

Original Sponsor: Rules Committee
by Request of the Legislative Council

Offered: 2/23/68
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, WELFARE,
AND EDUCATION COMMITTEE

2 CS FOR 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 im-
23 mediately 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;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(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
6 applicant having the qualifications contained in secs. 110 and 210 of
7 this chapter has been engaged in the practice of dentistry for a period
8 of five [TWO] years in a state, territory, district or possession of
9 the United States, immediately preceding his application to practice
10 in the state, the board shall license the applicant without
11 examination.

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

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

22 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a)
23 An applicant for a specialty license must

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

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

28 (b) The provision of (a)(2) of this section does not apply to
29 dentists who have limited their practice exclusively and who ethically

1 announced limitation of practice in accordance with American Dental
2 Association policy before the effective date of this chapter.

3 Sec. 08.36.247. LIMITATION OF SPECIAL PRACTICE. (a) No specialty
4 license may be issued unless the applicant presents proof satisfactory
5 to the board that he is qualified to practice that specialty.

6 (b) This section shall not be construed as limiting or preventing
7 a duly licensed and qualified dentist from performing, without a
8 specialty license, dental acts or services to the public in any of the
9 branches of dentistry, except that no dentist may administer a general
10 anesthetic to a patient without a valid permit as required by regula-
11 tions of the dental examiners board.

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

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

18 Sec. 08.36.250. BIENNIAL [ANNUAL] REGISTRATION. At least 60 days
19 before January 1 of every other [EACH] year, the Central Licensing
20 Section [SECRETARY-TREASURER] shall mail a form for biennial [ANNUAL]
21 registration to each licensed dentist. Each licensee shall complete the
22 form and return it together with the registration fee. The Central
23 Licensing Section [SECRETARY-TREASURER] shall, as soon as practicable,
24 issue a registration certificate valid for the years [YEAR] for which
25 issued. Each licensee shall keep the registration certificate beside
26 or attached to his license. Failure to receive the registration form
27 does not exempt a dentist from biennial [ANNUAL] registration.

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

29 Sec. 08.36.260. BRANCH OFFICE REGISTRATION. A licensee who

1 practices in an established office with an address other than that ad-
2 dress for which his biennial [ANNUAL] registration certificate is issued
3 shall obtain a branch office registration certificate for each office.

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

5 (b) The board shall, upon recommendation of the Department of Health
6 and Welfare [THE DEPARTMENT OF HEALTH AND WELFARE MAY] issue an annual
7 permit authorizing the treatment of residents in an area designated
8 under (a) of this section, who are not entitled to dental care by the
9 state or federal government, by a dentist employed by the United States
10 Public Health Service or qualified member of the armed services who
11 serves in that area.

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

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

- 15 (1) for the issuance of an original license, \$30 [\$15];
16 (2) for the examination of an applicant, \$50 [\$25];
17 (3) for re-examination of an applicant, \$50 [\$10 FOR EACH
18 SECTION OR PART OF A SECTION ON WHICH RE-EXAMINED];
19 (4) for biennial [ANNUAL] registration, \$40 [\$20];
20 (5) for each branch office registration, \$40 [\$10];
21 (6) for a temporary permit, \$25;
22 (7) for failure to pay the biennial [ANNUAL] registration fee
23 by July 1 of the year for which due, a penalty of \$25 [\$10];
24 (8) for re-instatement as provided in sec. 230 of this chapter
25 a penalty of \$25; [.]
26 (9) for a specialty license, \$30;
27 (10) for a duplicate license, \$25.

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

29 (4) commits wilful or [AND] gross malpractice or wilful or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

[AND] gross neglect in the practice of dentistry;

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

(19) violates a provision of this chapter or a regulation of the board promulgated under authority of AS 08.36;

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

(23) obtains any fee by fraud;

(24) directly or indirectly advertises or solicits for dental hygiene business;

(25) advertises as a specialist in a branch of dentistry without first obtaining a specialty license;

(26) fails to report a death that occurred on premise used for the practice of dentistry to the office of secretary-treasurer of the board within 72 hours;

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