

Introduced: 2/14/86
Referred: Labor and Commerce and
Health, Education and
Social Services

1 IN THE SENATE

BY KERTTULA BY REQUEST

2

SENATE BILL NO. 437

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

8 * Section 1. AS 08.02.010(a) is amended to read:

9 (a) A person licensed in the state as a chiropractor under
10 AS 08.20, a dentist under AS 08.36, a denturist under AS 08.37, a
11 medical practitioner or osteopath under AS 08.64, a registered nurse
12 under AS 08.68, an optometrist under AS 08.72, a registered pharmacist
13 under AS 08.80, a registered physical therapist under AS 08.84, or a
14 psychologist under AS 08.86, shall use as professional identification
15 appropriate letters or a title after that person's name which repre-
16 sents that person's specific field of practice. The letters or title
17 shall appear on all signs, stationery, or other advertising in which
18 the person offers or displays personal professional services to the
19 public. In addition, a person engaged in the practice of medicine or
20 osteopathy under AS 08.64.380(2), or a person engaged in any manner in
21 the healing arts who diagnoses, treats, tests, or counsels other
22 persons in relation to human health or disease and uses the letters
23 "M.D." or the title "doctor" or "physician" or any other title which
24 tends to show that the person is willing or qualified to diagnose,
25 treat, test, or counsel another person, shall clarify the letters or
26 title by adding the appropriate specialist designation, if any, such
27 as "dermatologist", "radiologist", "audiologist", "naturopath", or the
28 like.

29 * Sec. 2. AS 08.36.350(a) is amended to read:

1 (a) This chapter applies to a person who practices, or offers or
2 attempts to practice dentistry in the state except

3 (1) a dental surgeon or dentist in the military service in
4 the discharge of official duties;

5 (2) a dentist in the employ of the United States Public
6 Health Service, United States Veterans' Administration, Alaska Native
7 Service, or other agency of the federal government, in the discharge
8 of official duties;

9 (3) a physician or surgeon;

10 (4) a dentist providing care in an isolated area by author-
11 ity of a permit issued under AS 08.36.271;

12 (5) a dentist licensed in another state who is teaching or
13 demonstrating clinical techniques at a meeting, seminar or limited
14 course of instruction sponsored by a dental or dental auxiliary soci-
15 ety or association or by an accredited dental or dental auxiliary
16 educational institution;

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

21 (7) a denturist licensed under AS 08.37 who is engaged in
22 the lawful practice of denturistry.

23 * Sec. 3. AS 08.36.365 is amended to read:

24 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this
25 state may

26 (1) practice in an association, partnership, corporation or
27 other lawful entity with other dentists including specialists and with
28 denturists licensed under AS 08.37;

29 (2) practice under the name of "dental center" or other

1 descriptive term that does not deceive the public about the nature of
2 the services provided;

3 (3) supervise research that would otherwise violate this
4 chapter or regulations adopted under this chapter when the research
5 does not involve treatment of dental patients if the research is
6 performed by a nonprofit dental research institution chartered by this
7 state or by a dental or dental auxiliary school accredited by the
8 Commission on Accreditation of the American Dental Association, or its
9 successor agency;

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

19 * Sec. 4. AS 08 is amended by adding a new chapter to read:

20 CHAPTER 37. DENTURISTS.

21 ARTICLE 1. EXAMINATION AND LICENSING.

22 Sec. 08.37.010. LICENSE REQUIRED. Except as provided in AS 08.-
23 37.300, a person may not engage or offer to engage in the practice of
24 denturistry, or use the word "denturist" or any other words, letters,
25 or abbreviations or insignia tending to indicate that the person is
26 engaged in the practice of denturistry, unless the person is licensed
27 under this chapter and holds a current certificate of registration.

28 Sec. 08.37.020. APPLICATION FOR LICENSING. (a) An applicant
29 for licensing shall

- 1 (1) apply on a form approved by the department;
- 2 (2) pay the required fee;
- 3 (3) furnish evidence satisfactory to the department that
- 4 (A) the applicant
- 5 (i) has graduated or will have graduated by the
- 6 date of the examination from a program accredited by the
- 7 American Academy of Dentistry;
- 8 (ii) has passed the written examination adminis-
- 9 tered by the American Academy of Dentistry;
- 10 (iii) has completed one year as an intern in den-
- 11 turistry; or
- 12 (B) the applicant is licensed to practice dentistry
- 13 in another state with licensing requirements equivalent in scope
- 14 to those of this state at the time of application;
- 15 (4) perform to the satisfaction of the department in the
- 16 examination for licensing; and
- 17 (5) provide evidence of proficiency in cardiopulmonary
- 18 resuscitation.

19 (b) An application shall be signed by the applicant and filed at
20 least 45 days before the date scheduled for an examination.

21 (c) Each applicant shall submit a recent unmounted, autographed
22 photograph of the applicant.

23 Sec. 08.37.030. EXAMINATION OF APPLICANTS. (a) The department
24 shall hold an examination of applicants at least once each year at
25 times and places it determines.

26 (b) The examination shall be designed to test the qualifications
27 of the applicant to practice dentistry. The department may include
28 written and oral portions and require a clinical demonstration of
29 skills in the examination. The subjects of the examination must

1 include head and oral anatomy, pathology, physiology, microbiology,
2 radiology, asepsis, clinical jurisprudence, clinical dentistry, and
3 dental laboratory technology. The portions of the examination cover-
4 ing the areas of clinical dentistry and dental laboratory technology
5 must include a clinical demonstration of skills.

6 (c) A passing grade in the examination is an average grade of at
7 least 75 percent with no individual subject grade of less than 70
8 percent.

9 (d) If an applicant receives an average grade of at least 75
10 percent, but receives a grade of less than 70 percent in three or
11 fewer subjects, the applicant may be reexamined only in those sub-
12 jects. The applicant is entitled to reexamination on individual
13 subjects only once. A grade of at least 70 percent in each of the
14 subjects in which the applicant is reexamined is sufficient to consti-
15 tute a passing grade.

16 Sec. 08.37.040. ISSUANCE AND DISPLAY OF LICENSE. (a) The
17 department shall issue a license and a certificate of registration to
18 each successful dentist applicant who pays the required fees. The
19 dentist shall display the license and certificate in a conspicuous
20 place where the dentist practices.

21 (b) A license is valid for two years and is renewable for suc-
22 cessive two-year periods.

23 (c) When applying for license renewal, a dentist shall report
24 to the department each instance during the prior registration period
25 that the professional services of the dentist was the subject of
26 legal action.

27 Sec. 08.37.050. RENEWAL OF REGISTRATION. (a) A certificate of
28 registration is valid for two years. At least 60 days before expira-
29 tion of a licensee's registration certificate, the division of

1 occupational licensing shall mail a form for renewal of the certifi-
2 cate to each licensed denturist. Failure to receive the registration
3 form does not exempt a licensee from renewing the certificate.

4 (b) A licensee who practices in an established office with an
5 address other than the address for which the licensee's registration
6 certificate is issued shall obtain a branch office registration certi-
7 ficate for each office.

8 (c) The department may not renew a certificate and shall revoke
9 the license of a denturist who fails to apply for renewal of certi-
10 fication within one year of expiration. The denturist may apply for
11 relicensing under this chapter.

12 Sec. 08.37.060. DENTURITRY INTERNSHIP. (a) The department
13 shall issue a permit to practice as a denturist intern for one year to
14 an applicant who meets the requirements of this section.

15 (b) The department shall renew a permit for one year if the
16 intern applies for renewal and shows that the training activity con-
17 tinues to satisfy the requirements of this section.

18 (c) A person may practice as a denturist intern if the person

19 (1) applies on a form provided by the department;

20 (2) furnishes evidence of graduation or enrollment in a
21 clinical denturistry program approved by the department and passes an
22 examination for entry into the denturistry intern program;

23 (3) furnishes evidence to the department that either a
24 prosthodontist or denturist licensed in the state or a prosthodontist
25 or denturist licensed under statutory provisions of another state with
26 equivalent requirements will supervise the person's internship;

27 (4) provides evidence of proficiency in cardiopulmonary
28 resuscitation; and

29 (5) is issued a permit under this section.

1 (d) A prosthodontist or denturist may supervise only one den-
2 turist intern at one time.

3 (e) A person may begin internship as a denturist during the last
4 year of an accredited clinical denturistry program.

5 (f) A person may not intern as a denturist for more than two
6 years.

7 Sec. 08.37.070. FEES. The department shall, by regulations
8 adopted under AS 08.01.065, establish fees for denturists for the
9 following:

- 10 (1) filing an examination and licensing application;
- 11 (2) examination fee;
- 12 (3) credential fee;
- 13 (4) initial license;
- 14 (5) registration fee;
- 15 (6) filing a reexamination application;
- 16 (7) internship application and permit fees;
- 17 (8) branch office registration fee;
- 18 (9) duplicate license;
- 19 (10) delinquent registration.

20 ARTICLE 2. REGULATION OF DENTURISTS.

21 Sec. 08.37.200. STANDARDS OF PRACTICE. A denturist shall comply
22 with the following standards:

- 23 (1) the practice of denturistry shall be conducted in three
24 separate rooms
 - 25 (A) a reception room;
 - 26 (B) a clinical procedure room; and
 - 27 (C) a laboratory;
- 28 (2) the clinical procedures room must have a sink and
29 cuspidor with running water and a disposal system;

1 (3) each office shall have a sterilization unit and cold
2 disinfectant;

3 (4) each denturist shall use proper sterilization and
4 sanitation techniques;

5 (5) a permanent record of each patient must be kept;

6 (6) all teeth and materials used shall meet American Dental
7 Association standards;

8 (7) a denturist shall maintain proficiency in cardiopulmon-
9 ary resuscitation.

10 Sec. 08.37.210. ASSOCIATION WITH DENTISTS. A licensed denturist
11 may enter into a lawful agreement with a dentist regarding fees,
12 compensation, and business association.

13 Sec. 08.37.220. GROUNDS FOR DISCIPLINE, SUSPENSION, OR REVOCA-
14 TION OF LICENSE. (a) The department may revoke or suspend the li-
15 cense of a denturist, or may reprimand, censure, or discipline a
16 denturist, or both, if the department finds after a hearing that the
17 denturist

18 (1) used or knowingly cooperated in deceit, fraud, or
19 intentional misrepresentation to obtain a license;

20 (2) engaged in deceit, fraud, or intentional misrepresenta-
21 tion in the course of providing or billing for professional denturistry
22 services or engaging in professional activities;

23 (3) advertised professional denturistry services in a false
24 or misleading manner;

25 (4) has been convicted of a felony or other crime that
26 affects the denturist's ability to continue to practice denturistry
27 competently and safely;

28 (5) engaged in the performance of patient care, or permit-
29 ted the performance of patient care by a person under the denturist's

1 supervision, that does not conform to minimum professional standards
2 of the practice of dentistry regardless of whether actual injury to
3 the patient occurred;

4 (6) failed to comply with this chapter, with a regulation
5 adopted under this chapter, or with an order of the department;

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

7 (A) professional incompetence;

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

10 (C) addiction or dependence on alcohol or other drugs
11 that impairs the dentist's ability to practice safely; or

12 (D) physical or mental disability;

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

15 (9) permitting an intern who is employed by the dentist
16 or working under the dentist's supervision to perform a procedure in
17 violation of this section;

18 (10) failed to report within 72 hours to the department a
19 death that occurred on the premises used for the practice of dentur-
20 itry.

21 (b) A licensed dentist may not

22 (1) extract or attempt to extract teeth;

23 (2) initially insert immediate dentures in the mouth of the
24 intended wearer;

25 (3) treat a pathological abnormality;

26 (4) recommend a prescription drug for an oral or medical
27 disease;

28 (5) construct or fit orthodontic appliances;

29 (6) cut, surgically remove, or surgically reduce tissue or

1 teeth in the process of making or fitting a partial denture;

2 (7) supervise an intern without a valid permit issued by
3 the department.

4 Sec. 08.37.230. DISCIPLINARY SANCTIONS. (a) If it finds that a
5 dentist is guilty of an offense under AS 08.37.220, the department
6 may impose the following sanctions singly or in combination:

7 (1) permanently revoke a license to practice;

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

9 (3) censure a licensee;

10 (4) issue a letter of reprimand;

11 (5) place a licensee on probationary status and require the
12 licensee to

13 (A) report regularly to the department upon matters
14 involving the basis of probation;

15 (B) limit practice to those areas prescribed;

16 (C) continue professional education until the licensee
17 attains a satisfactory level of competence in those areas deter-
18 mined by the department to need improvement;

19 (6) impose limitations or conditions on the practice of a
20 licensee.

21 (b) The department may withdraw probation status if it finds
22 that the deficiencies that required the sanction have been remedied.

23 (c) The department may summarily suspend a license before final
24 hearing or during the appeals process if the department finds that
25 continued practice by the licensee poses a clear and immediate danger
26 to the public health and safety. A person whose license is suspended
27 under this section is entitled to a hearing by the department no later
28 than seven days after the effective date of the order. If, after a
29 hearing, the department upholds the suspension, the licensee may

1 appeal the suspension to a court of competent jurisdiction.

2 (d) The department may reinstate a license that has been sus-
3 pended or revoked if the department finds, after a hearing, that the
4 applicant is able to practice with skill and safety.

5 (e) The department shall seek consistency in the application of
6 disciplinary sanctions, and significant departure from prior decisions
7 involving similar situations shall be explained in findings of fact or
8 orders.

9 Sec. 08.37.240. PENALTIES. A person who violates a provision of
10 this chapter or regulations adopted under this chapter for which no
11 specific penalty is provided is guilty of a class B misdemeanor.

12 ARTICLE 3. GENERAL PROVISIONS.

13 Sec. 08.37.300. APPLICATION OF CHAPTER. This chapter applies to
14 a person who practices, or offers or attempts to practice dentistry
15 in the state except

16 (1) a person authorized to practice dentistry or medicine
17 in this state;

18 (2) a student of dentistry in pursuit of clinical studies
19 under a school program approved by the department;

20 (3) a graduate of a two-year formal training program who is
21 operating under the personal supervision of a dentist or a licensed
22 dentist in order to obtain the practical experience necessary under
23 AS 08.37.020(a).

24 Sec. 08.37.450. DEFINITIONS. In this chapter,

25 (1) "denture" means a removable full or partial upper or
26 lower prosthetic dental appliance to be worn in the human mouth;

27 (2) "department" means the Department of Commerce and
28 Economic Development;

29 (3) "immediate denture" means a denture constructed before

1 and inserted immediately after extraction of teeth;

2 (4) "intern" means an individual engaged in learning the
3 practice of dentistry under the supervision of a licensed dentist;

4 (5) "practice of dentistry" means

5 (A) constructing, repairing, relining, reproducing,
6 duplicating, supplying, fitting, or altering a denture;

7 (B) supplying a denture directly to a person;

8 (C) advising the use of a denture;

9 (D) making of an impression, bite, cast, or design for
10 the purpose of supplying dentures;

11 (6) "prosthodontist" means a dentist who has successfully
12 completed post graduate education in removable prosthetics approved by
13 the American Dental Association and is board certified by the American
14 Dental Association and the American Academy of Dentistry.

15 * Sec. 5. AS 09.55.560(1) is amended to read:

16 (1) "health care provider" means a chiropractor licensed
17 under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist
18 licensed under AS 08.36; a dentist licensed under AS 08.37; a nurse
19 licensed under AS 08.68; a dispensing optician licensed under
20 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-
21 censed under AS 08.80; a physical therapist licensed under AS 08.84; a
22 physician licensed under AS 08.64; a podiatrist; a psychologist and a
23 psychological associate licensed under AS 08.86; and a hospital as
24 defined in AS 18.20.130, including a governmentally owned or operated
25 hospital; a corporate entity covered under AS 21.88.050(b)(12); and an
26 employee of a health care provider acting within the course and scope
27 of employment;

28 * Sec. 6. AS 18.23.070(3) is amended to read:

29 (3) "health care provider" means a chiropractor licensed

1 under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist
2 licensed under AS 08.36; a denturist licensed under AS 08.37; a nurse
3 licensed under AS 08.68; a dispensing optician licensed under
4 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-
5 censed under AS 08.80; a physical therapist registered under AS 08.84;
6 a physician licensed under AS 08.64; a podiatrist; a psychologist and
7 a psychological associate licensed under AS 08.86; and a hospital as
8 defined in AS 18.20.130, including a governmentally owned or operated
9 hospital; a corporate entity covered under AS 21.88.050(b)(12); and an
10 employee of a health care provider acting within the course and scope
11 of his employment;

12 * Sec. 7. AS 21.36.090(d) is amended to read:

13 (d) A person may not practice or permit unfair discrimination
14 against a person who provides a service covered under a group disabil-
15 ity policy that extends coverage on an expense incurred basis, or
16 under a group service or indemnity type contract issued by a nonprofit
17 corporation, if the service is within the scope of the provider's
18 occupational license. In this subsection, "provider" means a state
19 licensed physician, dentist, denturist, osteopath, optometrist, chiro-
20 practor, or nurse midwife.

21 * Sec. 8. AS 21.87.330(8) is amended to read:

22 (8) "provider" means a physician, dentist, denturist, osteopath,
23 optometrist, chiropractor, nurse midwife, or other licensed health
24 care practitioner;

25 * Sec. 9. AS 21.88.900(9) is amended to read:

26 (9) "health care provider" means a chiropractor licensed
27 under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist
28 licensed under AS 08.36; a denturist licensed under AS 08.37; a nurse
29 licensed under AS 08.68; a dispensing optician licensed under

1 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-
2 censed under AS 08.80; a physical therapist licensed under AS 08.84; a
3 physician licensed under AS 08.64; a podiatrist; a psychologist and a
4 psychological associate licensed under AS 08.86; a hospital as defined
5 in AS 18.20.130, including a governmentally owned or operated hospi-
6 tal; a corporate entity covered under AS 21.88.050(b)(11); an employee
7 of a health care provider acting within the course and scope of em-
8 ployment;

9 * Sec. 10. AS 47.24.010(a) is amended by adding a new paragraph to
10 read:

11 (14) a denturist.