SENATE CS FOR CS FOR HOUSE BILL NO. 247 (HES) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Amended: 5/10/92
Offered: 3/27/92

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to licensure of dentists, including licensure by credentials; relating to the**
2 **Board of Dental Examiners; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.36.070(a) is amended to read:
5 (a) The board shall
6 (1) provide for the examination of applicants and issue licenses to those applicants
7 it finds qualified;
8 (2) register licensed dentists and licensed dental hygienists who are in good
9 standing;
10 (3) report annually to the governor and the department on the board's proceedings
11 during the year, findings concerning the standards and availability of dental services in the state
12 including the number of licensees, examination, and licensing activities, other matters related to
13 dental practice, and board receipts and expenditures;
14 (4) affiliate with the American Association of Dental Examiners, and pay annual

1 dues to the association;

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

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

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

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

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

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

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

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

21 **(13) require, as a condition of a license or license renewal issued by the**
22 **board, that an applicant or licensee has at the time of licensing or renewal and maintains**
23 **throughout the period of a license current certification in cardiopulmonary resuscitation**
24 **techniques**.

25 * **Sec. 2.** AS 08.36.110 is repealed and reenacted to read:

26 Sec. 08.36.110. QUALIFICATIONS FOR LICENSE. An applicant for a license to
27 practice dentistry shall

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

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

31 (B) holds a certificate from the American Dental Association Joint

1 Commission on National Dental Examinations that the applicant has successfully passed
2 the written examinations given by the commission;
3 (C) has not had a license to practice dentistry revoked, suspended, or
4 voluntarily surrendered in this state or another state;
5 (D) is not the subject of an adverse decision based upon a complaint,
6 investigation, review procedure, or other disciplinary proceeding within the five years
7 immediately preceding application, or of an unresolved complaint, investigation, review
8 procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or
9 federal dental licensing jurisdiction or a dental society;
10 (E) is not the subject of an unresolved or an adverse decision based upon
11 a complaint, investigation, review procedure, or other disciplinary proceeding, undertaken
12 by a state, territorial, local, or federal dental licensing jurisdiction, dental society, or law
13 enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or
14 negligent dental care and that adversely reflects on the applicant's ability or competence
15 to practice dentistry or on the safety or well-being of patients;
16 (F) is not the subject of an adverse report from the National Practitioner
17 Data Bank or the American Association of Dental Examiners Clearinghouse for
18 Disciplinary Information that relates to criminal or fraudulent activity, or dental
19 malpractice;
20 (G) is not an impaired practitioner;
21 (2) pass, to the satisfaction of the board, written, clinical, and other examinations
22 administered or approved by the board; and
23 (3) meet the other qualifications for a license established by the board by
24 regulation.
25 * **Sec. 3.** AS 08.36.160 is amended by adding a new subsection to read:
26 (e) A passing score on a clinical examination given by the Western Regional Examining
27 Board within the five years preceding licensure application under this chapter constitutes a
28 passing score on a clinical examination required under this chapter, provided the examination was
29 taken on or after January 1, 1987.
30 * **Sec. 4.** AS 08.36.234 is repealed and reenacted to read:
31 Sec. 08.36.234. LICENSURE BY CREDENTIALS. (a) The board shall provide for the

1 licensing without examination, except as provided in (2) of this subsection, of a dentist who
2 (1) provides certification to the board that the dentist
3 (A) is a graduate of a dental school accredited by the Commission on
4 Accreditation of the American Dental Association, or its successor agency, and holds a
5 certificate from the American Dental Association Joint Commission on National Dental
6 Examinations that the dentist has passed the written examination given by the
7 commission;
8 (B) has passed clinical and written examinations required for licensure in
9 another state, territory, or region of the United States and has been licensed to practice
10 dentistry in that state, territory, or region of the United States; the state, territory, or
11 region must have licensing requirements at least generally equivalent to those of this state
12 at the time of application;
13 (C) is in good standing with the licensing entity in the jurisdiction where
14 the dentist is currently licensed and in all jurisdictions in which the dentist was previously
15 licensed while practicing in those jurisdictions; if the dentist is employed by the federal
16 government, the dentist must be in good standing with the employing federal agency;
17 (D) has been engaged in continuous active clinical practice averaging at
18 least 20 hours per week for each of the five years immediately preceding the application
19 (i) in a jurisdiction in which the dentist was licensed and in good
20 standing; or
21 (ii) working for the federal government while in good standing
22 with the employing federal agency and after having been licensed by a
23 jurisdiction;
24 (E) is not the subject of an adverse decision based upon a complaint,
25 investigation, review procedure, or other disciplinary proceeding within the five years
26 immediately preceding application, or of an unresolved complaint, investigation, review
27 procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or
28 federal dental licensing jurisdiction or a dental society;
29 (F) is not the subject of an unresolved or an adverse decision based upon
30 a complaint, investigation, review procedure, or other disciplinary proceeding undertaken
31 by a state, territorial, local, or federal dental licensing jurisdiction, dental society, or law

1 enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or
2 negligent dental care and that adversely reflects on the applicant's ability or competence
3 to practice dentistry or on the safety or well-being of patients;
4 (G) has not previously had a license to practice dentistry suspended for
5 grounds similar to those specified under AS 08.36.315, revoked, or voluntarily
6 surrendered;
7 (H) has completed at least 42 hours of continuing education related to
8 clinical dentistry in the three years preceding application for a license in this state; the
9 continuing education must have been approved by the American Dental Association, the
10 Academy of General Dentistry, or the appropriate specialty board;
11 (I) has not within the previous three years failed the clinical exam given
12 by the Western Regional Examining Board;
13 (J) is not the subject of an adverse report from the National Practitioner
14 Data Bank or the American Association of Dental Examiners Clearinghouse for
15 Disciplinary Information that relates to criminal or fraudulent activity, negligent dental
16 care, or malpractice;
17 (2) has passed, to the satisfaction of the board, a written examination that consists
18 of the portion of the written examination given under AS 08.36.160(b) that pertains to the state's
19 laws on the practice of dentistry; the board may not require a higher passing score for applicants
20 under this section than the board requires for applicants under AS 08.36.110;
21 (3) is personally interviewed by the board for purposes of verifying credentials;
22 (4) pays all required fees;
23 (5) provides the board with an affidavit that the dentist is not an impaired
24 practitioner;
25 (6) provides to the board an authorization for release of records in a form
26 prescribed by the board.
27 (b) A dentist applying for licensure without clinical examination is responsible for
28 providing to the board all materials required by this section or by the board to implement this
29 section to establish eligibility for a license without clinical examination. In addition to the
30 grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued
31 without a clinical examination upon evidence of misinformation or substantial omission.

1 (c) The board shall adopt regulations necessary to implement this section including the
2 form and manner of certification of qualifications under this section.
3 * Sec. 5. AS 08.36.370 is amended by adding a new paragraph to read:
4 (3) "impaired practitioner" means a person who is unfit to practice dentistry due
5 to addiction or dependence on alcohol or other drugs that impair the practitioner's ability to
6 practice safely.
7 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).