

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 12, 2022

3:10 p.m.

MEMBERS PRESENT

Representative Liz Snyder, Co-Chair
Representative Ivy Spohnholz
Representative Ken McCarty
Representative Mike Prax
Representative Christopher Kurka

MEMBERS ABSENT

Representative Tiffany Zulkosky, Co-Chair
Representative Zack Fields

COMMITTEE CALENDAR

HOUSE BILL NO. 295

"An Act relating to the practice of dentistry; relating to dental radiological equipment; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 295

SHORT TITLE: DENTIST SPEC. LICENSE/RADIOLOGIC EQUIP

SPONSOR(S): REPRESENTATIVE(S) ORTIZ

01/31/22	(H)	READ THE FIRST TIME - REFERRALS
01/31/22	(H)	L&C, HSS, FIN
02/09/22	(H)	L&C AT 4:30 PM BARNES 124
02/09/22	(H)	Heard & Held
02/09/22	(H)	MINUTE(L&C)
02/14/22	(H)	L&C AT 3:15 PM BARNES 124
02/14/22	(H)	Moved HB 295 Out of Committee
02/14/22	(H)	MINUTE(L&C)
02/16/22	(H)	L&C RPT 5DP 2NR
02/16/22	(H)	DP: SCHRAGE, MCCARTY, SNYDER, SPOHNHOLZ, FIELDS
02/16/22	(H)	NR: KAUFMAN, NELSON
03/31/22	(H)	HSS AT 3:00 PM DAVIS 106
03/31/22	(H)	-- MEETING CANCELED --

04/12/22

(H)

HSS AT 3:00 PM DAVIS 106

WITNESS REGISTER

REPRESENTATIVE DAN ORTIZ
Alaska State Legislature
Ketchikan, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 295.

ABIGAIL SWEETMAN, Staff
Representative Dan Ortiz
Alaska State Legislature
Ketchikan, Alaska

POSITION STATEMENT: Gave the sectional analysis for HB 295 on behalf of Representative Ortiz, prime sponsor.

DAVID LOGAN, DDS, Executive Director
Alaska Dental Society
Sitka, Alaska

POSITION STATEMENT: Offered invited testimony during the hearing on HB 295.

GREG JOHNSON, DDS, Member
Board of Dental Examiners
Fairbanks, Alaska

POSITION STATEMENT: Offered invited testimony during the hearing on HB 295.

SARA CHAMBERS, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community & Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 295.

RENEE GAYHART, Director
Division of Health Care Services
Department of Health and Social Services
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 295.

ACTION NARRATIVE

[3:10:33 PM](#)

CO-CHAIR TIFFANY ZULKOSKY called the House Health and Social Services Standing Committee meeting to order at 3:10 p.m. Representatives Prax, McCarty, Sponholz, and Co-Chair Snyder were present at the call to order. Representative Kurka arrived as the meeting was in progress.

HB 295-DENTIST SPEC. LICENSE/RADIOLOGIC EQUIP

[3:11:18 PM](#)

CO-CHAIR ZULKOSKY announced that the only order of business would be HOUSE BILL NO. 295, "An Act relating to the practice of dentistry; relating to dental radiological equipment; and providing for an effective date."

[3:11:24 PM](#)

REPRESENTATIVE DAN ORTIZ, Alaska State Legislature, as prime sponsor, presented HB 295. He paraphrased the sponsor statement [included in committee packet], which read as follows [original punctuation provided]:

House Bill 295 accomplishes two things: it transfers dental radiological equipment inspections from the Board of Dental Examiners to the Department of Health and Social Services and it establishes specialty dental licenses in the State of Alaska.

The Board of Dental Examiners currently certifies inspectors of dental radiological equipment who in turn conduct inspections at dental offices. This bill would move the authority and responsibility for inspections to the Department of Health and Social Services, which already inspects medical radiological equipment and employs state inspectors. This bill also allows for the collection of fees to cover the costs associated with inspection.

The second part of the legislation establishes "truth in advertising" for dental specialists. In Alaska, there is currently no legal definition for what a dental specialist is, and the board does not have the authority to define the term. HB295 ensures that if a dentist advertises as a specialist in a field, they must meet the qualifications for a specialist established by the Alaska State Board of Dental Examiners.

A dentist in Alaska can legally promote themselves as specialist in fields such as orthodontics, oral surgery, endodontistry, etc., even if they have no specialty training in that fields. Without the authority to define dental specialists, the board cannot prevent misleading advertisements to protect consumer interests. This bill ensures that a dentist who advertises as a specialist has the training to adequately provide the services a patient would seek a specialist for.

[3:13:34 PM](#)

ABIGAIL SWEETMAN, Staff, Representative Dan Ortiz, Alaska State Legislature, on behalf of Representative Ortiz, prime sponsor, presented the sectional analysis for HB 295 [included in committee packet], which read as follows [original punctuation provided]:

Section 1: Conforming language in AS 08.01.065(c).

Section 2: Adds a new section (k) to AS 08.01.065 (Title 8. Business and Professions, Chapter 1. Centralized Licensing, Section 065. Establishment of fees) Requires the Board of Dental Examiners to establish and collect fees on behalf of the Department of Health and Social Services for the inspection of dental radiological equipment.

Section 3: Adds new sections to AS 08.36 (Title 8. Business and Professions, Chapter 36. Dentistry) AS 08.36.242. License to practice as a specialist required. Establishes that a dentist may not advertise using the term "specialist," the name of a specialty, or other phrases that suggest they are a specialist unless they have a specialist license as established. AS 08.36.243. Qualification for specialist; scope of practice. (a) Establishes that in order to qualify for a specialist licenses a person must (1) Hold a dental license issued by the board and (2) Meet the qualifications of a specialist as established by the board in regulation. (b) In creating the qualifications for a specialist license, the board shall consider the standards of a nationally recognized certifying entity approved by the board. (c) Establishes that a dental specialist can only

claim to be a specialist in the specialty they hold a license in. Sec. 08.36.245. Suspension or revocation of specialist license. Establishes that a board may suspend or revoke a specialist license as set by AS 08.36.315.

Section 4: Adds a new section (d) to AS 44.29.020 (Title 44. State Government, Chapter 29. Department of Health and Human Services, Section 020. Duties of the Department) Requires DHSS to establish standards of registration, use, record keeping, and inspection of dental radiological equipment in compliance with federal law.

Section 5: Conforming language in AS 44.46.029

Section 6: Conforming language in AS 46.03.022

Section 7: Repeals: AS 08.36.075: Section of law requiring the Board of Dental Examiners to set standards for inspection of dental radiological equipment. Placed under DHSS by section 4. AS 18.05.065, AS 18.60.525(e), and AS 44.29.027: Sections of law prohibiting DHSS from regulating dental radiological equipment.

Section 8: Allows the Board of Dental Examiners, the Department of Commerce, Community, and Economic Development, and the Department of Health and Social Services to adopt regulations in line with this act.

Section 9: Allows the departments and board to immediately begin setting regulations.

Section 10: Set a delayed effective date for the rest of the act to July 1, 2023.

CO-CHAIR ZULKOSKY sought questions from committee members.

[3:16:03 PM](#)

REPRESENTATIVE MCCARTY had several questions he hoped would be answered through the invited testimony. He asked how many specialists this legislation would affect, how much the inspection of machinery would cost, and how quickly a specialty license can be obtained from the state.

CO-CHAIR ZULKOSKY proceeded with invited testimony.

[3:17:36 PM](#)

DAVID LOGAN, DDS, Executive Director, Alaska Dental Society, shared his expertise on the equipment inspection component of the legislation. He gave a brief history of how the inspections were implemented, stating that the Department of Health and Social Services (DHSS) used to complete these inspections until the Board of Dental Examiners took the process over in 2001. He reported that the board initially saw success with inspections completed in a timely manner and with better coverage around the state. However, he emphasized that due to the arduous nature of the requirements for becoming an x-ray inspector, it became difficult for the board to find qualified individuals to complete the inspections once the private contractors started to retire. He stated that the board is ready to revert responsibility for x-ray inspections back to the department, which already has inspectors on staff. He acknowledged that an extra x-ray inspector would be required to cover the addition of dental practices to the department's caseload, adding that the board is prepared to cover those costs for the benefit and safety of the public.

[3:20:06 PM](#)

REPRESENTATIVE SPOHNHOLZ asked why it would be easier for DHSS to hire an inspector than it was for the Board of Dental Examiners to hire contractors.

DR. LOGAN explained that there were not enough dental x-ray inspections in the state for it to be a full-time job and it was hard to find inspectors on a part-time basis. He opined that the state would be able to hire someone full-time because the dental inspections would only be part of their purview.

[3:21:59 PM](#)

GREG JOHNSON, DDS, Member, Board of Dental Examiners, spoke on the specialty license component of HB 295. He explained that the state used to have a specialty license, but it was repealed in 2012, leaving the Board of Dental Examiners in a compromised position. He reported that there are many general dentists throughout the state who may have expertise in a specialty area, such as child dentistry, but advertise themselves as a "child dentistry specialist" without having actually completed the two-year specialty training. He explained that the public needs

better clarity around who is an accredited specialist. He explained that an additional benefit of bringing back the specialty license would be attracting more specialists to practice in Alaska, since they would now be allowed to stick with their preferred specialty without having to go through general licensing. In response to Representative McCarty's question regarding the number of impacted specialists, he stated that the number would stay the same, as only dentists qualified to give specialty care would be applying for and granted specialty licenses.

REPRESENTATIVE MCCARTY, referring to the fiscal note, asked where the additional funds attributed to the dentistry licenses would come from.

CO-CHAIR ZULKOSKY directed the question to Sarah Chambers and asked for an explanation of the fiscal note.

[3:26:57 PM](#)

SARA CHAMBERS, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community & Economic Development (DCCED), explained the fiscal note, beginning with the additional funds in the "services" line. She stated that the \$239,000 is the estimate of fees that would be collected from dentists to buy into the x-ray inspector services provided by DHSS. She reported that these funds would be collected by DCCED through an expenditure agreement with DHSS. She stated that the amount associated for "services" is an estimate based on the current number of dental x-ray devices on the register. She clarified that the number Representative McCarty had referred to relates to those fees, not the special licensure.

[3:28:20 PM](#)

REPRESENTATIVE MCCARTY referenced the fiscal note from DHSS, which reflected a "services" cost of \$224,000. He sought to confirm that this reflects the same fee as the one listed in the DCCED fiscal note, as opposed to an additional fee.

DIRECTOR CHAMBERS confirmed that the figure is accurate and reflects the same cost.

REPRESENTATIVE PRAX noted a complaint from constituents about the current issues in the timeline for processing licenses and

asked whether the department would be able to process the additional applications expeditiously.

DIRECTOR CHAMBERS acknowledged the delays in licensure due to staffing shortage. She voiced her excitement for the legislation because it would lessen the workload of her department by handing dental x-ray inspections to DHSS, which is better equipped to implement those duties. She explained that DCCED used to process the special licenses, adding that with the addition of another occupational licensing examiner position, as reflected in the fiscal note, they would be able to handle the additional applications.

[3:31:34 PM](#)

REPRESENTATIVE PRAX sought to confirm that the additional position would help "pick up slack" in other areas.

DIRECTOR CHAMBERS confirmed that the additional position would assist with all dental licenses and potentially be cross-trained to help with other forms of licensure that may be experiencing a backlog.

CO-CHAIR SNYDER asked Ms. Sweetman whether the bill would need a language change to reflect the bifurcation of DHSS.

MS. SWEETMAN asked which section of the bill was in question.

CO-CHAIR SNYDER cited page 3, lines 23 and 29, in addition to page 2, line 14.

MS. SWEETMAN shared her belief that the language was taking the inspection from the Board of Dental Examiners and transferring it to DHSS.

[3:34:07 PM](#)

The committee took a brief at-ease.

[3:34:35 PM](#)

CO-CHAIR SNYDER indicated that the committee would work with the sponsor's office to ensure that the responsibility would go to the new Department of Health (DOH) and match the fiscal notes.

REPRESENTATIVE KURKA asked where the funds for the new DOH x-ray inspector would come from and whether they would be hiring a full-time position for part time work.

MS. SWEETMAN explained that currently, dentists are responsible for finding and funding their own inspectors. She stated that the bill would transfer the responsibility for finding the inspectors to DHSS, which already employs x-ray inspectors. She noted that the dentists would continue to pay for those services.

REPRESENTATIVE KURKA sought to confirm that the dentists would cover the fees themselves.

MS. SWEETMAN replied yes.

REPRESENTATIVE SPONHOLZ pointed to the operating budget increase in the DHSS fiscal note for implementation of HB 295. She referred to a statement in the analysis that attributed this in part to the legislation's impact on Medicaid provider enrollment. She shared her understanding that the bill would create a special license but not increase the total number of license holders, and questioned whether that was actually the case. She requested an explanation of the rationale behind that section of the fiscal note.

CO-CHAIR ZULKOSKY directed the question to Renee Gayheart.

RENEE GAYHART, Director, Division of Health Care Services, Department of Health and Social Services, explained that even though the special licenses may be going to licensed practitioners, there is still work associated with attaching the new license to that practitioner. She reported that the additional workload is anticipated to require a new range 18 position to attach the licenses to Medicaid, allowing the practitioner to be paid.

REPRESENTATIVE SPOHNHOLZ posed a follow-up question to [the former Chair of the Board of Dental Examiners], Dr. Neilson.

[3:39:22 PM](#)

The committee took a brief at-ease.

[3:39:36 PM](#)

REPRESENTATIVE SPOHNHOLZ redirected her question to the current Chair of the Board of Dental Examiners, Dr. Johnson, and asked whether the board anticipates an increase in the number of practicing dentists in Alaska, should the bill pass. She questioned whether additional license holders are expected to "show up" in Alaska or whether current practitioners would apply for a new license type.

[3:40:22 PM](#)

DR. JOHNSON explained that the board expects it to be "a little of both." He reiterated that in current statute, specialists must also have a general dentistry license, which was a barrier to attracting specialists into the state. He described the lengthy training process for specialization and stated that many specialists elsewhere in the country choose not to obtain a general license in addition to the specialized one. He opined that bringing back the special license would open the door for new specialists to practice in Alaska and shared that even as few as 10 within a specialty could make a big impact on access to care.

CO-CHAIR SNYDER asked whether the correct amount for a half-time range 18 position was \$92,000 per year.

MR. GAYHART confirmed that it would be a half-time position.

REPRESENTATIVE PRAX questioned whether the special license would allow current practitioners to offer a broader range of services.

DR. JOHNSON clarified that the special license would ensure that more of the care within specialty areas is provided by specialists.

REPRESENTATIVE PRAX referred to the common example of pediatric dentistry and asked whether a general care dentist is able to practice on children.

DR. JOHNSON replied that general dentists receive training in all areas of clinical dentistry, but that a specialist goes through at least two additional years of training in their specialty. He reported that most children are seen by a general dentist rather than a pediatric specialist. However, he explained that in Alaska, a general dentist who has experience with and a preference for working with children may list themselves as a specialist, while in the rest of the country,

these dentists would be advertised as having an "emphasis" in pediatrics. He opined that it is important to clarify for the public the distinction between a general dentist with an emphasis in an area and a trained specialist and that putting it into statute with the specialist license would give the board purview to make sure general dentists were not over advertising their training in a given area.

REPRESENTATIVE PRAX offered an analogy involving auto mechanics.

DR. JOHNSON said that would be a reasonable comparison. He emphasized that while general dentists are knowledgeable in all areas of dentistry, "you may not want to go to a general practitioner for your [heart] bypass surgery." He opined that reinstating the special licensure would remove any ambiguity for the public in regard to choosing the right dentist for their specialty care.

CO-CHAIR ZULKOSKY opened public testimony on HB 295. After ascertaining that no one wished to testify, she closed public testimony.

REPRESENTATIVE ZULKOSKY announced that HB 295 was held over.

[3:48:00 PM](#)

The committee took a brief at-ease.

[3:49:12 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 3:49 p.m.