

HOUSE BILL NO. 93

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ANDERSON

Introduced: 1/21/05

Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

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

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

1 public complaints.

2 * **Sec. 2.** AS 08.01.080 is amended to read:

3 **Sec. 08.01.080. Department regulations.** The department shall adopt
4 regulations to carry out the purposes of this chapter including but not limited to
5 describing

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

7 (2) what is contained in application forms;

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

9 **(4) how to maintain the confidentiality of information required to**
10 **be confidential under AS 08.01.087.**

11 * **Sec. 3.** AS 08.01.087 is amended by adding a new subsection to read:

12 (d) Except as otherwise provided under AS 08.36, the department shall
13 maintain the confidentiality of information involving a dental hygienist or dentist
14 licensed in the state under AS 08.32 or AS 08.36 or a person who is a patient or
15 complainant of a licensed dentist or dental hygienist if the information pertains to the
16 health, discipline, or rehabilitation of the licensee or other person.

17 * **Sec. 4.** AS 08.32.160 is amended to read:

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

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

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

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

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

31 (5) failed to comply with this chapter, with a regulation adopted under

1 this chapter or under AS 08.36, or with an order of the board;

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

3 (A) professional incompetence;

4 (B) addiction or dependence on alcohol or other drugs that

5 **threatens or compromises patient care, has the potential to compromise**
 6 **patient care, or** impairs the licensee's ability to practice safely;

7 (C) physical or mental disability;

8 (D) failure to keep informed of or use current professional
 9 theories and practices;

10 (7) engaged in lewd or immoral conduct in connection with the
 11 delivery of professional service to patients;

12 (8) performed clinical procedures for compensation without being
 13 under the supervision of a licensed dentist.

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

15 **Sec. 08.32.171. Disciplinary sanctions.** The board may summarily suspend
 16 the license of a licensee who refuses to submit to a physical or mental examination
 17 under AS 08.36.070(b)(1) upon proof by clear and convincing evidence that the
 18 licensee poses an immediate threat of harm to patient care in the absence of a physical
 19 or mental examination. A decision to suspend a license under this section is a final
 20 administrative decision subject to judicial review under AS 44.62.560 and 44.62.570.

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

22 (a) There is created the Board of Dental Examiners consisting of nine
 23 members. Six members shall be **actively** licensed dentists **under this chapter** who
 24 have been engaged in the practice of dentistry in the state for **at least** five years
 25 immediately preceding appointment, two members shall be dental hygienists **actively**
 26 licensed under AS 08.32 who have been engaged in the practice of dental hygiene in
 27 the state for **at least** five years immediately preceding appointment, and one member
 28 shall be a public member.

29 * **Sec. 7.** AS. 08.36.025 is amended to read:

30 **Sec. 08.36.025. Suspension of board members.** A member against whom an
 31 accusation has been filed under **this chapter** [AS 44.62] for violation of AS 08.32.160

1 or AS 08.36.315 is suspended from the board until the decision of the board on the
2 accusation takes effect [UNDER AS 44.62.520].

3 * **Sec. 8.** AS 08.36.030 is repealed and reenacted to read:

4 **Sec. 08.36.030. Officers.** The board shall elect a president, vice-president,
5 and secretary from among its members, each to serve a term of not more than two
6 years. If the president is absent or incapable of performing the duties of president, the
7 vice-president shall succeed to the presidency until the president is able to return to the
8 duties of president. All officers must be licensed dentists except for the position of
9 secretary. The president's duties include coordination, supervision, and direction of the
10 functions of the board, with the assistance of the department or other staff and the
11 concurrence of the board.

12 * **Sec. 9.** AS 08.36.040 is amended to read:

13 **Sec. 08.36.040. Meetings.** The board shall meet at the call of the president at
14 least four times annually and at other times necessary to conduct its business. In the
15 absence of a call of the president, a majority of the board may call a meeting. **A**
16 **meeting of the board may be conducted telephonically except for a meeting**
17 **conducted for the purpose of holding a disciplinary hearing. A disciplinary**
18 **hearing shall be conducted in person.**

19 * **Sec. 10.** AS 08.36.070 is amended to read:

20 **Sec. 08.36.070. General powers.** (a) The board shall
21 (1) provide for the examination of applicants and issue licenses to
22 those applicants it finds qualified;
23 (2) register licensed dentists and licensed dental hygienists who are in
24 good standing;
25 (3) affiliate with the American Association of Dental Examiners and
26 pay annual dues to the association;
27 (4) **establish peer review and confidentiality procedures for**
28 **hearings, conduct investigations,** hold hearings, and order the disciplinary sanction
29 of a person who violates this chapter, AS 08.32, or a regulation of the board;
30 (5) supply forms for applications, licenses, permits, certificates, and
31 other papers and records;

1 (6) enforce the provisions of this chapter and AS 08.32 and adopt or
2 amend the regulations necessary to make the provisions of this chapter and AS 08.32
3 effective;

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

7 (8) provide the department with the requirements for proof of
8 continued professional competence and request the department to make these
9 requirements available to each licensed dentist and licensed dental hygienist at least
10 one year before the date on which the dentist or dental hygienist must renew
11 registration;

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

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

20 (11) regulate the reentry into practice of inactive dentists and dental
21 hygienists;

22 (12) require, as a condition of a license or license renewal issued by
23 the board, that an applicant or licensee has, at the time of licensing or renewal and
24 maintains throughout the period of a license, current certification in cardiopulmonary
25 resuscitation techniques, except that the board may waive this requirement under an
26 agreement with the applicant or licensee if the applicant or licensee documents, to the
27 satisfaction of the board, the existence of a physical impairment that results in an
28 inability to be certified in cardiopulmonary resuscitation techniques and the agreement
29 specifies that the applicant or licensee will ensure that another person who is certified
30 in cardiopulmonary resuscitation techniques will be in the same room as the applicant
31 or licensee whenever the applicant or licensee is practicing dentistry on a living patient

1 who is also present; the board may include in the agreement an expiration date or
2 provide that the agreement remains in effect until reviewed by the board;

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

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

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

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

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

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

24 * **Sec. 11.** AS 08.36.080 is repealed and reenacted to read:

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

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

1 * **Sec. 12.** AS 08.36.315 is amended to read:

2 **Sec. 08.36.315. Grounds for discipline, suspension, or revocation of**
 3 **license.** The board may revoke or suspend the license of a dentist, or may reprimand,
 4 censure, or discipline a dentist, or both, **or impose another form of discipline that**
 5 **the board determines is warranted and necessary,** if the board finds after a hearing
 6 that the dentist

7 (1) **knowingly** used or knowingly cooperated in deceit, fraud, or
 8 intentional misrepresentation to obtain a license;

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

12 (3) advertised professional dental services in a false or misleading
 13 manner;

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

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

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

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

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

25 (A) professional incompetence;

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

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

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

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

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

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

10 * **Sec. 13.** AS 08.36.315 is amended by adding new subsections to read:

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

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

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

28 * **Sec. 14.** AS 08.36 is amended by adding a new section to read:

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

1 section.

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

6 (c) The department shall mail a copy of the complaint to the licensee within 30
7 days after receipt of the complaint and shall provide notice to the licensee of the
8 requirement to provide an answer within 30 days after receipt of the notice. Failure to
9 file a timely answer may be presumed to be an admission of guilt except that a
10 licensee may not be compelled to provide evidence of criminal wrongdoing.

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

23 (e) If the board does not dismiss a complaint submitted to it by the board
24 president under (d) of this section and peer review mediation is not prohibited under
25 (d) of this section, the board shall refer the complaint for mediation by a peer review
26 committee. The board shall appoint a peer review committee to attempt to mediate a
27 matter referred for peer review. The department may employ or contract for the
28 services of a mediator who is either a dentist or an attorney licensed to practice in the
29 state. Mediation shall be informally conducted without regard to the rules of evidence.
30 The peer review committee shall issue a determination with written findings and
31 decision and serve it on the licensee. The peer review committee may decide to

1 dismiss a complaint, subject to the approval of the board, refer the matter to the
2 disciplinary committee, or mediate the complaint. If mediation is successful, the
3 complaint shall be closed subject to the terms of the mediation and the approval of the
4 board. The board shall approve a mediated agreement under this subsection unless
5 good cause is shown that the agreement is contrary to law or the facts of the case. The
6 peer review committee may oversee a resolution that the parties agree on, including
7 refunds, payment of damages, release of claims, fines, disciplinary action, or other
8 action that is just and equitable under the circumstances. The peer review committee
9 proceedings and records are confidential and are not subject to the public records law
10 under AS 40.25.100 - 40.25.220. The committee may request the assistance of
11 counsel through the department and the Department of Law.

12 (f) Within 30 days after service of the peer review committee findings and
13 decision, a party to the peer review may appeal the peer review committee's findings
14 and decision to the board if the decision includes a recommendation for disciplinary
15 action by the board. The appeal shall be limited to a decision by the board of whether
16 sufficient evidence supported the findings and decision of the peer review committee.
17 An appeal to the board under this subsection does not disqualify the board from
18 reviewing further decisions on the matter.

19 (g) The board shall appoint a disciplinary committee made up of three actively
20 licensed dentists who have each been engaged in the practice of dentistry in the state
21 for at least five years in the same field as the licensee. The disciplinary committee
22 shall review complaints referred to it by a peer review committee or by the board. The
23 disciplinary committee is not bound by a peer review committee's findings in cases
24 that have involved peer review and may fully reconsider the issues and conduct an
25 evidentiary hearing consistent with the court rules of evidence and civil procedure.
26 The parties may be represented by counsel at a proceeding of the disciplinary
27 committee. After a hearing, the disciplinary committee shall issue written findings
28 and a decision that dismisses the case, accepts the findings of a peer review committee
29 with or without modification and orders disciplinary action, remands the matter back
30 to a peer review committee, or orders disciplinary action. The department shall
31 provide necessary staff to support the disciplinary committee except that disciplinary

1 and enforcement actions shall be taken only by a member of the disciplinary
2 committee, the peer review committee, or the board. Each member of the disciplinary
3 committee shall be present during the presentation of evidence in order to participate
4 in the decision on a matter. The disciplinary committee may resolve a complaint
5 through a stipulated agreement with the licensee in lieu of a hearing at any stage in the
6 proceedings. The committee may contract, subject to the approval of the board, with
7 independent legal counsel.

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

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

15 (j) The disciplinary committee shall

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

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

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

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

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

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

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

30 (8) issue subpoenas requested by regulatory bodies in other
31 jurisdictions;

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

3 (k) A licensee may appeal a decision of the disciplinary committee to the full
4 board by filing a written notice of appeal on a form provided by the board within 30
5 days after receiving notice of a decision of the disciplinary committee. The board
6 shall review the evidence and the conclusions and recommendations. The board shall
7 issue a written decision within 30 days after receiving the notice of appeal and shall
8 mail a copy of the decision to the licensee. A board decision under this section is a
9 final administrative decision subject to appeal to the superior court. Documents
10 pertaining to an administrative appeal are confidential, and the heading shall be styled
11 "in the matter of" followed by the licensee's initials.

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

16 (m) The attorney for the licensee is entitled to receive copies of all relevant
17 material, including names of witnesses and investigative records in the possession and
18 control of the board. The department shall provide copies to the licensee not later than
19 60 days before a disciplinary hearing. Failure to timely disclose relevant evidence
20 shall result in the exclusion of the nondisclosed evidence.

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

23 * **Sec. 15.** AS 08.36.317 is amended to read:

24 **Sec. 08.36.317. Civil fine authority.** Notwithstanding AS 08.01.075(a), in a
25 disciplinary action, the board may impose a civil fine not to exceed **\$250,000**
26 **[\$25,000]** for each **complaint resulting in a finding of a** violation **or violations** of
27 this chapter or of a regulation adopted under this chapter.

28 * **Sec. 16.** AS 08.36.320 is amended by adding a new subsection to read:

29 (f) For purposes of implementing the board's power to summarily suspend a
30 license under AS 08.01.075(c), the term "clear and immediate danger to the public
31 health and safety" in AS 08.01.075(c), as applied to persons licensed under this

1 chapter, means that the licensee's physical or mental condition or professional
 2 judgment is such that patients will likely suffer serious injury or death if the licensee is
 3 permitted to continue to practice dentistry. Proof of "clear and immediate danger to
 4 the public health and safety" shall be by clear and convincing evidence and shall be
 5 based on verifiable recent harm to patients when there was a substantial probability of
 6 death or serious personal injury to the patient.

7 * **Sec. 17.** AS 18.23.070(5) is amended to read:

8 (5) "review organization" means

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

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

19 (ii) reducing morbidity or mortality;

20 (iii) obtaining and disseminating statistics and
 21 information relative to the treatment and prevention of diseases, illness,
 22 and injuries;

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

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

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

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

31 (viii) reviewing, ruling on, or advising on controversies,

1 disputes, or questions between a health insurance carrier or health
 2 maintenance organization and one or more of its insured or enrollees;
 3 between a professional licensing board, acting under its powers of
 4 discipline or license revocation or suspension, and a health care
 5 provider licensed by it when the matter is referred to a review
 6 organization by the professional licensing board; between a health care
 7 provider and the provider's patients concerning diagnosis, treatment, or
 8 care, or a charge or fee; between a health care provider and a health
 9 insurance carrier or health maintenance organization concerning a
 10 charge or fee for health care services provided to an insured or enrollee;
 11 or between a health care provider or the provider's patients and the
 12 federal or a state or local government, or an agency of the federal or a
 13 state or local government;

14 (ix) acting on the recommendation of a credential
 15 review committee or a grievance committee;

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

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

21 (D) the Joint Commission on Accreditation of Healthcare
 22 Organizations (JCAHO);

23 **(E) the state Board of Dental Examiners established under**
 24 **AS 08.36.010 and a disciplinary or peer review committee established by**
 25 **the Board of Dental Examiners.**

26 * **Sec. 18.** AS 44.64.030(a)(6) is amended to read:

27 (6) AS 08 (occupational licensing), other than AS 08.08, **AS 08.32,**
 28 **AS 08.36,** and AS 08.62.046;

29 * **Sec. 19.** AS 44.62.330(a)(2) is repealed.

30 * **Sec. 20.** Sections 10 and 11, ch. 163, SLA 2004, are repealed.

31 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. AS 08.36.316, added by sec. 14 of this Act, applies to complaints
3 filed on or after the effective date of this Act.

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

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

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

15 CONTINGENT RETROACTIVITY OF SECS. 5 AND 20. If this Act takes effect on
16 or after July 1, 2005, the repeal and reenactment of AS 08.32.171 by sec. 5 of this Act and the
17 repeal of secs. 10 and 11, ch. 163, SLA 2004, by sec. 20 of this Act are retroactive to July 1,
18 2005.

19 * **Sec. 24.** This Act takes effect immediately under AS 01.10.070(c).