

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSSB 173(FIN)

BY REPRESENTATIVE SPOHNHOLZ

LEBON Nelson
KAUFMAN RAUSCHER
THOMPSON Cronk

1 Page 1, line 1, following "equipment;": (title amendment)
2 Insert "relating to the practice of dental hygiene; relating to advanced practice
3 permits for dental hygienists; relating to dental assistants; prohibiting unfair
4 discrimination under group health insurance against a dental hygienist who holds an
5 advanced practice permit; relating to medical assistance for dental hygiene services;"
6

7 Page 2, following line 17:

8 Insert new bill sections to read:

9 ** Sec. 3. AS 08.32.110(e) is amended to read:

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

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

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

17 (3) from performing a dental operation, procedure, or service a dentist
18 may delegate to a dental assistant under AS 08.36.346 or that a licensed dental
19 hygienist who holds an advanced practice permit issued by the board under
20 AS 08.32.125 may delegate to a dental assistant under AS 08.36.346(c).

21 * Sec. 4. AS 08.32 is amended by adding a new section to read:

22 Sec. 08.32.125. Advanced practice permits. (a) The board may issue an
23 advanced practice permit to a licensed dental hygienist with a minimum of 4,000

1 documented hours of clinical experience. A licensed dental hygienist holding an
2 advanced practice permit may

3 (1) promote oral health and provide disease prevention education and
4 oral systemic health education;

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

8 (3) apply topical preventive or prophylactic agents, including silver
9 diamine fluoride, fluoride varnishes, and pit and fissure sealants;

10 (4) remove marginal overhangs;

11 (5) perform preliminary charting and triage to formulate a dental
12 hygiene assessment and dental hygiene treatment plan;

13 (6) expose and develop radiographs;

14 (7) use local periodontal therapeutic agents;

15 (8) perform nonsurgical periodontal therapy;

16 (9) screen for oral cancer;

17 (10) if certified by the board, administer local anesthetic agents;

18 (11) prescribe

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

20 (B) chlorhexidine or a similar antibacterial rinse; and

21 (12) delegate dental operations and services to a dental assistant as
22 provided in AS 08.36.346.

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

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

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

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

31 (4) enrolled in a nursery school, day care program, vocational training

1 facility, primary school, secondary school, private school, or public charter school;

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

4 (6) homebound; or

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

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

10 (1) the physical presence, authorization, or supervision of a licensed
11 dentist;

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

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

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

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

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

24 (e) An advanced practice permit is valid until the expiration of the dental
25 hygienist's license to practice. A licensed dental hygienist may renew an advanced
26 practice permit at the time of license renewal under AS 08.32.071.

27 * **Sec. 5.** AS 08.32.160 is amended to read:

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

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

31 (1) used or knowingly cooperated in deceit, fraud, or intentional

1 misrepresentation to obtain a license, certificate, or endorsement;

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

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

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

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

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

11 (A) professional incompetence;

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

14 (C) physical or mental disability;

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

17 (8) except as permitted under an advanced practice permit under
18 AS 08.32.125, performed clinical procedures without being under the supervision of a
19 licensed dentist;

20 (9) did not conform to professional standards in delivering dental
21 hygiene services to patients regardless of whether actual injury to the patient occurred;

22 (10) permitted a dental assistant employed by an advanced
23 practice dental hygienist or working under the supervision of a dental hygienist
24 to perform a dental procedure in violation of AS 08.32.110 or AS 08.36.346;

25 (11) falsified or destroyed a patient or facility record, or failed to
26 maintain a patient or facility record for at least seven years after the date the
27 record was created."

28
29 Renumber the following bill sections accordingly.

30

31 Page 3, following line 9:

1 Insert new bill sections to read:

2 **** Sec. 7.** AS 08.36.346 is amended by adding a new subsection to read:

3 (c) A dental hygienist holding an advanced practice permit issued under
4 AS 08.32.125 may delegate to a dental assistant under a level of supervision specified
5 by the board in regulations

6 (1) the exposure and development of radiographs;

7 (2) application of topical preventive agents or pit and fissure sealants;

8 (3) other tasks specified by the board in regulations.

9 *** Sec. 8.** AS 21.36.090(d) is amended to read:

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

23 Renumber the following bill sections accordingly.

24

25 Page 3, following line 29:

26 Insert a new bill section to read:

27 **** Sec. 12.** AS 47.07.030(b) is amended to read:

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

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

16
 17 Renumber the following bill sections accordingly.

18
 19 Page 4, line 7:

20 Delete "Section 8".

21 Insert "Section 14"

22

23 Page 4, following line 7:

24 Insert a new bill section to read:

25 **"* Sec. 16.** Sections 3 - 5, 7, 8, and 12 of this Act take effect January 1, 2023."

26

27 Renumber the following bill section accordingly.

28

29 Page 4, line 8:

30 Delete "sec. 9"

31 Insert "secs. 15 and 16"