

HOUSE BILL NO. 472
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE G.DAVIS BY REQUEST

Introduced: 2/14/94

Referred: Health, Education & Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to referrals involving dental services."**

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

3 *** Section 1. AS 08.36.315 is amended to read:**

4 **Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION, OR**
5 **REVOCAION OF LICENSE. The board may revoke or suspend the license of a**
6 **dentist, or may reprimand, censure, or discipline a dentist, or both, if the board finds**
7 **after a hearing that the dentist**

8 **(1) used or knowingly cooperated in deceit, fraud, or intentional**
9 **misrepresentation to obtain a license;**

10 **(2) engaged in deceit, fraud, or intentional misrepresentation in the**
11 **course of providing or billing for professional dental services or engaging in**
12 **professional activities;**

13 **(3) advertised professional dental services in a false or misleading**
14 **manner;**

1 **(4) received compensation for referring a person to another dentist**
2 **or dental practice;**

3 **(5)** has been convicted of a felony or other crime that affects the
4 dentist's ability to continue to practice dentistry competently and safely;

5 **(6)** [(5)] engaged in the performance of patient care, or permitted the
6 performance of patient care by persons under the dentist's supervision, that does not
7 conform to minimum professional standards of dentistry regardless of whether actual
8 injury to the patient occurred;

9 **(7)** [(6)] failed to comply with this chapter, with a regulation adopted
10 under this chapter, or with an order of the board;

11 **(8)** [(7)] continued to practice after becoming unfit due to

12 (A) professional incompetence;

13 (B) failure to keep informed of or use current professional
14 theories or practices;

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

17 (D) physical or mental disability;

18 **(9)** [(8)] engaged in lewd or immoral conduct in connection with the
19 delivery of professional service to patients;

20 **(10)** [(9)] permitted a dental hygienist or dental assistant who is
21 employed by the dentist or working under the dentist's supervision to perform a dental
22 procedure in violation of AS 08.32.110 or AS 08.36.070(a)(11);

23 **(11)** [(10)] failed to report to the board a death that occurred on the
24 premises used for the practice of dentistry within 48 hours.

25 * Sec. 2. AS 45.50.471(b) is amended by adding new paragraphs to read:

26 (37) referring a person to a dentist or a dental practice that has paid or
27 will pay a fee for the referral unless the person making the referral discloses at the
28 time the referral is made that the dentist or dental practice has paid or will pay a fee
29 based on the referral;

30 (38) advertising that a person can receive a referral to a dentist or a
31 dental practice without disclosing in the advertising that the dentist or dental practice

- 1 to which the person is referred has paid or will pay a fee based on the referral if, in
- 2 fact, the dentist or dental practice to which the person is referred has paid or will pay
- 3 a fee based on the referral.