

SENATE BILL NO. 92

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATOR EGAN

Introduced: 2/21/11

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to dental hygienists, dentists, dental assistants, dental hygiene, and
2 dentistry."

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

4 * **Section 1.** AS 08.32.010 is amended to read:

5 **Sec. 08.32.010. License required.** Except as provided in AS 08.32.095, a
6 person may not practice, offer or attempt to practice, or advertise or announce as being
7 prepared or qualified to practice dental hygiene without a license [AND A CURRENT
8 CERTIFICATE OF REGISTRATION].

9 * **Sec. 2.** AS 08.32 is amended by adding a new section to read:

10 **Sec. 08.32.014. Qualifications for license.** (a) An applicant for a license to
11 practice dental hygiene shall

12 (1) provide evidence to the board that the applicant

13 (A) has successfully completed a two-year academic program
14 in dental hygiene offered by a school that is accredited by the Commission on

1 Dental Accreditation of the American Dental Association and is approved by
2 the board;

3 (B) has passed a written theory examination of the American
4 Dental Association Joint Commission on National Dental Examinations or an
5 equivalent examination approved by the board;

6 (C) has successfully passed a state or regional dental hygiene
7 clinical examination approved by the board;

8 (D) has not had a license to practice dental hygiene revoked,
9 suspended, or voluntarily surrendered in this state or another state;

10 (E) is not the subject of an adverse decision based on a
11 complaint, investigation, review procedure, or other disciplinary proceeding
12 within the five years immediately preceding application or of an unresolved
13 complaint, investigation, review procedure, or other disciplinary proceeding
14 undertaken by a state, territorial, local, or federal dental licensing jurisdiction;

15 (F) is not the subject of an unresolved or adverse decision
16 based on a complaint, investigation, review procedure, or other disciplinary
17 proceeding undertaken by a state, territorial, local, or federal dental licensing
18 jurisdiction or law enforcement agency that relates to criminal or fraudulent
19 activity, dental malpractice, or negligent dental care and that adversely reflects
20 on the applicant's ability or competence to practice as a dental hygienist or on
21 the safety or well-being of patients;

22 (G) is not the subject of an adverse report from the National
23 Practitioner Data Bank or the American Association of Dental Examiners
24 Clearinghouse for Board Actions that relates to criminal or fraudulent activity
25 or dental malpractice;

26 (H) is not impaired to an extent that affects the applicant's
27 ability to practice as a dental hygienist;

28 (I) has not been convicted of a crime that adversely reflects on
29 the applicant's ability or competency to practice as a dental hygienist or that
30 jeopardizes the safety or well-being of a patient; and

31 (2) meet the other qualifications for a license established by the board

1 by regulation.

2 (b) An applicant for a license to practice dental hygiene may be interviewed in
3 person by the board or a designee of the board. The interview must be recorded. If the
4 application is denied on the basis of the interview, the denial shall be stated in writing,
5 with the reasons for it, and the record shall be preserved.

6 * **Sec. 3.** AS 08.32.030 is amended to read:

7 **Sec. 08.32.030. Licensure by credentials.** The board may provide for the
8 licensing without examination of a dental hygienist who

9 (1) meets the criteria of AS 08.32.014 [AS 08.32.020(a)];

10 (2) submits proof of continued competence as specified in
11 regulations adopted by the board;

12 (3) is currently licensed to practice dental hygiene in another state
13 or territory of the United States; and

14 (4) [HAS SUCCESSFULLY PASSED A STATE OR REGIONAL
15 DENTAL HYGIENE CLINICAL EXAMINATION THAT THE BOARD HAS
16 DETERMINED IS AT LEAST EQUIVALENT IN SCOPE, QUALITY, AND
17 DIFFICULTY TO THE ALASKA CLINICAL EXAMINATION;

18 (3) HAS BEEN IN ACTIVE CLINICAL DENTAL HYGIENE
19 PRACTICE AVERAGING NOT LESS THAN 700 HOURS A YEAR FOR EACH
20 OF THE TWO YEARS IMMEDIATELY PRECEDING APPLICATION FOR
21 STATE LICENSURE;

22 (4) HAS NOT FAILED THE CLINICAL DENTAL HYGIENE
23 EXAMINATION OF THIS STATE;

24 (5) HAS NOT PREVIOUSLY HAD A LICENSE TO PRACTICE
25 DENTAL HYGIENE ISSUED BY ANY STATE OR REGION REVOKED;

26 (6) HAS COMPLETED NOT LESS THAN 14 HOURS OF
27 CONTINUING EDUCATION RELATED TO CLINICAL HYGIENE IN THE TWO
28 YEARS BEFORE FILING AN APPLICATION WITH THE BOARD; THE
29 CONTINUING EDUCATION REQUIRED UNDER THIS PARAGRAPH MUST BE
30 APPROVED BY THE BOARD, THE AMERICAN DENTAL ASSOCIATION, THE
31 ACADEMY OF GENERAL DENTISTRY, OR THE AMERICAN DENTAL

1 HYGIENISTS' ASSOCIATION;

2 (7) pays the fees established by the board [REQUIRED] under
3 AS 08.01.065 [AS 08.32.097; AND

4 (8) IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT,
5 REVIEW PROCEDURE, OR DISCIPLINARY PROCEEDING UNDERTAKEN BY
6 A DENTAL OR DENTAL HYGIENE LICENSING JURISDICTION].

7 * **Sec. 4.** AS 08.32.070 is amended to read:

8 **Sec. 08.32.070. Licensing** [REGISTRATION AND LICENSING] of dental
9 **hygienists.** The board shall issue [REGISTER] each successful applicant [AND
10 ISSUE THE APPLICANT] a license upon payment of all required fees.

11 * **Sec. 5.** AS 08.32.071 is amended to read:

12 **Sec. 08.32.071. Renewal of license** [REGISTRATION]. At least 60 days
13 before expiration of a dental hygienist's license [LICENSEE'S REGISTRATION
14 CERTIFICATE], the Department of Commerce, Community, and Economic
15 Development shall mail a form for license renewal [OF REGISTRATION] to each
16 licensed dental hygienist. Each licensee who wishes to renew a dental hygienist's
17 license [REGISTRATION CERTIFICATE] shall complete the form and return it with
18 the appropriate fee and evidence of continued professional competence as required by
19 the board. The Department of Commerce, Community, and Economic Development
20 shall, as soon as practicable, issue a dental hygienist license [REGISTRATION
21 CERTIFICATE] valid for a stated number of years. [EACH LICENSEE SHALL
22 KEEP THE REGISTRATION CERTIFICATE BESIDE OR ATTACHED TO THE
23 LICENSEE'S LICENSE.] Failure to receive the license renewal [REGISTRATION]
24 form does not exempt a licensee from renewing the licensee's dental hygienist
25 license [REGISTRATION].

26 * **Sec. 6.** AS 08.32.081 is amended to read:

27 **Sec. 08.32.081. Lapse and reinstatement of license.** A licensed dental
28 hygienist who does not pay the renewal [REGISTRATION] fee under AS 08.32.071
29 forfeits the hygienist's license. The board may reinstate the license without
30 examination within two years of the date on which payment was due upon written
31 application, proof of continued professional competence, and payment of all unpaid

1 renewal fees and any penalty fee established under AS 08.01.100(b).

2 * **Sec. 7.** AS 08.32.085(a) is amended to read:

3 (a) The board shall issue a restorative function endorsement to a **licensed**
4 dental hygienist [WHO IS LICENSED UNDER THIS CHAPTER] if the licensee
5 furnishes evidence satisfactory to the board that the licensee has

6 (1) successfully completed a **course or** program **offered by or under**
7 **the auspices of a school** accredited by the Commission on Dental Accreditation of the
8 American Dental Association or other **equivalent** course **or program** [OF
9 INSTRUCTION] approved by the board; and

10 (2) passed the Western Regional Examining Board's restorative
11 examination or other equivalent examination approved by the board within the five
12 years preceding the licensee's endorsement application, or the licensee is **licensed,**
13 **certified, or otherwise permitted** in another state or United States territory to
14 perform restorative functions.

15 * **Sec. 8.** AS 08.32.095(a) is amended to read:

16 (a) A person enrolled as a [FULL-TIME] student in an accredited school of
17 dental hygiene may perform dental hygiene procedures as part of a course of study
18 without a license if

19 (1) the procedures are performed under the

20 **(A) general** [DIRECT] supervision of a member of the faculty
21 who is licensed under AS 08.36, **and under the direct or indirect**
22 **supervision of a member of the faculty who is licensed under this chapter;**
23 or

24 **(B)** [UNDER THE] direct **or indirect** supervision of a
25 **member of the faculty who** [TEAM OF LICENSED FACULTY DENTISTS,
26 AT LEAST ONE OF WHOM] is licensed under AS 08.36; and

27 (2) the clinical program has received written approval from the board.

28 * **Sec. 9.** AS 08.32.110(a) is amended to read:

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

1 (1) **under the general supervision of a licensed dentist,**

2 (A) **perform preliminary charting and triage to formulate a**
 3 **dental hygiene assessment and treatment plan;**

4 (B) remove calcareous deposits, accretions, and stains from the
 5 exposed surfaces of the teeth beginning at the epithelial attachment by scaling
 6 and polishing techniques;

7 (C) **remove marginal overhangs;**

8 (D) **use local periodontal therapeutic agents;**

9 (E) **perform nonsurgical periodontal therapy;**

10 (F) [(2) APPLY TOPICAL PREVENTIVE AGENTS;

11 (3) APPLY PIT AND FISSURE SEALANTS;

12 (4) PERFORM ROOT PLANING AND PERIODONTAL SOFT
 13 TISSUE CURETTAGE;

14 (5)] perform other dental operations and services delegated by a
 15 licensed dentist if the dental operations and services are not prohibited by (c) of this
 16 section;

17 (G) [AND (6)] if certified by the board [AND UNDER THE
 18 DIRECT, INDIRECT, OR GENERAL SUPERVISION OF A LICENSED
 19 DENTIST], administer local anesthetic agents; **and**

20 (2) **if certified by the board and under the direct or indirect**
 21 **supervision of a licensed dentist, administer and monitor nitrous oxide-oxygen**
 22 **conscious sedation.**

23 * **Sec. 10.** AS 08.32.110(c) is amended to read:

24 (c) This section does not authorize delegation of

25 (1) **dental diagnosis** [DIAGNOSING], treatment planning, and
 26 writing prescriptions for drugs; writing authorizations for restorative, prosthetic, or
 27 orthodontic appliances;

28 (2) operative or surgical procedures on hard or soft tissues [EXCEPT
 29 AS ALLOWED IN (a)(4) OF THIS SECTION]; or

30 (3) other procedures that require the professional competence and skill
 31 of a dentist.

1 * **Sec. 11.** AS 08.32.110(e) is amended to read:

2 (e) This section does not prohibit a **licensed** dental hygienist

3 (1) with an endorsement issued under AS 08.32.085 from performing
4 the activities authorized under AS 08.32.085; [OR]

5 (2) who has entered into a collaborative agreement approved by the
6 board under AS 08.32.115 from performing the activities authorized under the
7 collaborative agreement; **or**

8 **(3) from performing a dental operation, procedure, or service a**
9 **dentist may delegate to a dental assistant under AS 08.36.346.**

10 * **Sec. 12.** AS 08.32.115(a) is amended to read:

11 (a) If the collaborative agreement is approved by the board under (d) of this
12 section, a **licensed** dental hygienist with a minimum of 4,000 documented hours of
13 clinical experience within the five years preceding application for the board's approval
14 may enter into a collaborative agreement with a **licensed** dentist [LICENSED UNDER
15 AS 08.36] in which the licensed dentist authorizes the **licensed** dental hygienist to
16 perform one or more of the following:

17 (1) oral health promotion and disease prevention education;

18 (2) removal of calcareous deposits, accretions, and stains from the
19 surfaces of teeth;

20 (3) application of topical preventive or prophylactic agents, including
21 fluoride varnishes and pit and fissure sealants;

22 (4) polishing and smoothing restorations;

23 (5) removal of marginal overhangs;

24 (6) preliminary charting and triage **to formulate a dental hygiene**
25 **assessment and treatment plan;**

26 (7) **the exposure and development of** radiographs;

27 (8) use of local periodontal therapeutic agents; and

28 (9) performance of nonsurgical periodontal therapy, with or without
29 the administration of local anesthesia, subsequent to a licensed dentist's authorization
30 or diagnosis as specified in the licensed hygienist's collaborative agreement.

31 * **Sec. 13.** AS 08.32.115(d) is amended to read:

1 (d) The board may approve a collaborative agreement between a licensed
 2 dentist and a **licensed** dental hygienist. However, the board may not approve more
 3 than five collaborative agreements with a licensed dentist, not including any
 4 collaborative agreements that have been terminated. A **licensed** dental hygienist shall
 5 notify the board of the termination of a collaborative agreement with a licensed
 6 dentist.

7 * **Sec. 14.** AS 08.32.160 is amended to read:

8 **Sec. 08.32.160. Grounds for discipline, suspension, or revocation of license.**

9 The board may revoke or suspend the license of a dental hygienist, or may reprimand,
 10 censure, or discipline a licensee, if, after a hearing, the board finds that the licensee

11 (1) used or knowingly cooperated in deceit, fraud, or intentional
 12 misrepresentation to obtain a license, certificate, or endorsement
 13 [REGISTRATION];

14 (2) engaged in deceit, fraud, or intentional misrepresentation in the
 15 course of providing or billing for professional services or engaging in professional
 16 activities;

17 (3) advertised professional services in a false or misleading manner;

18 (4) has been convicted of a felony or other crime that affects the
 19 licensee's ability to continue to practice competently and safely;

20 (5) failed to comply with this chapter, with a regulation adopted under
 21 this chapter or under AS 08.36, or with an order of the board;

22 (6) continued to practice after becoming unfit due to

23 (A) professional incompetence;

24 (B) addiction or dependence on alcohol or other drugs that
 25 impairs the licensee's ability to practice safely;

26 (C) physical or mental disability;

27 [(D) FAILURE TO KEEP INFORMED OF OR USE
 28 CURRENT PROFESSIONAL THEORIES AND PRACTICES;]

29 (7) engaged in lewd or immoral conduct in connection with the
 30 delivery of professional service to patients;

31 (8) performed clinical procedures [FOR COMPENSATION] without

1 being under the supervision of a licensed dentist;

2 **(9) did not conform to professional standards in delivering dental**
 3 **hygiene services to patients regardless of whether actual injury to the patient**
 4 **occurred.**

5 * **Sec. 15.** AS 08.32.180 is amended by adding a new subsection to read:

6 (b) Notwithstanding AS 08.01.075(a)(8), the board may impose a civil fine not
 7 to exceed \$25,000 for each violation of this chapter or a regulation adopted under this
 8 chapter.

9 * **Sec. 16.** AS 08.32.187(a) is amended to read:

10 (a) This chapter applies to a person who practices, or offers or attempts to
 11 practice, as a dental hygienist in the state except

12 (1) a dental hygienist in the military service in the discharge of official
 13 duties;

14 (2) a dental hygienist in the employ of the United States Public Health
 15 Service, United States Department of Veterans Affairs, [ALASKA NATIVE
 16 SERVICE,] or another agency of the federal government, in the discharge of official
 17 duties;

18 (3) a dental hygienist licensed in another state **or jurisdiction** who is
 19 teaching or demonstrating clinical techniques at a meeting, seminar, or limited course
 20 of instruction sponsored by a dental or dental auxiliary society or association or by an
 21 accredited dental or dental auxiliary educational institution;

22 **(4) a dental hygienist employed in the state by an Alaska Native**
 23 **organization that is recognized by and eligible to receive services from the United**
 24 **States Department of the Interior, Bureau of Indian Affairs, while acting within**
 25 **the scope of that employment.**

26 * **Sec. 17.** AS 08.32.190 is amended by adding new paragraphs to read:

27 (6) "licensed dental hygienist" means a dental hygienist licensed under
 28 this chapter;

29 (7) "licensed dentist" means a dentist licensed under AS 08.36.

30 * **Sec. 18.** AS 08.36.010(a) is amended to read:

31 (a) There is created the Board of Dental Examiners consisting of nine

1 members. Six members shall be licensed dentists who have been engaged in the
 2 practice of dentistry in the state for five years immediately preceding appointment,
 3 two members shall be dental hygienists licensed under AS 08.32 who have been
 4 engaged in the practice of dental hygiene in the state for five years immediately
 5 preceding appointment, and one member shall be a public member **who does not have**
 6 **a direct financial interest in the health care industry.**

7 * **Sec. 19.** AS 08.36.010 is amended by adding new subsections to read:

8 (c) Each member shall take an oath of office. The president or secretary
 9 elected under AS 08.36.030 may administer oaths. The oath shall be filed and
 10 preserved in the department.

11 (d) The board shall adopt a seal.

12 * **Sec. 20.** AS 08.36.070 is amended to read:

13 **Sec. 08.36.070. General powers.** (a) The board shall

14 (1) provide for the examination of applicants and **the credentialing**
 15 **and licensure of** [ISSUE LICENSES TO] those applicants it finds qualified;

16 (2) **maintain a registry of** [REGISTER] licensed dentists, [AND]
 17 licensed dental hygienists, **and certified dental assistants** who are in good standing;

18 (3) affiliate with the American Association of Dental **Boards**
 19 [EXAMINERS] and pay annual dues to the association;

20 (4) hold hearings and order the disciplinary sanction of a person who
 21 violates this chapter, AS 08.32, or a regulation of the board;

22 (5) supply forms for applications, licenses, permits, certificates, and
 23 other papers and records;

24 (6) enforce the provisions of this chapter and AS 08.32 and adopt or
 25 amend the regulations necessary to make the provisions of this chapter and AS 08.32
 26 effective;

27 (7) adopt regulations ensuring that renewal of **a license or certificate**
 28 **under this chapter or a license, certificate, or endorsement under AS 08.32**
 29 [REGISTRATION] is contingent upon proof of continued professional competence
 30 [BY A LICENSED DENTIST OR LICENSED DENTAL HYGIENIST];

31 (8) [PROVIDE THE DEPARTMENT WITH THE REQUIREMENTS

1 FOR PROOF OF CONTINUED PROFESSIONAL COMPETENCE AND REQUEST
 2 THE DEPARTMENT TO MAKE THESE REQUIREMENTS AVAILABLE TO
 3 EACH LICENSED DENTIST AND LICENSED DENTAL HYGIENIST AT LEAST
 4 ONE YEAR BEFORE THE DATE ON WHICH THE DENTIST OR DENTAL
 5 HYGIENIST MUST RENEW REGISTRATION;

6 (9)] at least annually, cause to be published on the Internet and in a
 7 newspaper of general circulation in each major city in the state a summary of
 8 disciplinary actions the board has taken during the preceding calendar year;

9 (9) [(10)] issue permits or certificates to licensed dentists, licensed
 10 dental hygienists, and dental assistants who meet standards determined by the board
 11 for specific procedures that require specific education and training [;

12 (11) REGULATE THE REENTRY INTO PRACTICE OF INACTIVE
 13 DENTISTS AND DENTAL HYGIENISTS;

14 (12) REQUIRE, AS A CONDITION OF A LICENSE OR LICENSE
 15 RENEWAL ISSUED BY THE BOARD, THAT AN APPLICANT OR LICENSEE
 16 HAS, AT THE TIME OF LICENSING OR RENEWAL AND MAINTAINS
 17 THROUGHOUT THE PERIOD OF A LICENSE, CURRENT CERTIFICATION IN
 18 CARDIOPULMONARY RESUSCITATION TECHNIQUES, EXCEPT THAT THE
 19 BOARD MAY WAIVE THIS REQUIREMENT UNDER AN AGREEMENT WITH
 20 THE APPLICANT OR LICENSEE IF THE APPLICANT OR LICENSEE
 21 DOCUMENTS, TO THE SATISFACTION OF THE BOARD, THE EXISTENCE OF
 22 A PHYSICAL IMPAIRMENT THAT RESULTS IN AN INABILITY TO BE
 23 CERTIFIED IN CARDIOPULMONARY RESUSCITATION TECHNIQUES AND
 24 THE AGREEMENT SPECIFIES THAT THE APPLICANT OR LICENSEE WILL
 25 ENSURE THAT ANOTHER PERSON WHO IS CERTIFIED IN
 26 CARDIOPULMONARY RESUSCITATION TECHNIQUES WILL BE IN THE
 27 SAME ROOM AS THE APPLICANT OR LICENSEE WHENEVER THE
 28 APPLICANT OR LICENSEE IS PRACTICING DENTISTRY ON A LIVING
 29 PATIENT WHO IS ALSO PRESENT; THE BOARD MAY INCLUDE IN THE
 30 AGREEMENT AN EXPIRATION DATE OR PROVIDE THAT THE AGREEMENT
 31 REMAINS IN EFFECT UNTIL REVIEWED BY THE BOARD].

1 (b) The board may

2 (1) order a licensed dentist or licensed dental hygienist to submit to a
3 reasonable physical or mental examination if the dentist's or the dental hygienist's
4 physical or mental capacity to practice safely is at issue; [AND]

5 (2) authorize **a designee of the board or the board's investigator**
6 [ITS REPRESENTATIVE] to inspect the practice facilities or patient or professional
7 records of a dentist at reasonable times and in a reasonable manner to monitor
8 compliance with this chapter and with AS 08.32; **and**

9 **(3) delegate the board's powers to act, hear, and decide matters as**
10 **authorized by AS 44.62.**

11 * **Sec. 21.** AS 08.36 is amended by adding a new section to read:

12 **Sec. 08.36.073. Investigator.** After consulting with the board, the department
13 shall employ a person who is not a member of the board as the investigator for the
14 board. The investigator shall

15 (1) conduct investigations into alleged violations of this chapter and
16 into alleged violations of regulations and orders of the board;

17 (2) at the request of the board, conduct investigations based on
18 complaints filed with the department or with the board; and

19 (3) be directly responsible and accountable to the board, except that
20 only the department has authority to terminate the investigator's employment and the
21 department shall provide day-to-day and administrative supervision of the
22 investigator.

23 * **Sec. 22.** AS 08.36.075(a) is amended to read:

24 (a) **The** [SUBJECT TO (b) OF THIS SECTION, THE] board shall establish
25 standards **that comply with applicable federal law** for the registration, **use,** and
26 inspection of dental radiological equipment, including standards for record keeping
27 relating to the control panels and the use of the equipment. The **board may charge a**
28 **fee for dental radiological equipment registered under this section** [INSPECTION
29 STANDARDS ADOPTED BY THE BOARD MUST REQUIRE THAT AN
30 INSPECTION BE PERFORMED BY A PERSON WHO HAS QUALIFICATIONS
31 EQUIVALENT TO THE QUALIFICATIONS ESTABLISHED AS OF

1 SEPTEMBER 7, 1998, IN THE "APPLICANT PROFILE AND JOB
2 QUALIFICATION SUMMARY" FOR A STATE RADIOLOGICAL HEALTH
3 SPECIALIST I].

4 * **Sec. 23.** AS 08.36.091 is amended to read:

5 **Sec. 08.36.091. Records and reports.** The board shall maintain

6 (1) a record of its proceedings;

7 (2) a **registry** [REGISTER] containing the name, office and home
8 addresses, and other information considered necessary by the board [,] of each person
9 licensed as a dentist or dental hygienist **or certified as a dental assistant**, [AND] a
10 **registry** [REGISTER] of the licenses, **certificates, and endorsements** revoked by the
11 board, and information on the status of each licensee **and each certified dental**
12 **assistant**.

13 * **Sec. 24.** AS 08.36.100 is amended to read:

14 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238, a
15 person may not practice, or attempt to practice, dentistry without a license [AND A
16 CURRENT CERTIFICATE OF REGISTRATION].

17 * **Sec. 25.** AS 08.36.110 is amended to read:

18 **Sec. 08.36.110. Qualifications for license.** An applicant for a license to
19 practice dentistry shall

20 (1) provide certification to the board that the applicant

21 (A) is a graduate of a dental school that, at the time of
22 graduation, is **approved** [ACCREDITED] by the **board** [COMMISSION ON
23 ACCREDITATION OF THE AMERICAN DENTAL ASSOCIATION];

24 (B) [HOLDS A CERTIFICATE FROM THE AMERICAN
25 DENTAL ASSOCIATION JOINT COMMISSION ON NATIONAL
26 DENTAL EXAMINATIONS THAT THE APPLICANT] has successfully
27 passed **a** [THE] written **examination approved** [EXAMINATIONS GIVEN]
28 by the **board** [COMMISSION];

29 (C) has not had a license to practice dentistry revoked,
30 suspended, or voluntarily surrendered in this state or another state;

31 (D) is not the subject of an adverse decision based upon a

1 complaint, investigation, review procedure, or other disciplinary proceeding
 2 within the five years immediately preceding application, or of an unresolved
 3 complaint, investigation, review procedure, or other disciplinary proceeding,
 4 undertaken by a state, territorial, local, or federal dental licensing jurisdiction
 5 [OR A DENTAL SOCIETY];

6 (E) is not the subject of an unresolved or an adverse decision
 7 based upon a complaint, investigation, review procedure, or other disciplinary
 8 proceeding, undertaken by a state, territorial, local, or federal dental licensing
 9 jurisdiction [, DENTAL SOCIETY,] or law enforcement agency that relates to
 10 criminal or fraudulent activity, dental malpractice, or negligent dental care and
 11 that adversely reflects on the applicant's ability or competence to practice
 12 dentistry or on the safety or well-being of patients;

13 (F) is not the subject of an adverse report from the National
 14 Practitioner Data Bank or the American Association of Dental **Boards**
 15 [EXAMINERS] Clearinghouse for Board Actions that relates to criminal or
 16 fraudulent activity, or dental malpractice;

17 (G) is not impaired to an extent that affects the applicant's
 18 ability to practice dentistry;

19 (H) has not been convicted of a crime that adversely reflects on
 20 the applicant's ability or competency to practice dentistry or that jeopardizes
 21 the safety or well-being of a patient;

22 (2) pass, to the satisfaction of the board, written, clinical, and other
 23 examinations administered or approved by the board; and

24 (3) meet the other qualifications for a license established by the board
 25 by regulation.

26 * **Sec. 26.** AS 08.36.110 is amended by adding a new subsection to read:

27 (b) An applicant for licensure shall be interviewed in person by the board or
 28 by a member of the board before a license is issued. The interview must be recorded.
 29 If the application is denied on the basis of the interview, the denial shall be stated in
 30 writing, with the reasons for it, and the record shall be preserved.

31 * **Sec. 27.** AS 08.36.234(a) is repealed and reenacted to read:

1 (a) The board may waive the examination requirement and license by
 2 credentials if the dentist applicant meets the requirements of AS 08.36.110, submits
 3 proof of continued competence as required by regulation, pays the required fee, and
 4 has

5 (1) an active license from a board of dental examiners established
 6 under the laws of a state or territory of the United States issued after thorough
 7 examination; or

8 (2) passed an examination as specified by the board in regulations.

9 * **Sec. 28.** AS 08.36.234(b) is amended to read:

10 (b) A dentist applying for licensure without [CLINICAL] examination is
 11 responsible for providing to the board all materials required by [THIS SECTION OR
 12 BY] the board to implement this section to establish eligibility for a license without
 13 [CLINICAL] examination. In addition to the grounds for revocation of a license under
 14 AS 08.36.315, the board may revoke a license issued without [A CLINICAL]
 15 examination upon evidence of misinformation or substantial omission.

16 * **Sec. 29.** AS 08.36.238(a) is amended to read:

17 (a) A person enrolled as a [FULL-TIME] student in an accredited school of
 18 dentistry may perform procedures as part of a course of study without a license if

19 (1) the procedures are performed under the direct supervision of a
 20 member of the faculty who is licensed under this chapter, or under the direct
 21 supervision of a team of licensed faculty dentists, at least one of whom is licensed
 22 under this chapter; and

23 (2) the clinical program has received written approval from the board.

24 * **Sec. 30.** AS 08.36.250(a) is amended to read:

25 (a) At least 60 days before expiration of a **license issued under this chapter**
 26 [LICENSEE'S REGISTRATION CERTIFICATE], the department shall mail a **license**
 27 **renewal** form [FOR RENEWAL OF REGISTRATION] to each licensed dentist. A
 28 licensee who wishes to renew a license shall complete the form and return it with the
 29 appropriate fee and evidence of continued professional competence as required by the
 30 board. The department shall, as soon as practicable, issue a **new license**
 31 [REGISTRATION CERTIFICATE] valid for a stated number of years. [A LICENSEE

1 SHALL KEEP THE REGISTRATION CERTIFICATE BESIDE OR ATTACHED
 2 TO THE LICENSEE'S LICENSE.] Failure to receive the license renewal
 3 [REGISTRATION] form does not exempt a licensee from renewing a license to
 4 practice dentistry under this chapter [REGISTRATION].

5 * **Sec. 31.** AS 08.36.250 is amended by adding a new subsection to read:

6 (c) A licensed dentist who does not pay the license renewal fee forfeits the
 7 dentist's license. The board may reinstate the license without examination within two
 8 years after the date on which payment was due upon written application, proof of
 9 continued professional competence, and payment of all unpaid renewal fees and any
 10 penalty fee established under AS 08.01.100(b).

11 * **Sec. 32.** AS 08.36.315 is amended to read:

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

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

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

17 (2) engaged in deceit, fraud, or intentional misrepresentation in the
 18 course of providing or billing for professional dental services or engaging in
 19 professional activities;

20 (3) advertised professional dental services in a false or misleading
 21 manner;

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

24 (5) has been convicted of a felony or other crime that affects the
 25 dentist's ability to continue to practice dentistry competently and safely;

26 (6) engaged in the performance of patient care, or permitted the
 27 performance of patient care by persons under the dentist's supervision, regardless of
 28 whether actual injury to the patient occurred,

29 (A) that did [DOES] not conform to minimum professional
 30 standards of dentistry [REGARDLESS OF WHETHER ACTUAL INJURY
 31 TO THE PATIENT OCCURRED]; or

1 **(B) when the dentist, or a person under the supervision of**
 2 **the dentist, did not have the permit or certificate required under AS 08.32**
 3 **or this chapter;**

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

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

7 (A) professional incompetence;

8 (B) [FAILURE TO KEEP INFORMED OF OR USE
 9 CURRENT PROFESSIONAL THEORIES OR PRACTICES;

10 (C) addiction or dependence on alcohol or other drugs that
 11 **impair** [IMPAIRS] the dentist's ability to practice safely;

12 **(C)** [(D)] physical or mental disability;

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

15 (10) permitted a dental hygienist or dental assistant who is employed
 16 by the dentist or working under the dentist's supervision to perform a dental procedure
 17 in violation of AS 08.32.110 or **AS 08.36.346** [AS 08.36.070(a)(10)];

18 (11) failed to report to the board a death that occurred on the premises
 19 used for the practice of dentistry within 48 hours;

20 **(12) falsified or destroyed patient or facility records or failed to**
 21 **maintain a patient or facility record for at least seven years after the date the**
 22 **record was created.**

23 * **Sec. 33.** AS 08.36.344(a) is amended to read:

24 (a) The board shall issue a restorative function certificate to a dental assistant
 25 if the dental assistant furnishes evidence satisfactory to the board that the dental
 26 assistant has

27 (1) successfully completed a **course or** program **offered by or under**
 28 **the auspices of a school** accredited by the Commission on Dental Accreditation of the
 29 American Dental Association or other **equivalent** course **or program** [OF
 30 INSTRUCTION] approved by the board; and

31 (2) passed the Western Regional Examining Board's restorative

1 examination or other equivalent examination approved by the board within the five
 2 years preceding the dental assistant's certificate application, or the dental assistant has
 3 legal authorization from another state or jurisdiction to perform restorative functions.

4 * **Sec. 34.** AS 08.36 is amended by adding a new section to read:

5 **Sec. 08.36.347. Exemption from certificate requirement.** (a) A person
 6 enrolled in a program or course of study to become a dental assistant in an accredited
 7 dental assisting program may perform dental assisting procedures as part of a course
 8 of study without a certificate if the procedures are performed

9 (1) under the direct supervision of a member of the faculty who is
 10 licensed under this chapter or AS 08.32; and

11 (2) as part of a clinical program that has received written approval
 12 from the board.

13 (b) A person performing dental assisting procedures under (a) of this section is
 14 subject to all other provisions of this chapter and statutes and regulations that apply to
 15 the practice of dental assisting by a certified dental assistant.

16 * **Sec. 35.** AS 08.36 is amended by adding a new section to read:

17 **Sec. 08.36.367. Ownership of a dental office or facility.** (a) Only a person
 18 who holds a valid license issued under this chapter may own, operate, or maintain a
 19 dental practice, office, or clinic. This restriction does not apply to

20 (1) a labor organization or a nonprofit organization formed by or on
 21 behalf of a labor organization for the purpose of providing dental services;

22 (2) an institution of higher education recognized by the board;

23 (3) a local government;

24 (4) an institution or program accredited by the Commission on Dental
 25 Accreditation of the American Dental Association to provide education and training;

26 (5) a nonprofit corporation organized under state law to provide dental
 27 services to rural areas and medically underserved populations of migrant, rural
 28 community, or homeless individuals under 42 U.S.C. 254b or 254c or health centers
 29 qualified under 42 U.S.C. 1396d(l)(2)(B) operating in compliance with other
 30 applicable state and federal law;

31 (6) a nonprofit charitable corporation described in 26 U.S.C. 501(c)(3)

1 (Internal Revenue Code) and determined by the board to be providing dental services
2 by volunteer licensed dentists to populations with limited access to dental care at no
3 charge or a substantially reduced charge.

4 (b) For the purpose of owning or operating a dental practice, office, or clinic,
5 an entity described in (a) of this section shall

6 (1) name a licensed dentist as its dental director, who shall be subject
7 to the provisions of AS 08.36.315 and 08.36.317 in the capacity of dental director; the
8 dental director, or an actively licensed dentist designated by the director, shall have
9 responsibility for the entity's practice of dentistry; and

10 (2) maintain current records of the names of licensed dentists who
11 supervise dental hygienists, dental assistants, and other personnel involved in direct
12 patient care who are employed by the entity; the records must be available to the board
13 upon written request.

14 (c) Nothing in this chapter precludes a person or entity not licensed by the
15 board from

16 (1) ownership or leasehold of any tangible or intangible assets used in
17 a dental office or clinic, including real property, furnishings, equipment, and
18 inventory, but not including dental records of patients related to clinical care;

19 (2) employing or contracting for the services of personnel other than
20 licensed dentists; or

21 (3) management of the business aspects of a dental office or clinic that
22 do not include the practice of dentistry.

23 (d) If all of the ownership interests of a dentist or dentists in a dental office or
24 clinic are held by an administrator, executor, personal representative, guardian,
25 conservator, or receiver of the estate of a former shareholder, member, or partner, the
26 administrator, executor, personal representative, guardian, conservator, or receiver
27 may retain the ownership interest for a period of 12 months following the creation of
28 the ownership interest. The board shall extend the ownership period for an additional
29 12 months upon 30 days' notice and may grant additional extensions upon reasonable
30 request.

31 (e) In this section, "labor organization" means an organization, not for

1 pecuniary profit, constituted wholly or partly to bargain collectively or deal with
 2 employers, including the state and its political subdivisions, concerning grievances,
 3 terms or conditions of employment, or other mutual aid or protection in connection
 4 with employees that has existed for at least three years and that has a constitution and
 5 bylaws.

6 * **Sec. 36.** AS 08.36.370 is amended by adding new paragraphs to read:

7 (7) "certified dental assistant" means a person who holds a current
 8 coronal polishing certificate or restorative function certificate issued by the board;

9 (8) "licensed dental hygienist" means a dental hygienist licensed under
 10 AS 08.32;

11 (9) "licensed dentist" means a dentist licensed under this chapter.

12 * **Sec. 37.** AS 08.32.020, 08.32.035, 08.32.040, 08.32.060, 08.32.097, 08.32.100, 08.32.120,
 13 08.32.130, 08.32.140, 08.32.190(2); AS 08.36.075(b), 08.36.075(c), 08.36.075(d),
 14 08.36.075(e), 08.36.114, 08.36.230, 08.36.244, 08.36.246, 08.36.247, 08.36.248, 08.36.260,
 15 08.36.271, 08.36.290, 08.36.350(a)(3), and 08.36.350(a)(4) are repealed.

16 * **Sec. 38.** The uncodified law of the State of Alaska is amended by adding a new section to
 17 read:

18 REVISOR'S INSTRUCTION. The revisor of statutes shall change the catch line of
 19 AS 08.36.250 from "Renewal of registration" to "License renewal, lapse, and reinstatement."