

ALASKA STATE LEGISLATURE
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

February 7, 2008

3:04 p.m.

MEMBERS PRESENT

Representative Peggy Wilson, Chair
Representative Bob Roses, Vice Chair
Representative Anna Fairclough
Representative Wes Keller
Representative Paul Seaton
Representative Sharon Cissna
Representative Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE CONCURRENT RESOLUTION NO. 13

Establishing and relating to the Education Funding District Cost Factor Commission.

- MOVED CSHCR 13(HES) OUT OF COMMITTEE

HOUSE BILL NO. 319

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

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HCR 13

SHORT TITLE: EDUCATION FUNDING/COST FACTOR COMMISSION

SPONSOR(S): REPRESENTATIVE(S) HAWKER BY REQUEST OF JT LEG
EDUCATION FUNDING TASK FORCE

01/15/08	(H)	READ THE FIRST TIME - REFERRALS
01/15/08	(H)	HES
02/07/08	(H)	HES AT 3:00 PM CAPITOL 106

BILL: HB 319

SHORT TITLE: DENTISTS & DENTAL ASSISTANTS

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

01/15/08 (H) READ THE FIRST TIME - REFERRALS
01/15/08 (H) HES, L&C
02/07/08 (H) HES AT 3:00 PM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE MIKE HAWKER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HCR 13, as the prime sponsor.

DAVE JONES, Assistant Superintendant
Kenai Peninsula Borough School District
Soldotna, Alaska

POSITION STATEMENT: Testified in support of HCR 13.

PATTY KRUEGER, Staff
to Representative Jay Ramras
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 319 on behalf of Representative Ramras, sponsor.

JANE PIERSON, Staff
to Representative Jay Ramras
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered a question during the hearing on HB 319.

DAVID L. EICHLER, D.D.S.; President
Alaska Board of Dental Examiners
North Pole, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 319.

DAVID LOGAN, D.D.S.; Legislative Liaison
Alaska Dental Society
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 319.

ACTION NARRATIVE

CHAIR PEGGY WILSON called the House Health, Education and Social Services Standing Committee meeting to order at 3:04:01 PM.

Representatives Wilson, Roses, Seaton, and Gardner were present at the call to order. Representatives Cissna, Fairclough, and Keller arrived as the meeting was in progress.

HCR 13-EDUCATION FUNDING/COST FACTOR COMMISSION

3:05:27 PM

CHAIR WILSON announced that the first order of business would be HOUSE CONCURRENT RESOLUTION NO. 13, Establishing and relating to the Education Funding District Cost Factor Commission.

3:05:34 PM

REPRESENTATIVE MIKE HAWKER, Alaska State Legislature, introduced HCR 13 as the prime sponsor. Representative Hawker informed the committee that HCR 13 was one of the recommendations made by the Joint Legislative Education Funding Task Force [(JLEFTF)] and addresses the issue of the cost differential factor in the student funding formula for education. This factor is the multiplier that is used to determine education funding, recognizing that education costs more in rural areas than in Anchorage. The amount of this factor has been studied by the American Institute of Research (AIR) and the University of Alaska's Institute of Social and Economic Research (ISER); still, it remains an issue of controversy. The JLEFTF recommended that the legislature be set on the task of developing a methodology and calculation of the cost differential factor that satisfies a sufficient number of legislators. House Concurrent Resolution 13 creates the Education Funding District Cost Factor Commission, comprised mostly of legislators, to be charged with the task of examining school district cost differentials and determining a formula to adequately and equitably fund education throughout Alaska, and reporting to the full legislative body prior to September 30, 2009. Representative Hawker explained that there is an alternate proposal that creates a gubernatorial task force comprised of members of the community; however, he opined that the legislature is responsible for funding the educational system for the state, thus the commission should consist of legislators.

3:12:18 PM

CHAIR WILSON stated that the JLEFTF made many compromises during the process of its deliberations. She asked Representative Hawker to discuss those compromises.

[3:13:15 PM](#)

REPRESENTATIVE HAWKER related that the work on the district cost factors, by the commission created by HCR 13, would have a scientific and economic focus, as opposed to the policy issues that were a priority of the JLEFTF. The joint, bi-partisan, legislative approach is intentionally meant to provide an academic process to the cost factor. He pointed out that latitude and freedom are built into the legislation to allow for a process that is scientifically and economically valid.

[3:15:29 PM](#)

REPRESENTATIVE FAIRCLOUGH inquired whether the joint committee, when looking at policy such as millage rates and matching contributions, considered the declining enrollments of some Alaska schools. She asked whether the sponsor regards the identification of "policy points" to be an important addition to this bill.

REPRESENTATIVE HAWKER acknowledged that policy matters are relevant to the discussion; however, this legislation was specifically targeted to the one task of quantifying differences in cost, in the different geographic locations, of conducting similar activities. The discussion of the proper way to fund schools is another question, perhaps to be included in the proposal to create a House Standing Committee on Education.

[3:17:43 PM](#)

REPRESENTATIVE KELLER pointed out that the resolution calls for the president of the Senate and the speaker of the House to appoint the chair and vice chair of the commission. He asked about the wisdom of that approach.

REPRESENTATIVE HAWKER responded that this language was cloned from the legislation that created the JLEFTF, and that he was comfortable, but not adamant, with this procedure.

[3:19:10 PM](#)

REPRESENTATIVE KELLER then asked whether experts on this issue would be part of the task force.

REPRESENTATIVE HAWKER explained that this is a legislative process in order to fulfill the constitutional mandate to

provide the system of schools for the state. If needed, an additional fiscal note could be attached to provide funding for professional resources.

[3:20:57 PM](#)

REPRESENTATIVE SEATON agreed that the eleven members of the commission should set up the parameters. He noted that the resolution lacks the authority to write a Request for Proposal (RFP) to fund the development of the cost factor model.

REPRESENTATIVE HAWKER supported Representative Seaton's suggestion. Additionally, the committee may want to consider eliminating the termination date of the commission, he remarked.

[3:22:16 PM](#)

CHAIR WILSON pointed out that the fiscal note attached is for \$30,000.

[3:22:28 PM](#)

REPRESENTATIVE GARDNER asked for the purpose of an ongoing commission once a functional model was developed.

REPRESENTATIVE HAWKER said that he simply offered the change for the committee's consideration.

[3:23:04 PM](#)

CHAIR WILSON stated that the Department of Education and Early Development (EED) is mandated to check the cost factor every two years. She noted that this bill will be going to the finance committee with the attachment of the fiscal note.

[3:23:45 PM](#)

REPRESENTATIVE HAWKER opined that the fiscal note will force the bill through the Finance Committee.

[3:24:00 PM](#)

REPRESENTATIVE CISSNA encouraged the sponsor to specify the inclusion of no less than two minority members of each body to the commission.

[3:25:06 PM](#)

CHAIR WILSON asked whether there were minority members on the JLEFTF.

REPRESENTATIVE HAWKER said yes. He recalled that a very important member of the minority was appointed to the JLEFTF and expressed his trust in the fairness of the presiding officers to make the appointments. He stated the importance of maintaining the public perception of bipartisanship.

[3:26:18 PM](#)

REPRESENTATIVE KELLER noticed that on page 1, line 16, HCR 13 directs that the commission is established for the purpose of examining school district cost differentials. He opined that this long standing problem would need to be studied at the community level and the commission should not be limited to looking at the formula.

REPRESENTATIVE HAWKER responded that the intent of the resolution is specifically limited to examining the existing formulas and cost differentials. This specific problem has caused the legislature to be in gridlock for many years.

[3:28:46 PM](#)

REPRESENTATIVE ROSES recalled that this resolve was the sole unanimous point agreed upon by members of the JLEFTF, on which he served. He stated that the establishment of a committee to develop a process to arrive at valid differentials for this purpose is a priority.

REPRESENTATIVE HAWKER agreed that the importance of this task was a universal consideration.

[3:30:51 PM](#)

REPRESENTATIVE FAIRCLOUGH voiced her confidence that bipartisanship would occur in the appointments to the commission.

[3:31:44 PM](#)

REPRESENTATIVE SEATON surmised that this issue is comprehensive enough that a diverse group will be appointed, or its recommendations would fail.

[3:32:28 PM](#)

REPRESENTATIVE CISSNA agreed that the current political atmosphere is of a reasonable nature. However, her experience has been that inequities can occur. She offered Amendment 1, such that each [body] would provide no less than two members of the minority caucus.

[3:34:11 PM](#)

REPRESENTATIVE SEATON objected. He explained that, if there is a small majority, the amendment would mandate a disproportionate number of minority members.

[3:35:34 PM](#)

REPRESENTATIVE FAIRCLOUGH stated her opposition to the amendment and pointed out the geographic imbalance that could occur.

[3:36:38 PM](#)

REPRESENTATIVE CISSNA withdrew Amendment 1, and offered Amendment 2 such that no less than one minority member is appointed by the president of the Senate and the speaker of the House.

[3:38:00 PM](#)

REPRESENTATIVE SEATON objected.

REPRESENTATIVE SEATON asked whether Amendment 2 was a conceptual amendment.

REPRESENTATIVE CISSNA indicated that it was.

REPRESENTATIVE SEATON removed his objection.

[3:38:13 PM](#)

REPRESENTATIVE GARDNER objected. She acknowledged Representative Cissna's concern, but cautioned that the amendment introduces an element of partisanship into the resolution.

REPRESENTATIVE CISSNA affirmed that the amendment is a reasonable protection against partisanship.

[3:41:06 PM](#)

A roll call vote was taken. Representatives Keller, Seaton, and Cissna voted in favor of Amendment 2. Representatives Gardner, Fairclough, Roses, and Wilson voted against it. Therefore, Amendment 2 failed by a vote of 3 to 4.

[3:41:31 PM](#)

DAVE JONES, Assistant Superintendent, Kenai Peninsula Borough School District, said that he supports the formation of a body to look at the cost differentials. Mr. Jones agreed that, even with changes to the foundation formula, legitimate geographic cost differentials are needed to apply to that formula for equitable funding across the state. He cited that the success of the JLEFTF supports the creation of the commission in a similar format, and the commission may achieve the solution that has been searched for for ten years. He opined that Representative Hawker should be appointed to the commission.

[3:44:09 PM](#)

CHAIR WILSON closed public testimony.

[3:44:19 PM](#)

REPRESENTATIVE FAIRCLOUGH stated her support for the concept of the failed Amendment 2; however, she expressed her belief that this is a nonpartisan resolution.

[3:44:57 PM](#)

CHAIR WILSON expressed her concern that the amendment could be misinterpreted.

[3:45:16 PM](#)

REPRESENTATIVE KELLER offered Amendment 3, such that on page 2, line 7, following the number "(3)", the language "one" is replaced with "five", and the following language is added: "to include a certified public accountant, a data analyst, and a member of the state school board".

[3:46:22 PM](#)

REPRESENTATIVE FAIRCLOUGH objected.

[3:46:31 PM](#)

CHAIR WILSON asked how many were on the JLEFTF this summer.

[3:46:42 PM](#)

REPRESENTATIVE HAWKER answered eleven members with one appointed by the governor.

CHAIR WILSON concluded that this amendment would make 15 members.

REPRESENTATIVE HAWKER added that the amendment would also need to change the total number of members.

[3:47:02 PM](#)

REPRESENTATIVE FAIRCLOUGH withdrew her objection.

[3:47:10 PM](#)

REPRESENTATIVE GARDNER objected and asked whether the additions were to comport with SB 219.

REPRESENTATIVE KELLER responded that he added the state school board member.

[3:47:38 PM](#)

REPRESENTATIVE FAIRCLOUGH expressed her concern that adding four additional people could bring in lobbying for personal interests. She reminded the committee that the fiscal note provides for the necessary expert advice, and cautioned against adding the perception of undue influence.

[3:49:09 PM](#)

REPRESENTATIVE SEATON supported the concept that the problem has been getting the legislature to address the issue, and the committee should be a legislative task force with questions answered by experts. He indicated his opposition to the amendment.

[3:50:15 PM](#)

REPRESENTATIVE ROSES stated his opposition to the amendment because it misrepresents what this committee is to do. The

legislators are to gather and discuss the parameters and guidelines for an RFP or a request for data analysis.

[3:51:13 PM](#)

CHAIR WILSON commented that the fiscal note is presently dedicated for travel.

[3:51:32 PM](#)

REPRESENTATIVE FAIRCLOUGH pointed out that there was a duplication of the fiscal note.

[3:52:21 PM](#)

REPRESENTATIVE KELLER withdrew Amendment 3, and offered Amendment 4, as follows:

Page 1, line 16,
Delete "school district"
Insert "community."

REPRESENTATIVE KELLER stated that this small change will broaden the product of the commission. He stressed the value of breaking down the cost studies, not by school district, but by areas within a school district.

[3:53:32 PM](#)

REPRESENTATIVE SEATON objected.

[3:53:39 PM](#)

REPRESENTATIVE HAWKER acknowledged that this valid point was discussed by the JLEFTF with the best example being the Kenai Peninsula Borough School District. This school district is composed of urban schools and small, very remote, rural schools with very high cost considerations. He opined that "school district cost differentials" is a term out of statute and presumed the committee will address the idea of the parsing of schools within a district. In fact, there is a large discrepancy even within the Anchorage School District. Representative Hawker emphasized that this is another reason to go beyond conventional wisdom in this process.

[3:56:09 PM](#)

CHAIR WILSON agreed and cited other communities that are affected.

[3:56:54 PM](#)

REPRESENTATIVE SEATON stressed that the funding formula works through school districts and the problem of transportation costs arises within schools districts, not necessarily between communities. A funding formula must be based on a school district basis and then adjusted, through the model, by the diversity of the school district. He emphasized that the basis of the funding formula and the cost differential must match.

[3:59:03 PM](#)

REPRESENTATIVE ROSES supported the community cost idea because cost differentials can be utilized in other areas, for example, in health and social services. In fact, area cost differentials must be researched by scrutinizing each individual community within school districts.

[4:00:13 PM](#)

REPRESENTATIVE FAIRCLOUGH concurred. She explained that the amendment would create a policy change that may cause more problems than it solves. Policy issues should be set aside for the purpose of the mission of this resolution.

[4:01:19 PM](#)

A roll call vote was taken. Representative Keller voted in favor of Amendment 4. Representatives Seaton, Cissna, Fairclough, Roses, and Wilson voted against it. Therefore, Amendment 4 failed by a vote of 1-5.

[4:02:02 PM](#)

REPRESENTATIVE SEATON offered Amendment 5, as follows:

Page 2, line 18;
Delete "December 31, 2010"
Insert "April 1, 2011"

[4:02:17 PM](#)

REPRESENTATIVE FAIRCLOUGH objected.

[4:02:20 PM](#)

REPRESENTATIVE SEATON explained that 2010 is an election year and he stated the possible necessity to re-appoint the entire commission.

[4:03:18 PM](#)

REPRESENTATIVE FAIRCLOUGH withdrew her objection.

[4:03:28 PM](#)

REPRESENTATIVE KELLER objected. He urged the committee to discuss the inclusion of public comment to the report of findings. He then removed his objection.

[4:04:07 PM](#)

CHAIR WILSON objected for discussion. She suggested the addition of a sunset clause and then removed her objection.

[4:04:33 PM](#)

There being no further objection, Amendment 5 was adopted.

[4:04:47 PM](#)

REPRESENTATIVE SEATON offered conceptual Amendment 6, such that on page 2, line 3, the following language would be added: "FURTHER RESOLVED that the commission may solicit a RFP through Legislative Budget and Audit to conduct a study based on the model".

[4:05:07 PM](#)

REPRESENTATIVE FAIRCLOUGH objected.

[4:05:15 PM](#)

REPRESENTATIVE SEATON explained that the purpose of the amendment was to provide a method to conduct the study and implement the model.

[4:06:15 PM](#)

REPRESENTATIVE HAWKER clarified that the work product is that the commission submits a report of its findings and proposed

legislative changes to the legislature. He cautioned that this is not be assigned to Legislative Budget and Audit. Representative Hawker questioned whether this is the type of activity for the funding sources for external resources. He committed to addressing this issue, perhaps through the expansion of the fiscal note, during hearings before the House Finance Standing Committee.

[4:08:01 PM](#)

REPRESENTATIVE SEATON agreed that the issue can be addressed later and that Representative Hawker can explore the most efficient mechanism to get the study conducted based on the model. He further suggested that the study could be conducted after the report is presented and the parameters have been approved by the legislature.

[4:09:58 PM](#)

REPRESENTATIVE HAWKER indicated that this point illustrates why the resolution gives the commission latitude to carry the process forward. He opined that if the commission needs additional resources to complete its task, the funding would come from the legislature's budget that is already appropriated, and additional authority would not be needed.

[4:11:20 PM](#)

CHAIR WILSON asked whether the commission would be charged with creating a model that can be updated efficiently each year.

REPRESENTATIVE HAWKER confirmed that the charge is to create a valid and durable model that can be accurately updated. He cited the Medicaid cost projection model format as an example program that is used annually to update cost projections.

[4:13:22 PM](#)

REPRESENTATIVE SEATON asked whether the report that is presented to the legislature would be of a model with subsequent authorization for a study, or, would the commission also conduct the study and present the calculated cost differentials.

REPRESENTATIVE HAWKER answered that the clear deliverable is the report of its findings. The committee ought to report a durable model; however, it may not be possible. He stressed that the resolution is deficient in that it does not

specifically provide that the committee would engage professional resources to support its efforts.

[4:15:46 PM](#)

REPRESENTATIVE SEATON re-stated his question. He then remarked:

I want to figure out what our expectation is or if we are actually having them construct the model, and, and then that's going to be the report and then the legislature's going to fund the conducting the study to, to fill out that model. ... Right now, I'm a little confused because maybe we don't have the specificity. I was adding in the portion in this amendment, and I'm speaking to the amendment that, yes, you have the authority to go do the study, or conduct the study, or get the RFP, ... and then I backed up and I'm not sure that that ... is what the report was really requesting or was ... the report was requesting looking at the parameters and developing a model. ... I'm at a loss.

[4:17:14 PM](#)

REPRESENTATIVE ROSES expressed his understanding that the charge would be for the commission to provide an end product that would be an area cost differential, without an intermediate step. He cautioned that legislative approval of the parameters for the study will slow the process by years.

[4:18:28 PM](#)

REPRESENTATIVE HAWKER offered a hypothetical example of how the committee would operate. First, there must be a decision of how to solve the problem. This may include advice from consultants, or other procedures. The desired outcome would be the creation of a working model that would provide the numbers for presentation to the legislature. Finally, the legislature would have the larger discussion regarding the annual or bi-annual review of the numbers.

[4:21:14 PM](#)

CHAIR WILSON asked whether the JLEFTF decided that it wanted a model, or new numbers.

REPRESENTATIVE HAWKER opined that it wanted an analysis mechanism that legislators could agree would produce new and accurate numbers.

[4:21:54 PM](#)

REPRESENTATIVE ROSES clarified that the task force was looking for not necessarily new, but accurate, numbers.

[4:22:20 PM](#)

CHAIR WILSON recalled that, during her tenure in the legislature, there have been three studies, and each time the validity of the results was questioned.

[4:23:24 PM](#)

REPRESENTATIVE HAWKER stated that the effort is to develop a mechanism, in an open process, that results in a fair and appropriate calculation.

[4:23:48 PM](#)

REPRESENTATIVE SEATON withdrew Amendment 6, and said that he would leave the issue to the sponsor to address.

[4:24:59 PM](#)

REPRESENTATIVE FAIRCLOUGH asked for confirmation from the sponsor that the \$30,000 provided in the fiscal note is enough funding for an economist to be made available to the commission.

REPRESENTATIVE HAWKER stated his intent to raise the issue with Legislative Legal and with the Finance Committee staff immediately.

[4:26:15 PM](#)

REPRESENTATIVE ROSES moved to report HCR 13, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHCR 13(HES) was reported out of the House Health, Education and Social Services Standing Committee.

HB 319-DENTISTS & DENTAL ASSISTANTS

[4:27:14 PM](#)

CHAIR WILSON announced that the final order of business would be HOUSE BILL NO. 319, "An Act relating to the practice of dentistry and to dental assistants."

[4:27:09 PM](#)

PATTY KRUEGER, Staff to Representative Jay Ramras, Alaska State Legislature, introduced HB 319 on behalf of Representative Ramras, sponsor. She read from the following prepared statement:

Oral health plays a key role in overall health unfortunately not all Alaskan's enjoy good dental health due to geographical barriers, cost of dental care and limitations on dental personnel. House Bill 319 follows the provisions already in place in 36 other states allowing for expanded duties of dental assistants thereby improving access to dental care and reducing costs for dental care. With expanded duties, dental assistants can help community health centers and traveling dental teams provide greater access to care and more cost effective care. This bill specifically will allow certified dental assistants to place "fillings" into a cavity prepared by a licensed dentist and allows a certified dental assistant to do coronal polishing of the teeth. House Bill 319 is beneficial to the citizens of Alaska by improving access to care while still maintaining the oversight to ensure safety and quality of care. This bill is supported by the Alaska Dental Society, Alaska Board of Dental Examiners, Alaska Dental Outreach Consortium and the Alaska Native Tribal Health Consortium. House Bill 319 meets the goals of the preliminary report for the Governor's Health Care Strategies Planning Council.

[4:29:44 PM](#)

REPRESENTATIVE FAIRCLOUGH asked for the source of the definitions that are found on page 5, line 5 to 15, of the bill.

JANE PIERSON, Staff to Representative Jay Ramras, Alaska State Legislature, informed the committee that the definitions in the bill were provided by the Alaska Dental Society, Inc.

[4:30:44 PM](#)

REPRESENTATIVE FAIRCLOUGH further asked for confirmation that the definitions are consistent with standard dental procedures.

[4:31:56 PM](#)

DAVID L. EICHLER, D.D.S.; President, Alaska Board of Dental Examiners, affirmed that the definitions are standard in the dental industry.

[4:32:07 PM](#)

DAVID LOGAN, D.D.S.; Legislative Liaison, Alaska Dental Society, agreed with Dr. Eichler. He added that the definitions for supervision are defined elsewhere in the statute; in fact, the bill creates a new class of supervised entity with the dental assistant. Previously, dental assistants have been a non regulated entity.

[4:33:27 PM](#)

REPRESENTATIVE FAIRCLOUGH then asked whether these definitions are accepted nationally, or just in Alaska.

DR. EICHLER explained that the two definitions related to supervision would be specific with the state of Alaska statute and regulation. The definitions of "calculus" and "coronal polishing" meet the standards of clinical dental practice, and the scope of practice of the "dental assistant" is defined by statute in individual states.

[4:34:24 PM](#)

REPRESENTATIVE SEATON assumed that the bill creates a more limited scope for a dental assistant when compared to the responsibilities of a physician's assistant. For example, the only time that the dental assistant can perform these procedures is when the dentist is present in the facility.

DR. LOGAN said that is correct. A dental assistant can only work in the presence of the dentist, under direct or indirect supervision.

[4:35:24 PM](#)

REPRESENTATIVE ROSES asked whether a local dental assistant would be allowed to correct the polishing after a traveling dentist has left the community.

DR. LOGAN explained that coronal polishing has to do with cleaning the teeth, not the adjustment of fillings. He stressed that a dental assistant cannot make any adjustments to a tooth with a dentist present.

[4:36:46 PM](#)

REPRESENTATIVE FAIRCLOUGH asked about the repeal of AS 08.32.110(d) that allows dental assistants to apply topical preventive agents and sealants.

DR. LOGAN explained that the provision cited by Representative Fairclough was defined under the hygiene statutes and this authority is now found in the bill on page 4, line 21.

[4:37:56 PM](#)

CHAIR WILSON asked whether there is a national board or agency that certifies dental assistants.

DR. EICHLER said yes. He added that national standards are not a part of the regulatory requirements in Alaska. In answer to a question, he further explained that it is difficult to obtain dental office personnel in Alaska, and many are trained on the job by the dentist.

[4:39:12 PM](#)

CHAIR WILSON asked whether there would be an objection to requiring certification for dental assistants who will be performing the expanded duties.

DR LOGAN responded that there is not a national certification process for dental health care providers; however, each state is allowed to credential to their own statute. He said he was not aware of any state that required certification from a national board for all assistants.

DR. EICHLER concurred.

[4:40:55 PM](#)

REPRESENTATIVE ROSES asked whether dental assistants are required to be licensed.

DR. EICHLER indicated no.

[4:41:07 PM](#)

REPRESENTATIVE FAIRCLOUGH referred to page 4, line 23, and asked for further clarification of "other dental operations and services except as provided in AS 08.32.110(c) and this chapter."

DR. EICHLER stated that AS 08.32.110(c) is an exception to the delegation powers that could be delegated to a hygienist. These same exceptions would apply to a dental assistant, also. Paragraph (3) of the bill allows the delegation of services, except for those previously cited.

[4:43:07 PM](#)

REPRESENTATIVE FAIRCLOUGH pointed out that one of the other services delegated to a hygienist is the administration of a local anesthetic, and the bill would also apply this exception to dental assistants.

DR. EICHLER disagreed.

[4:43:47 PM](#)

REPRESENTATIVE FAIRCLOUGH further asked whether this procedure is allowed under paragraph (c).

DR. EICHLER clarified that a dental hygienist is allowed to administer a local anesthetic with a separate certification. He stated that there is no provision in this bill to allow that certification for dental assistants.

[4:45:04 PM](#)

CHAIR WILSON observed that there is time to clear this up before the bill is moved from committee.

REPRESENTATIVE SEATON referred to page 4, line [25], [sub] section (b), and asked for clarification of "direct supervision" as compared to "indirect supervision."

[4:46:24 PM](#)

DR. LOGAN explained that the current definition, under hygiene statute, for "direct supervision" is that the dentist is in the office, but not necessarily in the room, and the dentist is required to see the patient before and after the work is done.

[4:47:17 PM](#)

CHAIR WILSON asked for further clarification.

DR. LOGAN responded that for "indirect supervision" the dentist sees the patient beforehand, and is in the office, but not necessarily in the room, and does not see the patient for evaluation after the work is done. For example, taking a x-ray only requires "indirect supervision."

[4:48:10 PM](#)

CHAIR WILSON asked for a description of procedures that assistants are allowed to do with both "direct" and "indirect" supervision.

DR. LOGAN stated that anything dental assistants do now, they would still be able to do under "indirect supervision." House Bill 319 will allow, with "direct supervision," the packing and carving of filling materials and coronal polishing.

[4:49:10 PM](#)

CHAIR WILSON expressed a concern about the lack of certification of the assistants who are performing these expanded duties. A certification procedure, independent of the dentists, would assuage this concern.

DR. LOGAN emphasized that the function of the dental board is to license dentists and hygienists. He opined that the dental board is in the best qualified position to authorize individuals to perform procedures.

[4:50:22 PM](#)

CHAIR WILSON asked how the dental board makes this conclusion.

DR. EICHLER pointed out that the clause on page 3, line 24, requires that the board will issue a certificate to dental assistants upon completion of a training program. The

University of Alaska is willing to develop a training course to ensure competency for the new duties.

[4:51:22 PM](#)

CHAIR WILSON surmised that dental assistants would attend, and pass, competency classes prior to applying for certification.

[4:51:41 PM](#)

REPRESENTATIVE SEATON noted that on page 3, line 2, the bill establishes the dentist's responsibility to ensure that an assistant under his or her supervision meets the minimum professional standards.

DR. EICHLER concurred.

[4:52:43 PM](#)

REPRESENTATIVE ROSES stated that the bill requires an assistant to be competent, but does not require licensing.

DR. EICHLER agreed that the bill requires a certification course only.

[4:53:19 PM](#)

REPRESENTATIVE ROSES asked whether a dental assistant would be able to perform these functions without a certificate.

DR. EICHLER said no.

[4:53:32 PM](#)

REPRESENTATIVE ROSES recalled that Dr. Eichler had trained some assistants in his office. He asked whether they had certificates.

DR. EICHLER said they did not have certificates for these functions. He added that the functions that a dental assistant currently performs have no certification.

[4:53:57 PM](#)

REPRESENTATIVE ROSES confirmed that certifications will be required for the expanded functions.

DR. EICHLER concurred.

[4:54:09 PM](#)

CHAIR WILSON asked for the consequences to the dentist of allowing procedures by a noncertified assistant.

DR. LOGAN recalled that there was a case about 10 years ago and the dentist was fined \$5,000. He noted that the maximum fine is now \$25,000.

[4:54:57 PM](#)

REPRESENTATIVE FAIRCLOUGH opined that this bill would create additional income for dentists.

[4:55:21 PM](#)

CHAIR WILSON asked whether the bill would allow dentists to collect more money.

DR. LOGAN said no. He explained that dental billing is by procedure regardless of how many providers are involved. He added that the bill would allow a more cost effective means to provide treatment for children who qualify for Medicaid.

[4:56:41 PM](#)

DR. LOGAN, in answer to a question, estimated that there are a very, very low number of dentists who provide cleaning services for Medicaid patients.

[4:56:57 PM](#)

CHAIR WILSON asked whether the bill would allow dental assistants to perform the cleanings that dentists and hygienists now perform, but at a lower cost.

DR. LOGAN said yes.

[4:57:16 PM](#)

REPRESENTATIVE SEATON observed that, in Homer, there are no dentists that provide Medicaid patients with service.

[4:58:08 PM](#)

CHAIR WILSON shared that Ketchikan kids fly to Juneau for dental care.

[4:58:28 PM](#)

REPRESENTATIVE FAIRCLOUGH opined that the owner of a dental office will have the opportunity to provide additional access to care.

[4:58:59 PM](#)

CHAIR WILSON asked whether the bill would be an incentive for dentists to accept more Medicaid patients.

DR. LOGAN expressed his hope that the bill would lower one of the barriers to Medicaid patients.

[Although not formally stated, HB 319 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Health, Education and Social Services Standing Committee meeting was adjourned at 4:59 p.m.