

Introduced: 4/4/67
Referred: Commerce and
Judiciary

BY BEIRGE, BALONE, BRADNER,
BRADY, CESSNUM, FINK, FRITZ,
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AND SIMPSON

1 IN THE HOUSE

2 HOUSE BILL NO. 339

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of dentists."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 08.36.080 is amended to read:

9 Sec. 08.36.080. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.

10 The board shall comply with the Administrative Procedure Act (AS 44.-
11 62), and the final determination of an applicant's eligibility for a
12 license is subject to judicial review in accordance with that Act.

13 * Sec. 2. AS 08.36.130 is amended to read:

14 Sec. 08.36.130. EXAMINATION. An examination shall be given at
15 times and places determined by the department [BOARD] to be convenient
16 and economical for the applicants and the state. [AT LEAST ONCE EACH
17 YEAR THE BOARD SHALL APPOINT FROM ITS MEMBERSHIP AN EXAMINATION COM-
18 MITTEE OF AT LEAST THREE PERSONS. THE EXAMINATION COMMITTEE SHALL
19 CONDUCT THE EXAMINATION AND REPORT THE RESULTS TO THE BOARD FOR
20 OFFICIAL ACTION.]

21 * Sec. 3. AS 08.36.150 is amended to read:

22 Sec. 08.36.150. EXAMINATION IN OUT-OF-STATE DENTAL SCHOOLS. The
23 department [EXAMINATION COMMITTEE], with the advice [APPROVAL] of the
24 board, may conduct an examination in the clinic of a [AN APPROVED]
25 dental school approved by the Council of Dental Education of the
26 American Dental Association and the American Association of Dental
27 Examiners within the continental limits of the United States and admit
28 to the examination a dental student in his last year of school who
29 would otherwise be eligible for admission to examination and

1 licensing in the state upon completion of his education. This
2 examination shall be graded by a member or members of the faculty of
3 the school.

4 * Sec. 4. AS 08.36.190 is amended to read:

5 Sec. 08.36.190. GRADING OF EXAMINATION. (a) Upon the conclusion
6 of the [WRITTEN] examination and as soon as practicable, it [THE
7 PAPERS] shall be graded by an organization designated by the department
8 such as the American Dental Association, the American Association of
9 Dental Examiners or a school of dentistry approved by the Council of
10 Dental Education of the American Dental Association and the American
11 Association of Dental Examiners [RATED BY AN EXAMINER]. The department
12 [EXAMINER] shall prepare a report in triplicate [DUPLICATE] on each
13 written [EXAMINATION] and [A REPORT IN DUPLICATE ON] each practical
14 examination. The department [EXAMINER] shall retain [FORWARD] one
15 copy of each report on each candidate [TO THE GOVERNOR] , and shall
16 forward one copy [OF EACH REPORT] to the secretary-treasurer of the
17 board and one copy to the candidate. The secretary-treasurer shall
18 prepare a composite report on each applicant and file one copy of his
19 report with the department [GOVERNOR]. As soon as practicable and
20 within 30 days of the examination, the department [THE BOARD] shall
21 notify each candidate of the action taken on his application [RESULTS
22 OF THE EXAMINATION].

23 (b) The organization selected by the department to grade the
24 examination shall be instructed that the examination is simply to
25 determine whether the examinee is qualified to practice his profession
26 without endangering the public. In grading the examination and in
27 ruling on an application, factors such as the economics of the pro-
28 feccion may not be considered.

29 * Sec. 5. AS 08.36 is amended by adding a new section to read:

1 **Sec. 08.36.201. WAIVER OF EXAMINATION AND COMITY.** A person who
2 is registered with a national board of registry sponsored by a national
3 professional society acceptable to the department, or who is licensed
4 to practice dentistry in a state requiring qualifications at least
5 equivalent to those specified in sec. 110(1) - (4) of this chapter, and
6 has either graduated from dental school within two years of the date of
7 his application or has been engaged in the practice of dentistry for at
8 least two out of the three years immediately preceding that date, shall
9 be licensed without examination.

10 * **Sec. 6.** AS 08.36.280 is repealed and re-enacted to read:

11 **Sec. 08.36.280. TEMPORARY PERMIT.** (a) The department, upon the
12 recommendation of the Department of Health and Welfare and with the
13 advice of the Comprehensive Health Advisory Council, shall issue to an
14 applicant, without examination, a temporary license to practice
15 dentistry if the applicant meets the requirements of sec. 110(1) - (4)
16 of this chapter and has either graduated from dental school within two
17 years of the date of his application or has been engaged in the practice
18 of dentistry for at least two out of the three years immediately pre-
19 ceeding that date.

20 (b) If the applicant is eligible for license only by examination,
21 the temporary permit shall be valid until the results of the next
22 general examination are made known. If he is eligible for a license by
23 comity, the temporary permit is valid for one year or until he is
24 licensed, whichever period is shorter. The temporary permit of a
25 dentist shall be renewed annually by the department with the advice of
26 the council if he has not committed an act which is a ground for revo-
27 cation in sec. 310 of this chapter and if he desires to practice
28 dentistry in a city or rural village which

29 (1) does not have a resident licensed dentist in active

1 practice,

2 (2) has a population of less than 3,000 people as determined
3 by the best available census information, and

4 (3) is more than 25 miles from the nearest office of a
5 licensed dentist.

6 (c) The holder of a temporary permit is subject to discipline under
7 sec. 310 of this chapter.

8 (d) The department shall grant or deny an application for a
9 temporary permit within 30 days after it is received.

10 * Sec. 7. AS 08.36.285 is amended to read:

11 Sec. 08.36.285. LICENSING A PERMITTEE. The department [BOARD]
12 shall issue a license without examination to an applicant who has held
13 a permit under sec. 280 of this chapter for five consecutive years or
14 more unless the applicant has committed an act which is a ground for
15 revocation in sec. 310 of this chapter.

16 * Sec. 8. AS 08.36 is amended by adding a new section to read:

17 Sec. 08.36.370. DEFINITION. In this chapter "department" means
18 the Department of Commerce.

19 * Sec. 9. AS 08.01.050(4) is amended to read:

20 (4) notify applicants of their acceptance or rejection [OF
21 APPLICANTS AS DETERMINED BY THE BOARD];

22 * Sec. 10. AS 08.01.050(9) is amended to read:

23 (9) issue licenses and certificates or temporary licenses or
24 certificates as authorized by the board or as specified in AS 08.36;

25 * Sec. 11. AS 08.01.070(5) is amended to read:

26 (5) prepare and grade examinations except as provided other-
27 wise in AS 08.36;

28 * Sec. 12. AS 08.01.070(6) is amended to read:

29 (6) pass on qualifications of applicants for examination and

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license, except as provided otherwise in AS 08.36;

* Sec. 13. AS 08.36.200, 08.36.210 and 08.36.220 are repealed.