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Referred: Labor & Commerce, Health,
Education & Social Services and
Finance

1 IN THE HOUSE

BY FURNACE

2

HOUSE BILL NO. 611

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to dentists and dental hygienists."

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

8 * Section 1. AS 08.32.010 is amended to read:

9 Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.-
10 32.095, a person may not practice, offer or attempt to practice, or
11 advertise or announce as being prepared or qualified to practice
12 dental hygiene without a license and a current certificate of regis-
13 tration.

14 * Sec. 2. AS 08.32.020(b) is amended to read:

15 (b) An applicant for examination shall apply in writing to the
16 [SECRETARY OF THE] board at least 30 days before the date selected by
17 the board for the examination.

18 * Sec. 3. AS 08.32.040 is amended to read:

19 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-
20 nation or determination of qualification for licensing by credentials
21 shall be signed by the applicant and accompanied by the applicant's
22 certificate of graduation from an accredited dental hygiene school and
23 the fee provided under AS 08.36.290(1).

24 * Sec. 4. AS 08.32.060 is amended to read:

25 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. The
26 examination shall be held at the same times and places as the examina-
27 tion of dentists under AS 08.36.130. The examination shall cover
28 subjects considered essential by the board for the practice of dental
29 hygiene including a clinical examination on the removal of calcareous

1 deposits, accretions, and stains from the exposed surfaces of the
2 teeth beginning at the epithelial attachment by scaling and polishing
3 techniques. The board may require an applicant to pass a laboratory
4 examination as a prerequisite to admission to the clinical examination
5 if the board has reason to believe the applicant cannot practice
6 safely on a clinical patient.

7 * Sec. 5. AS 08.32.070 is amended to read:

8 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.

9 If the applicant passes the examination, the board shall register the
10 applicant and issue a license upon payment of all fees required under
11 AS 08.36.290. A licensed dental hygienist shall renew registration
12 and offer proof of continued competency as required by AS 08.36.250
13 and by regulation of the board every four years.

14 * Sec. 6. AS 08.32.110(a) is amended to read:

15 (a) The role of the dental hygienist is to assist members of the
16 dental profession in providing oral health care to the public. A
17 person licensed to practice the profession of dental hygiene in the
18 state may

19 (1) remove calcareous deposits, accretions, and stains from
20 the exposed surfaces of the teeth beginning at the epithelial attach-
21 ment by scaling and polishing techniques;

22 (2) apply topical preventive or prophylactic agents;

23 (3) apply fluorides and pit and fissure sealants;

24 (4) perform root planing and gingival [PERIODONTAL SOFT
25 TISSUE] curettage; [AND]

26 (5) perform other dental operations and services delegated
27 by a licensed dentist if the dental operations and services are not
28 prohibited by (c) of this section; and

29 (6) if certified by the board and under the direct or

1 indirect supervision of a licensed dentist, administer local anes-
2 thetics.

3 * Sec. 7. AS 08.32.160 is amended to read:

4 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
5 OF LICENSE. The board may revoke or suspend the license of a dental
6 hygienist, or [THE LICENSEE] may reprimand, censure [BE REPRIMANDED,
7 CENSURED], or discipline a licensee, if, after a hearing, [DISCIPLINED
8 WHEN] the board finds [AFTER A HEARING] that the licensee

9 (1) used or knowingly cooperated in [SECURED A LICENSE
10 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a
11 license;

12 (2) engaged in deceit, fraud, or intentional misrepresenta-
13 tion in the course of providing or billing for professional services
14 or engaging in professional activities;

15 (3) advertised professional services in a false or mislead-
16 ing manner in violation of regulations adopted by the board;

17 (4) has been convicted of a felony or other crime which
18 affects the licensee's ability to continue to practice competently and
19 safely;

20 (5) knowingly failed to comply with this chapter, with a
21 regulation adopted under this chapter or under AS 08.36, or with an
22 order of the board;

23 (6) continued to practice after becoming unfit due to

24 (A) professional incompetence;

25 (B) addiction or severe dependency on alcohol or other
26 drugs which impairs the licensee's ability to practice safely;

27 (C) physical or mental disability;

28 (D) failure to keep informed of or use current profes-
29 sional theories and practices;

1 (7) engaged in a course of lewd or immoral conduct in
2 connection with the delivery of professional service to patients;

3 (8) performed clinical procedures for compensation without
4 being under the supervision of a licensed dentist.

5 * Sec. 8. AS 08.32.180 is amended to read:

6 Sec. 08.32.180. VIOLATION. A person who violates a provision of
7 this chapter or a regulation adopted under this chapter [OR WHO FAILS
8 TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, A PENALTY] for which
9 a penalty is not otherwise provided [,] is guilty of a class B misde-
10 meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
11 \$100].

12 * Sec. 9. AS 08.32 is amended by adding a new section to read:

13 Sec. 08.32.187. APPLICATION OF CHAPTER. (a) This chapter
14 applies to a person who practices, or offers or attempts to practice,
15 as a dental hygienist in the state except

16 (1) a dental hygienist in the military service in the
17 discharge of official duties;

18 (2) a dental hygienist in the employ of the United States
19 Public Health Service, United States Veterans' Administration, Alaska
20 Native Service, or Department of Health and Social Services, in the
21 discharge of official duties;

22 (3) a dental hygienist licensed in another state demon-
23 strating clinical techniques at a meeting sponsored by a bona fide
24 dental or dental auxiliary society or association or by an accredited
25 dental or dental auxiliary educational institution;

26 (4) a dental hygienist instructor engaged in teaching
27 activities and employed at an accredited dental or dental hygienist
28 educational institution.

29 (b) A person excepted from this chapter under (a) of this

1 section shall be held to the same standard of care as a person covered
2 by this chapter.

3 * Sec. 10. AS 08.36.010 is amended to read:

4 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
5 created the Board of Dental Examiners consisting of seven members.
6 Five [FOUR] members shall be [QUALIFIED RESIDENT] dentists licensed to
7 [WHO HAVE BEEN ENGAGED IN THE] practice [OF] dentistry in the state
8 [FOR FIVE YEARS IMMEDIATELY PRECEDING APPOINTMENT], one member shall
9 be a dental Hygienist licensed under AS 08.32, and one member [TWO
10 MEMBERS] shall be a public member [MEMBERS]. In addition to the
11 limitations imposed by AS 08.01.025, a public member may not be a
12 health professional or have a direct financial interest in a health
13 service or profession.

14 * Sec. 11. AS 08.36.020 is amended to read:

15 Sec. 08.36.020. APPOINTMENT AND TERM OF OFFICE. Members of the
16 board are appointed by the governor, subject to confirmation by the
17 legislature in joint session. Each board member serves for a term of
18 four years, and until that member's successor is appointed and qual-
19 ified. The term begins on February 1. An appointment to a vacancy is
20 for the unexpired term. A person who has served three [TWO] succes-
21 sive complete terms may not be reappointed until four years from the
22 expiration of the third [SECOND] term.

23 * Sec. 12. AS 08.36.025 is amended to read:

24 Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A
25 member of the board may be removed from office by the governor for
26 cause. The board may by regulation provide that unexcused absences
27 from meetings constitute cause for removal. A member against whom an
28 accusation has been filed for violation of AS 08.32.160 or AS 08.36.-
29 315 is suspended from the board until the decision of the board on the

1 accusation takes effect under AS 44.62.520.

2 * Sec. 13. AS 08.36.030 is amended to read:

3 Sec. 08.36.030. ELECTION OF OFFICERS. The board shall elect a
4 chairman [PRESIDENT] and other necessary officers [A SECRETARY] from
5 among its members [, EACH] to serve for terms [A TERM] not to exceed
6 two years.

7 * Sec. 14. AS 08.36.040 is amended to read:

8 Sec. 08.36.040. MEETINGS. The board shall meet at the call of
9 the chairman at least once annually [AS OFTEN AS,] and at other [THE]
10 times [AND PLACES,] necessary to conduct its business. In the absence
11 of a call of the chairman, a majority of the board may call a meeting.

12 * Sec. 15. AS 08.36.050 is amended to read:

13 Sec. 08.36.050. QUORUM. A majority of the board constitutes a
14 quorum for the transaction of business. A decision by a majority of
15 those present at a meeting constitutes a decision of the board.

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

17 Sec. 08.36.061. REIMBURSEMENT FOR EXPENSES. Board members are
18 entitled to per diem and travel expenses authorized for boards and
19 commissions under AS 39.20.180. The department shall reimburse a
20 member for other actual, reasonable expenses incurred in carrying out
21 duties as a board member.

22 * Sec. 17. AS 08.36.070 is amended to read:

23 Sec. 08.36.070. GENERAL POWERS. (a) The board shall [HAVE, BUT
24 NOT BY WAY OF LIMITATION, THE FOLLOWING POWERS AND DUTIES]:

25 (1) [TO] examine applicants and issue licenses and permits
26 to those applicants it finds qualified;

27 (2) [TO] register licensed dentists and licensed dental
28 hygienists who are in good standing;

29 (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS

1 PROCEEDINGS] to the governor and [TO MEMBERS OF] the department on the
2 board's proceedings during the year, findings concerning the standards
3 and availability of dental services in the state including the number
4 of licensees and permit holders, examination and licensing activities,
5 other matters related to dental practice, and board receipts and
6 expenditures [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY
7 RECEIVED AND DISBURSED];

8 (4) [TO] affiliate with the American Association of Dental
9 Examiners, and pay annual dues to the association;

10 (5) [TO] hold hearings, and order the disciplinary sanction
11 of a person who violates this chapter, AS 08.32, or the regulations of
12 the board;

13 (6) [TO] supply forms for applications, licenses, permits,
14 certificates, and other papers and records;

15 (7) [TO] enforce the provisions of this chapter and AS
16 08.32 and adopt or amend the regulations necessary to make the pro-
17 visions of this chapter and AS 08.32 effective;

18 (8) [TO] adopt regulations ensuring [INSURING] that renewal
19 of registration is contingent upon proof of continued competency by a
20 licensed dentist or licensed dental hygienist;

21 (9) [TO] provide the department with the requirements for
22 proof of continued competency and to request the department to make
23 these requirements available to each licensed dentist and licensed
24 dental hygienist at least one year before the date on which the den-
25 tist or dental hygienist must renew registration;

26 [(10) TO ORDER A LICENSED DENTIST OR LICENSED DENTAL HYGIEN-
27 IST TO SUBMIT TO A REASONABLE PHYSICAL EXAMINATION IF THE DENTIST'S OR
28 THE DENTAL HYGIENIST'S PHYSICAL CAPACITY TO PRACTICE SAFELY IS AT
29 ISSUE]

1 (10) adopt regulations establishing standards for delegation
2 of duties by a dentist to a dental hygienist or other person and
3 limiting a dentist to supervising no more than the equivalent of three
4 full-time dental hygienists;

5 (11) at least quarterly, cause to be published in a news-
6 paper of general circulation in each major city in the state, a sum-
7 mary of disciplinary actions the board has taken during the preceding
8 calendar quarter;

9 (12) issue permits to administer general anesthesia to
10 licensed dentists who meet standards set by regulation adopted by the
11 board;

12 (13) regulate the reentry into practice of inactive dentists
13 and dental hygienists.

14 (b) The board may

15 (1) order a licensed dentist or licensed dental hygienist
16 to submit to a reasonable physical or mental examination if the den-
17 tist's or the dental hygienist's physical or mental capacity to prac-
18 tice safely is at issue; and

19 (2) authorize its representative to inspect the practice
20 facilities or patient or professional records of a dentist at reason-
21 able times and in a reasonable manner to monitor compliance with this
22 chapter and with AS 08.32.

23 * Sec. 18. AS 08.36.110 is amended to read:

24 Sec. 08.36.110. QUALIFICATIONS OF APPLICANTS. An applicant for
25 a license to practice dentistry may apply to the board for an examina-
26 tion and license by submitting information that the applicant is a
27 graduate of a dental college accredited by the Commission on Accredi-
28 tation of the American Dental Association, or its successor agency, at
29 the time of graduation, and holds a certificate from the National

1 Board of Dental Examiners that the applicant has passed the examina-
2 tion given by the national board [D.D.S. OR D.M.D. DEGREE OR THE
3 EQUIVALENT].

4 * Sec. 19. AS 08.36.120 is amended to read:

5 Sec. 08.36.120. SIGNING [PHOTOGRAPH] AND FILING DATE OF APPLICA-
6 TION. [EACH APPLICANT SHALL SUBMIT A RECENT UNMOUNTED, AUTOGRAPHED
7 PHOTOGRAPH OF THE APPLICANT.] Applications shall be signed by the
8 applicant and filed at least 30 days before the date scheduled for an
9 examination.

10 * Sec. 20. AS 08.36.160 is amended to read:

11 Sec. 08.36.160. CONTENTS OF EXAMINATION. (a) The examination
12 shall be designed [CLINICAL AND WRITTEN AND OF SUCH A CHARACTER AS] to
13 test [IN A SATISFACTORY MANNER] the qualifications of the applicant to
14 practice dentistry and [. THE EXAMINATION] shall consist of a written
15 and a clinical examination. [THE FOLLOWING:]

16 (b) [(1)] The subjects of the written examination shall include
17 prosthodontics, oral diagnosis and medicine, dental radiology, the
18 state's laws on the practice of dentistry, and other subjects [BE]
19 selected in accordance with the trend of dental education and profes-
20 sional and technical advances [AS DETERMINED BY THE COUNCIL OF DENTAL
21 EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

22 (c) [(2)] The clinical examination [APPLICANT] shall test the
23 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry
24 or any procedures selected by the board from procedures [AS] recom-
25 mended by the American Association of Dental Examiners.

26 (d) The board may require an applicant to pass a laboratory ex-
27 amination as a prerequisite to admission to the clinical examination
28 if the board has reason to believe the applicant cannot practice safe-
29 ly on a clinical patient.

1 * Sec. 21. AS 08.36.234 is amended to read:

2 Sec. 08.36.234. LICENSURE BY CREDENTIALS. The board may provide
3 for the licensing without examination of a dentist who

4 (1) is a graduate of a dental college accredited [APPROVED]
5 by the Commission on Accreditation of the American Dental Association,
6 or its successor agency, and holds a certificate from the National
7 Board of Dental Examiners that the dentist has passed the examination
8 given by the national board;

9 (2) has been licensed to practice dentistry in another
10 state, territory, or region with licensing requirements similar to or
11 higher than those of this state at the time of licensure;

12 (3) has been engaged in continuous active practice averag-
13 ing at least 20 hours per week for the five years immediately preced-
14 ing the application;

15 (4) is not the subject of an unresolved complaint, profes-
16 sional association peer review procedure, or disciplinary proceeding
17 undertaken by a professional dental association;

18 (5) has not previously had a license to practice dentistry
19 revoked;

20 (6) has not failed the clinical examination of this state;

21 (7) is personally interviewed by the board;

22 (8) pays all fees required under AS 08.36.290.

23 * Sec. 22. AS 08.36.240 is amended to read:

24 Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The
25 board shall issue a license to each successful dentist or dental
26 hygienist applicant who has paid the required fees. [THE HOLDER OF A
27 LICENSE SHALL REGISTER IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR
28 COURT IN THE JUDICIAL DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.]
29 The licensee shall display the license in a conspicuous place where

1 the licensee practices.

2 * Sec. 23. AS 08.36.246 is amended to read:

3 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An
4 applicant for a specialty license shall [MUST]

5 (1) possess a license to practice dentistry in the state;
6 [, AND]

7 (2) have completed as many [TWO OR MORE] academic years of
8 advanced education in the specialty as are required by the appropriate
9 specialty board in a program accredited by the Commission on Accredi-
10 tation of the American Dental Association or its successor agency; and

11 (3) be a diplomate or the equivalent of the appropriate
12 specialty board or be eligible to be examined for diplomate status as
13 documented by an organization recognized by the American Dental
14 Association.

15 (b) The provision of (a)(2) and (3) of this section does not
16 apply to dentists who limit [HAVE LIMITED] their practice exclusively
17 and who ethically announce [ANNOUNCED] limitation of practice in
18 accordance with regulations of the Principles of Ethics and Code of
19 Professional Conduct of the American Dental Association [POLICY BEFORE
20 JULY 23, 1968].

21 * Sec. 24. AS 08.36.247(a) is amended to read:

22 (a) A specialty license may not be issued unless the applicant
23 presents proof satisfactory to the board that the applicant is quali-
24 fied to practice that specialty. A specialist licensed in that speci-
25 alty shall participate as a voting member of the board in the licens-
26 ing procedures.

27 * Sec. 25. AS 08.36.250 is amended by adding a new subsection to read:

28 (b) When applying for license renewal, a dentist shall report to
29 the board each instance during the prior registration period in which

1 the quality of the licensee's professional services were the subject
2 of legal action.

3 * Sec. 26. AS 08.36.315 is amended to read:

4 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
5 OF LICENSE. The board may revoke or suspend the license of a dentist,
6 or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,
7 or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board
8 finds after a hearing that the dentist

9 (1) used or knowingly cooperated in [SECURED A LICENSE
10 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a
11 license;

12 (2) engaged in deceit, fraud, or intentional misrepresenta-
13 tion in the course of providing or billing for professional dental
14 services or engaging in professional activities;

15 (3) advertised professional dental services in a false or
16 misleading manner in violation of regulations adopted by the board;

17 (4) has been convicted of a felony or other crime which
18 affects the dentist's ability to continue to practice dentistry compe-
19 tently and safely;

20 (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in or permitted
21 the performance of patient care by persons under the dentist's super-
22 vision which does not conform to minimum professional standards of
23 dentistry regardless of whether actual injury to the patient occurred;

24 (6) knowingly failed to comply with this chapter, with a
25 regulation adopted under this chapter, or with an order of the board;

26 (7) continued to practice after becoming unfit due to

27 (A) professional incompetence;

28 (B) failure to keep informed of or use current profes-
29 sional theories or practices;

1 (C) addiction or severe dependency on alcohol or other
2 drugs which impairs the dentist's ability to practice safely;

3 (D) physical or mental disability;

4 (8) engaged in a course of lewd or immoral conduct in
5 connection with the delivery of professional service to patients;

6 (9) permitted a dental hygienist who is employed by the
7 dentist or working under the dentist's supervision to perform a dental
8 procedure other than those permitted under AS 08.32.110;

9 (10) contracted with an organization to waive an insurance
10 co-payment for services provided to a patient or with an organization
11 that limits a patient's choice of dentist in return for exclusive or
12 partly exclusive referral of patients from the organization;

13 (11) failed to report to the board a death that occurred on
14 the premises used for the practice of dentistry within 48 hours.

15 * Sec. 27. AS 08.36 is amended by adding a new section to read:

16 Sec. 08.36.316. COMPLAINTS. (a) The board shall adopt regu-
17 lations for accepting and reviewing written and oral complaints con-
18 cerning the practice of dentistry. A complaint shall be investigated
19 to determine whether there is sufficient ev dence of an infraction to
20 proceed to a hearing under AS 44.62.

21 (b) The chairman shall appoint a panel of three members of the
22 dental professions to review the investigation. If the panel finds
23 there is insufficient evidence of an infraction it shall report in
24 writing to the chairman who shall notify the complainant that the
25 complaint is dismissed. If the panel finds sufficient evidence of an
26 infraction, the chairman shall begin proceedings under AS 44.62. If a
27 complaint concerns a dentist, the panel shall consist of two dentists
28 and one dental hygienist. If a complaint concerns a dental hygienist,
29 the panel shall consist of one dentist and two dental hygienists.

1 (c) A complainant may appeal the dismissal of a complaint to the
2 board.

3 * Sec. 28. AS 08.36.320(c) is amended to read:

4 (c) The board may summarily suspend a license before final
5 hearing or during the appeals process if the board finds that con-
6 tinued practice by the licensee poses a clear and immediate danger to
7 the public health and safety. The board may summarily suspend the
8 license of a licensee who refuses to submit to a physical or mental
9 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO
10 PRACTICE]. A person whose license is suspended under this section
11 shall be entitled to a hearing by the board no later than 30 [SEVEN]
12 days after the effective date of the order. If, after a hearing, the
13 board upholds the suspension, the [THE] licensee may appeal the sus-
14 pension [AFTER A HEARING] to a court of competent jurisdiction.

15 * Sec. 29. AS 08.36.340 is amended to read:

16 Sec. 08.36.340. PENALTIES. A person who violates any provision
17 of AS 08.32 or this chapter or regulations adopted under this chapter
18 for which no specific penalty is provided is guilty of a class B
19 misdemeanor.

20 * Sec. 30. AS 08.36.350 is amended to read:

21 Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter
22 applies to a person who practices, offers or attempts to practice
23 dentistry in the state except

24 (1) dental surgeons or dentist in the military service in
25 the discharge of official duties;

26 [(2) Repealed]

27 (2) [(3)] dentists in the employ of the United States
28 Public Health Service, United States Veterans' Administration, Alaska
29 Native Service, or Department of Health and Social Services, in the

1 discharge of official duties;

2 (3) [(4)] clinicians demonstrating at meetings of dentists
3 approved by the board;

4 (4) [(5)] physicians and surgeons;

5 (5) [(6)] dentists in the employ of the United States
6 Public Health Service providing care by authority of a permit issued
7 under AS 08.36.271;

8 (6) a dentist licensed in another state who is demonstrat-
9 ing clinical techniques at a meeting sponsored by a bona fide dental
10 or dental auxiliary society or association or by an accredited dental
11 or dental auxiliary educational institution;

12 (7) a dental instructor engaged in teaching activities and
13 employed at an accredited dental or dental hygienist educational
14 institution;

15 (8) a dentist licensed in another state who provides emer-
16 gency care to an injured or ill person who reasonably appears to the
17 dentist to be in immediate need of emergency aid in order to avoid
18 serious harm or death if the care is provided without remuneration.

19 (b) A person excepted from this chapter under (a) of this sec-
20 tion shall be held to the same standard of care as a person covered by
21 this chapter.

22 * Sec. 31. AS 08.36.360 is amended to read:

23 Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages
24 in the practice of dentistry who

25 (1) performs or holds out to the public as being able to
26 perform dental operations;

27 (2) diagnoses, treats, operates on, prevents or attempts to
28 prevent, corrects or attempts to correct, or prescribes for, a dis-
29 ease, lesion, pain, injury, deficiency, deformity, or physical

1 condition, malocclusion or malposition of the human teeth, alveolar
2 process, gingiva, maxilla, mandible, or [GUMS OR JAWS AND] adjacent
3 tissues;

4 (3) performs or attempts to perform an operation incident
5 to the replacement of teeth;

6 (4) furnishes, supplies, constructs, reproduces, or repairs
7 [PROSTHETIC] dentures, bridges, appliances or other structures to be
8 used and worn as substitutes for natural teeth, except on prescription
9 of a duly licensed and registered dentist and by the use of impres-
10 sions or casts made by a duly licensed and registered dentist;

11 (5) uses the word "dentist" or "dental surgeon" or the
12 letters D.D.S. or D.M.D. or other letter or title which represents the
13 dentist as engaging in the practice of dentistry;

14 (6) extracts or attempts to extract human teeth;

15 (7) owns, manages or operates a place where the acts and
16 things described in this section are performed or done;

17 (8) supervises a dental hygienist or another person who
18 provides dental care to a patient.

19 * Sec. 32. AS 08.36 is amended by adding a new section to read:

20 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this
21 state may

22 (1) practice in an association, partnership, corporation or
23 other lawful entity with other dentists including specialists;

24 (2) practice under the name of "dental center" or other
25 descriptive term that does not deceive the public about the nature of
26 the services provided;

27 (3) supervise research that would otherwise violate this
28 chapter or regulations adopted under this chapter when the research
29 does not involve treatment of dental patients if the research is

1 performed by a nonprofit dental research institution chartered by this
2 state or by a dental or dental auxiliary school accredited by the
3 Commission on Accreditation of the American Dental Association, or its
4 successor agency;

5 (4) supervise research that would otherwise violate this
6 chapter or regulations adopted under this chapter when the research
7 involves the treatment of dental patients if the research is performed
8 by a nonprofit dental research institution chartered by this state or
9 by a dental or dental auxiliary school accredited by the commission on
10 Accreditation of the American Dental Association, or its successor
11 agency, and if the dentist notifies the board in writing, at least 60
12 days before beginning the treatment, of the intended practices or
13 procedures and the board does not disapprove the research.

14 * Sec. 33. Notwithstanding the amendments made to AS 08.36.010 by
15 sec. 10 of this Act, a public member who is on the board on the effective
16 date of this Act may continue on the board until resigning or until ex-
17 piration of the member's term, and the number of members of the board who
18 are dentists shall remain at four until the resignation or expiration of a
19 term of a public member.

20 * Sec. 34. AS 08.36.200 is repealed.