

HOUSE CS FOR CS FOR SENATE BILL NO. 160(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/8/98

Referred: Rules

Sponsor(s): SENATOR TAYLOR BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to radiological equipment used in the practice of dentistry."

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

3 * **Section 1.** AS 08.36 is amended by adding a new section to read:

4 **Sec. 08.36.075. Dental radiological equipment.** (a) Subject to (b) of this
5 section, the board shall establish standards for the registration and inspection of dental
6 radiological equipment, including standards for record keeping relating to the control
7 panels and the use of the equipment. The inspection standards adopted by the board
8 must require that an inspection be performed by a person who has qualifications
9 equivalent to the qualifications established as of the effective date of this Act in the
10 "Applicant Profile and Job Qualification Summary" for a state Radiological Health
11 Specialist I.

12 (b) The board may not adopt a standard under this section that is more
13 stringent than a standard applicable under federal law or regulations or that is more
14 strict than a manufacturer's standard that is applicable to the same aspect of the dental
15 radiological equipment except that, if a federal standard is different from the

1 manufacturer's standard on the same subject, the board shall adopt the stricter of the
2 two standards unless adoption of the other standard would not present a risk of harm
3 to the public or to the operator of the equipment.

4 (c) A dentist may not use, or allow a person under the dentist's supervision to
5 use, dental radiological equipment in this state unless the owner or lessee of the
6 equipment has registered the equipment's control panel with the board and the control
7 panel displays a seal indicating that it has been registered. The board may charge the
8 owner or lessee of the dental radiological equipment a fee for the registration of each
9 control panel registered under this subsection. For each registered control panel, the
10 board shall issue to the owner or lessee a registration seal that indicates that the
11 registration requirement has been met.

12 (d) The board shall require that inspection of dental radiological equipment
13 occur once within every five calendar years and require that records concerning the
14 inspection be provided to the board by the owner or lessee of the equipment and kept
15 on file where the equipment is located. The board shall, upon application by the
16 owner or lessee of the dental radiological equipment, submission of evidence
17 documenting compliance with the inspection standards of the board, and payment of
18 a fee set by the board, issue to the owner or lessee an inspection seal indicating the
19 date by which the dental radiological equipment must pass inspection again. The date
20 on the inspection seal shall be December 31 of the fourth calendar year that occurs
21 after the calendar year in which the inspection occurred. A dentist may not use, or
22 allow a person under the dentist's supervision to use, dental radiological equipment in
23 this state after the date on the most recent inspection seal.

24 (e) Fees charged under this section may not be higher than the amount
25 necessary to cover the board's cost of registering a control panel or approving the
26 inspection of dental radiological equipment, as appropriate, plus the cost of issuing the
27 applicable seals.

28 (f) Notwithstanding AS 08.01.075 and AS 08.36.315, the only penalty
29 applicable to a licensee for violating this section is the imposition by the board in a
30 disciplinary action of a civil fine not to exceed \$5,000 for each violation.

31 (g) In this section, "dental radiological equipment" means equipment for use

1 in the practice of dentistry, consisting of a control panel and associated tube heads, if
2 the equipment emits electronic product radiation, as defined in AS 18.60.545, or uses
3 radionuclides, as defined in AS 18.60.545.

4 * **Sec. 2.** AS 18.05 is amended by adding a new section to read:

5 **Sec. 18.05.065. Dental radiological equipment.** This chapter does not
6 authorize the department to register, inspect, test, or otherwise regulate dental
7 radiological equipment or records relating to dental radiological equipment regulated
8 by the Board of Dental Examiners under AS 08.36.075.

9 * **Sec. 3.** AS 18.60.525 is amended by adding a new subsection to read:

10 (e) AS 18.60.475 - 18.60.545 do not authorize the department to register,
11 inspect, test, or otherwise regulate dental radiological equipment or records relating to
12 dental radiological equipment regulated by the Board of Dental Examiners under
13 AS 08.36.075.

14 * **Sec. 4.** AS 44.29 is amended by adding a new section to read:

15 **Sec. 44.29.027. Dental radiological equipment.** This chapter does not
16 authorize the department to register, inspect, test, or otherwise regulate dental
17 radiological equipment or records relating to dental radiological equipment regulated
18 by the Board of Dental Examiners under AS 08.36.075.

19 * **Sec. 5.** AS 44.46 is amended by adding a new section 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 Board of Dental Examiners under AS 08.36.075.

24 * **Sec. 6.** AS 46.03 is amended by adding a new section to read:

25 **Sec. 46.03.022. Dental radiological equipment.** This title does not authorize
26 the department to register, inspect, test, or otherwise regulate dental radiological
27 equipment or records relating to dental radiological equipment regulated by the Board
28 of Dental Examiners under AS 08.36.075.

29 * **Sec. 7. TRANSITIONAL PROVISIONS.** (a) All litigation, hearings, investigations, and
30 other proceedings pending under a law amended by this Act, or in connection with functions
31 transferred by this Act, continue in effect and may be continued and completed

1 notwithstanding a transfer or amendment provided for in this Act. Certificates, orders, and
2 regulations issued or adopted under authority of a law amended by this Act remain in effect
3 for the term issued or until revoked, vacated, or otherwise modified under the provisions of
4 this Act. All contracts, rights, liabilities, and obligations created by or under a law amended
5 by this Act, and in effect on the day before the effective date of this Act, remain in effect
6 notwithstanding this Act's taking effect. Records of agencies of the state whose functions are
7 transferred under this Act shall be transferred commensurate with the provisions of this Act.

8 (b) Notwithstanding other provisions of this Act, the Department of Health and Social
9 Services and the Department of Environmental Conservation may continue to regulate dental
10 radiological equipment and record keeping relating to dental radiological equipment, as
11 defined in AS 08.36.075, added by sec. 1 of this Act, to the same extent that the respective
12 departments were authorized to regulate dental radiological equipment and records on the day
13 before the effective date of this Act until the effective date of regulations adopted by the
14 Board of Dental Examiners to implement AS 08.36.075, added by sec. 1 of this Act.

15 (c) Notwithstanding other provisions of this Act, a person is not considered to be in
16 violation of AS 08.36.075(c) or (d), added by sec. 1 of this Act, unless the violation occurs
17 more than one year after the effective date of regulations adopted by the Board of Dental
18 Examiners to implement AS 08.36.075, added by sec. 1 of this Act.