

SENATE CS FOR CS FOR HOUSE BILL NO. 319(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/4/08

Referred: Finance

Sponsor(s): REPRESENTATIVES RAMRAS, Thomas, Salmon, Buch

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the practice of dentistry, to dental assistants, and to dental
2 hygienists."

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

4 * **Section 1.** AS 08.32 is amended by adding a new section to read:

5 **Sec. 08.32.085. Restorative function license endorsement.** (a) The board
6 shall issue a restorative function endorsement to a dental hygienist who is licensed
7 under this chapter if the licensee furnishes evidence satisfactory to the board that the
8 licensee has

9 (1) successfully completed a program accredited by the Commission
10 on Dental Accreditation of the American Dental Association or other course of
11 instruction approved by the board; and

12 (2) passed the Western Regional Examining Board's restorative
13 examination or other equivalent examination approved by the board within the five
14 years preceding the licensee's endorsement application, or the licensee is licensed in

1 another state or United States territory to perform restorative functions.

2 (b) An endorsement issued under this section authorizes a licensed dental
3 hygienist under the direct supervision of a licensed dentist to place restorations into a
4 cavity prepared by the licensed dentist and thereafter carve, contour, and adjust
5 contacts and occlusion of the restoration.

6 (c) The board may by regulation establish renewal and continuing education
7 requirements for an endorsement under this section.

8 * **Sec. 2.** AS 08.32.110(a) is amended to read:

9 (a) The role of the dental hygienist is to assist members of the dental
10 profession in providing oral health care to the public. A person licensed to practice the
11 profession of dental hygiene in the state may

12 (1) remove calcareous deposits, accretions, and stains from the
13 exposed surfaces of the teeth beginning at the epithelial attachment by scaling and
14 polishing techniques;

15 (2) apply topical preventive agents;

16 (3) apply pit and fissure sealants;

17 (4) perform root planning and periodontal soft tissue curettage;

18 (5) perform other dental operations and services delegated by a
19 licensed dentist if the dental operations and services are not prohibited by (c) of this
20 section; and

21 (6) if certified by the board and under the direct, [OR] indirect, or
22 general supervision of a licensed dentist, administer local anesthetic agents.

23 * **Sec. 3.** AS 08.32.110 is amended by adding a new subsection to read:

24 (e) This section does not prohibit a dental hygienist

25 (1) with an endorsement issued under AS 08.32.085 from performing
26 the activities authorized under AS 08.32.085; or

27 (2) who has entered into a collaborative agreement approved by the
28 board under AS 08.32.115 from performing the activities authorized under the
29 collaborative agreement.

30 * **Sec. 4.** AS 08.32 is amended by adding a new section to read:

31 **Sec. 08.32.115. Collaborative agreements.** (a) If the collaborative agreement

1 is approved by the board under (d) of this section, a dental hygienist with a minimum
2 of 4,000 documented hours of clinical experience within the five years preceding
3 application for the board's approval may enter into a collaborative agreement with a
4 dentist licensed under AS 08.36 in which the licensed dentist authorizes the dental
5 hygienist to perform one or more of the following:

- 6 (1) oral health promotion and disease prevention education;
- 7 (2) removal of calcareous deposits, accretions, and stains from the
8 surfaces of teeth;
- 9 (3) application of topical preventive or prophylactic agents, including
10 fluoride varnishes and pit and fissure sealants;
- 11 (4) polishing and smoothing restorations;
- 12 (5) removal of marginal overhangs;
- 13 (6) preliminary charting and triage;
- 14 (7) radiographs;
- 15 (8) use of local periodontal therapeutic agents; and
- 16 (9) performance of nonsurgical periodontal therapy, with or without
17 the administration of local anesthesia, subsequent to a licensed dentist's authorization
18 or diagnosis as specified in the licensed hygienist's collaborative agreement.

19 (b) The services described in (a) of this section may be performed under a
20 collaborative agreement approved by the board

- 21 (1) without the presence of the licensed dentist;
- 22 (2) in a setting other than the usual place of practice of the licensed
23 dentist; and
- 24 (3) without the dentist's diagnosis and treatment plan unless otherwise
25 specified in the collaborative agreement or in (a) of this section.

26 (c) The board shall adopt regulations regarding approval of collaborative
27 agreements between licensed dental hygienists and licensed dentists.

28 (d) The board may approve a collaborative agreement between a licensed
29 dentist and a dental hygienist. However, the board may not approve more than five
30 collaborative agreements with a licensed dentist, not including any collaborative
31 agreements that have been terminated. A dental hygienist shall notify the board of the

1 termination of a collaborative agreement with a licensed dentist.

2 * **Sec. 5.** AS 08.32.140 is amended to read:

3 **Sec. 08.32.140. Supervision required.** A dental hygienist, **other than a**
 4 **dental hygienist practicing according to a collaborative agreement approved**
 5 **under AS 08.32.115,** may not practice except under the general supervision of a
 6 licensed dentist or, if required by regulations adopted under AS 08.32.110(b), the
 7 direct or indirect supervision of a licensed dentist.

8 * **Sec. 6.** AS 08.36 is amended by adding new sections to read:

9 **Article 3A. Dental Assistants.**

10 **Sec. 08.36.342. Coronal polishing certificate.** (a) The board shall issue a
 11 coronal polishing certificate to a dental assistant if the dental assistant furnishes
 12 evidence satisfactory to the board that the dental assistant has completed a program of
 13 instruction approved by the board.

14 (b) A certificate issued under (a) of this section authorizes a dental assistant
 15 under the direct supervision of a dentist licensed in the state to perform coronal
 16 polishing on teeth without calculus.

17 (c) The board may by regulation establish fees, renewal, and continuing
 18 education requirements for a certificate issued under this section.

19 **Sec. 08.36.344. Restorative function certificate.** (a) The board shall issue a
 20 restorative function certificate to a dental assistant if the dental assistant furnishes
 21 evidence satisfactory to the board that the dental assistant has

22 (1) successfully completed a program accredited by the Commission
 23 on Dental Accreditation of the American Dental Association or other course of
 24 instruction approved by the board; and

25 (2) passed the Western Regional Examining Board's restorative
 26 examination or other equivalent examination approved by the board within the five
 27 years preceding the dental assistant's certificate application, or the dental assistant has
 28 legal authorization from another state or jurisdiction to perform restorative functions.

29 (b) A certificate issued under this section authorizes a dental assistant under
 30 the direct supervision of a licensed dentist to place restorations into a cavity prepared
 31 by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion

1 of the restoration.

2 (c) The board may by regulation establish fees, renewal, and continuing
3 education requirements for a certificate under this section.

4 **Sec. 08.36.346. Delegation to dental assistants.** (a) Except as otherwise
5 provided in this chapter, a dentist licensed in this state may delegate to a dental
6 assistant under indirect supervision

7 (1) the exposure and development of radiographs;

8 (2) application of topical preventive agents or pit and fissure sealants;

9 and

10 (3) other dental operations and services except

11 (A) those that may be performed by a dental hygienist under
12 AS 08.32.110(a); and

13 (B) those that may not be delegated to a dental hygienist under
14 AS 08.32.110(c).

15 (b) A dentist licensed in this state may delegate to a dental assistant under
16 direct supervision

17 (1) coronal polishing on teeth without calculus, if the dental assistant is
18 certified under AS 08.36.342;

19 (2) the placement of a restoration into a cavity prepared by a dentist
20 licensed under this chapter and the subsequent carving, contouring, and adjustment of
21 the contacts and occlusion of the restoration, if the dental assistant is certified under
22 AS 08.36.344; and

23 (3) other dental operations and services as defined and regulated by the
24 board; however, a dentist may not delegate to a dental assistant a dental operation or
25 service that requires the professional skill of a licensed dentist or licensed dental
26 hygienist, including those dental operations and services specified in AS 08.32.110(c).

27 **Sec. 08.36.349. Definitions.** In AS 08.36.342 - 08.36.349,

28 (1) "direct supervision" means a dentist licensed in this state is in the
29 dental office, personally diagnoses the condition to be treated, personally authorizes
30 the procedure, and, before dismissal of the patient, evaluates the performance of the
31 dental assistant;

1 (2) "indirect supervision" means a dentist licensed in this state is in the
2 dental office, authorizes the procedures, and remains in the dental office while the
3 procedures are being performed by the dental assistant.

4 * **Sec. 7.** AS 08.36.370 is amended by adding new paragraphs to read:

5 (4) "calculus" means a hardened deposit of mineralized plaque;

6 (5) "coronal polishing" means the removal of supragingival plaque and
7 stains;

8 (6) "dental assistant" means a person employed to provide clinical
9 assistance to a dentist licensed in the state.

10 * **Sec. 8.** AS 08.32.110(d) is repealed.