

CS FOR HOUSE BILL NO. 247 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/13/91
Referred: Rules

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the scope of work of dental hygienists; relating to licensure of
2 dentists; relating to the Board of Dental Examiners; relating to dental assistants; and
3 providing for an effective date."

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

5 * Section 1. AS 08.32.110(a) is amended to read:

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

9 (1) remove calcareous deposits and [,] accretions [, AND STAINS] from the
10 exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing
11 techniques;

12 (2) [APPLY TOPICAL PREVENTIVE OR PROPHYLACTIC AGENTS;

13 (3) APPLY PIT AND FISSURE SEALANTS;

14 (4)] perform root planing and periodontal soft tissue curettage;

1 (3) [(5)] perform other dental operations and services delegated by a licensed
2 dentist if the dental operations and services are not prohibited by (c) of this section; and
3 (4) [(6)] if certified by the board and under the direct or indirect supervision of
4 a licensed dentist, administer local anesthetic agents.

5 * Sec. 2. AS 08.36.070(a) is amended to read:

6 (a) The board shall

7 (1) provide for the examination of applicants and issue licenses to those applicants
8 it finds qualified;

9 (2) register licensed dentists and licensed dental hygienists who are in good
10 standing;

11 (3) report annually to the governor and the department on the board's proceedings
12 during the year, findings concerning the standards and availability of dental services in the state
13 including the number of licensees, examination, and licensing activities, other matters related to
14 dental practice, and board receipts and expenditures;

15 (4) affiliate with the American Association of Dental Examiners, and pay annual
16 dues to the association;

17 (5) hold hearings, and order the disciplinary sanction of a person who violates this
18 chapter, AS 08.32, or a regulation of the board;

19 (6) supply forms for applications, licenses, permits, certificates, and other papers
20 and records;

21 (7) enforce the provisions of this chapter and AS 08.32 and adopt or amend the
22 regulations necessary to make the provisions of this chapter and AS 08.32 effective;

23 (8) adopt regulations ensuring that renewal of registration is contingent upon proof
24 of continued professional competence by a licensed dentist or licensed dental hygienist;

25 (9) provide the department with the requirements for proof of continued
26 professional competence and request the department to make these requirements available to each
27 licensed dentist and licensed dental hygienist at least one year before the date on which the
28 dentist or dental hygienist must renew registration;

29 (10) at least annually cause to be published in a newspaper of general circulation
30 in each major city in the state [,] a summary of disciplinary actions the board has taken during
31 the preceding calendar year;

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

4 (12) regulate the reentry into practice of inactive dentists and dental hygienists;

5 (13) require, as a condition of a license or license renewal issued by the
6 board, that an applicant or licensee has at the time of licensing or renewal and maintains
7 throughout the period of a license current certification in cardiopulmonary resuscitation
8 techniques.

9 * Sec. 3. AS 08.36.110 is repealed and reenacted to read:

10 Sec. 08.36.110. QUALIFICATIONS FOR LICENSE. An applicant for a license to
11 practice dentistry shall

12 (1) provide certification to the board that the applicant

13 (A) is a graduate of a dental school that at the time of graduation is
14 accredited by the Commission on Accreditation of the American Dental Association;

15 (B) holds a certificate from the American Dental Association Joint
16 Commission on National Dental Examinations that the applicant has successfully passed
17 the written examinations given by the commission;

18 (C) has not had a license to practice dentistry revoked, suspended, or
19 voluntarily surrendered in this state or another state;

20 (D) is not the subject of an unresolved complaint, investigation, review
21 procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law
22 enforcement agency;

23 (E) is not the subject of an adverse report from the National Practitioner
24 Data Bank or the American Association of Dental Examiners Clearinghouse for
25 Disciplinary Information that relates to criminal or fraudulent activity, or dental
26 malpractice;

27 (F) is not the subject of an adverse peer review report from a state,
28 territory, or local dental society in any state or territory;

29 (G) is not an impaired practitioner;

30 (2) pass, to the satisfaction of the board, written, clinical, and other examinations
31 administered or approved by the board; and

1 (3) meet the other qualifications for a license established by the board by
2 regulation.

3 * Sec. 4. AS 08.36.160 is amended by adding a new subsection to read:

4 (e) A passing score on a clinical examination given by the Western Regional Examining
5 Board within the five years preceding licensure application under this chapter constitutes a
6 passing score on a clinical examination required under this chapter, provided the examination was
7 taken on or after January 1, 1987.

8 * Sec. 5. AS 08.36.234 is repealed and reenacted to read:

9 Sec. 08.36.234. LICENSURE WITHOUT CLINICAL EXAMINATION. (a) The board
10 shall provide for the licensing without examination, except as provided in (2) of this subsection,
11 of a dentist who

12 (1) provides certification to the board that the dentist

13 (A) is a graduate of a dental school accredited by the Commission on
14 Accreditation of the American Dental Association, or its successor agency, and holds a
15 certificate from the American Dental Association Joint Commission on National Dental
16 Examinations that the dentist has passed the written examination given by the
17 commission;

18 (B) has been licensed to practice dentistry in another state, territory, or
19 region of the United States with licensing requirements at least equivalent in scope,
20 quality, and difficulty to those of this state at the time of licensure;

21 (C) is in good standing with the licensing entity in the jurisdiction where
22 the dentist is currently licensed and in all jurisdictions in which the dentist was previously
23 licensed; if the dentist is employed by the federal government, the dentist must be in good
24 standing with the employing federal agency;

25 (D) has been engaged in continuous active clinical practice averaging at
26 least 20 hours per week for each of the five years immediately preceding the application
27 in a jurisdiction in which the dentist was in good standing;

28 (E) is not the subject of an unresolved complaint, investigation, review
29 procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law
30 enforcement agency;

31 (F) has not previously had a license to practice dentistry suspended for

1 grounds similar to those specified under AS 08.36.315, revoked, or voluntarily
2 surrendered;

3 (G) has not failed the clinical examination of this state and, within the
4 previous three years, has not failed the clinical examination given by the Western
5 Regional Examining Board;

6 (H) has completed at least 42 hours of continuing education related to
7 clinical dentistry in the three years preceding application for a license in this state; the
8 continuing education must have been approved by the American Dental Association, the
9 Academy of General Dentistry, or the appropriate specialty board;

10 (I) is not the subject of an adverse report from the National Practitioner
11 Data Bank or the American Association of Dental Examiners Clearinghouse for
12 Disciplinary Information that relates to criminal or fraudulent activity, negligent dental
13 care, or malpractice;

14 (J) is not the subject of an adverse peer review report from a state,
15 territory, or local dental society in any other state or territory;

16 (2) has passed, to the satisfaction of the board, the written examination given
17 under AS 08.36.160; the board may not require a higher passing score for applicants under this
18 section than the board requires for applicants under AS 08.36.110;

19 (3) is personally interviewed by the board for purposes of verifying credentials;

20 (4) pays all required fees;

21 (5) provides the board with an affidavit that the dentist is not an impaired
22 practitioner;

23 (6) provides to the board an authorization for release of records in a form
24 prescribed by the board.

25 (b) A dentist applying for licensure without clinical examination is responsible for
26 providing to the board all materials required by this section or by the board to implement this
27 section to establish eligibility for a license without clinical examination. In addition to the
28 grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued
29 without a clinical examination upon evidence of misinformation or substantial omission.

30 (c) The board shall adopt regulations necessary to implement this section including

31 (1) the form and manner of certification of qualifications under this section; and

1 (2) a requirement that certification of education, licensing, law enforcement and
2 disciplinary proceedings, and examination be provided directly to the board by the appropriate
3 institution, jurisdiction, or agency.

4 * Sec. 6. AS 08.36.370 is amended by adding a new paragraph to read:

5 (3) "impaired practitioner" means a person who is unfit to practice dentistry due
6 to addiction or dependence on alcohol or other drugs that impair the practitioner's ability to
7 practice safely.

8 * Sec. 7. The Board of Dental Examiners shall adopt education and training standards and shall issue
9 permits or certificates for the application of pit and fissure sealants and the performance of other
10 procedures by dental assistants as provided in AS 08.36.070(a)(11) within one year of the effective date
11 of this Act.

12 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).