

COMMITTEE REPORT  
HOUSE

(11)

FURTHER:

Date: 5-7-84

4/26/84

The Committee on FINANCE has had HB 611

"An Act relating to dentists and dental hygienists."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HR 611 (HESS)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Albert P. Giddens  
W.B. Whitworth  
T. H. Martin  
W. J. Furrace  
Ab. Tucker  
Don. ...  
John ...  
Ray ...  
ADRO H FRITZ

... (No ...)  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
Albert P. Giddens  
 CHAIRMAN

Offered: 4/26/84  
Referred: Finance

Original sponsor: Furnace

1 IN THE HOUSE

BY THE HEALTH EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 611 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to dentists and dental hygienists."

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

8 \* Section 1. AS 08.32.010 is amended to read:

9

Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.-

10

32.095, a person may not practice, offer or attempt to practice, or

11

advertise or announce as being prepared or qualified to practice

12

dental hygiene without a license and a current certificate of regis-

13

tration.

14

\* Sec. 2. AS 08.32.020(a) is amended to read:

15

(a) An applicant for examination shall submit information that

16

the person is [BE]

17

(1) [Repealed by sec. 32 ch 49 SLA 1980.

18

(2)] at least 18 years of age;

19

(2) [(3)] a graduate of an accredited high school;

20

(3) [(4)] a graduate or on the date of examination will be

21

a graduate of a dental hygiene school that [WHICH] requires at least a

22

two-year course and is accredited by the Commission on Accreditation

23

of Dental and Dental Auxiliary Education Programs of the American

24

Dental Association; and

25

(4) [(5)] an examinee who has successfully completed the

26

[NATIONAL BOARD OF DENTAL EXAMINERS'] written theory examination of

27

the American Dental Association Joint Commission on National Dental

28

Examinations or an equivalent written examination given by the board,

29

thereby demonstrating satisfactory theoretical knowledge of dental and

1 basic biomedical sciences.

2 \* Sec. 3. AS 08.32.030 is amended to read:

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

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

6 (2) has successfully passed a state or regional dental  
7 hygiene clinical examination which the board has determined is at  
8 least equivalent in scope, quality, and difficulty to the Alaska  
9 clinical examination;

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

13 (4) has not failed the clinical dental hygiene examination  
14 of this state;

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

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

18 (7) pays the [ALL] fees required under AS 08.32.097 [AS 08.  
19 '5.290]; and

20 (8) is not the subject of an unresolved complaint, review  
21 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]  
22 dental or dental hygiene licensing jurisdiction [HYGIENICS ASSOCIA-  
23 TION].

24 \* Sec. 4. AS 08.32 is amended by adding a new section to read:

25 Sec. 08.32.035. TEMPORARY LICENSE. (a) The board may issue  
26 without examination a temporary license to an applicant for examina-  
27 tion who is licensed to practice dental hygiene in another state and  
28 who meets the criteria of AS 08.32.030 but who has been in active  
29 clinical practice for less than two years immediately preceding

1 application. A temporary license expires at the time notice is given  
2 of the results of the next scheduled examination and may not be  
3 reissued.

4 (b) A person practicing dental hygiene under (a) of this section  
5 is subject to all other provisions of this chapter and laws and regu-  
6 lations that apply to the practice of dental hygiene in this state.

7 (c) Time in active clinical dental hygiene practice under a  
8 temporary license may not be credited toward licensure by credentials  
9 under AS 08.32.030.

10 \* Sec. 5. AS 08.32.040 is amended to read:

11 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-  
12 nation or determination of qualification for licensing under AS 08.-  
13 32.030 or 08.32.035 [BY CREDENTIALS] shall be signed by the applicant  
14 and accompanied by the applicant's certificate of graduation from an  
15 accredited dental hygiene school and the required fees [FEE PROVIDED  
16 UNDER AS 08.36.290(1)].

17 \* Sec. 6. AS 08.32.060 is amended to read:

18 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. (a) The  
19 examination shall be held at [THE SAME] times and places determined by  
20 the board. The examination shall be designed to test the qualifica-  
21 tions of the applicant to practice dental hygiene and shall consist of  
22 a written and a clinical examination.

23 (b) The subjects of the written examination shall include dental  
24 radiology, the state's laws on the practice of dental hygiene, and  
25 other subjects selected in accordance with the trends of dental hy-  
26 giene education and professional and technical advances [AS THE EX-  
27 AMINATION OF DENTISTS UNDER AS 08.36.130].

28 (c) The clinical examination shall test the applicant's skill in  
29 clinical procedures [COVER SUBJECTS] considered essential by the board

1 for the practice of dental hygiene including [A CLINICAL EXAMINATION  
2 ON] the removal of calcareous deposits, accretions, and stains from  
3 the exposed surfaces of the teeth beginning at the epithelial attach-  
4 ment by scaling and polishing techniques.

5 (d) The board may require an applicant to pass a laboratory  
6 examination as a prerequisite to admission to the clinical examination  
7 if the board has reason to believe the applicant cannot practice  
8 safely on a clinical patient.

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

10 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.  
11 The [IF THE APPLICANT PASSES THE EXAMINATION, THE] board shall regis-  
12 ter each successful [THE] applicant and issue the applicant a license  
13 upon payment of all required fees [REQUIRED UNDER AS 08.36.290. A  
14 LICENSED DENTAL HYGIENIST SHALL RENEW REGISTRATION AND OFFER PROOF OF  
15 CONTINUED COMPETENCY AS REQUIRED BY REGULATION OF THE BOARD EVERY FOUR  
16 YEARS].

17 \* Sec. 8. AS 08.32 is amended by adding a new section to read:

18 Sec. 08.32.071. RENEWAL OF REGISTRATION. A registration certif-  
19 icate is valid for four years. At least 60 days before expiration of  
20 a licensee's registration certificate, the division of occupational  
21 licensing shall mail a form for renewal of registration to each li-  
22 censed dental hygienist. Each licensee who wishes to renew a regis-  
23 tration certificate shall complete the form and return it with the  
24 appropriate fee and evidence of continued professional competence as  
25 required by the board. The division of occupational licensing shall,  
26 as soon as practicable, issue a registration certificate valid for a  
27 stated number of years. Each licensee shall keep the registration  
28 certificate beside or attached to the licensee's license. Failure to  
29 receive the registration form does not exempt a licensee from renewing

1 registration.

2 \* Sec. 9. AS 08.32.081 is amended to read:

3 Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. A [THE  
4 FAILURE, NEGLECT, OR REFUSAL OF A] licensed dental hygienist who does  
5 not [TO] pay the renewal registration fee forfeits [CONSTITUTES A  
6 FORFEITURE OF] the hygienist's license. The board may reinstate the  
7 license without examination within two years of the date on which  
8 payment was due upon written application, proof of continued profes-  
9 sional competence [COMPETENCY], and payment of all unpaid renewal fees  
10 and any penalty fee established under AS 08.01.100(b) [REQUIRED UNDER  
11 AS 08.36.290].

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

13 Sec. 08.32.097. FEES. The department shall, by regulations  
14 adopted under AS 08.01.065, establish fees for dental hygienists for  
15 the following:

- 16 (1) filing an examination and licensing application;  
17 (2) examination fee;  
18 (3) credential fee;  
19 (4) initial license;  
20 (5) registration fee;  
21 (6) filing a reexamination application;  
22 (7) duplicate license;  
23 (8) delinquent registration.

24 \* Sec. 11. AS 08.32.110(a) is amended to read:

25 (a) The role of the dental hygienist is to assist members of the  
26 dental profession in providing oral health care to the public. A  
27 person licensed to practice the profession of dental hygiene in the  
28 state may

- 29 (1) remove calcareous deposits, accretions, and stains from

1 the exposed surfaces of the teeth beginning at the epithelial attach-  
2 ment by scaling and polishing techniques;

3 (2) apply topical preventive or prophylactic agents;

4 (3) apply pit and fissure sealants;

5 (4) perform root planing and peridontal soft tissue curet-  
6 tage; [AND]

7 (5) perform other dental operations and services delegated  
8 by a licensed dentist if the dental operations and services are not  
9 prohibited by (c) of this section; and

10 (6) if certified by the board and under the direct or  
11 indirect supervision of a licensed dentist, administer local anes-  
12 thetic agents.

13 \* Sec. 12. AS 08.32.110(b) is amended to read:

14 (b) The board shall specify by regulation those additional  
15 [INTRA-ORAL] functions that [WHICH] may be performed by a licensed  
16 dental hygienist only upon successful completion of a formal course of  
17 instruction approved by the board. The board shall promulgate regula-  
18 tions specifying the education requirements, evaluation procedures,  
19 and degree of supervision required for each function.

20 \* Sec. 13. AS 08.32.160 is amended to read:

21 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION  
22 OF LICENSE. The board may revoke or suspend the license of a dental  
23 hygienist, or [THE LICENSEE] may reprimand, censure [BE REPRIMANDED,  
24 CENSURED], or discipline a licensee, if, after a hearing, [DISCIPLINED  
25 WHEN] the board finds [AFTER A HEARING] that the licensee

26 (1) used or knowingly cooperated in [SECURED A LICENSE  
27 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
28 license or registration;

29 (2) engaged in deceit, fraud, or intentional misrepresenta-

1       tion in the course of providing or billing for professional services  
2       or engaging in professional activities;

3               (3) advertised professional services in a false or mislead-  
4       ing manner;

5               (4) has been convicted of a felony or other crime that  
6       [WHICH] affects the licensee's ability to continue to practice compe-  
7       tently and safely;

8               (5) failed to comply with this chapter, with a regulation  
9       adopted under this chapter or under AS 08.36, or with an order of the  
10      board;

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

12                      (A) professional incompetence;

13                      (B) addiction or dependence [SEVERE DEPENDENCY] on  
14      alcohol or other drugs that [WHICH] impairs the licensee's abil-  
15      ity to practice safely;

16                      (C) physical or mental disability;

17                      (D) failure to keep informed of or use current profes-  
18      sional theories and practices;

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

21              (8) performed clinical procedures for compensation without  
22      being under the supervision of a licensed dentist.

23      \* Sec. 14. AS 08.32 is amended by adding a new section to read:

24              Sec. 08.32.171. DISCIPLINARY SANCTIONS. (a) If it finds that a  
25      dental hygienist is guilty of an offense under AS 08.32.160, the board  
26      may impose the following sanctions singly or in combination:

27                      (1) permanently revoke a license to practice;

28                      (2) suspend a license for a stated period of time;

29                      (3) censure a licensee;

1                   (4) issue a letter of reprimand;  
2                   (5) place a licensee on probationary status and require the  
3 licensee to

4                   (A) report regularly to the board upon matters involv-  
5 ing the basis of probation;

6                   (B) limit practice to those areas prescribed;

7                   (C) continue professional education until the licensee  
8 attains a satisfactory level of competence in those areas deter-  
9 mined by the board to need improvement;

10                  (6) impose limitations or conditions on the practice of a  
11 licensee.

12                  (b) The board may withdraw probationary status if it finds that  
13 the deficiencies that required the sanction have been remedied.

14                  (c) The board may summarily suspend a license before final  
15 hearing or during the appeals process if the board finds that con-  
16 tinued practice by the licensee poses a clear and immediate danger to  
17 the public health and safety. The board may summarily suspend the  
18 license of a licensee who refuses to submit to a physical or mental  
19 examination under AS 08.36.070(b)(1). A person whose license is  
20 suspended under this section is entitled to a hearing by the board no  
21 later than seven days after the effective date of the order. If,  
22 after a hearing, the board upholds the suspension, the licensee may  
23 appeal the suspension to a court of competent jurisdiction.

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

27                  (e) The board shall seek consistency in the application of  
28 disciplinary sanctions and shall issue findings of fact or orders to  
29 explain a significant departure from prior decisions.

1 \* Sec. 15. AS 08.32.180 is amended to read:

2           Sec. 08.32.180. VIOLATION. A person who violates a provision of  
3           this chapter or a regulation adopted under this chapter [OR WHO FAILS  
4           TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, A PENALTY] for which  
5           a penalty is not otherwise provided [,] is guilty of a class B misde-  
6           meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN  
7           \$100].

8 \* Sec. 16. AS 08.32 is amended by adding a new section to read:

9           Sec. 08.32.187. APPLICATION OF CHAPTER. (a) This chapter  
10          applies to a person who practices, or offers or attempts to practice,  
11          as a dental hygienist in the state except

12                 (1) a dental hygienist in the military service in the  
13          discharge of official duties;

14                 (2) a dental hygienist in the employ of the United States  
15          Public Health Service, United States Veterans' Administration, Alaska  
16          Native Service, or another agency of the federal government, in the  
17          discharge of official duties;

18                 (3) a dental hygienist licensed in another state who is  
19          teaching or demonstrating clinical techniques at a meeting, seminar,  
20          or limited course of instruction sponsored by a dental or dental  
21          auxiliary society or association or by an accredited dental or dental  
22          auxiliary educational institution.

23                 (b) A person excepted from this chapter under (a) of this sec-  
24          tion shall be held to the same standard of care as a person covered by  
25          this chapter.

26 \* Sec. 17. AS 08.36.010 is amended to read:

27           Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is  
28          created the Board of Dental Examiners consisting of seven members.  
29          Four members shall be licensed [QUALIFIED RESIDENT] dentists who have

1        been engaged in the practice of dentistry in the state for five years  
2        immediately preceding appointment, one member shall be a dental hy-  
3        gienist licensed under AS 08.32 who has been engaged in the practice  
4        of dental hygiene in the state for five years immediately preceding  
5        appointment, and two members shall be public members.

6        \* Sec. 18. AS 08.36.025 is amended to read:

7                Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A  
8        member of the board may be removed from office by the governor for  
9        cause. The board may by regulation provide that unexcused absences  
10       from meetings constitute cause for removal. A member against whom an  
11       accusation has been filed under AS 44.62 for violation of AS 08.32.160  
12       or AS 08.36.315 is suspended from the board until the decision of the  
13       board on the accusation takes effect under AS 44.62.520.

14       \* Sec. 19. AS 08.36.040 is amended to read:

15                Sec. 08.36.040. MEETINGS. The board shall meet at the call of  
16       the president at least four times annually [AS OFTEN AS,] and at other  
17       [THE] times [AND PLACES,] necessary to conduct its business. In the  
18       absence of a call of the president, a majority of the board may call a  
19       meeting.

20       \* Sec. 20. AS 08.36 is amended by adding a new section to read:

21                Sec. 08.36.061. REIMBURSEMENT FOR EXPENSES. Board members are  
22       entitled to per diem and travel expenses authorized for boards and  
23       commissions under AS 39.20.180. The department shall reimburse a  
24       member for other actual, reasonable expenses incurred in carrying out  
25       duties as a board member.

26       \* Sec. 21. AS 08.36.070 is amended to read:

27                Sec. 08.36.070. GENERAL POWERS. (a) The board shall [HAVE, BUT  
28       NOT BY WAY OF LIMITATION, THE FOLLOWING POWERS AND DUTIES]:

29                (1) [TO] examine applicants and issue licenses to those

- 1        applicants it finds qualified;
- 2                (2) [TC] register licensed dentists and licensed dental  
3        hygienists who are in good standing;
- 4                (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS PROCEED-  
5        INGS] to the governor and [TO MEMBERS OF] the department on the  
6        board's proceedings during the year, findings concerning the standards  
7        and availability of dental services in the state including the number  
8        of licensees, examination and licensing activities, other matters  
9        related to dental practice, and board receipts and expenditures  
10        [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY RECEIVED AND  
11        DISBURSED];
- 12                (4) [TO] affiliate with the American Association of Dental  
13        Examiners, and pay annual dues to the association;
- 14                (5) [TO] hold hearings, and order the disciplinary sanction  
15        of a person who violates this chapter, AS 08.32, or a regulation [THE  
16        REGULATIONS] of the board;
- 17                (6) [TO] supply forms for applications, licenses, permits,  
18        certificates, and other papers and records;
- 19                (7) [TO] enforce the provisions of this chapter and  
20        AS 08.32 and adopt or amend the regulations necessary to make the pro-  
21        visions of this chapter and AS 08.32 effective;
- 22                (8) [TO] adopt regulations ensuring [INSURING] that renewal  
23        of registration is contingent upon proof of continued professional  
24        competence [COMPETENCY] by a licensed dentist or licensed dental  
25        hygienist;
- 26                (9) [TO] provide the department with the requirements for  
27        proof of continued professional competence [COMPETENCY] and [TO] re-  
28        quest the department to make these requirements available to each li-  
29        censed dentist and licensed dental hygienist at least one year before

1 the date on which the dentist or dental hygienist must renew registra-  
2 tion;

3 (10) at least annually cause to be published in a newspaper  
4 of general circulation in each major city in the state, a summary of  
5 disciplinary actions the board has taken during the preceding calendar  
6 year; [TO ORDER A LICENSED DENTIST OR LICENSED DENTAL HYGIENIST TO  
7 SUBMIT TO A REASONABLE PHYSICAL EXAMINATION IF THE DENTIST'S OR THE  
8 DENTAL HYGIENIST'S PHYSICAL CAPACITY TO PRACTICE SAFELY IS AT ISSUE]

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

13 (12) regulate the reentry into practice of inactive dentists  
14 and dental hygienists.

15 (b) The board may

16 (1) order a licensed dentist or licensed dental hygienist  
17 to submit to a reasonable physical or mental examination if the den-  
18 tist's or the dental hygienist's physical or mental capacity to prac-  
19 tice safely is at issue; and

20 (2) authorize its representative to inspect the practice  
21 facilities or patient or professional records of a dentist at reason-  
22 able times and in a reasonable manner to monitor compliance with this  
23 chapter and with AS 08.32.

24 \* Sec. 22. AS 08.36.100 is amended to read:

25 Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.-  
26 36.238, a person may not practice, or attempt to practice, dentistry  
27 without a license [OR PERMIT,] and a current certificate of registra-  
28 tion.

29 \* Sec. 23. AS 08.36.110 is amended to read:

1           Sec. 08.36.110. QUALIFICATIONS OF APPLICANTS. An applicant for  
2 a license to practice dentistry may apply to the board for an examina-  
3 tion and license by submitting information that the applicant is a  
4 graduate or on the date of the examination will be a graduate of a  
5 dental college accredited by the Commission on Accreditation of the  
6 American Dental Association, or its successor agency, at the time of  
7 graduation, and holds a certificate from the American Dental Associa-  
8 tion Joint Commission on National Dental Examinations that the appli-  
9 cant has passed the written examination given by the commission  
10 [D.D.S. OR D.M.D. DEGREE OR THE EQUIVALENT].

11 \* Sec. 24. AS 08.36.120 is amended to read:

12           Sec. 08.36.120. SIGNING, PHOTOGRAPH AND FILING DATE OF APPLICA-  
13 TION. Each applicant shall submit a recent unmounted, autographed  
14 photograph of the applicant. Applications shall be signed by the  
15 applicant and filed at least 45 [30] days before the date scheduled  
16 for an examination.

17 \* Sec. 25. AS 08.36.160 is amended to read:

18           Sec. 08.36.160. CONTENTS OF EXAMINATION. (a) The examination  
19 shall be designed [CLINICAL AND WRITTEN AND OF SUCH A CHARACTER AS] to  
20 test [IN A SATISFACTORY MANNER] the qualifications of the applicant to  
21 practice dentistry and [. THE EXAMINATION] shall consist of a written  
22 and a clinical examination. [THE FOLLOWING:]

23           (b) [(1)] The subjects of the written examination shall include  
24 dental radiology, the state's laws on the practice of dentistry, and  
25 other subjects [BE] selected in accordance with the trend of dental  
26 education and professional and technical advances [AS DETERMINED BY  
27 THE COUNCIL OF DENTAL EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

28           (c) [(2)] The clinical examination [APPLICANT] shall test the  
29 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry

1 or any procedures selected by the board from procedures [AS] recom-  
2 mended by the American Dental Association Joint Commission on National  
3 [OF] Dental Examinations [EXAMINERS].

4 (d) The board may require an applicant to pass a laboratory ex-  
5 amination as a prerequisite to admission to the clinical examination  
6 if the board has reason to believe the applicant cannot practice  
7 safely on a clinical patient.

8 \* Sec. 26. AS 08.36.230 is amended to read:

9 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed  
10 to practice in this state and residing and practicing dentistry out-  
11 side [OF] this state, may maintain eligibility to practice in this  
12 state by registering the dentist's name and place of residence with  
13 the division of occupational licensing every four years and submitting  
14 proof of continued professional competence [COMPETENCY] as required by  
15 the board. If the dentist fails to register, the board may reinstate  
16 the dentist's license without examination upon payment of applicable  
17 fees established by regulations adopted under AS 08.01.065, payment of  
18 a penalty established under AS 08.01.100(b) [OF \$25, PAYMENT OF THE  
19 DELINQUENT REGISTRATION FEE UNDER AS 08.36.290(10)], presentation of  
20 proof of continued professional competence [COMPETENCY], and presenta-  
21 tion of proof of active practice certified by the dental board having  
22 jurisdiction or, if there is no board with jurisdiction, by evidence  
23 satisfactory to the board.

24 \* Sec. 27. AS 08.36.234 is amended to read:

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

27 (1) is a graduate of a dental college accredited [APPROVED]  
28 by the Commission on Accreditation of the American Dental Association,  
29 or its successor agency, and holds a certificate from the American

1 Dental Association Joint Commission on National Dental Examinations  
2 that the dentist has passed the written examination given by the  
3 commission;

4 (2) has been licensed to practice dentistry in another  
5 state, territory, or region with licensing requirements at least  
6 equivalent in scope, quality and difficulty to [SIMILAR TO OR HIGHER  
7 THAN] those of this state at the time of licensure;

8 (3) has been engaged in continuous active practice averag-  
9 ing at least 20 hours per week for each of the five years immediately  
10 preceding the application;

11 (4) is not the subject of an unresolved complaint, review  
12 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]  
13 dental licensing jurisdiction [ASSOCIATION];

14 (5) has not previously had a license to practice dentistry  
15 revoked;

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

17 (7) is personally interviewed by the board;

18 (8) pays all required fees [REQUIRED UNDER AS 08.36.290].

19 \* Sec. 28. AS 08.36.240 is amended to read:

20 Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The  
21 board shall issue a license to each successful dentist applicant who  
22 has paid the required fees. [THE HOLDER OF A LICENSE SHALL REGISTER  
23 IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT IN THE JUDICIAL  
24 DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.] The licensee shall  
25 display the license in a conspicuous place where the licensee prac-  
26 tices.

27 \* Sec. 29. AS 08.36.246 is amended to read:

28 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An  
29 applicant for a specialty license shall [MUST]

1 (1) possess a license to practice dentistry in the state;  
2 [, AND]

3 (2) have completed as many [TWO OR MORE] academic years of  
4 advanced education in the specialty as are required by the appropriate  
5 specialty board in a program accredited by the Commission on Accredi-  
6 tation of the American Dental Association or its successor agency; and

7 (3) be a diplomate or the equivalent of the appropriate  
8 specialty board, or be eligible to be examined for diplomate status as  
9 documented by an organization recognized by the American Dental Asso-  
10 ciation.

11 (b) The provisions [PROVISION] of (a)(2) and (3) of this section  
12 do [DOES] not apply to dentists who limit [HAVE LIMITED] their prac-  
13 tice exclusively and who ethically announce [ANNOUNCED] limitation of  
14 practice in accordance with the Principles of Ethics and Code of  
15 Professional Conduct of the American Dental Association [POLICY BEFORE  
16 JULY 23, 1968].

17 \* Sec. 30. AS 08.36.247(a) is amended to read:

18 (a) A specialty license may not be issued unless the applicant  
19 presents proof satisfactory to the board that the applicant is quali-  
20 fied to practice that specialty. A specialist appointed by the board  
21 and licensed in that specialty shall assist the board in the licensing  
22 procedures.

23 \* Sec. 31. AS 08.36.250 is amended to read:

24 Sec. 08.36.250. RENEWAL OF REGISTRATION. (a) A registration  
25 certificate is valid for four years. At least 60 days before expira-  
26 tion of a licensee's registration certificate [JANUARY 1 OF EVERY  
27 FOURTH YEAR], the division of occupational licensing shall mail a form  
28 for renewal of registration to each licensed dentist [AND LICENSED  
29 DENTAL HYGIENIST]. Each licensee who wishes to renew a license shall

1 complete the form and return it [TOGETHER] with the appropriate [REGI-  
2 STRATION] fee and evidence [OFFER PROOF] of continued professional  
3 competence [COMPETENCY] as required by the board. The division of  
4 occupational licensing shall, as soon as practicable, issue a regis-  
5 tration certificate valid for a stated number of [THE] years [FOR  
6 WHICH IT IS ISSUED]. Each licensee shall keep the registration cer-  
7 tificate beside or attached to the licensee's license. Failure to  
8 receive the registration form does not exempt a licensee from renewing  
9 registration.

10 (b) When applying for license renewal, a dentist shall report to  
11 the board each instance during the prior registration period in which  
12 the quality of the licensee's professional services was the subject of  
13 legal action.

14 \* Sec. 32. AS 08.36.290 is repealed and reenacted to read:

15 Sec. 08.36.290. FEES. The department shall, by regulations  
16 adopted under AS 08.01.065, establish fees for dentists for the fol-  
17 lowing:

- 18 (1) filing an examination and licensing application;
- 19 (2) examination fee;
- 20 (3) credential review;
- 21 (4) initial license;
- 22 (5) registration fee;
- 23 (6) filing a reexamination application;
- 24 (7) specialty license;
- 25 (8) branch office registration;
- 26 (9) duplicate license;
- 27 (10) delinquent registration.

28 \* Sec. 33. AS 08.36.315 is amended to read:

29 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION

1 OF LICENSE. The board may revoke or suspend the license of a dentist,  
2 or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,  
3 or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board  
4 finds after a hearing that the dentist

5 (1) used or knowingly cooperated in [SECURED A LICENSE  
6 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
7 license;

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

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

13 (4) has been convicted of a felony or other crime that  
14 [WHICH] affects the dentist's ability to continue to practice den-  
15 tistry competently and safely;

16 (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in the perfor-  
17 mance of patient care, or permitted the performance of patient care by  
18 persons under the dentist's supervision, that [WHICH] does not conform  
19 to minimum professional standards of dentistry regardless of whether  
20 actual injury to the patient occurred;

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

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

24 (A) professional incompetence;

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

27 (C) addiction or dependence [SEVERE DEPENDENCY] on  
28 alcohol or other drugs that [WHICH] impairs the dentist's ability  
29 to practice safely;

- 1 (D) physical or mental disability;
- 2 (8) engaged in lewd or immoral conduct in connection with
- 3 the delivery of professional service to patients;
- 4 (9) permitted a dental hygienist or dental assistant who is
- 5 employed by the dentist or working under the dentist's supervision to
- 6 perform a dental procedure in violation of [OTHER THAN THOSE PERMITTED
- 7 UNDER] AS 08.32.110 or AS 08.36.070(a)(11);
- 8 (10) ailed to report to the board a death that occurred on
- 9 the premises used for the practice of dentistry within 48 hours.

10 \* Sec. 34. AS 08.36.320(a) is amended to read:

11 (a) If [WHEN] it finds that a dentist [OR DENTAL HYGIENIST] is

12 guilty of an offense under [AS 08.32.160 OR] AS 08.36.315, the board

13 may impose the following sanctions singly or in combination:

- 14 (1) permanently revoke a license to practice;
- 15 (2) suspend a license for a stated [DETERMINATE] period of
- 16 time;
- 17 (3) censure a licensee;
- 18 (4) issue a letter of reprimand;
- 19 (5) place a licensee on probationary status and require the
- 20 licensee to

21 (A) report regularly to the board upon matters involv-

22 ing the basis of probation;

23 (B) limit practice to those areas prescribed;

24 (C) continue professional education until the licensee

25 attains a satisfactory level of competence [DEGREE OF SKILL HAS

26 BEEN ATTAINED] in those areas determined by the board to need

27 improvement;

28 (6) impose limitations or conditions on the practice of a

29 licensee.

1 \* Sec. 35. AS 08.36.320(c) is amended to read:

2 (c) The board may summarily suspend a license before final  
3 hearing or during the appeals process if the board finds that con-  
4 tinued practice by the licensee poses a clear and immediate danger to  
5 the public health and safety. The board may summarily suspend the  
6 license of a licensee who refuses to submit to a physical or mental  
7 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO  
8 PRACTICE]. A person whose license is suspended under this section is  
9 [SHALL BE] entitled to a hearing by the board no later than seven days  
10 after the effective date of the order. If, after a hearing, the board  
11 upholds the suspension, the [THE] licensee may appeal the suspension  
12 [AFTER A HEARING] to a court of competent jurisdiction.

13 \* Sec. 36. AS 08.36.340 is amended to read:

14 Sec. 08.36.340. PENALTIES. A person who violates any provision  
15 of [AS 08.32 OR] this chapter or regulations adopted under this chap-  
16 ter for which no specific penalty is provided is guilty of a class B  
17 misdemeanor.

18 \* Sec. 37. AS 08.36.350 is amended to read:

19 Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter  
20 applies to a person who practices, or offers or attempts to practice  
21 dentistry in the state except

22 (1) a dental surgeon [SURGEONS] or dentist [DENTISTS] in  
23 the military service in the discharge of official duties;

24 [(2) Repealed]

25 (2) [(3)] a dentist [DENTISTS] in the employ of the United  
26 States Public Health Service, United States Veterans' Administration,  
27 Alaska Native Service, or other agency of the federal government [OR  
28 DEPARTMENT OF HEALTH AND SOCIAL SERVICES], in the discharge of offi-  
29 cial duties;

- 1                   (3) a physician or surgeon  
2                   [(4) CLINICIANS DEMONSTRATING AT MEETINGS OF DENTISTS AP-  
3                   PROVED BY THE BOARD;  
4                   (5) PHYSICIANS AND SURGEONS];  
5                   (4) a dentist [(6) DENTISTS IN THE EMPLOY OF THE UNITED  
6                   STATES PUBLIC HEALTH SERVICE] providing care in an isolated area by  
7                   authority of a permit issued under AS 08.36.271;  
8                   (5) a dentist licensed in another state who is teaching or  
9                   demonstrating clinical techniques at a meeting, seminar or limited  
10                   course of instruction sponsored by a dental or dental auxiliary soci-  
11                   ety or association or by an accredited dental or dental auxiliary  
12                   educational institution;  
13                   (6) a dentist licensed in another state who provides emer-  
14                   gency care to an injured or ill person who reasonably appears to the  
15                   dentist to be in immediate need of emergency aid in order to avoid  
16                   serious harm or death if the care is provided without remuneration.  
17                   (b) A person excepted from this chapter under (a) of this sec-  
18                   tion shall be held to the same standard of care as a person covered by  
19                   this chapter.

20 \* Sec. 38. AS 08.36.360 is amended to read:

21                   Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages  
22                   in the practice of dentistry who

23                   (1) performs or holds out to the public as being able to  
24                   perform dental operations;

25                   (2) diagnoses, treats, operates on, corrects, [OR] attempts  
26                   to correct, or prescribes for, a disease, lesion, pain, injury, defi-  
27                   ciency, deformity, or physical condition, malocclusion or malposition  
28                   of the human teeth, alveolar process, gingiva, maxilla, mandible, or  
29                   [GUMS OR JAWS AND] adjacent tissues;

1           (3) performs or attempts to perform an operation incident  
2 to the replacement of teeth;

3           (4) furnishes, supplies, constructs, reproduces, or repairs  
4 [PROSTHETIC] dentures, bridges, appliances or other structures to be  
5 used and worn as substitutes for natural teeth, except on prescription  
6 of a duly licensed and registered dentist and by the use of impres-  
7 sions or casts made by a duly licensed and registered dentist;

8           (5) uses the words [WORD] "dentist" or "dental surgeon" or  
9 the letters D.D.S. or D.M.D. or other letter or title that [WHICH]  
10 represents the dentist as engaging in the practice of dentistry;

11           (6) extracts or attempts to extract human teeth;

12           (7) exercises control over professional dental matters or  
13 the operation of dental equipment in [OWNS, MANAGES OR OPERATES] a  
14 facility [PLACE] where the acts and things described in this section  
15 are performed or done.

16 \* Sec. 39. AS 08.36 is amended by adding a new section to read:

17           Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this  
18 state may

19           (1) practice in an association, partnership, corporation or  
20 other lawful entity with other dentists including specialists;

21           (2) practice under the name of "dental center" or other  
22 descriptive term that does not deceive the public about the nature of  
23 the services provided;

24           (3) supervise research that would otherwise violate this  
25 chapter or regulations adopted under this chapter when the research  
26 does not involve treatment of dental patients if the research is  
27 performed by a nonprofit dental research institution chartered by this  
28 state or by a dental or dental auxiliary school accredited by the  
29 Commission on Accreditation of the American Dental Association, or its

1        successor agency;

2                    (4) supervise research that would otherwise violate this  
3        chapter or regulations adopted under this chapter when the research  
4        involves the treatment of dental patients if the research is performed  
5        by a nonprofit dental research institution chartered by this state or  
6        by a dental or dental auxiliary school accredited by the commission on  
7        Accreditation of the American Dental Association, or its successor  
8        agency, and if the dentist notifies the board in writing, at least 60  
9        days before beginning the treatment, of the intended practices or  
10       procedures and the board does not disapprove the research.

11       \* Sec. 40. AS 08.36.140, 08.36.150, 08.36.170, 08.36.200 and 08.36.280  
12       are repealed.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CS HB 611 (HESS)  
 Title: Re: dentists and dental Hygienists  
 Sponsor: Representative Furnace  
 Requestor: House Finance Committee  
 Date of Request: 5/4/84

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.  
 Program Category Affected: public protection  
 BRU, Program or Subprogram(s) Affected: BRU, Program or Subprogram(s) Affected:  
 Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
<b>TOTAL OPERATING</b>		0				
<b>CAPITAL</b>		0				
<b>REVENUE</b>		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND	0				
FEDERAL FUNDS	0				
OTHER	0				
<b>TOTAL</b>	0				

POSITIONS:

FULL-TIME	0				
PART-TIME	0				
TEMPORARY	0				

~~SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL~~

Any funds needed to implement this bill can be absorbed in the Department's existing budget.

ANALYSIS: Attach a separate page for analysis

Prepared By: Al Adams, Chair <sup>ADA</sup> Phone: 465-3706  
 Division: House Finance Committee Date: 5/4/84

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Rec'd 5/8/84

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST CS  
Bill/Resolution No.: HB 611 (HESS)  
Title: An Act relating to dentists  
and dental hygienists  
Sponsor: HOUSE HESS  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL  
Agency Affected: Commerce & Economic Dev.  
Program Category Affected: Public Protection  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		20.8	22.3	23.8	25.5	27.3
300 CONTRACTUAL		7.0	6.4	6.8	7.3	7.8
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		27.8	28.7	30.6	32.8	35.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		27.8	28.7	30.6	32.8	35.1
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Jennifer Strickler Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 5/4/84

Approved by Commissioner: Richard A. Lyon Date: \_\_\_\_\_  
Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

*Richard A. Lyon*  
Dep. Comm  
5/4/84

CSHB 611 - FISCAL IMPACT

(NOTE: 7% inflation factor projected for FY '86 through FY '89 for operating costs)

200 TRAVEL

1 staff travel to Fairbanks and Anchorage to conduct public hearings on proposed regulations:

Fairbanks: Transportation, 1 trip	\$ 450.00
Per Diem, 2 days @ \$90 ea.	180.00
Anchorage: Transportation, 1 trip	400.00
Per Diem, 2 days @ \$80 ea.	160.00

Board Members: 7 board members/ 5 board meetings (2 days ea. @ \$80 per day/ per diem = \$160 x 5 x 7)	5,600.00
Transportation - 5 board mtgs @ \$400 ea. x 7 board members	<u>14,000.00</u>
	\$20,790.00

300 CONTRIBUTIONAL

Postage, telephone, printing, publication and operating cost: \$ 3,000.00

Advertising costs for public notices of proposed regulations and public hearings: (approx) 6 major newspapers (Juneau, Ketchikan, Anchorage, Fairbanks, Kenai, Nome), one time only at \$100 each (one time cost only - FY '85) 600.00

Advertising costs for quarterly publication of the summary of disciplinary actions: (approx) 6 major newspapers (Juneau, Ketchikan, Anchorage, Fairbanks, Kenai, Nome), print one time only at \$100 each x 4 quarters 2,400.00

Annual membership dues to the American Association of Dental Examiners 1,000.00  
\$ 7,000.00

GRAND TOTAL \$27,790.00

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 23, 1984

SUBJECT: Sectional analysis of CSHB 611  
(Dentists and Dental Hygienists)

TO: Representative Mae Tischer  
Chairman, Health, Education and Social Services

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

You have asked for a sectional analysis of CSHB 611 (HESS). The bill can be considered in three parts. Sections 1 - 16 amend AS 08.32, regulating the practice of dental hygienists. Many of the amendments transfer regulations applying to hygienists but codified in AS 08.36, regulating dentists, into AS 08.32.

The second group of amendments, found in sections 17 - 21, relate to the Board of Dental Examiners which regulates both dental hygienists and dentists.

The third part of the bill amends the regulation of dentists and is contained in sections 22 - 40.

Sections Relating to Dental Hygienists

Section 1 Clarifies the requirement that a dental hygienist be registered as well as licensed.

Section 2 Corrects reference to the Joint Commission on National Dental Examinations and permits an applicant to apply before graduating from school if the applicant will have graduated by the time of the examination.

Section 3 Makes changes to correct references.

Section 4 Permits dental hygienists licensed in another state to apply for a temporary license to pending receipt of the Alaska licensing examination results.

Representative Mae Tischer

Page 2

April 23, 1984

Section 5 Adds reference to licensing by credentials, created in section 4, and corrects reference to the fee section.

Section 6 Clarifies the composition and content of the licensing examination and permits the board to administer a laboratory examination as a prerequisite to the clinical examination.

Section 7 Renewal of registration is deleted from this section because the next section addresses the subject.

Section 8 Adds a new section to AS 08.32 to transfer provisions found in AS 08.36.250 for registration requirements for dental hygienists.

Section 9 The penalty established under AS 08.01.100(b) for late renewals \$10.

Section 10 Gives the board power to set licensing fees by regulation. AS 08.36.190 currently lists fees for dental hygienists and dentists.

Section 11 Paragraph (6) adds reference to the board's certification process for administering local anesthetic agents.

Section 12 Permits the board to regulate functions, both intra-oral and extra-oral, that may be performed by a licensed dental hygienists.

Section 13 Paragraph (1) adds reference to registrations. Paragraph (2) adds fraudulent billing for services as a basis for imposing discipline. Paragraph (6)(A) substitutes "dependence" for "severe dependence." Paragraph (6)(B) adds failure to keep informed of or use current professional theories and practices as a ground for imposing discipline.

Section 14 Adds a new section to AS 08.32 to transfer provisions found in AS 08.36 that apply to dental hygienists. In subsection (c), the board is given power to suspend the license of a dental hygienist who refuses to submit to a physical or mental examination.

Section 15 A class B misdemeanor is punishable by a fine of no more than \$1000 (AS 12.55.035) or imprisonment for no longer than 90 days (AS 12.55.135).

Representative Mae Tischer  
Page 3  
April 23, 1984

Section 16 Adds new provisions modeled on AS 08.36.350, which applies to dentists only, to permit hygienists in the categories listed to practice without a state license.

Sections relating to the Board of Dental Examiners

Section 17 Requires that the dental hygienist on the Board of Dental Examiners have practiced in Alaska for five years.

Section 18 Adds language to suspend a dentist or dental hygienist from the board if an accusation is filed against the person under the Administrative Procedure Act. The suspension lasts until the decision of the board is final under AS 44.62.520.

Section 19 Permits a majority of the board to call a meeting in the absence of a call of the president.

Section 20 Adds specific authorization for the department to reimburse board members for expenses.

Section 21 Paragraph (3) expands the required content of the board's annual report. Paragraph (a)(10) requires that the board publish information about its disciplinary decisions annually. Paragraph (a)(11) allows the board to set standards for specific procedures requiring training and education beyond the basic training provided to all dental hygienists and dentists and requires the board to issue certificates or permits to those who meet the requirements. Paragraph (a)(12) clarifies existing powers of the board.

Paragraph (b)(1) allows the board to order a professional to submit to a physical or mental examination if capacity to practice safely is at issue. Paragraph (b)(2) permits the board to authorize the inspection of records to monitor compliance with the licensing chapter for dental hygienists or for dentists.

Sections relating to Dentists

Section 22 Deletes reference to permits because the section allowing dentists to practice by permit instead of by license is repealed.

Section 23 Requires that all applicants for licensing as dentists pass the national board examination before taking the state exam. It also permits applicants to apply before

graduating if they will have graduated by the time of the examination.

Section 24 Requires that applications be signed and filed 45 days before the examination is given.

Section 25 Clarifies the composition and structure of the dentist licensing examination.

Section 26 The penalty established under AS 08.01.100(b) for late renewal is \$10.

Section 27 Requires that dentists licensed in another state who are seeking licensure in this state have passed the national licensing examination.

Section 28 Deletes the requirement that dentists register with the clerk of the superior court.

Sections 29 and 30 Require that applicants for specialist licenses be eligible for diplomate status with a specialty board and that a licensed specialist take part in the licensing procedures.

Section 31 Adds subsection (b) requiring that dentists who are renewing their registrations report to the board any suits filed against them based on the quality of their professional services.

Section 32 Rewrites the fee section to allow the board to set fees by regulation instead of providing specific fee amounts by statute.

Section 33 Paragraph (2) adds fraudulent billing for services as a basis for imposing discipline. Paragraph (5) deletes "intentionally or negligently" from the paragraph permitting discipline for dentists who perform patient care below minimum professional standards. Paragraph (7)(C) permits disciplining dentists whose "dependence," rather than "severe dependency", on drugs or alcohol impairs their ability to practice. Paragraph (10) permits the board to discipline a dentist who fails to report a death that occurred at the office.

Section 34 Deletes reference to imposing discipline on dental hygienists (AS 08.32) because new sections were added to that chapter relating to discipline.

Section 35 Adds language to permit the board to suspend the license of a dentist who refuses to submit to a mental or physical examination.

Section 36 A class B misdemeanor carries a maximum fine of \$1000 (AS 12.55.035) or imprisonment for no more than 90 days (AS 12.55.135).

Section 37 Paragraph (a)(5) exempts from licensing requirements licensed clinicians from other states who are providing limited instruction in this state. Paragraph (a)(6) exempts dentists providing emergency care from the state licensing requirements. Subsection (b) holds dentists exempt from licensing to the same standard of care as licensed dentists.

Section 38 Paragraph (7) defines the practice of dentistry to exclude owners and managers of dental facilities.

Section 39 Adds a new section to provide rights to dentists. Paragraphs (3) and (4) permit dentists supervising research in a research institution chartered with the state or in a school accredited by the American Dental Association to perform procedures that would otherwise violate the licensing chapter. Paragraph (4) requires that the dentist notify the board of any procedures to be performed on patients. The board may disapprove the procedures.

Section 40 Repeals five sections of the law.

08.36.140 permits the board to hold a licensing examination outside the state.

08.36.150 permits students in their last year of dental school to take the licensing examination and permits the board to give the exam in an out-of-state dental school.

08.36.170 permits students who are at least 19 years old to take section I of the state examination and then take the rest of the examination after graduation.

08.36.200 permits the board to waive the state written examination for applicants who have passed the national board examination.

Representative Mae Tischer  
Page 6  
April 23, 1984

08.36.280 provides for temporary permits to dentists practicing in a city or village which does not have a resident licensed dentist in active general practice.

TC:ojb  
J6/062

MSG 84-00036318 PRTY : 04/18/84 09:21:18 ORIG: LF01 IN= 0005 OUT= 0035  
FROM: PAULA/FKS TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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TO: REPS UEHLING, RINGSTAD, FURNACE

ALSO: HOUSE HESS  
REPS FISCHER, PESTINGER, MARTIN, GOLL, KOPONEN, DAVIS

FROM: ELLEN OLSON  
1347 SEARGENT CIRCLE  
FAIRBANKS, AK, 99701  
455-6201-W

RE: CSHB 611 (L & C) DENTISTS & DENTAL HYGIENISTS

MSG: CSHB 611 (L & C) PAGE 6 LINES 10 & 11 SHOULD READ, "IF CERTIFIED BY THE BOARD AND UNDER THE DIRECT OR INDIRECT SUPERVISION OF A LICENSED DENTIST". BY LEAVING OUT "OR INDIRECT" WOULD MAKE USAGE OF ANESTHESIA BY DENTAL HYGIENIST UNFEASIBLE AND IMPRACTICAL. I FEEL THIS WOULD BE A DISSERVICE TO OUR CLIENTS WHOM WE ARE TRYING TO SERVE BY USAGE OF ANESTHESIA.

-----EOM

TO: REPS UEHLING, RINGSTAD, FURNACE, RISCHER, PESTINGER, MARTIN, GOLL,  
KOPONEN, DAVIS

FROM: DR. TIM WOLLER  
3529 COLLEGE RD.  
FAIRBANKS, AK, 99701  
479-6755-W

RE: HB 611, DENTISTS AND DENTIL HYGIENISTS

MSG: CSHB 611 PAGE 6 LINE 10 AND 11 SHOULD READ "IF CERTIFIED BY THE BOARD  
AND UNDER THE DIRECT OR INDIRECT SUPERVISION OF A LICENSED DENTIST" I DO NOT  
FEEL THERE IS ANY PATIENT BENEFIT ON HAVING THE DENTIST CHECK THE INJECTION  
SITE UPON DISMISSAL.

-----EOM

MSG 84-00036602 PRY 1 04/18/84 14:02:10 ORIG: LF00 IN= 0007 OUT= 0112  
FROM: PAULA/FKS TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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TO: REPS UEHLING, RINGSTAD, FURNACE

ALSO: HOUSE HESS  
REPS TISCHER, PESTINGER, MARTIN, GOLL, KOPONEN, DAVIS

FROM: WENDY SOMERS  
4400 STANFORD  
FAIRBANKS, AK, 99701  
479-3480-H 479-2206-W

RE: CSHB 611 (L & C) DENTISTS AND DENTAL HYGIENISTS

MSG: IN REGARD TO BILL CSHB 611 (L & C) PAGE 6 LINE 9 & 10, SHOULD READ  
"IF CERTIFIED BY THE BOARD AND UNDER THE DIRECT OR INDIRECT SUPERVISION OF  
A LICENSED DENTIST". AN OMISSION OR AMENDMENT OF "OR INDIRECT" WOULD MAKE  
THIS BILL UNACCEPTABLE TO THE EXEC COUNCIL OF THE ALASKA DENTAL SOCIETY  
, THE BOARD OF DENTAL EXAMINERS, AND THE AK DENTAL HYGIENIST ASSOC.  
-----EOM

TO: REPS RINGSTAD, UEHLING, & FURNACE

ALSO: HOUSE HESS  
REPS TISCHER, PESTINGER, MARTIN, GOLL, KOPONEN, DAVIS

FROM: LEE PAYNE  
1919 LATHROP  
DRAWER 15  
FAIRBANKS, AK, 99701  
452-7007-W

RE: CS HB 611 (L & C) DENTISTS AND DENTAL HYGIENISTS

MSG: THE REASON BEHIND WANTING THE INDIRECT SUPERVISION AS OPPOSED TO  
DIRECT IS BECAUSE DIRECT SUPERVISION WOULD INCREASE THE COST OF CARE TO THE  
PATIENT BY HAVING THE DOCTOR SPEND HIS TIME OBSERVING OR PERFORMING THE  
FUNCTION THE DENTAL HYGIENIST IS TRAINED TO DO. VERY STRINGENT REQUIREMENTS  
HAVE BEEN SET FORTH BY THE BOARD BEFORE THE HYGIENIST IS LICENSED TO ADMI-  
NISTER ANESTHESIA.-----EOM

TO: REPS UEHLING, RINGSTAD, FURNACE

ALSO: HOUSE HESS  
REPS TISCHER, PESTINGER, MARTIN, GOLL, KOPONEN, DAVIS

FROM: BECKY COFER  
2243 BRIDGEWATER  
FAIRBANKS, AK, 99701  
452-7830-H

RE: CSHB 511 (L & C) DENTISTS AND DENTAL HYGIENISTS

MSG: PAGE 6 LINE 10 & 11 SHOULD READ, "IF CERTIFIED BY THE BOARD AND UNDER THE DIRECT OR INDIRECT SUPERVISION OF A LICENSED DENTIST". AN OMISSION OR AMENDMENT OF "OR INDIRECT" WOULD MAKE THIS BILL UNACCEPTABLE TO THE EXEC COUNCIL OF THE ALASKA DENTAL SOCIETY, SD OF DENTAL EXAMINERS & THE AK DENTAL HYGIENIST ASSOC.

-----EOM

MSG 84-00036406 PRTY 1 04/18/84. 10:42:24 ORIG: LF01 IN= 0010 OUT= 0059  
FROM: TRACIE/FBX TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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TO: REPS UEHLING, RINGSTAD, FURNACE, TISCHER, FESTINGER, MARTIN,  
KOPONEN, DAVIS

FR: DR. DAVID SULKOSKY  
515 7TH AVE, SUITE 220  
FBX, 99701  
452-8296

RE: SB611 DENTIST BILL

MSG: CSHB 611 PAGE 6 LINE 10 AND 11 SHOULD READ "IF CERTIFIED BY THE  
BOARD AND UNDER THE DIRECT OR INDIRECT SUPERVISION OF A LICENSED  
DENTIST" REMOVAL OR CHANGE OF THE WORDING "OR INDIRECT" WOULD MAKE  
THIS BILL TOTALLY UNACCEPTABLE TO ME, MY HIGHLY TRAINED AND LICENSED  
HYGIENIST, STAFF, AND ESPECIALLY OUR CLIENTS.

-----EOM

MSG 84-00036178 PRTY 1 04/17/84 15:50:22 ORIG: LF00 IN= 0023 OUT= 0164  
FROM: TRACIE/FBX TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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TO: REFS UEHLING, FURNACE, RINGSTAD, TISCHER, PESTINGER, MARTIN, GOLL,  
KOPONEN, DAVIS

FR: CHRISTINE AMY BAXTER, REGISTERED DENTAL HYGIENIST  
PO BOX 58372  
FBX, 99711  
488-3637

RE: HB611 DENTIST BILL

MSG: PAGE 6 LINE 10 AND 11 SHOULD READ "IF CERTIFIED BY THE BOARD AND  
UNDER THE DIRECT AND OR INDIRECT SUPERVISION OF A LICENSED DENTIST"  
THE OMISSION OF "OR INDIRECT" WOULD MAKE THIS BILL UNACCEPTABLE TO THE  
DENTAL HYGIENE ASSOC, AND THE DENTAL SOCIETY, AND THE BOARD OF DENTAL  
EXAMINERS.

MSG 84-00036181 PRTY 1 04/17/84 16:58:18 ORIG: LF00 IN= 0024 OUT= 0167  
FROM: TRACIE/FBX TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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TO: REFS UEHLING, FURNACE, RINGSTAD, TISCHER, PESTINGER, MARTIN, GOLL,  
KOPONEN, DAVIS

FR: YVETTE HALUCK  
PO BOX 55053  
NORTH POLE, 99705  
452-7864

RE: SB611 DENTIST BILL

MSG: AN OMISSION OR AMENDMENT OF "OR INDIRECT" WOULD MAKE THIS BILL  
UNACCEPTABLE TO THE AK DENTAL HYGIENE ASSOC, THE BOARD OF DENTAL EXAMINERS,  
AND THE EXECUTIVE COUNCIL OF THE AK DENTAL SOCIETY.

-----EOM

MSG 84-00036124 PRTY 1 04/17/84 15:48:32 ORIG: LF00 IN= 0019 OUT= 0143  
FROM: TRACTE/FBX TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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TO: REPS UEHLING, RINGSTAD, FURNACE, TISCHER, PESTINGER, MARTIN, GOLL,  
KOPONEN, DAVIS.

FR: DONNA MURR, HYGIENIST  
530 7TH AVE.  
FBX, 99701  
452-1244

RE: HB611 DENTISTS BILL

MSG: PAGE 6, LINES 10 AND 11 SHOULD READ IF CERTIFIED BY THE BOARD  
AND UNDER THE DIRECT OR INDIRECT SUPERVISION OF A LICENSED DENTIST, AN  
OMISSION OR AMENDMENT OF "OR INDIRECT" WOULD MAKE THIS BILL UNACCEPTABLE  
TO 1. THE EXECUTIVE COUNCIL OF THE AK DENTAL SOCIETY, 2. THE BOARD OF  
DENTAL EXAMINERS, 3. THE AK DENTAL HYGIENE ASSOC.

MSG 84-00036117 PRTY 1 04/17/84 15:44:02 ORIG: LF00 IN= 0018 OUT= 0140  
FROM: TRACIE/FBX TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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TO: REPS UEHLING, RINGSTAD, FURNACE, PESTINGER, TISCHER, MARTIN, GOLL,  
KOPONEN, DAVIS

FR: DIANA HELMBRECHT, DDS  
421 3RD ST.  
FBX, 99701  
456-1237

RE: HB611 DENTISTS

MSG: ON PAGE 6 LINES 10 AND 11 THEY SHOULD READ IF CERTIFIED BY THE BOARD  
AND UNDER THE DIRECT OR INDIRECT SUPERVISION OF A LICENSED DENTIST, AND  
AN OMISSION OF "OR INDIRECT" WOULD MAKE THE BILL UNACCEPTABLE TO: 1. THE  
EXECUTIVE COUNCIL OF THE ALASKA DENTAL SOCIETY, 2. THE BOARD OF DENTAL  
EXAMINERS, 3. THE AK DENTAL HYGIENE ASSOC.

-----EOM

MSG 84-00036141 PRTY 1 04/17/84 16:01:16 ORIG: LF00 IN= 0020 OUT= 0150  
FROM: TRACIE/FBX TO: JNU INFO  
TARGET: LJHK SUBJ: FDM

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TO: REFS UEHLING, RINGSTAD, FURNACE, TISCHER, PESTINGER, MARTIN, GOLL  
KOPONEN, DAVIS

FR: MARY ANN CERNEY, REGISTERED DENTAL HYGIENIST  
SR 80822-E  
FBX, 99701  
488-2989

RE: HB611 DENTIST BILL

MSG: PAGE 6 LINE 10 AND 11, SHOULD READ "IF CERTIFIED BY THE BOARD AND UNDER THE DIRECT OR INDIRECT SUPERVISION OF A LICENSED DENTIST". AN OMISSION OR AMENDMENT OF "OR INDIRECT" WOULD MAKE THIS BILL UNACCEPTABLE TO 1. THE AK STATE DENTAL HYGIENISTS ASSOC. 2. THE MID-NIGHT SUN DENTAL HYGIENE SOCIETY, 3. THE BOARD OF DENTAL EXAMINERS, 4. THE EXECUTIVE COUNCIL OF THE A.S.D.S.

-----EOM

) MSG 84-00036095 PRTY 1 04/17/84 15:17:55 ORIG: LK00 IN= 0014 OUT= 0133  
FROM: EVELYN/KETCHIKAN TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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) TO: HOUSE HEALTH, EDUCATION, & SOCIAL SCIENCES COMMITTEE MEMBERS: REFS.  
MAE TISCHER, MIKE MILLER (NORTH POLE), MIKE DAVIS, PETER GOLL, NIILLO  
KOPONEN, TERRY MARTIN, RICK UENLING, SAM PESTINGER.

) FROM: BOB BLISS PHONE (HOME): 225-5074 (WORK): 225-2920  
DENTIST  
306 MAIN STREET  
) KETCHIKAN, AK 99901

) RE: HB 611 - AN ACT RELATING TO DENTIST AND DENTAL HYGIENISTS  
SPECIFICALLY SEC. 11. AS 08.32.110 (A) PROPOSED AMENDMENT (PART 5).  
) "IF CERTIFIED BY THE BOARD AND UNDER THE DIRECT SUPERVISION OF A  
) LICENSED DENTIST, ADMINISTER LOCAL ANESTHETIC AGENTS."

MESSAGE:

) I DISAGREE WITH THE PART OF HB 611 THAT PROPOSES TO REQUIRE "DIRECT"  
SUPERVISION OF THE DENTAL HYGIENIST BY THE DENTIST. AS THE RULES STAND  
) NOW ONLY INDIRECT SUPERVISION IS REQUIRED. I PREFER THAT THE SUPERVISION  
) REQUIRED REMAIN "INDIRECT." PLEASE DROP THAT ONE SECTION OF THE PROPOSAL  
REQUIRING "DIRECT" SUPERVISION OF DENTAL HYGIENISTS.  
) ALTHOUGH I AGREE WITH THE OTHER PROPOSED CHANGES IN HB 611, I'D PREFER  
) THAT ONE PORTION OF THE BILL BE DROPPED AND THE OLD RULES OF INDIRECT  
SUPERVISION RETAINED.

MSG 84-00036787 PRTY 1 04/18/84 16:24:42 ORIG: LF00 IN= 0013 OUT= 0159  
FROM: PAULA/FKS TO: JNU INFO  
TARGET: LJHK SUBJ: POM

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TO: REFS UEHLING, RINGSTAD, FURNACE

ALSO: HOUSE HESS  
REFS TISCHER, PESTINGER, MARTIN, UEHLING, GOLL, KOPONEN, DAVIS

FROM: DR. DENNIS ANDERSEN - (FAIRBANKS)  
515 7TH AVE.  
SUITE 220  
FAIRBANKS, AK, 99701  
452-8296-W

RE: CS HB 611, (L & C) REFERENCE: PAGE 6 LINE 10 & 11

MSG: THE ABILITY OF THE HYGIENISTS TO ADMINISTER LOCAL ANESTHETIC IS  
PRIMARILY FOR THE PATIENTS WELLBEING IE. LEVEL OF COMFORT AND THOROUGHNESS OF  
THE HYCIENE SERVICE. THE ABSENCE OF INDIRECT SUPERVISION DURING ADMIN-  
ISTRATION GREATLY REDUCES THE LIKELIHOOD THAT ANESTHETIC WOULD BE USED. THE  
FEASIBILITY OF A DENTIST STANDING OVER EVERYTIME THE HYGIENIST ADMINISTERED  
WOULD NEGATE THE HYGIENIST HAVING THE ABILITY TO ADMINISTER THE ANESTHETIC.  
HYGIENISTS ARE WELL QUALIFIED TO ADMINISTER WITHOUT DIRECT SUPERVISION.

-----EOM

**Sec. 08.24.340. Statement of persons employed by agency.** (a) Within 15 days after licensure under this chapter, a collection agency shall submit to the department a list of all persons employed by the agency. Thereafter, upon hiring a new employee, the collection agency shall, within 15 days after the hiring, submit to the department the name of the newly hired employee and the further information required by (b) of this section.

(b) There shall be submitted with the name of the employee employed by the collection agency the following information:

- (1) the employee's residence address;
- (2) the employee's length of residence in the state;
- (3) a statement of the new employee's previous employment in the last year;
- (4) further information which the board or department may require.

(c) The statement shall be verified by the employee before a notary public or other person authorized to administer oaths.

(d) The owner or licensed operator of the collection agency shall also state upon the form submitted the date upon which the new employee was hired and that the new employee is an employee of the collection agency at the time the form is executed. (§ 1 ch 101 SLA 1968)

*Editor's notes.* This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.24.350. Notice of withdrawal of employees.** When an employee withdraws from employment or the employee's employment with a collection agency is terminated for any reason, the agency shall, within 15 days of withdrawal or termination of employment, notify the department in writing of the employee's withdrawal from employment. (§ 1 ch 101 SLA 1968)

*Editor's notes.* This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.24.360. Fines and penalties.** A collection agency or an operator who fails on written demand to render a true and complete account to the person from whom an indebtedness was taken for collection or who fails to turn over to that person the proceeds of the collection within 30 days after written demand, or who fails to comply with any of the provisions of this chapter is punishable by a fine of not more than \$500, or by imprisonment for not more than three months, or by both. (§ 1 ch 101 SLA 1968)

**Sec. 08.24.370. Nonresidents.** A nonresident may apply for and receive a collection agency license or an operator license or both on the same basis as a resident. The application fee for a nonresident operator

license is \$100, and the biennial license fee is \$200. The application fee for a nonresident agency license is \$200, and the biennial license fee is \$400 for the principal place of business and \$400 for each branch office. (§ 1 ch 101 SLA 1968)

**Sec. 08.24.380. Definitions.** In this chapter

- (1) "board" means the Collection Agency Board;
- (2) "department" means the Department of Commerce and Economic Development;
- (3) "collection agency business" means the business of engaging directly or indirectly and having as a primary or secondary object, business or pursuit the solicitation of claims for collection or repossession of collateral security or the collection of claims owed or due or asserted to be owed or due to another or the repossession of collateral security;

(A) a house, agency, firm, person, corporation or voluntary association using a name other than its own in collecting its own claims with the intention of conveying, or which tends to convey, the impression that a third party has been employed, is conducting a collection agency business within the meaning of this chapter;

(B) a person who sells, attempts to sell, gives away or attempts to give away to another person, other than a licensee under this chapter a system of collection letters, demand forms or other printed matter where the name of a person other than a creditor appears in a manner to indicate that a request or demand is being made by another person, other than the creditor, for the payment of a sum due, or asserted to be due, or who solicits or accepts accounts for collection on a contingent or percentage basis or by a fee or outright purchase for collection purposes, is considered to be in the collection agency business within the meaning of this chapter;

(4) "collection agency" means a person licensed and authorized to engage in the collection agency business;

(5) "operator" means a person having managerial control of a collection agency. (§ 1 ch 101 SLA 1968; am § 45 ch 218 SLA 1976)

## Chapter 32. Dental Hygienists.

### Article

1. Examination and Licensing (§§ 08.32.010 - 08.32.035)
2. Regulation of Dental Hygienists (§§ 08.32.100 - 08.32.180)
3. General Provisions (§§ 08.32.105 - 08.32.190)

*Collateral references.* — 61 Am. Jur. Constitutionality, construction and application of statutes relating to dental hygienists. 11 ALR2d 721.  
2d, Physicians, Surgeons and Other Healers, §§ 4, 19, 29, 40-44  
70 C.J.S., Physicians and Surgeons, §§ 1, 4, 6, 11, 16, 24

## Article 1. Examination and Licensing.

Section	Section
10. License required	70. Registration and licensing of dental hygienists
15. (Repealed)	80. (Repealed)
20. Examination required	81. Lapse and reinstatement of license
30. Licensure by credentials	90. (Repealed)
40. Application and fee	95. Exemption from license requirement
50. Disposition of fees	
60. Frequency and content of examination	

**Sec. 08.32.010. License required.** Except as provided in AS 08.32.095, a person may not practice, offer or attempt to practice, or advertise or announce as being prepared or qualified to practice dental hygiene without a license. (§ 1 ch 78 SLA 1953; am § 1 ch 59 SLA 1978, am § 4 ch 49 SLA 1980)

**Effect of amendments.** — The 1978 amendment substituted "oneself" for "himself".  
 The 1980 amendment substituted "Except as provided in AS 08.32.095, a person may not" for "No person may" at the beginning of the section.  
**Editor's notes.** — The words "as being" were substituted for "oneself" by the revision of statutes pursuant to AS 01.05.031(h).

**Sec. 08.32.015. Malpractice insurance.**  
 Repealed by § 40 ch 177 SLA 1978.

**Editor's notes.** — The repealed section derived from § 7, ch. 102, SLA 1976; § 2, ch. 69, SLA 1978.  
 For purpose of repealing act, see § 1, ch. 177, SLA 1978, as amended by § 7, ch. 46, SLA 1982, in the 1982 Temporary and Special Acts and Resolves.

**Sec. 08.32.020. Examination required.** (a) An applicant for examination shall be

- (1) Repealed by § 32 ch 49 SLA 1980.
- (2) at least 18 years of age;
- (3) a graduate of an accredited high school;
- (4) a graduate of a dental hygiene school which requires at least a two-year course and is accredited by the Commission on Accreditation of Dental and Dental Auxiliary Education Programs of the American Dental Association; and
- (5) an examinee who has successfully completed the National Board of Dental Examiners' written theory examination or an equivalent written examination given by the board, thereby demonstrating satisfactory theoretical knowledge of dental and basic biomedical sciences.

(b) An applicant for examination shall apply in writing to the secretary of the board at least 30 days before the date selected by the board

for the examination. (§ 1 ch 78 SLA 1953; am § 1 ch 36 SLA 1969; am § 1 ch 99 SLA 1970; am § 3 ch 59 SLA 1978; am § 32 ch 49 SLA 1980)

**Effect of amendments.** — The 1978 amendment, in subsection (a), substituted "a dental hygiene school" for "an American training school for dental hygienists" and "by the Commission on Accreditation of Dental and Dental Auxiliary Education Programs of the American Dental Association" for "and recognized by the board" in paragraph (4), and in paragraph (b), substituted "of Dental Examiners' written theory examination or an equivalent" for "examination or the" and added the language beginning "thereby demonstrating" to the end.  
 The 1980 amendment repealed paragraph (1) of subsection (a), which read: "of good moral character."

**Sec. 08.32.030. Licensure by credentials.** The board may provide for the licensing without examination of a dental hygienist who

- (1) meets the criteria of AS 08.32.020(a);
- (2) has successfully passed a state or regional dental hygiene clinical examination which the board has determined is at least equivalent in scope, quality, and difficulty to the Alaska clinical examination;
- (3) has been in active clinical dental hygiene practice averaging no less than 14 hours per week for the two years immediately preceding application for state licensure;
- (4) has not failed the clinical dental hygiene examination of this state;
- (5) has not previously had a license to practice dental hygiene issued by any state or region revoked;
- (6) is personally interviewed by a board member;
- (7) pays all fees required under AS 08.36.290;
- (8) is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding undertaken by a professional dental or dental hygienics association. (§ 1 ch 78 SLA 1953; am § 4 ch 59 SLA 1978; am § 5 ch 49 SLA 1980)

**Effect of amendments.** — The 1978 amendment rewrote this section. The 1980 amendment rewrote the section.

**Sec. 08.32.040. Application and fee.** An application for examination or determination of qualification for licensing by credentials shall be accompanied by the applicant's certificate of graduation from an accredited dental hygiene school and the fee provided under AS 08.36.290(1). (§ 1 ch 78 SLA 1953; am § 2 ch 36 SLA 1969; am § 5 ch 59 SLA 1978; am § 6 ch 49 SLA 1980)

**Effect of amendments.** — The 1978 amendment substituted "examination or licensing by credentials" for "qualification" and inserted "from an accredited dental hygiene school" —  
 The 1980 amendment inserted "determination of qualification for" and substituted "the fee provided under AS 08.36.290(1)" for "a fee of \$25" at the end of the section.

**Sec. 08.32.050. Disposition of fees.** All fees and charges shall be deposited in the general fund of the state. (§ 1 ch 78 SLA 1953)

**Sec. 08.32.060. Frequency and content of examination.** The examination shall be held at the same times and places as the examination of dentists under AS 08.36.130. The examination shall cover subjects considered essential by the board for the practice of dental hygiene including a clinical examination on the removal of calcareous deposits, accretions, and stains from the exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing techniques. (§ 1 ch 78 SLA 1953; am § 6 ch 59 SLA 1978; am § 7 ch 49 SLA 1980)

*Effect of amendments.* — The 1978 amendment, in the second sentence, substituted "the practice of dental hygiene including a clinical" for "a dental hygienist including a practical" and "calcareous deposits, accretions, and stains" for "deposits or stains" and added "beginning at the epithelial attachment by scaling and polishing techniques" at the end of the sentence.

The 1980 amendment deleted "once each year" following "shall be held," substituted "(times and places)" for "time" and added "(under AS 08.36.130)" all in the first sentence.

**Sec. 08.32.070. Registration and licensing of dental hygienists.** If the applicant passes the examination, the board shall register the applicant and issue a license upon payment of all fees required under AS 08.36.290. A licensed dental hygienist shall renew registration and offer proof of continued competency as required by regulation of the board every four years. (§ 1 ch 78 SLA 1953; am § 3 ch 36 SLA 1969; am § 7 ch 59 SLA 1978; am § 8 ch 49 SLA 1980)

*Effect of amendments.* — The 1978 amendment substituted "the applicant" for "him."

The 1980 amendment rewrote the second sentence.

**Sec. 08.32.080. Lapse and reinstatement of license.**  
Repealed by § 7 ch 94 SLA 1968.

*Editor's notes.* — The repealed section derived from § 1, ch. 78, SLA 1953.

**Sec. 08.32.081. Lapse and reinstatement of license.** The failure, neglect, or refusal of a licensed dental hygienist to pay the renewal registration fee constitutes a forfeiture of the license. The board may reinstate the license without examination within two years of the date on which payment was due upon written application, proof of continued competency, and payment of all fees required under AS 08.36.290. (§ 4 ch 36 SLA 1969; am § 8 ch 59 SLA 1978; am § 9 ch 49 SLA 1980)

*Effect of amendments.* — The 1978 amendment substituted "without examination within two years of the date on which payment was due" for "within three years" in the second sentence.

The 1980 amendment substituted

"renewal" for "biennial" in the first sentence, inserted "proof of continued competency," and substituted "all fees required under AS 08.36.290" for "\$25" in the second sentence.

**Sec. 08.32.090. Temporary license.**  
Repealed by § 15 ch 59 SLA 1978.

*Editor's notes.* — The repealed section derived from § 2, ch. 78, SLA 1953; am. § 5, ch. 36, SLA 1969.

**Sec. 08.32.095. Exemption from license requirement.** (a) A person enrolled as a full-time student in an accredited school of dental hygiene may perform dental hygiene procedures as part of a course of study without a license if

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

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

(b) A person practicing dental hygiene under (a) of this section is subject to all other provisions of this chapter and laws and regulations which apply to the practice of dental hygiene by a licensed dental hygienist. (§ 10 ch 49 SLA 1980)

#### Article 2. Regulation of Dental Hygienists.

Section	Section
100. Employment of dental hygienists	160. Grounds for discipline, suspension or revocation of license
110. Scope of work of dental hygienists	165. Limits or conditions on license; discipline
120. Place of employment	170. (Repealed)
130. Information required	180. Violation
140. Supervision required	
150. (Repealed)	

**Sec. 08.32.100. Employment of dental hygienists.** A licensed dentist, incorporated eleemosynary dental dispensary or infirmary, private school or welfare center, the United States of America or the state may employ a licensed dental hygienist. (§ 3 ch 78 SLA 1953)

**Sec. 08.32.110. Scope of work of dental hygienists.** (a) The role of the dental hygienist is to assist members of the dental profession in providing oral health care to the public. A person licensed to practice the profession of dental hygiene in the state may

(1) remove calcareous deposits, accretions, and stains from the exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing techniques;

(2) apply topical preventive or prophylactic agents;  
 (3) apply pit and fissure sealants;  
 (4) perform root planing and periodontal soft tissue curettage; and  
 (5) perform other dental operations and services delegated by a licensed dentist if the dental operations and services are not prohibited by (c) of this section.

(b) The board shall specify by regulation those additional intra-oral functions which may be performed by a licensed dental hygienist only upon successful completion of a formal course of instruction approved by the board. The board shall promulgate regulations specifying the education requirements, evaluation procedures, and degree of supervision required for each function.

(c) This section does not authorize delegation of

(1) diagnosing, treatment planning, and writing prescriptions for drugs; writing authorizations for restorative, prosthetic, or orthodontic appliances;

(2) operative or surgical procedures on hard or soft tissues except as allowed in (a)(4) of this section; or

(3) other procedures which require the professional competence and skill of a dentist. (§ 3 ch 78 S.L.A. 1953; am § 6 ch 36 S.L.A. 1969; am § 9 ch 59 S.L.A. 1978)

*Effect of amendments.* — The 1978 amendment rewrote this section.

**Sec. 08.32.120. Place of employment.** A dental hygienist may practice in the office of a licensed dentist, or legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, state or federal institution, village health facility, or in another place designated by the board. (§ 3 ch 78 S.L.A. 1953; am § 10 ch 59 S.L.A. 1978)

*Effect of amendments.* — The 1978 amendment substituted "may practice" for "may operate" near the beginning of this section and the language beginning "welfare center, state or federal institution" for

"or welfare center, or in a building owned or occupied by the state and under the direct or general supervision of a licensed dentist" at the end of the section.

**Sec. 08.32.130. Information required.** Every dental hygienist practicing dental hygiene in the state shall furnish the board with the name and address of the dentist under whose supervision the dental hygienist is practicing. (§ 1 ch 78 S.L.A. 1953; am § 11 ch 59 S.L.A. 1978)

*Effect of amendments.* — The 1978 amendment inserted "practicing dental hygiene in the state" and substituted "the dentist under whose supervision the dental hygienist is practicing" for "his employer."

**Sec. 08.32.140. Supervision required.** A dental hygienist may not practice except under the general supervision of a licensed dentist or, if required by regulations issued under AS 08.32.110(b), the direct or indirect supervision of a licensed dentist. (§ 1 ch 78 S.L.A. 1953; am § 12 ch 59 S.L.A. 1978)

*Effect of amendments.* — The 1978 amendment inserted "general" and added the language beginning "or, if required by regulations" to the end of the section.

**Sec. 08.32.150. Revocation of dentist's license.**  
 Repealed by § 32 ch 49 S.L.A. 1980.

*Cross references.* — For 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 § 4, ch. 78, S.L.A. 1953.

**Sec. 08.32.160. Grounds for discipline, suspension or revocation of license.** The board may revoke or suspend the license of a dental hygienist, or the licensee may be reprimanded, censured, or disciplined when the board finds after a hearing that the licensee

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

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

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

(4) has been convicted of a felony or other crime which affects the licensee's ability to continue to practice competently and safely;

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

(6) continued to practice after becoming unfit due to  
 (A) professional incompetence;

(B) addiction or severe dependency on alcohol or other drugs which impairs the licensee's ability to practice safely;

(C) physical or mental disability;

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

(8) performed clinical procedures for compensation without being under the supervision of a licensed dentist. (§ 6 ch 78 S.L.A. 1953; am § 11 ch 49 S.L.A. 1980)

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

*Editor's notes.* — This section was retitled by the revision of statutes to remove personal pronouns in conformity with AS 01.05.031(e) and § 4, Chapter 58, S.L.A. 1982.

**Sec. 08.32.165. Limits or conditions on license; discipline.** (a) In addition to action under AS 08.32.160, upon a finding that by reason of demonstrated problems of competence, experience, education or health the authority to practice dental hygiene should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) Repealed by § 15 ch 59 SLA 1978. (§ 7 ch 102 SLA 1976; am § 15 ch 59 SLA 1978)

**Cross references.** For present provisions covering the subject matter of repealed subsection (b), see AS 08.32.185. **Effect of amendments.** — The 1978 amendment repealed subsection (b), which read "The Administrative Procedure Act (AS 44.62) applies to any action taken by the board under this section."

**Sec. 08.32.170. Procedure followed.**  
Repealed by § 15 ch 59 SLA 1978.

**Cross references.** For present provisions covering the subject matter of the repealed section, see AS 08.32.185. **Editor's notes.** — The repealed section derived from § 4, ch. 78, SLA 1953.

**Sec. 08.32.180. Violation.** A person who violates this chapter or who fails to comply with the requirements of this chapter, a penalty for which is not otherwise provided, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$100. (§ 5 ch 78 SLA 1953)

### Article 3. General Provisions.

**Section**  
185. Application of Administrative Procedure Act  
190. Definitions

**Sec. 08.32.185. Application of Administrative Procedure Act.** The Administrative Procedure Act (AS 44.62) applies to any action taken by the board under this chapter. (§ 14 ch 59 SLA 1978)

**Sec. 08.32.190. Definitions.** In this chapter

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

(2) "dental hygienist" means a person who is licensed by the board to perform those educational, preventive, and therapeutic services and procedures that licensed dental hygienists are educated to perform;

(3) "general supervision" means the dentist has authorized the procedures and they are being carried out in accordance with the dentist's diagnosis and treatment plan;

(4) "direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and before dismissal of the patient evaluates the performance of the dental hygienist;

(5) "indirect supervision" means a licensed dentist is in the dental facility, authorizes the procedures, and remains in the dental facility while the procedures are being performed by the dental hygienist. (am § 13 ch 59 SLA 1978)

**Effect of amendments.** — The 1978 amendment rewrote this section. **Editor's notes.** — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(e) § 4, Chapter 58, SLA 1982.

### Chapter 36. Dentistry.

#### Article

1. Board of Dental Examiners (§§ 08.36.010 - 08.36.091)
2. Examination and Licensing (§§ 08.36.100 - 08.36.300)
3. Unlawful Acts (§§ 08.36.310 - 08.36.340)
4. General Provisions (§§ 08.36.350 - 08.36.370)

Cited in *Allison v. State*, Sup. Ct. Op. No. 1703 (File No. 3716), 583 P.2d 813 (1978).

#### Article 1. Board of Dental Examiners.

Section	Section
10. Creation and membership of board	60. (Repealed)
20. Appointment and term of office	70. General powers
25. Removal of board members	80. Applicability of Administrative Procedure Act
30. Election of officers	90. (Repealed)
40. Meetings	91. Records and reports
60. Quorum	

**Sec. 08.36.010. Creation and membership of board.** There is created the Board of Dental Examiners consisting of seven members. Four members shall be qualified resident dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment, one member shall be a dental hygienist licensed under AS 08.32, and two members shall be public members. (§ 1 art 11 ch 186 SLA 1955; am § 2 ch 155 SLA 1968; am § 8 ch 102 SLA 1976; am § 12 ch 49 SLA 1980)

**Cross references.** — As to constitutionality of ch. 102, SLA 1976, see notes to AS 08.55.536 and Alas. Const., art 11, § 11.

**Effect of amendments.** — The 1980 amendment deleted "referred to in this chapter as the board" following "Board of Dental Examiners" in the first sentence, substituted "Four" for "Five" at the beginning of the second sentence, and substituted "two members" for "one member" in the third sentence.

**Sec. 08.32.165. Limits or conditions on license; discipline.** (a) In addition to action under AS 08.32.160, upon a finding that by reason of demonstrated problems of competence, experience, education or health the authority to practice dental hygiene should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) Repealed by § 15 ch 59 SLA 1978. (§ 7 ch 102 SLA 1970; am § 15 ch 59 SLA 1978)

**Cross references.** — For present provisions covering the subject matter of repealed subsection (b), see AS 08.32.185.  
**Effect of amendments.** — The 1978 amendment repealed subsection (b), which read "The Administrative Procedure Act (AS 44.02) applies to any action taken by the board under this section."

**Sec. 08.32.170. Procedure followed.**  
Repealed by § 16 ch 59 SLA 1978.

**Cross references.** — For present provisions covering the subject matter of the repealed section, see AS 08.32.185.  
**Editor's notes.** — The repealed section derived from § 4, ch. 78, SLA 1953.

**Sec. 08.32.180. Violation.** A person who violates this chapter or who fails to comply with the requirements of this chapter, a penalty for which is not otherwise provided, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$100. (§ 5 ch 78 SLA 1953)

### Article 3. General Provisions.

#### Section

185. Application of Administrative Procedure Act  
190. Definitions

**Sec. 08.32.185. Application of Administrative Procedure Act.** The Administrative Procedure Act (AS 44.02) applies to any action taken by the board under this chapter. (§ 14 ch 59 SLA 1978)

**Sec. 08.32.190. Definitions.** In this chapter

- (1) "board" means the Board of Dental Examiners;
- (2) "dental hygienist" means a person who is licensed by the board to perform those educational, preventive, and therapeutic services and procedures that licensed dental hygienists are educated to perform;
- (3) "general supervision" means the dentist has authorized the procedures and they are being carried out in accordance with the dentist's diagnosis and treatment plan;

(4) "direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and before dismissal of the patient evaluates the performance of the dental hygienist;

(5) "indirect supervision" means a licensed dentist is in the dental facility, authorizes the procedures, and remains in the dental facility while the procedures are being performed by the dental hygienist. (am § 13 ch 59 SLA 1978)

**Effect of amendments.** — The 1978 amendment rewrote this section. Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.011(c) § 4, Chapter 68, SLA 1982.

### Chapter 36. Dentistry.

#### Article

1. Board of Dental Examiners (§§ 08.36.010 - 08.36.091)
2. Examination and Licensing (§§ 08.36.100 - 08.36.300)
3. Unlawful Acts (§§ 08.36.310 - 08.36.319)
4. General Provisions (§§ 08.36.350 - 08.36.370)

Cited in *Allison v. State*, Sup. Ct. Op. No. 1703 (File No. 3710), 583 P.2d 813 (1978).

### Article 1. Board of Dental Examiners.

#### Section

10. Creation and membership of board  
20. Appointment and term of officer  
25. Removal of board members  
30. Election of officers  
40. Meetings  
50. Quorum

#### Section

60. [Repealed]  
70. General powers  
80. Applicability of Administrative Procedure Act  
90. [Repealed]  
91. Records and reports

**Sec. 08.36.010. Creation and membership of board.** There is created the Board of Dental Examiners consisting of seven members. Four members shall be qualified resident dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment, one member shall be a dental hygienist licensed under AS 08.32, and two members shall be public members. (§ 1 art 11 ch 186 SLA 1955; am § 2 ch 155 SLA 1968; am § 8 ch 102 SLA 1976; am § 12 ch 49 SLA 1980)

**Cross references.** — As to constitutionality of ch. 102, SLA 1976, see notes in AS 09.55.536 and *Alas. Const.*, art. II, § 14.  
**Effect of amendments.** — The 1980 amendment deleted "referred to in the chapter as the board" following "Board of Dental Examiners" in the first sentence, substituted "Four" for "Five" at the beginning of the second sentence, and substituted "two members shall be public members" for "one member with no direct

financial interest in the health care industry" at the end of the second sentence.

Editor's notes. — Section 1, ch. 166, S.L.A. 1968, provides: "Purposes. The practice of dentistry in the state is hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession

merit and receive the confidence of the public and that only qualified dentists be permitted to practice dentistry in the state. All provisions of this chapter relating to the practice of dentistry and dental hygiene and to the registration of dental laboratories shall be liberally construed to carry out these objects and purposes."

**Sec. 08.36.020. Appointment and term of office.** Members of the board are appointed by the governor, subject to confirmation by the legislature in joint session. Each board member serves for a term of four years, and until that member's successor is appointed and qualified. The term begins on February 1. An appointment to a vacancy is for the unexpired term. A person who has served two successive complete terms may not be reappointed until four years from the expiration of the second term. (§ 2 art II ch 186 S.L.A. 1955; am § 1 ch 59 S.L.A. 1964; am § 9 ch 102 S.L.A. 1976; am § 13 ch 49 S.L.A. 1980)

Effect of amendments. — The 1980 amendment substituted "four" for "five" in the second sentence, and added the present fifth sentence.

Editor's notes. — This section was

redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.011(e) and § 4, Chapter 68, S.L.A. 1982.

**Sec. 08.36.025. Removal of board members.** A member of the board may be removed from office by the governor for cause. The board may by regulation provide that unexcused absences from meetings constitute cause for removal. (§ 14 ch 49 S.L.A. 1980)

**Sec. 08.36.030. Election of officers.** The board shall elect a president and a secretary from among its members, each to serve for a term not to exceed two years. (§ 3 art II ch 186 S.L.A. 1955; am § 1 ch 121 S.L.A. 1972)

**Sec. 08.36.040. Meetings.** The board shall meet as often as, and at the times and places, necessary to conduct its business. (§ 3 art II ch 186 S.L.A. 1955)

**Sec. 08.36.050. Quorum.** A majority of the board constitutes a quorum for the transaction of business. (§ 4 art II ch 186 S.L.A. 1955)

**Sec. 08.36.060. Expenses and salary.**  
Repealed by § 3 ch 69 S.L.A. 1976

Editor's notes. — The repealed section derived from § 4, art. II, ch. 186, S.L.A. 1955.

**Sec. 08.36.070. General powers.** The board shall have, but not by way of limitation, the following powers and duties:

- (1) to examine and issue licenses to applicants;
- (2) to register licensed dentists and licensed dental hygienists who are in good standing;
- (3) to submit an annual report of its proceedings to the governor and to members of the Alaska Dental Society, containing a statement of money received and disbursed;
- (4) to affiliate with the American Association of Dental Examiners, and pay annual dues to the association;
- (5) to hold hearings, and order the disciplinary sanction of a person who violates this chapter, AS 08.32, or the regulations of the board;
- (6) to supply forms for applications, licenses, permits, certificates, and other papers and records;
- (7) to enforce the provisions of this chapter and AS 08.32 and adopt or amend the regulations necessary to make the provisions of this chapter and AS 08.32 effective;
- (8) to adopt regulations insuring that renewal of registration is contingent upon proof of continued competency by a licensed dentist or licensed dental hygienist;
- (9) to provide the department with the requirements for proof of continued competency and to request the department to make these requirements available to each licensed dentist and licensed dental hygienist at least one year before the date on which the dentist or dental hygienist must renew registration;
- (10) to order a licensed dentist or licensed dental hygienist to submit to a reasonable physical examination if the dentist's or the dental hygienist's physical capacity to practice safely is at issue. (§ 5 art II ch 186 S.L.A. 1955; am § 6 ch 69 S.L.A. 1970; am §§ 15 — 18 ch 49 S.L.A. 1980)

Effect of amendments. — The 1980 amendment inserted "and licensed dental hygienists who are" in paragraph (2), substituted "and order the disciplinary sanction" for "revoke, annul, or suspend the license," inserted "AS 08.32" and deleted "rules and" preceding "regulations," all in paragraph (6), inserted "and AS 08.32," twice, substituted "adopt" for "make, alter," and deleted "rules and"

preceding "regulations," and "or desirable" preceding "to make the provisions" all in paragraph (7), and added paragraphs (8)-(10).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.011(e) and § 4, Chapter 68, S.L.A. 1982.

## NOTES TO DECISIONS

The function of former AS 08.36.310 (see now AS 08.36.315), which specified the grounds for disciplinary action by the board, was to detail the scope of the power to revoke, annul, or suspend licenses given to the board by paragraph (6) of this section. State v. Southrup, 114 P.2d 900 (Alaska, 1942), 201 P.2d 625 (1949).

Practice of dentistry by persons committing acts listed in AS 08.36.310 not per se illegal. — Under former AS 08.36.310 (see now AS 08.36.315), the board could, after a hearing, revoke a dentist's license or take other disciplinary action to prevent that he conducted himself in a manner described in one of the enumerated provisions. Since the power

was discretionary and since the board could impose penalties less drastic than license revocation, it was clear that the legislature did not intend that it be per se illegal for persons who have committed the

listed transgressions to continue to practice dentistry. *State v. Smith*, Sup. Ct. Op. No. 18018 (File Nos. 3707, 38030, 5931 P.2d 625 (1979)).

**Sec. 08.36.080. Applicability of Administrative Procedure Act.** The board shall comply with the Administrative Procedure Act (AS 44.62).

**Sec. 08.36.090. Records and reports.**  
Repealed by § 3 ch 59 SLA 1966.

**Cross references.** — For present provisions covering the subject matter of the repealed section, see AS 08.36.091.

**Editor's notes.** — This section derived from § 6, art. II, ch. 186, SLA 1955.

**Sec. 08.36.091. Records and reports.** The board shall maintain  
(1) a record of its proceedings;  
(2) a register containing the name, office and home address, and other information considered necessary by the board, of each person licensed as a dentist or dental hygienist, and a register of the licenses revoked by the board, and information on the status of each licensee. (§ 3 ch 155 SLA 1968)

**Article 2. Examination and Licensing.**

Section	
100. License required	
110. Qualifications of applicants	
115. (Repealed)	
120. Photograph and filing date of application	
130. Examination	
140. Out of state examination	
150. Examination in out-of-state dental schools	
160. Contents of examination	
170. Partial examination	
180. Re-examination	
190. Grading of examination	
200. Waiver of written examination	
210 - 220. (Repealed)	
230. Practice outside the state	
244. Licensure by credentials	
238. Exemption from license requirement	

Section	
240. Issuance of license; recordation; display	
244. License to practice as specialist required	
246. Qualification for a specialist license	
247. Limitation of special practice	
248. Suspension or revocation of specialty licenses	
250. Renewal of registration	
260. Branch office registration	
270. (Repealed)	
271. Permits for isolated areas	
280. Temporary permit	
285. (Repealed)	
290. Fees and penalties	
300. (Repealed)	

**Collateral references.** — 61 Am Jur. 2d, Physicians, Surgeons and Other Healers, §§ 9-18.  
70 C.J.S., Physicians and Surgeons, §§ 6-15.  
Regulation of prosthetic dentistry. In ALR2d 1244

**Constitutionality and construction of statutes or regulations prohibiting one who has no license to practice dentistry from owning, maintaining or operating an office therefor.** 20 ALR2d 808

**Sec. 08.36.100. License required.** Except as provided in AS 08.36.238, a person may not practice, or attempt to practice, dentistry without a license or permit, and a current certificate of registration. (§ 1 art. III ch 186 SLA 1955; am § 4 ch 155 SLA 1968; am § 19 ch 49 SLA 1980)

**Effect of amendments.** — The 1980 amendment substituted "Except as provided in AS 08.36.238, a person may not" for "No person, except those specifically

exempted from the application of this chapter, may" at the beginning of the section.

**Sec. 08.36.110. Qualifications of applicants.** An applicant for a license to practice dentistry may apply to the board for an examination and license by submitting information that the applicant is a graduate of a dental college accredited by the Commission on Accreditation of the American Dental Association, or its successor agency, at the time of graduation, and holds a D.D.S. or D.M.D. degree or the equivalent. (§ 2 art. III ch 186 SLA 1955; am § 1 ch 26 SLA 1965; am § 1 ch 36 SLA 1970; am § 7 ch 69 SLA 1970; am § 25 ch 245 SLA 1970; am § 10 ch 127 SLA 1974; am §§ 20, 32 ch 49 SLA 1980)

**Revisor's notes.** — The form of this section has been rearranged by the revisor of statutes under authority of AS 01.05.031 to conform to the style of the Alaska Statutes.

"approved" and "Commission on Accreditation" for "Council on Dental Education" and inserted "or its successor agency."

**Effect of amendments.** — The 1980 amendment repealed a former paragraph (2), which read: "of good moral character"; and substituted "accredited" for

This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.115. Malpractice insurance.**  
Repealed by § 40 ch 177 SLA 1978.

**Editor's notes.** — The repealed section derived from § 10, ch. 102, SLA 1976. For purpose of repealing art. I, see § 1, ch

177, SLA 1978 as amended by § 7, ch. 46, SLA 1982, in the 1982 Temporary and Special Acts and Resolves.

**Sec. 08.36.120. Photograph and filing date of application.** Each applicant shall submit a recent unmounted, autographed photograph of the applicant. Applications shall be filed at least 30 days before the date scheduled for an examination. (§ 2 art. III ch 186 SLA 1955)

**Editor's notes.** — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.130. Examination.** An examination shall be given at least once a year and at other times and at places determined by the board to be convenient and economical for the applicants and the state. At least once each year the board shall appoint an examination committee of at least three licensed dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment to conduct the examination for applicants for licenses to practice dentistry. The board shall also appoint an examination committee of at least two licensed dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment and one person licensed to practice dental hygiene in the state to conduct the examination for applicants for licenses to practice dental hygiene. The examination committees shall report the results to the board for official action. (§ 3 art III ch 186 SLA 1955; am § 6 ch 156 SLA 1968; am § 21 ch 49 SLA 1980)

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

**Sec. 08.36.140. Out-of-state examination.** If an applicant requests the board to hold an examination outside the state, the board may require the applicant to pay the transportation costs to the members of the committee conducting the examination. (§ 3 art III ch 186 SLA 1955)

**Sec. 08.36.150. Examination in out-of-state dental schools.** The examination committee, with the approval of the board, may conduct an examination in the clinic of an approved dental school within the continental limits of the United States and admit to the examination a dental student in the student's last year of school who would otherwise be eligible for admission to examination and licensing in the state upon completion of the student's education. (§ 3 art III ch 186 SLA 1955)

*Editor's notes.* -- This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.160. Contents of examination.** The examination shall be clinical and written and of such a character as to test in a satisfactory manner the qualifications of the applicant to practice dentistry. The examination shall consist of the following:

(1) The subjects of the written examination shall be selected in accordance with the trend of dental education as determined by the Council of Dental Education of the American Dental Association.

(2) The applicant shall demonstrate skill in operative and prosthetic dentistry or any procedures as recommended by the American Association of Dental Examiners. (§ 4 art III ch 186 SLA 1955; am § 6 ch 156 SLA 1968)

*Editor's notes.* -- This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.170. Partial examination.** A student at least 19 years of age who has satisfactorily completed regular courses of instruction in dentistry in at least two different school years at an approved dental school, and who is certified by the dean of the college as having satisfactorily completed the subjects included in section 1 of the examination may take section 1 of the examination. If the student passes section 1 and subsequently takes the full examination, the requirements of section 1 are waived. (§ 5 art III ch 186 SLA 1955)

**Sec. 08.36.180. Re-examination.** An applicant shall pass each subject of each section of the examination with a score of at least 75 percent. If an applicant fails in one subject in each section, the applicant may be re-examined in that subject. If an applicant fails in more than one subject in any section, the applicant shall be re-examined in the whole section. If an applicant fails the examination or any section of it on two separate occasions, the board shall refuse to examine the applicant further until the applicant produces evidence satisfactory to the board that the applicant has pursued further study in preparation for the examination. (§ 6 art III ch 186 SLA 1955)

*Editor's notes.* -- This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.190. Grading of examination.** Upon the conclusion of the written examination and as soon as practicable, the papers shall be rated by an examiner. The examiner shall prepare a report in duplicate on each written examination and a report in duplicate on each practical examination. The examiner shall forward one copy of each report on each candidate to the secretary of the board and one copy to the division of occupational licensing. The secretary shall prepare a composite report on each applicant and file one copy of that report with the division of occupational licensing. As soon as practicable the division of occupational licensing shall notify each candidate of the results of the examination. (§ 7 art III ch 186 SLA 1955; am § 2 ch 121 SLA 1972)

*Editor's notes.* This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.200. Waiver of written examination.** The board may waive the requirement for written examination for an applicant who holds a certificate from the National Board of Dental Examiners that

the applicant has passed the theoretical or written examination given by the national board. (§ 8(a) art III ch 186 SLA 1955)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(e) and § 4, Chapter 58, SLA 1982.

**Secs. 08.36.210 — 08.36.220. Waiver of examination and issuance of license by reciprocity.**

Repealed by § 32 ch 49 SLA 1980.

Cross references. — For present provisions, see AS 08.36.214.  
Editor's notes. — The repealed sections derived from 14 Ribi, §, art. III, ch. 186, SLA 1955; § 2, ch. 28, SLA 1965; § 7, ch. 155, SLA 1968; 14 3, 4, ch. 121, SLA 1972.

**Sec. 08.36.230. Practice outside the state.** A dentist licensed to practice in this state and residing and practicing dentistry outside of this state, may maintain eligibility to practice in this state by registering the dentist's name and place of residence with the division of occupational licensing every four years and submitting proof of competency as required by the board. If the dentist fails to register, the board may reinstate the dentist's license without examination upon payment of a penalty of \$25, payment of the delinquent registration fee under AS 08.36.290(10), presentation of proof of continued competency, and presentation of proof of active practice certified by the dental board having jurisdiction or, if there is no board with jurisdiction, by evidence satisfactory to the board. (§ 10 art III ch 186 SLA 1955; am § 5 ch 121 SLA 1972; am § 22 ch 49 SLA 1980)

Effect of amendments. — The 1980 amendment, in the first sentence, deleted "biennially" following "this state by" and added "every four years and submitting proof of competency as required by the board" at the end of the sentence, in the second sentence, substituted "the delinquent registration fee under AS 08.36.290(10), presentation of proof of continued competency" for "all delinquent registration fees," deleted "at his place of residence," following "active practice" and again following "having jurisdiction," and inserted "with jurisdiction."  
Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(e) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.234. Licensure by credentials.** The board may provide for the licensing without examination of a dentist who

(1) is a graduate of a dental college approved by the Commission on Accreditation of the American Dental Association, or its successor agency;

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

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

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

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

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

(7) is personally interviewed by the board;

(8) pays all fees required under AS 08.36.290. (§ 23 ch 49 SLA 1980)

**Sec. 08.36.238. Exemption from license requirement.** (a) A person enrolled as a full-time student in an accredited school of dentistry may perform procedures as part of a course of study without a license if

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

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

(b) A person practicing dentistry under (a) of this section is subject to all other provisions of this chapter and to other laws and regulations which apply to the practice of dentistry. (§ 23 ch 49 SLA 1980)

**Sec. 08.36.240. Issuance of license; recordation; display.** The board shall issue a license to each successful applicant who has paid the required fees. The holder of a license shall register it in the office of the clerk of the superior court in the judicial district of the licensee's place of residence. The licensee shall display the license in a conspicuous place where the licensee practices. (§ 11 art III ch 186 SLA 1955; am § 6 ch. 121 SLA 1972)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(e) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.244. License to practice as specialist required.** A licensed dentist may not hold out to the public as being especially qualified in a branch of dentistry by announcing through the press, sign, card, letterhead or printed matter, or any means of public advertising, using such terms as "specialist," or inserting the name of the specialty, or using other phrases customarily used by qualified specialists that would imply to the public that the dentist is so qualified, without first securing a specialist's license as provided in this chapter. (§ 8 ch 155 SLA 1968)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**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) A specialty license may not be issued unless the applicant presents proof satisfactory to the board that the applicant 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)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**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 AS 08.36.315, and the procedure shall be the same as for the revocation or suspension of a license to practice dentistry. (§ 8 ch 155 SLA 1968; am § 24 ch 49 SLA 1980)

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 year for which it is issued. Each licensee shall keep the registration certificate beside or attached to the licensee's

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 "issuing," 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.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

NOTES TO DECISIONS

Cited in State v. Smith, Sup. Ct. Op. No. 1838 (File Nos. 3797, 3893), 693 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 the licensee's 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." Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 08.36.270. Permits for isolated areas.** Repealed by § 3 ch 26 SLA 1965; § 5 ch 93 SLA 1965.

Cross references. — For present provisions covering the subject matter of the repealed section, see AS 08.36.271. Editor's notes. — The repealed section derived from § 14, art. III, ch. 186, SLA 1955.

**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 91 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 AS 08.36.110;
- (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 AS 08.36.290(9).

(b) The board may authorize a temporary permittee to practice dentistry in more than one city or rural village of the type specified in (a) (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 in AS 08.36.310, but in any case, within two years from issuance of the applicant's 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 AS 08.36.310.

(e) The board shall grant or deny an application for a temporary permit within 60 days after it is received. (§ 15 art III ch 183 SLA 1955; am § 4 ch 26 SLA 1965; am §§ 8, 9 ch 121 SLA 1972; am § 6 ch 59 SLA 1982)

Effect of amendments. - The 1982 amendment, effective May 28, 1982, substituted "AS 08.36.290(9)" for "AS 08.36.290 (6)" in subsection (a)(4).

Editor's notes. - This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(e) and § 4, Chapter 58, SLA 1982. AS 08.36.310, referred to in subsections (c) and (d) was repealed by § 32, ch. 39, SLA 1980. For present provisions, see AS 08.36.315.

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

Editor's notes. - The repealed section derived from § 5, ch. 26, SLA 1965.

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
    - dentist hygienist . . . . . 75
  - (3) credential review fee:
    - dentist . . . . . \$200
    - dentist hygienist . . . . . 75
  - (4) initial license fee:
    - dentist . . . . . \$ 30
    - dentist hygienist . . . . . 20
  - (5) registration fee (due every four years):
    - dentist . . . . . \$200
    - dentist hygienist . . . . . 100
  - (6) filing fee for reexamination application . . . . . \$ 25
  - (7) specialty license fee . . . . . \$ 30
  - (8) branch office registration fee . . . . . \$150
  - (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.

NOTES TO DECISIONS

For history of function of profession of dentistry, see United States v. Dodder, 9 Alaska 719 (1940).

Sec. 08.36.300. Deposit of fees and payment of expenses. Repealed by § 3 ch 59 SLA 1966.

Editor's notes. - The repealed section derived from § 17, art. III, ch. 180 SLA 1955.

Article 3. Unlawful Acts.

Section	3
310. [Repealed]	32. Disciplinary sanctions
315. Grounds for discipline, suspension or revocation of license	325 - 330. [Repealed]
	340. Penalties

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 1964; § 26, 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 the dentist

(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 the dentist's ability to continue to practice dentistry competently and safely;

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

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) addiction or severe dependency on alcohol or other drugs which impairs the dentist's ability to practice safely;

(D) physical or mental disability;

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

(9) permitted a dental hygienist who is employed by the dentist or working under the dentist's supervision to perform a dental procedure other than those permitted under AS 08.32.110. (§ 28 ch 49 SLA 1980)

**Editor's notes.** — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.03.01(a) and § 4, Chapter 58, SLA 1982.

**Collateral references.** — 61 Am. Jur. 2d, Physicians, Surgeons and Other Healers, §§ 44-66.

30 C.F.R., Physicians and Surgeons, §§ 16-30.

Ground for revocation of ALR 1501, 82 ALR 1184.

What amounts to conviction with a statute making conviction ground for cancelling license. 113 ALR 1179.

Revocability of license for lewd or other misconduct behavior at the time of its issuance. 165 ALR 1139.

Admissibility and necessity of expert evidence in proceeding for revocation of license. 6 ALR2d 675.

Note contemner of non valid, statute authorizing revocation of license upon conviction as applicable to conviction based on plea of. 89 ALR2d 606.

Alcoholism, narcotics addiction or misconduct with respect to alcoholic beverages or narcotics as ground for revocation or suspension of license to practice medicine or dentistry. 93 ALR2d 1398.

Revocation or suspension of dentist's license for false claims, reports or bills for services in personal injury litigation. 95 ALR2d 873.

Practicing medicine, surgery, dentistry, optometry, podiatry, or other healing arts without license as a separate or continuing offense. 91 ALR2d 654.

Cancellation or suspension irrespective of licensee's personal fault, validity of statute or rule making specified conduct or condition the ground for. 3 ALR2d 107.

Improper or immoral conduct toward female patient as ground for disciplinary measure against physician or dentist. 15 ALR3d 1179.

Professional incompetency as ground for disciplinary measure against physician or dentist. 28 ALR3d 487.

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

(1) permanently revoke a license to practice;

(2) suspend a license for a determinate period of time;

(3) censure a licensee;

(4) issue a letter of reprimand;

(5) place a licensee on probationary status and require the licensee to

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

(B) limit practice to those areas prescribed;

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

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

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

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

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

(e) The board shall seek consistency in the application of disciplinary sanctions, and significant departure from prior decisions involving similar situations shall be explained in findings of fact or orders. (§ 5 art IV ch 106 SLA 1955; am § 29 ch 49 SLA 1980)

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

**Editor's notes.** — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Collateral references.** — Has of members of income taxation board, 97 ALR2d 1210.

**Secs. 08.36.325 — 08.36.330.**

Repealed by § 32 ch 49 SLA 1980.

**Cross references.** — For provisions concerning grounds for discipline, suspension or revocation of license of a dentist, see AS 08.36.315. For provisions concerning disciplinary sanctions which may

be imposed by the board, see AS 08.36.320.

**Editor's notes.** — The repealed sections derived from § 7, art. IV, ch. 186, SLA 1955; § 10, ch. 102, SLA 1976.

**Sec. 08.36.340. Penalties.** A person who violates any provision of AS 08.32 or this chapter for which no specific penalty is provided is guilty of a class B misdemeanor. (§ 8 art IV ch 186 SLA 1955; am § 30 ch 49 SLA 1980)

**Cross references.** — As to punishment for misdemeanors, see AS 12.55.135.

**Effect of amendments.** — The 1980 amendment inserted "AS 08.32 or," deleted a comma following "is provided,"

and deleted "and is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both," following "misdemeanor" at the end of the section, and inserted "class B."

#### Article 4. General Provisions.

##### Section

350. Application of chapter  
360. Practice of dentistry defined  
370. Definitions

**Sec. 08.36.350. Application of chapter.** This chapter applies to a person who practices, offers or attempts to practice dentistry in the state except

- (1) dental surgeons or dentists in the military service in the discharge of official duties;
- (2) Repealed by § 32 ch 49 SLA 1980.
- (3) dentists in the employ of the United States Public Health Service, United States Veterans' Administration, Alaska Native Service, or Department of Health and Social Services, in the discharge of official duties;
- (4) clinicians demonstrating at meetings of dentists approved by the board;
- (5) physicians and surgeons;
- (6) dentists in the employ of the United States Public Health Service providing care by authority of a permit issued under AS 08.36.271. (§ 2 art I ch 186 SLA 1955; am § 2 ch 93 SLA 1965; am § 6 ch 104 SLA 1971, am § 42 ch 49 SLA 1980)

**Effect of amendments.** — The 1980 amendment repealed paragraph (2), which

read: "licensed dental hygienists in the performance of duties authorized by law."

**Sec. 08.36.360. Practice of dentistry defined.** A person engaged in the practice of dentistry who

- (1) performs or holds out to the public as being able to perform dental operations;
- (2) diagnoses, treats, operates on, corrects or attempts to correct, or prescribes for, a disease, lesion, pain, injury, deficiency, deformity, or physical condition, malocclusion or malposition of the human teeth, alveolar process, gums or jaws and adjacent tissues;
- (3) performs or attempts to perform an operation incident to the replacement of teeth;
- (4) furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances or other structures to be used and worn as substitutes for natural teeth, except on prescription of a duly licensed and registered dentist and by the use of impressions or casts made by a duly licensed and registered dentist;
- (5) uses the word "dentist" or "dental surgeon" or the letters D.D.S. or D.M.D. or other letter or title which represents the dentist as engaging in the practice of dentistry;
- (6) extracts or attempts to extract human teeth;
- (7) owns, manages or operates a place where the acts and things described in this section are performed or done. (§ 1 art I ch 186 SLA 1955)

**Cross references.** — For professional designation requirements for dentists, see AS 08.02.010.

with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Editor's notes.** — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with statutes pertaining to physician or surgeon. 115 ALR 261.

**Sec. 08.36.370. Definitions.** In this chapter, unless the context requires otherwise,

- (1) "board" means the Board of Dental Examiners;
- (2) "department" means the Department of Commerce and Economic Development. (§ 31 ch 49 SLA 1980)

#### Chapter 40. Electrical Administrators.

##### Article

1. Board of Electrical Examiners (§§ 08.40.010-08.40.020)
2. Licensing (§§ 08.40.020-08.40.180)
3. General Provisions (§§ 08.40.190-08.40.200)

Offered: 4/26/84  
Referred: Finance

Original sponsor: Furnace

BY THE HEALTH EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 611 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to dentists and dental hygienists."

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

8 \* Section 1. AS 08.32.010 is amended to read:

9           Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.-  
10       32.095, a person may not practice, offer or attempt to practice, or  
11       advertise or announce as being prepared or qualified to practice  
12       dental hygiene without a license and a current certificate of regis-  
13       tration.

14 \* Sec. 2. AS 08.32.020(a) is amended to read:

15           (a) An applicant for examination shall submit information that  
16       the person is [BE]

17                   (1) [Repealed by sec. 32 ch 49 SLA 1980.

18                   (2)] at least 18 years of age;

19                   (2) [(3)] a graduate of an accredited high school;

20                   (3) [(4)] a graduate or on the date of examination will be  
21       a graduate of a dental hygiene school that [WHICH] requires at least a  
22       two-year course and is accredited by the Commission on Accreditation  
23       of Dental and Dental Auxiliary Education Programs of the American  
24       Dental Association; and

25                   (4) [(5)] an examinee who has successfully completed the  
26       [NATIONAL BOARD OF DENTAL EXAMINERS'] written theory examination of  
27       the American Dental Association Joint Commission on National Dental  
28       Examinations or an equivalent written examination given by the board,  
29       thereby demonstrating satisfactory theoretical knowledge of dental and

1 basic biomedical sciences.

2 \* Sec. 3. AS 08.32.030 is amended to read:

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

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

6 (2) has successfully passed a state or regional dental  
7 hygiene clinical examination which the board has determined is at  
8 least equivalent in scope, quality, and difficulty to the Alaska  
9 clinical examination;

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

13 (4) has not failed the clinical dental hygiene examination  
14 of this state;

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

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

18 (7) pays the [ALL] fees required under AS 08.32.097 [AS 08..  
19 36.290]; and

20 (8) is not the subject of an unresolved complaint, review  
21 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]  
22 dental or dental hygiene licensing jurisdiction [HYGIENICS ASSOCIA-  
23 TION].

24 \* Sec. 4. AS 08.32 is amended by adding a new section to read:

25 Sec. 08.32.035. TEMPORARY LICENSE. (a) The board may issue  
26 without examination a temporary license to an applicant for examina-  
27 tion who is licensed to practice dental hygiene in another state and  
28 who meets the criteria of AS 08.32.030 but who has been in active  
29 clinical practice for less than two years immediately preceding

give  
give

1 application. A temporary license expires at the time notice is given  
2 of the results of the next scheduled examination and may not be  
3 reissued.

4 (b) A person practicing dental hygiene under (a) of this section  
5 is subject to all other provisions of this chapter and laws and regu-  
6 lations that apply to the practice of dental hygiene in this state.

7 (c) Time in active clinical dental hygiene practice under a  
8 temporary license may not be credited toward licensure by credentials  
9 under AS 08.32.030.

10 \* Sec. 5. AS 08.32.040 is amended to read:

11 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-  
12 nation or determination of qualification for licensing under AS 08.-  
13 32.030 or 08.32.035 [BY CREDENTIALS] shall be signed by the applicant  
14 and accompanied by the applicant's certificate of graduation from an  
15 accredited dental hygiene school and the required fees [FEE PROVIDED  
16 UNDER AS 08.36.290(1)].

17 \* Sec. 6. AS 08.32.060 is amended to read:

18 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. (a) The  
19 examination shall be held at [THE SAME] times and places determined by  
20 the board. The examination shall be designed to test the qualifica-  
21 tions of the applicant to practice dental hygiene and shall consist of  
22 a written and a clinical examination.

23 (b) The subjects of the written examination shall include dental  
24 radiology, the state's laws on the practice of dental hygiene, and  
25 other subjects selected in accordance with the trends of dental hy-  
26 giene education and professional and technical advances [AS THE EX-  
27 AMINATION OF DENTISTS UNDER AS 08.36.130].

28 (c) The clinical examination shall test the applicant's skill in  
29 clinical procedures [COVER SUBJECTS] considered essential by the board

1 for the practice of dental hygiene including [A CLINICAL EXAMINATION  
2 ON] the removal of calcareous deposits, accretions, and stains from  
3 the exposed surfaces of the teeth beginning at the epithelial attach-  
4 ment by scaling and polishing techniques.

5 (d) The board may require an applicant to pass a laboratory  
6 examination as a prerequisite to admission to the clinical examination  
7 if the board has reason to believe the applicant cannot practice  
8 safely on a clinical patient.

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

10 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.  
11 The [IF THE APPLICANT PASSES THE EXAMINATION, THE] board shall regis-  
12 ter each successful [THE] applicant and issue the applicant a license  
13 upon payment of all required fees [REQUIRED UNDER AS 08.36.290. A  
14 LICENSED DENTAL HYGIENIST SHALL RENEW REGISTRATION AND OFFER PROOF OF  
15 CONTINUED COMPETENCY AS REQUIRED BY REGULATION OF THE BOARD EVERY FOUR  
16 YEARS].

17 \* Sec. 8. AS 08.32 is amended by adding a new section to read:

18 Sec. 08.32.071. RENEWAL OF REGISTRATION. A registration certif-  
19 icate is valid for four years. At least 60 days before expiration of  
20 a licensee's registration certificate, the division of occupational  
21 licensing shall mail a form for renewal of registration to each li-  
22 censed dental hygienist. Each licensee who wishes to renew a regis-  
23 tration certificate shall complete the form and return it with the  
24 appropriate fee and evidence of continued professional competence as  
25 required by the board. The division of occupational licensing shall,  
26 as soon as practicable, issue a registration certificate valid for a  
27 stated number of years. Each licensee shall keep the registration  
28 certificate beside or attached to the licensee's license. Failure to  
29 receive the registration form does not exempt a licensee from renewing

1 registration.

2 \* Sec. 9. AS 08.32.081 is amended to read:

3 Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. A [THE  
4 FAILURE, NEGLIGENCE, OR REFUSAL OF A] licensed dental hygienist who does  
5 not [TO] pay the renewal registration fee forfeits [CONSTITUTES A  
6 FORFEITURE OF] the hygienist's license. The board may reinstate the  
7 license without examination within two years of the date on which  
8 payment was due upon written application, proof of continued profes-  
9 sional competence [COMPETENCY], and payment of all unpaid renewal fees  
10 and any penalty fee established under AS 08.01.100(b) [REQUIRED UNDER  
11 AS 08.36.290].

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

13 Sec. 08.32.097. FEES. The department shall, by regulations  
14 adopted under AS 08.01.065, establish fees for dental hygienists for  
15 the following:

- 16 (1) filing an examination and licensing application;
- 17 (2) examination fee;
- 18 (3) credential fee;
- 19 (4) initial license;
- 20 (5) registration fee;
- 21 (6) filing a reexamination application;
- 22 (7) duplicate license;
- 23 (8) delinquent registration.

24 \* Sec. 11. AS 08.32.110(a) is amended to read:

25 (a) The role of the dental hygienist is to assist members of the  
26 dental profession in providing oral health care to the public. A  
27 person licensed to practice the profession of dental hygiene in the  
28 state may

- 29 (1) remove calcareous deposits, accretions, and stains from

1 the exposed surfaces of the teeth beginning at the epithelial attach-  
2 ment by scaling and polishing techniques;

3 (2) apply topical preventive or prophylactic agents;

4 (3) apply pit and fissure sealants;

5 (4) perform root planing and peridental soft tissue curet-  
6 tage; [AND]

7 (5) perform other dental operations and services delegated  
8 by a licensed dentist if the dental operations and services are not  
9 prohibited by (c) of this section; and

10 (6) if certified by the board and under the direct or  
11 indirect supervision of a licensed dentist, administer local anes-  
12 thetic agents.

13 \* Sec. 12. AS 08.32.110(b) is amended to read:

14 (b) The board shall specify by regulation those additional  
15 [INTRA-ORAL] functions that [WHICH] may be performed by a licensed  
16 dental hygienist only upon successful completion of a formal course of  
17 instruction approved by the board. The board shall promulgate regula-  
18 tions specifying the education requirements, evaluation procedures,  
19 and degree of supervision required for each function.

20 \* Sec. 13. AS 08.32.160 is amended to read:

21 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION  
22 OF LICENSE. The board may revoke or suspend the license of a dental  
23 hygienist, or [THE LICENSEE] may reprimand, censure [BE REPRIMANDED,  
24 CENSURED], or discipline a licensee, if, after a hearing, [DISCIPLINED  
25 WHEN] the board finds [AFTER A HEARING] that the licensee

26 (1) used or knowingly cooperated in [SECURED A LICENSE  
27 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
28 license or registration;

29 (2) engaged in deceit, fraud, or intentional misrepresenta-

1           tion in the course of providing or billing for professional services  
2           or engaging in professional activities;

3                   (3) advertised professional services in a false or mislead-  
4           ing manner;

5                   (4) has been convicted of a felony or other crime that  
6           [WHICH] affects the licensee's ability to continue to practice compe-  
7           tently and safely;

8                   (5) failed to comply with this chapter, with a regulation  
9           adopted under this chapter or under AS 08.36, or with an order of the  
10          board;

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

12                           (A) professional incompetence;

13                           (B) addiction or dependence [SEVERE DEPENDENCY] on  
14          alcohol or other drugs that [WHICH] impairs the licensee's abil-  
15          ity to practice safely;

16                           (C) physical or mental disability;

17                           (D) failure to keep informed of or use current profes-  
18          sional theories and practices;

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

21                   (8) performed clinical procedures for compensation without  
22          being under the supervision of a licensed dentist.

23          \* Sec. 14. AS 08.32 is amended by adding a new section to read:

24                   Sec. 08.32.171. DISCIPLINARY SANCTIONS. (a) If it finds that a  
25          dental hygienist is guilty of an offense under AS 08.32.160, the board  
26          may impose the following sanctions singly or in combination:

27                           (1) permanently revoke a license to practice;

28                           (2) suspend a license for a stated period of time;

29                           (3) censure a licensee;

1                   (4) issue a letter of reprimand;  
2                   (5) place a licensee on probationary status and require the  
3 licensee to

4                   (A) report regularly to the board upon matters involv-  
5 ing the basis of probation;

6                   (B) limit practice to those areas prescribed;

7                   (C) continue professional education until the licensee  
8 attains a satisfactory level of competence in those areas deter-  
9 mined by the board to need improvement;

10                  (6) impose limitations or conditions on the practice of a  
11 licensee.

12                  (b) The board may withdraw probationary status if it finds that  
13 the deficiencies that required the sanction have been remedied.

14                  (c) The board may summarily suspend a license before final  
15 hearing or during the appeals process if the board finds that con-  
16 tinued practice by the licensee poses a clear and immediate danger to  
17 the public health and safety. The board may summarily suspend the  
18 license of a licensee who refuses to submit to a physical or mental  
19 examination under AS 08.36.070(b)(1). A person whose license is  
20 suspended under this section is entitled to a hearing by the board no  
21 later than seven days after the effective date of the order. If,  
22 after a hearing, the board upholds the suspension, the licensee may  
23 appeal the suspension to a court of competent jurisdiction.

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

27                  (e) The board shall seek consistency in the application of  
28 disciplinary sanctions and shall issue findings of fact or orders to  
29 explain a significant departure from prior decisions.

1 \* Sec. 15. AS 08.32.180 is amended to read:

2           Sec. 08.32.180. VIOLATION. A person who violates a provision of  
3 this chapter or a regulation adopted under this chapter [OR WHO FAILS  
4 TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, A PENALTY] for which  
5 a penalty is not otherwise provided [,] is guilty of a class B misde-  
6 meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN  
7 \$100].

8 \* Sec. 16. AS 08.32 is amended by adding a new section to read:

9           Sec. 08.32.187. APPLICATION OF CHAPTER. (a) This chapter  
10 applies to a person who practices, or offers or attempts to practice,  
11 as a dental hygienist in the state except

12                   (1) a dental hygienist in the military service in the  
13 discharge of official duties;

14                   (2) a dental hygienist in the employ of the United States  
15 Public Health Service, United States Veterans' Administration, Alaska  
16 Native Service, or another agency of the federal government, in the  
17 discharge of official duties;

18                   (3) a dental hygienist licensed in another state who is  
19 teaching or demonstrating clinical techniques at a meeting, seminar,  
20 or limited course of instruction sponsored by a dental or dental  
21 auxiliary society or association or by an accredited dental or dental  
22 auxiliary educational institution.

23                   (b) A person excepted from this chapter under (a) of this sec-  
24 tion shall be held to the same standard of care as a person covered by  
25 this chapter.

26 \* Sec. 17. AS 08.36.010 is amended to read:

27           Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is  
28 created the Board of Dental Examiners consisting of seven members.  
29 Four members shall be licensed [QUALIFIED RESIDENT] dentists who have

1        been engaged in the practice of dentistry in the state for five years  
2        immediately preceding appointment, one member shall be a dental hy-  
3        gienist licensed under AS 08.32 who has been engaged in the practice  
4        of dental hygiene in the state for five years immediately preceding  
5        appointment, and two members shall be public members.

6        \* Sec. 18. AS 08.36.025 is amended to read:

7                Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A  
8        member of the board may be removed from office by the governor for  
9        cause. The board may by regulation provide that unexcused absences  
10       from meetings constitute cause for removal. A member against whom an  
11       accusation has been filed under AS 44.62 for violation of AS 08.32.160  
12       or AS 08.36.315 is suspended from the board until the decision of the  
13       board on the accusation takes effect under AS 44.62.520.

14       \* Sec. 19. AS 08.36.040 is amended to read:

15                Sec. 08.36.040. MEETINGS. The board shall meet at the call of  
16       the president at least four times annually [AS OFTEN AS,] and at other  
17       [THE] times [AND PLACES,] necessary to conduct its business. In the  
18       absence of a call of the president, a majority of the board may call a  
19       meeting.

20       \* Sec. 20. AS 08.36 is amended by adding a new section to read:

21                Sec. 08.36.061. REIMBURSEMENT FOR EXPENSES. Board members are  
22       entitled to per diem and travel expenses authorized for boards and  
23       commissions under AS 39.20.180. The department shall reimburse a  
24       member for other actual, reasonable expenses incurred in carrying out  
25       duties as a board member.

26       \* Sec. 21. AS 08.36.070 is amended to read:

27                Sec. 08.36.070. GENERAL POWERS. (a) The board shall [HAVE, BUT  
28       NOT BY WAY OF LIMITATION, THE FOLLOWING POWERS AND DUTIES]:

29                (1) [TO] examine applicants and issue licenses to those

- 1        applicants it finds qualified;
- 2                (2) [TO] register licensed dentists and licensed dental  
3        hygienists who are in good standing;
- 4                (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS PROCEED-  
5        INGS] to the governor and [TO MEMBERS OF] the department on the  
6        board's proceedings during the year, findings concerning the standards  
7        and availability of dental services in the state including the number  
8        of licensees, examination and licensing activities, other matters  
9        related to dental practice, and board receipts and expenditures  
10        [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY RECEIVED AND  
11        DISBURSED];
- 12                (4) [TO] affiliate with the American Association of Dental  
13        Examiners, and pay annual dues to the association;
- 14                (5) [TO] hold hearings, and order the disciplinary sanction  
15        of a person who violates this chapter, AS 08.32, or a regulation [THE  
16        REGULATIONS] of the board;
- 17                (6) [TO] supply forms for applications, licenses, permits,  
18        certificates, and other papers and records;
- 19                (7) [TO] enforce the provisions of this chapter and  
20        AS 08.32 and adopt or amend the regulations necessary to make the pro-  
21        visions of this chapter and AS 08.32 effective;
- 22                (8) [TO] adopt regulations ensuring [INSURING] that renewal  
23        of registration is contingent upon proof of continued professional  
24        competence [COMPETENCY] by a licensed dentist or licensed dental  
25        hygienist;
- 26                (9) [TO] provide the department with the requirements for  
27        proof of continued professional competence [COMPETENCY] and [TO] re-  
28        quest the department to make these requirements available to each li-  
29        censed dentist and licensed dental hygienist at least one year before

1 the date on which the dentist or dental hygienist must renew registra-  
2 tion;

3 (10) at least annually cause to be published in a newspaper  
4 of general circulation in each major city in the state, a summary of  
5 disciplinary actions the board has taken during the preceding calendar  
6 year; [TO ORDER A LICENSED DENTIST OR LICENSED DENTAL HYGIENIST TO  
7 SUBMIT TO A REASONABLE PHYSICAL EXAMINATION IF THE DENTIST'S OR THE  
8 DENTAL HYGIENIST'S PHYSICAL CAPACITY TO PRACTICE SAFELY IS AT ISSUE]

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

13 (12) regulate the reentry into practice of inactive dentists  
14 and dental hygienists.

15 (b) The board may

16 (1) order a licensed dentist or licensed dental hygienist  
17 to submit to a reasonable physical or mental examination if the den-  
18 tist's or the dental hygienist's physical or mental capacity to prac-  
19 tice safely is at issue; and

20 (2) authorize its representative to inspect the practice  
21 facilities or patient or professional records of a dentist at reason-  
22 able times and in a reasonable manner to monitor compliance with this  
23 chapter and with AS 08.32.

24 \* Sec. 22. AS 08.36.100 is amended to read:

25 Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.-  
26 36.238, a person may not practice, or attempt to practice, dentistry  
27 without a license [OR PERMIT,] and a current certificate of registra-  
28 tion.

29 \* Sec. 23. AS 08.36.110 is amended to read:

1           Sec. 08.36.110. QUALIFICATIONS OF APPLICANTS. An applicant for  
2 a license to practice dentistry may apply to the board for an examina-  
3 tion and license by submitting information that the applicant is a  
4 graduate or on the date of the examination will be a graduate of a  
5 dental college accredited by the Commission on Accreditation of the  
6 American Dental Association, or its successor agency, at the time of  
7 graduation, and holds a certificate from the American Dental Associa-  
8 tion Joint Commission on National Dental Examinations that the appli-  
9 cant has passed the written examination given by the commission  
10 [D.D.S. OR D.M.D. DEGREE OR THE EQUIVALENT].

11 \* Sec. 24. AS 08.36.120 is amended to read:

12           Sec. 08.36.120. SIGNING, PHOTOGRAPH AND FILING DATE OF APPLICA-  
13 TION. Each applicant shall submit a recent unmounted, autographed  
14 photograph of the applicant. Applications shall be signed by the  
15 applicant and filed at least 45 [30] days before the date scheduled  
16 for an examination.

17 \* Sec. 25. AS 08.36.160 is amended to read:

18           Sec. 08.36.160. CONTENTS OF EXAMINATION. (a) The examination  
19 shall be designed [CLINICAL AND WRITTEN AND OF SUCH A CHARACTER AS] to  
20 test [IN A SATISFACTORY MANNER] the qualifications of the applicant to  
21 practice dentistry and [. THE EXAMINATION] shall consist of a written  
22 and a clinical examination. [THE FOLLOWING:]

23           (b) [(1)] The subjects of the written examination shall include  
24 dental radiology, the state's laws on the practice of dentistry, and  
25 other subjects [BE] selected in accordance with the trend of dental  
26 education and professional and technical advances [AS DETERMINED BY  
27 THE COUNCIL OF DENTAL EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

28           (c) [(2)] The clinical examination [APPLICANT] shall test the  
29 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry

1 or any procedures selected by the board from procedures [AS] recom-  
2 mended by the American Dental Association Joint Commission on National  
3 [OF] Dental Examinations [EXAMINERS].

4 (d) The board may require an applicant to pass a laboratory ex-  
5 amination as a prerequisite to admission to the clinical examination  
6 if the board has reason to believe the applicant cannot practice  
7 safely on a clinical patient.

8 \* Sec. 26. AS 08.36.230 is amended to read:

9 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed  
10 to practice in this state and residing and practicing dentistry out-  
11 side [OF] this state, may maintain eligibility to practice in this  
12 state by registering the dentist's name and place of residence with  
13 the division of occupational licensing every four years and submitting  
14 proof of continued professional competence [COMPETENCY] as required by  
15 the board. If the dentist fails to register, the board may reinstate  
16 the dentist's license without examination upon payment of applicable  
17 fees established by regulations adopted under AS 08.01.065, payment of  
18 a penalty established under AS 08.01.100(b) [OF \$25, PAYMENT OF THE  
19 DELINQUENT REGISTRATION FEE UNDER AS 08.36.290(10)], presentation of  
20 proof of continued professional competence [COMPETENCY], and presenta-  
21 tion of proof of active practice certified by the dental board having  
22 jurisdiction or, if there is no board with jurisdiction, by evidence  
23 satisfactory to the board.

24 \* Sec. 27. AS 08.36.234 is amended to read:

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

27 (1) is a graduate of a dental college accredited [APPROVED]  
28 by the Commission on Accreditation of the American Dental Association,  
29 or its successor agency, and holds a certificate from the American

1       Dental Association Joint Commission on National Dental Examinations  
2       that the dentist has passed the written examination given by the  
3       commission;

4               (2) has been licensed to practice dentistry in another  
5       state, territory, or region with licensing requirements at least  
6       equivalent in scope, quality and difficulty to [SIMILAR TO OR HIGHER  
7       THAN] those of this state at the time of licensure;

8               (3) has been engaged in continuous active practice averag-  
9       ing at least 20 hours per week for each of the five years immediately  
10       preceding the application;

11              (4) is not the subject of an unresolved complaint, review  
12       procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]  
13       dental licensing jurisdiction [ASSOCIATION];

14              (5) has not previously had a license to practice dentistry  
15       revoked;

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

17              (7) is personally interviewed by the board;

18              (8) pays all required fees [REQUIRED UNDER AS 08.36.290].

19       \* Sec. 28. AS 08.36.240 is amended to read:

20               Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The  
21       board shall issue a license to each successful dentist applicant who  
22       has paid the required fees. [THE HOLDER OF A LICENSE SHALL REGISTER  
23       IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT IN THE JUDICIAL  
24       DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.] The licensee shall  
25       display the license in a conspicuous place where the licensee prac-  
26       tices.

27       \* Sec. 29. AS 08.36.246 is amended to read:

28               Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An  
29       applicant for a specialty license shall [MUST]

1 (1) possess a license to practice dentistry in the state;  
2 [, AND]

3 (2) have completed as many [TWO OR MORE] academic years of  
4 advanced education in the specialty as are required by the appropriate  
5 specialty board in a program accredited by the Commission on Accredi-  
6 tation of the American Dental Association or its successor agency; and

7 (3) be a diplomate or the equivalent of the appropriate  
8 specialty board, or be eligible to be examined for diplomate status as  
9 documented by an organization recognized by the American Dental Asso-  
10 ciation.

11 (b) The provisions [PROVISION] of (a)(2) and (3) of this section  
12 do [DOES] not apply to dentists who limit [HAVE LIMITED] their prac-  
13 tice exclusively and who ethically announce [ANNOUNCED] limitation of  
14 practice in accordance with the Principles of Ethics and Code of  
15 Professional Conduct of the American Dental Association [POLICY BEFORE  
16 JULY 23, 1968].

17 \* Sec. 30. AS 08.36.247(a) is amended to read:

18 (a) A specialty license may not be issued unless the applicant  
19 presents proof satisfactory to the board that the applicant is quali-  
20 fied to practice that specialty. A specialist appointed by the board  
21 and licensed in that specialty shall assist the board in the licensing  
22 procedures.

23 \* Sec. 31. AS 08.36.250 is amended to read:

24 Sec. 08.36.250. RENEWAL OF REGISTRATION. (a) A registration  
25 certificate is valid for four years. At least 60 days before expira-  
26 tion of a licensee's registration certificate [JANUARY 1 OF EVERY  
27 FOURTH YEAR], the division of occupational licensing shall mail a form  
28 for renewal of registration to each licensed dentist [AND LICENSED  
29 DENTAL HYGIENIST]. Each licensee who wishes to renew a license shall

1 complete the form and return it [TOGETHER] with the appropriate [REGI-  
2 STRATION] fee and evidence [OFFER PROOF] of continued professional  
3 competence [COMPETENCY] as required by the board. The division of  
4 occupational licensing shall, as soon as practicable, issue a regis-  
5 tration certificate valid for a stated number of [THE] years [FOR  
6 WHICH IT IS ISSUED]. Each licensee shall keep the registration cer-  
7 tificate beside or attached to the licensee's license. Failure to  
8 receive the registration form does not exempt a licensee from renewing  
9 registration.

10 (b) When applying for license renewal, a dentist shall report to  
11 the board each instance during the prior registration period in which  
12 the quality of the licensee's professional services was the subject of  
13 legal action.

14 \* Sec. 32. AS 08.36.290 is repealed and reenacted to read:

15 Sec. 08.36.290. FEES. The department shall, by regulations  
16 adopted under AS 08.01.065, establish fees for dentists for the fol-  
17 lowing:

- 18 (1) filing an examination and licensing application;
- 19 (2) examination fee;
- 20 (3) credential review;
- 21 (4) initial license;
- 22 (5) registration fee;
- 23 (6) filing a reexamination application;
- 24 (7) specialty license;
- 25 (8) branch office registration;
- 26 (9) duplicate license;
- 27 (10) delinquent registration.

28 \* Sec. 33. AS 08.36.315 is amended to read:

29 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION

1 OF LICENSE. The board may revoke or suspend the license of a dentist,  
2 or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,  
3 or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board  
4 finds after a hearing that the dentist

5 (1) used or knowingly cooperated in [SECURED A LICENSE  
6 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
7 license;

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

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

13 (4) has been convicted of a felony or other crime that  
14 [WHICH] affects the dentist's ability to continue to practice den-  
15 tistry competently and safely;

16 (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in the perfor-  
17 mance of patient care, or permitted the performance of patient care by  
18 persons under the dentist's supervision, that [WHICH] does not conform  
19 to minimum professional standards of dentistry regardless of whether  
20 actual injury to the patient occurred;

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

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

24 (A) professional incompetence;

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

27 (C) addiction or dependence [SEVERE DEPENDENCY] on  
28 alcohol or other drugs that [WHICH] impairs the dentist's ability  
29 to practice safely;

- 1 (D) physical or mental disability;
- 2 (8) engaged in lewd or immoral conduct in connection with  
3 the delivery of professional service to patients;
- 4 (9) permitted a dental hygienist or dental assistant who is  
5 employed by the dentist or working under the dentist's supervision to  
6 perform a dental procedure in violation of [OTHER THAN THOSE PERMITTED  
7 UNDER] AS 08.32.110 or AS 08.36.070(a)(11);
- 8 (10) failed to report to the board a death that occurred on  
9 the premises used for the practice of dentistry within 48 hours.

10 \* Sec. 34. AS 08.36.320(a) is amended to read:

11 (a) If [WHEN] it finds that a dentist [OR DENTAL HYGIENIST] is  
12 guilty of an offense under [AS 08.32.160 OR] AS 08.36.315, the board  
13 may impose the following sanctions singly or in combination:

- 14 (1) permanently revoke a license to practice;
- 15 (2) suspend a license for a stated [DETERMINATE] period of  
16 time;
- 17 (3) censure a licensee;
- 18 (4) issue a letter of reprimand;
- 19 (5) place a licensee on probationary status and require the  
20 licensee to
- 21 (A) report regularly to the board upon matters involv-  
22 ing the basis of probation;
- 23 (B) limit practice to those areas prescribed;
- 24 (C) continue professional education until the licensee  
25 attains a satisfactory level of competence [DEGREE OF SKILL HAS  
26 BEEN ATTAINED] in those areas determined by the board to need  
27 improvement;
- 28 (6) impose limitations or conditions on the practice of a  
29 licensee.

1 \* Sec. 35. AS 08.36.320(c) is amended to read:

2 (c) The board may summarily suspend a license before final  
3 hearing or during the appeals process if the board finds that con-  
4 tinued practice by the licensee poses a clear and immediate danger to  
5 the public health and safety. The board may summarily suspend the  
6 license of a licensee who refuses to submit to a physical or mental  
7 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO  
8 PRACTICE]. A person whose license is suspended under this section is  
9 [SHALL BE] entitled to a hearing by the board no later than seven days  
10 after the effective date of the order. If, after a hearing, the board  
11 upholds the suspension, the [THE] licensee may appeal the suspension  
12 [AFTER A HEARING] to a court of competent jurisdiction.

13 \* Sec. 36. AS 08.36.340 is amended to read:

14 Sec. 08.36.340. PENALTIES. A person who violates any provision  
15 of [AS 08.32 OR] this chapter or regulations adopted under this chap-  
16 ter for which no specific penalty is provided is guilty of a class B  
17 misdemeanor.

18 \* Sec. 37. AS 08.36.350 is amended to read:

19 Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter  
20 applies to a person who practices, or offers or attempts to practice  
21 dentistry in the state except

22 (1) a dental surgeon [SURGEONS] or dentist [DENTISTS] in  
23 the military service in the discharge of official duties;

24 [(2) Repealed]

25 (2) [(3)] a dentist [DENTISTS] in the employ of the United  
26 States Public Health Service, United States Veterans' Administration,  
27 Alaska Native Service, or other agency of the federal government [OR  
28 DEPARTMENT OF HEALTH AND SOCIAL SERVICES], in the discharge of offi-  
29 cial duties;

1                   (3) a physician or surgeon  
2                   [(4) CLINICIANS DEMONSTRATING AT MEETINGS OF DENTISTS AP-  
3                   PROVED BY THE BOARD;  
4                   (5) PHYSICIANS AND SURGEONS];  
5                   (4) a dentist [(6) DENTISTS IN THE EMPLOY OF THE UNITED  
6                   STATES PUBLIC HEALTH SERVICE] providing care in an isolated area by  
7                   authority of a permit issued under AS 08.36.271;  
8                   (5) a dentist licensed in another state who is teaching or  
9                   demonstrating clinical techniques at a meeting, seminar or limited  
10                   course of instruction sponsored by a dental or dental auxiliary soci-  
11                   ety or association or by an accredited dental or dental auxiliary  
12                   educational institution;  
13                   (6) a dentist licensed in another state who provides emer-  
14                   gency care to an injured or ill person who reasonably appears to the  
15                   dentist to be in immediate need of emergency aid in order to avoid  
16                   serious harm or death if the care is provided without remuneration.  
17                   (b) A person excepted from this chapter under (a) of this sec-  
18                   tion shall be held to the same standard of care as a person covered by  
19                   this chapter.  
20                   \* Sec. 38. AS 08.36.360 is amended to read:  
21                   Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages  
22                   in the practice of dentistry who  
23                   (1) performs or holds out to the public as being able to  
24                   perform dental operations;  
25                   (2) diagnoses, treats, operates on, corrects, [OR] attempts  
26                   to correct, or prescribes for, a disease, lesion, pain, injury, defi-  
27                   ciency, deformity, or physical condition, malocclusion or malposition  
28                   of the human teeth, alveolar process, gingiva, maxilla, mandible, or  
29                   [GUMS OR JAWS AND] adjacent tissues;

1 (3) performs or attempts to perform an operation incident  
2 to the replacement of teeth;

3 (4) furnishes, supplies, constructs, reproduces, or repairs  
4 [PROSTHETIC] dentures, bridges, appliances or other structures to be  
5 used and worn as substitutes for natural teeth, except on prescription  
6 of a duly licensed and registered dentist and by the use of impres-  
7 sions or casts made by a duly licensed and registered dentist;

8 (5) uses the words [WORD] "dentist" or "dental surgeon" or  
9 the letters D.D.S. or D.M.D. or other letter or title that [WHICH]  
10 represents the dentist as engaging in the practice of dentistry;

11 (6) extracts or attempts to extract human teeth;

12 (7) exercises control over professional dental matters or  
13 the operation of dental equipment in [OWNS, MANAGES OR OPERATES] a  
14 facility [PLACE] where the acts and things described in this section  
15 are performed or done.

16 \* Sec. 39. AS 08.36 is amended by adding a new section to read:

17 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this  
18 state may

19 (1) practice in an association, partnership, corporation or  
20 other lawful entity with other dentists including specialists;

21 (2) practice under the name of "dental center" or other  
22 descriptive term that does not deceive the public about the nature of  
23 the services provided;

24 (3) supervise research that would otherwise violate this  
25 chapter or regulations adopted under this chapter when the research  
26 does not involve treatment of dental patients if the research is  
27 performed by a nonprofit dental research institution chartered by this  
28 state or by a dental or dental auxiliary school accredited by the  
29 Commission on Accreditation of the American Dental Association, or its

1           successor agency;

2                   (4) supervise research that would otherwise violate this  
3 chapter or regulations adopted under this chapter when the research  
4 involves the treatment of dental patients if the research is performed  
5 by a nonprofit dental research institution chartered by this state or  
6 by a dental or dental auxiliary school accredited by the commission on  
7 Accreditation of the American Dental Association, or its successor  
8 agency, and if the dentist notifies the board in writing, at least 60  
9 days before beginning the treatment, of the intended practices or  
10 procedures and the board does not disapprove the research.

11       \* Sec. 40. AS 08.36.140, 08.36.150, 08.36.170, 08.36.200 and 08.36.280  
12 are repealed.

Offered: 4/13/84  
Referred: Health, Education &  
Social Services and Finance

Original sponsor: Furnace

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 611 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL.

6 For an Act entitled: "An Act relating to dentists and dental hygienists."

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

8 \* Section 1. AS 08.32.010 is amended to read:

9       Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.-  
10 32.095, a person may not practice, offer or attempt to practice, or  
11 advertise or announce as being prepared or qualified to practice  
12 dental hygiene without a license and a current certificate of regis-  
13 tration.

14 \* Sec. 2. AS 08.32.020(a) is amended to read:

15       (a) An applicant for examination shall submit information that  
16 the person is [BE]

17           (1) [Repealed by sec. 32 ch 49 SLA 1980.

18           (2)] at least 18 years of age;

19           (2) [(3)] a graduate of an accredited high school;

20           (3) [(4)] a graduate or on the date of examination will be  
21 a graduate of a dental hygiene school that [WHICH] requires at least a  
22 two-year course and is accredited by the Commission on Accreditation  
23 of Dental and Dental Auxiliary Education Programs of the American  
24 Dental Association; and

25           (4) [(5)] an examinee who has successfully completed the  
26 [NATIONAL BOARD OF DENTAL EXAMINERS'] written theory examination of  
27 the American Dental Association Joint Commission on National Dental  
28 Examinations or an equivalent written examination given by the board,  
29 thereby demonstrating satisfactory theoretical knowledge of dental and

1 basic biomedical sciences.

2 \* Sec. 3. AS 08.32.030 is amended to read:

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

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

6 (2) has successfully passed a state or regional dental  
7 hygiene clinical examination which the board has determined is at  
8 least equivalent in scope, quality, and difficulty to the Alaska  
9 clinical examination;

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

13 (4) has not failed the clinical dental hygiene examination  
14 of this state;

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

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

18 (7) pays the [ALL] fees required under AS 08.32.097  
19 [AS 08.36.290]; and

20 (8) is not a subject of an unresolved complaint, review  
21 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]  
22 dental or dental hygiene licensing jurisdiction [HYGIENICS ASSOCIA-  
23 TION].

24 \* Sec. 4. AS 08.32 is amended by adding a new section to read:

25 Sec. 08.32.035. TEMPORARY LICENSE. (a) The board may issue  
26 without examination a temporary license to an applicant for examina-  
27 tion who is licensed to practice dental hygiene in another state and  
28 who meets the criteria of AS 08.32.030 but who has been in active  
29 clinical practice for less than two years immediately preceding

1 application. A temporary license expires at the time notice is given  
2 of the results of the next scheduled examination and may not be  
3 reissued.

4 (b) A person practicing dental hygiene under (a) of this section  
5 is subject to all other provisions of this chapter and laws and regu-  
6 lations that apply to the practice of dental hygiene in this state.

7 (c) Time in active clinical dental hygiene practice under a  
8 temporary license may not be credited toward licensure by credentials  
9 under AS 08.32.030.

10 \* Sec. 5. AS 08.32.040 is amended to read:

11 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-  
12 nation or determination of qualification for licensing under AS 08.-  
13 32.030 or 08.32.035 [BY CREDENTIALS] shall be signed by the applicant  
14 and accompanied by the applicant's certificate of graduation from an  
15 accredited dental hygiene school and the required fees [FEE PROVIDED  
16 UNDER AS 08.36.290(1)].

17 \* Sec. 6. AS 08.32.060 is amended to read:

18 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. (a) The  
19 examination shall be held at [THE SAME] times and places determined by  
20 the board. The examination shall be designed to test the qualifica-  
21 tions of the applicant to practice dental hygiene and shall consist of  
22 a written and a clinical examination.

23 (b) The subjects of the written examination shall include dental  
24 radiology, the state's laws on the practice of dental hygiene, and  
25 other subjects selected in accordance with the trends of dental hy-  
26 giene education and professional and technical advances [AS THE EX-  
27 AMINATION OF DENTISTS UNDER AS 08.36.130].

28 (c) The clinical examination shall test the applicant's skill in  
29 clinical procedures [COVER SUBJECTS] considered essential by the board

1 for the practice of dental hygiene including [A CLINICAL EXAMINATION  
2 ON] the removal of calcareous deposits, accretions, and stains from  
3 the exposed surfaces of the teeth beginning at the epithelial attach-  
4 ment by scaling and polishing techniques. α

5 (d) The board may require an applicant to pass a laboratory  
6 examination as a prerequisite to admission to the clinical examination  
7 if the board has reason to believe the applicant cannot practice  
8 safely on a clinical patient.

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

10 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.  
11 The [IF THE APPLICANT PASSES THE EXAMINATION, THE] board shall regis-  
12 ter each successful [THE] applicant and issue the applicant a license  
13 upon payment of all required fees [REQUIRED UNDER AS 08.36.290. A  
14 LICENSED DENTAL HYGIENIST SHALL RENEW REGISTRATION AND OFFER PROOF OF  
15 CONTINUED COMPETENCY AS REQUIRED BY REGULATION OF THE BOARD EVERY FOUR  
16 YEARS].

17 \* Sec. 8. AS 08.32 is amended by adding a new section to read:

18 Sec. 08.32.071. RENEWAL OF REGISTRATION. A registration certif-  
19 icate is valid for four years. At least 60 days before expiration of  
20 a licensee's registration certificate, the division of occupational  
21 licensing shall mail a form for renewal of registration to each li-  
22 censed dental hygienist. Each licensee who wishes to renew a regis-  
23 tration certificate shall complete the form and return it with the  
24 appropriate fee and evidence of continued professional competence as  
25 required by the board. The division of occupational licensing shall,  
26 as soon as practicable, issue a registration certificate valid for a  
27 stated number of years. Each licensee shall keep the registration  
28 certificate beside or attached to the licensee's license. Failure to  
29 receive the registration form does not exempt a licensee from renewing

1 registration.

2 \* Sec. 9. AS 08.32.081 is amended to read:

3 Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. A [THE  
4 FAILU... NEGLECT, OR REFUSAL OF A] licensed dental hygienist who does  
5 not [TO] pay the renewal registration fee forfeits [CONSTITUTES A  
6 FORFEITURE OF] the hygienist's license. The board may reinstate the  
7 license without examination within two years of the date on which  
8 payment was due upon written application, proof of continued profes-  
9 sional competence [COMPETENCY], and payment of all unpaid renewal fees  
10 and any penalty fee established under AS 08.01.100(b) [REQUIRED UNDER  
11 AS 08.36.290].

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

13 Sec. 08.32.097. FEES. The department shall, by regulations  
14 adopted under AS 08.01.065, establish fees for dental hygienists for  
15 the following:

- 16 (1) filing an examination and licensing application;
- 17 (2) examination fee;
- 18 (3) credential fee;
- 19 (4) initial license;
- 20 (5) registration fee;
- 21 (6) filing a reexamination application;
- 22 (7) duplicate license;
- 23 (8) delinquent registration.

24 \* Sec. 11. AS 08.32.110(a) is amended to read:

25 (a) The role of the dental hygienist is to assist members of the  
26 dental profession in providing oral health care to the public. A  
27 person licensed to practice the profession of dental hygiene in the  
28 state may

- 29 (1) remove calcareous deposits, accretions, and stains from

1 the exposed surfaces of the teeth beginning at the epithelial attach-  
2 ment by scaling and polishing techniques;

3 (2) apply topical preventive or prophylactic agents;

4 (3) apply pit and fissure sealants;

5 (4) perform root planing and peridontal soft tissue curet-  
6 tage; [AND]

7 (5) perform other dental operations and services delegated  
8 by a licensed dentist if the dental operations and services are not  
9 prohibited by (c) of this section; and

10 (6) if certified by the board and under the direct super-  
11 vision of a licensed dentist, administer local anesthetic agents.

12 \* Sec. 12. AS 08.32.110(b) is amended to read:

13 (b) The board shall specify by regulation those additional  
14 [INTRA-ORAL] functions that [WHICH] may be performed by a licensed  
15 dental hygienist only upon successful completion of a formal course of  
16 instruction approved by the board. The board shall promulgate regula-  
17 tions specifying the education requirements, evaluation procedures,  
18 and degree of supervision required for each function.

19 \* Sec. 13. AS 08.32.160 is amended to read:

20 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION  
21 OF LICENSE. The board may revoke or suspend the license of a dental  
22 hygienist, or [THE LICENSEE] may reprimand, censure [BE REPRIMANDED,  
23 CENSURED], or discipline a licensee, if, after a hearing, [DISCIPLINED  
24 WHEN] the board finds [AFTER A HEARING] that the licensee

25 (1) used or knowingly cooperated in [SECURED A LICENSE  
26 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
27 license or registration;

28 (2) engaged in deceit, fraud, or intentional misrepresenta-  
29 tion in the course of providing or billing for professional services

- 1 or engaging in professional activities;
- 2 (3) advertised professional services in a false or mislead-
- 3 ing manner;
- 4 (4) has been convicted of a felony or other crime that
- 5 [WHICH] affects the licensee's ability to continue to practice compe-
- 6 tently and safely;
- 7 (5) failed to comply with this chapter, with a regulation
- 8 adopted under this chapter or under AS 08.36, or with an order of the
- 9 board;
- 10 (6) continued to practice after becoming unfit due to
- 11 (A) professional incompetence;
- 12 (B) addiction or dependence [SEVERE DEPENDENCY] on
- 13 alcohol or other drugs that [WHICH] impairs the licensee's abil-
- 14 ity to practice safely;
- 15 (C) physical or mental disability;
- 16 (D) failure to keep informed of or use current profes-
- 17 sional theories and practices;
- 18 (7) engaged in lewd or immoral conduct in connection with
- 19 the delivery of professional service to patients;
- 20 (8) performed clinical procedures for compensation without
- 21 being under the supervision of a licensed dentist.
- 22 \* Sec. 14. AS 08.32 is amended by adding a new section to read:
- 23 Sec. 08.32.171. DISCIPLINARY SANCTIONS. (a) If it finds that a
- 24 dental hygienist is guilty of an offense under AS 08.32.160, the board
- 25 may impose the following sanctions singly or in combination:
- 26 (1) permanently revoke a license to practice;
- 27 (2) suspend a license for a stated period of time;
- 28 (3) censure a licensee;
- 29 (4) issue a letter of reprimand;

1           (5) place a licensee on probationary status and require the  
2 licensee to

3           (A) report regularly to the board upon matters involv-  
4 ing the basis of probation;

5           (B) limit practice to those areas prescribed;

6           (C) continue professional education until the licensee  
7 attains a satisfactory level of competence in those areas deter-  
8 mined by the board to need improvement;

9           (6) impose limitations or conditions on the practice of a  
10 licensee.

11           (b) The board may withdraw probationary status if it finds that  
12 the deficiencies that required the sanction have been remedied.

13           (c) The board may summarily suspend a license before final  
14 hearing or during the appeals process if the board finds that con-  
15 tinued practice by the licensee poses a clear and immediate danger to  
16 the public health and safety. The board may summarily suspend the  
17 license of a licensee who refuses to submit to a physical or mental  
18 examination under AS 08.36.070(b)(1). A person whose license is  
19 suspended under this section is entitled to a hearing by the board no  
20 later than seven days after the effective date of the order. If,  
21 after a hearing, the board upholds the suspension, the licensee may  
22 appeal the suspension to a court of competent jurisdiction.

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

26           (e) The board shall seek consistency in the application of  
27 disciplinary sanctions and shall issue findings of fact or orders to  
28 explain a significant departure from prior decisions.

29 \* Sec. 15. AS 08.32.180 is amended to read:



1           Sec. 08.32.180. VIOLATION. A person who violates a provision of  
2 this chapter or a regulation adopted under this chapter [OR WHO FAILS  
3 TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, A PENALTY] for which  
4 a penalty is not otherwise provided [,] is guilty of a class B misde-  
5 meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN  
6 \$100].

7 \* Sec. 16. AS 08.32 is amended by adding a new section to read:

8           Sec. 08.32.187. APPLICATION OF CHAPTER. (a) This chapter  
9 applies to a person who practices, or offers or attempts to practice,  
10 as a dental hygienist in the state except

11                   (1) a dental hygienist in the military service in the  
12 discharge of official duties;

13                   (2) a dental hygienist in the employ of the United States  
14 Public Health Service, United States Veterans' Administration, Alaska  
15 Native Service, or another agency of the federal government, in the  
16 discharge of official duties;

17                   (3) a dental hygienist licensed in another state who is  
18 teaching or demonstrating clinical techniques at a meeting, seminar,  
19 or limited course of instruction sponsored by a dental or dental  
20 auxiliary society or association or by an accredited dental or dental  
21 auxiliary educational institution.

22                   (b) A person excepted from this chapter under (a) of this sec-  
23 tion shall be held to the same standard of care as a person covered by  
24 this chapter.

25 \* Sec. 17. AS 08.36.010 is amended to read:

26           Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is  
27 created the Board of Dental Examiners consisting of seven members.  
28 Four members shall be licensed [QUALIFIED RESIDENT] dentists who have  
29 been engaged in the practice of dentistry in the state for five years

1 immediately preceding appointment, one member shall be a dental hy-  
2 gienist licensed under AS 08.32 who has been engaged in the practice  
3 of dental hygiene in the state for five years immediately preceding  
4 appointment, and two members shall be public members.

5 \* Sec. 18. AS 08.36.025 is amended to read:

6 Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A  
7 member of the board may be removed from office by the governor for  
8 cause. The board may by regulation provide that unexcused absences  
9 from meetings constitute cause for removal. A member against whom an  
10 accusation has been filed under AS 44.62 for violation of AS 08.32.160  
11 or AS 08.36.315 is suspended from the board until the decision of the  
12 board on the accusation takes effect under AS 44.62.520.

13 \* Sec. 19. AS 08.36.040 is amended to read:

14 Sec. 08.36.040. MEETINGS. The board shall meet at the call of  
15 the president at least four times annually [AS OFTEN AS,] and at other  
16 [THE] times [AND PLACES,] necessary to conduct its business. In the  
17 absence of a call of the president, a majority of the board may call a  
18 meeting.

19 \* Sec. 20. AS 08.36 is amended by adding a new section to read:

20 Sec. 08.36.061. REIMBURSEMENT FOR EXPENSES. Board members are  
21 entitled to per diem and travel expenses authorized for boards and  
22 commissions under AS 39.20.180. The department shall reimburse a  
23 member for other actual, reasonable expenses incurred in carrying out  
24 duties as a board member.

25 \* Sec. 21. AS 08.36.070 is amended to read:

26 Sec. 08.36.070. GENERAL POWERS. (a) The board shall [HAVE, BUT  
27 NOT BY WAY OF LIMITATION, THE FOLLOWING POWERS AND DUTIES]:

28 (1) [TO] examine applicants and issue licenses to those  
29 applicants it finds qualified;

1           (2) [TO] register licensed dentists and licensed dental  
2           hygienists who are in good standing;

3           (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS PROCEED-  
4           INGS] to the governor and [TO MEMBERS OF] the department on the  
5           board's proceedings during the year, findings concerning the standards  
6           and availability of dental services in the state including the number  
7           of licensees, examination and licensing activities, other matters  
8           related to dental practice, and board receipts and expenditures  
9           [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY RECEIVED AND  
10           DISBURSED];

11           (4) [TO] affiliate with the American Association of Dental  
12           Examiners, and pay annual dues to the association;

13           (5) [TO] hold hearings, and order the disciplinary sanction  
14           of a person who violates this chapter, AS 08.32, or a regulation [THE  
15           REGULATIONS] of the board;

16           (6) [TO] supply forms for applications, licenses, permits,  
17           certificates, and other papers and records;

18           (7) [TO] enforce the provisions of this chapter and  
19           AS 08.32 and adopt or amend the regulations necessary to make the pro-  
20           visions of this chapter and AS 08.32 effective;

21           (8) [TO] adopt regulations ensuring [INSURING] that renewal  
22           of registration is contingent upon proof of continued professional  
23           competence [COMPETENCY] by a licensed dentist or licensed dental  
24           hygienist;

25           (9) [TO] provide the department with the requirements for  
26           proof of continued professional competence [COMPETENCY] and [TO] re-  
27           quest the department to make these requirements available to each li-  
28           censed dentist and licensed dental hygienist at least one year before  
29           the date on which the dentist or dental hygienist must renew

- 1                   (2) [TO] register licensed dentists and licensed dental  
2                   hygienists who are in good standing;
- 3                   (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS PROCEED-  
4                   INGS] to the governor and [TO MEMBERS OF] the department on the  
5                   board's proceedings during the year, findings concerning the standards  
6                   and availability of dental services in the state including the number  
7                   of licensees, examination and licensing activities, other matters  
8                   related to dental practice, and board receipts and expenditures  
9                   [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY RECEIVED AND  
10                   DISBURSED];
- 11                   (4) [TO] affiliate with the American Association of Dental  
12                   Examiners, and pay annual dues to the association;
- 13                   (5) [TO] hold hearings, and order the disciplinary sanction  
14                   of a person who violates this chapter, AS 08.32, or a regulation [THE  
15                   REGULATIONS] of the board;
- 16                   (6) [TO] supply forms for applications, licenses, permits,  
17                   certificates, and other papers and records;
- 18                   (7) [TO] enforce the provisions of this chapter and  
19                   AS 08.32 and adopt or amend the regulations necessary to make the pro-  
20                   visions of this chapter and AS 08.32 effective;
- 21                   (8) [TO] adopt regulations ensuring [INSURING] that renewal  
22                   of registration is contingent upon proof of continued professional  
23                   competence [COMPETENCY] by a licensed dentist or licensed dental  
24                   hygienist;
- 25                   (9) [TO] provide the department with the requirements for  
26                   proof of continued professional competence [COMPETENCY] and [TO] re-  
27                   quest the department to make these requirements available to each li-  
28                   censed dentist and licensed dental hygienist at least one year before  
29                   the date on which the dentist or dental hygienist must renew

1 a license to practice dentistry may apply to the board for an examina-  
2 tion and license by submitting information that the applicant is a  
3 graduate or on the date of the examination will be a graduate of a  
4 dental college accredited by the Commission on Accreditation of the  
5 American Dental Association, or its successor agency, at the time of  
6 graduation, and holds a certificate from the American Dental Associa-  
7 tion Joint Commission on National Dental Examinations that the appli-  
8 cant has passed the written examination given by the commission  
9 [D.D.S. OR D.M.D. DEGREE OR THE EQUIVALENT].

10 \* Sec. 24. AS 08.36.120 is amended to read:

11 Sec. 08.36.120. SIGNING, PHOTOGRAPH AND FILING DATE OF APPLICA-  
12 TION. Each applicant shall submit a recent unmounted, autographed  
13 photograph of the applicant. Applications shall be signed by the  
14 applicant and filed at least 45 [30] days before the date scheduled  
15 for an examination.

16 \* Sec. 25. AS 08.36.160 is amended to read:

17 Sec. 08.36.160. CONTENTS OF EXAMINATION. (a) The examination  
18 shall be designed [CLINICAL AND WRITTEN AND OF SUCH A CHARACTER AS] to  
19 test [IN A SATISFACTORY MANNER] the qualifications of the applicant to  
20 practice dentistry and [. THE EXAMINATION] shall consist of a written  
21 and a clinical examination. [THE FOLLOWING:]

22 (b) [(1)] The subjects of the written examination shall include  
23 dental radiology, the state's laws on the practice of dentistry, and  
24 other subjects [BE] selected in accordance with the trend of dental  
25 education and professional and technical advances [AS DETERMINED BY  
26 THE COUNCIL OF DENTAL EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

27 (c) [(2)] The clinical examination [APPLICANT] shall test the  
28 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry  
29 or any procedures selected by the board from procedures [AS]

1 recommended by the American Dental Association Joint Commission on  
2 National [OF] Dental Examinations [EXAMINERS].

3 (d) The board may require an applicant to pass a laboratory ex-  
4 amination as a prerequisite to admission to the clinical examination  
5 if the board has reason to believe the applicant cannot practice  
6 safely on a clinical patient.

7 \* Sec. 26. AS 08.36.230 is amended to read:

8 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed  
9 to practice in this state and residing and practicing dentistry out-  
10 side [OF] this state, may maintain eligibility to practice in this  
11 state by registering the dentist's name and place of residence with  
12 the division of occupational licensing every four years and submitting  
13 proof of continued professional competence [COMPETENCY] as required by  
14 the board. If the dentist fails to register, the board may reinstate  
15 the dentist's license without examination upon payment of applicable  
16 fees established by regulations adopted under AS 08.01.065, payment of  
17 a penalty established under AS 08.01.100(b) [OF \$25, PAYMENT OF THE  
18 DELINQUENT REGISTRATION FEE UNDER AS 08.36.290(10)], presentation of  
19 proof of continued professional competence [COMPETENCY], and presenta-  
20 tion of proof of active practice certified by the dental board having  
21 jurisdiction or, if there is no board with jurisdiction, by evidence  
22 satisfactory to the board.

23 \* Sec. 27. AS 08.36.234 is amended to read:

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

26 (1) is a graduate of a dental college accredited [APPROVED]  
27 by the Commission on Accreditation of the American Dental Association,  
28 or its successor agency, and holds a certificate from the American  
29 Dental Association Joint Commission on National Dental Examinations

1 that the dentist has passed the written examination given by the  
2 commission;

3 (2) has been licensed to practice dentistry in another  
4 state, territory, or region with licensing requirements at least  
5 equivalent in scope, quality and difficulty to [SIMILAR TO OR HIGHER  
6 THAN] those of this state at the time of licensure;

7 (3) has been engaged in continuous active practice averag-  
8 ing at least 20 hours per week for each of the five years immediately  
9 preceding the application;

10 (4) is not the subject of an unresolved complaint, review  
11 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]  
12 dental licensing jurisdiction [ASSOCIATION];

13 (5) has not previously had a license to practice dentistry  
14 revoked;

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

16 (7) is personally interviewed by the board;

17 (8) pays all required fees [REQUIRED UNDER AS 08.36.290].

18 \* Sec. 28. AS 08.36.240 is amended to read:

19 Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The  
20 board shall issue a license to each successful dentist applicant who  
21 has paid the required fees. [THE HOLDER OF A LICENSE SHALL REGISTER  
22 IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT IN THE JUDICIAL  
23 DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.] The licensee shall  
24 display the license in a conspicuous place where the licensee prac-  
25 tices.

26 \* Sec. 29. AS 08.36.246 is amended to read:

27 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An  
28 applicant for a specialty license shall [MUST]

29 (1) possess a license to practice dentistry in the state;

1       [, AND]

2               (2) have completed as many [TWO OR MORE] academic years of  
3 advanced education in the specialty as are required by the appropriate  
4 specialty board in a program accredited by the Commission on Accredi-  
5 tation of the American Dental Association or its successor agency; and

6               (3) be a diplomate or the equivalent of the appropriate  
7 specialty board, or be eligible to be examined for diplomate status as  
8 documented by an organization recognized by the American Dental Asso-  
9 ciation.

10              (b) The provisions [PROVISION] of (a)(2) and (3) of this section  
11 do [DOES] not apply to dentists who limit [HAVE LIMITED] their prac-  
12 tice exclusively and who ethically announce [ANNOUNCED] limitation of  
13 practice in accordance with the Principles of Ethics and Code of  
14 Professional Conduct of the American Dental Association [POLICY BEFORE  
15 JULY 23, 1968].

16 \* Sec. 30. AS 08.36.247(a) is amended to read:

17              (a) A specialty license may not be issued unless the applicant  
18 presents proof satisfactory to the board that the applicant is quali-  
19 fied to practice that specialty. A specialist licensed in that speci-  
20 alty shall participate as a voting member of the board in the licens-  
21 ing procedures.

22 \* Sec. 31. AS 08.36.250 is amended to read:

23              Sec. 08.36.250. RENEWAL OF REGISTRATION. (a) A registration  
24 certificate is valid for four years. At least 60 days before expira-  
25 tion of a licensee's registration certificate [JANUARY 1 OF EVERY  
26 FOURTH YEAR], the division of occupational licensing shall mail a form  
27 for renewal of registration to each licensed dentist [AND LICENSED  
28 DENTAL HYGIENIST]. Each licensee who wishes to renew a license shall  
29 complete the form and return it [TOGETHER] with the appropriate

1 [REGISTRATION] fee and evidence [OFFER PROOF] of continued profes-  
2 sional competence [COMPETENCY] as required by the board. The division  
3 of occupational licensing shall, as soon as practicable, issue a  
4 registration certificate valid for a stated number of [THE] years [FOR  
5 WHICH IT IS ISSUED]. Each licensee shall keep the registration cer-  
6 tificate beside or attached to the licensee's license. Failure to  
7 receive the registration form does not exempt a licensee from renewing  
8 registration.

9 (b) When applying for license renewal, a dentist shall report to  
10 the board each instance during the prior registration period in which  
11 the quality of the licensee's professional services was the subject of  
12 legal action.

13 \* Sec. 32. AS 08.36.290 is repealed and reenacted to read:

14 Sec. 08.36.290. FEES. The department shall, by regulations  
15 adopted under AS 08.01.065, establish fees for dentists for the fol-  
16 lowing:

- 17 (1) filing an examination and licensing application;
- 18 (2) examination fee;
- 19 (3) credential review;
- 20 (4) initial license;
- 21 (5) registration fee;
- 22 (6) filing a reexamination application;
- 23 (7) specialty license;
- 24 (8) branch office registration;
- 25 (9) duplicate license;
- 26 (10) delinquent registration.

27 \* Sec. 33. AS 08.36.315 is amended to read:

28 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION  
29 OF LICENSE. The board may revoke or suspend the license of a dentist,

1        or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,  
2        or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board  
3        finds after a hearing that the dentist

4                (1) used or knowingly cooperated in [SECURED A LICENSE  
5        THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
6        license;

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

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

12               (4) has been convicted of a felony or other crime that  
13        [WHICH] affects the dentist's ability to continue to practice den-  
14        tistry competently and safely;

15               (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in the perfor-  
16        mance of patient care, or permitted the performance of patient care by  
17        persons under the dentist's supervision, that [WHICH] does not conform  
18        to minimum professional standards of dentistry regardless of whether  
19        actual injury to the patient occurred;

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

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

23                        (A) professional incompetence;

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

26                        (C) addiction or dependence [SEVERE DEPENDENCY] on  
27        alcohol or other drugs that [WHICH] impairs the dentist's ability  
28        to practice safely;

29                        (D) physical or mental disability;

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

3 (9) permitted a dental hygienist or dental assistant who is  
4 employed by the dentist or working under the dentist's supervision to  
5 perform a dental procedure in violation of [OTHER THAN THOSE PERMITTED  
6 UNDER] AS 08.32.110 or AS 08.36.070(a)(11);

7 (10) failed to report to the board a death that occurred on  
8 the premises used for the practice of dentistry within 48 hours.

9 \* Sec. 34. AS 08.36.320(a) is amended to read:

10 (a) If [WHEN] it finds that a dentist [OR DENTAL HYGIENIST] is  
11 guilty of an offense under [AS 08.32.160 OR] AS 08.36.315, the board  
12 may impose the following sanctions singly or in combination:

13 (1) permanently revoke a license to practice;  
14 (2) suspend a license for a stated [DETERMINATE] period of  
15 time;

16 (3) censure a licensee;

17 (4) issue a letter of reprimand;

18 (5) place a licensee on probationary status and require the  
19 licensee to

20 (A) report regularly to the board upon matters involv-  
21 ing the basis of probation;

22 (B) limit practice to those areas prescribed;

23 (C) continue professional education until the licensee  
24 attains a satisfactory level of competence [DEGREE OF SKILL HAS  
25 BEEN ATTAINED] in those areas determined by the board to need  
26 improvement;

27 (6) impose limitations or conditions on the practice of a  
28 licensee.

29 \* Sec. 35. AS 08.36.320(c) is amended to read:

1           (c) The board may summarily suspend a license before final  
2 hearing or during the appeals process if the board finds that con-  
3 tinued practice by the licensee poses a clear and immediate danger to  
4 the public health and safety. The board may summarily suspend the  
5 license of a licensee who refuses to submit to a physical or mental  
6 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO  
7 PRACTICE]. A person whose licen is suspended under this section is  
8 [SHALL BE] entitled to a hearing by the board no later than seven days  
9 after the effective date of the order. If, after a hearing, the board  
10 upholds the suspension, the [THE] licensee may appeal the suspension  
11 [AFTER A HEARING] to a court of competent jurisdiction.

12 \* Sec. 36. AS 08.36.340 is amended to read:

13           Sec. 08.36.340. PENALTIES. A person who violates any provision  
14 of [AS 08.32 OR] this chapter or regulations adopted under this chap-  
15 ter for which no specific penalty is provided is guilty of a class B  
16 misdemeanor.

17 \* Sec. 37. AS 08.36.350 is amended to read:

18           Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter  
19 applies to a person who practices, or offers or attempts to practice  
20 dentistry in the state except

21           (1) a dental surgeon [SURGEONS] or dentist [DENTISTS] in  
22 the military service in the discharge of official duties;

23           [(2) Repealed]

24           (2) [(3)] a dentist [DENTISTS] in the employ of the United  
25 States Public Health Service, United States Veterans' Administration,  
26 Alaska Native Service, or other agency of the federal government [OR  
27 DEPARTMENT OF HEALTH AND SOCIAL SERVICES], in the discharge of offi-  
28 cial duties;

29           (3) a physician or surgeon

1                    [(4) CLINICIANS DEMONSTRATING AT MEETINGS OF DENTISTS AP-  
2                    PROVED BY THE BOARD;

3                    (5) PHYSICIANS AND SURGEONS];

4                    (4) a dentist [(6) DENTISTS IN THE EMPLOY OF THE UNITED  
5                    STATES PUBLIC HEALTH SERVICE] providing care in an isolated area by  
6                    authority of a permit issued under AS 08.36.271;

7                    (5) a dentist licensed in another state who is teaching or  
8                    demonstrating clinical techniques at a meeting, seminar or limited  
9                    course of instruction sponsored by a dental or dental auxiliary soci-  
10                    ety or association or by an accredited dental or dental auxiliary  
11                    educational institution;

12                    (6) a dentist licensed in another state who provides emer-  
13                    gency care to an injured or ill person who reasonably appears to the  
14                    dentist to be in immediate need of emergency aid in order to avoid  
15                    serious harm or death if the care is provided without remuneration.

16                    (b) A person excepted from this chapter under (a) of this sec-  
17                    tion shall be held to the same standard of care as a person covered by  
18                    this chapter.

19                    \* Sec. 38. AS 08.36.360 is amended to read:

20                    Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages  
21                    in the practice of dentistry who

22                    (1) performs or holds out to the public as being able to  
23                    perform dental operations;

24                    (2) diagnoses, treats, operates on, corrects, [OR] attempts  
25                    to correct, or prescribes for, a disease, lesion, pain, injury, defi-  
26                    ciency, deformity, or physical condition, malocclusion or malposition  
27                    of the human teeth, alveolar process, gingiva, maxilla, mandible, or  
28                    [GUMS OR JAWS AND] adjacent tissues;

29                    (3) performs or attempts to perform an operation incident

1 to the replacement of teeth;

2 (4) furnishes, supplies, constructs, reproduces, or repairs  
3 [PROSTHETIC] dentures, bridges, appliances or other structures to be  
4 used and worn as substitutes for natural teeth, except on prescription  
5 of a duly licensed and registered dentist and by the use of impres-  
6 sions or casts made by a duly licensed and registered dentist;

7 (5) uses the words [WORD] "dentist" or "dental surgeon" or  
8 the letters D.D.S. or D.M.D. or other letter or title that [WHICH]  
9 represents the dentist as engaging in the practice of dentistry;

10 (6) extracts or attempts to extract human teeth;

11 (7) [OWNS, MANAGES OR] operates a facility [PLACE] where  
12 the acts and things described in this section are performed or done.

13 \* Sec. 39. AS 08.36 is amended by adding a new section to read:

14 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this  
15 state may

16 (1) practice in an association, partnership, corporation or  
17 other lawful entity with other dentists including specialists;

18 (2) practice under the name of "dental center" or other  
19 descriptive term that does not deceive the public about the nature of  
20 the services provided;

21 (3) supervise research that would otherwise violate this  
22 chapter or regulations adopted under this chapter when the research  
23 does not involve treatment of dental patients if the research is  
24 performed by a nonprofit dental research institution chartered by this  
25 state or by a dental or dental auxiliary school accredited by the  
26 Commission on Accreditation of the American Dental Association, or its  
27 successor agency;

28 (4) supervise research that would otherwise violate this  
29 chapter or regulations adopted under this chapter when the research

1 involves the treatment of dental patients if the research is performed  
2 by a nonprofit dental research institution chartered by this state or  
3 by a dental or dental auxiliary school accredited by the commission on  
4 Accreditation of the American Dental Association, or its successor  
5 agency, and if the dentist notifies the board in writing, at least 60  
6 days before beginning the treatment, of the intended practices or  
7 procedures and the board does not disapprove the research.

8 \* Sec. 40. AS 08.36.140, 08.36.150, 08.36.170, 08.36.200 and 08.36.280  
9 are repealed.

Introduced: 2/13/84  
Referred: Labor & Commerce, Health,  
Education & Social Services and  
Finance

1 IN THE HOUSE

BY FURNACE

2 HOUSE BILL NO. 611

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to dentists and dental hygienists."

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

8 \* Section 1. AS 08.32.010 is amended to read:

9 Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.-  
10 32.095, a person may not practice, offer or attempt to practice, or  
11 advertise or announce as being prepared or qualified to practice  
12 dental hygiene without a license and a current certificate of regis-  
13 tration.

14 \* Sec. 2. AS 08.32.020(b) is amended to read:

15 (b) An applicant for examination shall apply in writing to the  
16 [SECRETARY OF THE] board at least 30 days before the date selected by  
17 the board for the examination.

18 \* Sec. 3. AS 08.32.040 is amended to read:

19 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-  
20 nation or determination of qualification for licensing by credentials  
21 shall be signed by the applicant and accompanied by the applicant's  
22 certificate of graduation from an accredited dental hygiene school and  
23 the fee provided under AS 08.36.290(1).

24 \* Sec. 4. AS 08.32.060 is amended to read:

25 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. The  
26 examination shall be held at the same times and places as the examina-  
27 tion of dentists under AS 08.36.130. The examination shall cover  
28 subjects considered essential by the board for the practice of dental  
29 hygiene including a clinical examination on the removal of calcareous

1 deposits, accretions, and stains from the exposed surfaces of the  
2 teeth beginning at the epithelial attachment by scaling and polishing  
3 techniques. The board may require an applicant to pass a laboratory  
4 examination as a prerequisite to admission to the clinical examination  
5 if the board has reason to believe the applicant cannot practice  
6 safely on a clinical patient.

7 \* Sec. 5. AS 08.32.070 is amended to read:

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

9 If the applicant passes the examination, the board shall register the  
10 applicant and issue a license upon payment of all fees required under  
11 AS 08.36.290. A licensed dental hygienist shall renew registration  
12 and offer proof of continued competency as required by AS 08.36.250  
13 and by regulation of the board every four years.

14 \* Sec. 6. AS 08.32.110(a) is amended to read:

15 (a) The role of the dental hygienist is to assist members of the  
16 dental profession in providing oral health care to the public. A  
17 person licensed to practice the profession of dental hygiene in the  
18 state may

19 (1) remove calcareous deposits, accretions, and stains from  
20 the exposed surfaces of the teeth beginning at the epithelial attach-  
21 ment by scaling and polishing techniques;

22 (2) apply topical preventive or prophylactic agents;

23 (3) apply fluorides and pit and fissure sealants;

24 (4) perform root planing and gingival [PERIDONTAL SOFT  
25 TISSUE] curettage; [AND]

26 (5) perform other dental operations and services delegated  
27 by a licensed dentist if the dental operations and services are not  
28 prohibited by (c) of this section; and

29 (6) if certified by the board and under the direct or

1       indirect supervision of a licensed dentist, administer local anes-  
2       thetics.

3       \* Sec. 7. AS 08.32.160 is amended to read:

4               Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION  
5       OF LICENSE. The board may revoke or suspend the license of a dental  
6       hygienist, or [THE LICENSEE] may reprimand, censure [BE REPRIMANDED,  
7       CENSURED], or discipline a licensee, if, after a hearing, [DISCIPLINED  
8       WHEN] the board finds [AFTER A HEARING] that the licensee

9               (1) used or knowingly cooperated in [SECURED A LICENSE  
10       THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
11       license;

12              (2) engaged in deceit, fraud, or intentional misrepresenta-  
13       tion in the course of providing or billing for professional services  
14       or engaging in professional activities;

15              (3) advertised professional services in a false or mislead-  
16       ing manner in violation of regulations adopted by the board;

17              (4) has been convicted of a felony or other crime which  
18       affects the licensee's ability to continue to practice competently and  
19       safely;

20              (5) knowingly failed to comply with this chapter, with a  
21       regulation adopted under this chapter or under AS 08.36, or with an  
22       order of the board;

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

24                      (A) professional incompetence;

25                      (B) addiction or severe dependency on alcohol or other  
26       drugs which impairs the licensee's ability to practice safely;

27                      (C) physical or mental disability;

28                      (D) failure to keep informed of or use current profes-  
29       sional theories and practices;

1           (7) engaged in a course of lewd or immoral conduct in  
2 connection with the delivery of professional service to patients;

3           (8) performed clinical procedures for compensation without  
4 being under the supervision of a licensed dentist.

5 \* Sec. 8. AS 08.32.180 is amended to read:

6           Sec. 08.32.180. VIOLATION. A person who violates a provision of  
7 this chapter or a regulation adopted under this chapter [OR WHO FAILS  
8 TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, A PENALTY] for which  
9 a penalty is not otherwise provided [,] is guilty of a class B misde-  
10 meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN  
11 \$100].

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

13           Sec. 08.32.187. APPLICATION OF CHAPTER. (a) This chapter  
14 applies to a person who practices, or offers or attempts to practice,  
15 as a dental hygienist in the state except

16           (1) a dental hygienist in the military service in the  
17 discharge of official duties;

18           (2) a dental hygienist in the employ of the United States  
19 Public Health Service, United States Veterans' Administration, Alaska  
20 Native Service, or Department of Health and Social Services, in the  
21 discharge of official duties;

22           (3) a dental hygienist licensed in another state demon-  
23 strating clinical techniques at a meeting sponsored by a bona fide  
24 dental or dental auxiliary society or association or by an accredited  
25 dental or dental auxiliary educational institution;

26           (4) a dental hygienist instructor engaged in teaching  
27 activities and employed at an accredited dental or dental hygienist  
28 educational institution.

29           (b) A person excepted from this chapter under (a) of this

1       section shall be held to the same standard of care as a person covered  
2       by this chapter.

3       \* Sec. 10. AS 08.36.010 is amended to read:

4               Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is  
5       created the Board of Dental Examiners consisting of seven members.  
6       Five [FOUR] members shall be [QUALIFIED RESIDENT] dentists licensed to  
7       [WHO HAVE BEEN ENGAGED IN THE] practice [OF] dentistry in the state  
8       [FOR FIVE YEARS IMMEDIATELY PRECEDING APPOINTMENT], one member shall  
9       be a dental hygienist licensed under AS 08.32, and one member [TWO  
10       MEMBERS] shall be a public member [MEMBERS]. In addition to the  
11       limitations imposed by AS 08.01.025, a public member may not be a  
12       health professional or have a direct financial interest in a health  
13       service or profession.

14       \* Sec. 11. AS 08.36.020 is amended to read:

15               Sec. 08.36.020. APPOINTMENT AND TERM OF OFFICE. Members of the  
16       board are appointed by the governor, subject to confirmation by the  
17       legislature in joint session. Each board member serves for a term of  
18       four years, and until that member's successor is appointed and qual-  
19       ified. The term begins on February 1. An appointment to a vacancy is  
20       for the unexpired term. A person who has served three [TWO] succes-  
21       sive complete terms may not be reappointed until four years from the  
22       expiration of the third [SECOND] term.

23       \* Sec. 12. AS 08.36.025 is amended to read:

24               Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A  
25       member of the board may be removed from office by the governor for  
26       cause. The board may by regulation provide that unexcused absences  
27       from meetings constitute cause for removal. A member against whom an  
28       accusation has been filed for violation of AS 08.32.160 or AS 08.36.-  
29       315 is suspended from the board until the decision of the board on the

1 accusation takes effect under AS 44.62.520.

2 \* Sec. 13. AS 08.36.030 is amended to read:

3 Sec. 08.36.030. ELECTION OF OFFICERS. The board shall elect a  
4 chairman [PRESIDENT] and other necessary officers [A SECRETARY] from  
5 among its members [, EACH] to serve for terms [A TERM] not to exceed  
6 two years.

7 \* Sec. 14. AS 08.36.040 is amended to read:

8 Sec. 08.36.040. MEETINGS. The board shall meet at the call of  
9 the chairman at least once annually [AS OFTEN AS,] and at other [THE]  
10 times [AND PLACES,] necessary to conduct its business. In the absence  
11 of a call of the chairman, a majority of the board may call a meeting.

12 \* Sec. 15. AS 08.36.050 is amended to read:

13 Sec. 08.36.050. QUORUM. A majority of the board constitutes a  
14 quorum for the transaction of business. A decision by a majority of  
15 those present at a meeting constitutes a decision of the board.

16 \* Sec. 16. AS 08.36 is amended by adding a new section to read:

17 Sec. 08.36.061. REIMBURSEMENT FOR EXPENSES. Board members are  
18 entitled to per diem and travel expenses authorized for boards and  
19 commissions under AS 39.20.180. The department shall reimburse a  
20 member for other actual, reasonable expenses incurred in carrying out  
21 duties as a board member.

22 \* Sec. 17. AS 08.36.070 is amended to read:

23 Sec. 08.36.070. GENERAL POWERS. (a) The board shall [HAVE, BUT  
24 NOT BY WAY OF LIMITATION, THE FOLLOWING POWERS AND DUTIES]:

25 (1) [TO] examine applicants and issue licenses and permits  
26 to those applicants it finds qualified;

27 (2) [TO] register licensed dentists and licensed dental  
28 hygienists who are in good standing;

29 (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS

1       PROCEEDINGS] to the governor and [TO MEMBERS OF] the department on the  
2       board's proceedings during the year, findings concerning the standards  
3       and availability of dental services in the state including the number  
4       of licensees and permit holders, examination and licensing activities,  
5       other matters related to dental practice, and board receipts and  
6       expenditures [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY  
7       RECEIVED AND DISBURSED];

8               (4) [TO] affiliate with the American Association of Dental  
9       Examiners, and pay annual dues to the association;

10              (5) [TO] hold hearings, and order the disciplinary sanction  
11       of a person who violates this chapter, AS 08.32, or the regulations of  
12       the board;

13              (6) [TO] supply forms for applications, licenses, permits,  
14       certificates, and other papers and records;

15              (7) [TO] enforce the provisions of this chapter and AS  
16       08.32 and adopt or amend the regulations necessary to make the pro-  
17       visions of this chapter and AS 08.32 effective;

18              (8) [TO] adopt regulations ensuring [INSURING] that renewal  
19       of registration is contingent upon proof of continued competency by a  
20       licensed dentist or licensed dental hygienist;

21              (9) [TO] provide the department with the requirements for  
22       proof of continued competency and to request the department to make  
23       these requirements available to each licensed dentist and licensed  
24       dental hygienist at least one year before the date on which the den-  
25       tist or dental hygienist must renew registration;

26              [(10) TO ORDER A LICENSED DENTIST OR LICENSED DENTAL HYGIEN-  
27       IST TO SUBMIT TO A REASONABLE PHYSICAL EXAMINATION IF THE DENTIST'S OR  
28       THE DENTAL HYGIENIST'S PHYSICAL CAPACITY TO PRACTICE SAFELY IS AT  
29       ISSUE]

1           (10) adopt regulations establishing standards for delegation  
2 of duties by a dentist to a dental hygienist or other person and  
3 limiting a dentist to supervising no more than the equivalent of three  
4 full-time dental hygienists;

5           (11) at least quarterly, cause to be published in a news-  
6 paper of general circulation in each major city in the state, a sum-  
7 mary of disciplinary actions the board has taken during the preceding  
8 calendar quarter;

9           (12) issue permits to administer general anesthesia to  
10 licensed dentists who meet standards set by regulation adopted by the  
11 board;

12           (13) regulate the reentry into practice of inactive dentists  
13 and dental hygienists.

14           (b) The board may

15           (1) order a licensed dentist or licensed dental hygienist  
16 to submit to a reasonable physical or mental examination if the den-  
17 tist's or the dental hygienist's physical or mental capacity to prac-  
18 tice safely is at issue; and

19           (2) authorize its representative to inspect the practice  
20 facilities or patient or professional records of a dentist at reason-  
21 able times and in a reasonable manner to monitor compliance with this  
22 chapter and with AS 08.32.

23 \* Sec. 18. AS 08.36.110 is amended to read:

24           Sec. 08.36.110. QUALIFICATIONS OF APPLICANTS. An applicant for  
25 a license to practice dentistry may apply to the board for an examina-  
26 tion and license by submitting information that the applicant is a  
27 graduate of a dental college accredited by the Commission on Accredi-  
28 tation of the American Dental Association, or its successor agency, at  
29 the time of graduation, and holds a certificate from the National

1 Board of Dental Examiners that the applicant has passed the examina-  
2 tion given by the national board [D.D.S. OR D.M.D. DEGREE OR THE  
3 EQUIVALENT].

4 \* Sec. 19. AS 08.36.120 is amended to read:

5 Sec. 08.36.120. SIGNING [PHOTOGRAPH] AND FILING DATE OF APPLICA-  
6 TION. [EACH APPLICANT SHALL SUBMIT A RECENT UNMOUNTED, AUTOGRAPHED  
7 PHOTOGRAPH OF THE APPLICANT.] Applications shall be signed by the  
8 applicant and filed at least 30 days before the date scheduled for an  
9 examination.

10 \* Sec. 20. AS 08.36.160 is amended to read:

11 Sec. 08.36.160. CONTENTS OF EXAMINATION. (a) The examination  
12 shall be designed [CLINICAL AND WRITTEN AND OF SUCH A CHARACTER AS] to  
13 test [IN A SATISFACTORY MANNER] the qualifications of the applicant to  
14 practice dentistry and [. THE EXAMINATION] shall consist of a written  
15 and a clinical examination. [THE FOLLOWING:]

16 (b) [(1)] The subjects of the written examination shall include  
17 prosthodontics, oral diagnosis and medicine, dental radiology, the  
18 state's laws on the practice of dentistry, and other subjects [BE]  
19 selected in accordance with the trend of dental education and profes-  
20 sional and technical advances [AS DETERMINED BY THE COUNCIL OF DENTAL  
21 EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

22 (c) [(2)] The clinical examination [APPLICANT] shall test the  
23 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry  
24 or any procedures selected by the board from procedures [AS] recom-  
25 mended by the American Association of Dental Examiners.

26 (d) The board may require an applicant to pass a laboratory ex-  
27 amination as a prerequisite to admission to the clinical examination  
28 if the board has reason to believe the applicant cannot practice safe-  
29 ly on a clinical patient.

1 \* Sec. 21. AS 08.36.234 is amended to read:

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

4 (1) is a graduate of a dental college accredited [APPROVED]  
5 by the Commission on Accreditation of the American Dental Association,  
6 or its successor agency, and holds a certificate from the National  
7 Board of Dental Examiners that the dentist has passed the examination  
8 given by the national board;

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

12 (3) has been engaged in continuous active practice averag-  
13 ing at least 20 hours per week for the five years immediately preced-  
14 ing the application;

15 (4) is not the subject of an unresolved complaint, profes-  
16 sional association peer review procedure, or disciplinary proceeding  
17 undertaken by a professional dental association;

18 (5) has not previously had a license to practice dentistry  
19 revoked;

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

21 (7) is personally interviewed by the board;

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

23 \* Sec. 22. AS 08.36.240 is amended to read:

24 Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The  
25 board shall issue a license to each successful dentist or dental  
26 hygienist applicant who has paid the required fees. [THE HOLDER OF A  
27 LICENSE SHALL REGISTER IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR  
28 COURT IN THE JUDICIAL DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.]

29 The licensee shall display the license in a conspicuous place where

1 the licensee practices.

2 \* Sec. 23. AS 08.36.246 is amended to read:

3 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An  
4 applicant for a specialty license shall [MUST]

5 (1) possess a license to practice dentistry in the state;  
6 [, AND]

7 (2) have completed as many [TWO OR MORE] academic years of  
8 advanced education in the specialty as are required by the appropriate  
9 specialty board in a program accredited by the Commission on Accredi-  
10 tation of the American Dental Association or its successor agency; and

11 (3) be a diplomate or the equivalent of the appropriate  
12 specialty board or be eligible to be examined for diplomate status as  
13 documented by an organization recognized by the American Dental  
14 Association.

15 (b) The provision of (a)(2) and (3) of this section does not  
16 apply to dentists who limit [HAVE LIMITED] their practice exclusively  
17 and who ethically announce [ANNOUNCED] limitation of practice in  
18 accordance with regulations of the Principles of Ethics and Code of  
19 Professional Conduct of the American Dental Association [POLICY BEFORE  
20 JULY 23, 1968].

21 \* Sec. 24. AS 08.36.247(a) is amended to read:

22 (a) A specialty license may not be issued unless the applicant  
23 presents proof satisfactory to the board that the applicant is quali-  
24 fied to practice that specialty. A specialist licensed in that speci-  
25 alty shall participate as a voting member of the board in the licens-  
26 ing procedures.

27 \* Sec. 25. AS 08.36.250 is amended by adding a new subsection to read:

28 (b) When applying for license renewal, a dentist shall report to  
29 the board each instance during the prior registration period in which

1 the quality of the licensee's professional services were the subject  
2 of legal action.

3 \* Sec. 26. AS 08.36.315 is amended to read:

4 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION  
5 OF LICENSE. The board may revoke or suspend the license of a dentist,  
6 or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,  
7 or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board  
8 finds after a hearing that the dentist

9 (1) used or knowingly cooperated in [SECURED A LICENSE  
10 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a  
11 license;

12 (2) engaged in deceit, fraud, or intentional misrepresenta-  
13 tion in the course of providing or billing for professional dental  
14 services or engaging in professional activities;

15 (3) advertised professional dental services in a false or  
16 misleading manner in violation of regulations adopted by the board;

17 (4) has been convicted of a felony or other crime which  
18 affects the dentist's ability to continue to practice dentistry compe-  
19 tently and safely;

20 (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in or permitted  
21 the performance of patient care by persons under the dentist's super-  
22 vision which does not conform to minimum professional standards of  
23 dentistry regardless of whether actual injury to the patient occurred;

24 (6) knowingly failed to comply with this chapter, with a  
25 regulation adopted under this chapter, or with an order of the board;

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

27 (A) professional incompetence;

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

1 (C) addiction or severe dependency on alcohol or other  
2 drugs which impairs the dentist's ability to practice safely;

3 (D) physical or mental disability;

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

6 (9) permitted a dental hygienist who is employed by the  
7 dentist or working under the dentist's supervision to perform a dental  
8 procedure other than those permitted under AS 08.32.110;

9 (10) contracted with an organization to waive an insurance  
10 co-payment for services provided to a patient or with an organization  
11 that limits a patient's choice of dentist in return for exclusive or  
12 partly exclusive referral of patients from the organization;

13 (11) failed to report to the board a death that occurred on  
14 the premises used for the practice of dentistry within 48 hours.

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

16 Sec. 08.36.316. COMPLAINTS. (a) The board shall adopt regu-  
17 lations for accepting and reviewing written and oral complaints con-  
18 cerning the practice of dentistry. A complaint shall be investigated  
19 to determine whether there is sufficient evidence of an infraction to  
20 proceed to a hearing under AS 44.62.

21 (b) The chairman shall appoint a panel of three members of the  
22 dental professions to review the investigation. If the panel finds  
23 there is insufficient evidence of an infraction it shall report in  
24 writing to the chairman who shall notify the complainant that the  
25 complaint is dismissed. If the panel finds sufficient evidence of an  
26 infraction, the chairman shall begin proceedings under AS 44.62. If a  
27 complaint concerns a dentist, the panel shall consist of two dentists  
28 and one dental hygienist. If a complaint concerns a dental hygienist,  
29 the panel shall consist of one dentist and two dental hygienists.

1 (c) A complainant may appeal the dismissal of a complaint to the  
2 board.

3 \* Sec. 28. AS 08.36.320(c) is amended to read:

4 (c) The board may summarily suspend a license before final  
5 hearing or during the appeals process if the board finds that con-  
6 tinued practice by the licensee poses a clear and immediate danger to  
7 the public health and safety. The board may summarily suspend the  
8 license of a licensee who refuses to submit to a physical or mental  
9 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO  
10 PRACTICE]. A person whose license is suspended under this section  
11 shall be entitled to a hearing by the board no later than 30 [SEVEN]  
12 days after the effective date of the order. If, after a hearing, the  
13 board upholds the suspension, the [THE] licensee may appeal the sus-  
14 pension [AFTER A HEARING] to a court of competent jurisdiction.

15 \* Sec. 29. AS 08.36.340 is amended to read:

16 Sec. 08.36.340. PENALTIES. A person who violates any provision  
17 of AS 08.32 or this chapter or regulations adopted under this chapter  
18 for which no specific penalty is provided is guilty of a class B  
19 misdemeanor.

20 \* Sec. 30. AS 08.36.350 is amended to read:

21 Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter  
22 applies to a person who practices, offers or attempts to practice  
23 dentistry in the state except

24 (1) dental surgeons or dentist in the military service in  
25 the discharge of official duties;

26 [(2) Repealed]

27 (2) [(3)] dentists in the employ of the United States  
28 Public Health Service, United States Veterans' Administration, Alaska  
29 Native Service, or Department of Health and Social Services, in the

- 1 discharge of official duties;
- 2 (3) [(4)] clinicians demonstrating at meetings of dentists  
3 approved by the board;
- 4 (4) [(5)] physicians and surgeons;
- 5 (5) [(6)] dentists in the employ of the United States  
6 Public Health Service providing care by authority of a permit issued  
7 under AS 08.36.271;
- 8 (6) a dentist licensed in another state who is demonstrat-  
9 ing clinical techniques at a meeting sponsored by a bona fide dental  
10 or dental auxiliary society or association or by an accredited dental  
11 or dental auxiliary educational institution;
- 12 (7) a dental instructor engaged in teaching activities and  
13 employed at an accredited dental or dental hygienist educational  
14 institution;
- 15 (8) a dentist licensed in another state who provides emer-  
16 gency care to an injured or ill person who reasonably appears to the  
17 dentist to be in immediate need of emergency aid in order to avoid  
18 serious harm or death if the care is provided without remuneration.
- 19 (b) A person excepted from this chapter under (a) of this sec-  
20 tion shall be held to the same standard of care as a person covered by  
21 this chapter.

22 \* Sec. 31. AS 08.36.360 is amended to read:

23 Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages  
24 in the practice of dentistry who

25 (1) performs or holds out to the public as being able to  
26 perform dental operations;

27 (2) diagnoses, treats, operates on, prevents or attempts to  
28 prevent, corrects or attempts to correct, or prescribes for, a dis-  
29 ease, lesion, pain, injury, deficiency, deformity, or physical

1 condition, malocclusion or malposition of the human teeth, alveolar  
2 process, gingiva, maxilla, mandible, or [GUMS OR JAWS AND] adjacent  
3 tissues;

4 (3) performs or attempts to perform an operation incident  
5 to the replacement of teeth;

6 (4) furnishes, supplies, constructs, reproduces, or repairs  
7 [PROSTHETIC] dentures, bridges, appliances or other structures to be  
8 used and worn as substitutes for natural teeth, except on prescription  
9 of a duly licensed and registered dentist and by the use of impres-  
10 sions or casts made by a duly licensed and registered dentist;

11 (5) uses the word "dentist" or "dental surgeon" or the  
12 letters D.D.S. or D.M.D. or other letter or title which represents the  
13 dentist as engaging in the practice of dentistry;

14 (6) extracts or attempts to extract human teeth;

15 (7) owns, manages or operates a place where the acts and  
16 things described in this section are performed or done;

17 (8) supervises a dental hygienist or another person who  
18 provides dental care to a patient.

19 \* Sec. 32. AS 08.36 is amended by adding a new section to read:

20 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this  
21 state may

22 (1) practice in an association, partnership, corporation or  
23 other lawful entity with other dentists including specialist;

24 (2) practice under the name of "dental center" or other  
25 descriptive term that does not deceive the public about the nature of  
26 the services provided;

27 (3) supervise research that would otherwise violate this  
28 chapter or regulations adopted under this chapter when the research  
29 does not involve treatment of dental patients if the research is

1 performed by a nonprofit dental research institution chartered by this  
2 state or by a dental or dental auxiliary school accredited by the  
3 Commission on Accreditation of the American Dental Association, or its  
4 successor agency;

5 (4) supervise research that would otherwise violate this  
6 chapter or regulations adopted under this chapter when the research  
7 involves the treatment of dental patients if the research is performed  
8 by a nonprofit dental research institution chartered by this state or  
9 by a dental or dental auxiliary school accredited by the commission on  
10 Accreditation of the American Dental Association, or its successor  
11 agency, and if the dentist notifies the board in writing, at least 60  
12 days before beginning the treatment, of the intended practices or  
13 procedures and the board does not disapprove the research.

14 \* Sec. 33. Notwithstanding the amendments made to AS 08.36.010 by  
15 sec. 10 of this Act, a public member who is on the board on the effective  
16 date of this Act may continue on the board until resigning or until ex-  
17 piration of the member's term, and the number of members of the board who  
18 are dentists shall remain at four until the resignation or expiration of a  
19 term of a public member.

20 \* Sec. 34. AS 08.36.200 is repealed.