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Referred: Health,
Welfare & Education

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

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SENATE BILL NO. 238

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the profession of dentistry."

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

8 * Section 1. PURPOSES. The practice of dentistry in the state is hereby
9 declared to affect the public health, safety and welfare and to be subject
10 to regulation and control in the public interest. It is further declared to
11 be a matter of public interest and concern that the dental profession merit
12 and receive the confidence of the public and that only qualified dentists be
13 permitted to practice dentistry in the state. All provisions of this chapter
14 relating to the practice of dentistry and dental hygiene and to the regis-
15 tration of dental laboratories shall be liberally construed to carry out
16 these objects and purposes.

17 * Sec. 2. AS 08.36.010 is amended to read:

18 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is created
19 the Board of Dental Examiners, referred to in this chapter as the board,
20 consisting of five members. Each member shall be a citizen of the
21 United States and a qualified resident dentist, who has been engaged in
22 the practice of dentistry in the state for five [THREE] years immediately
23 preceding his appointment.

24 * Sec. 3. AS 08.36 is amended by adding new sections to read:

25 Sec. 08.36.061. EXPENSES AND SALARY. The secretary-treasurer is
26 entitled to an annual salary of \$500 in lieu of necessary expenses
27 incurred in the discharge of his official duties.

28 Sec. 08.36.091. RECORDS AND REPORTS. The board shall maintain
29 (1) a record of its proceedings;

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(2) a file of applications for examination;

(3) a file of examination papers for a period of two years after each examination;

(4) a register containing the name, office and home address, and other information considered necessary by the board, of each person licensed as a dentist or dental hygienist, and a register of the licenses revoked by the board, and information on the status of each licensee.

* Sec. 4. AS 08.36.100 is amended to read:

Sec. 08.36.100. LICENSE REQUIRED. No person, except those specifically exempted from the application of this chapter, may practice, or attempt to practice, dentistry without a license or permit, and a current certificate of registration.

* Sec. 5. AS 08.36.130 is amended to read:

Sec. 08.36.130. EXAMINATION. An examination shall be given at times and places determined by the board to be convenient and economical for the applicants and the state. At least once each year the board shall appoint from its membership an examination committee of at least three persons. The examination committee shall conduct an [THE] examination at least once a year and report the results to the board for official action.

* Sec. 6. AS 08.36.160 is repealed and re-enacted to read:

Sec. 08.36.160. CONTENTS OF EXAMINATION. The examination shall be clinical and written and of such a character as to test in a satisfactory manner the qualifications of the applicant to practice dentistry. The examination shall consist of the following:

(1) The subjects of the written examinations shall be selected in accordance with the trend of dental education as determined by the Council of Dental Education of the American Dental Association.

1 (2) The applicant shall give demonstration of his skill in
2 operative and prosthetic dentistry or any procedures as recommended by
3 the American Association of Dental Examiners.

4 * Sec. 7. AS 08.36.220 is amended to read:

5 Sec. 08.36.220. ISSUANCE OF LICENSE BY RECIPROCITY. If an appli-
6 cant having the qualifications contained in secs. 110 and 210 of this
7 chapter has been engaged in the practice of dentistry for a period of
8 five [TWO] years in a state, territory, district or possession of the
9 United States, immediately preceding his application to practice in the
10 state, the board shall license the applicant without examination.

11 * Sec. 8. AS 08.36 is amended by adding new sections to read:

12 Sec. 08.36.244. LICENSE TO PRACTICE AS SPECIALIST REQUIRED. No
13 licensed dentist may hold himself out to the public as being especially
14 qualified in a branch of dentistry by announcing through the press, sign,
15 card, letterhead or printed matter, or any means of public advertising,
16 using such terms as "specialist", or inserting the name of the specialty,
17 or using other phrases customarily used by qualified specialists that
18 would imply to the public that he is so qualified, without first se-
19 curing a specialist's license as provided in this chapter.

20 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An
21 applicant for a specialty license must;

22 (1) possess a license to practice dentistry in the state, and

23 (2) limit practice exclusively in an area approved by the
24 American Dental Association, and

25 (3) have completed two or more academic years of advanced
26 education in the area.

27 (b) The provision of (a)(2) of this section does not apply to
28 dentists who have limited their practice exclusively and who ethically
29 announced limitation of practice in accordance with American Dental

1 Association policy before the effective date of this chapter.

2 Sec. 08.36.247. LIMITATION OF SPECIAL PRACTICE. (a) No specialty
3 license may be issued unless the applicant presents proof satisfactory
4 to the board that he will limit his practice to that specialty from the
5 date of receipt of the license. Upon the failure of a specialty
6 license to limit his practice to the specialty in which he is licensed,
7 the board shall recall his specialty license and revoke the privilege
8 of announcing to the public that he is especially qualified in, or is
9 limiting his practice to, a specialty. The specialty license and the
10 privileges attached to it shall be restored to the dentist when satis-
11 factory proof has been presented that the dentist is limiting his
12 practice to the specialty in which he was licensed.

13 (b) No provision in this chapter may be construed as limiting or
14 preventing a duly licensed and qualified dentist from performing, with-
15 out a specialty license, dental acts or services to the public in any
16 of the branches of dentistry, except that no dentist may administer a
17 general anesthetic to a patient without a valid permit as required by
18 regulations of the dental examiners board.

19 Sec. 08.36.248. SUSPENSION OR REVOCATION OF SPECIALTY LICENSES.
20 The board may suspend or revoke a specialty license upon any grounds set
21 out in sec. 310 of this chapter, and the procedure for suspensions and
22 revocations shall be the same as for the revocation or suspension of a
23 regular license to practice dentistry.

24 * Sec. 9. AS 08.36.250 is amended to read:

25 Sec. 08.36.250. BIENNIAL [ANNUAL] REGISTRATION. At least 60 days
26 before January 1 of every other [EACH] year, the Central Licensing
27 Section [SECRETARY-TREASURER] shall mail a form for biennial [ANNUAL]
28 registration to each licensed dentist. Each licensee shall complete the
29 form and return it together with the registration fee. The Central

1 Licensing Section [SECRETARY-TREASURER] shall, as soon as practicable,
2 issue a registration certificate valid for the years [YEAR] for which
3 issued. Each licensee shall keep the registration certificate beside
4 or attached to his license. Failure to receive the registration form
5 does not exempt a dentist from biennial [ANNUAL] registration.

6 * Sec. 10. AS 08.36.260 is amended to read:

7 Sec. 08.36.260. BRANCH OFFICE REGISTRATION. A licensee who
8 practices in an established office with an address other than that ad-
9 dress for which his biennial [ANNUAL] registration certificate is issued
10 shall obtain a branch office registration certificate for each office.

11 * Sec. 11. AS 08.36.271(b) is amended to read:

12 (b) The Department of Health and Welfare may issue an annual per-
13 mit authorizing the treatment of residents in an area designated under
14 (a) of this section, who are not entitled to dental care by the state or
15 federal government, by a dentist employed by the United States Public
16 Health Service or qualified member of the armed services who serves in
17 that area.

18 * Sec. 12. AS 08.36.290 is amended to read:

19 Sec. 08.36.290. FEES AND PENALTIES. The board shall impose and
20 collect the following fees and penalties:

- 21 (1) for the issuance of an original license, \$30 [15];
22 (2) for the examination of an applicant, \$50 [25];
23 (3) for re-examination of an applicant, \$50 [10 FOR EACH
24 SECTION OR PART OF A SECTION ON WHICH RE-EXAMINED];
25 (4) for biennial [ANNUAL] registration, \$40 [20];
26 (5) for each branch office registration, \$40 [10];
27 (6) for a temporary permit, \$25;
28 (7) for failure to pay the biennial [ANNUAL] registration fee by
29 July 1 of the year for which due, a penalty of \$25 [10];

1 (8) for re-instatement as provided in sec. 230 of this chapter
2 a penalty of \$25; [.]

3 (9) for a specialty license, \$30;

4 (10) for a duplicate license, \$25.

5 * Sec. 13. AS 08.36.310(4) is amended to read:

6 (4) commits wilful or [AND] gross malpractice or wilful or
7 [AND] gross neglect in the practice of dentistry;

8 * Sec. 14. AS 08.36.310(19) is amended to read:

9 (19) violates a provision of this chapter or a regulation of
10 the board;

11 * Sec. 15. AS 08.36.310 is amended by adding new subsections to read:

12 (23) for obtaining any fee by fraud or misrepresentation;

13 (24) for failure to maintain a satisfactory standard of com-
14 petency in the practice of dentistry;

15 (25) directly or indirectly advertises or solicits for dental
16 hygiene business;

17 (26) advertises as a specialist in a branch of dentistry with-
18 out first obtaining a specialty license;

19 (27) failure to report a death that occurred on premise used
20 for the practice of dentistry to the office of secretary-treasurer of
21 the board within 72 hours;

22 (28) failure to provide and maintain reasonably sanitary
23 facilities and conditions as set out in the dental board regulations;

24 (29) misconduct which would bring discredit upon the dental
25 profession;

26 (30) who administers a general anesthetic without a valid
27 permit required by regulations of the dental board.

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

29 Sec. 08.36.342. PRACTICING DENTISTRY UNDER ASSUMED NAME. (a) It

1 is unlawful for a person or persons to practice or offer to practice
2 dentistry under any name except his or her own proper name, which shall
3 be the name used in his or her license certificate granted to him or
4 her as a dentist as provided in this chapter, and unlawful to use the
5 name of any company, association, corporation, clinic, trade name, or
6 business name in connection with the practice of dentistry as defined
7 in this chapter.

8 (b) Nothing in this section shall be so constructed as to prevent
9 two or more licensed dentists from associating together for the practice
10 of dentistry, each in his or her own proper name. The violation of
11 a provision of this section by a dentist subjects the dentist to sus-
12 pension or revocation of his or her license.

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