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Referred: Rules

BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

1 IN THE SENATE

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
19 created the Board of Dental Examiners, referred to in this chapter as the
20 board, consisting of five members. Each member shall be a citizen of
21 the United States and a qualified resident dentist, who has been engaged
22 in 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 a new section to read:

25 Sec. 08.36.091. RECORDS AND REPORTS. The board shall maintain
26 (1) a record of its proceedings;
27 (2) a register containing the name, office and home address,
28 and other information considered necessary by the board, of each person
29 licensed as a dentist or dental hygienist, and a register of the

1 licenses revoked by the board, and information on the status of each
2 licensee.

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

4 Sec. 08.36.100. LICENSE REQUIRED. No person, except those speci-
5 fically exempted from the application of this chapter, may practice, or
6 attempt to practice, dentistry without a license or permit, and a
7 current certificate of registration.

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

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

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 AS 08.36.160 is repealed and re-enacted to read:

17 Sec. 08.36.160. CONTENTS OF EXAMINATION. The examination shall
18 be clinical and written and of such a character as to test in a satisfac-
19 tory manner the qualifications of the applicant to practice dentistry.
20 The examination shall consist of the following:

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

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

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

28 Sec. 08.36.220. ISSUANCE OF LICENSE BY RECIPROCITY. If an
29 applicant having the qualifications contained in secs. 110 and 210 of

1 this chapter has been engaged in the practice of dentistry for a period
2 of five [TWO] years in a state, territory, district or possession of
3 the United States, immediately preceding his application to practice
4 in the state, the board shall license the applicant without
5 examination.

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

7 Sec. 08.36.244. LICENSE TO PRACTICE AS SPECIALIST REQUIRED.

8 No licensed dentist may hold himself out to the public as being
9 especially qualified in a branch of dentistry by announcing through
10 the press, sign, card, letterhead or printed matter, or any means of
11 public advertising, using such terms as "specialist," or inserting the
12 name of the specialty, or using other phrases customarily used by
13 qualified specialists that would imply to the public that he is so
14 qualified, without first securing a specialist's license as provided
15 in this chapter.

16 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a)

17 An applicant for a specialty license must

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

19 and

20 (2) have completed two or more academic years of advanced
21 education in the specialty.

22 (b) The provision of (a)(2) of this section does not apply to
23 dentists who have limited their practice exclusively and who ethically
24 announced limitation of practice in accordance with American Dental
25 Association policy before the effective date of this chapter.

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

29 (b) This section shall not be construed as limiting or preventing

1 a duly licensed and qualified dentist from performing, without a
2 specialty license, dental acts or services to the public in any of the
3 branches of dentistry, except that no dentist may administer a general
4 anesthetic to a patient without a valid permit as required by regula-
5 tions of the dental examiners board.

6 Sec. 08.36.248. SUSPENSION OR REVOCATION OF SPECIALTY LICENSES.

7 The board may suspend or revoke a specialty license upon any grounds set
8 out in sec. 310 of this chapter, and the procedure for suspensions and
9 revocations shall be the same as for the revocation or suspension of a
10 regular license to practice dentistry.

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

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

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

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

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

28 (b) The board shall, upon recommendation of the Department of
29 Health and Welfare [THE DEPARTMENT OF HEALTH AND WELFARE MAY] issue an

1 annual permit authorizing the treatment of residents in an area
2 designated under (a) of this section, who are not entitled to dental
3 care by the state or federal government, by a dentist employed by the
4 United States Public Health Service or qualified member of the armed
5 services who serves in that area.

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

7 Sec. 06.36.290. FEES AND PENALTIES. The board shall impose and
8 collect the following fees and penalties:

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

22 * Sec. 13. AS 06.36.310(4) is amended to read:

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

25 * Sec. 14. AS 06.36.310(19) is amended to read:

26 (19) violates a provision of this chapter or a regulation of
27 the board promulgated under authority of AS 06.36;

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

29 (23) obtains any fee by fraud;

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

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

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

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