

CS FOR SENATE BILL NO. 90(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/4/97
Referred: State Affairs

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE**

A BILL

FOR AN ACT ENTITLED

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

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

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

6 (7) Board of Dental Examiners (AS 08.36.010) -- June 30, 2001
7 [1997];

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

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

13 * Sec. 3. AS 08.36.234(a) is amended to read:

14 (a) The board shall provide for the licensing without examination, except as

1 provided in (2) of this subsection, of a dentist who

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

3 (A) is a graduate of a dental school accredited by the
4 Commission on Accreditation of the American Dental Association, or its successor
5 agency, and holds a certificate from the American Dental Association Joint
6 Commission on National Dental Examinations that the dentist has passed the written
7 examination given by the commission;

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

22 (C) is in good standing with the licensing entity in the
23 jurisdiction where the dentist is currently licensed and in all jurisdictions in
24 which the dentist was previously licensed while practicing in those
25 jurisdictions; if the dentist is employed by the federal government, the dentist
26 must be in good standing with the employing federal agency;

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

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

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

4 (E) is not the subject of an adverse decision based upon a
5 complaint, investigation, review procedure, or other disciplinary proceeding
6 within the five years immediately preceding application, or of an unresolved
7 complaint, investigation, review procedure, or other disciplinary proceeding,
8 undertaken by a state, territorial, local, or federal dental licensing jurisdiction
9 or a dental society;

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

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

20 (H) has completed at least 42 hours of continuing education
21 related to clinical dentistry in the three years preceding application for a license
22 in this state; the continuing education must have been approved by the
23 American Dental Association, the Academy of General Dentistry, or the
24 appropriate specialty board;

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

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

31 (2) has passed, to the satisfaction of the board, a written examination

1 that consists of the portion of the written examination given under AS 08.36.160(b)
2 that pertains to the state's laws on the practice of dentistry; the board may not require
3 a higher passing score for applicants under this section than the board requires for
4 applicants under AS 08.36.110;

5 (3) is personally interviewed by the board for purposes of verifying
6 credentials;

7 (4) pays all required fees;

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

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

12 * **Sec. 4.** AS 08.36.315 is amended by adding a new subsection to read:

13 (b) Notwithstanding other provisions of this section, the board may not impose
14 a disciplinary sanction on a dentist based solely on the grounds that the dentist
15 removed or placed, or recommended the removal or placement of, a professionally
16 recognized restorative material for a patient in the absence of demonstrable physical
17 harm to the patient.

18 * **Sec. 5.** AS 08.36 is amended by adding a new section to read:

19 **Sec. 08.36.355. Patient's right to choice in restorative material.** This
20 chapter may not be construed to deprive a dental patient of the right to choose or
21 replace a professionally recognized restorative material.

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