

**ALASKA STATE LEGISLATURE**  
**HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

March 19, 2007

3:05 p.m.

**MEMBERS PRESENT**

Representative Kurt Olson, Chair  
Representative Mark Neuman, Vice Chair  
Representative Carl Gatto  
Representative Gabrielle LeDoux  
Representative Jay Ramras  
Representative Robert L. "Bob" Buch  
Representative Berta Gardner

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Commissioner, Department of Labor & Workforce Development

Clark "Click" Bishop - Fairbanks

- CONFIRMATION(S) ADVANCED

Commissioner, Department of Commerce, Community, & Economic Development

Emil Notti - Anchorage

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 182

"An Act making the offering of certain promotional checks an unfair or deceptive act or practice."

- MOVED HB 182 OUT OF COMMITTEE

HOUSE BILL NO. 136

"An Act relating to dental hygienists."

- MOVED HB 136 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 182

SHORT TITLE: OFFERING PROMOTIONAL CHECKS

SPONSOR(s): REPRESENTATIVE(s) LYNN

03/07/07 (H) READ THE FIRST TIME - REFERRALS  
03/07/07 (H) L&C, JUD  
03/19/07 (H) L&C AT 3:00 PM CAPITOL 17

BILL: HB 136

SHORT TITLE: DENTAL HYGIENISTS

SPONSOR(s): REPRESENTATIVE(s) STOLTZE

02/14/07 (H) READ THE FIRST TIME - REFERRALS  
02/14/07 (H) HES, L&C  
03/06/07 (H) HES AT 3:00 PM CAPITOL 106  
03/06/07 (H) Moved Out of Committee  
03/06/07 (H) MINUTE(HES)  
03/07/07 (H) HES RPT 5DP  
03/07/07 (H) DP: CISSNA, FAIRCLOUGH, GARDNER, ROSES,  
WILSON  
03/07/07 (H) FIN REFERRAL ADDED AFTER L&C  
03/19/07 (H) L&C AT 3:00 PM CAPITOL 17

**WITNESS REGISTER**

REPRESENTATIVE BOB LYNN  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: Presented HB 182.

CLYDE (ED) SNIFFEN, J.R., Assistant Attorney General  
Commercial/Fair Business Section  
Civil Division (Anchorage)  
Department of Law  
Anchorage, Alaska  
POSITION STATEMENT: Answered questions and provided comments  
during hearing on HB 182.

MARIE DARLIN, Coordinator  
Capital City Task Force  
Alaska AARP  
POSITION STATEMENT: Testified in support of HB 182 and HB 136.

REPRESENTATIVE BILL STOLTZE  
Alaska State Legislature

Juneau, Alaska  
POSITION STATEMENT: Presented HB 136.

BEN MULLIGAN, Staff  
to Representative Bill Stoltze  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: Answered questions during hearing on HB  
136.

GAIL WALDEN, Dental Hygienist;  
Member  
Alaska State Dental Hygienists' Association (ASHDA)  
Wasilla, Alaska  
POSITION STATEMENT: Testified in support of HB 136.

IVONNE MILLEA, President  
Alaska State Dental Hygienists' Association (ASHDA)  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HB 136.

JENNIFER MCELROY, Dental Hygienist;  
President  
Kenai Peninsula Dental Hygiene Association  
Soldotna, Alaska  
POSITION STATEMENT: Testified in support of HB 136.

GLENN MARTIN, DDS  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HB 136

ROYANN ROYER, Dental Hygienist  
Chugiak, Alaska  
POSITION STATEMENT: Testified in support of HB 136

DAVID LOGAN, DDS;  
Member  
Alaska Dental Society (ADS)  
Juneau, Alaska  
POSITION STATEMENT: Testified in support of HB 136 and offered  
comments.

MARY CERNEY, Dental Hygienist  
Fairbanks, Alaska  
POSITION STATEMENT: Testified in support of HB 136 and offered  
comments.

## **ACTION NARRATIVE**

**CHAIR KURT OLSON** called the House Labor and Commerce Standing Committee meeting to order at [3:05:01 PM](#). Representatives Buch, Neuman, Gardner, Gatto, and Olson were present at the call to order. Representatives Ramras and LeDoux arrived as the meeting was in progress.

### CONFIRMATION HEARING(S)

Commissioner, Department of Labor & Workforce Development

Commissioner, Department of Commerce, Community, & Economic Development

[3:05:14 PM](#)

CHAIR OLSON announced that the first order of business would be the consideration of appointees to various boards and commissions.

[3:05:35 PM](#)

CHAIR OLSON made a motion to advance the confirmations of Clark "Click" Bishop as Commissioner of the Department of Labor & Workforce Development, and Emil Notti as Commissioner of the Department of Commerce, Community, & Economic Development, to the joint floor session for consideration. There being no objection, the confirmations were advanced.

The committee took an at-ease from 3:05 PM to 3:07 PM.

### HB 182-OFFERING PROMOTIONAL CHECKS

CHAIR OLSON announced that the next order of business would be HOUSE BILL NO. 182, "An Act making the offering of certain promotional checks an unfair or deceptive act or practice."

[3:07:54 PM](#)

REPRESENTATIVE BOB LYNN, Alaska State Legislature, Sponsor, stated that HB 182 deals with promotional checks. He explained that these checks are often for as little as \$3 or \$4, and are sent to thousands of businesses and individuals across the state. Hundreds of these checks are cashed. These checks are legitimate, which he opined is both good and bad. Unsuspecting individuals endorse these checks, and are then obligated for unwanted products and services. Last year, the Department of Law (DOL) announced a settlement with a California based

company, Yellow Pages, Inc. He explained that Yellow Pages, Inc. sent what appeared to be a rebate check for \$3.49, but was actually a contract for advertising services totaling \$179. Consumers did not see the financial disclosure in fine print on the reverse of the check. Alaska, along with 27 other states, eventually settled with the aforementioned company, which was forced to give refunds to consumers, in addition to covering attorney costs and consumer protection enforcement costs. These checks are sent out to individuals and businesses. When cashed, consumers are billed, and may be "hounded" by collection agencies. The [Commercial/Fair Business Section] of the DOL considers these checks to be a classic example of an unfair or deceptive act of practice, as defined in state law. AS 45.50.471 defines an "unfair or deceptive trade practice" as "Conduct that creates a likelihood of confusion or misunderstanding, which misleads, deceives, or damages a buyer or competitor with a sale or advertisement of goods or services." He stated that these checks fit this definition, and opined that HB 182 "is a fitting answer to this ... poor business practice." The DOL believes that prohibiting the use of these checks is the only effective way to prevent these accidental agreements from occurring. He stated that HB 182 makes these "promotional checks" an unfair or deceptive act or practice in violation of the Unfair Trade Practices and Consumer Protection Act (Consumer Protection Act). This would enable the Attorney General to enforce the remedies afforded in the Consumer Protection Act. Companies that violate this law would be subject to a civil penalty of a minimum of \$1,000 per violation, and a maximum of \$25,000 per violation.

[3:12:19 PM](#)

REPRESENTATIVE NEUMAN stated that he has been affected by the aforementioned promotional checks issued by Yellow Pages, Inc. He inquired as to whether HB 182 applies to blank checks stating that an individual has been approved for \$30,000 or \$50,000, which can be signed and taken to the bank.

REPRESENTATIVE LYNN replied that the aforementioned checks are not affected by this legislation.

REPRESENTATIVE NEUMAN asked if the sponsor has considered adding this.

REPRESENTATIVE LYNN shared his wish that this be considered as a separate piece of legislation, as he would prefer not to extend the scope of this bill.

The committee took an at-ease from 3:13 PM to 3:14 PM.

REPRESENTATIVE LYNN explained that there is an amendment addressing the aforementioned checks, which will be offered in the next committee of referral.

3:14:26 PM

REPRESENTATIVE LEDOUX expressed appreciation for this legislation. She then shared an experience with receiving this type of check, and how she dealt with it.

REPRESENTATIVE LYNN stated that he introduced the bill after the issue was brought to his attention by the DOL. He expressed his appreciation for this being brought forward by the department.

3:15:11 PM

REPRESENTATIVE GARDNER stated that she has also seen these checks. She opined that this is a clear attempt to "trick people." She expressed appreciation for the comprehensive scope of the information contained in the committee packet.

REPRESENTATIVE LYNN said that the question and answer sheet was developed by his staff.

REPRESENTATIVE GARDNER commented that the aforementioned question and answer sheet addressed all of her questions. She stated that there may be legitimate practices, as well, such as credit card companies that are attempting to get a consumer to switch companies. She opined that while this may not be in the consumer's best interest, it is not "as deceptive." There may be a way to make this type of offer to a consumer that is not deceptive, she said, and inquired as to whether Representative Lynn would agree.

REPRESENTATIVE LYNN replied that he has seen these types of offers from credit card companies.

REPRESENTATIVE GARDNER reiterated that there is a legitimate way to do this, and there is a way that is an attempt to defraud, by having consumers sign a contract without being aware of it. She expressed hope that HB 182 does not attack those businesses that are trying to get new customers to sign on by using legitimate practices.

REPRESENTATIVE LYNN assured the committee that this is not the intent of the bill. He opined there are honest and dishonest ways to do business, and that the promotional checks in question are dishonest.

[3:17:51 PM](#)

REPRESENTATIVE GATTO questioned whether simply cashing a check is a contract.

[3:18:48 PM](#)

REPRESENTATIVE BUCH shared his understanding that the contract agreement is on the back of the check, and is considered a legal binding contract.

REPRESENTATIVE GATTO surmised, then, that this contract is enforceable, and the signature on the check is considered the signature on the contract.

CHAIR OLSON noted that the DOL is online to answer questions.

REPRESENTATIVE LYNN commented that this could be considered and "illusory contract."

[3:20:02 PM](#)

CLYDE (ED) SNIFFEN, J.R., Assistant Attorney General, Commercial/Fair Business Section, Civil Division (Anchorage), Department of Law, explained that his duties include enforcement of Alaska's consumer protection statutes. He thanked Representative Lynn for introducing this legislation. The DOL is concerned about this issue, which occurs often in Alaska. He stated that these checks have generated many complaints. He stated that while those who are sending the checks out could argue that the terms were clear, the question is whether or not the terms of the agreement were adequately disclosed. Promotional checks may look like a refund or a rebate, and once signed, bills may appear on a credit card statement, phone bill, or may be deducted from the individual's bank account. The DOL feels that this is a deceptive practice. Consumers do not understand nor have the intent to enter into a contract; therefore, these contracts are not enforceable. These checks are a "headache" for the DOL, and having a specific provision in the Consumer Protection Act will make it very clear that this is a misleading and deceptive practice.

3:23:00 PM

MR. SNIFFEN, in response to a question from Representative Neuman, said that he is unsure where Yellow Pages, Inc. initially gets address and phone information. He surmised that this may simply be from looking through the yellow pages in the phone book. He explained that Yellow Pages, Inc. is an online yellow page service, which has no affiliation with the local yellow pages. However, when people see "Yellow Pages, Inc." on the letterhead, they often assume this is connected with a business ad they have placed in the local yellow pages. He opined that not many people use the online service offered by Yellow Pages, Inc.

REPRESENTATIVE GARDNER restated her earlier question regarding legitimate offers versus attempts to defraud.

MR. SNIFFEN stated that this legislation is not intended to apply to legitimate offers. He explained that there is a legal distinction between the two. An example of a legitimate offer would be a blank check from a credit card company, which are an extension of an existing line of credit. These are a form of convenience, and are not obligating the consumer to anything that he or she is not aware of. An additional example would be checks received from a mortgage lender that are intended to open up a line of credit against home equity. This bill would not apply to these offers. Whether the language of this bill would encompass the mortgage lending checks is "a tricky question." He opined that the language could be read as including the mortgage lending checks, but would not apply to credit card company checks. He stated that an amendment may be introduced to address this.

3:27:33 PM

MR. SNIFFEN, in response to a question from Representative Gatto, explained that consumers have called the DOL after receiving calls from collection agencies. He relayed a story involving a business in Kodiak that had experienced this. The DOL wrote to the company and the money is being refunded. He explained that it can be difficult to clear up the credit, once this occurs. The perpetrating business must write a letter to the credit agency and explain that this was an inadvertent reporting. In response to an additional question, he stated that the Fair Credit Reporting Act requires that the business have a "good faith reason" for reporting an individual to the

bureau. If this is abused, the ability to report is taken away. This is in federal statute.

[3:30:37 PM](#)

MARIE DARLIN, Coordinator, Capital City Task Force, Alaska AARP, stated that AARP is in support of the bill.

[3:32:19 PM](#)

REPRESENTATIVE GARDNER moved to report HB 182 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 182 was reported from the House Labor and Commerce Standing Committee.

The committee took an at-ease from 3:32 PM to 3:35 PM.

#### HB 136-DENTAL HYGIENISTS

CHAIR OLSON announced that the final order of business would be HOUSE BILL NO. 136, "An Act relating to dental hygienists."

[3:35:24 PM](#)

REPRESENTATIVE STOLTZE explained that HB 136 is intended to bring additional healthcare access to under-served communities. The House Health, Education and Social Services Standing Committee considered this bill and addressed several health related concerns. He opined that this is an important issue, noting that many healthcare professionals have been willing to testify.

[3:38:18 PM](#)

REPRESENTATIVE GARDNER opined that this is a good bill. The state has experienced a shortage of healthcare practitioners in a range of fields, and needs to explore alternative ways of providing healthcare, particularly in rural areas. She questioned whether the implementation would be different in rural areas versus urban areas.

REPRESENTATIVE STOLTZE speculated that the implementation would have a broader application in rural areas of the state.

REPRESENTATIVE NEUMAN inquired as to the definition of "direct supervision."

3:40:03 PM

BEN MULLIGAN, Staff to Representative Bill Stoltze, Alaska State Legislature, sponsor, explained that "direct supervision" means the dentist is in the same room, "indirect supervision" means the dentist is in the same facility, and "general supervision" means the dentist has authorized the procedure and may not be on the premises.

REPRESENTATIVE STOLTZE, in response to a question from Representative Neuman, explained that the dental hygienist performs basic preventative oral care.

3:42:35 PM

REPRESENTATIVE RAMRAS relayed a request to include dental assistants in HB 136, and inquired as to the difference between a "dental hygienist" and a "dental assistant."

REPRESENTATIVE STOLTZE explained that a "dental hygienist" is licensed, while "dental assistants" do not have a defined status in statute.

REPRESENTATIVE RAMRAS expressed further confusion between the difference between "dental hygienist" and "dental assistant." He noted that the bill requires 4,000 hours of practice prior to a dental hygienist being authorized for general supervision. He surmised, then, that a dental assistant is "well below" a dental hygienist in regard to education. He opined that empowering a dental assistant to perform certain activities currently performed by dental hygienists [is not wise].

REPRESENTATIVE STOLTZE replied that while he does not wish to compare the two, there are defined qualification requirements for dental hygienists, which he does not believe exist for dental assistants.

MR. MULLIGAN explained that dental assistants are not required to be licensed. Classes are offered, but are not required. Dental assistants are not covered in statute.

REPRESENTATIVE RAMRAS commented that dental hygienists have a defined licensing requirement.

REPRESENTATIVE GATTO shared his understanding that the dental hygienist can offer certain services while the dentist is away,

while the dental assistant simply assists the dentist during the procedure.

[3:47:42 PM](#)

GAIL WALDEN, Dental Hygienist, Member, Alaska State Dental Hygienists' Association (ASDHA), stated that she is in support of HB 136. She said that the needs of Alaskans are not being met by the current oral healthcare delivery system. Current statute prevents dental hygienists from providing oral healthcare in non-traditional settings. She explained that dental hygienists receive a comprehensive education, are licensed and regulated by the state, and must meet continuing education and cardiopulmonary resuscitation (CPR) requirements. She opined that dental hygienists are not being utilized to full potential. The Alaska State Board of Dental Examiners ("the Board") is in support of HB 136, and has concluded that the proposed changes are consistent with its vision of ensuring that all Alaskans receive the best possible care. She pointed out that HB 136 has received support from numerous members of the Oral Health Coalition, including the Alaska Primary Care Association, and AARP.

MS. WALDEN, referring to Section 1 of HB 136, stated that the restorative function license endorsement creates an efficient healthcare delivery system that increases the number of patients seen. If the dentist is able to bring a dental hygienist and a dental assistant when traveling to rural areas, this would allow more procedures to be completed in the time available. The procedures would be performed under the direct supervision of a licensed dentist, and the dental hygienist would be trained in these procedures. This endorsement would require separate licensing. She pointed out that the curriculum, examining, and licensing for restorative functions for dental hygienists has been established in other states, including Washington State.

MS. WALDEN then referred to Section 2 of HB 136, explaining that this allows dental hygienists to administer local anesthesia under general supervision of a licensed dentist. She stated that dental hygienists have been administering local anesthesia under direct or in-direct supervision since 1981. Local anesthesia is used to reduce stress and provide pain control in the treatment of moderate to advanced gum disease. She explained that under general supervision, the dentist must still diagnose and provide a plan for treatment, but would not need to be present in the facility during the treatment. Idaho and Oregon currently allow dental hygienists to deliver local

anesthesia under general supervision. No disciplinary action has been taken against these hygienists.

MS. WALDEN then moved on to Section 4, stating that this section has the potential to provide the greatest impact to Alaskan communities. Experienced dental hygienists may enter into a written agreement with a dentist. This agreement would allow the dental hygienist to provide services listed under the agreement without supervision, and would allow access to nursing homes, schools, and Headstart programs, among others. This agreement must be approved by the Board. This is intended to reach individuals that are not receiving care and to provide preventative services to increase oral health, in addition to increasing general health and well-being. She stated that the changes made by HB 136 have been implemented in other states, and have proven to be safe and effective. She opined that the statutes show dental hygienists' continued professional commitment to working with dentists to provide service to the public.

[3:52:02 PM](#)

IVONNE MILLEA, President, Alaska State Dental Hygienists' Association (ASHDA), gave a brief history of her experience as a licensed dental hygienist in Alaska, and stated that she is in support of HB 136.

[3:53:02 PM](#)

JENNIFER MCELROY, Dental Hygienist, President, Kenai Peninsula Dental Hygiene Association, stated that she strongly supports HB 136. She has seen a need for increased access to oral healthcare. In regard to senior dental care, she has seen a complete lack of access. She explained that dentists do not visit nursing or group homes, and residents of these facilities may be unable to travel to an office for preventative care or necessary healthcare screenings. She opined that licensed dental hygienists are the key oral health professionals to deliver care in this type of setting. Screenings performed by licensed dental hygienists can identify oral health care issues that may affect overall health. Many villages have a need for oral healthcare, and residents travel once per year to see a dentist.

[3:54:35 PM](#)

GLENN MARTIN, DDS, stated that he is a practicing public health dentist, a member of the American Dental Association (ADA) and a fellow of the Academy of General Dentistry. He gave a brief history of his work experience in Alaska, which includes time spent traveling to villages and providing dental care. During the past 15 years, he has traveled to 62 villages, and has 128 weeks of experience practicing dentistry in rural Alaska. He is currently working in Anchorage, where he is the director of village travel for Southcentral Foundation Village Clinic. He stated that he strongly supports HB 136, which would enable him to provide healthcare to more patients. The collaborative agreement portion of the bill would greatly increase sufficiency by allowing dental hygienists to travel to villages prior to the arrival of the dentist, in order to evaluate school-age children and perform x-rays and oral screenings to identify needs. He explained that initial screenings and preventative treatments take 1-6 days, depending on village size. Allowing the dental hygienists to perform these procedures would allow the dentist to perform restorative and emergent needs. This would decrease the time needed to complete children's dental needs and increase the time available to address adult dental needs. He stated that HB 136 would make a measurable impact on access to care, and urged the passage of this bill.

REPRESENTATIVE NEUMAN asked if dental hygienists are included in the Washington, Wyoming, Alaska, Montana, Idaho Medical Education Program (WWAMI).

DR. MARTIN replied no.

REPRESENTATIVE GATTO thanked Dr. Martin for his service. He shared his belief that Dr. Martin's presence in the villages was beneficial to individuals that would not have enjoyed the "pleasure of good health" without these efforts.

[3:57:57 PM](#)

ROYANN ROYER, Dental Hygienist, began by giving a brief history of her experience as a dental hygienist, and stated that she is a member of the Oral Health Coalition, which is in support of HB 136. She informed the members that she worked as a restorative dental hygienist for two years in Washington State, and therefore has first-hand knowledge of the effectiveness this expanded function can provide. She explained that if passed, HB 136 would significantly increase the number of patients that can be seen during a typical village visit. She agreed with earlier testimony that these visits currently take one week. Allowing

the dental hygienists to do the initial screenings and preventative procedures, the dentist would have more time to perform restorative procedures. As an educator, she opined that the collaborative agreement function could be incorporated into the curriculum, and emphasis placed on utilizing this function for servicing patients in nursing homes, and disabled, home-bound patients. She stated that externships would most likely be developed with practitioners working in these facilities, and students would be mentored into these positions. She opined that while some hygienists do not want to work full-time, there are many who would utilize this expanded function to visit limited-access areas for a few hours during the day to provide services. She pointed out that HB 136 can be put into practice immediately. The restorative aspect would require additional training; however, the University of Alaska Anchorage (UAA) is ready to develop and implement restorative courses as soon as the legislation is passed. The initial courses would be presented in a condensed format, to allow currently licensed hygienists to receive this training in a short amount of time.

[4:01:49 PM](#)

DAVID LOGAN, DDS, Member, Alaska Dental Society (ADS). The ADS would like to see the scope of HB 136 broadened to help increase access to dental care in under-served areas. The ADS is concerned that if this is limited only to dental hygienists, this would restrict the use of other dental auxiliaries in the aforementioned areas. He explained that the ADS formed a non-profit in order to provide volunteer treatment in rural areas. There is limited equipment available, and the plan involves bringing dental assistants rather than hygienists. Allowing assistants to perform expanded functions would provide a valuable asset. He pointed out that 17 other states allow auxiliaries to perform additional functions, adding that Washington State is the only one to limit this to hygienists. Additionally, the ADS would like to see additional training allowed. The American Dental Association (ADA) is bringing pilot programs into different states, and the ADS would like to be involved in this. Legislation is needed to authorize this.

CHAIR OLSON asked whether the ADS considered an additional piece of legislation for this. He opined that because dental assistants are not regulated, this might slow the passage of the bill.

DR. LOGAN replied that this has been considered; however, the ADS believes that assistants and hygienists need to be held to

the same standards, therefore it is appropriate to address this within the same legislation.

CHAIR OLSON reiterated that this might have a negative affect on the passage of HB 136.

REPRESENTATIVE RAMRAS restated his earlier question regarding the difference between a dental assistant and dental hygienist.

DR. LOGAN explained that dental assistants are not regulated, and are "loosely defined" as a person who works with a dentist. Dental assistants provide the following auxiliary functions: placement of rubber dams, handing tools to the dentist, and performing some impressions.

REPRESENTATIVE RAMRAS commented that a dental assistant is not very well defined. He stated that he does not want to slow down the aid to villages in need of dental healthcare while attempting to incorporate a "loosely defined" group.

DR. LOGAN replied that dental assistants are loosely defined as a result of limited access to training. While some states have decided to certify dental assistants, others have not. Alaska has elected to not require this certification. If all dental assistants were required to receive certification, it would be difficult for smaller communities to meet these requirements.

REPRESENTATIVE RAMRAS opined that these issues need to be addressed prior to allowing dental assistants to perform these expanded functions. While he is in favor of increasing the number of dental professionals working in rural communities, he is not comfortable with expanding the role of dental assistants at this time.

[4:09:13 PM](#)

REPRESENTATIVE NEUMAN inquired as to whether Dr. Logan had previously stated that dental hygienists should be independently licensed.

DR. LOGAN replied no.

REPRESENTATIVE NEUMAN asked whether states currently allow the independent licensing of dental hygienists, thus allowing them to work independently from a dentist's office.

DR. LOGAN shared his understanding that this is allowed in Colorado.

REPRESENTATIVE NEUMAN asked whether Dr. Logan would support this in Alaska, considering the previous testimony.

DR. LOGAN replied that conceptually, parts of this "make sense." However, he is unable to give an endorsement to something that he is unable to see or examine.

REPRESENTATIVE LEDOUX asked whether Dr. Logan sees a downside to allowing dental hygienists to perform the additional functions included in the bill.

DR. LOGAN replied that he has no problems with the restorative functions. In regard to the collaborative agreement, he said that there is some concern with certain procedures allowed, in addition to allowing dental hygienists to render a diagnosis. Allowing general supervision for administering local anesthesia "has its merits."

REPRESENTATIVE LEDOUX asked whether there are any specific concerns.

DR. LOGAN replied that the largest concern is with collaborative agreement, which allows the dental hygienist to render a diagnosis.

REPRESENTATIVE LEDOUX asked whether dental assistants should be allowed to do this.

DR. LOGAN replied no, adding that this would "certainly not be appropriate."

CHAIR OLSON asked whether the House Health, Education and Social Services Standing Committee was asked to incorporate dental assistants into the bill.

DR. LOGAN replied yes. In response to an additional question, he stated that the request was denied, although he does not remember hearing a specific reason for this.

[4:14:38 PM](#)

MARY CERNEY, Dental Hygienist, gave a brief history of her work experience. She stated that she previously served as president of the Alaska State Dental Hygienists' Association (ASDHA), and

served eight years on the Board of Dental Examiners. She stated strong support of HB 136. She agreed that dental assistants are not regulated. Dental hygienists receive a formal education in programs that are accredited by the American Dental Association's (ADA) Council on Dental Accreditation. Dental hygienists must pass a national board exam, and must prove competency on an independently administered clinical exam, in order to practice in all 50 states. She explained that she is an examining hygienist with the Western Regional Examining Board. The education received by dental hygienists is usually two years of college prerequisites, and two academic years integrated with clinical instruction. Faculty is also subject to standards and qualifications.

MS. CERNEY went on to say that dental hygienists must maintain good standing, and complete continuing education requirements. This sets a baseline of education and qualifications for all hygienists. The Western Regional Examining Board gives a specific exam for the restorative clinical skills. Any hygienist performing these functions would be required to take this exam. She stated that the idea of expanding the setting in which the local anesthetic is administered was proposed by Dr. Logan when he was president of the Board of Dental Examiners. She explained the situations in which this might occur, pointing out that the dentist is not required to allow this. In summation, she commented that the proposed changes improve the healthcare delivery to residents of Alaska, help maintain education standards currently in place, assure the competency by requiring clinic exams, and mandate accountability. In regard to administering anesthetic, she stated that the dentist has recommended this treatment. The collaborative care agreement gives the authorization by the dentist with whom the agreement is initiated, and must be approved by the Board. She explained that this does not allow the hygienist to diagnose or offer treatment plans. The hygienist would simply be allowed to perform the hygiene portion of what is normally done, without the dentist providing a prior diagnosis. This is "just ... flipping the order of things a little bit."

MS. CERNEY offered her understanding that proposed regulations would require the hygienist to have additional training in emergency medical procedures. She supports the requirement that hygienists have at least 4,000 hours of documented clinical experience prior to being allowed to enter into a collaborative agreement. Referring to a program to open in Fairbanks, she stated that the intent is to graduate hygienists with a strong emphasis in a variety of health settings, and to encourage

treatment in communities that do not receive a broad scope of dental treatment. She shared her experience volunteering at the Salvation Army Clinic in Fairbanks, and expressed frustration that she has been unable to administer local anesthetic to make patients comfortable. She opined that many of these patient have experienced neglect and need more thorough treatment than the patients seen at a highly established practice. If dental hygienists were able to administer local anesthetic under general supervision, the patients could be seen regardless of whether a dentist was willing to volunteer on a particular day.

[4:23:23 PM](#)

MARIE DARLIN, Coordinator, Capital City Task Force, Alaska AARP, expressed support for HB 136. The AARP believes that all Alaskans should have access to high quality, affordable healthcare, including oral health. The AARP also believes that HB 136 would help reduce dental costs, as well as improve accessibility.

CHAIR OLSON stated that he had planned to hold the bill over until the next committee hearing; however, he has not heard any significant concerns.

[4:25:13 PM](#)

REPRESENTATIVE BUCH stated that if the dental community is in support of the legislation, he is in support, and does not see any reason to hold it over.

CHAIR OLSON stated that while he would be willing to help draft legislation to address specific concerns, he is not supportive of any additions to HB 136. He opined that this would be "counter productive."

REPRESENTATIVE RAMRAS stated that he would like to see more people capable of providing dental healthcare to rural communities, adding that he would look forward to assisting the dental community in broadening this at a later date.

[4:27:12 PM](#)

REPRESENTATIVE NEUMAN suggested that independent licensing of dental hygienists be considered. He surmised that this would promote competition and better rates for preventative care.

[4:28:41 PM](#)

REPRESENTATIVE LEDOUX moved to report HB 136 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 136 was reported from the House Labor and Commerce Standing Committee.

**ADJOURNMENT**

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at [4:29:11 PM](#).