

HOUSE JOINT RESOLUTION NO. 28

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE COGHILL

Introduced: 1/20/06

Referred: Labor and Commerce, State Affairs

A RESOLUTION

1 **Affirming the right of the state to exercise its fundamental police powers in relation to**
2 **the practice of dentistry and to condemn any effort by the government of the United**
3 **States to usurp the state's rights.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** the state has demonstrated the intent and will to provide for the welfare
6 of its people through the careful exercise of its police powers by legislating in the area of
7 professional regulation and health care in general, and the practice of dentistry in particular;
8 and

9 **WHEREAS** the United States government has attempted to circumvent state licensing
10 laws governing the practice of professions, including dentistry, by enacting 25 U.S.C. 1616l, a
11 law that has been recently interpreted to allow the unlicensed practice of dentistry in the state;
12 and

13 **WHEREAS** the United States government is promoting substandard dental care, with
14 the greatest effect on the rural residents of the state, by purporting to allow the unlicensed
15 practice of dentistry by persons who lack sufficient training under the laws of the state;

1 **BE IT RESOLVED** that the Alaska State Legislature condemns any effort to impose
2 substandard care on a segment of the population of the state and further condemns federal
3 usurpation of the state's police powers and, specifically, the state's powers to regulate the
4 practice of dentistry; and be it

5 **FURTHER RESOLVED** that the Alaska State Legislature calls on the courts and the
6 executive branch of this state to vindicate, uphold, and preserve state's rights that were
7 reserved to the state under the Tenth Amendment to the United States Constitution and in the
8 Constitution of the State of Alaska and to invalidate any attempt by the United States
9 government to usurp state regulatory powers governing the licensing and practice of
10 professionals or any other licensed occupation; and be it

11 **FURTHER RESOLVED** that the residents of Alaska are, under the law of this state,
12 all one people, irrespective of heritage, race, religion, or culture, and that all people in the
13 state shall be entitled to equal application of the law, that none shall be singled out for
14 substandard medical or dental care or for special privileges or treatment, and that all people
15 are subject equally to the police powers of the state.

16 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
17 of the United States; the Honorable Alberto Gonzales, Attorney General of the United States;
18 Charles Grim, Director, Indian Health Service, United States Department of Health and
19 Human Services; the Honorable Frank Murkowski, Governor of Alaska; the Honorable Larry
20 R. Weeks, Presiding Judge, First Judicial District of Alaska; the Honorable Michael I. Jeffery,
21 Presiding Judge, Second Judicial District of Alaska; the Honorable Dan A. Hensley, Presiding
22 Judge, Third Judicial District of Alaska; the Honorable Niesje J. Steinkruger, Presiding Judge,
23 Fourth Judicial District of Alaska; the Honorable Karleen Jackson, Commissioner of the
24 Alaska Department of Health and Social Services; J. Edward Hill, M.D., President of the
25 American Medical Association; James B. Bramson, DDS, Executive Director, Board of
26 Trustees of the American Dental Association; David Head, M.D., President of the Alaska
27 State Board of Medical Examiners; Robert Warren, DDS, President of the Alaska State Board
28 of Dental Examiners; Cindy Bueler, Pharm. D., President of the Alaska State Board of
29 Pharmacy; David Eichler, DDS, President of the Alaska Dental Society; Kevin Tomera, MD,
30 President of the Alaska State Medical Association; and the Honorable Ted Stevens and the
31 Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S.

1 Representative, members of the Alaska delegation in Congress.