



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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April 1, 2024

The Honorable Mike Prax  
Chair, House Health & Social Services Committee  
Alaska State Capitol, Room 108  
Juneau, Alaska 99801

Dear Chair Prax:

During the hearing on HB 309 Delegation of Routine Optometry Services in the House Health and Social Services Committee on March 28, 2024, we agreed to follow-up with some information we did not have on hand at the time. The question from the committee member and our follow-up response is below.

**Representative Mina asked about dental delegation statutes (AS 08.36.346) as referenced in a letter of opposition from the American Academy of Ophthalmology ("Academy").**

The American Academy of Ophthalmology's opposition is that the provisions of HB 309 are unclear on:

- Those who can be delegated services,
- Which services may be delegated,
- The levels of required supervision, and
- The required education by persons who are delegated these services

AS 08.36.346 (shown after the body of the letter) notes that a dentist licensed in Alaska may delegate to a dental assistant under indirect supervision except as noted. Dental assistants are not a licensed profession in Alaska. Ophthalmologists are medical doctors licensed by the medical board. The delegation of duties for those licensed by the medical board is covered in AS 08.64.106 (also shown after the body of the letter). It does not meet the level of specificity that the Academy is seeking for optometrists. Just as the medical board is in charge in its statute regarding delegation to write regulations providing further detail on delegation, HB 309 charges the Board of Examiners in Optometry to create regulations. Page 2, beginning line 3 states:

- "...the regulations must (A) require that an agent who is not licensed under this chapter may perform duties delegated under this paragraph only if the agent meets applicable standards established by the board;
- (B) prohibit an optometrist from delegating duties related to pain management and opioid use and addiction; and
- (C) define the phrase "routine services of optometry."

The division supports the placement of the additional specification in regulation instead of in statute so that it is easier for the board to stay current as changes occur related to national standards, terminology, or technology.

Please let us know if the committee would like any additional information regarding these questions or further follow-up on matters related to professional licensing.

Sincerely,



Sylvan Robb  
Director

cc: Lizzie Kubitz, Legislative Liaison, DCCED

**Sec. 08.36.346. Delegation to dental assistants.**

(a) Except as otherwise provided in this chapter, a dentist licensed in this state may delegate to a dental assistant under indirect supervision

- (1) the exposure and development of radiographs;
- (2) application of topical preventive agents or pit and fissure sealants; and
- (3) other dental operations and services except
  - (A) those that may be performed by a dental hygienist under [AS 08.32.110\(a\)](#); and
  - (B) those that may not be delegated to a dental hygienist under [AS 08.32.110\(c\)](#).

(b) A dentist licensed in this state may delegate to a dental assistant under direct supervision

- (1) coronal polishing on teeth without calculus, if the dental assistant is certified under [AS 08.36.342](#);
- (2) the placement of a restoration into a cavity prepared by a dentist licensed under this chapter and the subsequent carving, contouring, and adjustment of the contacts and occlusion of the restoration, if the dental assistant is certified under [AS 08.36.344](#); and
- (3) other dental operations and services as defined and regulated by the board; however, a dentist may not delegate to a dental assistant a dental operation or service that requires the professional skill of a licensed dentist or licensed dental hygienist, including those dental operations and services specified in [AS 08.32.110\(c\)](#).

(c) A dental hygienist holding an advanced practice permit issued under [AS 08.32.125](#) may delegate to a dental assistant, under a level of supervision specified by the board in regulations,

- (1) the exposure and development of radiographs;
- (2) application of topical preventive agents or pit and fissure sealants;
- (3) other tasks specified by the board in regulations.

**Sec. 08.64.106. Delegation of routine medical duties.**

The board shall adopt regulations authorizing a physician, podiatrist, osteopath, or physician assistant licensed under this chapter to delegate routine medical duties to an agent of the physician, podiatrist, osteopath, or physician assistant. The regulations must

- (1) require that an agent who is not licensed under this chapter may perform duties delegated under this section only if the agent meets applicable standards established by the board;
- (2) require that a physician, podiatrist, osteopath, or physician assistant may not delegate duties related to pain management and opioid use and addiction; and
- (3) define the phrase "routine medical duties."