

**HOUSE BILL NO. 530**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE HOUSE LABOR AND COMMERCE COMMITTEE**

**Introduced: 3/4/04**

**Referred: Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to dentists and dental hygienists; establishing certain committees for**  
2 **the discipline and peer review of dentists; excluding the adjudicatory proceedings of the**  
3 **Board of Dental Examiners and its committees from the Administrative Procedure Act;**  
4 **and providing for an effective date."**

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

6 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
7 to read:

8 PURPOSE. It is the purpose of this Act to modify the existing framework used to  
9 license and discipline dentists and dental hygienists in order to improve the practice of  
10 dentistry in the state and to better protect the public. It is the further purpose of this Act to  
11 provide peer review and to ensure confidentiality for the complainants and the licensee, to  
12 involve licensed dentists in the decision-making process, and to better address patient and  
13 public complaints.

14 \* **Sec. 2.** AS 08.01.050 is amended by adding a new subsection to read:

1 (e) Except as otherwise provided under AS 08.36, the department shall  
 2 maintain the confidentiality of information involving a dental hygienist or dentist  
 3 licensed in the state under AS 08.32 or AS 08.36 or a person who is a patient or  
 4 complainant of a licensed dentist or dental hygienist if the information pertains to the  
 5 health, discipline, or rehabilitation of the licensee or other person.

6 \* **Sec. 3.** AS 08.01.080 is amended to read:

7 **Sec. 08.01.080. Department regulations.** The department shall adopt  
 8 regulations to carry out the purposes of this chapter including but not limited to  
 9 describing

10 (1) how an examination is to be conducted;

11 (2) what is contained in application forms;

12 (3) how a person applies for an examination or license;

13 **(4) how to maintain the confidentiality of information required to**  
 14 **be confidential under AS 08.01.050.**

15 \* **Sec. 4.** AS 08.32.160 is amended to read:

16 **Sec. 08.32.160. Grounds for discipline, suspension, or revocation of**  
 17 **license.** The board may revoke or suspend the license of a dental hygienist, or may  
 18 reprimand, censure, or discipline a licensee, **or impose another form of discipline**  
 19 **that the board determines is warranted and necessary, including a fine,** if, after a  
 20 hearing, the board finds that the licensee

21 (1) **knowingly** used [OR KNOWINGLY COOPERATED IN] deceit,  
 22 fraud, or intentional misrepresentation to obtain a license or registration;

23 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
 24 course of providing or billing for professional services or engaging in professional  
 25 activities;

26 (3) advertised professional services in a false or misleading manner;

27 (4) has been convicted of a felony or other crime that affects the  
 28 licensee's ability to continue to practice competently and safely;

29 (5) failed to comply with this chapter, with a regulation adopted under  
 30 this chapter or under AS 08.36, or with an order of the board;

31 (6) continued to practice after becoming unfit due to

- 1 (A) professional incompetence;
- 2 (B) addiction or dependence on alcohol or other drugs that
- 3 **threatens or compromises patient care, has the potential to compromise**
- 4 **patient care, or** impairs the licensee's ability to practice safely;
- 5 (C) physical or mental disability;
- 6 (D) failure to keep informed of or use current professional
- 7 theories and practices;
- 8 (7) engaged in lewd or immoral conduct in connection with the
- 9 delivery of professional service to patients;
- 10 (8) performed clinical procedures for compensation without being
- 11 under the supervision of a licensed dentist.

12 \* **Sec. 5.** AS 08.32.171 is repealed and reenacted to read:

13 **Sec. 08.32.171. Disciplinary sanctions.** The board may summarily suspend

14 the license of a licensee who refuses to submit to a physical or mental examination

15 under AS 08.36.070(b)(1) upon proof by clear and convincing evidence that the

16 licensee poses an immediate threat of harm to patient care in the absence of a physical

17 or mental examination. A decision to suspend a license under this section is a final

18 administrative decision subject to judicial review under AS 44.62.560 and 44.62.570.

19 \* **Sec. 6.** AS 08.36.010(a) is amended to read:

20 (a) There is created the Board of Dental Examiners consisting of nine

21 members. Six members shall be **actively** licensed dentists **under this chapter** who

22 have been engaged in the practice of dentistry in the state for **at least** five years

23 immediately preceding appointment, two members shall be dental hygienists **actively**

24 licensed under AS 08.32 who have been engaged in the practice of dental hygiene in

25 the state for **at least** five years immediately preceding appointment, and one member

26 shall be a public member.

27 \* **Sec. 7.** AS 08.36.030 is repealed and reenacted to read:

28 **Sec. 08.36.030. Officers.** The board shall elect a president, vice-president,

29 and secretary from among its members, each to serve a term of not more than two

30 years. If the president is absent or incapable of performing the duties of president, the

31 vice-president shall succeed to the presidency until the president is able to return to the

1 duties of president. All officers must be licensed dentists except for the position of  
 2 secretary. The president's duties include coordination, supervision, and direction of the  
 3 functions of the board, with the assistance of the department or other staff and the  
 4 concurrence of the board.

5 \* **Sec. 8.** AS 08.36.040 is amended to read:

6 **Sec. 08.36.040. Meetings.** The board shall meet at the call of the president at  
 7 least four times annually and at other times necessary to conduct its business. In the  
 8 absence of a call of the president, a majority of the board may call a meeting. **A**  
 9 **meeting of the board may be conducted telephonically except for a meeting**  
 10 **conducted for the purpose of holding a disciplinary hearing. A disciplinary**  
 11 **hearing shall be conducted in person.**

12 \* **Sec. 9.** AS 08.36.070 is amended to read:

13 **Sec. 08.36.070. General powers.** (a) The board shall

14 (1) provide for the examination of applicants and issue licenses to  
 15 those applicants it finds qualified;

16 (2) register licensed dentists and licensed dental hygienists who are in  
 17 good standing;

18 (3) affiliate with the American Association of Dental Examiners and  
 19 pay annual dues to the association;

20 (4) **establish peer review and confidentiality procedures for**  
 21 **hearings, conduct investigations,** hold hearings, and order the disciplinary sanction  
 22 of a person who violates this chapter, AS 08.32, or a regulation of the board;

23 (5) supply forms for applications, licenses, permits, certificates, and  
 24 other papers and records;

25 (6) enforce the provisions of this chapter and AS 08.32 and adopt or  
 26 amend the regulations necessary to make the provisions of this chapter and AS 08.32  
 27 effective;

28 (7) adopt regulations ensuring that renewal of registration is contingent  
 29 upon proof of continued professional competence by a licensed dentist or licensed  
 30 dental hygienist;

31 (8) provide the department with the requirements for proof of

1 continued professional competence and request the department to make these  
 2 requirements available to each licensed dentist and licensed dental hygienist at least  
 3 one year before the date on which the dentist or dental hygienist must renew  
 4 registration;

5 (9) at least annually cause to be published in a newspaper of general  
 6 circulation in each major city in the state a summary of disciplinary actions the board  
 7 has taken during the preceding calendar year **that identifies only the name of the**  
 8 **licensee, the type of discipline imposed, and a reference to the statute or**  
 9 **regulation violated by the licensee;**

10 (10) issue permits or certificates to licensed dentists, licensed dental  
 11 hygienists, and dental assistants who meet standards determined by the board for  
 12 specific procedures that require specific education and training;

13 (11) regulate the reentry into practice of inactive dentists and dental  
 14 hygienists;

15 (12) require, as a condition of a license or license renewal issued by  
 16 the board, that an applicant or licensee has, at the time of licensing or renewal and  
 17 maintains throughout the period of a license, current certification in cardiopulmonary  
 18 resuscitation techniques, except that the board may waive this requirement under an  
 19 agreement with the applicant or licensee if the applicant or licensee documents, to the  
 20 satisfaction of the board, the existence of a physical impairment that results in an  
 21 inability to be certified in cardiopulmonary resuscitation techniques and the agreement  
 22 specifies that the applicant or licensee will ensure that another person who is certified  
 23 in cardiopulmonary resuscitation techniques will be in the same room as the applicant  
 24 or licensee whenever the applicant or licensee is practicing dentistry on a living patient  
 25 who is also present; the board may include in the agreement an expiration date or  
 26 provide that the agreement remains in effect until reviewed by the board;

27 **(13) maintain confidentiality over patient, complainant, and**  
 28 **licensee information that contains personal health information or is otherwise**  
 29 **required to be kept confidential under federal or state law;**

30 **(14) employ or contract for legal, investigative, and administrative**  
 31 **services as necessary to carry out the board's duties under this chapter;**

1                   **(15) establish and monitor an informal and confidential chemical**  
 2                   **dependency intervention program that may include a licensee's colleague, family**  
 3                   **member, or friend.**

4                   (b) The board **or its designee** may

5                   (1) order a licensed dentist or licensed dental hygienist to submit to a  
 6                   reasonable physical or mental examination if **there is substantial recent evidence**  
 7                   **that** the dentist's or the dental hygienist's physical or mental capacity to practice safely  
 8                   is at issue **and the examination is reasonably necessary to determine whether the**  
 9                   **licensee has violated AS 08.32 or this chapter; an examination ordered by the**  
 10                   **board shall be conducted in the state by a person who is licensed in the state and**  
 11                   **otherwise qualified to perform the examination, as determined by the board; a**  
 12                   **licensee may submit for the board's consideration another medical evaluation in**  
 13                   **addition to an examination ordered by the board;** and

14                   (2) authorize its representative to inspect the practice facilities or  
 15                   patient or professional records of a dentist at reasonable times and in a reasonable  
 16                   manner to monitor compliance with this chapter and with AS 08.32.

17 \* **Sec. 10.** AS 08.36.080 is repealed and reenacted to read:

18                   **Sec. 08.36.080. Application of Administrative Procedure Act.** (a) The  
 19                   administrative adjudication procedures of AS 44.62 (Administrative Procedure Act)  
 20                   do not apply to adjudicatory proceedings of the board or the board's committees  
 21                   except that final administrative determinations by the board are subject to judicial  
 22                   review as provided in AS 44.62.560 and 44.62.570.

23                   (b) AS 44.62.010 - 44.62.320 and 44.62.640 apply to regulations adopted by  
 24                   the board.

25 \* **Sec. 11.** AS 08.36.315 is amended to read:

26                   **Sec. 08.36.315. Grounds for discipline, suspension, or revocation of**  
 27                   **license.** The board may revoke or suspend the license of a dentist, or may reprimand,  
 28                   censure, or discipline a dentist, or both, **or impose another form of discipline that**  
 29                   **the board determines is warranted and necessary, including a fine,** if the board  
 30                   finds after a hearing that the dentist

31                   (1) **knowingly** used or knowingly cooperated in deceit, fraud, or

1 intentional misrepresentation to obtain a license;

2 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
3 course of providing or billing for professional dental services or engaging in  
4 professional activities;

5 (3) advertised professional dental services in a false or misleading  
6 manner;

7 (4) received compensation for referring a person to another dentist or  
8 dental practice;

9 (5) has been convicted of a felony or other crime that affects the  
10 dentist's ability to continue to practice dentistry competently and safely;

11 (6) engaged in the performance of patient care, or permitted the  
12 performance of patient care by persons under the dentist's supervision, that does not  
13 conform to minimum professional standards of dentistry regardless of whether actual  
14 injury to the patient occurred;

15 (7) failed to comply with this chapter, with a regulation adopted under  
16 this chapter, or with an order of the board;

17 (8) continued to practice after becoming unfit due to

18 (A) professional incompetence;

19 (B) failure to keep informed of or use current professional  
20 theories or practices, **except that a dentist's choice to employ one of several**  
21 **acceptable treatment modalities may not be grounds for discipline;**

22 (C) addiction or dependence on alcohol or other drugs that  
23 **threatens or compromises patient care, has the potential to compromise**  
24 **patient care, or** impairs the dentist's ability to practice safely;

25 (D) physical or mental disability **that cannot be overcome**  
26 **through an accommodation for purposes of complying with this chapter;**

27 (9) engaged in lewd or immoral conduct in connection with the  
28 delivery of professional service to patients;

29 (10) permitted a dental hygienist or dental assistant who is employed  
30 by the dentist or working under the dentist's supervision to perform a dental procedure  
31 in violation of AS 08.32.110 or AS 08.36.070(a)(10);

1 (11) failed to report to the board a death that occurred on the premises  
2 used for the practice of dentistry within 48 hours.

3 \* **Sec. 12.** AS 08.36.315 is amended by adding new subsections to read:

4 (b) The board may not discriminate against a licensee solely on the basis of a  
5 mental or physical impairment or disability. The board may reinstate a license of a  
6 person who suffers from a mental or physical impairment or disability on proof of  
7 completion of rehabilitation through an accredited rehabilitation program designed for  
8 professionals and consistent with regulations adopted under this chapter. When  
9 making a decision under this section that is based on the existence of a physical or  
10 mental impairment or disability, the board shall comply with federal law. The board  
11 shall consider voluntary rehabilitation completed by a licensee as a mitigating  
12 circumstance in determining the form of discipline to impose on a licensee. The board  
13 shall consider a failure to complete a rehabilitation program by a licensee as an  
14 aggravating circumstance in determining the form of discipline to impose on a  
15 licensee.

16 (c) The governing principle of all disciplinary actions shall be direct,  
17 confidential, and candid peer review under AS 08.36.316, with a focus on solving and  
18 correcting deficiencies, not punishing or humiliating a licensee.

19 (d) In this section, a "mental or physical impairment or disability" includes  
20 addiction to drugs or alcohol.

21 \* **Sec. 13.** AS 08.36 is amended by adding a new section to read:

22 **Sec. 08.36.316. Disciplinary and peer review procedures.** (a) The board  
23 shall conduct disciplinary proceedings consistent with principles of substantive and  
24 procedural due process and by using peer review, when applicable, as described in this  
25 section.

26 (b) A person may file a written complaint with the board on a form provided  
27 by the board and signed by the complainant for actions involving a person licensed  
28 under this chapter. The complaint must contain a clear statement of the details of each  
29 act of alleged misconduct, including the approximate place and time of the act.

30 (c) The department shall mail a copy of the complaint to the licensee within 30  
31 days after receipt of the complaint and shall provide notice to the licensee of the

1 requirement to provide an answer within 30 days after receipt of the notice. Failure to  
2 file a timely answer may be presumed to be an admission of guilt except that a  
3 licensee may not be compelled to provide evidence of criminal wrongdoing.

4 (d) The department shall conduct a preliminary investigation and determine  
5 whether to dismiss the complaint for insufficiency of evidence to support the  
6 allegation. If the department determines that a complaint contains some factual basis,  
7 the department shall present the complaint and supporting documentation to the board  
8 president. The board president may return the complaint to the department for further  
9 investigation or submit the complaint and supporting documentation to the board with  
10 a recommendation for dismissal of the complaint, submission of the complaint to a  
11 disciplinary committee, or submission of the complaint to mediation by a peer review  
12 committee. The board president may not recommend mediation by a peer review  
13 committee, nor may the board refer a matter for mediation by a peer review  
14 committee, if the allegations in the complaint include fraud, sexual misconduct,  
15 criminal activity, or prescription medication abuse.

16 (e) If the board does not dismiss a complaint submitted to it by the board  
17 president under (d) of this section and peer review mediation is not prohibited under  
18 (d) of this section, the board shall refer the complaint for mediation by a peer review  
19 committee. The board shall appoint a peer review committee to attempt to mediate a  
20 matter referred for peer review. The department may employ or contract for the  
21 services of a mediator who is either a dentist or an attorney licensed to practice in the  
22 state. Mediation shall be informally conducted without regard to the rules of evidence.  
23 The peer review committee shall issue a determination with written findings and  
24 decision and serve it on the licensee. The peer review committee may decide to  
25 dismiss a complaint, subject to the approval of the board, refer the matter to the  
26 disciplinary committee, or mediate the complaint. If mediation is successful, the  
27 complaint shall be closed subject to the terms of the mediation and the approval of the  
28 board. The board shall approve a mediated agreement under this subsection unless  
29 good cause is shown that the agreement is contrary to law or the facts of the case. The  
30 peer review committee may oversee a resolution that the parties agree on, including  
31 refunds, payment of damages, release of claims, fines, disciplinary action, or other

1 action that is just and equitable under the circumstances. The peer review committee  
2 proceedings and records are confidential and are not subject to the public records law  
3 under AS 40.25.100 - 40.25.220. The committee may request the assistance of  
4 counsel through the department and the Department of Law.

5 (f) Within 30 days after service of the peer review committee findings and  
6 decision, a party to the peer review may appeal the peer review committee's findings  
7 and decision to the board if the decision includes a recommendation for disciplinary  
8 action by the board. The appeal shall be limited to a decision by the board of whether  
9 sufficient evidence supported the findings and decision of the peer review committee.  
10 An appeal to the board under this subsection does not disqualify the board from  
11 reviewing further decisions on the matter.

12 (g) The board shall appoint a disciplinary committee made up of three actively  
13 licensed dentists who have each been engaged in the practice of dentistry in the state  
14 for at least five years in the same field as the licensee. The disciplinary committee  
15 shall review complaints referred to it by a peer review committee or by the board. The  
16 disciplinary committee is not bound by a peer review committee's findings in cases  
17 that have involved peer review and may fully reconsider the issues and conduct an  
18 evidentiary hearing consistent with the court rules of evidence and civil procedure.  
19 The parties may be represented by counsel at a proceeding of the disciplinary  
20 committee. After a hearing, the disciplinary committee shall issue written findings  
21 and a decision that dismisses the case, accepts the findings of a peer review committee  
22 with or without modification and orders disciplinary action, remands the matter back  
23 to a peer review committee, or orders disciplinary action. The department shall  
24 provide necessary staff to support the disciplinary committee except that disciplinary  
25 and enforcement actions shall be taken only by a member of the disciplinary  
26 committee, the peer review committee, or the board. Each member of the disciplinary  
27 committee shall be present during the presentation of evidence in order to participate  
28 in the decision on a matter. The disciplinary committee may resolve a complaint  
29 through a stipulated agreement with the licensee in lieu of a hearing at any stage in the  
30 proceedings. The committee may contract, subject to the approval of the board, with  
31 independent legal counsel.

1           (h) Within 30 days after service of a disciplinary committee decision, a party  
2 may appeal the decision to the board. The board shall conduct a review on the record  
3 of the disciplinary committee and shall rule on the appeal by affirming the decision or  
4 remanding the matter to the disciplinary committee with instructions. A party may  
5 appeal a board decision to the superior court for a de novo hearing.

6           (i) Decisions made under this section shall be made by a quorum of the  
7 committee membership.

8           (j) The disciplinary committee shall

9                 (1) appoint and supervise department staff to assist a disciplinary  
10 committee, subject to the approval of the board;

11                (2) supervise the investigation of complaints involving a licensee  
12 except those required to be brought before a peer review committee;

13                (3) conduct disciplinary hearings and hire counsel for assistance or  
14 request the department to provide counsel through the Department of Law, subject to  
15 the approval of the board;

16                (4) review and modify the findings of fact, conclusions of law, and  
17 recommendations of a peer review committee;

18                (5) recommend and impose discipline or order a complaint dismissed,  
19 subject to board confirmation, within 90 days after concluding a hearing on a matter;

20                (6) issue a reprimand, subject to the approval of the board;

21                (7) maintain complete and confidential records of all disciplinary  
22 matters in which the disciplinary committee participates;

23                (8) issue subpoenas requested by regulatory bodies in other  
24 jurisdictions;

25                (9) consider and rule on prehearing motions under the Alaska Rules of  
26 Civil Procedure or regulations adopted by the board.

27           (k) A licensee may appeal a decision of the disciplinary committee to the full  
28 board by filing a written notice of appeal on a form provided by the board within 30  
29 days after receiving notice of a decision of the disciplinary committee. The board  
30 shall review the evidence and the conclusions and recommendations. The board shall  
31 issue a written decision within 30 days after receiving the notice of appeal and shall

1 mail a copy of the decision to the licensee. A board decision under this section is a  
 2 final administrative decision subject to appeal to the superior court. Documents  
 3 pertaining to an administrative appeal are confidential, and the heading shall be styled  
 4 "in the matter of" followed by the licensee's initials.

5 (l) Evidence at any stage of a disciplinary proceeding may include testimony  
 6 of patients of the licensee and of expert witnesses. An expert shall be certified to  
 7 testify before the board only if the expert is a licensed dentist in good standing and is  
 8 actively engaged in the practice of dentistry.

9 (m) The attorney for the licensee is entitled to receive copies of all relevant  
 10 material, including names of witnesses and investigative records in the possession and  
 11 control of the board. The department shall provide copies to the licensee not later than  
 12 60 days before a disciplinary hearing. Failure to timely disclose relevant evidence  
 13 shall result in the exclusion of the nondisclosed evidence.

14 (n) Disciplinary committees and peer review committees established under  
 15 this section are review organizations for the purposes of AS 18.23.005 - 18.23.070.

16 \* **Sec. 14.** AS 08.36.317 is amended to read:

17 **Sec. 08.36.317. Civil fine authority.** Notwithstanding AS 08.01.075(a), in a  
 18 disciplinary action, the board may impose a civil fine not to exceed **\$250,000**  
 19 [\$25,000] for each **complaint resulting in a finding of a** violation **or violations** of  
 20 this chapter or of a regulation adopted under this chapter.

21 \* **Sec. 15.** AS 08.36.320 is amended by adding a new subsection to read:

22 (f) For purposes of implementing the board's power to summarily suspend a  
 23 license under AS 08.01.075(c), the term "clear and immediate danger to the public  
 24 health and safety" in AS 08.01.075(c), as applied to persons licensed under this  
 25 chapter, means that the licensee's physical or mental condition or professional  
 26 judgment is such that patients will likely suffer serious injury or death if the licensee is  
 27 permitted to continue to practice dentistry. Proof of "clear and immediate danger to  
 28 the public health and safety" shall be by clear and convincing evidence and shall be  
 29 based on verifiable recent harm to patients when there was a substantial probability of  
 30 death or serious personal injury to the patient.

31 \* **Sec. 16.** AS 18.23.070(5) is amended to read:

1 (5) "review organization" means

2 (A) a hospital governing body or a committee whose  
3 membership is limited to health care providers and administrative staff, except  
4 where otherwise provided for by state or federal law, and that is established by  
5 a hospital, by a clinic, by one or more state or local associations of health care  
6 providers, by an organization of health care providers from a particular area or  
7 medical institution, or by a professional standards review organization  
8 established under 42 U.S.C. 1320c-1, to gather and review information relating  
9 to the care and treatment of patients for the purposes of

10 (i) evaluating and improving the quality of health care  
11 rendered in the area or medical institution;

12 (ii) reducing morbidity or mortality;

13 (iii) obtaining and disseminating statistics and  
14 information relative to the treatment and prevention of diseases, illness,  
15 and injuries;

16 (iv) developing and publishing guidelines showing the  
17 norms of health care in the area or medical institution;

18 (v) developing and publishing guidelines designed to  
19 keep the cost of health care within reasonable bounds;

20 (vi) reviewing the quality or cost of health care services  
21 provided to enrollees of health maintenance organizations;

22 (vii) acting as a professional standards review  
23 organization under 42 U.S.C. 1320c;

24 (viii) reviewing, ruling on, or advising on controversies,  
25 disputes, or questions between a health insurance carrier or health  
26 maintenance organization and one or more of its insured or enrollees;  
27 between a professional licensing board, acting under its powers of  
28 discipline or license revocation or suspension, and a health care  
29 provider licensed by it when the matter is referred to a review  
30 organization by the professional licensing board; between a health care  
31 provider and the provider's patients concerning diagnosis, treatment, or

1 care, or a charge or fee; between a health care provider and a health  
 2 insurance carrier or health maintenance organization concerning a  
 3 charge or fee for health care services provided to an insured or enrollee;  
 4 or between a health care provider or the provider's patients and the  
 5 federal or a state or local government, or an agency of the federal or a  
 6 state or local government;

7 (ix) acting on the recommendation of a credential  
 8 review committee or a grievance committee;

9 (B) the State Medical Board established by AS 08.64.010;

10 (C) a committee established by the commissioner of health and  
 11 social services and approved by the State Medical Board to review public  
 12 health issues regarding morbidity or mortality; at least 75 percent of the  
 13 committee members must be health care providers;

14 **(D) the state Board of Dental Examiners established under**  
 15 **AS 08.36.010 and a disciplinary or peer review committee established by**  
 16 **the Board of Dental Examiners.**

17 \* **Sec. 17.** AS 44.62.330(a)(3) is repealed.

18 \* **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to  
 19 read:

20 APPLICABILITY. Section 13 of this Act applies to complaints filed on or after the  
 21 effective date of this Act.

22 \* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to  
 23 read:

24 TRANSITIONAL PROVISION; BOARD MEMBERS. Notwithstanding  
 25 AS 08.36.010(a), as amended by sec. 6 of this Act, a member of the Board of Dental  
 26 Examiners who holds a position on the board on the day before the effective date of this Act  
 27 may continue to hold the position, subject to removal as provided by law, until the person's  
 28 term expires. Appointments occurring on or after the effective date of this Act are governed  
 29 by AS 08.36.010(a), as amended by sec. 6 of this Act, whether the appointment is for a new  
 30 term or to fill the unexpired portion of a term.

31 \* **Sec. 20.** This Act takes effect immediately under AS 01.10.070(c).