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COMMITTEE REPORT  
SENATE

2/1/82

FURTHER: None

Date: 3-19-82

Mr. President: HEALTH, EDUCATION & SOCIAL SERVICES  
The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 822

relating to the practice of dentistry; continuing the existence of the Board of Dental Examiners

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 SR 822  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

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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[Handwritten Signature]

CHAIRMAN

Representative Charles H. Parr  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parr:

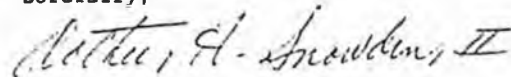
You have asked that I comment on behalf of the Court System concerning the sunset legislation of the Alaska Bar Association currently pending before your committee.

I have conferred with the Supreme Court with regard to your request and they asked me to comment as follows.

The Court strongly supports continued existence of the Alaska Bar Association as an integrated bar. The Court further suggests that the Bar Association and the Legislative Audit Committee reach a reasonable accommodation of the current dispute.

The Court has not given me brief to comment further on the subject. I hope these comments will help the committee.

Cordially,



Arthur H. Snowden, II  
Administrative Director

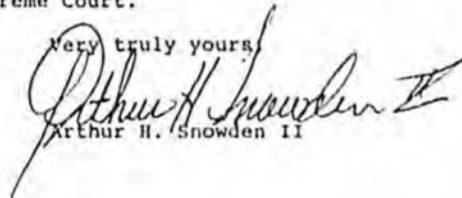
The Hon. Charles Parr, Chairman  
House Judiciary Committee  
Room 126, State Capitol Building  
Juneau, Alaska 99811

Dear Representative Parr:

In my letter of March 4, 1980, with reference to the sunset of the Alaska Bar Association, I stated in the last sentence that the Court hopes that the Bar Association and the Legislative Budget and Audit Committee can reach a reasonable accommodation of their present dispute.

I wish to make it clear that in commenting on this subject, in no way did I intend to comment or convey any information on the merits of the controversy between the Legislative Budget and Audit Committee and the Alaska Bar Association before the Supreme Court.

Very truly yours,



Arthur H. Snowden II

March 11, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch Y, State Capitol  
Juneau, Alaska 99811

Dear Mr. Speaker:

In compliance with AS 44.66.010 - 060 and referral by the Speaker of the House on January 15, 1980, the House Judiciary Committee has conducted a review of the State Board of Parole.

By letter of July 31, the Speaker had notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

Committee staff conducted the necessary research. Also available to the Committee were the Executive Summary, Alaska Corrections Master Plan, 1979, and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

In addition to receiving testimony during interim hearings, the Committee held three hearings in Juneau. Also, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of about 35 witnesses testified, including the Director, Division of Corrections; the present Chairman, a former Chairman, and the Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". The Committee received an opinion from the Legislative Affairs Agency to the effect that the Constitution does not mandate a parole board. One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the parolee. Once this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

Testimony indicates that Parole Board members may rely too heavily on "gut reactions" in deciding whether or not to grant parole. Although no human being can be perfectly objective, and a completely mechanical system would probably be unacceptable, there is need for a proper balance. The Board has recognized this need and is considering objective criteria which have shown a high correlation with successful parole.

A matter of concern to the Committee was the recidivism rate among parolees. Although only about 4% were re-incarcerated because they committed a new felony, about 20% went back to prison for technical violations (violating conditions set by the Board at the time parole was granted). Examples of such conditions are (1) that the prisoner have an assured job as part of his parole plan, which may be impossible in a village situation, and (2) that the parolee not associate with other felons, although these may be in some cases his only friends or close acquaintances. In effect, about a fourth of all parolees are returned to prison, a disturbing statistic in view of the present and expected overcrowding in Alaska's correctional institutions. The Judiciary Committee, therefore, spent a significant amount of time considering the parole conditions now being set.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: There is a need to avoid unnecessary incarceration.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding: The Parole Board is intended to provide for mitigation of sentence while simultaneously protecting the general public.

(3) an identification of any other programs having similar, conflicting or duplicate objectives,

Finding: There are no similar or conflicting programs.

(4) an assessment of alternative methods of achieving the purposes of the program;

Finding: The program could be handled by the judicial branch but this would remove the element of judgment by one's peers.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

Finding: The program is constitutional and cannot be eliminated. Funding it at a lower level would make it very ineffective.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

Finding: The program is necessary and no other agency performs similar functions.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding: Other information will be contained in legislation to be introduced or in other portions of this report.

The Judiciary Committee finds that:

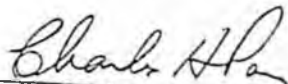
(1) The Alaska State Board of Parole is necessary and should be continued.

(2) Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.

(3) The chances that parole will be successful, from the standpoints of both society and the parolee, are to some extent dependent on the prisoner's willingness and ability to change while in prison. Educational, alcohol treatment, psychiatric counseling and work programs are generally unavailable or inadequate. The Judiciary Commit-

March 13, 1980

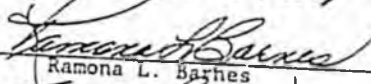
tee recommends approval of additional funds and personnel spaces for the Division of Corrections for programs which can be shown to reduce recidivism.



Charles H. Parr, Chairman



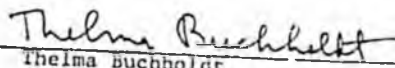
Nels A. Anderson, Jr.



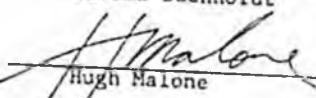
Ramona L. Barnes



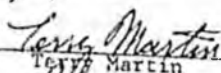
Fred E. Brown



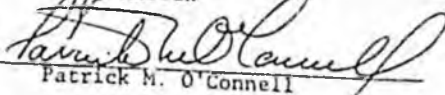
Thelma Buchholdt



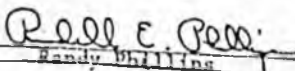
Hugh Malone



Terry Martin



Patrick M. O'Connell



Randy Phillips

March 13, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99311

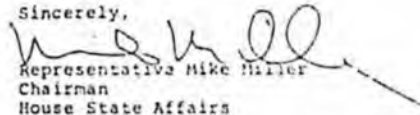
Dear Mr. Speaker:

The House State Affairs Committee has had under consideration for "Sunset" review the Collection Agency Board under AS 24.20.271 and AS 44.66.050.

A public hearing was held on the review of the board, at which testimony of the Director of the Division of Occupational Licensing was received. Additional testimony was received from the public in person and by teleconference. The Committee particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

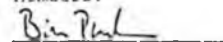
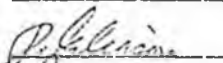
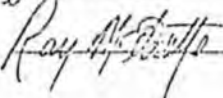
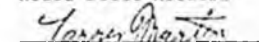
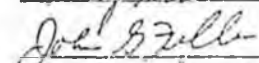
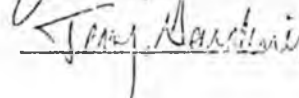
The State Affairs Committee finds itself in agreement with the Legislative Audit Division and recommends that the Collection Agency Board not be reinstated. The committee further recommends that legislation be introduced to transfer the duties of the Collection Agency Board to the Division of Occupational Licensing.

Sincerely,



Representative Mike Miller  
Chairman  
House State Affairs

Members:

ALASKA DENTAL BOARD EXAMINATIONS

Year	Number of Candidates	Number Passed	Number Failed	Percent Passed	Percent Failed
1966	20	14	6	70	30
1967	20	15	5	75	25
1968	23	12	11	52	48
1969	18	8	10	44	54
1970	32	25	7	78	22
1971	22	12	10	55	45
1972	25	16	9	64	36
1973	25	14	11	56	44
1974	26	15	11	58	42
1975	33	16	17	48	52
1976	31	25	6	81	19
1977	28	23	5	82	18
1978	25	12	13	48	52
1979	19	11	8	57	43
1980	<u>26</u>	<u>14</u>	<u>12</u>	<u>54</u>	<u>46</u>
TOTAL	373	232	141	61.5	38.5
+1981	27	14	13	52	48
New Total	400	246	154	62	38

**Alaska Teamsters  
Medical Service Corporation**

DENTAL

1200 Airport Heights Road Anchorage, Alaska 99504 (907) 264-3400

January 5, 1982

Department of Commerce  
and Economic Development  
ATTN: Board of Dental Examiners - Anita Fitzjarrald  
Pouch D  
Juneau, Alaska 99811

Dear Anita:

The Alaska Teamsters Medical Service Corporation is pleased to make its Anchorage Dental Facility available for use by the State of Alaska Board of Dental Examiners on January 23 and 24, 1982.

1. As with the last Board, I will be unable to collect usage fees directly from applicants. Therefore, according to the following schedule, payment will have to be received prior to the Board:

<u>Total Number of Dentists and Hygienists Scheduled</u>	<u>Facility Usage Fee</u>
Less than 15	\$ 5,000
16 - 20	7,500
21 - 25	10,000
26 - 30	12,500
Over 30	15,000

In Addition, I will bill the appropriate agency after the Board for the actual cost of dental gold used for the inlay procedures.

Since operatory utilization decisions will have to be made two to three weeks in advance, the usage fee will be based on "scheduled" applicants, not actual Board participants.

Medical Service Corporation will provide the following for the usage fee:

- a. Up to 31 operatories
- b. Personnel to receive incoming calls
- c. Private office for Board members
- d. Lounge area for applicants
- e. Reception and waiting area
- f. Laboratory work space for applicants plus standard equipment
- g. Laboratory personnel to operate casting equipment
- h. Maintenance technician for equipment problems
- i. Management personnel familiar with the facility

2. In order to preclude my personnel from becoming inordinately involved with the conduct of the Board, the Board should also cover the following administrative functions:
  - a. Assignment of operatories
  - b. Conveying messages to applicants and Board members
  - c. Coordinating patient arrivals with applicants
  
3. Handpieces will be checked out to applicants if they cannot provide their own four hole units. If returned in workable condition, the usage fee will cover the use of handpieces. The cost of lost or damaged handpieces will have to be additional charges to the appropriate state agency.

In order to eliminate past problems with applicants' questions about the facility and equipment, I have sent each prospective applicant an informational letter.

Hopefully, this arrangement will work to the benefit of all involved and we look forward to working with you once again.

Sincerely,



Philip E. Reecer  
Dental Services Administrator

DR. ROBERT W. SMITH: Board members present were Dr. Hansen, Dr. Rick, Dr. Kobylarz, John Beard, Dr. Yuknis, Jana Varrati and Dr. Putman. On motion duly made, seconded and approved unanimously, it was

RESOLVED, to adopt the hearing officer's decision on Dr. Robert W. Smith.

FURTHER RESOLVED, that the hearing officer's decision was also the decision of the board.

FURTHER RESOLVED, that the adopted decision be effective immediately upon receipt by Dr. Smith.

E. ELDON MITCHELL: After discussion and on motion duly made, seconded and approved unanimously, it was

RESOLVED, to request from the Division of Occupational Licensing a copy of the list of the six dentists nominated by the board (three of whom would examine Dr. E. Eldon Mitchell in a special exam) that was sent to Dr. Mitchell in June of 1978 by Richard Long.

ALEUTIAN MOBILE CLINIC: Richard Long gave a report on the Aleutian Mobile Dental Clinic which is staffed by 18 volunteer dentists, dental hygienists, dental students and dental assistants from California. This group is to begin working on the Aleutian Chain after receiving an equipment grant of \$200,000.00 from the State of Alaska. They would work under a contract between the Department of Health and Social Services expiring on September 15, 1978. The team would work on Native patients at Sand Point and King Salmon. The board has no jurisdiction over unlicensed dentists and therefore cannot take action at this time. It is the decision of the Investigating Officer as to whether the mobile clinic team is committing a licensing violation in which case he would serve a stop order and further action could be taken by the State A.G.'s office at that point.

ASSISTANT ATTORNEY GENERAL: The Assistant Attorney General advised, by telephone, that the board contact the hearing officer to obtain an opinion on the board's resolution concerning Bobby D. Layman. John Beard stated that as an attorney he was confident of the legality of the board's action. Therefore, no new action was taken concerning Dr. Bobby Layman.

DR. TOM JOHNSON; Dr. Hansen read a letter that he received from Dr. John White requesting a board opinion on whether Dr. Johnson, a dentist not licensed in Alaska, would be practicing dentistry if he were to conduct duplicate examinations for the purpose of a study. After discussion and on motion duly made, seconded and approved unanimously, it was

RESOLVED, that Dr. Hansen would write to Dr. White, reminding him that under 08.360 (2), diagnosis constitutes the practice of dentistry.



**Merrill Lynch  
Pierce  
Fenner & Smith Inc.**

February 18, 1982

Governor Jay Hammond  
State of Alaska  
Juneau, AK 99811

**Fenner & Smith Inc**

Dear Governor Hammond:

I appreciate very much your appointing me to the State Board of Dental Examiners. At the time I expressed an interest in being on the Board, I did not know how I would perceive my role as a board member; that is whether I would be a "watch dog" of the examiners or a "watch dog" of the examinees. I am very pleased with what I have found after my first business meeting on the Board and after my first round with the State Dental Boards.

I have found that matters coming before the Board are considered on a most professional basis. I've further found that the examinations are given with the utmost degree of professionalism and fairness, fairness to both the examinee and to the examiner. The professionals on the Dental Board explained in great detail what it is was that they looked for during the Dental Boards and how they evaluated the various procedures conducted by the candidates. I feel that those dentists that passed the State Board are truly qualified to practice dentistry in the State of Alaska and the Alaskan citizens can be sure that these candidates are capable of delivering the finest professional service.

Again, my appreciation for your appointment. I intend to be a very active and interested participant in all aspects of the State Board of Dental Examiners.

Very truly yours,

Bertram B. Beneville  
Vice President

BBB/lis

cc: Lt. Gov. Terry Miller  
Dr. Ed Wilkinson

Senator Glenn Hackney  
Senate Health, Education and  
Social Services Committee

January 31, 1979

Alaska State Board of  
Dental Examiners

After reviewing the findings and recommendations of the Performance Review of the Board of Dental Examiners, we, the Board of Dental Examiners, go on record as encouraging the continuation of this Board for the benefit of the dental health and welfare of the citizens of the State.

In consideration of this, we will present, in a point-by-point manner, our recommendations in response to the ten recommendations of the Legislative Audit Committee.

Recommendation #1: The Board of Dental Examiners should institute changes in its procedures and regulations which will encourage more dental services to be provided in Alaska.

- A. It is the Dental Board's finding that changes in procedures and regulations will not necessarily encourage more dentists to practice in Alaska. Nowhere in AS 08.32 or AS 08.36 is the board charged with addressing a manpower shortage. The board also differs with the statistics as cited in Appendix J, page 37 of the Legislative Budget and Audit Committee Report. For example, Nome has two private dentists plus three public health dentists; Kuskokwim has two private dentists plus public health dentists; and Valdez does have one resident dentist. In addition, the Alaska Dental Society has on record sixty licensed dentists that will go to outlying areas, some of which are already providing services. More dentists will go to these areas if additional public health service contracts are made available.
- B. It is a fact that most rural areas do not have the population and economic base to support a resident dentist.
- C. At the present time, the board is investigating licensure by credentials and/or reciprocity and has written all states requesting their position and feelings about this matter. The board feels that even with change in this area, it will not necessarily change the area distribution of dentists.

Recommendation #6: Board of Dental Examiners should submit an annual report to the Governor's Office and to the Alaska Dental Society in accordance with AS 08.36.070.

The Board of Dental Examiners has complied with AS 08.36.070. Attached is the annual report. All information has been included in this report.

Recommendation #7: Legislation should be introduced to delete license violations which are unconstitutional and not in the public's best interest.

The Board recommends deletion of AS 08.26.310 (10), (12), (13), (14), (15), (16), (17), (18), (20), (24) and a change in (25) from "advertises as" to "engages in practice as." In addition to this, Alaska Statute 45.50.471 should be incorporated into AS 08.36.310 to give board enforcement authority.

Recommendation #8: The Board of Dental Examiners should establish formal goals, objectives and quantifiable measures which would be included in the Occupational Licensing's budget document.

The board has this on the agenda for the meeting of 1/26/79.

Recommendation #9: The Division of Occupational Licensing should collect, record and maintain for five year periods files and statistics of license and testing applicants and related workload of the licensing examiner.

The board agrees and hopes this will be adequately accomplished by the Division of Occupational Licensing.

Recommendation #10: Legislation should be pursued which will allow all interest groups to be adequately represented on the Board of Dental Examiners.

The board feels that there is adequate representation of diverse interest groups on the board. Further representatives would only confuse and reduce the effectiveness and efficiency of the board.

For your information, additional responses from the Board Secretary and President are attached to the Performance Review Document prepared by the Division of Legislative Audit.

JD/mhl/19

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W—ALASKA OFFICE BUILDING

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

February 19, 1982

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

FROM: *W. L. Wilkerson*  
Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

SUBJECT: Discussion of Legislative  
Oversight Responsibilities  
as Related to Sunset Audits

As required by "sunset" legislation, your Committee has been assigned the oversight review of the Board of Dental Examiners and the Board of Psychologist and Psychological Associate Examiners. In addition to the audit reports released earlier by this Division, the following information may be helpful.

According to AS 44.66.050, the standing committee of legislative jurisdiction as provided in Rule 20 of the Uniform Rules of the Legislature shall hold one or more hearings to receive testimony from the public and other parties that have associated responsibilities or interests. In addition, the Committee shall consider Legislative Audit's report, the agency's proposed budget, the agency's program performance report, and any other tools that might assist it in evaluating the conduct and activities of the agency being terminated.

It is important to note that the terminating agency shall have the burden of demonstrating a public need for its continued existence during the public hearings.

The determination of "public need" for continued existence shall take into consideration the following factors set out in AS 44.66.050(c):

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

2. 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.
3. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
4. 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.
5. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
6. 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.
7. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.
8. 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.
9. 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.

The Legislative Audit reports have addressed these issues individually but only to the extent allowed by restricted audit scopes detailed within the reports.

The Law further states that the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of each

house. The report is to include a summary of findings as to compliance with the "public need" factors enumerated above together with recommendations as to each of the following:

1. An identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address.
2. A statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments.
3. An identification of any other programs having similar, conflicting or duplicate objectives.
4. An assessment of alternative methods of achieving the purposes of the program.
5. An assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.
6. A justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts.
7. Any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

The committee of reference may introduce a bill providing for the reorganization or continuation of the agency being terminated as stipulated in AS 44.66.050(e).

If additional information is needed, please contact this office at 465-3830.

cc: Senator Arliss Sturgulewski  
Chairman  
Legislative Budget and Audit Committee

## Board of Dental Examiners

### 1) Problems and needs

Elimination of temporary license statute law for rural areas. 08.36.280

Changing either the statute or the regulations concerning the acceptable percentage for re-examination, to reflect the same figure.

### 2) Objectives and anticipated accomplishments

To assure the public of high standards of dental care by professionals in the state.

### 3) Other programs

There are no similar or conflicting programs

### 4) Alternative methods

### 5) Eliminating the board

This would not guarantee public protection if licensing were to be eliminated. For example, there have been 38 complaints filed since July 1978.

### 6) Justification

The board is necessary to guarantee professional competency. Reduced funding would eliminate annual meetings to some degree, endangering the testing, investigative and regulatory functioning of the board. No other agency duplicates these services.

### 7) Other information

The board has promulgated continuing competency regulations in compliance with prior audit recommendations. Elimination of temporary license statutes for rural areas will be accomplished through legislation introduced by the committee

# 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 D  
JUNEAU, ALASKA 99811

Phone: 465-2534

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

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JOHN F. KOBYLARZ, D.M.D.  
BOX 830  
SOLDOTNA, ALASKA 99669

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1. Insure quality of oral care for citizens of Alaska.
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3. Formulate regulations for expanded function of dental auxiliaries.
4. Conduct two examinations for licensure.
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10. Prepare Examiners Manual for clinical exam.
11. Review and recompose examination information sheets.

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER  
OFFICE OF INFORMATION SYSTEMS

JAY S. HAMMOND, GOVERNOR

POUCH H-01G  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3144

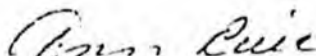
March 17, 1981

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 Ruic  
Clerk Typist III  
State Center for Health and  
Social Statistics

# DENTISTS

## Itinerant Services

<u>Village Names</u>	<u># Visits Per Year</u>
Kenai	3
Tyonek	1
Nulato	2
Kaltag	2
Ruby	2
Huslta	1
Koyukuk	1
English Bay	12
Port Graham	12
Ninilchik	4
Ketchikan	10
Wrangell	10
Petersburg	10
Hoonah	2-4
Pelican	2-4
Kongiganek	2
Kwigillingok	2
Old Harbor	1
Larsen Bay	1
Karluk	1

Itinerant Services Cont.

<u>Village Names</u>	<u># Visits Per Year</u>
Holy Cross	2 weeks
Anvik	4 days
Russian Mission	1 week
Grayling	1 week
Atkasuk	2
Kaktouik	2
Nuiqsut	2
Kalskag	2
Aniak	2
Lower Kalskag	2
Glacierview (Glennhighway)	3
Pilot Station	1 month
Pitkas Point	10 days
Mtn. Village	2 months
Kotlik	1 month
Skagway	4

Itinerant Services Cont.

<u>Village Names</u>	<u># Visits Per Year</u>
Thorne Bay	1
Coffman Cove	1
Whale Pass	1
Meyers Chuck	1
Bradfield Canal	1
Craig	1
Labauchere Bay	1
Point Baker	1
Wasilla	12
Pt. Hope	2
Noatak-Elim	2 per village
Noorvik-Selawik	2 per village
Shaktoolik	1
Koyuk	1
Stebbins	1
Manokotak	1
Goodnews Bay	1
Platinum	1
Portage Creek	1
South Naknek	1
Pilot Point	1
Port Heiden	1
Levelock	1
Egegik	1

Itinerant Services Cont.

<u>Village Names</u>	<u># Visits Per Year</u>
Seldovia	6
King Salmon	3
Unalaska	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
Angeon	3
Pelican	2
Elfin Cove	2
Yakutat	24
Skagway	21
Askov, 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
Emmonak	4 weeks
Hooper Bay	4 weeks
Chetavak	4 weeks
Unalakleet	4 weeks
Savoonga	4 weeks
Kipnuk	1-2 per year
Nentasta	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

POLICH D  
JUNEAU, ALASKA 99811  
Phone: 465-2534

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# Midnight Sun Dental Hygienists' Society

February 28, 1982

Senator Charles H. Parr, Chairman  
Senate HESS Committee  
Pouch V  
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,

*Denise 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 Stimson

Feb 26, 1982

Dear Mr. Parr,

As President of the Book Sheet Dental Hygiene Association I would like to encourage your support in continuing the Alaska Board of Dental Examiners. I understand you are the Chairperson of the Senate hearing to be held on March 5, 1982 concerning this issue.

The Board of Dental Examiners functions to maintain competency of all licensed dentists and dental hygienists to ensure complete and thorough treatment of the public.

I encourage you to continue this important civic service.

Sincerely,

Gail B. Bemis

ALASKA DENTAL BOARD EXAMINATIONS

Year	Number of Candidates	Number Passed	Number Failed	Percent Passed	Percent Failed
1966	20	14	6	70	30
1967	20	15	5	75	25
1968	23	12	11	52	48
1969	18	8	10	44	54
1970	32	25	7	78	22
1971	22	12	10	55	45
1972	25	16	9	64	36
1973	25	14	11	56	44
1974	26	15	11	58	42
1975	33	16	17	48	52
1976	31	25	6	81	19
1977	28	23	5	82	18
1978	25	12	13	48	52
1979	19	11	8	57	43
1980	<u>26</u>	<u>14</u>	<u>12</u>	<u>54</u>	<u>46</u>
TOTAL	373	232	141	61.5	38.5
+1981	27	14	13	52	48
New Total	400	246	154	62	38

**Alaska Teamsters  
Medical Service Corporation**

DENTAL

1200 Airport Heights Road Anchorage, Alaska 99504 (907) 264-3400

January 5, 1982

Department of Commerce  
and Economic Development  
ATTN: Board of Dental Examiners - Anita Fitzjarrald  
Pouch D  
Juneau, Alaska 99811

Dear Anita:

The Alaska Teamsters Medical Service Corporation is pleased to make its Anchorage Dental Facility available for use by the State of Alaska Board of Dental Examiners on January 23 and 24, 1982.

1. As with the last Board, I will be unable to collect usage fees directly from applicants. Therefore, according to the following schedule, payment will have to be received prior to the Board:

<u>Total Number of Dentists and Hygienists Scheduled</u>	<u>Facility Usage Fee</u>
Less than 15	\$ 5,000
16 - 20	7,500
21 - 25	10,000
26 - 30	12,500
Over 30	15,000

In Addition, I will bill the appropriate agency after the Board for the actual cost of dental gold used for the inlay procedures.

Since operatory utilization decisions will have to be made two to three weeks in advance, the usage fee will be based on "scheduled" applicants, not actual Board participants.

Medical Service Corporation will provide the following for the usage fee:

- a. Up to 31 operatories
- b. Personnel to receive incoming calls
- c. Private office for Board members
- d. Lounge area for applicants
- e. Reception and waiting area
- f. Laboratory work space for applicants plus standard equipment
- g. Laboratory personnel to operate casting equipment
- h. Maintenance technician for equipment problems
- i. Management personnel familiar with the facility

2. In order to preclude my personnel from becoming inordinately involved with the conduct of the Board, the Board should also cover the following administrative functions:
  - a. Assignment of operatories
  - b. Conveying messages to applicants and Board members
  - c. Coordinating patient arrivals with applicants
  
3. Handpieces will be checked out to applicants if they cannot provide their own four hole units. If returned in workable condition, the usage fee will cover the use of handpieces. The cost of lost or damaged handpieces will have to be additional charges to the appropriate state agency.

In order to eliminate past problems with applicants' questions about the facility and equipment, I have sent each prospective applicant an informational letter.

Hopefully, this arrangement will work to the benefit of all involved and we look forward to working with you once again.

Sincerely,



Philip E. Reecer  
Dental Services Administrator

DR. ROBERT W. SMITH: Board members present were Dr. Hansen, Dr. Rick, Dr. Kobylarz, John Beard, Dr. Yuknis, Jana Varrati and Dr. Putman. On motion duly made, seconded and approved unanimously, it was

RESOLVED, to adopt the hearing officer's decision on Dr. Robert W. Smith.

FURTHER RESOLVED, that the hearing officer's decision was also the decision of the board.

FURTHER RESOLVED, that the adopted decision be effective immediately upon receipt by Dr. Smith.

E. ELDON MITCHELL: After discussion and on motion duly made, seconded and approved unanimously, it was

RESOLVED, to request from the Division of Occupational Licensing a copy of the list of the six dentists nominated by the board (three of whom would examine Dr. E. Eldon Mitchell in a special exam) that was sent to Dr. Mitchell in June of 1978 by Richard Long.

ALEUTIAN MOBILE CLINIC: Richard Long gave a report on the Aleutian Mobile Dental Clinic which is staffed by 18 volunteer dentists, dental hygienists, dental students and dental assistants from California. This group is to begin working on the Aleutian Chain after receiving an equipment grant of \$200,000.00 from the State of Alaska. They would work under a contract between the Department of Health and Social Services expiring on September 15, 1978. The team would work on Native patients at Sand Point and King Salmon. The board has no jurisdiction over unlicensed dentists and therefore cannot take action at this time. It is the decision of the Investigating Officer as to whether the mobile clinic team is committing a licensing violation in which case he would serve a stop order and further action could be taken by the State A.G.'s office at that point.

ASSISTANT ATTORNEY GENERAL: The Assistant Attorney General advised, by telephone, that the board contact the hearing officer to obtain an opinion on the board's resolution concerning Bobby D. Layman. John Beard stated that as an attorney he was confident of the legality of the board's action. Therefore, no new action was taken concerning Dr. Bobby Layman.

DR. TOM JOHNSON; Dr. Hansen read a letter that he received from Dr. John White requesting a board opinion on whether Dr. Johnson, a dentist not licensed in Alaska, would be practicing dentistry if he were to conduct duplicate examinations for the purpose of a study. After discussion and on motion duly made, seconded and approved unanimously, it was

RESOLVED, that Dr. Hansen would write to Dr. White, reminding him that under 08.360 (2), diagnosis constitutes the practice of dentistry.



**Merrill Lynch  
Pierce  
Fenner & Smith Inc.**

**Fenner & Smith Inc.**

February 18, 1982

Governor Jay Hammond  
State of Alaska  
Juneau, AK 99811

Dear Governor Hammond:

I appreciate very much your appointing me to the State Board of Dental Examiners. At the time I expressed an interest in being on the Board, I did not know how I would perceive my role as a board member; that is whether I would be a "watch dog" of the examiners or a "watch dog" of the examinees. I am very pleased with what I have found after my first business meeting on the Board and after my first round with the State Dental Boards.

I have found that matters coming before the Board are considered on a most professional basis. I've further found that the examinations are given with the utmost degree of professionalism and fairness, fairness to both the examinee and to the examiner. The professionals on the Dental Board explained in great detail what it is that they looked for during the Dental Boards and how they evaluated the various procedures conducted by the candidates. I feel that those dentists that passed the State Board are truly qualified to practice dentistry in the State of Alaska and the Alaskan citizens can be sure that these candidates are capable of delivering the finest professional service.

Again, my appreciation for your appointment. I intend to be a very active and interested participant in all aspects of the State Board of Dental Examiners.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Bertram B. Beneville', written in a cursive style.

Bertram B. Beneville  
Vice President

BBB/lc

cc: Lt. Gov. Terry Miller  
Dr. Ed Wilkinson

Senator Glenn Hackney  
Senate Health, Education and  
Social Services Committee

January 31, 1979

Alaska State Board of  
Dental Examiners

After reviewing the findings and recommendations of the Performance Review of the Board of Dental Examiners, we, the Board of Dental Examiners, go on record as encouraging the continuation of this Board for the benefit of the dental health and welfare of the citizens of the State.

In consideration of this, we will present, in a point-by-point manner, our recommendations in response to the ten recommendations of the Legislative Audit Committee.

Recommendation #1: The Board of Dental Examiners should institute changes in its procedures and regulations which will encourage more dental services to be provided in Alaska.

- A. It is the Dental Board's finding that changes in procedures and regulations will not necessarily encourage more dentists to practice in Alaska. Nowhere in AS 08.32 or AS 08.36 is the board charged with addressing a manpower shortage. The board also differs with the statistics as cited in Appendix J, page 37 of the Legislative Budget and Audit Committee Report. For example, Nome has two private dentists plus three public health dentists; Kuskokwim has two private dentists plus public health dentists; and Valdez does have one resident dentist. In addition, the Alaska Dental Society has on record sixty licensed dentists that will go to outlying areas, some of which are already providing services. More dentists will go to these areas if additional public health service contracts are made available.
- B. It is a fact that most rural areas do not have the population and economic base to support a resident dentist.
- C. At the present time, the board is investigating licensure by credentials and/or reciprocity and has written all states requesting their position and feelings about this matter. The board feels that even with change in this area, it will not necessarily change the area distribution of dentists.

Recommendation #6: Board of Dental Examiners should submit an annual report to the Governor's Office and to the Alaska Dental Society in accordance with AS 08.36.070.

The Board of Dental Examiners has complied with AS 08.36.070. Attached is the annual report. All information has been included in this report.

Recommendation #7: Legislation should be introduced to delete license violations which are unconstitutional and not in the public's best interest.

The Board recommends deletion of AS 08.26.310 (10), (12), (13), (14), (15), (16), (17), (18), (20), (24) and a change in (25) from "advertises as" to "engages in practice as." In addition to this, Alaska Statute 45.50.471 should be incorporated into AS 08.36.310 to give board enforcement authority.

Recommendation #8: The Board of Dental Examiners should establish formal goals, objectives and quantifiable measures which would be included in the Occupational Licensing's budget document.

The board has this on the agenda for the meeting of 1/26/79.

Recommendation #9: The Division of Occupational Licensing should collect, record and maintain for five year periods files and statistics of license and testing applicants and related workload of the licensing examiner.

The board agrees and hopes this will be adequately accomplished by the Division of Occupational Licensing.

Recommendation #10: Legislation should be pursued which will allow all interest groups to be adequately represented on the Board of Dental Examiners.

The board feels that there is adequate representation of diverse interest groups on the board. Further representatives would only confuse and reduce the effectiveness and efficiency of the board.

For your information, additional responses from the Board Secretary and President are attached to the Performance Review Document prepared by the Division of Legislative Audit.

JD/mhl/19

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 822 " An Act relating to the practice of dentistry;  
Title continuing the existence of the Board of Dental Examiners.  
Requested by Senate HESS Committee Date 3-4-82

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. SB 822 has no additional fiscal impact on the department.

IV. DATE 3-4-82

PREPARED BY Margorie Odland  
AGENCY Division of Occupational Licensing

Original: Legislative Finance PHONE 465-2535  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/81)

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding:

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding:

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding:

(4) an assessment of alternative methods of achieving the purposes of the program.

Finding:

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.

Finding:

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts;

Finding:

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding:

The Health, Education, and Social Services Committee finds that:

PREPARED  
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 <sup>1981</sup>1980 and <sup>1982 DSE</sup>1981 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 DOL 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.

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.

In compliance with AS 44.66.050 and referral by the President of the Senate, the Health, Education and Social Services Committee has conducted a sunset review of the Board of Dental Examiners.

The Committee utilized Legislative Audit report 08-101-1038-R, A Performance Review of the Board of Dental Examiners, dated July 17, 1981; the Committee's own report, Senate HESS Committee Activities during Interim, dated December 1981, and written information submitted by the Board.

Testimony was received from the Director of the Division of Occupational Licensing and the Division staff person assigned to work with the Board, from one current member (formerly president) and one former member of the Board, and from the Secretary of the Alaska Dental Society. Written communications were received from six persons, some of whom seemed to associate the Board with the high cost of dental care.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding:

People need dental care, which is often painful and can be dangerous. Practitioners must be well-qualified. Since neither school training nor peer review can be relied upon to assure that practitioners are well qualified, it is necessary to provide for licensure and discipline under state auspices.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding:

To assure the public of high standards of dental care by professionals in the State.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding:

There are no similar or conflicting programs.

(4) an assessment of alternative methods of achieving the purposes of the program.

Finding:

Licensure and discipline could be turned over to the Division of Public Health. At this time this step is not practicable. Another alternative is to leave licensure and discipline to the professional associations, but there is no indication that this would work better or save money.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.

Finding:

The board is necessary to guarantee professional competency. Reduced funding would reduce frequency of meetings, endangering the testing, investigative and regulatory functioning of the board.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts;

Finding:

There would be no guarantee of public protection if licensing were eliminated. For example, there have been 38 complaints filed since July 1978. Duplication or conflict with other efforts is precluded by the statutory prescription of the Board's authority.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding:

The board has promulgated continuing competency regulations in compliance with prior audit recommendations. Elimination of temporary licenses for rural areas will be accomplished through legislation introduced by the Committee.

The Health, Education, and Social Services Committee finds that:

1. The Board of Dental Examiners should be continued.
2. The Board should continue the improvement it has shown since the sunset review in 1978.
3. The Alaska Dental Society should cooperate with the Board in conducting the clinical portion of the dental examination, in order to lessen the work load on Board members.
4. The Board should develop and submit a revised dental practice act.

P A

Charlie

You might want to  
ask the Board Chair.  
Why the Regs. disagree  
with the Statutes on  
the percentage for  
retreat.

75% Statute  
80% Regulation

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

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Review. . . . .	1
Organization and Function. . . . .	2
Report Conclusion. . . . .	3
Prior Audit Recommendations. . . . .	4
Analysis of Public Need. . . . .	6
Appendixes:	
A. Board of Dental Examiners Revenues Compared with Expenditures. . . . .	12
B. Practical Examination. . . . .	14
C. Analysis of Complaints Filed Against Dentists and Dental Hygienists . . . . .	16
D. Administrative Statistics. . . . .	17
E. Dental Manpower Shortage Areas . . . . .	18
Agency Response:	
Department of Commerce and Economic Development. . . . .	19

# 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

## 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>

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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 examination 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</u> <u>Years</u>		<u>Pass Rate</u> <u>1979-1980</u>	<u>Pass Rate</u> <u>1975-1978</u>
	<u>1980</u>	<u>1979</u>	<u>Average</u>	<u>Average</u> (Note 1)
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	<u>4</u>	<u>0</u>		
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 E  
DENTAL MANPOWER SHORTAGE AREAS  
(See Note 1)

<u>Service Area</u>	<u>Population to Private Dentists Ratio</u>	<u>Population to Private and Public Health Dentist Ratio</u>	<u>Days of Visits by Private Dentists Per Year</u>
Angoon Division	600 to 0	600 to 0	3
Outer Ketchikan Division	2,000 to 1	2,000 to 1	41
Prince of Wales Division	2,600 to 1	2,600 to 1	6
Skagway-Yakutat Division	2,800 to 1	2,800 to 1	82
Aleutian Island Division	8,000 to 0	8,000 to 0	4
Bethel Division	10,000 to 2	10,000 to 7	11
Briscol Bay Division	3,900 to 0	3,900 to 0	5
Bristol Bay Borough Division	1,400 to 0	1,400 to 2	12
Kuskokwim Division	2,700 to 0	2,700 to 0	38
Nome Division	7,200 to 2	7,200 to 4	61
Valdez-Chitina-Whittier Division	5,000 to 3	5,000 to 3	22
Wade Hampton Division	4,400 to 1	4,400 to 1	214
Barrow Division	8,300 to 0	8,300 to 2	4
Kobuk Division	5,100 to 0	5,100 to 2	6
S.E. Fairbanks Division	5,300 to 0	5,300 to 0	0
Upper Yukon Division	1,200 to 0	1,200 to 0	2
Yukon-Koyukuk Division	5,500 to 0	5,500 to 0	12

Note 1

The population to private dentists ratio was obtained from the Department of Health and Social Services, State of Alaska Dental Manpower Report. The number of public health dentists were 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 dentist ratio. The number of visits by private dentists per year were obtained from the 1980 Biennial Survey of Dentists from the State Center for Health and Social Statistics, Department of Health and Social Services, State of Alaska. These figures were unaudited.

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

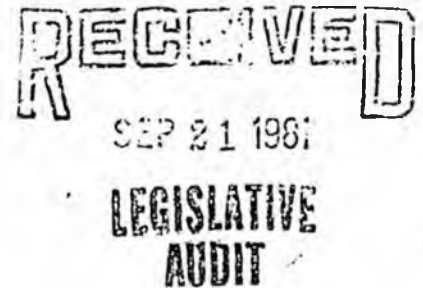
POUCH D

JUNEAU, ALASKA 99811

Phone: 465-2500

September 18, 1981

Mr. Gerald L. Wilkerson, Director  
Division of Legislative Audit  
Pouch W  
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 permit statutes. We also concur with the continuing competency recommendation and note that the board is presently developing the necessary regulations.

Thank you

Sincerely,

A handwritten signature in cursive script, appearing to read "Lois Cook".

Lois Cook  
Acting Deputy Commissioner

LC/wfs 4/9

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts;

Finding:

There be no <sup>of</sup> public protection if licensing were to be eliminated. This would not guarantee

For example, there have been 38 complaints filed since July 1978. Duplication or conflict with other efforts is precluded by the statutory prescription of the Board's authority.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding:

The board has promulgated continuing competency regulations in compliance with prior audit recommendations. Elimination of temporary licenses statutes for rural areas will be accomplished through legislation introduced by the Committee.

The Health, Education, and Social Services Committee finds that:

1. The Board of Dental Examiners should be continued.
2. The Board should continue the improvement it has shown since the sunset review in 1978.
3. The Alaska Dental Society should cooperate with the Board in ~~the~~ conducting the clinical portion of the dental examination, in order to lessen the workload on Board members.
4. The Board should develop and submit a revised dental practice act.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: People need dental care, which is often painful and can be dangerous. Practitioners must be well-qualified. Since neither school training nor peer review can be relied upon to assure that practitioners are well qualified, it is necessary to provide for licensure and discipline under state auspices.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding:

To assure the public of high standards of dental care by professionals in the state.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding:

There are no similar or conflicting programs

(4) an assessment of alternative methods of achieving the purposes of the program.

Finding: Licensure and discipline could be turned over to the Division of Public Health. At this time this step is not practicable. Another alternative is to leave licensure and discipline to the professional associations, but there is no indication that this would work better or save money.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.

Finding:

The board is necessary to guarantee professional competency. Reduced funding would reduce frequency of eliminate annual meetings to some degree, endangering the testing, investigative and regulatory functioning of the board. No other agency duplicates these services.

(Mrs Jones)

I am told that they use "gold" on  
the test rather than silver or  
other substances which are more  
conventionally used in practice.

Naney OK?

274- In compliance with AS<sup>44,66,050</sup> and referral by the President of the Senate the Health, Education and Social Services Committee has conducted a sunset review of the Board of Dental Examiners.

The Committee utilized Legislative Audit report 08-101-1038-R, A Performance Review of the Board of Dental Examiners, dated July 17, 1981; the Committee's own report Senate HESS Committee Activities During Interim, dated December 1981, and written information submitted by the Board.

Testimony was received from the Director <sup>of the Division</sup> ~~and one staff~~ of Occupational Licensing and the Division staff person assigned to work with the Board, from one current member (formerly president) and one former member of the Board, and from the Secretary of the Alaska Dental Society. Written communications were received from six persons, ~~four~~ <sup>some</sup> of whom seemed to associate the Board with the high cost of dental care.

Findings . . . .