

HOUSE BILL NO. 135

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE

Introduced: 2/13/97

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to dental licensing; extending the termination date of the Board
2 of Dental Examiners; and providing for an effective date."

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

4 * **Section 1.** AS 08.03.010(c)(7) is amended to read:

5 (7) Board of Dental Examiners (AS 08.36.010) -- June 30, 2003
6 [1997];

7 * **Sec. 2.** AS 08.36.010 is amended to read:

8 **Sec. 08.36.010. Creation and membership of board.** There is created the
9 Board of Dental Examiners consisting of nine members. Five [SIX] members shall
10 be licensed dentists who have been engaged in the practice of dentistry in the state for
11 five years immediately preceding appointment, two members shall be dental hygienists
12 licensed under AS 08.32 who have been engaged in the practice of dental hygiene in
13 the state for five years immediately preceding appointment, and two members [ONE
14 MEMBER] shall be [A] public members. The terms of public members shall be

1 staggered [MEMBER].

2 * **Sec. 3.** AS 08.36.120 is amended to read:

3 **Sec. 08.36.120. Signing, photograph, and filing date of application.** Each
4 applicant shall submit a recent unmounted [, AUTOGRAPHED] photograph of the
5 applicant. Applications shall be signed by the applicant and filed at least 45 days
6 before the date scheduled for an examination.

7 * **Sec. 4.** AS 08.36.234(a) is amended to read:

8 (a) The board shall provide for the licensing without examination, except as
9 provided in (2) of this subsection, of a dentist who

10 (1) provides certification to the board that the dentist

11 (A) is a graduate of a dental school accredited by the
12 Commission on Accreditation of the American Dental Association, or its successor
13 agency, and holds a certificate from the American Dental Association Joint
14 Commission on National Dental Examinations that the dentist has passed the written
15 examination given by the commission;

16 (B) has passed clinical and written examinations required for
17 licensure in another state, territory, or region of the United States and has been
18 licensed to practice dentistry in that state, territory, or region of the United
19 States; the state, territory, or region must have licensing requirements at least
20 generally equivalent to those of this state at the time of application; **if the**
21 **board does not consider the licensing requirements of the other jurisdiction**
22 **to be generally equivalent to those of this state at the time of application**
23 **because certain areas of subject matter were not included in the other**
24 **jurisdiction's examinations, the board may find compliance with the**
25 **requirements of this subparagraph if the dentist demonstrates completion**
26 **of continuing education in the omitted subject areas, holds a specialty**
27 **certification in the omitted subject areas, or provides proof satisfactory to**
28 **the board of a history of successful practice involving the omitted subject**
29 **areas;**

30 (C) is in good standing with the licensing entity in the
31 jurisdiction where the dentist is currently licensed and in all jurisdictions in

1 which the dentist was previously licensed while practicing in those
2 jurisdictions; if the dentist is employed by the federal government, the dentist
3 must be in good standing with the employing federal agency;

4 (D) has been engaged in continuous active clinical practice
5 averaging at least 20 hours a [PER] week for each of the five years
6 immediately preceding the application

7 (i) in a jurisdiction in which the dentist was licensed and
8 in good standing; or

9 (ii) working for the federal government while in good
10 standing with the employing federal agency and after having been
11 licensed by a jurisdiction;

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

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

25 (G) has not previously had a license to practice dentistry
26 suspended for grounds similar to those specified under AS 08.36.315, revoked,
27 or voluntarily surrendered;

28 (H) has completed at least 42 hours of continuing education
29 related to clinical dentistry in the three years preceding application for a license
30 in this state; the continuing education must have been approved by the
31 American Dental Association, the Academy of General Dentistry, or the

1 appropriate specialty board;

2 (I) has not within the previous three years failed the clinical
3 exam given by the Western Regional Examining Board;

4 (J) is not the subject of an adverse report from the National
5 Practitioner Data Bank or the American Association of Dental Examiners
6 Clearinghouse for Disciplinary Information that relates to criminal or fraudulent
7 activity, negligent dental care, or malpractice;

8 (2) has passed, to the satisfaction of the board, a written examination
9 that consists of the portion of the written examination given under AS 08.36.160(b)
10 that pertains to the state's laws on the practice of dentistry; the board may not require
11 a higher passing score for applicants under this section than the board requires for
12 applicants under AS 08.36.110;

13 (3) is personally interviewed by the board for purposes of verifying
14 credentials;

15 (4) pays all required fees;

16 (5) provides the board with an affidavit that the dentist is not an
17 impaired practitioner;

18 (6) provides to the board an authorization for release of records in a
19 form prescribed by the board.

20 * **Sec. 5.** TRANSITIONAL PROVISION. Notwithstanding AS 08.36.010, as amended by
21 sec. 2 of this Act, a dentist who holds a position on the Board of Dental Examiners on the
22 effective date of this Act is not prohibited by this Act from serving the remainder of the
23 member's unexpired term. The governor shall appoint the new public member required under
24 this Act when a vacancy occurs in a position previously held by a dentist and set the number
25 of years in the term of the public member appointed under this section so that the new public
26 member's term is staggered with the term of the other public member.

27 * **Sec. 6.** This Act takes effect July 1, 1997.