International Airports;  
 21 (12) the deputy director of the division of insurance in the Department  
 22 of Commerce, Community, and Economic Development;  
 23 (13) the executive director and staff of the Alaska Public Offices  
 24 Commission;  
 25 (14) the rehabilitation administrator of the division of workers'  
 26 compensation;  
 27 (15) guards employed by the Department of Public Safety for  
 28 emergencies;  
 29 (16) marine pilot coordinator of the Board of Marine Pilots;  
 30 (17) guards employed by the Department of Corrections, other than in  
 31 state correctional facilities, to carry out the responsibility of the commissioner of

1 corrections under AS 33.30.071(b);

2 (18) hearing officers and administrative law judges of the Regulatory  
3 Commission of Alaska;

4 (19) the compact administrator appointed under AS 33.36.130;

5 (20) the chief administrative law judge and administrative law judges  
6 of the office of administrative hearings;

7 (21) the executive secretary of the Board of Public Accountancy.