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BY THE LABOR AND  
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 611 (L&C)

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.-

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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(a) is amended to read:

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(a) An applicant for examination shall submit information that

16

the person is [BE]

17

(1) [Repealed by sec. 32 ch 49 SLA 1980.

18

(2)] at least 18 years of age;

19

(2) [(3)] a graduate of an accredited high school;

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(3) [(4)] a graduate or on the date of examination will be

21

a graduate of a dental hygiene school that [WHICH] requires at least a

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two-year course and is accredited by the Commission on Accreditation

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of Dental and Dental Auxiliary Education Programs of the American

24

Dental Association; and

25

(4) [(5)] an examinee who has successfully completed the

26

[NATIONAL BOARD OF DENTAL EXAMINERS'] written theory examination of

27

the American Dental Association Joint Commission on National Dental

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Examinations or an equivalent written examination given by the board,

29

thereby demonstrating satisfactory theoretical knowledge of dental and

1 basic biomedical sciences.

2 \* Sec. 3. AS 08.32.030 is amended to read:

3 Sec. 08.32.030. LICENSURE BY CREDENTIALS. The board may provide  
4 for the licensing without examination of a dental hygienist who

5 (1) meets the criteria of AS 08.32.020(a);

6 (2) has successfully passed a state or regional dental  
7 hygiene clinical examination which the board has determined is at  
8 least equivalent in scope, quality, and difficulty to the Alaska  
9 clinical examination;

10 (3) has been in active clinical dental hygiene practice  
11 averaging no less than 14 hours per week for each of the two years  
12 immediately preceding application for state licensure;

13 (4) has not failed the clinical dental hygiene examination  
14 of this state;

15 (5) has not previously had a license to practice dental  
16 hygiene issued by any state or region revoked;

17 (6) is personally interviewed by a board member;

18 (7) pays the [ALL] fees required under AS 08.32.097  
19 [AS 08.36.290]; and

20 (8) is not the subject of an unresolved complaint, review  
21 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]  
22 dental or dental hygiene licensing jurisdiction [HYGIENICS ASSOCIA-  
23 TION].

24 \* Sec. 4. AS 08.32 is amended by adding a new section to read:

25 Sec. 08.32.035. TEMPORARY LICENSE. (a) The board may issue  
26 without examination a temporary license to an applicant for examina-  
27 tion who is licensed to practice dental hygiene in another state and  
28 who meets the criteria of AS 08.32.030 but who has been in active  
29 clinical practice for less than two years immediately preceding

1 application. A temporary license expires at the time notice is given  
2 of the results of the next scheduled examination and may not be  
3 reissued.

4 (b) A person practicing dental hygiene under (a) of this section  
5 is subject to all other provisions of this chapter and laws and regu-  
6 lations that apply to the practice of dental hygiene in this state.

7 (c) Time in active clinical dental hygiene practice under a  
8 temporary license may not be credited toward licensure by credentials  
9 under AS 08.32.030.

10 \* Sec. 5. AS 08.32.040 is amended to read:

11 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-  
12 nation or determination of qualification for licensing under AS 08.-  
13 32.030 or 08.32.035 [BY CREDENTIALS] shall be signed by the applicant  
14 and accompanied by the applicant's certificate of graduation from an  
15 accredited dental hygiene school and the required fees [FEE PROVIDED  
16 UNDER AS 08.36.290(1)].

17 \* Sec. 6. AS 08.32.060 is amended to read:

18 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. (a) The  
19 examination shall be held at [THE SAME] times and places determined by  
20 the board. The examination shall be designed to test the qualifica-  
21 tions of the applicant to practice dental hygiene and shall consist of  
22 a written and a clinical examination.

23 (b) The subjects of the written examination shall include dental  
24 radiology, the state's laws on the practice of dental hygiene, and  
25 other subjects selected in accordance with the trends of dental hy-  
26 giene education and professional and technical advances [AS THE EX-  
27 AMINATION OF DENTISTS UNDER AS 08.36.130].

28 (c) The clinical examination shall test the applicant's skill in  
29 clinical procedures [COVER SUBJECTS] considered essential by the board

1 for the practice of dental hygiene including [A CLINICAL EXAMINATION  
2 ON] the removal of calcareous deposits, accretions, and stains from  
3 the exposed surfaces of the teeth beginning at the epithelial attach-  
4 ment by scaling and polishing techniques.

5 (d) The board may require an applicant to pass a laboratory  
6 examination as a prerequisite to admission to the clinical examination  
7 if the board has reason to believe the applicant cannot practice  
8 safely on a clinical patient.

9 \* Sec. 7. AS 08.32.070 is amended to read:

10 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.  
11 The [IF THE APPLICANT PASSES THE EXAMINATION, THE] board shall regis-  
12 ter each successful [THE] applicant and issue the applicant a license  
13 upon payment of all required fees [REQUIRED UNDER AS 08.36.290. A  
14 LICENSED DENTAL HYGIENIST SHALL RENEW REGISTRATION AND OFFER PROOF OF  
15 CONTINUED COMPETENCY AS REQUIRED BY REGULATION OF THE BOARD EVERY FOUR  
16 YEARS].

17 \* Sec. 8. AS 08.32 is amended by adding a new section to read:

18 Sec. 08.32.071. RENEWAL OF REGISTRATION. A registration certif-  
19 icate is valid for four years. At least 60 days before expiration of  
20 a licensee's registration certificate, the division of occupational  
21 licensing shall mail a form for renewal of registration to each li-  
22 censed dental hygienist. Each licensee who wishes to renew a regis-  
23 tration certificate shall complete the form and return it with the  
24 appropriate fee and evidence of continued professional competence as  
25 required by the board. The division of occupational licensing shall,  
26 as soon as practicable, issue a registration certificate valid for a  
27 stated number of years. Each licensee shall keep the registration  
28 certificate beside or attached to the licensee's license. Failure to  
29 receive the registration form does not exempt a licensee from renewing

1 registration.

2 \* Sec. 9. AS 08.32.081 is amended to read:

3 Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. A [THE  
4 FAILURE, NEGLECT, OR REFUSAL OF A] licensed dental hygienist who does  
5 not [TO] pay the renewal registration fee forfeits [CONSTITUTES A  
6 FORFEITURE OF] the hygienist's license. The board may reinstate the  
7 license without examination within two years of the date on which  
8 payment was due upon written application, proof of continued profes-  
9 sional competence [COMPETENCY], and payment of all unpaid renewal fees  
10 and any penalty fee established under AS 08.01.100(b) [REQUIRED UNDER  
11 AS 08.36.290].

12 \* Sec. 10. AS 08.32 is amended by adding a new section to read:

13 Sec. 08.32.097. FEES. The department shall, by regulations  
14 adopted under AS 08.01.065, establish fees for dental hygienists for  
15 the following:

- 16 (1) filing an examination and licensing application;
- 17 (2) examination fee;
- 18 (3) credential fee;
- 19 (4) initial license;
- 20 (5) registration fee;
- 21 (6) filing a reexamination application;
- 22 (7) duplicate license;
- 23 (8) delinquent registration.

24 \* Sec. 11. AS 08.32.110(a) is amended to read:

25 (a) The role of the dental hygienist is to assist members of the  
26 dental profession in providing oral health care to the public. A  
27 person licensed to practice the profession of dental hygiene in the  
28 state may

- 29 (1) remove calcareous deposits, accretions, and stains from

1 the exposed surfaces of the teeth beginning at the epithelial attach-  
2 ment by scaling and polishing techniques;

3 (2) apply topical preventive or prophylactic agents;

4 (3) apply pit and fissure sealants;

5 (4) perform root planing and peridental soft tissue curet-  
6 tage; [AND]

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

10 (6) if certified by the board and under the direct super-  
11 vision of a licensed dentist, administer local anesthetic agents.

12 \* Sec. 12. AS 08.32.110(b) is amended to read:

13 (b) The board shall specify by regulation those additional  
14 [INTRA-ORAL] functions that [WHICH] may be performed by a licensed  
15 dental hygienist only upon successful completion of a formal course of  
16 instruction approved by the board. The board shall promulgate regula-  
17 tions specifying the education requirements, evaluation procedures,  
18 and degree of supervision required for each function.

19 \* Sec. 13. AS 08.32.160 is amended to read:

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

25 (1) used or knowingly cooperated in [SECURED A LICENSE  
26 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
27 license or registration;

28 (2) engaged in deceit, fraud, or intentional misrepresenta-  
29 tion in the course of providing or billing for professional services

1 or engaging in professional activities;

2 (3) advertised professional services in a false or mislead-  
3 ing manner;

4 (4) has been convicted of a felony or other crime that  
5 [WHICH] affects the licensee's ability to continue to practice compe-  
6 tently and safely;

7 (5) failed to comply with this chapter, with a regulation  
8 adopted under this chapter or under AS 08.36, or with an order of the  
9 board;

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

11 (A) professional incompetence;

12 (B) addiction or dependence [SEVERE DEPENDENCY] on  
13 alcohol or other drugs that [WHICH] impairs the licensee's abil-  
14 ity to practice safely;

15 (C) physical or mental disability;

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

18 (7) engaged in lewd or immoral conduct in connection with  
19 the delivery of professional service to patients;

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

22 \* Sec. 14. AS 08.32 is amended by adding a new section to read:

23 Sec. 08.32.171. DISCIPLINARY SANCTIONS. (a) If it finds that a  
24 dental hygienist is guilty of an offense under AS 08.32.160, the board  
25 may impose the following sanctions singly or in combination:

26 (1) permanently revoke a license to practice;

27 (2) suspend a license for a stated period of time;

28 (3) censure a licensee;

29 (4) issue a letter of reprimand;

1           (5) place a licensee on probationary status and require the  
2 licensee to

3                   (A) report regularly to the board upon matters involv-  
4 ing the basis of probation;

5                   (B) limit practice to those areas prescribed;

6                   (C) continue professional education until the licensee  
7 attains a satisfactory level of competence in those areas deter-  
8 mined by the board to need improvement;

9           (6) impose limitations or conditions on the practice of a  
10 licensee.

11           (b) The board may withdraw probationary status if it finds that  
12 the deficiencies that required the sanction have been remedied.

13           (c) The board may summarily suspend a license before final  
14 hearing or during the appeals process if the board finds that con-  
15 tinued practice by the licensee poses a clear and immediate danger to  
16 the public health and safety. The board may summarily suspend the  
17 license of a licensee who refuses to submit to a physical or mental  
18 examination under AS 08.36.070(b)(1). A person whose license is  
19 suspended under this section is entitled to a hearing by the board no  
20 later than seven days after the effective date of the order. If,  
21 after a hearing, the board upholds the suspension, the licensee may  
22 appeal the suspension to a court of competent jurisdiction.

23           (d) The board may reinstate a license that has been suspended or  
24 revoked if the board finds after a hearing that the applicant is able  
25 to practice with skill and safety.

26           (e) The board shall seek consistency in the application of  
27 disciplinary sanctions and shall issue findings of fact or orders to  
28 explain a significant departure from prior decisions.

29 \* Sec. 15. AS 08.32.180 is amended to read:

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

7 \* Sec. 16. AS 08.32 is amended by adding a new section to read:

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

11                   (1) a dental hygienist in the military service in the  
12 discharge of official duties;

13                   (2) a dental hygienist in the employ of the United States  
14 Public Health Service, United States Veterans' Administration, Alaska  
15 Native Service, or another agency of the federal government, in the  
16 discharge of official duties;

17                   (3) a dental hygienist licensed in another state who is  
18 teaching or demonstrating clinical techniques at a meeting, seminar,  
19 or limited course of instruction sponsored by a dental or dental  
20 auxiliary society or association or by an accredited dental or dental  
21 auxiliary educational institution.

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

25 \* Sec. 17. AS 08.36.010 is amended to read:

26           Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is  
27 created the Board of Dental Examiners consisting of seven members.  
28 Four members shall be licensed [QUALIFIED RESIDENT] dentists who have  
29 been engaged in the practice of dentistry in the state for five years

1 immediately preceding appointment, one member shall be a dental hy-  
2 gienist licensed under AS 08.32 who has been engaged in the practice  
3 of dental hygiene in the state for five years immediately preceding  
4 appointment, and two members shall be public members.

5 \* Sec. 18. AS 08.36.025 is amended to read:

6 Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A  
7 member of the board may be removed from office by the governor for  
8 cause. The board may by regulation provide that unexcused absences  
9 from meetings constitute cause for removal. A member against whom an  
10 accusation has been filed under AS 44.62 for violation of AS 08.32.160  
11 or AS 08.36.315 is suspended from the board until the decision of the  
12 board on the accusation takes effect under AS 44.62.520.

13 \* Sec. 19. AS 08.36.040 is amended to read:

14 Sec. 08.36.040. MEETINGS. The board shall meet at the call of  
15 the president at least four times annually [AS OFTEN AS,] and at other  
16 [THE] times [AND PLACES,] necessary to conduct its business. In the  
17 absence of a call of the president, a majority of the board may call a  
18 meeting.

19 \* Sec. 20. AS 08.36 is amended by adding a new section to read:

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

25 \* Sec. 21. AS 08.36.070 is amended to read:

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

28 (1) [TO] examine applicants and issue licenses to those  
29 applicants it finds qualified;

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

3 (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS PROCEED-  
4 INGS] to the governor and [TO MEMBERS OF] the department on the  
5 board's proceedings during the year, findings concerning the standards  
6 and availability of dental services in the state including the number  
7 of licensees, examination and licensing activities, other matters  
8 related to dental practice, and board receipts and expenditures  
9 [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY RECEIVED AND  
10 DISBURSED];

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

13 (5) [TO] hold hearings, and order the disciplinary sanction  
14 of a person who violates this chapter, AS 08.32, or a regulation [THE  
15 REGULATIONS] of the board;

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

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

21 (8) [TO] adopt regulations ensuring [INSURING] that renewal  
22 of registration is contingent upon proof of continued professional  
23 competence [COMPETENCY] by a licensed dentist or licensed dental  
24 hygienist;

25 (9) [TO] provide the department with the requirements for  
26 proof of continued professional competence [COMPETENCY] and [TO] re-  
27 quest the department to make these requirements available to each li-  
28 censed dentist and licensed dental hygienist at least one year before  
29 the date on which the dentist or dental hygienist must renew

1 registration;

2 (10) at least annually cause to be published in a newspaper  
3 of general circulation in each major city in the state, a summary of  
4 disciplinary actions the board has taken during the preceding calendar  
5 year; [TO ORDER A LICENSED DENTIST OR LICENSED DENTAL HYGIENIST TO  
6 SUBMIT TO A REASONABLE PHYSICAL EXAMINATION IF THE DENTIST'S OR THE  
7 DENTAL HYGIENIST'S PHYSICAL CAPACITY TO PRACTICE SAFELY IS AT ISSUE]

8 (11) issue permits or certificates to licensed dentists,  
9 licensed dental hygienists, and dental assistants who meet standards  
10 determined by the board for specific procedures that require specific  
11 education and training;

12 (12) 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. 22. AS 08.36.100 is amended to read:

24 Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.-  
25 36.238, a person may not practice, or attempt to practice, dentistry  
26 without a license [OR PERMIT,] and a current certificate of registra-  
27 tion.

28 \* Sec. 23. AS 08.36.110 is amended to read:

29 Sec. 08.36.110. QUALIFICATIONS OF APPLICANTS. An applicant for

1 a license to practice dentistry may apply to the board for an examina-  
2 tion and license by submitting information that the applicant is a  
3 graduate or on the date of the examination will be a graduate of a  
4 dental college accredited by the Commission on Accreditation of the  
5 American Dental Association, or its successor agency, at the time of  
6 graduation, and holds a certificate from the American Dental Associa-  
7 tion Joint Commission on National Dental Examinations that the appli-  
8 cant has passed the written examination given by the commission  
9 [D.D.S. OR D.M.D. DEGREE OR THE EQUIVALENT].

10 \* Sec. 24. AS 08.36.120 is amended to read:

11 Sec. 08.36.120. SIGNING, PHOTOGRAPH AND FILING DATE OF APPLICA-  
12 TION. Each applicant shall submit a recent unmounted, autographed  
13 photograph of the applicant. Applications shall be signed by the  
14 applicant and filed at least 45 [30] days before the date scheduled  
15 for an examination.

16 \* Sec. 25. AS 08.36.160 is amended to read:

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

22 (b) [(1)] The subjects of the written examination shall include  
23 dental radiology, the state's laws on the practice of dentistry, and  
24 other subjects [BE] selected in accordance with the trend of dental  
25 education and professional and technical advances [AS DETERMINED BY  
26 THE COUNCIL OF DENTAL EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

27 (c) [(2)] The clinical examination [APPLICANT] shall test the  
28 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry  
29 or any procedures selected by the board from procedures [AS]

1 recommended by the American Dental Association Joint Commission on  
2 National [OF] Dental Examinations [EXAMINERS].

3 (d) The board may require an applicant to pass a laboratory ex-  
4 amination 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. 26. AS 08.36.230 is amended to read:

8 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed  
9 to practice in this state and residing and practicing dentistry out-  
10 side [OF] this state, may maintain eligibility to practice in this  
11 state by registering the dentist's name and place of residence with  
12 the division of occupational licensing every four years and submitting  
13 proof of continued professional competence [COMPETENCY] as required by  
14 the board. If the dentist fails to register, the board may reinstate  
15 the dentist's license without examination upon payment of applicable  
16 fees established by regulations adopted under AS 08.01.065, payment of  
17 a penalty established under AS 08.01.100(b) [OF \$25, PAYMENT OF THE  
18 DELINQUENT REGISTRATION FEE UNDER AS 08.36.290(10)], presentation of  
19 proof of continued professional competence [COMPETENCY], and presenta-  
20 tion of proof of active practice certified by the dental board having  
21 jurisdiction or, if there is no board with jurisdiction, by evidence  
22 satisfactory to the board.

23 \* Sec. 27. AS 08.36.234 is amended to read:

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

26 (1) is a graduate of a dental college accredited [APPROVED]  
27 by the Commission on Accreditation of the American Dental Association,  
28 or its successor agency, and holds a certificate from the American  
29 Dental Association Joint Commission on National Dental Examinations

1 that the dentist has passed the written examination given by the  
2 commission;

3 (2) has been licensed to practice dentistry in another  
4 state, territory, or region with licensing requirements at least  
5 equivalent in scope, quality and difficulty to [SIMILAR TO OR HIGHER  
6 THAN] those of this state at the time of licensure;

7 (3) has been engaged in continuous active practice averag-  
8 ing at least 20 hours per week for each of the five years immediately  
9 preceding the application;

10 (4) is not the subject of an unresolved complaint, review  
11 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]  
12 dental licensing jurisdiction [ASSOCIATION];

13 (5) has not previously had a license to practice dentistry  
14 revoked;

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

16 (7) is personally interviewed by the board;

17 (8) pays all required fees [REQUIRED UNDER AS 08.36.290].

18 \* Sec. 28. AS 08.36.240 is amended to read:

19 Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The  
20 board shall issue a license to each successful dentist applicant who  
21 has paid the required fees. [THE HOLDER OF A LICENSE SHALL REGISTER  
22 IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT IN THE JUDICIAL  
23 DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.] The licensee shall  
24 display the license in a conspicuous place where the licensee prac-  
25 tices.

26 \* Sec. 29. AS 08.36.246 is amended to read:

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

29 (1) possess a license to practice dentistry in the state;

1 [, AND]

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

6 (3) be a diplomate or the equivalent of the appropriate  
7 specialty board, or be eligible to be examined for diplomate status as  
8 documented by an organization recognized by the American Dental Asso-  
9 ciation.

10 (b) The provisions [PROVISION] of (a)(2) and (3) of this section  
11 do [DOES] not apply to dentists who limit [HAVE LIMITED] their prac-  
12 tice exclusively and who ethically announce [ANNOUNCED] limitation of  
13 practice in accordance with the Principles of Ethics and Code of  
14 Professional Conduct of the American Dental Association [POLICY BEFORE  
15 JULY 23, 1968].

16 \* Sec. 30. AS 08.36.247(a) is amended to read:

17 (a) A specialty license may not be issued unless the applicant  
18 presents proof satisfactory to the board that the applicant is quali-  
19 fied to practice that specialty. A specialist licensed in that speci-  
20 ality shall participate as a voting member of the board in the licens-  
21 ing procedures.

22 \* Sec. 31. AS 08.36.250 is amended to read:

23 Sec. 08.36.250. RENEWAL OF REGISTRATION. (a) A registration  
24 certificate is valid for four years. At least 60 days before expira-  
25 tion of a licensee's registration certificate [JANUARY 1 OF EVERY  
26 FOURTH YEAR], the division of occupational licensing shall mail a form  
27 for renewal of registration to each licensed dentist [AND LICENSED  
28 DENTAL HYGIENIST]. Each licensee who wishes to renew a license shall  
29 complete the form and return it [TOGETHER] with the appropriate

1 [REGISTRATION] fee and evidence [OFFER PROOF] of continued profes-  
2 sional competence [COMPETENCY] as required by the board. The division  
3 of occupational licensing shall, as soon as practicable, issue a  
4 registration certificate valid for a stated number of [THE] years [FOR  
5 WHICH IT IS ISSUED]. Each licensee shall keep the registration cer-  
6 tificate beside or attached to the licensee's license. Failure to  
7 receive the registration form does not exempt a licensee from renewing  
8 registration.

9 (b) When applying for license renewal, a dentist shall report to  
10 the board each instance during the prior registration period in which  
11 the quality of the licensee's professional services was the subject of  
12 legal action.

13 \* Sec. 32. AS 08.36.290 is repealed and reenacted to read:

14 Sec. 08.36.290. FEES. The department shall, by regulations  
15 adopted under AS 08.01.065, establish fees for dentists for the fol-  
16 lowing:

- 17 (1) filing an examination and licensing application;
- 18 (2) examination fee;
- 19 (3) credential review;
- 20 (4) initial license;
- 21 (5) registration fee;
- 22 (6) filing a reexamination application;
- 23 (7) specialty license;
- 24 (8) branch office registration;
- 25 (9) duplicate license;
- 26 (10) delinquent registration.

27 \* Sec. 33. AS 08.36.315 is amended to read:

28 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION  
29 OF LICENSE. The board may revoke or suspend the license of a dentist,

1 or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,  
2 or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board  
3 finds after a hearing that the dentist

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

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

10 (3) advertised professional dental services in a false or  
11 misleading manner;

12 (4) has been convicted of a felony or other crime that  
13 [WHICH] affects the dentist's ability to continue to practice den-  
14 tistry competently and safely;

15 (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in the perfor-  
16 mance of patient care, or permitted the performance of patient care by  
17 persons under the dentist's supervision, that [WHICH] does not conform  
18 to minimum professional standards of dentistry regardless of whether  
19 actual injury to the patient occurred;

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

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

23 (A) professional incompetence;

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

26 (C) addiction or dependence [SEVERE DEPENDENCY] on  
27 alcohol or other drugs that [WHICH] impairs the dentist's ability  
28 to practice safely;

29 (D) physical or mental disability;

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

3 (9) permitted a dental hygienist or dental assistant who is  
4 employed by the dentist or working under the dentist's supervision to  
5 perform a dental procedure in violation of [OTHER THAN THOSE PERMITTED  
6 UNDER] AS 08.32.110 or AS 08.36.070(a)(11);

7 (10) failed to report to the board a death that occurred on  
8 the premises used for the practice of dentistry within 48 hours.

9 \* Sec. 34. AS 08.36.320(a) is amended to read:

10 (a) If [WHEN] it finds that a dentist [OR DENTAL HYGIENIST] is  
11 guilty of an offense under [AS 08.32.160 OR] AS 08.36.315, the board  
12 may impose the following sanctions singly or in combination:

13 (1) permanently revoke a license to practice;

14 (2) suspend a license for a stated [DETERMINATE] period of  
15 time;

16 (3) censure a licensee;

17 (4) issue a letter of reprimand;

18 (5) place a licensee on probationary status and require the  
19 licensee to

20 (A) report regularly to the board upon matters involv-  
21 ing the basis of probation;

22 (B) limit practice to those areas prescribed;

23 (C) continue professional education until the licensee  
24 attains a satisfactory level of competence [DEGREE OF SKILL HAS  
25 BEEN ATTAINED] in those areas determined by the board to need  
26 improvement;

27 (6) impose limitations or conditions on the practice of a  
28 licensee.

29 \* Sec. 35. AS 08.36.320(c) is amended to read:

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

12 \* Sec. 36. AS 08.36.340 is amended to read:

13 Sec. 08.36.340. PENALTIES. A person who violates any provision  
14 of [AS 08.32 OR] this chapter or regulations adopted under this chap-  
15 ter for which no specific penalty is provided is guilty of a class B  
16 misdemeanor.

17 \* Sec. 37. AS 08.36.350 is amended to read:

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

21 (1) a dental surgeon [SURGEONS] or dentist [DENTISTS] in  
22 the military service in the discharge of official duties;

23 [(2) Repealed]

24 (2) [(3)] a dentist [DENTISTS] in the employ of the United  
25 States Public Health Service, United States Veterans' Administration,  
26 Alaska Native Service, or other agency of the federal government [OR  
27 DEPARTMENT OF HEALTH AND SOCIAL SERVICES], in the discharge of offi-  
28 cial duties;

29 (3) a physician or surgeon

1           [(4) CLINICIANS DEMONSTRATING AT MEETINGS OF DENTISTS AP-  
2 PROVED BY THE BOARD;

3           (5) PHYSICIANS AND SURGEONS];

4           (4) a dentist [(6) DENTISTS IN THE EMPLOY OF THE UNITED  
5 STATES PUBLIC HEALTH SERVICE] providing care in an isolated area by  
6 authority of a permit issued under AS 08.36.271;

7           (5) a dentist licensed in another state who is teaching or  
8 demonstrating clinical techniques at a meeting, seminar or limited  
9 course of instruction sponsored by a dental or dental auxiliary soci-  
10 ety or association or by an accredited dental or dental auxiliary  
11 educational institution;

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

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

19 \* Sec. 38. AS 08.36.360 is amended to read:

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

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

24           (2) diagnoses, treats, operates on, corrects, [OR] attempts  
25 to correct, or prescribes for, a disease, lesion, pain, injury, defi-  
26 ciency, deformity, or physical condition, malocclusion or malposition  
27 of the human teeth, alveolar process, gingiva, maxilla, mandible, or  
28 [GUMS OR JAWS AND] adjacent tissues;

29           (3) performs or attempts to perform an operation incident

1 to the replacement of teeth;

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

7 (5) uses the words [WORD] "dentist" or "dental surgeon" or  
8 the letters D.D.S. or D.M.D. or other letter or title that [WHICH]  
9 represents the dentist as engaging in the practice of dentistry;

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

11 (7) [OWNS, MANAGES OR] operates a facility [PLACE] where  
12 the acts and things described in this section are performed or done.

13 \* Sec. 39. AS 08.36 is amended by adding a new section to read:

14 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this  
15 state may

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

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

21 (3) supervise research that would otherwise violate this  
22 chapter or regulations adopted under this chapter when the research  
23 does not involve treatment of dental patients if the research is  
24 performed by a nonprofit dental research institution chartered by this  
25 state or by a dental or dental auxiliary school accredited by the  
26 Commission on Accreditation of the American Dental Association, or its  
27 successor agency;

28 (4) supervise research that would otherwise violate this  
29 chapter or regulations adopted under this chapter when the research

1 involves the treatment of dental patients if the research is performed  
2 by a nonprofit dental research institution chartered by this state or  
3 by a dental or dental auxiliary school accredited by the commission on  
4 Accreditation of the American Dental Association, or its successor  
5 agency, and if the dentist notifies the board in writing, at least 60  
6 days before beginning the treatment, of the intended practices or  
7 procedures and the board does not disapprove the research.

8 \* Sec. 40. AS 08.36.140, 08.36.150, 08.36.170, 08.36.200 and 08.36.280  
9 are repealed.