

HOUSE BILL NO. 295

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ORTIZ

Introduced: 1/31/22

Referred: Labor and Commerce, Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of dentistry; relating to dental radiological equipment;**
2 **and providing for an effective date."**

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

4 *** Section 1.** AS 08.01.065(c) is amended to read:

5 (c) Except as provided in **(f) - (k)** [(f) - (j)] of this section, the department shall
6 establish fee levels under (a) of this section so that the total amount of fees collected
7 for an occupation approximately equals the actual regulatory costs for the occupation.
8 The department shall annually review each fee level to determine whether the
9 regulatory costs of each occupation are approximately equal to fee collections related
10 to that occupation. If the review indicates that an occupation's fee collections and
11 regulatory costs are not approximately equal, the department shall calculate fee
12 adjustments and adopt regulations under (a) of this section to implement the
13 adjustments. In January of each year, the department shall report on all fee levels and
14 revisions for the previous year under this subsection to the office of management and

1 budget. If a board regulates an occupation covered by this chapter, the department
 2 shall consider the board's recommendations concerning the occupation's fee levels and
 3 regulatory costs before revising fee schedules to comply with this subsection. In this
 4 subsection, "regulatory costs" means costs of the department that are attributable to
 5 regulation of an occupation plus

6 (1) all expenses of the board that regulates the occupation if the board
 7 regulates only one occupation;

8 (2) the expenses of a board that are attributable to the occupation if the
 9 board regulates more than one occupation.

10 * **Sec. 2.** AS 08.01.065 is amended by adding a new subsection to read:

11 (k) Notwithstanding (c) of this section, the department shall establish fee
 12 levels under (a) of this section so that the total amount of fees collected by the Board
 13 of Dental Examiners approximately equals the total regulatory costs of the department,
 14 the board, and the Department of Health and Social Services for all occupations
 15 regulated by the board. For purposes of this subsection, the regulatory costs of the
 16 Department of Health and Social Services for the occupations regulated by the board
 17 include the cost of inspecting dental radiological equipment under AS 44.29.020(d).

18 * **Sec. 3.** AS 08.36 is amended by adding new sections to read:

19 **Sec. 08.36.242. License to practice as specialist required.** A licensed dentist
 20 may not represent to the public to be qualified in a specialized branch of dentistry
 21 through any means of public advertising using the term "specialist," the name of a
 22 specialty, or a phrase that would suggest to the public that the dentist is a qualified
 23 specialist in a branch of dentistry unless the dentist has a specialist license in that
 24 branch as provided in this chapter.

25 **Sec. 08.36.243. Qualification for specialist license; scope of practice.** (a) An
 26 applicant for a specialist license must

27 (1) hold a license issued by the board in accordance with AS 08.36.110
 28 or 08.36.234; and

29 (2) meet additional qualifications for a specialist license in a specified
 30 branch of dentistry as established by the board by regulation.

31 (b) In determining the qualifications for a specialist license in a specified

1 branch of dentistry under (a) of this section, the board shall consider the qualifications
 2 necessary to obtain specialty certification by a nationally recognized certifying entity
 3 approved by the board.

4 (c) The practice of a dentist who obtains a specialist license under (a) of this
 5 section is limited to the branch of dentistry in which the dentist holds a specialist
 6 license.

7 **Sec. 08.36.245. Suspension or revocation of specialist license.** The board
 8 may suspend or revoke a specialist license on grounds and according to the procedures
 9 set out in AS 08.36.315.

10 * **Sec. 4.** AS 44.29.020 is amended by adding a new subsection to read:

11 (d) The Department of Health and Social Services shall establish standards
 12 that comply with federal law for the registration, use, and inspection of dental
 13 radiological equipment, including standards for record keeping relating to the control
 14 panels and the use of the equipment. In this subsection, "dental radiological
 15 equipment" means equipment for use in the practice of dentistry, consisting of a
 16 control panel and associated tube heads, if the equipment emits electronic product
 17 radiation, as defined in AS 18.60.545, or uses radionuclides, as defined in
 18 AS 18.60.545.

19 * **Sec. 5.** AS 44.46.029 is amended to read:

20 **Sec. 44.46.029. Dental radiological equipment.** This chapter does not
 21 authorize the department to register, inspect, test, or otherwise regulate dental
 22 radiological equipment or records relating to dental radiological equipment regulated
 23 by the **Department of Health and Social Services** [BOARD OF DENTAL
 24 EXAMINERS] under **AS 44.29.020(d)** [AS 08.36.075].

25 * **Sec. 6.** AS 46.03.022 is amended to read:

26 **Sec. 46.03.022. Dental radiological equipment.** This title does not authorize
 27 the department to register, inspect, test, or otherwise regulate dental radiological
 28 equipment or records relating to dental radiological equipment regulated by the
 29 **Department of Health and Social Services** [BOARD OF DENTAL EXAMINERS]
 30 under **AS 44.29.020(d)** [AS 08.36.075].

31 * **Sec. 7.** AS 08.36.075; AS 18.05.065; AS 18.60.525(e); and AS 44.29.027 are repealed.

1 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS. The Board of Dental Examiners, the Department of
4 Commerce, Community, and Economic Development, and the Department of Health and
5 Social Services may adopt regulations necessary to implement the changes made by this Act.
6 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
7 effective date of the law implemented by the regulation.

8 * **Sec. 9.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 10.** Except as provided in sec. 9 of this Act, this Act takes effect July 1, 2023.