

SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR GIESSEL BY REQUEST

Introduced: 2/21/19

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 and eliminating collaborative agreements for dental hygienists; prohibiting
3 unfair discrimination under group health insurance against a dental hygienist who holds
4 an advanced practice permit; relating to medical assistance for dental hygiene services;
5 and providing for an effective date."

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

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

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

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

11 (2) who **holds an advanced practice permit issued** [HAS ENTERED
12 INTO A COLLABORATIVE AGREEMENT APPROVED] by the board under
13 AS 08.32.115 from performing the activities authorized under the **permit**

1 [COLLABORATIVE AGREEMENT]; or

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

4 * **Sec. 2.** AS 08.32.115(a) is amended to read:

5 (a) **The board may issue an advanced practice permit to** [IF THE
6 COLLABORATIVE AGREEMENT IS APPROVED BY THE BOARD UNDER (d)
7 OF THIS SECTION,] a licensed dental hygienist with a minimum of 4,000
8 documented hours of clinical experience. **A licensed dental hygienist holding an**
9 **advanced practice permit may** [WITHIN THE FIVE YEARS PRECEDING
10 APPLICATION FOR THE BOARD'S APPROVAL MAY ENTER INTO A
11 COLLABORATIVE AGREEMENT WITH A LICENSED DENTIST IN WHICH
12 THE LICENSED DENTIST AUTHORIZES THE LICENSED DENTAL
13 HYGIENIST TO] perform one or more of the following:

14 (1) oral health promotion, [AND] disease prevention education, **and**
15 **oral systemic health education;**

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

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

20 (4) polishing and smoothing restorations;

21 (5) removal of marginal overhangs;

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

24 (7) the exposure and development of radiographs;

25 (8) use of local periodontal therapeutic agents; [AND]

26 (9) [PERFORMANCE OF] nonsurgical periodontal therapy, with or
27 without the administration of local anesthesia;

28 **(10) screening for oral cancer;**

29 **(11) atraumatic restorative technique; and**

30 **(12) writing prescriptions for**

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

1 **(B) chlorhexidine or a similar antibacterial rinse** [,
 2 SUBSEQUENT TO A LICENSED DENTIST'S AUTHORIZATION OR
 3 DIAGNOSIS AS SPECIFIED IN THE LICENSED HYGIENIST'S
 4 COLLABORATIVE AGREEMENT].

5 * **Sec. 3.** AS 08.32.115(b) is repealed and reenacted to read:

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

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

11 (2) a resident in a health care facility, including a mental health
 12 residential program or facility for individuals with developmental or other disabilities;

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

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

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

18 (6) homebound; or

19 (7) a member of a population that the board determines is underserved
 20 by the dental health profession.

21 * **Sec. 4.** AS 08.32.115(c) is repealed and reenacted to read:

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

25 (1) the physical presence, authorization, or supervision of a licensed
 26 dentist;

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

28 * **Sec. 5.** AS 08.32.115(d) is repealed and reenacted to read:

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

1 (1) a written notice that the treatment provided will be limited to
2 preventive services and will not include comprehensive oral health care services;

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

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

9 * **Sec. 6.** AS 08.32.115 is amended by adding new subsections to read:

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

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

15 * **Sec. 7.** AS 21.36.090(d) is amended to read:

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

28 * **Sec. 8.** AS 47.07.030(b) is amended to read:

29 (b) In addition to the mandatory services specified in (a) of this section and the
30 services provided under (d) of this section, the department may offer only the
31 following optional services: case management services for traumatic or acquired brain

1 injury; case management and nutrition services for pregnant women; personal care
 2 services in a recipient's home; emergency hospital services; long-term care
 3 noninstitutional services; medical supplies and equipment; advanced practice
 4 registered nurse services; clinic services; rehabilitative services for children eligible
 5 for services under AS 47.07.063, substance abusers, and emotionally disturbed or
 6 chronically mentally ill adults; targeted case management services; inpatient
 7 psychiatric facility services for individuals 65 years of age or older and individuals
 8 under 21 years of age; psychologists' services; clinical social workers' services; marital
 9 and family therapy services; midwife services; prescribed drugs; physical therapy;
 10 occupational therapy; chiropractic services; low-dose mammography screening, as
 11 defined in AS 21.42.375(e); hospice care; treatment of speech, hearing, and language
 12 disorders; adult dental and dental hygiene services; prosthetic devices and
 13 eyeglasses; optometrists' services; intermediate care facility services, including
 14 intermediate care facility services for persons with intellectual and developmental
 15 disabilities; skilled nursing facility services for individuals under 21 years of age; and
 16 reasonable transportation to and from the point of medical care.

17 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 TRANSITION: COLLABORATIVE AGREEMENTS. Notwithstanding the
 20 amendment to AS 08.32.110(e)(2) by sec. 1 of this Act, the repeal and reenactment of
 21 AS 08.32.115(b) - (d) by secs. 3 - 5 of this Act, and the enactment of AS 08.32.115(e) and (f)
 22 by sec. 6 of this Act, a collaborative agreement approved by the board under AS 08.32.115
 23 before the effective date of secs. 1 - 6 of this Act is valid until the agreement expires under
 24 AS 08.32.115 as that section read before the effective date of secs. 1 - 6 of this Act.

25 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
 26 read:

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

1 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the catch
4 line for AS 08.32.115 from "Collaborative agreements" to "Advanced practice permits."

5 * **Sec. 12.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).