

HOUSE BILL NO. 127

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES SPOHNHOLZ, Drummond, Tarr

Introduced: 4/9/19

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of dental hygiene; establishing an advanced practice**
2 **permit; prohibiting unfair discrimination under group health insurance against a dental**
3 **hygienist who holds an advanced practice permit; relating to medical assistance for**
4 **dental hygiene services; and providing for an effective date."**

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

6 * **Section 1.** AS 08.32.110(e) is amended to read:

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

8 (1) with an endorsement issued under AS 08.32.085 from performing
9 the activities authorized under AS 08.32.085;

10 (2) who **holds an advanced practice permit issued by the board**
11 **under AS 08.32.125 or** has entered into a collaborative agreement approved by the
12 board under AS 08.32.115 from performing the activities authorized under the **permit**
13 **or** collaborative agreement; or

14 (3) from performing a dental operation, procedure, or service a dentist

1 may delegate to a dental assistant under AS 08.36.346.

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

3 **Sec. 08.32.125. Advanced practice permits.** (a) The board may issue an
4 advanced practice permit to a licensed dental hygienist with a minimum of 4,000
5 documented hours of clinical experience. A licensed dental hygienist holding an
6 advanced practice permit may perform one or more of the following:

7 (1) oral health promotion, disease prevention education, and oral
8 systemic health education;

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

11 (3) application of topical preventive or prophylactic agents, including
12 silver diamine fluoride, fluoride varnishes, and pit and fissure sealants;

13 (4) polishing and smoothing restorations;

14 (5) removal of marginal overhangs;

15 (6) preliminary charting and triage to formulate a dental hygiene
16 assessment and dental hygiene treatment plan;

17 (7) the exposure and development of radiographs;

18 (8) use of local periodontal therapeutic agents;

19 (9) nonsurgical periodontal therapy, with or without the administration
20 of local anesthesia;

21 (10) screening for oral cancer;

22 (11) administration of local anesthesia; and

23 (12) writing prescriptions for

24 (A) fluoride that is applied or provided to a patient; and

25 (B) chlorhexidine or a similar antibacterial rinse.

26 (b) A licensed dental hygienist holding an advanced practice permit may
27 provide the services described in (a) of this section to a patient who is unable to
28 receive dental treatment because of age, infirmity, or disability and is

29 (1) a resident in a senior center, including a hospital, long-term care
30 facility, adult foster home, residential care facility, or adult congregate living facility;

31 (2) a resident in a health care facility, including a mental health

1 residential program or facility for individuals with developmental or other disabilities;

2 (3) held in a local correctional facility for juveniles or adults;

3 (4) enrolled in a nursery school, day care program, vocational training
4 facility, primary school, secondary school, private school, or public charter school;

5 (5) entitled to benefits under 42 U.S.C. 1786 (Special Supplemental
6 Food Program for Women, Infants, and Children);

7 (6) homebound; or

8 (7) a resident of a dental health professional shortage area designated
9 under 42 U.S.C. 254e.

10 (c) A licensed dental hygienist holding an advanced practice permit may
11 provide the services described in (a) of this section to a patient described in (b) of this
12 section without

13 (1) the physical presence, authorization, or supervision of a licensed
14 dentist;

15 (2) a licensed dentist's examination of the patient.

16 (d) A licensed dental hygienist who provides services under an advanced
17 practice permit shall maintain professional liability insurance and provide the patient,
18 or the parent or legal guardian of the patient, with

19 (1) a written notice that the treatment provided will be limited to
20 services permitted under (a) of this section;

21 (2) a written recommendation that the patient be examined by a
22 licensed dentist for comprehensive oral health care services; and

23 (3) assistance in obtaining a referral to a licensed dentist for further
24 dental planning and treatment, including a written description of methods for
25 obtaining a referral and a list of licensed dentists in the patient's community or other
26 resources for finding a licensed dentist.

27 (e) A licensed dental hygienist holding an advanced practice permit may
28 practice as an independent contractor.

29 (f) An advanced practice permit is valid until the expiration of the dental
30 hygienist's license to practice. A licensed dental hygienist may renew an advanced
31 practice permit at the time of license renewal under AS 08.32.071.

1 * **Sec. 3.** AS 21.36.090(d) is amended to read:

2 (d) Except to the extent necessary to comply with AS 21.42.365 and
 3 AS 21.56, a person may not practice or permit unfair discrimination against a person
 4 who provides a service covered under a group health insurance policy that extends
 5 coverage on an expense incurred basis, or under a group service or indemnity type
 6 contract issued by a health maintenance organization or a nonprofit corporation, if the
 7 service is within the scope of the provider's occupational license. In this subsection,
 8 "provider" means a state licensed physician, physician assistant, dentist, osteopath,
 9 optometrist, chiropractor, advanced practice registered nurse, naturopath, physical
 10 therapist, occupational therapist, marital and family therapist, psychologist,
 11 psychological associate, licensed clinical social worker, licensed professional
 12 counselor, [OR] certified direct-entry midwife, **or dental hygienist holding an**
 13 **advanced practice permit.**

14 * **Sec. 4.** AS 47.07.030(b) is amended to read:

15 (b) In addition to the mandatory services specified in (a) of this section and the
 16 services provided under (d) of this section, the department may offer only the
 17 following optional services: case management services for traumatic or acquired brain
 18 injury; case management and nutrition services for pregnant women; personal care
 19 services in a recipient's home; emergency hospital services; long-term care
 20 noninstitutional services; medical supplies and equipment; advanced practice
 21 registered nurse services; clinic services; rehabilitative services for children eligible
 22 for services under AS 47.07.063, substance abusers, and emotionally disturbed or
 23 chronically mentally ill adults; targeted case management services; inpatient
 24 psychiatric facility services for individuals 65 years of age or older and individuals
 25 under 21 years of age; psychologists' services; clinical social workers' services; marital
 26 and family therapy services; midwife services; prescribed drugs; physical therapy;
 27 occupational therapy; chiropractic services; low-dose mammography screening, as
 28 defined in AS 21.42.375(e); hospice care; treatment of speech, hearing, and language
 29 disorders; adult dental **and dental hygiene** services; prosthetic devices and
 30 eyeglasses; optometrists' services; intermediate care facility services, including
 31 intermediate care facility services for persons with intellectual and developmental

1 disabilities; skilled nursing facility services for individuals under 21 years of age; and
2 reasonable transportation to and from the point of medical care.

3 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 REGULATIONS. The Department of Commerce, Community, and Economic
6 Development and the Board of Dental Examiners may adopt regulations necessary to
7 implement the changes made by this Act. The regulations take effect under AS 44.62
8 (Administrative Procedure Act), but not before the effective date of the law implemented by
9 the regulation.

10 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

11 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect July 1, 2020.