

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

January 27, 2012

3:19 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Dan Saddler
Representative Steve Thompson
Representative Lindsey Holmes
Representative Bob Miller

MEMBERS ABSENT

Representative Craig Johnson, Vice Chair
Representative Mike Chenault

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 92(FIN)

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 92

SHORT TITLE: DENTISTS/DENTAL HYGIENISTS/ASSISTANTS

SPONSOR(S): SENATOR(S) EGAN

02/21/11	(S)	READ THE FIRST TIME - REFERRALS
02/21/11	(S)	L&C, FIN
02/24/11	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/24/11	(S)	Heard & Held
02/24/11	(S)	MINUTE(L&C)
03/01/11	(S)	L&C AT 2:00 PM BELTZ 105 (TSBldg)
03/01/11	(S)	Moved CSSB 92(L&C) Out of Committee
03/01/11	(S)	MINUTE(L&C)
03/07/11	(S)	L&C RPT CS 3DP SAME TITLE
03/07/11	(S)	DP: EGAN, DAVIS, PASKVAN
03/30/11	(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/30/11	(S)	Heard & Held
03/30/11	(S)	MINUTE(FIN)
04/04/11	(S)	FIN RPT CS 6DP 1NR SAME TITLE

04/04/11 (S) DP: HOFFMAN, STEDMAN, THOMAS, EGAN,
MCGUIRE, ELLIS
04/04/11 (S) NR: OLSON
04/04/11 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/04/11 (S) Moved CSSB 92(FIN) Out of Committee
04/04/11 (S) MINUTE(FIN)
04/07/11 (S) TRANSMITTED TO (H)
04/07/11 (S) VERSION: CSSB 92(FIN)
04/08/11 (H) READ THE FIRST TIME - REFERRALS
04/08/11 (H) L&C, FIN
01/27/12 (H) L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

DANA OWEN, Staff

Senate Labor & Commerce Standing Committee, Senator Egan, Chair
Juneau, Alaska

POSITION STATEMENT: Presented SB 92 on behalf of the Senate
Labor and Commerce Standing Committee, chaired by Senator Egan.

DAVID LOGAN, Dentist

Legislative Chair, Alaska Dental Society
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the
discussion of SB 92.

DON HABEGGER, Director

Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community & Economic Development (DCCED)
Juneau, Alaska

POSITION STATEMENT: Provided information and answered questions
during the discussion of SB 92.

GALE WALDON, Dental Hygienist; Chair

Alaska State Dental Hygienists Association (ASDHA)
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 92.

ACTION NARRATIVE

[3:19:25 PM](#)

CHAIR KURT OLSON called the House Labor and Commerce Standing
Committee meeting to order at 3:19 p.m. Representatives
Saddler, Thompson, Holmes, Miller, and Olson were present at the
call to order.

SB 92-DENTISTS/DENTAL HYGIENISTS/ASSISTANTS

3:19:59 PM

CHAIR OLSON announced that the only order of business would be SENATE BILL NO. 92, "An Act relating to dental hygienists, dentists, dental assistants, dental hygiene, and dentistry."

3:20:44 PM

DANA OWEN, Staff, Senate Labor & Commerce Standing Committee, stated that Dr. Logan brought this matter to Senator Egan's attention. He related it has been 20 years since the Dental Practices Act has had a comprehensive review and the statutes needed updating. He noted several policy issues are in the bill, but characterized SB 92 largely as a housekeeping measure. He thanked Konrad Jackson, staff to the House Labor and Commerce Committee, for his effort on this bill.

3:22:05 PM

MR. OWEN highlighted significant aspects of the bill. Many of the references in statute were archaic, such as a reference to the Alaska Native Service, which is now the United States Indian Health Service. He noted other archaic references such as a reference to a certificate of registry. Even though certificates are no longer issued the registers of those engaged in the dental professions are still maintained. He stated that some people have expressed interest in giving the Board of Dental Examiners greater flexibility over licensing dentists by credentials, who are the dentists already licensed in another jurisdiction. He suggested this would provide a more streamlined process for experienced dentists who wish to apply for licensing in Alaska, rather than requiring them to submit the same documentation a new dentist must submit. Instead, prospective licensees would use their credentials from another jurisdiction to gain a license in Alaska. This bill would also require that the president of the Board of Dental Examiners (BDE) be a licensed dentist or licensed hygienist since the board desires to have the board oversight performed by one of the dental professionals.

3:24:00 PM

MR. OWEN pointed out that current statutes require licensees be notified by mail that the license is about to expire, but due to changes in technology, an electronic means of notification

should be sufficient notice. This process would provide more flexibility and a more efficient process. Under this bill, the board would also gain an investigator position. The investigator would perform on-site visits and investigate other matters under the board's purview. He referred to the fiscal note, which he said was previously discussed and approved by the Senate Finance Committee.

[3:25:04 PM](#)

REPRESENTATIVE HOLMES related her understanding that the fiscal impact for the new position will be paid through licensees' dues.

CHAIR OLSON agreed it was a process similar to the one taken for the Board of Public Accountancy (BPA) that passed through the committee last year.

MR. OWEN agreed that the investigator position is a fees-based position.

[3:25:34 PM](#)

REPRESENTATIVE SADDLER asked whether the position would be paid from dues or licensure fees.

MR. OWEN related his understanding the investigator position would come from a fee. He continued his bill analysis. The bill would maintain an exemption for licensure for dentists and hygienists who work for clinics that operate under the federal Indian Health Program, even while serving people who are not Alaska Natives. The exemption comes from a federal authorization and this bill simply mirrors federal law. He said one provision would tailor requirements for supervision of dental assistants to accommodate students and instructors in credentialed academic programs. The matter of whether students could practice as dental assistants came up at the University of Alaska Anchorage (UAA). This provision clarifies that students who are in an accredited program can practice as dental assistants.

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MR. OWEN continued. This bill would also expand the definition of dental office owners and operators, who must be licensed practitioners except for certain nonprofits, local governments, and institutions of higher learning. It adds a provision to

address the situation when a person becomes a sole owner of a dental practice through the death of a previous owner. In that instance, if the heir wishes to sell the practice, he/she would have up to 24 months to do so - extendable by the board. Thus, the surviving spouse, who may not be a licensed practitioner, could own the business and wind up the dental practice affairs.

MR. OWEN brought attention to two amendments in members' packets, previously submitted to the committee. He stated that these amendments will enhance some portions of the bill.

[3:27:40 PM](#)

CHAIR OLSON clarified for the record the amendments Mr. Owen is referring to are the ones in members' packets labeled [27-LS0403\E.1, Bullard, 4/8/11, and 27-LS0403\E.2, Martin, 1/19/12].

MR. OWEN continued. He explained the Dental Assisting National Board (DANB) advised the sponsor that the title "certified dental assistant" is a trademark name. He explained that the first amendment, E.1, would change a number of references of certified dental assistant to registered dental assistants, which is apparently okay with the DANB. He mentioned that he has received several phone calls from this organization at each step of the process so the organization is persistent.

[3:29:37 PM](#)

REPRESENTATIVE HOLMES moved to adopt Amendment 1, E.1, labeled 27-LS0403\E.1, Bullard, 4/8/11, which read, as follows:

Page 10, line 25, following "credentialing":
Insert ", registration,"

Page 10, line 28:
Delete "certified"
Insert "registered"

Page 11, line 2, following "certificates,":
Insert "registration documents,"

Page 11, line 7, following "license":
Insert ", registration,"

Page 13, line 20:

Delete "certified"
Insert "registered"

Page 13, line 21, following "certificates,"
Insert "registrations,"

Page 13, line 22:
Delete "certified"
Insert "registered"

Page 17, line 14, following "permit":
Insert ", registration,"

Page 18, line 17:
Delete "certificate"
Insert "registration"

Page 18, line 19:
Delete "certificate"
Insert "registration document"

Page 18, line 27:
Delete "certified"
Insert "registered"

Page 21, lines 13 - 17:
Delete all material and insert:
 "(7) "licensed dental hygienist" means a
dental hygienist licensed under AS 08.32;
 (8) "licensed dentist" means a dentist
licensed under this chapter;
 (9) "registered dental assistant" means a
dental assistant registered under this chapter."

CHAIR OLSON objected for purpose of discussion.

There being no further objection, Amendment E 1 was adopted.
[The committee treated Chair Olson's objection as having been removed.]

[3:30:14 PM](#)

REPRESENTATIVE HOLMES moved to adopt Amendment 2, labeled 27-LS0403\E.2, Martin, 1/19/12, which read as follows:

Page 2, line 23:
Delete "Examiners"

Insert "Boards"

Page 15, line 7:

Delete "shall"

Insert "may"

Page 19, line 27, following "dental services":

Insert "to rural or underserved populations"

CHAIR OLSON objected for the purpose of discussion.

MR. OWEN explained that Amendment 2 would correct the reference to a name, which either changed or was listed in error in the bill. He referred to page 2, line 23, which deletes "Examiners" and inserts "Boards" to reflect the correct name for the American Association of Dental Boards in SB 92.

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REPRESENTATIVE HOLMES pointed out Amendment 2 would also change the language from "shall" to "may". She asked for clarification on this change.

MR. OWEN explained the language change in Amendment 2. He said that SB 92 would give the Board of Dental Examiners more latitude and authority, so some of the repealers have removed certain requirements from the activities the board oversees. He stated this is the result of committee discussions held in the Senate, which had concluded that the board was the most appropriate place to deal with certain issues, such as good practices by dentists. He pointed out one requirement in the current statutes necessitates an applicant "shall" be interviewed, but after holding discussions with dentists and dental hygienists it made sense for the board to have the latitude to make those types of decisions. He referred to page 19, lines 26-27 of SB 92, which read, "(1) a labor organization or a nonprofit organization formed by or on behalf of a labor organization for the purpose of providing dentals services." He described this provision as an exclusionary clause. He related that Amendment 2 would add the language "to rural or underserved populations," which should help make more services available in rural areas. He emphasized that who is allowed to practice dentistry in remote locations, where dentists are not readily available, often becomes a contentious issue. The sponsor would like to clarify that the exclusion would only apply to rural or underserved populations.

[3:33:28 PM](#)

There being no further objection, Amendment 2 was adopted. [The committee treated Chair Olson's objection as having been removed.]

[3:33:37 PM](#)

MR. OWEN brought attention to members that a committee of dentists and dental hygienists first brought an initial draft of the bill to the sponsor. He offered that this bill isn't the result of only one group in the dental profession. Instead, several groups have had input into the bill, he stated.

CHAIR OLSON thanked dentists and hygienists for their work. He advised members that his intention is not to move the bill today to review the repealers in the bill to avoid any unintended consequences.

[3:35:27 PM](#)

DAVID LOGAN, Dentist, Legislative Chair, Alaska Dental Society, on behalf of the Alaska Dental Society, expressed thanks and commended Mr. Owen for his testimony and work. He related that the bill has gone through numerous changes. He indicated that a group of dentists, hygienists, and board members worked on the language with the sponsor. He described the goal of SB 92 as an effort to make the practice of dentistry better in the state and help protect the public. He concluded by offering that the Alaska Dental Society supports SB 92.

[3:36:56 PM](#)

REPRESENTATIVE SADDLER referred to page 5, line 7, of the bill. He asked for the distinction between a program accredited by the Commission on Dental Accreditation and a course offered under the auspices of this organization. He further asked whether this would weaken the standards.

DR. LOGAN answered no. He explained that the language refers to the technical definition within the bylaws of the Commission on Dental Accreditation of the American Dental Association (CODAA), which is the council that authorizes and certifies courses and provides certification. The bill would simply adopt the courses either in person or on-line. He clarified that the course would need to be certified by CODAA before it would be approved.

REPRESENTATIVE SADDLER related his understanding that certified and accredited would be a term of art.

DR. LOGAN agreed.

[3:38:30 PM](#)

REPRESENTATIVE SADDLER referred to page 5, lines 29 through page 6, lines 1- 23, to the language that lists practices, some of which have been removed. He read, "APPLY PIT AND FISSURE SEALANTS; PERFORM ROOT PLANING AND PERIODONTAL SOFT TISSUE CURETTAGE;" and said this section also adds some procedures. He read, "remove marginal overhangs; use local periodontal therapeutic agents...." He asked whether this language represents a change to the scope of practice or just adds new names for the same procedures.

DR. LOGAN answered that it was not a change in practices. He referred to paragraph (4), "PERFORM ROOT PLANING AND PERIODONTAL SOFT TISSUE CURETTAGE;" which is reflected as the technical definition on page 6, line 10, in subparagraph 1(E), which reads, "perform nonsurgical periodontal therapy;". He explained that the other procedures listed, such as applying topical preventative agents and pit and fissure sealants, as tasks dental assistants currently are allowed to perform in this state. He added that a dental hygienist automatically is authorized to do anything an assistant can since the dental assistant is non-licensed and non-certified in this state, except in the two instances noted in the amendments just adopted.

[3:40:08 PM](#)

REPRESENTATIVE SADDLER referred to the language that limits the chair of the board to a dentist. He inquired as to whether which a non-dentist board member has ever served in that capacity.

DR. LOGAN answered no, not to his knowledge. He related that the board chair or president - as the title is interchangeably used - often works with the investigators and the role requires the educational background to understand the technical nature of dentistry to address any issues.

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REPRESENTATIVE SADDLER recalled earlier testimony that the board lacked an investigator. He asked whether many problems exist and if the board needs an investigator.

DR. LOGAN answered that the BDE has always employed an investigator, but the position has been part time. The BDE shares an investigator with other boards so it takes time for cases to be adjudicated. He acknowledged that dentists have been made aware additional fees will be assessed for licensure. He indicated that when instances arise and dentists need disciplinary action, such as suspension or revocation, the action needs to happen in a timely fashion.

REPRESENTATIVE SADDLER referred again to the additional licensing fees to cover the investigator. He asked whether the membership was comfortable with the increased fees.

DR. LOGAN responded that suggesting an increase in fees never receives unanimous support, but the frequent complaint is the length of time that investigations take so the vast majority of the professionals support the need for a full time investigator, which offsets the extra \$100 biennial fee.

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REPRESENTATIVE SADDLER asked whether any application glitch exists between the board and accrediting agencies. He highlighted an instance brought to his attention in which a new dentist may submit to occupational licensing, but the application is pending completion until additional information is received. He inquired as to whether any means exists to streamline the process.

DR LOGAN deferred to Don Habeger, Director, Division of Corporations, Business, and Professional Licensing to address this question.

[3:43:31 PM](#)

REPRESENTATIVE MILLER referred to page 2 lines [8]-9, to subparagraph (D), which he read, "has not had a license to practice dental hygiene revoked, suspended, or voluntarily surrendered in this state or another state." He asked what happens to the original license during the process of licensure and whether the license would lapse or if this varies from state to state.

DR. LOGAN asked for clarification on whether the question refers to dentists who have their licenses taken away for disciplinary action, and whether they must surrender their license.

REPRESENTATIVE MILLER clarified that he understood what happens when a license has been revoked or suspended since that action appears to be due to disciplinary action taken; however, he said he was unsure of the voluntary surrender of licenses. He was curious what would happen to an active dental license when a person moves to Alaska. He said he is unsure if this would hold up the process of the dentist from practicing dentistry.

DR. LOGAN answered no, it would not. He related that typically a dentist would keep his license current in another state, which would lapse over time. He offered that in most disciplinary actions the license would be voluntarily surrendered.

[3:45:32 PM](#)

REPRESENTATIVE MILLER referred to page 2, line 28, to subparagraph (I) and read, "not been convicted of a crime that adversely reflects on their ability ... to practice...." He asked who would make the determination on the meaning of "adversely affects," and whether the decision would be made by the whole board or just one person.

DR. LOGAN deferred to the division for the final word. He related his understanding that in some instances where the person failed to meet the guidelines, the licensing examiner would likely do so. He offered his belief that if anything fell in a gray area, such as a dentist who had been convicted of a crime not directly related to dentistry that the matter would be brought to the board's attention for a final decision.

[3:46:34 PM](#)

DON HABEGER, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community, & Economic Development (DCCED), stated that his staff worked with Senator Egan and the dental profession on this bill. He suggested that Dr. Logan would speak to the bill as it relates to the practice of dentistry. He offered, with respect to how examinations are conducted and how investigative staff operates, that the division is comfortable with the bill.

[3:48:06 PM](#)

CHAIR OLSON asked for an update on the next sunset date for the BDE.

MR. HABEGER explained that the Board of Dental Examiners (BDE) had a sunset review last year. That bill passed the legislature, but was set aside as a result of the governor's veto. The new BDE's sunset extension is part of an omnibus bill [HB 279] currently before the legislature. This bill would extend the board for another eight years.

CHAIR OLSON recalled that board had been part of a bill that was vetoed.

[3:49:08 PM](#)

REPRESENTATIVE THOMPSON referred to another bill that passed the legislature last year that affected professional licensing and the ability to transfer military and their spouses' ability to transfer schooling for dental hygienists. He further recalled under the aforementioned bill, hygienists would be issued a temporary license until the full licensure process was completed. He related his understanding no additional fees would be charged on their initial license. He asked how this bill would affect the military and military spouses. He asked whether this requirement has created any hardships for the department.

MR. HABEGER agreed that last year the legislature passed what he characterized as a "military-spouse bill." He offered that the department had the responsibility to assist military spouses with temporary licensure to enable them to practice their professions in Alaska. He pointed out that his division has been responding to those tasks. He informed members that another bill currently before the legislature would expand this activity to recognize certain education, including documents such as diploma and certificates. He reported that the division supports language in the bill as it was reported out of the [House] education committee today.

MR. HABEGER explained the process the division uses with respect to temporary licenses. He stated that if a board has authority and to recognize temporary licenses the division must consider military credit and issue a temporary license. He stated that the division can accomplish this for any program it administers, about 20 programs, but the division does not have the authority to issue a temporary license for professions governed by a board. In those instances, the board must first take action to

recognize the temporary license. He advised that after the BDE has done so, the division will have the authority to issue the temporary license just as it currently issues temporary licenses for military personnel and their spouses.

[3:52:28 PM](#)

GALE WALDON, Dental Hygienist; Chair, Alaska State Dental Hygienists Association (ASDHA), on behalf of the ASDHA, stated that she has been one of three hygienists who served on the committee formed to review, update, and condense the Dental Practices Act now contained in SB 92. She offered the ASDHA's support for SB 92. She concurred with earlier testimony, that the Dental Practices Act has not been reviewed for over 20 years and needs to be updated. She concurred that many of the statutes are inaccurate and do not represent the existing practices and terminology of the services provided by the dental community. This bill would also update the dental hygiene statutes, as appropriate. One of the ASDHA's goals is to maintain the highest standard of dental hygienists licensure and practice. She stated the ASDHA believes SB 92 incorporates the high standards for dental hygienists so these professionals can continue to provide excellent care for Alaskans.

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REPRESENTATIVE SADDLER asked whether a dental hygienist has ever served as chair of the BDE.

MS. WALDON answered not to her knowledge.

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CHAIR OLSON, after first determining no one else wished to testify, closed public testimony on SB 92.

[SB 92 was held over.]

[3:55:16 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 3:55 p.m.