

SB

561

COMMITTEE REPORT
SENATE

FURTHER: None

4/15/80

Date: 4-16-80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 561

professional licensing and regulation of dentists and dental hygienists

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back ^{in divided vote} without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Other recommendations

Chairman

CHAIRMAN

DO PASS

COMMITTEE REPORT

SENATE

FURTHER: None

4/25/80-

Date: 5-9-80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 561

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the Roller Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
CHAIRMAN

AMENDMENT #1

OFFERED IN THE SENATE:

BY: HACKNEY

To: _____ CS SENATE BILL No. 561

HOUSE BILL No. _____

PAGE: 6

LINE: 25-27

Page 6, line 25: delete (11) in its entirety

renumber remaining lines accordingly

SB 561

"Professional Lic. S. HESS SB 561-80
regulation of dentists and
denture fabricators

Introduced 4-15-80

Logged 4-15-80

Referrals none

Comm. meeting 4-16-80 - Paul has returned Pes

" action. Passed out - taken Senate Secy. 4-17-80 @ 8:55 AM. 4-24-80 mtg. to Senate floor by Sen. Hachey.

Logged - 4-25-80

Comm. meeting 5-9-80

Comm. action passed referred to Rules

v.l

36

COMMITTEE REPORT

SENATE

FURTHER: None

4/15/30

Date: 4-16-80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 561

professional licensing and regulation of dentists and dental hygienists

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

map do pass

[] do not pass

[] do pass with attached amendments(s)

[] replace with CS for _____ [] same title
[] new title

and recommends _____

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[X] reports it back ^{individual} without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

1 Colletta
1 Fabronkang

Ret. [Signature]

MEMBERS HAVING OTHER RECOMMENDATIONS:

2 Arthur Sturgis no Rec

Glenn Hackney
CHAIRMAN

DO PASS

COMMITTEE REPORT
SENATE RULES COMMITTEE

4/17/80

Date April 23, 1980

Mr. President:

The Committee on Rules has had SB 561
professional licensing and regulation of dentists and dental hygienists

under consideration and recommends it be placed on the

Thurs April 24, 1980 Calendar.

- () with attached amendment(s).
() replace with CS for _____ () same title
() new title
() and attaches a "Letter of Intent"
() new fiscal note

MEMBERS SIGNING FOR PLACEMENT
ON THE CALENDAR

MEMBERS HAVING OTHER
RECOMMENDATIONS

Zwick
Phillips
Holman

Colletta

CHAIRMAN

NAME

GROUP REPRESENTING

FILE

Rules Comm. Sub.
Lic - by Credentials

Diff. Pro. & Cre.

Recip -

cred. - lower - easier for students to come in

must still wait for earliest rec. - inst. 23

SS 561-
RULES

SS 561 by Rules Comm
SECTIONAL

DEPT. OF COMMERCE TO ISSUE A DUPLICATE LICENSE FOR A FEE OF \$2. THIS PROVISION IS ALLOWING DOL TO MAKE AN "EXCEPTION" IN REGARDS TO DUPLICATING A DENTAL LICENSE. THE FEE FOR DUPLICATING A DENTAL LICENSE IS BEING RAISED TO \$10. (SEE SEC 27, P. 11)
DELETES DENTAL HYGIENISTS FROM THE LIST OF BOARDS
DOL WILL PROVIDE INVESTIGATIVE SERVICES TO BECAUSE THERE IS NO BOARD OF DENTAL HYGIENISTS. DENTAL HYGIENISTS COME UNDER THE BOARD OF DENTISTRY.

Sec. 2

Sec. 3

Sec. 4

Sec. 5

Sec. 6

Sec. 7

Sec. 8

Sec. 9

Sec. 10

Sec. 11

Sec. 12

- Currently the statute mandates that "all" licenses be renewed biennially on dates set by Dept (DOL). Since we are having renewals occur every four years for the health boards, we have to account for this exception to the statute.
 - Provides that only those individuals exempted under AS 08.32.095 may practice dental hygiene without a license.
 - Provides for licensing by credentials (dental hygienists)
 - Adds language "determination of qualification for" licensing by credentials and provides for this determination to be accompanied by a \$25 review fee.
 - Provides for dental hygienists exam to be given at the same time, location as examination of dentists.
 - Provides for license to be issued if applicant passes exam and pays appropriate fee.
 - Provides for registration renewal to occur every four years.
 - Includes continued competency provision.
 - Provides for "lapsed" license to be reinstated without licensee taking examination if licensee submits a written application, provides proof of continued competency, pays all required fees within two years of original renewal due date.
 - Provides provisions permitting dental hygiene students to be exempt from licensure requirements.
 - Section enumerates grounds for discipline, suspension or revocation of license. ~~Amendment proposed by Lois Reeder: Subsection (9) WAS BEEN ADDED~~
- (9) performed clinical procedures for compensation without being under the supervision of a licensed dentist.
- Changes dental board's composition - reduces number of dentists from 10 to 8. Increases the number of public health dentists from 2 to 4. Changes the dental board's term of office from 4 to 6 years.

- Sec. 13 - Changes board members' terms from five to four years and limits board membership to two consecutive four year terms.
- Sec. 14 - Allows for "removal of board members".
- Sec. 15 - ~~licensed dentist~~ ^{ADDS "LICENSED DENTAL HYGIENIST"} is replaced with "practitioner".
(Practitioner is defined in definition section as a ~~person licensed to practice dentistry or dental hygiene in the state.~~)
- Sec. 16 - Gives board power to impose disciplinary sanctions.
- Sec. 17 - Brings dental hygienist under the "general powers" section of the board.
- Sec. 18 - Expands board's powers ^{ALLOWS BOARD TO ADOPT REGS CONCERNING OUR "CONTINUED COMPETENCY REQUIREMENT"}
- Sec. 19 - Provides that only those individuals exempted under AS OS 36.238 may practice dentistry without a license.
- Sec. 20 - Council on Dental Education is replaced with Commission on Accreditation of the American Dental Association, or its successor agency.
~~SHOULD READ "ACCREDITED"~~
- Sec. 21 - Provides for dental examination to be administered at least once a year and more often if board deems necessary.
- Provides for the board to appoint an examination committee, consisting of dentists, to conduct examination for dental applicants.
 - Provides for the board to appoint an examination committee, consisting of two dentists and one dental hygienist, to conduct the exam for the dental hygienist applicants.
- Sec. 22 - Provides for dentists licensed in this state, but practicing "outside", to keep license current by registering with DOL quadrennially and submitting proof of competency.
- Sec. 23 - Licensure by credentials provision.
~~SHOULD READ "CREDENTIALS"~~
- Provides provisions permitting dental students to be exempt from licensure requirements.
- Sec. 24 - Brings suspension/revocation of "speciality licenses" under AS OS.36.315 to conform with changes made in this bill.

- Sec. 25 - Provides for registration to be renewed every four years (instead of biennially) and provides for "continued competency" requirement.
- Sec. 26 - Provides for branch office registration.
- Sec. 27 - Fee revisions.
- Sec. 28 - Spells out grounds for discipline, suspension or revocation of license.
- Sec. ~~28~~²⁹ - Enumerates disciplinary sanctions.
- Sec. 30 - Penalty provision.
- Sec. 31 - Definitions
- Sec. 32 - Repeal section.
- Sec. 33 - Effective date.

* Sec. 15. AS 08.36.070(2) is amended to read:

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

* Sec. 16. AS 08.36.070(5) is amended to read:

(5) to hold hearings, and order the disciplinary sanction [REVOKE, ANNUL, OR SUSPEND THE LICENSE] of a person who violates this chapter, AS 08.32, or the [RULES AND] regulations of the board;

* Sec. 17. AS 08.36.070(7) is amended to read:

(7) to enforce the provisions of this chapter and AS 08.32, and adopt [MAKE, ALTER,] or amend the [RULES AND] regulations necessary [OR DESIRABLE] to make the provisions of this chapter and AS 08.32 effective.

* Sec. 18. AS 08.36.070 is amended by adding new paragraphs to read:

(8) to adopt regulations insuring that renewal registration is contingent upon proof of continued competency by a licensed dentist or licensed dental hygienist;

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

(10) to order a licensed dentist or licensed dental hygienist to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is at issue;

(11) to join regional professional testing boards and enter into professional licensing reciprocity agreements with other jurisdictions under AS 08.36.234.

* Sec. 19. AS 08.36.100 is amended to read:

Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.36.

4-14-80
Passed Ret'd
4-24-80



Introduced: 4/15/80
Referred: Health, Education & Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 561

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of dentists and dental hygienists; and
8 providing for an effective date."

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

10 * Section 1. AS 08.01.050(a)(10) is amended to read:

11 (10) except as otherwise provided in this title, issue dup-
12 licate licenses or certificates upon proof by the licensee of loss of
13 the original and payment by the licensee of a fee of \$2;

14 * Sec. 2. AS 08.01.050(a)(19) is amended to read:

15 (19) provide investigative services to the boards established
16 under AS 08.20, [AS 08.32,] AS 08.36, AS 08.64, AS 08.68, AS 08.71,
17 AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of assisting
18 those boards in matters of professional discipline.

19 * Sec. 3. AS 08.01.100(a) is amended to read:

20 (a) Except as otherwise provided in this title, [All] licenses
21 shall be renewed biennially on the dates set by the department with the
22 approval of the respective board.

23 * Sec. 4. AS 08.32.010 is amended to read:

24 Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.32.
25 095, a person may not [NO PERSON MAY] practice, offer or attempt to
26 practice, or advertise or announce oneself as prepared or qualified to
27 practice dental hygiene without a license.

28 * Sec. 5. AS 08.32.030 is repealed and re-enacted to read:

29 Sec. 08.32.030. LICENSURE BY CREDENTIALS. The board may provide

1 for the licensing without examination of a dental hygienist who

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

3 (2) has successfully passed a state or regional dental hy-
4 giene clinical examination which the board has determined is at least
5 equivalent in scope, quality, and difficulty to the Alaska clinical
6 examination;

7 (3) has been in active clinical dental hygiene practice
8 averaging no less than 14 hours per week for the two years immediately
9 preceding application for state licensure;

10 (4) has not failed the clinical dental hygiene examination of
11 this state;

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

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

15 (7) pays all fees required under AS 08.36.290;

16 (8) is not the subject of an unresolved complaint, review
17 procedure, or disciplinary proceeding undertaken by a professional
18 dental or dental hygienics association.

19 * Sec. 6. AS 08.32.040 is amended to read:

20 Sec. 08.32.040. APPLICATION AND FEE. An application for examina-
21 tion or determination of qualification for licensing by credentials
22 shall be accompanied by the applicant's certificate of graduation from
23 an accredited dental hygiene school and the fee provided under AS 08.36.-
24 290(1) [A FEE OF \$25].

25 * Sec. 7. AS 08.32.060 is amended to read:

26 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. The
27 examination shall be held [ONCE EACH YEAR] at the same times and places
28 [TIME] as the examination of dentists under AS 08.36.130. The
29 examination shall cover subjects considered essential by the board for

1 the practice of dental hygiene including a clinical examination on the
2 removal of calcareous deposits, accretions, and stains from the exposed
3 surfaces of the teeth beginning at the epithelial attachment by scaling
4 and polishing techniques.

5 * Sec. 8. AS 08.32.070 is amended to read:

6 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.

7 If the applicant passes the examination, the board shall register the
8 applicant and issue a license upon payment of all fees required un-
9 der AS 08.36.290. A licensed dental hygienist shall renew registration
10 and offer proof of continued competency as required by regulation of the
11 board every four years [CERTIFICATE. THE FEE FOR REGISTRATION IS \$20.
12 BEFORE MAY 1 OF EVERY OTHER YEAR AFTER THE YEAR OF REGISTRATION, EVERY
13 REGISTERED DENTAL HYGIENIST SHALL PAY A REGISTRATION FEE OF \$20].

14 * Sec. 9. AS 08.32.081 is amended to read:

15 Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. The failure,
16 neglect, or refusal of a licensed dental hygienist to pay the renewal
17 [BIENNIAL] registration fee constitutes a forfeiture of the license.
18 The board may reinstate the license without examination within two years
19 of the date on which payment was due upon written application, proof
20 of continued competency, and payment of all fees required under AS 08.-
21 36.290 [\$25].

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

23 Sec. 08.32.095. EXEMPTION FROM LICENSE REQUIREMENT. (a) A person
24 enrolled as a full-time student in an accredited school of dental hy-
25 giene may perform dental hygiene procedures as part of a course of study
26 without a license if

27 (1) the procedures are performed under the direct supervision
28 of a member of the faculty who is licensed under AS 08.36, or under the
29 direct supervision of a team of licensed faculty dentists, at least one

1 of whom is licensed under AS 08.36; and

2 (2) the clinical program has received written approval from
3 the board.

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 which apply to the practice of dental hygiene by a licensed
7 dental hygienist.

8 * Sec. 11. AS 08.32.160 is repealed and re-enacted to read:

9 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
10 OF LICENSE. The board may revoke or suspend the license of a dental
11 hygienist, or the licensee may be reprimanded, censured, or disciplined
12 when the board finds after a hearing that he

13 (1) secured a license through deceit, fraud, or intentional
14 misrepresentation;

15 (2) engaged in deceit, fraud, or intentional misrepresen-
16 tation in the course of providing professional services or engaging in
17 professional activities;

18 (3) advertised professional services in a false or misleading
19 manner;

20 (4) has been convicted of a felony or other crime which
21 affects his ability to continue to practice competently and safely;

22 (5) failed to comply with this chapter, with a regulation
23 adopted under this chapter, under AS 08.3., or with an order of the
24 board;

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

26 (A) professional incompetence;

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

29 (C) addiction or severe dependency on alcohol or other

- 1 drugs which impairs his ability to practice safely;
- 2 (9) physical or mental disability;
- 3 (7) engaged in lewd or immoral conduct in connection with the
- 4 delivery of professional service to patients;
- 5 (8) performed clinical procedures for compensation without
- 6 being under the supervision of a licensed dentist.

7 * Sec. 12. AS 08.36.010 is amended to read:

8 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is

9 created the Board of Dental Examiners (, REFERRED TO IN THIS CHAPTER AS

10 THE BOARD,) consisting of seven members. Four [FIVE] members shall be

11 qualified resident dentists who have been engaged in the practice of

12 dentistry in the state for five years immediately preceding appointment,

13 one member shall be a dental hygienist licensed under AS 08.32, and

14 two public members [ONE MEMBER WITH NO DIRECT FINANCIAL INTEREST IN THE

15 HEALTH CARE INDUSTRY].

16 * Sec. 13. AS 08.36.020 is amended to read:

17 Sec. 08.36.020. APPOINTMENT AND TERM OF OFFICE [SERVICE OF MEM-

18 BERS]. Members of the board are appointed by the governor, subject to

19 confirmation by the legislature in joint session. Each board member

20 serves for a term of four [FIVE] years, and until his successor is

21 appointed and qualified. The term begins on February 1. An appointment

22 to a vacancy is for the unexpired term. A person who has served two

23 successive complete terms may not be reappointed until four years from

24 the expiration of the second term.

25 * Sec. 14. AS 08.36 is amended by adding a new section to read:

26 Sec. 08.36.025. REMOVAL OF BOARD MEMBERS. A member of the board

27 may be removed from office by the governor for cause. The board may by

28 regulation provide that unexcused absences from meetings constitute

29 cause for removal.

1 * Sec. 15. AS 08.36.070(2) is amended to read:

2 (2) to register licensed dentists and licensed dental hy-
3 gienists who are in good standing;

4 * Sec. 16. AS 08.36.070(5) is amended to read:

5 (5) to hold hearings, and order the disciplinary sanction [,
6 REVOKE, ANNUL, OR SUSPEND THE LICENSE] of a person who violates this
7 chapter, AS 08.32, or the [RULES AND] regulations of the board;

8 * Sec. 17. AS 08.36.070(7) is amended to read:

9 (7) to enforce the provisions of this chapter and AS 08.32,
10 and adopt [MAKE, ALTER,] or amend the [RULES AND] regulations necessary
11 [OR DESIRABLE] to make the provisions of this chapter and AS 08.32
12 effective.

13 * Sec. 18. AS 08.36.070 is amended by adding new paragraphs to read:

14 (8) to adopt regulations insuring that renewal of registra-
15 tion is contingent upon proof of continued competency by a licensed
16 dentist or licensed dental hygienist;

17 (9) to provide the department with the requirements for proof
18 of continued competency and to request the department to make these re-
19 quirements available to each licensed dentist and licensed dental hy-
20 gienist at least one year before the date on which the dentist or dental
21 hygienist must renew his registration;

22 (10) to order a licensed dentist or licensed dental hygienist
23 to submit to a reasonable physical or mental examination if his physical
24 or mental capacity to practice safely is at issue;

25 (11) to join regional professional testing boards and enter
26 into professional licensing reciprocity agreements with other juris-
27 dictions under AS 08.36.234.

28 * Sec. 19. AS 08.36.100 is amended to read:

29 Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.36.-

1 238, a person may not [NO PERSON, EXCEPT THOSE SPECIFICALLY EXEMPTED
2 FROM THE APPLICATION OF THIS CHAPTER, MAY] practice, or attempt to
3 practice, dentistry without a license or permit, and a current certi-
4 ficate of registration.

5 * Sec. 20. AS 08.36.110(4) is amended to read:

6 (4) a graduate of a dental college accredited [APPROVED] by
7 the Commission on Accreditation [COUNCIL ON DENTAL EDUCATION] of the
8 American Dental Association, or its successor agency, at the time of
9 graduation, and holds a D.D.S. or D.M.D. degree or the equivalent;

10 * Sec. 21. AS 08.36.130 is amended to read:

11 Sec. 08.36.130. EXAMINATION. An examination shall be given at
12 least once a year and at other times and places determined by the board
13 to be convenient and economical for the applicants and the state. At
14 least once each year the board shall appoint [FROM ITS MEMBERSHIP] an
15 examination committee of at least three licensed dentists who have been
16 engaged in the practice of dentistry in the state for five years im-
17 mediately preceding appointment to conduct the examination for appii-
18 cants for licenses to practice dentistry. The board shall also appoint
19 an examination committee of at least two licensed dentists who have been
20 engaged in the practice of dentistry in the state for five years im-
21 mediately preceding appointment and one person licensed to practice den-
22 tal hygiene in the state to conduct the examination for applicants for
23 licenses to practice dental hygiene [PERSONS]. The examination com-
24 mittees [COMMITTEE] shall [CONDUCT AN EXAMINATION AT LEAST ONCE A YEAR
25 AND] report the results to the board for official action.

26 * Sec. 22. AS 08.36.230 is amended to read:

27 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed to
28 practice in this state and residing and practicing dentistry outside of
29 this state, may maintain his eligibility to practice in this state by

1 [BIENNIALLY] registering his name and place of residence with the divi-
2 sion of occupational licensing every four years and submitting proof of
3 competency as required by the board. If the dentist fails to register,
4 the board may reinstate his license without examination upon payment of
5 a penalty of \$25, payment of the delinquent registration fee under
6 AS 08.36.290(7), presentation of proof of continued competency [ALL
7 DELINQUENT REGISTRATION FEES], and presentation of proof of active
8 practice [AT HIS PLACE OF RESIDENCE,] certified by the dental board
9 having jurisdiction [AT HIS PLACE OF RESIDENCE,] or, if there is no
10 board, by evidence satisfactory to the board.

11 * Sec. 23. AS 08.36 is amended by adding new sections to read:

12 Sec. 08.36.234. REGIONAL TESTING BOARDS AND RECIPROCIITY. The
13 board may join regional professional testing boards, such as the Western
14 Regional Testing Board, and enter into professional licensing reciprocity
15 agreements with other jurisdictions, as long as an applicant for a
16 license in this state under the agreement has

17 (1) graduated from a dental school accredited by the Commis-
18 sion on Dental Accreditation, or its successor agency;

19 (2) held a license and practiced dentistry in the jurisdic-
20 tion for five years before application;

21 (3) met licensure requirements which are substantially equi-
22 valent to or higher than those required by this state;

23 (4) not failed the clinical examination of this state;

24 (5) not previously had a license to practice dentistry re-
25 voked;

26 (6) not been the subject of an unresolved complaint, review
27 procedure, or disciplinary proceeding undertaken by a professional
28 dental association.

29 Sec. 08.36.238. EXEMPTION FROM LICENSE REQUIREMENT. (a) A person

1 enrolled as a full-time student in an accredited school of dentistry may
2 perform procedures as part of a course of study without a license if

3 (1) the procedures are performed under the direct supervision
4 of a member of the faculty who is licensed under AS 08.36, or under the
5 direct supervision of a team of licensed faculty dentists, at least one
6 of whom is licensed under AS 08.36; and

7 (2) the clinical program has received written approval from
8 the board.

9 (b) A person practicing dentistry under (a) of this section is
10 subject to all other provisions of this chapter and to other laws and
11 regulations which apply to the practice of dentistry.

12 * Sec. 24. AS 08.36.248 is amended to read:

13 Sec. 08.36.248. SUSPENSION OR REVOCATION OF SPECIALTY LICENSES.

14 The board may suspend or revoke a specialty license upon any grounds set
15 out in AS 08.36.315 [AS 08.36.310], and the procedure [FOR SUSPENSIONS
16 AND REVOCATIONS] shall be the same as for the revocation or suspension
17 of a [REGULAR] license to practice dentistry.

18 * Sec. 25. AS 08.36.250 is amended to read:

19 Sec. 08.36.250. RENEWAL OF [BIENNIAL] REGISTRATION. At least 60
20 days before January 1 of every fourth [OTHER] year, the division of
21 occupational licensing shall mail a form for renewal of [BIENNIAL]
22 registration to each licensed dentist and licensed dental hygienist.
23 Each licensee shall complete the form and return it together with the
24 registration fee and offer proof of continued competency as required by
25 the board. The division of occupational licensing shall, as soon as
26 practicable, issue a registration certificate valid for the years for
27 which it is issued. Each licensee shall keep the registration certifi-
28 cate beside or attached to his license. Failure to receive the regis-
29 tration form does not exempt a licensee [DENTIST] from renewing [BI-

1 FNNIAL] registration.

2 ‡ Sec. 26. AS 08.36.260 is amended to read:

3 Sec. 08.36.260. BRANCH OFFICE REGISTRATION. A licensee who prac-
4 tices in an established office with an address other than that address
5 for which his [BIENNIAL] registration certificate is issued shall obtain
6 a branch office registration certificate for each office.

7 * Sec. 27. AS 08.36.290 is repealed and re-enacted to read:

8 Sec. 08.36.290. FEES AND PENALTIES. The following fees and penal-
9 ties shall be imposed by the board as applicable:

- 10 (1) filing fee for examination and licensing appli-
11 cation..... \$ 25
- 12 (2) examination fee:
13 dentist..... \$200
14 dental hygienist..... 75
- 15 (3) credential review fee:
16 dentist..... \$200
17 dental hygienist..... 75
- 18 (4) initial license fee:
19 dentist..... \$ 30
20 dental hygienist..... 20
- 21 (5) registration fee (due every four years):
22 dentist..... \$200
23 dental hygienist..... 100
- 24 (6) filing fee for reexamination application..... \$ 25
- 25 (7) specialty license fee..... \$ 30
- 26 (8) branch office registration fee..... \$100
- 27 (9) temporary permit to practice dentistry..... \$ 50
- 28 (10) penalty for delinquent registration..... \$ 10
- 29 (11) duplicate license fee..... \$ 10

1 * Sec. 28. AS 08.36 is amended by adding a new section to read:

2 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
3 OF LICENSE. The board may revoke or suspend the license of a dentist,
4 and the licensee may be reprimanded, censured, or disciplined when the
5 board finds after a hearing that he

6 (1) secured a license through deceit, fraud, or intentional
7 misrepresentation;

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

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

13 (4) has been convicted of a felony or other crime which
14 affects his ability to continue to practice dentistry competently and
15 safely;

16 (5) intentionally or negligently engaged in or permitted the
17 performance of patient care by persons under his supervision which does
18 not conform to minimum professional standards of dentistry regardless of
19 whether 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 severe dependency on alcohol or other
27 drugs which impairs his ability to practice safely;

28 (D) physical or mental disability;

29 (8) engaged in lewd or immoral conduct in connection with the

1 delivery of professional service to patients;

2 (9) permits a dental hygienist who is employed by him or
3 working under his supervision to perform a dental procedure other than
4 those permitted under AS 08.32.110.

5 * Sec. 29. AS 08.36.320 is repealed and re-enacted to read:

6 Sec. 08.36.320. DISCIPLINARY SANCTIONS. (a) When it finds that a
7 dentist or dental hygienist is guilty of an offense under AS 08.32.160
8 or AS 08.36.315, the board may impose the following sanctions singly or
9 in combination:

- 10 (1) permanently revoke a license to practice;
11 (2) suspend a license for a determinate period of time;
12 (3) censure a licensee;
13 (4) issue a letter of reprimand;
14 (5) place a licensee on probationary status and require him

15 to

16 (A) report regularly to the board upon matters involving
17 the basis of probation;

18 (B) limit practice to those areas prescribed;

19 (C) continue professional education until a satisfactory
20 degree of skill has been attained in those areas determined by the
21 board to need improvement;

22 (6) impose limitations or conditions on the practice of a
23 licensee.

24 (b) The board may withdraw probation status if it finds that the
25 deficiencies which required the sanction have been remedied.

26 (c) The board may summarily suspend a license before final hearing
27 or during the appeals process if the board finds that the licensee poses
28 a clear and immediate danger to the public health and safety if he
29 continues to practice. A person whose license is suspended under this

1 section shall be entitled to a hearing by the board no later than seven
2 days after the effective date of the order. He may appeal the sus-
3 pension after a hearing to a court of competent jurisdiction.

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

7 (e) The board shall seek consistency in the application of dis-
8 ciplinary sanctions, and significant departure from prior decisions
9 involving similar situations shall be explained in findings of fact or
10 orders.

11 * Sec. 30. AS 08.36.340 is amended to read:

12 Sec. 08.36.340. PENALTIES. A person who violates any provision of
13 AS 08.32 or AS 08.36 [THIS CHAPTER, for which no specific penalty is
14 provided [,] is guilty of a class B misdemeanor [AND IS PUNISHABLE BY A
15 FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
16 MONTHS, OR BY BOTH].

17 * Sec. 31. AS 08.36 is amended by adding a new section to read:

18 Sec. 08.36.370. DEFINITIONS. In this chapter, unless the context
19 requires otherwise,

20 (1) "board" means the Board of Dental Examiners;

21 (2) "department" means the Department of Commerce and Eco-
22 nomic Development.

23 * Sec. 32. AS 08.32.020(a)(1), 08.32.150; AS 08.36.110(2), 08.36.210,
24 08.36.220, 08.36.310, 08.36.325, 08.36.330, and 08.36.350(2) are repealed.

25 * Sec. 33. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

DRAFT BILLWORKSHOP RECOMMENDED CHANGESSB 561

- | | | |
|------------------------|--|--------------------------------|
| <u>Page 2, line 10</u> | - Delete "the" and insert by "a" board member | <u>Page 2, line 14</u> |
| <u>Page 3, line 6</u> | - Insert "by regulation" so it reads ". . . as required by regulation of the board . . ." | <u>Page 3, line 10</u> |
| <u>Page 4, line 3</u> | - Delete "practitioner" and insert "dental hygienist" | <u>Page 4, line 7</u> |
| <u>Page 4, line 18</u> | - Delete sec. (5) | |
| <u>Page 5, line 5</u> | - Delete sec. (9) and add new language | <u>Page 5, line 5 sec. (8)</u> |
| <u>Page 6, line 2</u> | - Delete "practitioners" and insert "licensed dentists and licensed dental hygienists." | <u>Page 6, line 1</u> |
| <u>Page 6, line 14</u> | - Delete sec. (8) | |
| | Give Board authority to join Regional | <u>Page 6, line 25</u> |
| <u>Page 6, line 29</u> | - Delete "approved" and insert "accredited" | <u>Page 7, line 6</u> |
| <u>Page 7, line 25</u> | - Add language "as required by the board." | <u>Page 8, line 3</u> |
| <u>Page 8, line 5</u> | - Delete this section and insert Josn's amendment | <u>Page 8, line 11</u> |
| <u>Page 9, line 7</u> | - Delete "by practitioners" so it reads "regulations which apply to the practice of dentistry" | <u>Page 9, line 11</u> |
| <u>Page 9, line 18</u> | - Delete "practitioner" and insert "licensed dentist and licensed dental hygienist." | <u>Page 9, line 22</u> |
| <u>Page 13</u> | - Delete definition of practitioner | |

WO#8218

Cook ✓

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of the practice of dentistry and dental
8 hygienics; and providing for an effective date."

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

10 * Section 1. AS 08.01.050(a)(19) is amended to read:

11 (19) provide investigative services to the boards established
12 under AS 08.20, [AS 08.32,] AS 08.36, AS 08.64, AS 08.68, AS 08.71,
13 AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of assisting
14 those boards in matters of professional discipline.

15 * Sec. 2. AS 08.01.100(a) is amended to read:

16 (a) Except as otherwise provided in this title, [ALL] licenses
17 shall be renewed biennially on the dates set by the department with the
18 approval of the respective board.

19 * Sec. 3. AS 08.32.010 is amended to read:

20 Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.32.-
21 095, a person may not [NO PERSON MAY] practice, offer or attempt to
22 practice, or advertise or announce oneself as prepared or qualified to
23 practice dental hygiene without a license.

24 * Sec. 4. AS 08.32.030 is repealed and re-enacted to read:

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

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

(2) has successfully passed a state or regional dental hy-
27 giene clinical examination which the board has determined is at least

1 equivalent in scope, quality, and difficulty to the Alaska clinical
2 examination;

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

6 (4) has not failed the clinical dental hygiene examination of
7 this state;

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

10 (6) is personally interviewed by the board;

11 (7) pays all fees required under AS 08.36.290;

12 (8) is not the subject of an unresolved complaint, review
13 procedure, or disciplinary proceeding undertaken by a professional
14 dental or dental hygienics association.

15 * Sec. 5. AS 08.32.040 is amended to read:

16 Sec. 08.32.040. APPLICATION AND FEE. An application for examina-
17 tion or determination of qualification for licensing by credentials
18 shall be accompanied by the applicant's certificate of graduation from
19 an accredited dental hygiene school and the fee provided under AS 08.36.
20 290(1) [A FEE OF \$25].

21 * Sec. 6. AS 08.32.060 is amended to read:

22 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. The
23 examination shall be held [ONCE EACH YEAR] at the same times and places
24 [TIME] as the examination of dentists under AS 08.36.130. The
25 examination shall cover subjects considered essential by the board for
26 the practice of dental hygiene including a clinical examination on the
27 removal of calcareous deposits, accretions, and stains from the exposed
28 surfaces of the teeth beginning at the epithelial attachment by scaling
29 and polishing techniques.

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

Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS. If the applicant passes the examination, the board shall register the applicant and issue a license upon payment of all fees required under AS 08.36.290. A licensed dental hygienist shall renew registration and offer proof of continued competency as required by the board every four years [CERTIFICATE. THE FEE FOR REGISTRATION IS \$20. BEFORE MAY 1 OF EVERY OTHER YEAR AFTER THE YEAR OF REGISTRATION, EVERY REGISTERED DENTAL HYGIENIST SHALL PAY A REGISTRATION FEE OF \$20].

* Sec. 8. AS 08.32.081 is amended to read:

Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. The failure, neglect, or refusal of a licensed dental hygienist to pay the renewal [BIENNIAL] registration fee constitutes a forfeiture of the license. The board may reinstate the license without examination within two years of the date on which payment was due upon written application, proof of continued competency, and payment of all fees required under AS 08.36.290 [\$25].

* Sec. 9. AS 08.32 is amended by adding a new section to read:

Sec. 08.32.095. EXEMPTION FROM LICENSE REQUIREMENT. (a) A person enrolled as a full-time student in an accredited school of dental hygiene may perform dental hygiene procedures as part of a course of study without a license if

(1) the procedures are performed under the direct supervision of a member of the faculty who is licensed under AS 08.36, or under the direct supervision of a team of licensed faculty dentists, at least one of whom is licensed under AS 08.36; and

(2) the clinical program has received written approval from the board.

(b) A person practicing dental hygiene under (a) of this section

1 is subject to all other provisions of this chapter and laws and regu-
2 lations which apply to the practice of dental hygiene by a licensed
3 practitioner.

4 * Sec. 10. AS 08.32.160 is repealed and re-enacted to read:

5 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
6 OF LICENSE. The board may revoke or suspend the license of a dental
7 hygienist, or the licensee may be reprimanded, censured, or disciplined
8 when the board finds after a hearing that he

9 (1) secured a license through deceit, fraud, or intentional
10 misrepresentation;

11 (2) engaged in deceit, fraud, or intentional misrepresen-
12 tation in the course of providing professional services or engaging in
13 professional activities;

14 (3) advertised professional services in a false or misleading
15 manner;

16 (4) has been convicted of a felony or other crime which
17 affects his ability to continue to practice competently and safely;

18 (5) intentionally or negligently engaged in or permitted the
19 performance of patient care by persons under his supervision which does
20 not conform to minimum professional standards regardless of whether
21 actual injury to the patient occurred;

22 (6) failed to comply with this chapter, with a regulation
23 adopted under this chapter, under AS 08.36, or with an order of the
24 board;

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

26 (A) professional incompetence;

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

29 (C) addiction or severe dependency on alcohol or other

1 drugs which impairs his ability to practice safely;

2 (D) physical or mental disability;

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

5 (9) performed professional service without being under the
6 supervision of a licensed dentist.

7 * Sec. 11. AS 08.36.010 is amended to read:

8 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
9 created the Board of Dental Examiners [, REFERRED TO IN THIS CHAPTER AS
10 THE BOARD,] consisting of seven members. Four [FIVE] members shall be
11 qualified resident dentists who have been engaged in the practice of
12 dentistry in the state for five years immediately preceding appointment,
13 one member shall be a dental hygienist licensed under AS 08.32, and
14 two public members [ONE MEMBER WITH NO DIRECT FINANCIAL INTEREST IN THE
15 HEALTH CARE INDUSTRY].

16 * Sec. 12. AS 08.36.020 is amended to read:

17 Sec. 08.36.020. APPOINTMENT AND TERM OF OFFICE [SERVICE OF MEM-
18 BERS]. Members of the board are appointed by the governor, subject to
19 confirmation by the legislature in joint session. Each board member
20 serves for a term of four [FIVE] years, and until his successor is
21 appointed and qualified. The term begins on February 1. An appointment
22 to a vacancy is for the unexpired term. A person who has served two
23 successive complete terms may not be reappointed until four years from
24 the expiration of the second term.

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

26 Sec. 08.36.025. REMOVAL OF BOARD MEMBERS. A member of the board
27 may be removed from office by the governor for cause. The board may by
28 regulation provide that unexcused absences from meetings constitute
29 cause for removal.

1 * Sec. 14. AS 08.36.070(2) is amended to read:

2 (2) to register practitioners who are [LICENSED DENTISTS] in
3 good standing;

4 * Sec. 15. AS 08.36.070(5) is amended to read:

5 (5) to hold hearings, and order the disciplinary sanction [
6 REVOKE, ANNUL, OR SUSPEND THE LICENSE] of a person who violates this
7 chapter, AS 08.32, or the [RULES AND] regulations of the board;

8 * Sec. 16. AS 08.36.070(7) is amended to read:

9 (7) to enforce the provisions of this chapter and AS 08.32,
10 and adopt [MAKE, ALTER,] or amend the [RULES AND] regulations necessary
11 [OR DESIRABLE] to make the provisions of this chapter and AS 08.32
12 effective.

13 * Sec. 17. AS 08.36.070 is amended by adding new paragraphs to read:

14 (8) to establish requirements for licensing in addition to
15 those requirements set out in this chapter and in AS 08.32;

16 (9) to adopt regulations insuring that renewal of
17 registration is contingent upon proof of continued competency by a
18 practitioner;

19 (10) to order a practitioner to submit to a reasonable phy-
20 sical or mental examination if his physical or mental capacity to prac-
21 tice safely is at issue.

22 * Sec. 18. AS 08.36.100 is amended to read:

23 Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.36.-
24 238, a person may not [NO PERSON, EXCEPT THOSE SPECIFICALLY EXEMPTED
25 FROM THE APPLICATION OF THIS CHAPTER, MAY] practice, or attempt to
26 practice, dentistry without a license or permit, and a current
27 certificate of registration.

28 * Sec. 19. AS 08.36.110(4) is amended to read:

29 (4) a graduate of a dental college approved by the Commission



1 on Accreditation [COUNCIL ON DENTAL EDUCATION] of the American Dental
2 Association, or its successor agency, at the time of graduation, and
3 holds a D.D.S. or D.M.D. degree or the equivalent;

4 * Sec. 20. AS 08.36.130 is amended to read:

5 Sec. 08.36.130. EXAMINATION. An examination shall be given at
6 least once a year and at other times and places determined by the board
7 to be convenient and economical for the applicants and the state. At
8 least once each year the board shall appoint [FROM ITS MEMBERSHIP] an
9 examination committee of at least three licensed dentists who have been
10 engaged in the practice of dentistry in the state for five years im-
11 mediately preceding appointment to conduct the examination for appli-
12 cants for licenses to practice dentistry. The board shall also appoint
13 an examination committee of at least two licensed dentists who have been
14 engaged in the practice of dentistry in the state for five years im-
15 mediately preceding appointment and one person licensed to practice den-
16 tal hygiene in the state to conduct the examination for applicants for
17 licenses to practice dental hygiene [PERSONS]. The examination com-
18 mittees [COMMITTEE] shall [CONDUCT AN EXAMINATION AT LEAST ONCE A YEAR
19 AND] report the results to the board for official action.

20 * Sec. 21. AS 08.36.230 is amended to read:

21 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed to
22 practice in this state and residing and practicing dentistry outside of
23 this state, may maintain his eligibility to practice in this state by
24 [BIENNIALLY] registering his name and place of residence with the divi-
25 sion of occupational licensing every four years and submitting proof of
26 competency. If the dentist fails to register, the board may reinstate
27 his license without examination upon payment of a penalty of \$25,
28 payment of the delinquent registration fee under AS 08.36.290(7),
29 presentation of proof of continued competency [ALL DELINQUENT REGIS-

1 TRATION FEES], and presentation of proof of active practice [AT HIS
2 PLACE OF RESIDENCE,] certified by the dental board having jurisdiction
3 [AT HIS PLACE OF RESIDENCE,] or, if there is no board, by evidence
4 satisfactory to the board.

5 * Sec. 22. AS 08.36 is amended by adding new sections to read:

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

8 (1) is a graduate of a dental college approved by the Com-
9 mission on Accreditation of the American Dental Association, or its
10 successor agency;

11 (2) has been licensed to practice dentistry in another state,
12 territory, or region with licensing requirements similar to or higher
13 than those of this state at the time of licensure;

14 (3) has been engaged in continuous active practice averaging
15 at least 20 hours per week for the five years immediately preceding the
16 application;

17 (4) is not the subject of an unresolved complaint, review
18 procedure, or disciplinary proceeding undertaken by a professional
19 dental association;

20 (5) has not previously had a license to practice dentistry
21 revoked;

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

23 (7) is personally interviewed by the board;

24 (8) pays all fees required under AS 08.36.290.

25 Sec. 08.36.238. EXEMPTION FROM LICENSE REQUIREMENT. (a) A person
26 enrolled as a full-time student in an accredited school of dentistry may
27 perform procedures as part of a course of study without a license if

28 (1) the procedures are performed under the direct supervision
29 of a member of the faculty who is licensed under AS 08.36, or under the

1 direct supervision of a team of licensed faculty dentists, at least one
2 of whom is licensed under AS 08.36; and

3 (2) the clinical program has received written approval from
4 the board.

5 (b) A person practicing dentistry under (a) of this section is
6 subject to all other provisions of this chapter and to other laws and
7 regulations which apply to the practice of dentistry, by practitioners.

8 * Sec. 23. AS 08.36.248 is amended to read:

9 Sec. 08.36.248. SUSPENSION OR REVOCATION OF SPECIALTY LICENSES.

10 The board may suspend or revoke a specialty license upon any grounds set
11 out in AS 08.36.315 [AS 08.36.310], and the procedure [FOR SUSPENSIONS
12 AND REVOCATIONS] shall be the same as for the revocation or suspension
13 of a [REGULAR] license to practice dentistry.

14 * Sec. 24. AS 08.36.250 is amended to read:

15 Sec. 08.36.250. RENEWAL OF [BIENNIAL] REGISTRATION. At least 60
16 days before January 1 of every fourth [OTHER] year, the division of
17 occupational licensing shall mail a form for renewal of [BIENNIAL]
18 registration to each practitioner [LICENSED DENTIST]. Each licensee
19 shall complete the form and return it together with the registration fee
20 and offer proof of continued competency as required by the board. The
21 division of occupational licensing shall, as soon as practicable, issue
22 a registration certificate valid for the years for which it is issued.
23 Each licensee shall keep the registration certificate beside or attached
24 to his license. Failure to receive the registration form does not
25 exempt a practitioner [DENTIST] from renewing [BIENNIAL] registration.

26 * Sec. 25. AS 08.36.260 is amended to read:

27 Sec. 08.36.260. BRANCH OFFICE REGISTRATION. A licensee who prac-
28 tices in an established office with an address other than that address
29 for which his [BIENNIAL] registration certificate is issued shall obtain

1 a branch office registration certificate for each office.

2 * Sec. 26. AS 08.36.290 is repealed and re-enacted to read:

3 Sec. 08.36.290. FEES AND PENALTIES. The following fees and penal-
4 ties shall be imposed by the board as applicable:

- 5 (1) filing fee for examination and licensing appli-
6 cation..... \$ 25
- 7 (2) examination fee:
8 dentist..... \$200
9 dental hygienist..... 75
- 10 (3) credential review fee:
11 dentist..... \$200
12 dental hygienist..... 75
- 13 (4) initial license fee:
14 dentist..... \$ 30
15 dental hygienist..... 20
- 16 (5) registration fee (due every four years):
17 dentist..... \$200
18 dental hygienist..... 100
- 19 (6) filing fee for reexamination application..... \$ 25
- 20 (7) specialty license fee..... \$ 30
- 21 (8) branch office registration fee..... \$100
- 22 (9) temporary permit to practice dentistry..... \$ 50
- 23 (10) penalty for delinquent registration..... \$ 10
- 24 (11) duplicate license fee..... \$ 10

25 * Sec. 27. AS 08.36 is amended by adding a new section to read:

26 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
27 OF LICENSE. The board may revoke or suspend the license of a dentist,
28 and the licensee may be reprimanded, censured, or disciplined when the
29 board finds after a hearing that he

1 (1) secured a license through deceit, fraud, or intentional
2 misrepresentation;

3 (2) engaged in deceit, fraud, or intentional misrepresenta-
4 tion in the course of providing professional dental services or engaging
5 in professional activities;

6 (3) advertised professional dental services in a false or
7 misleading manner;

8 (4) has been convicted of a felony or other crime which
9 affects his ability to continue to practice dentistry competently and
10 safely;

11 (5) intentionally or negligently engaged in or permitted the
12 performance of patient care by persons under his supervision which does
13 not conform to minimum professional standards of dentistry regardless of
14 whether actual injury to the patient occurred;

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

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

18 (A) professional incompetence;

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

21 (C) addiction or severe dependency on alcohol or other
22 drugs which impairs his ability to practice safely;

23 (D) physical or mental disability;

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

(9) permits a dental hygienist who is employed by him or
working under his supervision to perform a dental procedure other than
those permitted under AS 08.32.110.

Sec. 28. AS 08.36.320 is repealed and re-enacted to read:

1 Sec. 08.36.320. DISCIPLINARY SANCTIONS. (a) When it finds that a
2 practitioner is guilty of an offense under AS 08.32.160 or AS 08.36.315,
3 the board may impose the following sanctions singly or in combination:

4 (1) permanently revoke a practitioner's license to practice;
5 (2) suspend a practitioner's license for a determinate period
6 of time;

7 (3) censure a practitioner;

8 (4) issue a letter of reprimand;

9 (5) place a practitioner on probationary status and require
10 the practitioner to

11 (A) report regularly to the board upon matters involving
12 the basis of probation;

13 (B) limit practice to those areas prescribed;

14 (C) continue professional education until a satisfactory
15 degree of skill has been attained in those areas determined by the
16 board to need improvement;

17 (6) impose limitations or conditions on the practice of a
18 practitioner.

19 (b) The board may withdraw probation status of a practitioner if
20 it finds that the deficiencies which required the sanction have been
21 remedied.

22 (c) The board may summarily suspend a practitioner's license
before final hearing or during the appeals process if the board finds
that the practitioner poses a clear and immediate danger to the public
health and safety if he continues to practice. A practitioner whose
license is suspended under this section shall be entitled to a hearing
by the board no later than seven days after the effective date of the
order. The practitioner may appeal the suspension after a hearing to a
court of competent jurisdiction.

1 (d) The board may reinstate a license which has been suspended or
2 revoked if the board finds after a hearing that the applicant is able to
3 practice with reasonable skill and safety.

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

8 * Sec. 29. AS 08.36.340 is amended to read:

9 Sec. 08.36.340. PENALTIES. A person who violates any provision of
10 AS 08.32 or AS 08.36 [THIS CHAPTER] for which no specific penalty is
11 provided [,] is guilty of a class B misdemeanor [AND IS PUNISHABLE BY A
12 FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
13 MONTHS, OR BY BOTH].

14 * Sec. 30. AS 08.36 is amended by adding a new section to read:

15 Sec. 08.36.370. DEFINITIONS. In this chapter, unless the context
16 requires otherwise,

17 (1) "board" means the Board of Dental Examiners;

18 (2) "department" means the Department of Commerce and
19 Economic Development:

20 (3) "practitioner" means a person licensed to practice den-
21 tistry or dental hygiene in the state.

22 * Sec. 31. AS 08.32.020(a)(1), 08.32.150; AS 08.36.110(2), 08.36.210,
23 08.36.220, 08.36.310, 08.36.325, 08.36.330, and 08.36.350(2) are repealed.

24 * Sec. 32. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).

DENTAL BOARD

- Sec. 1 -- Deletes dental hygienists from the list of boards DOL will provide investigative services to because there is no board of dental hygienists. Dental hygienists come under the Board of Dentistry.
- Sec. 2 -- Currently the statute mandates that "all" licenses be renewed biennially on dates set by Dept (DOL). Since we are having renewals occur every four years for the health boards, we have to account for this exception to the statute.
- Sec. 3 -- Provides that only those individuals exempted under AS 08.32.095 may practice dental hygiene without a license.
- Sec. 4 -- Provides for licensing by credentials (dental hygienists)
- Sec. 5 -- Adds language "determination of qualification for licensing by credentials and provides for this determination to be accompanied by a \$25 review fee.
- Sec. 6 -- Provides for dental hygienists exam to be given at the same time, location as examination of dentists.
- Sec. 7 -- Provides for license to be issued if applicant passes exam and pays appropriate fee.
- Provides for registration renewal to occur every four years.
- Includes continued competency provision.
- Sec. 8 -- Provides for "lapsed" license to be reinstated without licensee taking examination if licensee submits a written application, provides proof of continued competency, pays all required fees within two years of original renewal due date.
- Sec. 9 -- Provides provisions permitting dental hygiene students to be exempt from licensure requirements.
- Sec. 10 - Section enumerates grounds for discipline, suspension or revocation of license. Amendment proposed by Lois Reeder:
- (9) performed clinical procedures for compensation without being under the supervision of a licensed dentist.
- Sec. 11 - Changes dental board's composition - reduces number of dentists from five to four, increases the number of public members from one to two and leaves one dental hygienist on the board.

- Sec. 12 - Changes board members' terms from five to four years and limits board membership to two consecutive four year terms.
- Sec. 13 - Allows for "removal of board members".
- Sec. 14 - "licensed dentist" is replaced with "practitioner". (Practitioner is defined in definition section as a "person licensed to practice dentistry or dental hygiene in the state.)
- Sec. 15 - Gives board power to impose disciplinary sanctions.
- Sec. 16 - Brings dental hygienist under the "general powers" section of the board.
- Sec. 17 - Expands board's powers
- Sec. 18 - Provides that only those individuals exempted under AS 08.36.238 may practice dentistry without a license.
- Sec. 19 - Council on Dental Education is replaced with Commission on Accreditation of the American Dental Association, or its successor agency.
~~- SHOULD READ "ACCREDITED"~~
- Sec. 20 - Provides for dental examination to be administered at least once a year and more often if board deems necessary.
- Provides for the board to appoint an examination committee, consisting of dentists, to conduct examination for dental applicants.
 - Provides for the board to appoint an examination committee, consisting of two dentists and one dental hygienist, to conduct the exam for the dental hygienist applicants.
- Sec. 21 - Provides for dentists licensed in this state, but practicing "outside", to keep license current by registering with DOL quadrennially and submitting proof of competency.
- Sec. 22 - Licensure by credentials provision.
~~- SHOULD READ "ACCREDITED"~~
- Provides provisions permitting dental students to be exempt from licensure requirements.
- Sec. 23 - Brings suspension/revocation of "speciality licenses" under AS 08.36.315 to conform with changes made in this bill.

- Sec. 24 - Provides for registration to be renewed every four years (instead of biennially) and provides for "continued competency" requirement.
- Sec. 25 - Provides for branch office registration.
- Sec. 26 - Fee revisions.
- Sec. 27 - Spells out grounds for discipline, suspension or revocation of license.
- Sec. 28 - Enumerates disciplinary sanctions.
- Sec. 29 - Penalty provision.
- Sec. 30 - Definitions
- Sec. 31 - Repeal section.
- Sec. 32 - Effective date.

JOSH WRIGHT'S PROPOSED AMENDMENTS

Section 08.36 - Issuance of license by credentials.

If an applicant for licensure currently holds a valid license to practice dentistry in Arizona, Idaho, Oregon, and Utah, the Board may issue the appropriate dental license to the applicant upon evidence that:

- (1) The applicant is a graduate from a dental school accredited by the Commission on Dental Accreditation, or its successor agency, if any, and;
- (2) The applicant has practiced dentistry in one of the above states full-time at least 5 years out of the 5 years immediately preceeding application, and;
- (3) Licensure requirements in the other states are substantially similar to or higher than those required by this state, and;
- (4) The applicant has not failed the clinical examination of this state, and;
- (5) No disciplinary proceeding, unresolved complaint or professional association's peer review procedure is pending anywhere at the time a license is to be issued by this state, and;
- (6) The applicant has not previously had a license revoked in any state.

Section 08.36 - Expanded duties that may be delegated to dental auxiliaries. a. Only functions which do not require the composite judgment, knowledge and skill attained through dental education and which contribute to a meaningful role in dental care delivery should be delegated.

b. The board shall specify by regulation those additional intra-oral functions which may be performed by dental auxiliaries. Provisions for delegation of expanded functions shall include general specifications of education, training requirements and supervision by the dentist.