

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

March 10, 2020

1:31 p.m.

**MEMBERS PRESENT**

Senator Click Bishop, Chair  
Senator Gary Stevens, Vice Chair  
Senator Joshua Revak  
Senator Elvi Gray-Jackson

**MEMBERS ABSENT**

Senator Mia Costello

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Board of Nursing

Lena M. Lafferty - Anchorage

- CONFIRMATION ADVANCED

Board of Direct-Entry Midwives

Amanda Penwell - Fairbanks

- CONFIRMATION ADVANCED

Board of Registration of Architects, Engineers, & Land Surveyors

Fred W. Wallis - Healy

- CONFIRMATION ADVANCED

Board of Psychologist and Psychological Associate Examiners

Bradley McConnell - Anchorage

Bernard Gatewood - Fairbanks

Christina Durham - Anchorage

- CONFIRMATIONS ADVANCED

SENATE BILL NO. 182

"An Act raising the minimum age to purchase, sell, exchange, or possess tobacco, a product containing nicotine, or an electronic

smoking product; relating to the taxation of electronic smoking products; and providing for an effective date."

- MOVED CSSB 182(L&C) OUT OF COMMITTEE

SENATE BILL NO. 195

"An Act relating to election of a domestic insurer's board of directors."

- MOVED SB 195 OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 68

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

- HEARD AND HELD

#### **PREVIOUS COMMITTEE ACTION**

BILL: SB 182

SHORT TITLE: AGE FOR NICOTINE/E-CIG; TAX E-CIG.

SPONSOR(s): SENATOR(s) STEVENS

02/10/20	(S)	READ THE FIRST TIME - REFERRALS
02/10/20	(S)	L&C, FIN
02/27/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/27/20	(S)	Heard & Held
02/27/20	(S)	MINUTE(L&C)
03/03/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/03/20	(S)	Heard & Held
03/03/20	(S)	MINUTE(L&C)
03/10/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 195

SHORT TITLE: BD OF DIRECTORS: DOMESTIC INSURERS

SPONSOR(s): LABOR & COMMERCE BY REQUEST

02/17/20	(S)	READ THE FIRST TIME - REFERRALS
02/17/20	(S)	L&C
03/05/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/05/20	(S)	Heard & Held
03/05/20	(S)	MINUTE(L&C)
03/10/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 68

SHORT TITLE: DENTAL HYGIENIST ADVANCED PRAC PERMIT

SPONSOR(s): SENATOR(s) GIESSEL BY REQUEST

02/21/19	(S)	READ THE FIRST TIME - REFERRALS		
02/21/19	(S)	L&C, FIN		
04/03/19	(S)	SPONSOR	SUBSTITUTE	INTRODUCED -
		REFERRALS		
04/03/19	(S)	L&C, FIN		
03/10/20	(S)	L&C AT 1:30 PM BELTZ 105	(TSBldg)	

**WITNESS REGISTER**

LENA LAFFERTY, RN, Appointee  
Board of Nursing

Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Nursing.

AMANDA PENWELL, Appointee  
Board of Direct-Entry Midwives

Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Direct-Entry Midwives.

FRED WALLIS, PE, Appointee

Board of Registration for Architects, Engineers & Land Surveyors  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Healy, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Registration for Architects, Engineers, & Land Surveyors.

BRADLEY MCCONNELL, PsyD, Appointee

Board of Psychologists and Psychological Examiners  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Psychologists and Psychological Examiners.

BERNARD GATEWOOD, LPC, Appointee

Board of Psychologists and Psychological Examiners  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Psychologists and Psychological Examiners.

CHRISTINA DURHAM, PhD, Appointee  
Board of Psychologists and Psychological Examiners  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Psychologists and Psychological Examiners.

TIM LAMKIN, Staff  
Senator Gary Stevens  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Explained the changes in the committee substitute for SB 182, Version S.

SENATOR CATHY GIESSEL  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as the sponsor of SB 68.

JANE CONWAY, Staff  
Senator Cathy Giessel  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis on behalf of the sponsor of SB 68.

KATRINA VIRGIN, President  
Alaska Dental Hygienist Association  
Kodiak, Alaska

**POSITION STATEMENT:** Stated support for SB 68.

DOMINIC WENZELL, Member  
Dentist Dental Board  
Girdwood, Alaska

**POSITION STATEMENT:** Testified in support of SB 68.

ANN LYNCH, Director of Advocacy and Education  
American Dental Hygienists Association  
Chicago, Illinois

**POSITION STATEMENT:** Testified in support of SB 68.

VIVIAN STIVER, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 68.

**ACTION NARRATIVE**

[1:31:49 PM](#)

**CHAIR CLICK BISHOP** called the Senate Labor and Commerce Standing Committee meeting to order at 1:31 p.m. Present at call to order were Senators Stevens, Revak, Gray-Jackson, and Chair Bishop.

**CONFIRMATION HEARING(S)**

**Board of Nursing**

**Board of Direct-Entry Midwives**

**Board of Registration of Architects, Engineers, & Land Surveyors**

**Board of Psychologist and Psychological Associate Examiners**

[1:32:45 PM](#)

CHAIR BISHOP announced the first order of business would be consideration of governor appointees to boards and commissions. He asked each appointee to place their name and affiliation on the record, give a brief introduction, and discuss the reason for wanting to serve on the board or commission. He advised that public testimony would be taken after all appointees have testified and the names would be forwarded to the full body for consideration. This hearing was not a recommendation on any subsequent vote.

[1:33:32 PM](#)

LENA LAFFERTY, RN, Appointee, Board of Nursing, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, Anchorage, Alaska, stated that she was appointed to fill the registered nurse (RN) position on the board in July 2019. She offered her view that the current board has made great strides in streamlining nursing regulation while ensuring safe practice in Alaska. She related that she served in the U.S. Navy as a hospital corpsman, that she has been a licensed RN for five years, and that she currently works at Providence Hospital. She would like to serve on the board to be an advocate for the people of Alaska and to promote and protect the health of Alaskans through the safe and effective practice of nursing as defined by law. She thanked members for their consideration.

CHAIR BISHOP found no questions.

[1:35:09 PM](#)

AMANDA PENWELL, Appointee, Board of Direct-Entry Midwives, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, Fairbanks, Alaska, stated that she is a licensed direct-entry midwife in Alaska, and has practiced midwifery for 22 years, including her work overseas and in two other states. She currently works as a staff midwife at a busy Fairbanks birth center. She has the advantage of having experienced giving birth using a midwife. She stated her interest in serving on the board stems from her strong commitment to see the profession grow and to ensure public safety.

CHAIR BISHOP found no questions.

[1:36:51 PM](#)

FRED WALLIS, PE, Appointee, Board of Registration for Architects, Engineers, & Land Surveyors, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, Healy, Alaska, stated that he serves as the Vice President of Usibelli Coal mine, where he has worked for 23 years. He graduated from the University of Alaska Fairbanks and holds a professional mining engineering license in Alaska and Canada. He said he was interested in serving on the board because as the construction and development industries grow, the need for design professionals will also grow. The most important issue for the board is to ensure public safety. He thanked members for their consideration.

CHAIR BISHOP noted that Mr. Wallis is a reappointment to the AELS board. He found no questions.

[1:37:59 PM](#)

At ease

[1:38:22 PM](#)

CHAIR BISHOP reconvened the meeting.

[1:38:34 PM](#)

BRADLEY MCCONNELL, PsyD, Psychologist, Appointee, Board of Psychologists and Psychological Examiners, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, Anchorage, Alaska, said he was raised in rural California in an area with a

population about the size of Alaska's current population, with a similar number of mental health professionals serving the area. He offered his view that serving the needs of that population translates well to Alaska because of access to care issues. He predicted the need for mental health professionals will continue to increase in coming years. He said professional psychology is integral to him as an individual. After completing his training as a psychologist seven years ago, he has worked in a variety of settings, including university counseling centers, federally qualified health centers, correctional facilities, and in-patient hospitals. He is a board-certified psychologist through the American Board of Professional Psychology and currently serves as the director of Psychological Services at the Alaska Psychiatric Institute. The biggest hurdle the board faces is providing Alaskans with access to mental health care in a timely and routine manner, he said. He said he does not have all the answers, but he hopes to help the board explore what is being accomplished through interstate compacts for psychological services and via telehealth. He was humbled to be asked to serve on the board.

CHAIR BISHOP found no questions.

1:40:44 PM

BERNARD GATEWOOD, LPC, Appointee, Board of Psychologists and Psychological Examiners, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, Fairbanks, Alaska, stated that he has lived in Alaska for about 35 years, and he holds a Master of Science degree in counseling and a Bachelor of Arts degree in sociology. He has over 30 years of public service with experience primarily in juvenile corrections. He has spent almost 16 years as the superintendent of the Fairbanks Youth Facility, which includes oversight for the Nome and Bethel youth correctional facilities. He has worked in mental health services in Alaska and Alabama. He said he has served on numerous boards and commissions, including the Fairbanks North Star Borough Health and Social Services Commission and the Fairbanks City Council. In 2015, he retired and since then he has been serving his community in a variety of ways, including as a trustee for a foundation and as a sports announcer for high school football and basketball games. He expressed an interest in trying to do more to address some of the behavioral health issues in the state. He offered his view that this board plays a role in licensure and it is important to get mental health professionals to work as soon as possible in Alaska after proper vetting. He

expressed appreciation for the opportunity to serve on the board.

CHAIR BISHOP thanked him for his service to the youth in the state.

[1:44:00 PM](#)

CHRISTINA DURHAM, PsyD, Ph.D., Appointee, Board of Psychologists and Psychological Examiners, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, Anchorage, Alaska, stated that she has been a licensed psychologist since 2009, but she was a non-traditional student. She earned an associate degree from the University of Alaska Anchorage and then took almost 10 years to complete her undergraduate degree and Ph.D. in clinical psychology from Brigham Young University. She said she has always felt that persistence is an important trait. She later earned a post-doctoral Master of Science degree in clinical psychopharmacology from Alliant International University. She has been licensed in Alaska since 2009 and in Utah since 1999. She has always attempted to give back to her community and now she has time to do this since she is mostly retired. She stated her interest in serving on the board is because she sees a strong need to improve and further the practice of psychology. She believes that her interest and her perspective as a forensic practitioner may help the board. She said that she looks forward to serving, if confirmed.

CHAIR BISHOP found no questions.

[1:46:59 PM](#)

CHAIR BISHOP stated that in accordance with AS 39.05.080, the Senate Labor and Commerce Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board of Direct-Entry Midwives

Amanda Penwell - Fairbanks

Board of Nursing

Lena M. Lafferty - Anchorage

Board of Registration of Architects, Engineers, and Land Surveyors

Fred W. Wallis - Healy

Board of Psychologist and Psychological Associate Examiners

Bradley McConnell - Anchorage  
Bernard Gatewood - Fairbanks  
Christina Durham - Anchorage

Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

[1:47:48 PM](#)

At ease

**SB 182-AGE FOR NICOTINE/E-CIG; TAX E-CIG.**

[1:48:54 PM](#)

CHAIR BISHOP announced the consideration of SENATE BILL NO. 182, "An Act raising the minimum age to purchase, sell, exchange, or possess tobacco, a product containing nicotine, or an electronic smoking product; relating to the taxation of electronic smoking products; and providing for an effective date."

[1:48:58 PM](#)

SENATOR STEVENS moved to adopt the proposed committee substitute (CS) for SB 182, work order 31-LS1478\S, as the working document.

CHAIR BISHOP objected for an explanation of the changes.

[1:49:15 PM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, explained the changes in the committee substitute for SB 182, Version S. He said the bill will conform Alaska statutes to federal law. Last December, Congress passed the law requiring anyone who buys, sells, or possesses tobacco products to be at least 21 years of age. He explained that the products affected by the federal law are categorized as: cigarettes, other tobacco products, products containing nicotine, and electronic smoking products (CONE) products. Many states have a robust system to monitor and enforce compliance with standard brick and mortar storefronts, but there is not a system to enforce internet-based vendors selling CONE products. Version S will reflect restrictions for online sales. He said substantial evidence shows that minors currently acquire these products from vendors who skirt Alaska's existing laws for storefront retailers. Under the federal Tobacco Control Act, the federal Food and Drug Administration (FDA) has the authority to take these actions. However, no

actions have been taken against online sales. In that absence, states are beginning to change their laws. Version S incorporates what several other states have done to address online sales. First, it will repeal existing exemptions for individuals who are incarcerated. Second, the online CONE vendors must be licensed with the state. Third, an age verification must be made at the point of purchase. Fourth, packages must be clearly labeled as containing CONE products, and finally, an age verification must be made at the point of delivery. He related his understanding that the bill will be silent on taxes and allow the Senate Finance Committee to address that aspect.

[1:52:30 PM](#)

MR. LAMKIN reviewed the sectional analysis of SB 182, Version S:

Title: Adds relating to transportation of tobacco, products containing nicotine and electronic smoking products.

Sec. 3: (Page 2 lines 26-27) AS 11.76.105(a,) relating to minor possession of tobacco or E-Cig products, repeals an exemption for those in jail.

Sec. 9: (Page 5, lines 24-26) AS 43.50.105(b), Relating to transporting cigarettes into the state a wholesaler or distributor must use an age verification service to confirm the age of an online purchaser.

Sec. 10: (Page 6, Lines 6-7) AS 43.50.105(c), relating to common carriers (FedEx, UPS, USPS etc) shipping cigarettes into the state, requires the carrier to verify the age of the recipient before completing delivery.

Sec. 15: (Page 7, Lines 14-31, continued through Page 8-9) AS 43.30.325, is a new section, relating to transportation of tobacco products, products containing nicotine, and E-Cig products into Alaska, establishes identical shipping restrictions as those placed on cigarettes; licensing and age verification.

Sec. 27: (page 15, Line 14) AS.76.100(e), relating to selling or gifting cigarettes or tobacco to a minor, repeals an exemption for those in jail.

CHAIR BISHOP noted that the fiscal aspects will be taken up in the Senate Finance Committee.

[1:55:36 PM](#)

SENATOR STEVENS commented that he appreciated the clarification on taxation. He acknowledged that it is important to be fair to the shops in Alaska.

CHAIR BISHOP removed his objection.

[1:56:07 PM](#)

SENATOR STEVENS moved to report the CS for SB 182, work order 31-LS1478\S from committee with individual recommendations and attached fiscal note(s).

CHAIR BISHOP found no objection and CSSB 182(L&C) was reported from the Senate Labor and Commerce Standing Committee.

[1:56:21 PM](#)

At ease

#### **SB 195-BD OF DIRECTORS: DOMESTIC INSURERS**

[2:00:43 PM](#)

CHAIR BISHOP reconvened the meeting and announced the consideration of SENATE BILL NO. 195, "An Act relating to election of a domestic insurer's board of directors."

He opened public testimony on SB 195, and after determining no one wished to comment, closed public testimony on SB 195.

[2:01:33 PM](#)

SENATOR STEVENS moved to report SB 195 from committee with individual recommendations and attached fiscal note(s).

[2:01:47 PM](#)

CHAIR BISHOP found no objection and SB 195 was reported from the Senate Labor and Commerce Standing Committee.

[2:01:54 PM](#)

At ease

#### **SB 68-DENTAL HYGIENIST ADVANCED PRAC PERMIT**

[2:03:32 PM](#)

CHAIR BISHOP reconvened the meeting and announced the consideration of SPONSOR SUBSTITUTE FOR SENATE BILL NO. 68, "An

Act relating to the practice of dental hygiene; establishing an advanced practice permit; prohibiting unfair discrimination under group health insurance against a dental hygienist who holds an advanced practice permit; and relating to medical assistance for dental hygiene services."

He said this is the first hearing, but the companion has made significant progress in the other body. He noted there was a proposed committee substitute that would be addressed after the sponsor makes opening remarks.

2:03:57 PM

SENATOR CATHY GIESSEL, Alaska State Legislature, Juneau, Alaska, sponsor of SB 68, stated that this bill will create a dental hygienist advanced practice permit. She explained that some dental conditions can predispose a person to heart disease and if they are missing teeth, their nutritional status falls significantly, which affects their health. In Alaska, the most vulnerable populations are children, seniors and those with disabilities. She said the state has an enormous unmet need for dental care in Alaska and dental costs are high. Many states allow dental hygienists to hold advanced practice permits that allow them to provide dental services to underserved populations who are at risk. These patients may not have access to a dental office, there may not be a dental office in their community, or the patients may have transportation issues getting to a dentist.

She explained that SB 68 would establish an advanced practice permit for Alaska-licensed dental hygienists to expand access to dental care. She highlighted that in 2019 there were 703 licensed dental hygienists in Alaska. These are skilled dental health professionals whose focus is preventing and treating oral diseases.

SENATOR GIESSEL said the lack of access to dental care in Alaska has created enormous need in populations and communities that are underserved by the traditional system of care and the cost of obtaining treatment is high. Many states have addressed similar challenges by allowing non-dentist oral healthcare practitioners the freedom and flexibility to reach out to patients in new and creative ways to help improve access to basic oral care. Alaska would benefit from replicating such innovative oral health care delivery models.

SENATOR GIESSEL related that dental hygienists have graduated from nationally accredited dental hygiene education programs and

have successfully passed a national written and state clinical examination. Given their comprehensive education and clinical preparation, dental hygienists are well prepared to deliver preventative oral health care and other services to the public, safely and effectively, she said.

She listed the identified underserved areas in Alaska, which includes nursing homes, K-12 schools, senior centers, residential treatment centers, assisted living centers, nursing homes, nursery schools, and day care centers.

SENATOR GIESSEL stated that licensed dental hygienists holding advanced practice permits could provide early preventive treatment thus reducing the number of acute dental care visits, which can be very costly. Additionally, these advanced practice dental hygienists could identify more acute dental issues early on and refer patients needing definitive restorative treatment to dentists. She pointed out that 62 percent of Alaska's children have higher than normal tooth decay rates, so having access to care at a day care center, nursery school, or K-12 school could help to reduce dental issues. SB 68 would create new consumer choices for preventive oral health, and help to educate individuals, families, caregivers, and health providers on the basics of oral health and dental hygiene. It has support from the Alaska Board of Dental Examiners, the Alaska Dental Hygienists Association, the American Dental Hygienists Association, the Alaska Dental Society, and dental hygienists.

[2:07:37 PM](#)

SENATOR STEVENS asked for an estimate of the cost savings if the underserved dental care is met.

SENATOR GIESSEL replied it is difficult to estimate preventative dental care savings, but the dental health aides that Alaska now has have had a significant positive impact.

She added that the advanced practice dental hygienists could help seniors with dementia some of the disruptive and disorienting experiences of going to a dentist. An advanced practice dental hygienist could go into the Pioneer Home, for example, and meet the needs of many of those seniors.

CHAIR BISHOP noted that he and the sponsor recently heard an overview on the Medicaid costs for dental care. He suggested that this bill could help drive down those costs.

[2:10:01 PM](#)

SENATOR STEVENS moved to adopt the proposed committee substitute (CS) for SSSB 68, work order 31-LS0224\R, as the working document.

CHAIR BISHOP found no objection and Version R was adopted.

2:10:23 PM

JANE CONWAY, Staff, Senator Cathy Giessel, Alaska State Legislature, Juneau, Alaska, provided the following sectional analysis for the CS for SSSB 68, Version R:

Section 1 AS 08.32.110. Scope of practice of dental hygienists Amends section (e) of dental hygienists' scope of practice to allow a licensed dental hygienist who holds an advanced practice permit issued by the board to perform the duties allowed by the permit.

Section 2

Adds a new section to AS 08.32:

AS 08.32.125. Advanced practice permits.

Outlines the advanced practice permit requirements and privileges.

(a) The Board of Dental Examiners may issue an advanced practice permit to a licensed dental hygienist with a minimum of 4,000 documented hours of clinical experience. A licensed dental hygienist with an advanced practice permit may perform the specific services listed in this section (1) - (12)

(b) Describes patients a licensed dental hygienist who holds an advanced practice permit may provide services to, including:

- A patient not able to receive dental treatment due to age, infirmity, or disability, and is
- A resident of a senior center, hospital, long-term care, residential care facility, adult foster home, adult congregate living facility, an inmate in a local correctional facility a healthcare facility, residential treatment center or facility for those with disabilities, nursery school, day care, vocational training program, secondary school, private school, or charter school
- A patient receiving benefits under the Special Supplemental Food Program (WIC), homebound, or a

resident where there's a shortage of dental health professionals. (1) - (7) (c) A licensed dental hygienist holding an advanced practice permit can provide services listed in subsection (a) to a patient described in subsection (b) without the presence, authorization, or supervision of a licensed dentist and without an examination from a licensed dentist. (d) A licensed dental hygienist with an advanced practice permit who provides services must do the following:

- ~ maintain professional liability insurance.
- ~ give the patient, parent, or legal guardian written notice that the treatment provided will be limited to services listed under subsection (a)
- ~ provide a written recommendation that the patient be examined by a licensed dentist for comprehensive oral care
- ~ provide assistance for a referral to a licensed dentist for further oral treatment.

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

(f) An advanced practice permit is valid until the license of the dental hygienist expires. A licensed dental hygienist can renew their advanced practice permit at the same time they renew their license.

[2:14:24 PM](#)

CHAIR BISHOP noted that a dental hygienist with an advanced practice permit who provides services must maintain professional liability insurance. He asked if she agreed that these individuals could work in a practice or set up their own shop.

MS. CONWAY answered that is correct but the expectation is that most of these dental hygienists will work for a dentist and also go out to underserved areas to provide services.

CHAIR BISHOP asked if the dental office as the primary employer would maintain the professional liability insurance for these dental hygienists who also go out on their own to provide services in other settings.

[2:15:29 PM](#)

SENATOR GIESSEL answered that in her experience with advanced practice nurses, employers will offer liability insurance as a benefit, but it is typically up to the clinician to maintain that liability insurance and pay the premiums.

2:16:01 PM

MS. CONWAY continued the sectional analysis for CSSSSB 68:

Section 3 Amends 08.32.160 Grounds for discipline, suspension or revocation of license. Outlines and amends grounds for discipline; allows the Board of Dental Examiners to discipline, suspend, or revoke the license of an advanced practice permit-holder who:

- o Knowingly commits fraud or misrepresentation to obtain a license
- o Knowingly commits fraud/misrepresentation in providing services or billing procedures
- o False advertises or misleads
- o Been convicted of a felony or other crime that would affect ability to practice competently
- o Failed to comply to statute or regulations or board order
- o Practices if unfit due to incompetence, addiction or dependence on drugs or alcohol, is physically or mentally disabled, engaged in immoral conduct while in practice
- o performs procedures outside scope of practice or without supervision of a dentist
- o allows a dental assistant to perform duties outside their scope
- o Falsifies or destroys a patient or facility record or fails to maintain a patient or facility record for at least seven years after the date the record was created.

MS. CONWAY emphasized that when a dental hygienist with an advanced practice permit is supervising a dental assistant, it is mandatory that they make sure that the dental assistant only operates within the advanced practice permit holder's scope of practice. The provision related to falsifying or maintaining a patient or facility record is the same requirement as for dentists, she said.

SENATOR STEVENS asked what types of procedures would fall outside the scope of practice.

MS. CONWAY answered that a dental hygienist would not do invasive procedures such as pulling teeth. Those patients would be referred to a dentist.

[2:18:06 PM](#)

MS. CONWAY continued the sectional analysis for CSSSSB 68:

Section 4 Adds a new subsection to AS 08.36.346. (Delegation to dental assistant.) Allows delegation of the following tasks to a dental assistant:

- a. The exposure and development of radiographs,
  - b. Application of topical preventative agents or pit and fissure sealants, and
  - c. Other tasks specified by the board in regulations.
- The dental assistant must be supervised at a level specified by Board of Dental Examiners in regulation.

Section 5 AS 21.36.090. Unfair discrimination. Adds "dental hygienist holding an advanced practice permit" to the list of providers who may not be discriminated against in subsection (d).

Section 6 AS 47.07.030. Medical services to be provided. (Medicaid) Adds dental hygiene services to the list of services which may be provided by the Department of Health & Social Services.

Section 7 This new section allows the Department of Commerce, Community, and Economic Development (DCCED), the Department of Health and Social Services, and the Board of Dental Examiners to adopt regulations necessary to implement the changes made in this bill. The regulations may not take effect before the effective date of this bill.

Section 8 Section 7 takes effect immediately.

Section 9 The effective date of this bill (not including Section 7) is July 1, 2021.

[2:19:38 PM](#)

CHAIR BISHOP noted who was available to answer questions.

[2:20:45 PM](#)

KATRINA VIRGIN, President, Alaska Dental Hygienist Association, Kodiak, Alaska, stated support for SB 68 and offered to answer questions.

[2:21:31 PM](#)

DOMINIC WENZELL, DMD, Member, Alaska Board of Dental Examiners, Girdwood, Alaska, stated support for Version R of SB 68 and offered to answer questions.

[2:22:02 PM](#)

SENATOR REVAK asked Dr. Wenzell if he was back practicing dentistry.

DR. WENZELL answered that the orthopedic surgeon just released him to work one-half day per week.

[2:22:35 PM](#)

ANN LYNCH, Director of Advocacy and Education, American Dental Hygienists Association (ADHA), Chicago, Illinois, spoke in support of SB 68. She stated that she has been with ADHA for eight years. Before that she served as a state senator in Minnesota. She said ADHA is the largest national organization representing dental hygienists in the nation. She related that in 1995, only five states allowed dental hygienists to practice without the presence and authorization of a dentist. Now there are 42 states, including Alaska, that permit dental hygienists to work in communities to provide preventive oral health services without the presence or direct supervision of a dentist. This will further utilize the dental hygienist workforce in Alaska. She said there are national standards for dental hygienist education programs that are accredited throughout the country, including Alaska and this advanced practice permit will allow dental hygienists to meet clients where they live and receive service. As a former lawmaker, she said SB 68 provides an opportunity to provide leadership and support a change that will make a difference in the lives of many people across Alaska for years to come. She thanked members for their service and the leadership members provide.

[2:26:27 PM](#)

CHAIR BISHOP asked if there was any data on the number of hygienists who go on to become dentists.

MS. LYNCH answered that it is far more common for dental hygienists to seek the ability to practice at the top of their scope of practice based on their education.

SENATOR REVAK asked about the scope of the practice and whether advance practice dental hygienists can administer local anesthesia.

MS. LYNCH directed attention to page 2, lines [9-29] of SB 68, Version R, which lays out the scope of practice for an advanced practice dental hygienist. The question about administering local anesthesia is addressed on page 2, lines 24-27.

SENATOR REVAK asked for a description of nonsurgical periodontal therapy, with or without local anesthesia.

MS. LYNCH answered that she is not a dental hygienist. She suggested the question be posed to the dental hygienist online.

CHAIR BISHOP said he'd hold the question.

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SENATOR STEVENS referenced her earlier statement that in some settings dental hygienists can work without a dentist being present. He asked what that setting would be.

MS. LYNCH responded that 42 states have direct access, such that in at least in one setting in each of those states, dental hygienists can provide those services to patients without the presence or authorization of a dentist. She said most commonly that occurs in schools and that is the case in Alaska. Since 2008, dental hygienists in Alaska have been able to provide services under a collaborative practice agreement. SB 68 creates the advanced practice permit system, which will allow increased access for dental hygienists to work in more settings.

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CHAIR BISHOP reconvened the meeting and asked Senator Revak to pose his earlier question to Dr. Wenzell.

SENATOR REVAK asked for help understanding the scope of practice that includes nonsurgical periodontal surgery, with or without anesthesia.

DR. WENZELL referred to page 2, lines 21-22 of SB 68, Version R. He explained that if a patient has [gumline] probings that are deeper than four millimeters and tenacious sublingual calculus, the dental hygienist is not able to scale the root plane without numbing the area so the patient is comfortable. Dental hygienists currently are able to administer local anesthetic under the general supervision of a dentist and the dental board

supports allowing dental hygienists to administer local anesthetic in settings like a nursing home.

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CHAIR BISHOP opened public testimony on SB 68.

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VIVIAN STIVER, representing self, Fairbanks, Alaska, spoke in support of SB 68. She said she has worked with the senior population for nine years and has witnessed the oral health problems low-income seniors experience due to cost and transportation barriers. She said having bad teeth can be painful, cause eating difficulty, and affect a person's overall health. Sometimes seniors will opt for tooth extractions because they cannot afford the other types of services. She said SB 68 will help with this situation by allowing dental hygienists to screen, clean, and encourage seniors to address problems as they crop up. This has the potential to improve the quality of life for seniors. She summarized that she was pleased to see the advanced practice permit system since it can help provide services to those communities that are currently underserved.

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CHAIR BISHOP closed public testimony on SB 68 and held the bill for future consideration.

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There being no further business to come before the committee, Chair Bishop adjourned the Senate Labor and Commerce Standing Committee meeting at 2:37 p.m.