

**CS FOR HOUSE BILL NO. 211(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/15/05

Referred: Rules

Sponsor(s): REPRESENTATIVES KELLY, Foster

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act extending the termination date of the Board of Dental Examiners; and relating**  
2 **to dentists and dental hygienists."**

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, 2011 [2005];

6 \* **Sec. 2.** AS 08.32.030 is amended to read:

7 **Sec. 08.32.030. Licensure by credentials.** The board may provide for the  
8 licensing without examination of a dental hygienist who

9 (1) meets the criteria of AS 08.32.020(a);

10 (2) has successfully passed a state or regional dental hygiene clinical  
11 examination **that** [WHICH] the board has determined is at least equivalent in scope,  
12 quality, and difficulty to the Alaska clinical examination;

13 (3) has been in active clinical dental hygiene practice averaging **not**  
14 [NO] less than 700 hours a year [14 HOURS PER WEEK] for each of the two years

1 immediately preceding application for state licensure;

2 (4) has not failed the clinical dental hygiene examination of this state;

3 (5) has not previously had a license to practice dental hygiene issued  
4 by any state or region revoked;

5 (6) **has completed not less than 14 hours of continuing education**  
6 **related to clinical hygiene in the two years before filing an application with the**  
7 **board; the continuing education required under this paragraph must be**  
8 **approved by the board, the American Dental Association, the Academy of**  
9 **General Dentistry, or the American Dental Hygienists' Association** [IS  
10 PERSONALLY INTERVIEWED BY A BOARD MEMBER];

11 (7) pays the fees required under AS 08.32.097; and

12 (8) is not the subject of an unresolved complaint, review procedure, or  
13 disciplinary proceeding undertaken by a dental or dental hygiene licensing  
14 jurisdiction.

15 \* **Sec. 3.** AS 08.36.075(d) is amended to read:

16 (d) The board shall require that inspection of dental radiological equipment  
17 occur once within every **six** [FIVE] calendar years and require that records concerning  
18 the inspection be provided to the board by the owner or lessee of the equipment and  
19 kept on file where the equipment is located. The board shall, upon application by the  
20 owner or lessee of the dental radiological equipment, submission of evidence  
21 documenting compliance with the inspection standards of the board, and payment of a  
22 fee set by the board, issue to the owner or lessee an inspection seal indicating the date  
23 by which the dental radiological equipment must pass inspection again. The date on  
24 the inspection seal shall be December 31 of the **fifth** [FOURTH] calendar year that  
25 occurs after the calendar year in which the inspection occurred. A dentist may not use,  
26 or allow a person under the dentist's supervision to use, dental radiological equipment  
27 in this state after the date on the most recent inspection seal. The board may authorize  
28 an inspector who is not a member of the board to determine whether the owner or  
29 lessee of dental radiological equipment is in compliance with the inspection standards  
30 of the board, collect the appropriate fee and remit the fee to the board, and issue an  
31 inspection seal indicating the date by which the dental radiological equipment must

1 pass inspection again. An inspector who performs an inspection under this subsection  
 2 shall report the results of each inspection to the board and to the department,  
 3 indicating whether the dental radiological equipment was in compliance with the  
 4 inspection standards of the board and whether an inspection seal was issued.

5 \* **Sec. 4.** AS 08.36.110 is amended to read:

6 **Sec. 08.36.110. Qualifications for license.** An applicant for a license to  
 7 practice dentistry shall

8 (1) provide certification to the board that the applicant

9 (A) is a graduate of a dental school that, at the time of  
 10 graduation, is accredited by the Commission on Accreditation of the American  
 11 Dental Association;

12 (B) holds a certificate from the American Dental Association  
 13 Joint Commission on National Dental Examinations that the applicant has  
 14 successfully passed the written examinations given by the commission;

15 (C) has not had a license to practice dentistry revoked,  
 16 suspended, or voluntarily surrendered in this state or another state;

17 (D) is not the subject of an adverse decision based upon a  
 18 complaint, investigation, review procedure, or other disciplinary proceeding  
 19 within the five years immediately preceding application, or of an unresolved  
 20 complaint, investigation, review procedure, or other disciplinary proceeding,  
 21 undertaken by a state, territorial, local, or federal dental licensing jurisdiction  
 22 or a dental society;

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

30 (F) is not the subject of an adverse report from the National  
 31 Practitioner Data Bank or the American Association of Dental Examiners

1 Clearinghouse for Board Actions that relates to criminal or fraudulent activity,  
2 or dental malpractice;

3 (G) is not [AN] impaired **to an extent that affects the**  
4 **applicant's ability to practice dentistry** [PRACTITIONER];

5 **(H) has not been convicted of a crime that adversely reflects**  
6 **on the applicant's ability or competency to practice dentistry or that**  
7 **jeopardizes the safety or well-being of a patient;**

8 (2) pass, to the satisfaction of the board, written, clinical, and other  
9 examinations administered or approved by the board; and

10 (3) meet the other qualifications for a license established by the board  
11 by regulation.

12 \* **Sec. 5.** AS 08.36.234(a) is amended to read:

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

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

16 (A) is a graduate of a dental school accredited by the  
17 Commission on Accreditation of the American Dental Association, or its  
18 successor agency, and holds a certificate from the American Dental  
19 Association Joint Commission on National Dental Examinations that the  
20 dentist has passed the written examination given by the commission;

21 (B) has passed clinical and written examinations required for  
22 licensure in another state, territory, or region of the United States and is  
23 licensed to practice dentistry in a state, territory, or region of the United States;  
24 the state, territory, or region in which the dentist is licensed must have  
25 licensing requirements at least generally equivalent to those of this state at the  
26 time of application; if the board does not consider the licensing requirements  
27 of the other jurisdiction to be generally equivalent to those of this state at the  
28 time of application because certain areas of subject matter were not included in  
29 the other jurisdiction's examinations, the board may find compliance with the  
30 requirements of this subparagraph if the dentist holds a specialty certification  
31 in the omitted subject areas;

1 (C) is in good standing with the licensing entity in the  
2 jurisdiction where the dentist is currently licensed and in all jurisdictions in  
3 which the dentist was previously licensed while practicing in those  
4 jurisdictions; if the dentist is employed by the federal government, the dentist  
5 must be in good standing with the employing federal agency;

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

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

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

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

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

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

30 (H) has completed at least 42 hours of continuing education  
31 related to clinical dentistry in the three years preceding application for a

1 license in this state; the continuing education must have been approved by the  
 2 American Dental Association, the Academy of General Dentistry, or the  
 3 appropriate specialty board;

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

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

10 (2) has passed, to the satisfaction of the board, a written examination  
 11 [THAT CONSISTS OF THE PORTION OF THE WRITTEN EXAMINATION  
 12 GIVEN UNDER AS 08.36.160(b)] that pertains to the state's laws on the practice of  
 13 dentistry; the board may not require a higher passing score for applicants under this  
 14 section than the board requires for applicants under AS 08.36.110;

15 (3) is personally interviewed by the board for purposes of verifying  
 16 credentials;

17 (4) pays all required fees;

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

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

22 \* **Sec. 6.** AS 08.36.246(a) is amended to read:

23 (a) An applicant for a specialty license shall

24 (1) **meet all of the requirements under AS 08.36.110(1) and (3)**  
 25 [POSSESS A LICENSE TO PRACTICE DENTISTRY IN THE STATE];

26 (2) have completed as many academic years of advanced education in  
 27 the specialty as are required by the appropriate specialty board in a program accredited  
 28 by the Commission on Accreditation of the American Dental Association or its  
 29 successor agency; [AND]

30 (3) be a diplomate or the equivalent of the appropriate specialty board,  
 31 or be eligible to be examined for diplomate status as documented by an organization

1 recognized by the American Dental Association; and

2 (4) satisfy one of the following:

3 (A) pass an examination approved by the board;

4 (B) pass a specialty examination given by the Central  
5 Regional Examining Board; or

6 (C) be board certified by a specialty certification board  
7 recognized by the American Dental Association.

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

10 REVISOR'S INSTRUCTION. The revisor is instructed to substitute the word  
11 "practice" for the word "work" in the catch line to AS 08.32.110.

12 \* **Sec. 8.** AS 08.32.020(b); AS 08.36.120, 08.36.130, 08.36.160, 08.36.180, and 08.36.190  
13 are repealed.