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COMMITTEE REPORT

HOUSE

4/12/82

FURTHER:

(5)

Date: 4/15/82

Mr. Speaker:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had CSSB 822 (HESS)

"An Act relating to the practice of dentistry and repealing certain statutes relating to permits; continuing the existence of the Board of Dental Examiners; eff date)

under consideration and reports it back as follows:

- [] 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 without recommendation
- [] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: H.R.S. 89511

To: _____ HOUSE BILL No. _____

SENATE BILL No. CSSB 822 (HESS)

PAGE: 1

LINE: 14

Delete: "Sec 2. AS 08.36.271, 08.36.020, and
08.36.290(9) are repealed."

STATE OF ALASKA

A PERFORMANCE REVIEW OF THE BOARD OF DENTAL EXAMINERS

July 17, 1981

Audit Control Number
08-101-1038-R



DIVISION OF LEGISLATIVE AUDIT
Juneau, Alaska

A PERFORMANCE REVIEW OF THE
BOARD OF DENTAL EXAMINERS

July 17, 1981

Audit Control Number
08-101-1038-R

Commissioner, Department of
Commerce and Economic
Development

Charles R. Webber

Deputy Commissioner, Department
of Commerce and Economic
Development

Pete Jeans

Deputy Commissioner, Department
of Commerce and Economic
Development

Vacant

Members of the
Board of Dental Examiners

President
Secretary
Member
Member
Member
Member
Member

Arthur Hansen, D.D.S.
John Kobylarz, D.M.D.
Dennis L. Anderson, D.D.S.
John Beard
Leslieann Melvin, R.D.H.
Dick Madson
Wayne Putman, D.M.D.

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

July 17, 1981

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the
Alaska Statutes, the attached report is submitted for your
review.

A PERFORMANCE REVIEW OF THE BOARD OF DENTAL EXAMINERS

July 17, 1981



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (Sunset legislation), a review of the Board of Dental Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Dental Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1982, but will continue until June 30, 1983 for the purpose of concluding its affairs.

Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

1. Applicable statutes and Board regulations.
2. Interviews with Board members.
3. Interviews with health agencies and professional associations.
4. Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development.
5. Interviews with OL employees.
6. Complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency and the Equal Employment Opportunity Office.

ORGANIZATION AND FUNCTION

The Board of Dental Examiners was first created in 1906. Today, it is a regulatory board with seven members - four dentists, one dental hygienist and two public members.

Basically, the Board determines the minimum quality of dental care in the State by:

1. Examining and issuing licenses to qualified applicants;
2. establishing or amending rules and regulations necessary and desirable to enforce State statutes; and,
3. holding hearings in order to revoke, annul or suspend the license of a person violating the dental statutes and regulations.

In addition, the Board has staff support from OL which is composed of two sections. The licensing section, which processes applications, maintains license files, gathers and collects statistics, answers inquiries and provides other administrative help to the licensing boards. The investigative section provides investigative services to the Board in the event of consumer or other professional complaints.

The Board regulates three groups of dental practitioners in the State: dentists, dentists specializing in specific fields and dental hygienists who perform limited dental services. Most licensing requirements are established by statute. However, statutes have granted to the Board the power of waiving the dental examination if applicants have certain qualifications. In addition, Alaska statutes allow the Board to grant special permits for the practice of dentistry without taking the clinical examination. One is a temporary permit for applicants waiting to take the examination. The permit limits the area of practice to areas where there are currently no dentists practicing and is valid for one year. Another special permit is granted to those Federal agencies that supply dentistry to critical shortage areas.

The examinations given to prospective dentists include a clinical examination and a written examination. Both are graded by the Board. Dental Hygienists are also required to take a clinical and written examination. Although dental specialists do not need to take an exam, they must be licensed dentists in Alaska and may be required to have completed additional years of education in their specialty area.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these decisions, the legislative oversight committees should take into consideration the findings and alternatives presented in this report so that the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Board of Dental Examiners should continue to regulate and license dental professionals. The regulation and licensing of these professionals is necessary to protect the public's health, safety and welfare.

The Board of Dental Examiners is carrying out its function in a responsible manner and is meeting needs and demands reasonably. The Board has attempted to correct many of the conditions noted in a previous audit report dated August 9, 1978 hindering its performance. For example, the Board has increased the number of clinical examinations to at least two a year. They have prepared regulations defining new expanded duties that dental hygienists may perform within the State. And the dental and dental hygienist licensing examinations have been improved.

Despite the increase in the frequency and speed of the licensure process, the statutes still allow temporary permits to be given to qualified applicants who are applying to take the clinical examination and who will practice in those areas which have no practicing dentists. Although the Board has not issued any permits in the last two years, the temporary permit statute should be amended to alleviate the double standard found in the current law (see Prior Audit Recommendation No. 3).

Chapter 49 of the 1980 Session Laws established "continuing competency" as a requirement for dentists to renew their licenses. The Board should pass well-defined regulations in a timely manner to help dentists prepare for their next license renewal (see Prior Audit Recommendation No. 5).

PRIOR AUDIT RECOMMENDATIONS

Eight of the ten recommendations presented to the Board of Dental Examiners in a previous audit report dated August 9, 1978 have been substantially implemented. The following is the status of the remaining recommendations.

Prior Audit Recommendation No. 3

Legislation should be introduced to amend the temporary permit statutes for dentists in order to alleviate the double standard found in the current law.

Alaska statutes allow temporary permits to be given to qualified applicants who are applying to take the clinical examination and who will practice in those areas which have no practicing dentists. The Board believes that temporary permit requirements with those provisions establish a double standard of quality of public protection against incompetent dentists in rural and urban areas and has stopped granting permits. This restriction may also be in violation of State and Federal anti-trust laws.

Legislative Audit's Current Position

The Board is presently administering two tests annually and applicants can now be licensed by credential, increasing the frequency and speed of the licensure process. Even though these conditions now exist, AS 08.36.280 has not been amended and there is still a double standard in the quality of public protection. Therefore, we again recommend legislation should be introduced amending the temporary permit statute.

Prior Audit Recommendation No. 5

Legislation should be introduced requiring continuing education for dentists, dental hygienists and dental specialists.

Dental practitioners are acutely aware of the public trust that they maintain their professional competency. Required continuing education is one means of fulfilling that trust. In addition, a program of continuing education will recognize individual interests and efforts, avoid professional obsolescence and keep practitioners aware of changes taking place in the profession.

According to the Council of State Governments, a nonprofit organization which studies state practices, eight states have required continuing education for dentists. Twenty-eight of 56 dentists (50%) and 22 of 25 dental hygienists (88%) responded to a Legislative Audit questionnaire that they believed continuing education should be required of their professions.

Legislative Audit's Current Position

Chapter 49 of the 1980 Session Laws established "continuing competency" as a requirement for dentists to renew their licenses. The statutes left it to the Board to define what education and/or experience will be accepted to comply with the statutes. In order to accomplish this, the Board needs to compose regulations defining continuing competency. Well-defined regulations passed in a timely manner will help dentists prepare for their next license renewal.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be all-inclusive, but address those areas we were able to cover within the scope of our review.

I. The extent to which the board, commission or program has operated in the public interest.

1. The Board adopted regulations describing the subjects and grading procedures of the dental clinical examination. The Board has also drafted regulations specifying the additional intra-oral functions for dental hygienists.
2. Although the Board decided not to join a regional testing board as recommended in a prior Legislative Audit report dated August 9, 1978, it increased the number of exams to two a year. In addition, the Board has started to license dentists by endorsement.
3. The Board has changed its exam procedures and content to comply with legal requirements and more fairly test dental and dental hygiene applicants.
4. The Board has held an average of four public meetings per year, two dental and dental hygiene examinations each fiscal year beginning in Fiscal Year 1979. The Board administered a special examination in February, 1979 for five candidates who failed a section in a previous examination. The Board started thirty-eight investigations of which seventeen have been completed. The Board licensed thirteen dentists in 1979 and fourteen dentists in 1980. Twenty-two dental hygienists were licensed in 1979 and twenty-four in 1980.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

1. Investigations of dental complaints have been hindered due to a lack of coordination between the license examiner, the investigative unit and the

Attorney General's Office. In one case, the license examiner did not inform the investigative unit of the Board's action to revoke a license. Time was of critical importance and the license was never revoked. In another case, litigation was delayed because the Attorney General's Office and the investigative unit did not agree about the evidence needed to support complaints. Action has already been implemented to correct the lack of coordination.

2. The Board has implemented an exam procedure to insure the anonymity of dental applicants. This procedure was introduced after an examinee charged that the Board had committed sex discrimination [see VI(1)] in grading the examination and should enhance its operation.

III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

1. The Board has developed a draft for a State Dental Practice Act. The major purpose of this proposal is to give the Board greater enforcement powers.
2. The Board recommended the repeal of the statute allowing temporary permits because it allows for a double standard of public protection (see Prior Audit Recommendation No. 3).
3. The Board recommended legislation allowing licensure by credential which was passed. Other "house-keeping" changes were recommended including the repeal of the statutes prohibiting advertising and changing the make-up of the Board. Some of these changes were passed by the Alaska Legislature.

IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

1. The Board has allowed dental applicants to appeal their grades in Board meetings; the Board has allowed a special examination to candidates in the past.

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. The Board announces its Board meetings, examinations and proposed regulations and regulation amendments in newspaper advertisements, encouraging public participation. Since FY'79, one advertisement was noted in at least three publications circulated in Alaska for each Board meeting and for each proposed regulations action. Advertisements for examinations were sometimes published more than once. This also complies with the requirements of the Alaska Administrative Procedures Act.
2. Since January, 1979, twenty-five persons other than Board members were present at Board meetings as recorded by Board minutes.
3. The Board presents and discusses correspondence related to Board matters which has been received from various persons and associations.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

1. Five dental examinees appealed their status and scores to the Board. Three of the six were re-examined in the one subject failed. One of the applicants charged the Board with sex discrimination in its grading of the exam. After the Board rejected the charge, the applicant filed a complaint against the Board. The charges were that the Board graded the examination inconsistently, unfairly delayed the grading, failed to comply with their own regulations, and failed to preserve the anonymity of the applicant.
2. Another examinee filed a complaint with the Department of Commerce and Economic Development charging that the Board's regulations conflict with the statutes. The Board adopted regulations in 1979 which allow examinees to be reexamined in the subject failed only if they pass the other subjects with a score of at least 80 per cent. Alaska Statute 08.36.180 states that an applicant shall pass each subject with a score of at least 75 per cent. The Attorney General's Office has ruled that

raising the minimum passing score to 80 per cent must be accomplished by a statutory change. Therefore the regulation is misleading and does not give adequate notice to applicants.

3. No complaints were filed with the Ombudsman during fiscal years 1979 and 1980.

VII. The extent to which a board or commission which regulated entry into an occupation or profession has presented qualified applicants to serve the public.

1. Since July 1, 1978, 38 complaints have been filed in OL against State dental practitioners.
2. The Board by policy does not issue temporary permits because of the double standard of public protection contained in the law (see Prior Audit Recommendation No. 3).
3. The Board needs to establish standards for proof of continued competence (see Prior Audit Recommendation No. 9).

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

1. Dental and dental hygiene applications require information not necessary for the Board's consideration, such as race and sex. This is a violation of Equal Employment Opportunity requirements. If this information is necessary for enforcement and examination purposes, it can be submitted unattached from the application presented to the Board. For instance, OL removes candidate pictures before the application is presented to the Dental Board.

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous sections, Findings and Recommendations, and Prior Audit Recommendations.

APPENDIXES

APPENDIX A

BOARD OF DENTAL EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
Fiscal Year 1980
(Unaudited)

Average Revenue (See Schedule 1 and Note 1)	\$ 11,492
Expenditures (See Note 2)	<u>46,310</u>
Excess of Revenues over Expenditures	<u>\$(34,818)</u>

Note 1

Most of the dental revenues are composed of renewal registration fees. Through FY'80, these fees are collected once every two years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal years 1979 and 1980 in order to obtain an accurate representation of collected revenues.

Note 2

Expenditures include those made by Board members, such as travel and per diem and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts of other departments, such as the Department of Law, that may be assisting the Board and OL.

See next page for accompanying schedule and note.

Schedule 1
Types of Revenues
(See Note 3)

Revenues	Amount		Collection Time	
	Before FY'81	After FY'81	Before FY'81	After FY'81
Filing Fee - Application				
Dentist	N/A	\$ 25	N/A	With Application
Dental Hygienist	\$25	25	With Application	With Application
Examination Fee				
Dentist	50	200	Before Exam	Before Exam
Dental Hygienist	50	75	Before Exam	Before Exam
Credential Review Fee				
Dentist	N/A	200	N/A	Before Interview
Dental Hygienist	N/A	75	N/A	Before Interview
Initial License				
Dentist	30	30	Before Licensure	Before Licensure
Dental Hygienist	30	20	Before Licensure	Before Licensure
Registration Fee				
Dentist	40	200	Biennially	Every 4 Years
Dental Hygienist	20	100	Biennially	Every 4 Years
Reexamination Application				
Dentist	N/A	25	N/A	With Application
Dental Hygienist	N/A	25	N/A	With Application
Speciality License	30	30	Before Licensure	before Licensure
Branch Office Registration	40	100	Biennially	Every 4 Years
Temporary Permit, Dentistry	25	50	Before Permit Issued	Before Permit Issued
Delinquent Registration				
Dentist	10	10	With Registration	With Registration
Dental Hygienist	N/A	10	N/A	With Registration
Duplicate License	10	10	With Application	With Application
Reinstatement Fee				
Dentist	25	25	With Reinstatement	With Reinstatement
Dental Hygienist	25	N/A	With Reinstatement	N/A

Note 3

Chapter 49 of the 1980 session laws amended the fee structure and related time periods as noted. The change will affect revenues collected beginning with Fiscal Year 1981.

APPENDIX B

PRACTICAL EXAMINATION

The dental examination consists of two sections. The clinical section of the dental examination is comprised of three subjects:

1. Preparation and finishing of amalgams.
2. Preparation and finishing of gold inlays.
3. Preparation and finishing of gold foils.

A dental applicant must furnish his/her own patient and many of the tools. The examination has recently been given in the Teamster's Clinic in Anchorage.

The written examination covers subjects dealing with the diagnosis of oral condition, prosthetics and the Alaska Statutes.

The dental hygiene exam'nation also consists of two sections. The clinical examination tests the applicant's knowledge of data gathering and charting, oral prophylaxis and radiographic recognition. The written examination evaluates the applicant's knowledge of radiology, fluoridation and dietary counseling. Applicants must also furnish his/her own patient and tools.

Alaska Dental Examination Statistics

	<u>Calendar Years</u>		<u>Pass Rate 1979-1980 Average</u>	<u>Pass Rate 1975-1978 Average (Note 1)</u>
	<u>1980</u>	<u>1979</u>		
Dental Applicants	26	20		
Number of Fails	12	7		
Number of Passes	<u>14</u>	<u>13</u>		
Percentage Pass Rate	<u>54%</u>	<u>65%</u>	<u>59%</u>	<u>64%</u>

Dental Hygiene Examination Statistics

	Calendar Years		Pass Rate 1979-1980	Pass Rate 1975-1978
	<u>1980</u>	<u>1979</u>	<u>Average</u>	<u>Average</u> (Note 1)
Examination Applicants	19	8		
Number of Fails	4	0		
Number of Passes	<u>15</u>	<u>8</u>		
Percentage Pass Rate	<u>79%</u>	<u>100%</u>	<u>89%</u>	<u>96%</u>

Note 1

Statistics were obtained from Division of Legislative Audit report "A Performance Review of the Board of Dental Examiners" dated August 9, 1978.

APPENDIX C

ANALYSIS OF COMPLAINTS FILED
AGAINST DENTISTS AND DENTAL HYGIENISTS

	Calendar Years		1974- 1978 (Note 1)	<u>Total</u>
	<u>1980</u>	<u>1979</u>		
Malpractice Complaints	10	2	7	19
Administrative Complaints	0	0	14	14
Practicing Without Licenses	1	4	4	9
Unethical Practices	11	9	0	20
Unfair Practical Exam Given by Board	<u>1</u>	<u>0</u>	<u>3</u>	<u>4</u>
<u>Total</u>	<u>23</u>	<u>15</u>	<u>28</u>	<u>66</u>

Note 1

Statistics were obtained from Division of Legislative Audit report "A Performance Review of the Board of Dental Examiners" dated August 9, 1978.

APPENDIX D

ADMINISTRATIVE STATISTICS

<u>Licensed Practitioners</u>	<u>As of March 10, 1981</u>
Licensed In-State Dentists	234
Licensed Out-of-State Dentists	87
Dental Hygienists	179
Dental Specialists	29
Average Number of Meetings Per Year (Excluding Telephone Conferences)	4 Meetings

APPENDIX

DENTAL SERVICES, SUMMARY BY AREA
(1948-1949)

<u>Service Area</u>	<u>Population to Private Dentists</u> <u>Ratio</u>	<u>Population to Private and Public Health Dental Units</u>	<u>Dept. of Health by Private Dentists</u> <u>Per Cent</u>
Algonquin Division	600 to 8	600 to 8	3
Upper Richelieu Division	2,000 to 1	2,000 to 1	61
Prince of Wales Division	2,000 to 1	2,000 to 1	6
Wingway-Labelle Division	2,000 to 1	2,000 to 1	82
Alouette Island Division	8,000 to 8	8,000 to 8	6
Becheville Division	10,000 to 2	10,000 to 7	11
Montreal Bay Division	3,000 to 3	3,000 to 3	3
Montreal Bay Borough Division	1,000 to 3	1,000 to 3	12
LaSalle Division	2,700 to 6	2,700 to 6	38
St. Lawrence Division	7,000 to 3	7,000 to 6	61
Salaberry-Dollard Division	1,000 to 3	1,000 to 3	22
St. Lawrence Division	6,000 to 1	6,000 to 1	116
St. Lawrence Division	8,000 to 3	8,000 to 3	6
St. Lawrence Division	1,000 to 3	1,000 to 3	5
St. Lawrence Division	1,000 to 3	1,000 to 3	8
St. Lawrence Division	1,000 to 3	1,000 to 3	7
St. Lawrence Division	1,000 to 3	1,000 to 3	11

Notes

The population in private dentists table was obtained from the Department of Health and Social Services, State of Quebec, Special Inquiries Report. The ratios of public health dentists are obtained from the Public Health Service of the Department of Health, Education and Welfare. These figures were combined with the private dentists to obtain the population to private and public health dentists ratio. The number of visits to private dentists per head were obtained from the 1948-49, most current of dentists by the State Dental for Health and Social Services, Department of Health and Social Services, State of Quebec. These figures were obtained.

STATE OF ALASKA

JAY S. HAMMOUD, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

POUCH D
ANCHORAGE, ALASKA 99511
Phone: 465-2500

September 18, 1981

RECEIVED

SEP 21 1981

LEGISLATIVE
AUDIT

Mr. Gerald L. Wilkerson, Director
Division of Legislative Audit
Pouch M
Juneau, Alaska 99811

Dear Mr. Wilkerson:

Re: Dental Board Interim Letter

Thank you for the opportunity to comment on the Division of Legislative Audit's Preliminary Report on the Board of Dental Examiners. The Department of Commerce and Economic Development concurs with your findings.

The board has made substantial progress over the past several years and does operate in a responsible manner. As recommended in the interim letter we agree that legislation should be introduced to amend the temporary per wit statutes. We also concur with the continuing competency recommendation and note that the board is presently developing the necessary regulations.

Thank you

Sincerely,



Lois Cook
Acting Deputy Commissioner

LC/vls 8/9

STATE OF ALASKA
DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER
OFFICE OF INFORMATION SYSTEMS

JAY E. HAMMOND, GOVERNOR

FOUCH N-018
JUNEAU, ALASKA 99801
PHONE: (907) 485-3144

March 17, 1981

Anita Fitzjarrald
Occupational Licensing

Dear Anita,

Please find enclosed the information you have requested from our 1980 Biennial Survey of Dentists. If we can be of any more assistance please feel free to call us at 465-3144.

Sincerely,

Ann Rade
Ann Rade
Clerk Typist III
State Center for Health and
Social Statistics

DENTISTS

Itinerant Services

<u>Village Names</u>	<u>Visits Per Year</u>
Kanaï	3
Tyonak	1
Milato	2
Kaitag	2
Ruby	2
Hualta	1
Koyukuk	1
Englis' Bay	12
Port Graham	12
Ninilchik	4
Katci kan	10
Wrangell	10
Petersburg	10
Hootah	2-4
Pelican	2-4
Kongiganek	2
Kwigillingok	2
Old Harbor	1
Larren Bay	1
Karluk	1

Itinerant Services Cont.

<u>Village Names</u>	<u># Visits Per Year</u>
Holy Cross	2 weeks
Arvik	4 days
Russian Mission	1 week
Grayling	1 week
Arkasuk	2
Kaktouik	2
Nulqsut	2
Kalskag	2
Aniak	2
Lower Kalskag	2
Glacierview (Clenhighway)	3
Pilot Station	1 month
Pickas Point	10 days
Mtn. Village	2 months
Kotlik	1 month
Stagnay	4

Itinerant Services Cont.

<u>Village Names</u>	<u># Visits Per Year</u>
Thorne Bay	3
Coffman Cove	1
Whale Pass	1
Meyers Chuck	1
Bradfield Canal	1
Craig	1
Labouchere Bay	1
Point Baker	1
Wasilla	12
Pt. Hope	2
Noatak-Elim	2 per village
Noorvik-Salavik	2 per village
Shaktolik	1
Koyuk	1
Stebbins	1
Minokotak	1
Goodnews Bay	1
Platinum	1
Portage Creek	1
South Malnek	1
Pilot Point	1
Port Haiden	1
Levelock	1
Englik	1

Itinerant Services Cont.

<u>Village Names</u>	<u># Visits Per Year</u>
Seldovia	6
King Salmon	3
Uhalaska	2
Cold Bay	2
Naknek	3
Metlakatla	40 (once a week)
Alturus, California	12
Eagle	1
Circle City	1
Nenana	1
Valdez	11
Homer	3
Seward	4
Quinhagak	2
Tuntutuliak	1
Soldotna-Kenai	10
Angoon	3
Pelican	2
Elfin Cove	2
Yakutat	24
Stagway	21
Ashov, Minnesota	40
Sitka	10
Juneau	11

Itinerant Services Cont.

<u>Village Names</u>	<u># Visits Per Year</u>
Kenai	1
Kodiak	6
Homer	10-12 per year
Cantwell	3
Copper Center	8
Mentasia	2
Hoonah	3 weeks
King Salmon	4
Emmunak	4 weeks
Hooper Bay	4 weeks
Chevak	4 weeks
Unalakleet	4 weeks
Suvoonga	4 weeks
Kipruk	1-2 per year
Mentasta	1

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

ANNUAL REPORT BOARD OF DENTAL EXAMINERS STATE OF ALASKA 1979-1980

POUCH B
JUNEAU, ALASKA 99801

Phone: 465-2534

The members of the Alaska Board of Dental Examiners for 1979-1980 were Dr. Arthur Hansen, Dr. Claude Rick, Dr. Wayne Putran, Dr. Dennis Anderson, Dr. John Kobylarz, Ms. Jana Veratti and Mr. John Beard. Dr. Hansen served as President, with Drs. Kobylarz and Rick sharing the secretarial duties.

The board met five times, with two meetings in Anchorage and Fairbanks and one in Juneau. A conference call meeting was also held during the year. Two examinations for licensure were conducted, one in July 1979 and one in January 1980. Twenty-six candidates took the dental examination, while 17 candidates took the hygiene examination. The pass/fail percentages for the candidates are as follows: Dentists 54% pass, 46% fail; Hygienists 76% pass, 24% fail.

Regulations for administering local anesthesia were adopted as directed under AS 08.32 in 1980. Criteria and course content were delineated for candidates seeking certification for administering local anesthesia.

In the area of Nitrous Oxide administration, the board after considerable discussion elected to not formulate regulations pertaining to Nitrous Oxide administration because of the uncertainty as to whether Nitrous Oxide administration was an intra-oral procedure. The board notified all licensed dentists that until this point was clarified the administration and monitoring of Nitrous Oxide was not a duty that could be delegated to ancillary persons.

The funding and expenditures for the board for '79-'80 were as follows:

In FY '80, the following budgetary amounts were allocated:

Board In-State Transportation	\$3,048.00
Board In-State Per Diem	\$4,826.00

Receipts for FY '80 were \$6,091.00

Expenditures for the board include:

Travel & Moving	\$10,559.65
Contractual Services	7,717.30
Supplies & Material	15.10
Machinery & Equipment	<u>1,264.52</u>
	\$19,556.57

Over the course of the year's meetings concerning regulation formulation, seven persons and three organizations testified in public hearings conducted by the board.

At the Fairbanks meeting, the investigative staff of the Department of Commerce and Economic Development presented their report on complaints and violations of AS 08.32 that the department had under investigation. Twenty-four cases were reviewed with eight being referred to the Alaska Dental Society Peer Review Committee, three were in the process of investigation and are still under investigation. Thirteen of the 24 complaints were against one dentist and, on the grounds of the magnitude and degree of the complaints, the license of that dentist was suspended pending disciplinary proceedings.

On June 4, board members attended the Western Regional Dental Examination in Portland, Oregon. Dr. Rick and Ms. Varatti submitted reports on the examination for consideration of the board in formulating policy concerning joining the Western Regional Examining Board. To date, no action has been initiated toward joining the Western Regional Examining Board.

JOHN F. KOBYLARZ, D.M.D.
BOX 830
SOLDOTNA, ALASKA 99689

GOALS AND OBJECTIVES 1980-81

1. Insure quality of oral care for citizens of Alaska.
2. Review new practice act.
3. Formulate regulations for expanded function of dental auxiliaries.
4. Conduct two examinations for licensure.
5. Prepare a budget for 1981-82.
6. Continue efforts already started to join a regional board testing program.
7. Develop a format for personal interview with reference to licensing by credentials.
8. Formulate standards for remedial education concerning unsuccessful applicants for licensure.
9. Prepare annual report.
10. Prepare Examiners Manual for clinical exam.
11. Review and recompose examination information sheets.

REPAIRED 11/81

ANNUAL REPORT
BOARD OF DENTAL EXAMINERS
July 1980 to
July 1981

The Board of Dental Examiners held five meetings and two conference calls in this reporting period. Two examinations were administered, one in January 1981 and one in July 1981. The number of dental candidates - 26, pass - 14.

January 1981
July 1981

The number of hygiene candidates - 19, pass 15. There were four candidates interviewed for dental licensing by credentials with two licenses granted. The hygienists had 14 candidates interviewed with 13 granted licenses.

The total number of licenses granted July 1980 to July 1981 for dentists was 22 and for hygienists was 31.

The goals and objectives for ¹⁹⁸¹1980 and ¹⁹⁸²⁻¹⁹⁸⁵1981 were as follows:

1. Formulate examiners manual, hygiene and dental
2. Prepare annual report
3. Review statute with changes recommended to follow guidelines of State Model Practices Act.
4. Establish by regulation educational standards to qualify hygienists for local anesthesia administration.
5. Establish current level of post-graduate courses being taken by practitioners.
6. Report to Division of Legislative Audit interview report of May 15, 1981.
7. Develop and implement interview format for licensing by credentials.
8. Seek Department of Commerce and Economic Development assistance in developing fiscal budget for needs of the board.
9. Seek a per diem raise.
10. Improve quality of dental care for Alaskans.

11. Develop a pool of experienced, clinical examiners.

Funding for the board for 1981 was \$7,600 while expenditures reflected \$8,662.63 spent.

The investigative staff of the DUL met with the board to keep the board informed of the progress of cases under investigation. On June 4, 1981, the board voted to not reissue a license to Mr. Dale Grier. This was the only disciplinary proceeding taken by the board in 1980-1981. Several candidates questioned the scores received on the clinical points of the examination procedure. Each case was reviewed individually by the board and resolved. Dr. Al Grubba served as an examiner in the July 1981 examination as the first nonboard member in the board's effort to develop an examining pool of dentists to help with the testing procedure. Committee reports of those attending the Western Regional examinations were accepted. The consensus of the reports was to not affiliate with the Western Regional Board for testing candidates for licensure.

Jul 26, 1982

Dear Mr. Fox,

As President of the Code Unit & Dental Hygiene Association I would like to

encourage you support in continuing the Alaska Board of Dental Hygiene. I understand you are the champion of the Alaska hearing to be held on March 5, 1982 concerning the issue.

The Board of Dental Hygiene functions to maintain competency of all licensed dentists and dental hygienists to assure competence and thorough treatment of the public.

I encourage you to continue the important work you are doing.

Sincerely,

Phil B. Davis

Midnight Sun Dental Hygienists' Society

February 28, 1982

Senator Charles H. Parr, Chairman
Senate HESS Committee
Pouch Y
Juneau, Alaska

Dear Senator Parr,

As members of the Midnight Sun Dental Hygienists' Society, we fully support the continuance of the Board of Dental Examiners. Since the professions of dentistry and dental hygiene involve health care delivery to the public, and because they both involve highly technical skills, we feel there should be a continuing mechanism to examine prospective practitioners in the state of Alaska. In addition to testing the knowledge and skills of dental and dental hygiene applicants, the Board of Dental Examiners has the expertise to evaluate situations involving currently-licensed practitioners which may require disciplinary action. The Board of Dental Examiners also researches, writes and revises regulations for additional functions which may be performed by dental hygienists in the state upon completion of educational courses approved by the Board. It is an important function of the Board to have a system of updating these regulations as needed.

We ask that you consider these points when discussing the continuance of the Board of Dental Examiners in hearing on March 5, 1982. Please feel free to contact me or any of our members with whom you have had correspondence if you have any questions.

Sincerely,

DE. W. E. K. Smith

Denise K. Smith, Secretary
Midnight Sun Dental Hygienists' Society
S.R. 10816
Fairbanks, Alaska 99701

cc: Senator Mike J. Colletta
Senator Vic Fischer
Senator Tim Kelly
Senator Terry Stinson

TO: Chairman Parr, Senate Health, Education and Social Services
Committee

FROM: Kevin K. Bruce

DATE: March 22, 1982

RE: SUNSET HEARINGS ON DENTAL BOARD

Our office has had two complaints regarding a statutory provision (08.36.234(6)) adopted in 1980. At issue is whether prospective dental licensees are being denied equal protection for previously failing a clinical examination before the Alaska Board. This is probably best illustrated this way:

"A" and "B" graduate from dental school together. "A" travels to Alaska, takes the dental clinical exam and fails, then moves to Oklahoma and passes a comparable examination in that state. Meanwhile, "B" fails the examination in two states, but succeeds on a third attempt in Oklahoma. "A" and "B" set up a practice together in Oklahoma for six years before deciding to move together to Alaska to establish a clinic here. "B" may immediately be licensed to practice in Alaska on his arrival, while "A" must wait until another clinical examination is offered.

In the best case, "A" will pass the examination and only lose 6 months of possible income. In the worst case, "A" will again fail the clinical examination, and not be licensed, but "B", without having to take the

exam will. There is no rational basis for believing that "B" is any better qualified to practice dentistry than "A".

The real effect of this provision is to provide of disincentive for "A" to take the economic risk of moving to Alaska in the first place.

There would appear to be two possible remedies to this situation. First, repeal 08.36.234 (Licensure by credentials) in its entirety. The net effect would be to require all incoming dentists to take the Alaska examination.

I think this is the less attractive of the two alternatives because it gives the appearance of "protectionism" by not allowing unencumbered access to Alaskan patients by incoming, qualified dentists. The 1978 legislative audit report recommended establishing reciprocity or endorsement agreements with other states because of a finding that "board policies are restricting the entry of qualified dentists and are not in the public's best interest." The enactment of AS 08.36.234 was directly attributal to this finding.

The second possible remedy is to simply repeal paragraph 6 of this section. While there would be a slightly greater reliance on licensing examination procedures in other states, this seems acceptable. The 1978 audit noted that every dental school surveyed reported clinical examination requirements similar to Alaska's. Since the statutes allow licensing by credentials under these circumstances, I see no reason not

to extend that same mechanism to dentists who have improved their skills since initially taking the Alaskan test.

THE LEGISLATURE OF THE STATE OF ALASKA
TWE. FTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSSB 322 " An Act relating to the practice of dentist
 Title continuing the existence of the Board of Dental Examiners.
 Requested by Senate HESS Committee Date 4-1-82

II. FISCAL DETAIL
 Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected regulation & licensing of professions
 (Note: If more than one budget component is affected, separate line-item
 amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The Board of Dental Examiners has been included in the FY'83 detail budget. CSSB 822 has no additional fiscal impact on the department.

IV. DATE April 1, 1982

PREPARED BY Marjorie Odland

AGENCY: Division of Occupational Licensing

Original: Legislative Finance
cc Budget and Management

PHONE: 225-2535

Prime Sponsor (First Legislator Named)

Stat
Sec. 08.36.246. Qualification for a specialist license. (a) An applicant for a specialty license must

- (1) possess a license to practice dentistry in the state, and
- (2) have completed two or more academic years of advanced education in the specialty.

(b) The provision of (a) (2) of this section does not apply to dentists who have limited their practice exclusively and who ethically announced limitation of practice in accordance with American Dental Association policy before July 23, 1968. (§ 8 ch 155 SLA 1968)

Sec. 08.36.247. Limitation of special practice. (a) No specialty license may be issued unless the applicant presents proof satisfactory to the board that he is qualified to practice that specialty.

(b) This section may not be construed as limiting or preventing a licensed and qualified dentist from performing, without a specialty license, dental acts or services to the public in any of the branches of dentistry, except that no dentist may administer a general anesthetic to a patient without a valid permit as required by regulations of the dental examiners board. (§ 8 ch 155 SLA 1968)

Sec. 08.36.248. Suspension or revocation of specialty licenses. The board may suspend or revoke a specialty license upon any grounds set out in § 310 of this chapter, and the procedure for suspensions and revocations shall be the same as for the revocation or suspension of a regular license to practice dentistry. (§ 8 ch 155 SLA 1968)

Sec. 08.36.250. Biennial registration. At least 60 days before January 1 of every other year, the division of occupational licensing shall mail a form for biennial registration to each licensed dentist. Each licensee shall complete the form and return it together with the registration fee. The division of occupational licensing shall, as soon as practicable, issue a registration certificate valid for the years for which issued. Each licensee shall keep the registration certificate beside or attached to his license. Failure to receive the registration form does not exempt a dentist from biennial registration. (§ 12 art III ch 186 SLA 1955; am § 9 ch 155 SLA 1968; am § 7 ch 121 SLA 1972)

Sec. 08.36.260. Branch office registration. A licensee who practices in an established office with an address other than that address for which his biennial registration certificate is issued shall obtain a branch office registration certificate for each office. (§ 13 art III ch 186 SLA 1955; am § 10 ch 155 SLA 1968)

Sec. 08.36.270. Permits for isolated areas.

Repealed by § 3 ch 26 SLA 1965; § 5 ch 93 SLA 1965.

Sec. 08.36.271. Permits for isolated areas. (a) The Department of Health and Social Services shall designate as isolated areas those specific places and regions remote from major population centers which

are not served by dentists licensed under this chapter and which have a geographical location which works financial hardship, extended loss of time, or arduous and costly travel upon residents needing dental care.

(b) The board shall, upon recommendation of the Department of Health and Social Services, issue an annual permit authorizing the treatment of residents in an area designated under (a) of this section, who are not entitled to dental care by the state or federal government, by a dentist employed by the United States Public Health Service or qualified member of the armed services who serves in that area. (§ 1 ch 93 SLA 1965; am § 11 ch 155 SLA 1968; am § 6 ch 104 SLA 1971)

Sec. 08.36.280. Temporary permit. (a) The board may issue a one year temporary permit without examination to an applicant to practice dentistry in a locality requested by the applicant if the locality is of the type specified in (2) of this subsection and the applicant

- (1) meets the requirements of § 110 of this chapter;
- (2) desires to practice dentistry in a city or rural village which does not have a resident licensed dentist in active general practice;
- (3) has a license in good standing to practice dentistry in a state, territory, district or possession of the United States;
- (4) tenders and pays the fee prescribed in § 290 (6) of this chapter.

(b) The board may authorize a temporary permittee to practice dentistry in more than one city or rural village of the type specified in (2) of this section.

(c) The board may annually renew a temporary permit upon written application of an applicant and upon payment of the prescribed fee if the applicant has not committed an act which is a ground for revocation under § 310 of this chapter, but in any case, within two years from issuance of his first temporary permit, the applicant must pass a board exam.

(d) A temporary permit may be revoked, suspended or annulled, or the permittee may be reprimanded, censured or disciplined by the board in the same manner and for the same cause as a licensed dentist under § 110 of this chapter.

(e) The board shall grant or deny an application for a temporary permit within 60 days after it is received. (§ 15 art III ch 186 SLA 1955; am § 4 ch 26 SLA 1965; am §§ 8, 9 ch 121 SLA 1972)

Sec. 08.36.285. Licensing a permittee.

Repealed by § 10 ch 121 SLA 1972.

Editor's note. — The repealed section was added from § 5, ch. 26, SLA 1965.

Sec. 08.36.290. Fees and penalties. The board shall impose and collect the following fees and penalties:

- (1) for the issuance of an original license, \$30;
- (2) for the examination of an applicant, \$50;
- (3) for re-examination of an applicant, \$50;

tion for a specialist license. (a) A licensee must practice dentistry in the state, and complete more academic years of advanced education.

(b) This section does not apply to dentists who practice exclusively and who ethically announce their non-compliance with American Dental Association regulations. (§ 8 ch 155 SLA 1968)

(c) No special practice. (a) No special practice if the applicant presents proof satisfactory to the board to practice that specialty.

(b) Not to be construed as limiting or preventing a specialist from performing, without a specialty license, services to the public in any of the branches of dentistry. A dentist may administer a general anesthetic under a permit as required by regulations of the department. (§ 8 SLA 1968)

(d) Denial or revocation of specialty licenses. The board may deny a specialty license upon any grounds for denial, and the procedure for suspensions and denials shall be as for the revocation or suspension of a general dentistry license. (§ 8 ch 155 SLA 1968)

(e) Registration. At least 60 days before the expiration of a specialty license, the division of occupational licensing shall send a registration form to each licensed dentist. Each dentist shall complete and return it together with the fee. The division of occupational licensing shall, as soon as possible, issue a certificate valid for the years for which the dentist has kept the registration certificate beside the license. The dentist shall receive the registration form does not constitute registration. (§ 12 art III ch 186 SLA 1968; am § 7 ch 121 SLA 1972)

(f) Office registration. A licensee who practices in an address other than that address for which a certificate is issued shall obtain a branch certificate for each office. (§ 13 art III ch 186 SLA 1968)

(g) Isolated areas. (a) 1965; § 5 ch 93 SLA 1965.

(b) Isolated areas. (a) The Department of Health shall designate as isolated areas those areas remote from major population centers which

are not served by dentists licensed under this chapter and which have a geographical location which works financial hardship, extended loss of time, or arduous and costly travel upon residents needing dental care.

(b) The board shall, upon recommendation of the Department of Health and Social Services, issue an annual permit authorizing the treatment of residents in an area designated under (a) of this section, who are not entitled to dental care by the state or federal government, to a dentist employed by the United States Public Health Service or a qualified member of the armed services who serves in that area. (§ 11 ch 155 SLA 1965; am § 11 ch 155 SLA 1968; am § 6 ch 104 SLA 1971)

⊗

Sec. 08.36.280. Temporary permit. (a) The board may issue a one-year temporary permit without examination to an applicant to practice dentistry in a locality requested by the applicant if the locality is of the type specified in (2) of this subsection and the applicant meets the requirements of § 110 of this chapter;

(1) the applicant desires to practice dentistry in a city or rural village which does not have a resident licensed dentist in active general practice;

(2) the applicant has a license in good standing to practice dentistry in a state, territory, district or possession of the United States;

(3) the applicant renders and pays the fee prescribed in § 290 (6) of this chapter.

(b) The board may authorize a temporary permittee to practice dentistry in more than one city or rural village of the type specified in (2) of this section.

(c) The board may annually renew a temporary permit upon written application of an applicant and upon payment of the prescribed fee if the applicant has not committed an act which is a ground for revocation under § 110 of this chapter, but in any case, within two years from issuance of the first temporary permit, the applicant must pass a board examination.

(d) A temporary permit may be revoked, suspended or annulled, or a permittee may be reprimanded, censured or disciplined by the board in the same manner and for the same cause as a licensed dentist under § 110 of this chapter.

(e) The board shall grant or deny an application for a temporary permit within 60 days after it is received. (§ 15 art III ch 186 SLA 1955; am § 4 ch 26 SLA 1965; am §§ 8, 9 ch 121 SLA 1972)

Sec. 08.36.285. Licensing a permittee. Regulated by § 10 ch 121 SLA 1972.

Editor's note. — The repealed section was from § 3, ch. 23, SLA 1965.

Sec. 08.36.290. Fees and penalties. The board shall impose and collect the following fees and penalties:

- (1) for the issuance of an original license, \$30;
- (2) for the examination of an applicant, \$50;
- (3) for re-examination of an applicant, \$50;

ration fee under AS presentation of proof of competency for "all delinquent" deleted "at his place of" following "active practice" and "having jurisdiction," and jurisdiction."

The board may provide list who by the Commission on tion, or its successor

another state, territory, or higher than those

practice averaging at diately preceding the

ant, review procedure, sional dental associa-

ce dentistry revoked; this state;

(§ 23 ch 49 SLA 1980)

quirement. (a) A per- ed school of dentistry dy without a license

irect supervision of a 8.36.010 — 08.36.370, used faculty dentists, 010 — 08.36.370; and n approval from the

this section is subject 370 and to other laws dentistry. (§ 23 ch 49

f specialty licenses. ase upon any grounds e the same as for the dentistry. (§ 8 ch 155

Effect of amendments. — The 1980 amendment substituted "AS 08.36.315" for "AS 08.36.310," and deleted "for sus- pensions and revocations" preceding "shall be the same," and "regular" preceding "license."

Sec. 08.36.250. Renewal of registration. At least 60 days before January 1 of every fourth year, the division of occupational licensing shall mail a form for renewal of registration to each licensed dentist and licensed dental hygienist. Each licensee shall complete the form and return it together with the registration fee and offer proof of continued competency as required by the board. The division of occupational licensing shall, as soon as practicable, issue a registration certificate valid for the years for which it is issued. Each licensee shall keep the registration certificate beside or attached to his license. Failure to receive the registration form does not exempt a licensee from renewing registration. (§ 12 art III ch 186 SLA 1955; am § 9 ch 155 SLA 1968; am § 7 ch 121 SLA 1972; am § 25 ch 49 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "fourth" for "other," and "renewal of" for "biennial," in the first sentence, and "licensee" for "dentist," and "renewing" for "biennial," in the last sentence, and inserted "and licensed dental hygienist," at the end of the first sentence, "and offer proof of continued competency as required by the board" at the end of the second sentence, and "it is" near the end of the third sentence.

NOTES TO DECISIONS

Cited in State v. Smith, Sup. Ct. Op. No. 1838 (File Nos. 3797, 3893), 593 P.2d 625 (1979).

Sec. 08.36.260. Branch office registration. A licensee who practices in an established office with an address other than that address for which his registration certificate is issued shall obtain a branch office registration certificate for each office. (§ 13 art III ch 186 SLA 1955; am § 10 ch 155 SLA 1968; am § 26 ch 49 SLA 1980)

Effect of amendments. — The 1980 amendment deleted "biennial" preceding "registration certificate."

Sec. 08.36.290. Fees and penalties. The following fees and penalties shall be imposed by the board as applicable:

- (1) filing fee for examination and licensing application . . . \$ 25
- (2) examination fee:
 - dentist \$200
 - dental hygienist 75

- (3) credential review fee:
 - dentist \$200
 - dental hygienist 75
 - (4) initial license fee:
 - dentist \$ 30
 - dental hygienist 20
 - (5) registration fee (due every four years):
 - dentist \$200
 - dental hygienist 100
 - (6) filing fee for reexamination application \$ 25
 - (7) specialty license fee \$ 30
 - (8) branch office registration fee \$100
 - (9) temporary permit to practice dentistry \$ 50
 - (10) delinquent registration fee \$ 10
 - (11) duplicate license fee \$ 10
- (§ 16 art III ch 186 SLA 1955; am § 7 ch 94 SLA 1968; am § 12 ch 155 SLA 1968; am § 27 ch 49 SLA 1980)

Effect of amendments. — The 1980 amendment rewrote the section.

Article 3. Unlawful Acts.

<p>Section 3.0. [Repealed] 315. Grounds for discipline, suspension or revocation of license</p>	<p>Section 320. Disciplinary sanctions 325 — 330. [Repealed] 340. Penalties</p>
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Sec. 08.36.310. Grounds for revocation of license.
Repealed by § 32 ch 49 SLA 1980.

Cross references. — For present provisions concerning grounds for discipline, suspension or revocation of license of a dentist, see AS 08.36.315.

Editor's notes. — The repealed section derived from § 1, art. IV, ch. 186, SLA 1955; §§ 13 — 15, ch. 155, SLA 1968; § 27, ch. 177, SLA 1978.

Sec. 08.36.315. Grounds for discipline, suspension or revocation of license. The board may revoke or suspend the license of a dentist, and the licensee may be reprimanded, censured, or disciplined when the board finds after a hearing that he

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional dental services or engaging in professional activities;
- (3) advertised professional dental services in a false or misleading manner;
- (4) has been convicted of a felony or other crime which affects his ability to continue to practice dentistry competently and safely;

- (5) intentionally or negligence of patient care by not conform to minimum pro of whether actual injury to
- (6) failed to comply with lation adopted under AS 08. board;
- (7) continued to practice
 - (A) professional incompe
 - (B) failure to keep inform or practices;
 - (C) addiction or severe d impairs his ability to pract
 - (D) physical or mental d
- (8) engaged in lewd or im ery of professional service
- (9) permitted a dental hy under his supervision to pe permitted under AS 08.32.

Sec. 08.36.320. Disciplinary dentist or dental hygienist or AS 08.36.315, the board or in combination:

- (1) permanently revoke
- (2) suspend a license for
- (3) censure a licensee;
- (4) issue a letter of repr
- (5) place a licensee on p
 - (A) report regularly to t probation;
 - (B) limit practice to the
 - (C) continue profession skill has been attained in t improvement;
- (6) impose limitations o
 - (b) The board may wit deficiencies which require
 - (c) The board may sumu or during the appeals pro a clear and immediate d continues to practice. A p section shall be entitled t days after the effective da after a hearing to a court
 - (d) The board may rein revoked if the board finds practice with skill and su