

**SENATE BILL NO. 239**

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

**BY SENATOR THOMAS**

**Introduced: 1/18/08**

**Referred: Health, Education and Social Services, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the practice of dentistry and to dental assistants."**

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

3 \* **Section 1.** AS 08.36.075(c) is amended to read:

4 (c) A dentist may not use, or allow a person under the dentist's **direct or**  
5 **indirect** supervision to use, dental radiological equipment in this state unless the  
6 owner or lessee of the equipment has registered the equipment's control panel with the  
7 board and the control panel displays a seal indicating that it has been registered. The  
8 board may charge the owner or lessee of the dental radiological equipment a fee for  
9 the registration of each control panel registered under this subsection. For each  
10 registered control panel, the board shall issue to the owner or lessee a registration seal  
11 that indicates that the registration requirement has been met.

12 \* **Sec. 2.** AS 08.36.075(d) is amended to read:

13 (d) The board shall require that inspection of dental radiological equipment  
14 occur once within every six calendar years and require that records concerning the  
15 inspection be provided to the board by the owner or lessee of the equipment and kept

1 on file where the equipment is located. The board shall, upon application by the owner  
 2 or lessee of the dental radiological equipment, submission of evidence documenting  
 3 compliance with the inspection standards of the board, and payment of a fee set by the  
 4 board, issue to the owner or lessee an inspection seal indicating the date by which the  
 5 dental radiological equipment must pass inspection again. The date on the inspection  
 6 seal shall be December 31 of the fifth calendar year that occurs after the calendar year  
 7 in which the inspection occurred. A dentist may not use, or allow a person under the  
 8 dentist's **direct or indirect** supervision to use, dental radiological equipment in this  
 9 state after the date on the most recent inspection seal. The board may authorize an  
 10 inspector who is not a member of the board to determine whether the owner or lessee  
 11 of dental radiological equipment is in compliance with the inspection standards of the  
 12 board, collect the appropriate fee and remit the fee to the board, and issue an  
 13 inspection seal indicating the date by which the dental radiological equipment must  
 14 pass inspection again. An inspector who performs an inspection under this subsection  
 15 shall report the results of each inspection to the board and to the department,  
 16 indicating whether the dental radiological equipment was in compliance with the  
 17 inspection standards of the board and whether an inspection seal was issued.

18 \* **Sec. 3.** AS 08.36.315 is amended to read:

19 **Sec. 08.36.315. Grounds for discipline, suspension, or revocation of license.**

20 The board may revoke or suspend the license of a dentist, or may reprimand, censure,  
 21 or discipline a dentist, or both, if the board finds after a hearing that the dentist

22 (1) used or knowingly cooperated in deceit, fraud, or intentional  
 23 misrepresentation to obtain a license;

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

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

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

31 (5) has been convicted of a felony or other crime that affects the

1 dentist's ability to continue to practice dentistry competently and safely;

2 (6) engaged in the performance of patient care, or permitted the  
3 performance of patient care by persons under the dentist's **direct or indirect**  
4 supervision, that does not conform to minimum professional standards of dentistry  
5 regardless of whether actual injury to the patient occurred;

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

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

9 (A) professional incompetence;

10 (B) failure to keep informed of or use current professional  
11 theories or practices;

12 (C) addiction or dependence on alcohol or other drugs that  
13 impairs the dentist's ability to practice safely;

14 (D) physical or mental disability;

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

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

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

22 \* **Sec. 4.** AS 08.36 is amended by adding new sections to read:

23 **Article 3A. Dental Assistants.**

24 **Sec. 08.36.342. Coronal polishing certificate.** (a) The board shall issue a  
25 coronal polishing certificate to a dental assistant if the dental assistant furnishes  
26 evidence satisfactory to the board that the dental assistant has completed a program of  
27 instruction approved by the board.

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

31 (c) The board may by regulation establish fees and continuing education

1 requirements for a certificate issued under (a) of this section.

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

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

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

12 (b) A certificate issued under this section authorizes a dental assistant under  
13 the direct supervision of a licensed dentist to place restorations into a cavity prepared  
14 by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion  
15 of the restoration.

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

18 **Sec. 08.36.346. Delegation to dental assistants.** (a) A dentist licensed in this  
19 state may delegate to a dental assistant under indirect supervision

20 (1) the exposure and development of radiographs;

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

22 and

23 (3) other dental operations and services except as provided in  
24 AS 08.32.110(c) and this chapter.

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

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

29 (2) the placement of a restoration into a cavity prepared by a dentist  
30 licensed under this chapter and the subsequent carving, contouring, and adjustment of  
31 the contacts and occlusion of the restoration, if the dental assistant is certified under

1 AS 08.36.344; and

2 (3) other dental operations and services as defined and regulated by the  
3 board.

4 \* **Sec. 5.** 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 (7) "direct supervision" means a dentist licensed in this state is in the  
11 dental office, personally diagnoses the condition to be treated, personally authorizes  
12 the procedure, and, before dismissal of the patient, evaluates the performance of the  
13 dental assistant;

14 (8) "indirect supervision" means a dentist licensed in this state is in the  
15 dental facility, authorizes the procedures, and remains in the dental facility while the  
16 procedures are being performed by the dental assistant.

17 \* **Sec. 6.** AS 08.32.110(d) is repealed.