

HB

103

**HOUSE COMMITTEE REPORT**

(11)

Date referred: 2/26/88

FURTHER REFERRALS:

DATE: 3/8/88

The Finance Committee has considered HB 103

"An Act extending the termination date of the Board of Dental Examiners; and providing for an effective date."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 2/26/88
- zero with analysis

**SIGNING DO PASS:**

ADAMS Al Adams

POURCHOT Raymond

LARSON Ronald

SWACK John

HAMMER John

RIEGER John

BOYER Robert

BROWN Raymond

FRANK Frank

GOLL John

**SIGNING OTHER RECOMMENDATIONS:**

WALLIS Ray Wallis

DAVIS Mike Davis

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Al Adams  
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Economic Dev.  
 Title: An Act extending the termination BRU: Occupational Licensing  
date of the Board of Dental Examiners;...  
 Sponsor: Reps. Menard & Gruenberg Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Funding for continuation of the Board of Dental Examiners is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Mgmt. Analyst  
 Division: Occupational Licensing

Phone: 465-2144  
 Date: January 21, 1988

Approved by Commissioner: J. Anchuta  
 Agency: Commerce and Economic Development

Date: 1/22/88

Distribution (by preparer):

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

Introduced: 2/2/87  
Referred: Health, Education &  
Social Services and Finance

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IN THE HOUSE

BY MENARD AND GRUENBERG

HOUSE BILL NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act extending the termination date of the Board  
of Dental Examiners; and providing for an effective  
date."

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

\* Section 1. AS 08.03.010(c)(6) is amended to read:

(6) Board of Dental Examiners (AS 08.36.010) -- June 30,  
1991 [1988].

\* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HB 103: An Act extending the termination date of the Board of Dental Examiners; and providing for an effective date.

HB 103 proposes the continuation of the Board of Dental Examiners to June 30, 1991.

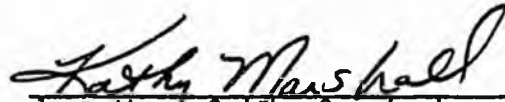
Currently, there are approximately 740 licensees composed of both dentists and dental hygienists. A number of these licensees also hold additional licenses to practice as dental specialists and dental hygienists authorized to administer local anesthetic agents.

In 1986, the board was extended to June 30, 1988 with letters of intent directing the board to complete its continued competency regulations, develop new procedures for credentialing, restructure the existing examinations, and to evaluate the possibility of joining a regional examination board.

To satisfy these directives, the board has completed and adopted its continued competency regulations, and, in place of restructuring the former State exam, on June 25, 1987, an agreement was signed with the Western Regional Examining Boards (WREB) to join and utilize the examinations offered by the regional boards

Licensure by credentials is a complex issue yet to be fully addressed by the board, identified in Recommendation No. 1 of the current performance audit report. Inaction of the board on this issue received the attention of the Office of the Governor; in response to board inaction, two vacancies on the board were filled with appointees more favorably disposed toward licensure by credentials. Currently, with a more balanced board member perspective on credentialing, it seems appropriate that the board be allowed to continue deliberations on this issue, especially when a thorough public examination of the potential problems surrounding credentialing has not taken place.

In summary, the board is necessary for protection of the public's health, safety and welfare, and is genuinely concerned that Alaskan consumers receive quality dental care services. Therefore, the department and the Division of Occupational Licensing strongly endorse continuation of the Board of Dental Examiners.



J. Anthony Smith, Commissioner  
Department of Commerce and  
Economic Development

2/24/88  
Date



## Alaska Dental Society

3400 Spenard Road, Suite 10  
Anchorage, Alaska 99503  
(907) 277-4675

JAN 25 1988

January 22, 1988

Representative Johnny Ellis, Co-Chairman  
House Health, Education and Social Services  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Ellis:

The Alaska Dental Society would like to strongly endorse House Bill 103, extending the authorization for the Board of Dental Examiners from June, 1988 to June, 1991. This legislation was introduced by Representatives Curt Menard and Max Gruenberg, Jr.

For the past few years, board members have been successful in accomplishing many positive changes in dentistry for the health and safety of the public - (for example: implementing a regional examination for dental licensure and establishing continuing education requirements for relicensure). Members have been steadfast in their efforts to carry out the "legislative intent" presented to them in 1986.

At this mid-point in constructive change, ending the board's service to the State of Alaska seems counter-productive and certainly unfair to the citizens of Alaska who ultimately benefit from the Board's perceptive direction.

Sincerely,

*William A. Guy D.D.S.*  
William A. Guy, President  
Alaska Dental Society

A PERFORMANCE REPORT  
ON THE BOARD OF  
DENTAL EXAMINERS

July 1, 1985 - June 30, 1987

Audit Control Number

08-1316-88-R

Commissioner, Department of  
Commerce and Economic Development      J. Anthony Smith

Deputy Commissioner, Department of  
Commerce and Economic Development      John Williams

Members of the  
Board of Dental Examiners

Chair	Robert E. Warren, DDS
Secretary	Christine A. Baxter, RDH
Member	Paul S. Buxton, DDS
Member	Hubert J. Gelbert
Member	Timothy J. Woller, DDS
Member	H. Douglas Smole, DDS
Member	Terrence A. Tauschek, DDS

# STATE OF ALASKA

## THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION  
P.O. BOX W  
JUNEAU, ALASKA 99811-3300

December 31, 1987

Members of the Legislative Budget  
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Board of Dental Examiners.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Dental Examiners was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA  
Acting Legislative Auditor  
Division of Legislative Audit

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

November 5, 1987

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Titles 24 and 44 of the  
Alaska Statutes (surset legislation), the attached report is  
submitted for your review.

### A PERFORMANCE REPORT ON THE BOARD OF DENTAL EXAMINERS

July 1, 1985 - June 30, 1987

Audit Control Number

08-1316-88-R

NGREANY

Mike Greany, Director  
Division of Legislative Finance

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## PURPOSE AND SCOPE OF THE REPORT

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Dental Examiners to determine if the Board has been operating in an efficient and effective manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Dental Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1988, but will continue until June 30, 1989 for the purpose of concluding its affairs.

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Tests of files and documents of licensees.
3. Interviews with the licensing examiner.
4. Complaints filed with the Division of Occupational Licensing, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's Opinions applicable to professional boards.

## ORGANIZATION AND FUNCTION

The Board of Dental Examiners was created in 1955. The Board consists of nine persons: six licensed dentists, two dental hygienists, and one public member, which are appointed by the Governor subject to confirmation of the Legislature. Board members serve terms of four years.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (DOL). Administrative functions of the Board are provided by DOL, such as processing applications, maintaining licensing files, answering inquiries, and providing investigative support.

The primary function of the Board is to ensure a minimum quality of dental care to Alaskans by licensing qualified applicants and establishing regulations necessary to enforce statutes. The Board regulates dentists, dental specialists, and dental hygienists who perform services in the State.

The responsibility and authority for evaluating the competence of candidates for dental licensure are vested in the Board. Previous to January 1987, candidates had to pass a state administered clinical and written examination to assess a candidate's competency. The Board now accepts the results of the Western Regional Examining Board's clinical and written examination for general dentistry and dental hygienists. Dental hygienists who are licensed in another State and who possess minimum work experience can be licensed through credentials.

Although dental specialists are not required to take an examination, they must be licensed dentists in Alaska and may be required to have completed additional years of education in their specialty area.

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## REPORT CONCLUSION

### Policy Issues

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

### Report Conclusion

In our opinion, the Board of Dental Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Also, assurances that those licensed act in a competent manner is provided by active investigation of complaints and revocation or suspension of licenses when appropriate.

The following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Board should allow for licensure by credentials for dentists and dental specialists.

Alaska Statute 08.36.234 allows but does not mandate the Board to approve dental licenses to applicants with valid dental licenses in other states by reviewing their credentials instead of requiring the applicant to pass a written and clinical examination. In 1984, the Board issued an emergency regulation 12 AAC 28.950, which suspended licensure by credentials after concern was expressed by the Attorney General about the Board's procedures. The Attorney General found that the Board was conducting an "oral test" instead of an "oral interview" as allowed by statute.

The cessation of licensure by credentials restricts entry into the dental profession in Alaska for out-of-state dentists wishing to practice in the State.

As part of the 1986 legislation which continued the Board for two years, the Legislature passed two letters of intent that the Board should repeal the emergency regulation and reinstate licensure by credentials. The Board has not complied with this intent. We recommend that licensure by credentials be made a mandatory function of the Board.

### Recommendation No. 2

The Board should review application requirements and recommend changes for procedures which do not have a clear relationship to a public purpose.

Alaska statute requires a personal interview by a board member for licensure by credentials for dental hygienists. The Board also plans to require a personal interview for all dentists who request licensing after taking the Western Regional Examination Board (WREB) tests. The interview requirement is an additional procedure which has not resulted in application denial. The requirement is an added delay in a lengthy licensing procedure.

For licensing as a dental specialist, the Board accepts copies of certificates submitted by the applicant as proof of education attainments instead of requiring confirmation by the school.

We recommend the elimination of the personal interview and the policy of accepting notarized copies of certificates as proof of education achievements to improve efficiency and effectiveness of the licensing process. Instead of accepting copies of certificates, the Board should receive direct confirmation from the appropriate licensing boards.

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## ANALYSIS OF PUBLIC NEED

### Limited Analysis

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

- I. The extent to which the board, commission, or program has operated in the public interest.
  - A. The Board has served the public by examining and licensing qualified applicants and proposing changes in regulations that are necessary to enforce State statutes and enhances quality of dental care to Alaskans. To accomplish these functions, the Board has held an average of four board meetings during the past two fiscal years.
  - B. Legislation was passed in 1987 which allows the Board to participate in the administration of examinations instead requiring the state to conduct its own examination. Using a regional examination has resulted in a cost savings to the state and increases the pool of applicants eligible for licensure.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

The Board suspended, by regulation in 1984, statutory provision for licensure by credentials because of legal problems surrounding the scope of the interview requirement for applicants. The Attorney General's Office has determined that the personal interview of an applicant by a Board member be limited to verifying credentials and asking questions, rather than requiring case presentations of the applicant's prior work for examination. The Board does not feel that it can adequately measure the qualifications of applicants without examining case presentations for issuing licenses by credentials. There are no plans for reenacting licensure by credentials in the future (see recommendation No. 1).
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

Legislation was enacted in 1987 to permit the use of a regional examination in place of the state conducted examination. The legislation also increased the size of the board membership to ensure an adequate pool of examiners for the regional examination.

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

The Board advertises proposed regulation changes in major Alaskan newspapers, allows applicants to appeal their examination grades, and holds open meetings.

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

A. The Board announces its board meetings, examinations, and proposed regulations and regulation amendments in the Anchorage, Fairbanks, and Juneau newspapers as required by law.

B. The Board presents and discusses correspondence related to Board matters which has been received from various persons and associations.

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

The Board processes and addressed complaints in an effective and timely manner.

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

The Board issued 25 dental licenses and 31 dental hygienist licenses in FY86. During FY87, the Board issued 18 dental licenses and 23 dental hygienist licenses.

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

The Human Rights Commission and the Equal Employment Opportunity Office have received no complaints related to the Board's activities.

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

Please refer to the previous section, Findings and Recommendations.

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APPENDIXES

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APPENDIX A  
BOARD OF DENTAL EXAMINERS  
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES  
For Fiscal Year 1987  
(Unaudited)  
(Note 1)

Average Revenue (Note 2)	\$51,056
Expenditures (Note 3)	<u>57,802</u>
Excess of Expenditures Over Revenues	<u>\$ 6,746</u>

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupational Licensing (DOL) personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Schedule of Revenues Compared with Expenditures.

Note 2

A significant portion of revenues is composed of license renewal fees. Licenses were renewed quadrennially. Because of the renewals, revenues varied substantially every fourth year. Therefore, we combined revenues collected in fiscal year 1984, 1985, 1986 and 1987; and calculated a total in order to obtain a representative amount of average annual revenues collected. Licensing fees were increased in November 1986 in response to legislative intent to make the Boards more self supporting. See Appendix B, Schedule 1 for the current fee schedule.

Note 3

Expenditures consist of direct costs resulting from Board activities, which includes travel, per diem, and miscellaneous contractual expenditures incurred by the Board members and the Board's licensing examiner. This amount does not include indirect administrative expenditures of the Division of Occupational Licensing or expenditures for efforts of other departments assisting the Board.

APPENDIX B

BOARD OF DENTAL EXAMINERS  
SCHEDULE OF ESTIMATED REVENUES  
COMPARED WITH BUDGETED EXPENDITURES  
For Fiscal Year 1988  
(Unaudited)  
(Note 1)

Average Revenue (Note 2)	\$53,265
Expenditures (Note 3)	<u>76,368</u>
Excess of Expenditures Over Revenues	<u>\$23,103</u>

Schedule 1  
Types of Revenues  
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Filing Fee		
Dentist	\$ 20	With application
Dental Hygienist	\$ 20	With application
Examination Fee		
Dentist	\$375	Before exam
Dental Hygienist	\$150	Before exam
Credential Review Fee		
Dental Hygienist	\$ 50	Before interview
Initial License Fee		
Dentist	\$ 30	Before licensure
Dental Hygienist	\$ 20	Before licensure
Registration/Renewal Fee		
Dentist	\$360	Before licensure; quadrennially thereafter
Dental Specialist	\$100	"    "
Dental Hygienist	\$200	"    "
Specialty License	\$100	Before licensure
Branch Office Registration	\$ 20	Quadrennially
Local Anesthetic Permit	\$ 20	With application

Note 1

The Division of Occupational Licensing (DOL) prepared the above Schedule of Estimated Revenues Compared with Budgeted Expenditures. The schedule is included for informational purposes only and has not been audited by us. Accordingly, we do not express an opinion on the Board's Schedule of Estimated Revenues Compared with Budgeted Expenditures.

APPENDIX D

BOARD OF DENTAL EXAMINERS  
SCHEDULE OF ADMINISTRATIVE STATISTICS  
As of November 2, 1987

Dentists licensed in State	316
Out-of-State Dentists licensed in State	111
Dental Hygienists	306
Dental Specialists (also have dental license)	46
Average number of meetings per year	4

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# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

P. O. BOX D  
JUNEAU, ALASKA 99811-0800  
PHONE: (907) 465-2500

OFFICE OF THE COMMISSIONER

January 21, 1988

Mr. Randy Welker  
Acting Legislative Auditor  
Division of Legislative Audit  
Budget and Audit Committee  
P.O. Box W  
Juneau, AK 99811

JAN 27 1988

LEGISLATIVE  
AUDIT

Dear Mr. Welker:

This letter is written in response to the Budget and Audit Committee's (hereinafter "Committee") report of its sunset performance review of the Board of Dental Examiners (hereinafter "Board"). Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on the Committee's findings and recommendations.

### Response to Recommendation No. 1

The Committee, in Recommendation No. 1, finds:

1. that the "cessation of licensure by credentials restricts entry into the dental profession in Alaska for out-of-state dentists wishing to practice in the state"; and
2. that the Board has "not complied" with two letters of legislative intent that the Board should reinstate licensure by credentials.

As a result of these findings, the Committee has recommended "that licensure by credentials be made a mandatory function of the Board."

As the Committee is aware, the issue of admission by credentials is very controversial. Indeed, given the constant pressure to which the Dental Board has been subjected since its cessation of licensure by credentials in 1984, the Department is, itself, admittedly surprised that the Board has not taken action to resolve the dispute. The Board's refusal to take action in this regard is of serious concern to the Department and, more specifically, the Division of Occupational Licensing ("Division").

The Board's inactions in this regard have also received the attention of the Office of the Governor. Governor Steve Cowper recently filled two vacancies on the Dental Board. In making his appointments, Governor Cowper respectfully declined to follow the recommendations of the Alaska Dental Society (which, by and large, opposes credentialling) and, instead, appointed dentists more favorably disposed toward licensure by credential. Given the past make-up of the Board, these new appointments do much to correct the Board's previously rather imbalanced perspective on the issue.

It is also important to recognize that the Board of Dental Examiners has done much to improve its admission procedures, albeit in direct response to previous performance review recommendations by the Budget and Audit Committee. Regardless of the motivation, it must be noted that the Board no longer offers its own exam but, rather, utilizes an exam designed, written and graded by the Western Regional Examination Board (WREB). This action alone has done much to deflect previously oft-expressed criticism that the Board was primarily interested in limiting the number of dentists eligible to practice in Alaska. It should also go far in assuring the public that qualified dentists are being licensed and in divorcing the Board from its protectionist label.

The "protectionist" label is what lies behind the continued controversy over credentialling. The cost of dental care in Alaska is admittedly high. Legislative and Administration concerns for the high cost of dental care has led these entities to conclude that the admission of greater numbers of dentists to Alaska would lower the cost of dental care. Previously, the Alaska-based exam was seen as one of the ways the Board limited the number of dentists able to practice in Alaska. Now, with the new exam procedures in place, the main focus of concern rests on the Board's failure to provide for licensure by credentialling. At its most recent meeting, the Division Director Randall Burns discussed with the Board its apparent unwillingness to back down from its decision not to offer licensure by credential, even in the face of legislative intent to the contrary and the obvious message sent to the Board via the Governor's recent Board appointments. It became clear during these discussions that the Board is in-turn concerned that this issue has become the focus of so much legislative and administration attention.

In its defense, the Dental Board seems confused by these attempts to force the Board to adopt admission criteria that not even a majority of the other states have seen fit to enact into law. In addition, it is the Board's understanding that a number of the states that currently provide for admission by credential are presently reconsidering their decision to provide for licensure in this manner. If so few states are firmly committed to credentialling, and if -- as it appears -- there are a number of real problems with the concept, then the Board wonders from what

source does the interest in credentialling come? In addition, the Board does seem genuinely concerned that failure to require passage of an exam prior to admission will greatly reduce the quality of dental practice in Alaska.

It certainly is a complex issue, and not all of the concerns have been fully addressed by the Legislature or the Administration. For example, licensure by credential in most professions requires that a good, central source of disciplinary information be available, yet no such data bank presently exists on dentists. The American Bar Association, in contrast, maintains a central discipline bank on all disciplinary actions taken against licensed attorneys which can be accessed by any of some 53 jurisdictions.

Because the restructured Board can now more fairly adjudge the public's interests in this matter, the Department is not presently able to agree or disagree with Recommendation No. 1. Rather, it would prefer to see what results from this new make-up of the Board. With a more balanced membership, the issue of licensure by credential will no doubt be debated more fully and the pros and cons of credentialling more thoroughly researched by the Board. Under these circumstances, it seems appropriate to continue to let the Board grapple with this important issue.

#### Response to Recommendation No.2

The second recommendation addresses a number of administrative concerns regarding the Board's application procedures. We will address them individually:

1. There is a recommendation that the Board eliminate the personal interview because it is a procedure "which has not resulted in application denial." The sole purpose of the "personal" interview, as stated in a regulation recently approved by the Board for publication, is to provide for identification of the applicant and to discuss with the applicant the provisions of the Dental Board's statutes. Particularly now that the WREB exam is administered out-of-state, with many of the applicants not personally known to the Board or Division staff, it is important before licensure that the Board be assured that the person who has applied for admission and sat for the exam is the same person who moves to Alaska to set up in the practice of dentistry. In addition, since the WREB exam does not test for knowledge of Alaska's dentistry statutes, this interview provides an opportunity for the Board to bring pertinent provisions of the statutes and regulations to the new admittee's attention.

January 21, 1988

While this may delay admission by a day or two at most, it is surely in the state's best interest to take the time necessary to avoid allowing the unscrupulous to deceive a public desirous of quality dental care, and to assure at least a grudging familiarity with the statutes that will guide that licensee's practice. The Department suggests that the recommendation is not in the public's interest.

2. There is a recommendation that the board should cease accepting copies of certificates submitted by an applicant as proof of educational attainment. "Instead of accepting copies of certificates," the Committee recommends that "the Board should receive direct confirmation from the appropriate licensing boards." The Department absolutely agrees with this recommendation and shall institute this policy immediately. The Division was in error not to insist on direct confirmation.

Sincerely,



J. Anthony Smith  
Commissioner

JAS/mst7204m  
011988a



ANNUAL REPORT FOR FISCAL YEAR 1987  
BOARD OF DENTAL EXAMINERS

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### BOARD OF DENTAL EXAMINERS

DR ROBERT WARREN, CHAIRMAN	EXP. DATE 2/1/88
DR PAUL BUXTON	EXP. DATE 2/1/87
DR. TOM WOLLER	EXP. DATE 2/1/90
CHRISTINE BAXTER, RDH	EXP. DATE 2/1/89
HUGH GELLERT	EXP. DATE 2/1/89
MATTHEW GULLUFSEN	RESIGNED 3/1987
DR. JERRY ZEYLICHA	RESIGNED 4/1987

KATY MARSHALL, DIRECTOR  
DIVISION OF OCCUPATIONAL LICENSING  
DEPARTMENT OF COMMERCE AND ECONOMIC  
DEVELOPMENT  
P.O. BOX D  
JUNEAU, ALASKA 99801

DATE: AUGUST 1, 1987

SUBJECT: ANNUAL REPORT

DEAR MS. MARSHALL:

IN COMPLIANCE WITH AS 08.01, AND ON BEHALF OF THE BOARD OF  
DENTAL EXAMINERS, I AM SUBMITTING THE ENCLOSED ANNUAL  
REPORT CONCERNING THE BOARD'S ACTIVITIES AND ACCOMPLISHMENTS  
FOR FISCAL YEAR 1987.

SHOULD THERE BE ANY QUESTIONS CONCERNING THIS REPORT, PLEASE  
FEEL FREE TO CONTACT ME.

THANK YOU.

SINCERELY,

*Christine A. Baltus RDH*  
*for*

ROBERT WARREN, D.D.S.  
CHAIRMAN  
ALASKA STATE BOARD OF  
DENTAL EXAMINERS

ALASKA BOARD OF DENTAL EXAMINERS  
ANNUAL REPORT FY87  
AUGUST 1, 1987  
NARRATIVE STATEMENT

MAJOR ISSUES- ADDRESSED LETTER OF INTENT FROM THE LEGISLATURE. COMMITTEE FORMED TO DEVELOP POLICIES IN REGARD TO IMPAIRED DENTAL PROFESSIONALS. ADOPTED REQUIREMENTS TO CONFORM TO THE FEE BILL. CONTINUED TO INVESTIGATE LICENSURE BY CREDENTIALS FOR DENTISTS AND DENTAL SPECIALISTS.

II. ADDRESSED LETTERS OF INTENT FROM THE LEGISLATURE:

1. ADOPTED REGULATIONS FOR THE REPEAL OF GOLD FOIL SUBJECT OF THE DENTAL EXAMINATION. 12 AAC 28.160 (1) (A), 12 AAC 28.170 (A) (1), .190 (B) (1), .200 (A) AND .240(A)
2. DRAFTED CONTINUING EDUCATION REGULATIONS WERE AMENDED AND PUT TO PUBLIC NOTICE.
  - (1). 12 AAC 28. 400 IS ADDED TO ESTABLISH THE REQUIRED NUMBER OF CONTINUING EDUCATION HOURS;
  - (2). 12 AAC 28.410 IS ADDED TO IDENTIFY APPROVED CONTINUING EDUCATION COURSES;
  - (3). 12 AAC 28.420 IS ADDED TO ESTABLISH REQUIREMENTS FOR REPORTING CONTINUING EDUCATION;
  - (4). 12 AAC 28.430 IS ADDED TO IDENTIFY EXEMPTIONS TO CONTINUING EDUCATION REQUIREMENTS.THE ABOVE REGULATIONS SERVE TO IMPLEMENT AS 08.32.071, AS 08. 36.070. AS 08.36.250.

3. REGIONAL EXAMINATION AFFILIATION-

DR. ROBERT WARREN AND CHRISTINE BAXTER R.D.H. ATTENDED THE SEPT.28-30, 1986 WESTERN REGIONAL BOARD AS OBSERVERS. IT WAS HELD IN LOMA LINDA, CALIF. AND ALL EXPENSES WERE COVERED BY THE WESTERN REGIONAL BOARD. JANUARY 15, 1987 IT WAS AGREED BY THE BOARD TO AFFILIATE WITH THE WESTERN REGIONAL BOARD. COMPLYING WITH THE LETTERS OF INTENT.

4. INVESTIGATION CONTINUED INTO THE LICENSURE BY CREDENTIALS FOR DENTISTS AND DENTAL SPECIALISTS.

- a. TESTIMONY WAS RECEIVED FROM VARIOUS GROUPS INCLUDING:  
ALASKA DENTAL SOCIETY, U.S. PUBLIC HEALTH SERVICES.

5. COMMITTEE FORMED TO DEVELOP POLICIES IN REGARD TO CHEMICALLY IMPAIRED DENTAL PROFESSIONALS.

THE HIDA (HELPING IMPAIRED DENTISTS ANONIMOUSLY) PROGRAM IS FUNCTIONING IN THE STATE AT THE PRESENT TIME. IT WAS ADVISED BY THE ATTORNEY GENERAL'S OFFICE THAT LEGAL ACTION WILL BE TAKEN ONLY IN THE EVENT OF FILED COMPLAINTS AGAINST THE IMPAIRED PROFESSIONAL TO THE STATE INVESTIGATORS OFFICE AND WILL THEN BECOME A MATTER OF CONCERN TO THE BOARD. IT WAS TAKEN UNDER ADVISEMENT THAT IT NOT BE FORMULATED UNDER THE DENTAL PRACTICE ACT.

- D. ADOPTED REQUIREMENTS TO CONFORM WITH THE FEE BILL SB78.
- D. REVISED ALL APPLICATIONS FORMS FOR THE DENTAL AND HYGIENE EXAMINATION.
- E. REVISED THE INFORMATION PACKET FOR THE CANDIDATES TAKING THE DENTAL HYGIENE EXAMINATION.
- F. ADDRESSED ISSUE REGARDING POSSIBLE INFRACTION BY UNLICENSED AUXILLARY PRACTICE AND CO-PAYMENT FORGIVENESS. A LETTER WAS DRAFTED AND SENT TO ALL LICENSED PROFESSIONALS RESIDING IN THE STATE CONCERNING THIS MATTER.
- G. REQUEST FOR AN ASSISTANT ATTORNEY GENERAL AT THE END OF EACH BOARD MEETING TO ANSWER QUESTIONS AND GIVE LEGAL ADVICE. BETTY RAMAGE, ASSISTANT ATTORNEY GENERAL, DEPART. OF LAW, HAS BEEN PRESENT AT THE LAST TWO BOARD MEETINGS AND HAS BEEN VERY INFORMATIVE AND HELPFULL.

G

- H. NATIONAL MEETINGS: DR. ROBERT WARREN WILL ATTEND THE ANNUAL AMERICAN ASSOCIATION OF DENTAL EXAMINERS MEETING OCT. 8-9, 1987. TOPICS TO BE COVERED:
  - 1. NATIONAL EDUCATION PROGRAM
  - 2. SPECIALTY EXAMINATIONS
  - 3. LEGISLATIVE/LEGAL UPDATE
  - 4. TRUTH-IN-TESTING BILL
  - 5. IN-OFFICE AUDITS
  - 6. DENTAL ASSISTING CERTIFYING BOARD
- I. IMPACT OF FUNDING: FUNDING CUTS WERE FELT IN FY86.
- J. WITH THE RESIGNATION OF TWO BOARD MEMBERS AND THE ADDITION OF TWO BOARD MEMBERS BY THE LEGISLATIVE CHANGES BROUGHT FORTH BY HB228. CONSIDERATIONS WERE DISCLOSED AND MADE TO THE GOVERNOR'S OFFICE.
- K. ANESTHESIA REGULATIONS FOR DENTAL HYGIENISTS: THE BOARD VOTED TO ACCEPT THE RESULTS OF THE WREB ANESTHESIA CLINICAL EXAM AS A REQUIREMENT FOR CERTIFICATION. THIS EXAM IS ADMINISTERED IN CONJUNCTION WITH THE WREB HYGIENE EXAM.
- L. REGULATIONS WERE ADOPTED TO REPEAL THE EXISTING REGULATIONS GOVERNING THE PASS SCORE FOR THE DENTAL EXAM AND NEW REGULATIONS TO ALLOW FOR A 70% PASSING SCORE OR A PASS ON A PASS/FAIL EXAMINATION.
  - 12 AAC 28.105 REPEALED AND READOPTED
  - 12 AAC 28.260 REPEALED AND READOPTED
  - THE BOARD WILL ACCEPT THE JULY SCORES FROM WREB.
- M. REGULATIONS ARE BEING DRAFTED TO ADDRESS THE ACCEPTABLE PASSING SCORE FOR THE WREB EXAM FOR HYGIENE CANDIDATES AT THIS TIME. THE BOARD WILL ACCEPT THE WREB EXAM FOR HYGIENE ON THE SEPTEMBER EXAM. (3)

**FY 87 STATISTICAL INFORMATION**  
(Please Type)

Date: July 27, 1987

**Method:** Check the appropriate method in which licenses are issued (not including Examination), and cite the specific statutory authority.

<u>XX</u> <u>Credentials</u>	AS 08.32.030/08.36.234*
<u>Reciprocity</u>	AS 08._____
<u>Comity</u>	AS 08._____
<u>Endorsement</u> *Suspended by 12AAC 28.950	AS 08._____

**New Licenses:** List each category and the number of licenses issued within each category for the first time in FY 87.

CATEGORY:	NUMBER OF LICENSES:
(1) <u>Dentists</u>	<u>18</u>
(2) <u>Dental Hygienists</u>	<u>23</u>
(3) <u>Dental Specialists</u>	<u>2</u>
(4) <u>Local Anesthetic Permits-Hygienists</u>	<u>28</u>
(5) _____	_____
Total:	<u>71</u>

Number of CURRENT licensees: 911  
 Number of LAPSED licensees: 469  
 Number of INACTIVE licensees: 0

**Expiration Date:** If the expiration date is different for each category, indicate the category after each date.

Expire: 12/31/88 - Dentists & Dental Specialists  
12/31/89 - Dental Hygienists & Local Anesthetic Permit Holders

**Examination:** List each examination separately indicating the licensure category (such as RN, LPN, Dentist, Dental Hygienist), the total number of examinees, number passed and failed.

**Exam Statute Authority:** AS 08.36.070(a)(1)

(1) Category:	Total Candidates	#Passed	#Failed
<u>Dental</u>	<u>20</u>	<u>15</u>	<u>5</u>

Date and City: August 15-17, 1987 Anchorage, Alaska

(2) Category:	Total Candidates	#Passed	#Failed
<u>Dental Hygienists</u>	<u>4</u>	<u>4</u>	<u>0</u>

Date and City: January 15-16, 1987 Anchorage, Alaska

(3) Category:	Total Candidates	#Passed	#Failed
<u>Dentists</u>	<u>5</u>	<u>2</u>	<u>3</u>

Date and City: January 16-17, 1987 Anchorage, Alaska

(4) Category:	Total Candidates	#Passed	#Failed
<u>Dental Hygienists</u>	<u>16</u>	<u>14</u>	<u>2</u>

Date and City: June 26-27, 1987 Anchorage, Alaska

Total Licensed by Exam: 36

**Meetings: List Date(s) and Location(s)**

1. August 16, 1986 - Anchorage, Alaska
2. November 13, 1986 - Conference Call
3. January 15, 1987 - Anchorage, Alaska
4. June 26, 1987 - Anchorage, Alaska

**Teleconferences: List Date(s) and Site(s)**

1. November 13, 1986 - Anchorage, Fairbanks, Soldotna, Juneau
- 2.
- 3.
- 4.

**Regulation Hearings: List Date(s) and Site(s)**

**Investigations: (Attach Case Summary)**

## SUNSET AUDIT RECOMMENDATIONS

### FINDINGS AND RECOMMENDATIONS OF THE 1984 SUNSET AUDIT

#### RECOMMENDATION NO. 1

THE BOARD OF DENTAL EXAMINERS SHOULD ADOPT REGULATIONS TO PROVIDE REQUIREMENTS FOR PROOF OF CONTINUED PROFESSIONAL COMPETENCE FOR DENTISTS, DENTAL HYGIENISTS, AND DENTAL SPECIALISTS. AS 08.36.070

REGULATIONS FOR CONTINUING EDUCATION HAVE BEEN DRAFTED BY THE BOARD OF DENTAL EXAMINERS OVER THE PAST YEAR AND A HALF. THEY HAVE GONE UP FOR PUBLIC NOTICE AND WILL BE ADOPTED INTO REGULATION AT THE OCT. BOARD MEETING.

#### RECOMMENDATION NO. 2

THE BOARD SHOULD PURSUE ADOPTING POLICIES ALLOWING FOR LICENSURE BY CREDENTIALS.

FROM THE BOARD'S STANDPOINT CREDENTIALLING IS VIEWED AS AN UNACCEPTABLE MEANS OF LICENSURE. VERIFICATION OF CREDENTIALS AND THE ABILITY TO DETERMINE MANUAL SKILLS WERE PRIMARY SHORT COMINGS OF THE CREDENTIALLING PROCESS. THE STATES THAT LICENSE BY CREDENTIALS ARE EASTERN OR MIDWEST STATES. NO WESTERN STATES LICENSE BY CREDENTIALS AT THIS TIME.

THE BOARD HAS RECENTLY JOINED THE WESTERN REGIONAL BOARD (WREB) WHICH TESTS 600-700 DENTAL AND HYGIENE CANDIDATES ANNUALLY. THOSE PASSING THE WREB EXAM WILL BE ELIGIBLE FOR LICENSURE IN THE STATE OF ALASKA, THUS ENSURING A PLENTIFUL SUPPLY OF QUALIFIED PRACTITIONERS. THE JOINING OF THE WESTERN REGIONAL EXAM HAS REDUCED THE BOARD'S BUDGET BY \$25,000 ANNUALLY. THIS AMOUNT WAS FORMERLY SPENT ON THE STATE TESTING. THE WREB PAYS ALL TRAVEL AND PER DIEM COSTS. THE COST TO THE STATE IS ZERO.

THE WREB EXAM IS GIVEN FOUR TIMES A YEAR AND EXAMINERS FROM ALASKA MUST ATTEND EACH EXAM. IN ADDITION THERE ARE TWO WREB BOARD MEETINGS ANNUALLY AND AN EXAMINATION REVIEW MEETING WHICH STATE MEMBERS MUST ATTEND. DAYS OUT OF PRACTICE FOR EACH EXAMINER WILL BE 16-19 DAYS PER YEAR.

LICENSURE BY CREDENTIALING IS NOT ACCEPTABLE FOR THE FOLLOWING REASONS:

- 1). NOT BEING ABLE TO DETERMINE THE ABILITY OF THE PRACTITIONER.
- 2). INADEQUATE VERIFICATION I.E. NO STANDARDIZED MEANS OF EXCHANGE OF INFORMATION BETWEEN STATES ON MATTERS OF PENDING LITIGATION IN MALPRACTICE OR CONVICTIONS.

- 3). COST TO THE STATE. ADDITIONAL BOARD TRAVEL. PER DIEM PLUS COSTS INCURRED IN ATTEMPTING TO VERIFY APPLICATIONS FOR CREDENTIALLING.
- 4). INCREASE IN VOLUNTARY BOARD MEMBERS TIME AWAY FROM THEIR PRACTICES AND FAMILY.  
FOUR WREB EXAMINATIONS  
ONE IN STATE HYGIENE EXAM  
TWO WREB BOARD MEETINGS PER YEAR  
TWO EXAMINATION REVIEW MEETINGS PER YEAR  
THREE STATE OF ALASKA BOARD MEETINGS  
TWO TELECONFERENCES PER YEAR  
ANNUAL AADE MEETING
- 5). THE "TIME" OF THE CREDENTIALLING PROCESS HAS NOT YET COME TO THE WESTERN STATES. ALASKA WOULD BE THE ONLY WESTERN STATE TO HAVE CREDENTIALLING.
- 6). TESTIMONY BY SPECIALTY GROUPS AND STATE DENTAL SOCIETY GROUPS RESPECTFULLY RECOMMEND THAT THE STATE OF ALASKA NOT LICENSURE DENTISTS BY CREDENTIALS.

## REVIEW OF PRIOR YEAR OBJECTIVES

- A. ADOPT FINAL CONTINUING EDUCATION REGULATIONS  
FINAL WORDING WAS APPROVED AND WENT OUT TO PUBLIC NOTICE.  
ISSUE IS TO ADDRESS AT THE OCT. 23, 1987 MEETING TO  
DISCUSS PUBLIC OPINION RECEIVED AND TO ADOPT FINAL DRAFT.
- B. ADDRESS LETTER OF INTENT FROM LEGISLATURE.  
TESTIMONY CONTINUES TO BE GATHERED CONCERNING LICENSURE  
BY CREDENTIALS FOR DENTISTS AND SPECIALISTS.  
PRESENTLY AFFILIATED WITH THE WESTERN REGIONAL BOARD  
AND ACCEPTING THE EXAMINATION SCORES FOR WREB
- C. COMMITTEE HAS BEEN FORMED TO ADDRESS THE ISSUE OF CHEMICALLY  
IMPAIRED PRACTITIONERS.
- D. DEVELOP A NEW CLINICAL PROCEDURE TO REPLACE THE GOLD FOIL;  
NO LONGER PERTINENT.
- E. INVESTIGATE EXPANDED DUTIES FOR DENTAL HYGIENISTS AND  
ASSISTANTS: ISSUE HAS NOT BEEN ADDRESSED IN FY87.
- F. PURSUE MANDATORY LEGAL REPRESENTATION AT ALL MEETINGS:  
THE PAST BOARD MEETINGS HAVE HAD REPRESENTATION OF AN  
ASSISTANT ATTORNEY GENERAL. CONTINUED REPRESENTATION  
IS REQUESTED AND GREATLY APPRECIATED.
- G. ENCOURAGE THE DIVISION OF OCCUPATIONAL LICENSING TO DEVELOP  
AND STREAMLINE ITS INVESTIGATIVE PROCEDURES TO INSURE MORE  
TIMELY RESOLUTION OF CASES AND COMPLAINTS:  
THIS ISSUE HAS BEEN SATISFACTORILY ADDRESSED BY THE DIVISION  
OF OCCUPATIONAL LICENSING. IT IS ADVISED THAT THE REMAINING  
OPEN CASES BE ADDRESSED AND CLEARED IN AN ORDERLY FASHION.
- H. ENSURE THAT ADEQUATE FUNDING BE APPROPRIATED FOR NECESSARY  
MEETINGS AND EXAMS:  
THE AFFILIATION WITH THE WESTERN REGIONAL BOARD GREATLY  
REDUCES THE FINANCIAL BURDEN FOR EXAMINATION. THE WREB  
EXPENDITURE IS COVERED BY WREB.

## NEW GOALS AND OBJECTIVES

1. TO ESTABLISH AND MAINTAIN A GOOD WORKING RELATIONSHIP WITH THE WESTERN REGIONAL BOARD.
  - a.) IT WILL BE THE RESPONSIBILITY OF THE BOARD MEMBERS TO PARTICIPATE IN THE FOUR DENTAL EXAMINATIONS GIVEN BETWEEN MARCH AND SEPTEMBER. EACH EXAM WILL REQUIRE A MINIMUM OF FIVE DAYS PARTICIPATION.
  - b.) THE BOARD WILL BE RESPONSIBLE FOR A DENTAL HYGIENE EXAMINATION TO BE GIVEN IN THE SPRING OF EACH YEAR. ALL BOARD MEMBERS MAY BE INVOLVED IN THIS EXAMINATION. THE HYGIENE MEMBER OR A DENTAL MEMBER WILL ALSO BE INVOLVED IN THE SEPTEMBER EXAM. THIS IS A COMBINED DENTAL/HYGIENE EXAMINATION GIVEN IN LOMA LINDA UNIVERSITY, CALIF.
  - c.) A DENTAL MEMBER WILL ALSO REPRESENT ALASKA AT TWO YEARLY BOARD MEETING OF WREB. MEMBER TO BE DECIDED BY THE BOARD. A BOARD MEMBER WILL ALSO PARTICIPATE IN THE EXAMINATION WORKSHOP HELD EACH YEAR TO REVIEW THE EXAMINATION PROCESS. DENTAL AND HYGIENE.
2. FINALIZE ADOPTION OF THE CONTINUING EDUCATION REGULATIONS. THE FINAL DRAFT OF THE CONTINUING EDUCATION REGULATIONS HAVE BEEN COMPLETED BY THE REGULATION SPECIALIST AND HAVE BEEN PRESENTED FOR PUBLIC NOTICE. ADOPTION SHOULD BE AT THE OCT. BOARD MEETING.
3. FINALIZE POLICY IN REGARD TO CHEMICALLY IMPAIRED PRACTITIONERS.
4. CLARIFY AND DEFINE THE PRACTICE OF DENTAL HYGIENE AND THOSE PROCEDURES DELEGATED BY PRACTICING DENTISTS. THIS WILL ALSO INCLUDE CONTINUED INVESTIGATION INTO EXPANDED DUTIES FOR DENTAL HYGIENISTS AND ASSISTANTS.
5. GUIDE THE DEPARTMENT OF OCCUPATIONAL LICENSING IN STREAMLINING THE INVESTIGATIVE PROCESS.
6. DEVELOP WAYS THE BOARD CAN EXERCISE ITS DISCIPLINARY POWERS.
7. DEVELOP REGULATIONS INVOLVING IV SEDATION.
8. DEVELOP A COOPERATIVE RELATIONSHIP WITH THE ATTORNEY GENERAL'S OFFICE.

BUDGET RECOMMENDATIONS

PROPOSED BOARD MEETINGS FY88

OCT. 23. 1987	ANCHORAGE
JAN. . 1988	JUNEAU
APR. . 1988	ANCHORAGE TO BE HELD IN CONJUNCTION WITH THE WREB EXAM. DATE TO BE DETERMINED BY WREB.

REQUEST 2 TELECONFERENCES

REQUEST FUNDING TO THE ANNUAL AADE MEETING FOR 1988  
1 DENTAL MEMBER  
1 HYGIENE MEMBER

REQUEST FUNDING TO SEND CHAIRMAN TO THE 104 ANNUAL AADE  
MEETING TO BE HELD OCT. 8-9. 1987.

BOARD RECOMMENDATIONS FOR  
PROPOSED LEGISLATION

PROPOSED LEGISLATION HAS NOT BEEN ADDRESSED BY THE  
BOARD OF DENTAL EXAMINERS.

BOARD RECOMMENDATIONS FOR  
PROPOSED REGULATIONS

PROPOSED REGULATION:

REGULATION TO ADDRESS THE CERTIFICATION OF  
LOCAL ANESTHESIA FOR HYGIENISTS

INTENTION: TO REQUIRE SUCCESSFUL PASSAGE OF THE  
ANESTHESIA CLINICAL EXAMINATION  
ADMINISTERED BY WESTERN REGIONAL BOARD.

12 AAC 28.320 CERTIFICATION REQUIRED

- (a) same
- (b) same
- (c) same

(d) Certificate from the Western Regional Board  
stating successful passage of the clinical  
anesthesia examination is required for certi-  
fication in the state of Alaska.

REGULATION CHANGE ADDRESSES THE PROBLEM MENTIONED BELOW;

IT HAS BEEN A CONCERN OF THE BOARD THAT AN APPLICANT  
WHO HAS COMPLETED A COURSE IN LOCAL ANESTHESIA BUT HAS NOT  
APPLIED FOR CERTIFICATION IN MORE THAN SIX MONTHS FROM  
THE TIME OF COMPLETION HAS LOST VITAL SKILLS IN THE  
ADMINISTRATION OF LOCAL ANESTHESIA. FOR THE SAFETY  
OF THE PATIENT IT IS IN THEIR BEST INTEREST TO ACCEPT  
THE RESULTS OF THE CLINICAL ANESTHESIA EXAM ADMINISTERED  
BY THE WESTERN REGIONAL BOARD.

THE BOARD VOTED TO ACCEPT THE RESULTS OF THE CLINICAL  
ANESTHESIA EXAM AT THE SEPT.1987 EXAM GIVEN AT LOMA LINDA  
UNIVERSITY.

PROPOSED REGULATION:

REGULATION TO ADDRESS I.V.SEDATION FOR DENTISTS

INTENTION: TO STATE THE REQUIRED EDUCATION AND  
CERTIFICATION TO ADMINISTER/MONITOR  
I.V. SEDATION. 12 AAC 28.320

CONCERN FOR PATIENT SAFETY WAS BROUGHT TO THE BOARDS  
ATTENTION BY A REPRESENTATIVE OF THE ORAL SURGEONS.  
A COMMITTEE WAS FORMED TO REVIEW REGULATIONS FROM OTHER  
STATES REGARDING I.V.SEDATION. PROPOSED WORDING WILL  
WILL BE FORTH COMING.



# AGD IMPACT

THE NEWSMAGAZINE OF THE ACADEMY OF GENERAL DENTISTRY

VOLUME 16 NUMBER 2

## LICENSURE BY CREDENTIALS

*Dentists face battles crossing state lines*

By Silvia Foli

A dentist from New York decides he wants to practice in Hawaii, but finds that he first must pass the Hawaii dental exam. If a Hawaiian dentist, however, wants to move to New York, he has only to prove that he has a license to practice dentistry, has been practicing for five years, and has a clean record.

The New York policy is called licensure by credentials, which means that a dentist doesn't have to take another examination to prove he is competent. His experience and credentials are enough.

In some states, licensure by credentials is extended only to those dentists from states with a mutually cooperative licensure agreement. For example, Pennsylvania will accept Utah dentists based on their credentials only if Utah will accept Pennsylvania dentists on the same terms. This is called licensure by reciprocity, sometimes referred to as "blackmail reciprocity."

According to the American Dental Association (ADA), the District of Columbia, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine,

*Continued on page 10*



**My kind of town**  
Participants will be "Reaching New Heights" at this



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**Congressional review**

The first session of the 100th Congress will be

for its many issues.  
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**For he's a jolly good Fellow**

More than 60 percent of AGD members indicated that they intend to pursue the prestigious Fellowship Award.



237

# Stalemates make for slow year in Congress

*Deficit, taxes and AIDS will dominate next session*

By Zev Remba

The first session of the 100th Congress probably will be remembered for the host of bills that didn't pass rather than for those that won approval.

It was a year when Congress, through negotiations with the White House, made the first real inroads into trimming the \$148 billion federal deficit.

It also was a year when Democrats, having won control of both the House and Senate, clashed with the White House and Congressional Republicans over issues including the federal budget, tax increases and AIDS policies. The result: legislative stalemates on many issues.

The second session of the 100th Congress, which opens Jan. 19, likely will see the passage of some important health care legislation—particularly in the areas of AIDS testing and anti-discrimination, mandated health benefits and the Federal Trade Commission.

## New public laws

*Federal data bank on malpractice.* Although a 1986 law directed the Department of Health and Human Services (HHS) to develop a nationwide data bank on malpractice claims and disciplinary actions against health care providers, Congress failed to fund the data bank in time for its November 1987 startup. In the last days of December 1987, Congress finally came up with \$3.2 million to launch the project, but the new startup date—sometime in 1988—is anybody's guess.

## Sanctions against unfit doctors.

Under the Medicare and Medicaid Patient Protection Act, signed by the President in August, HHS now can bar unscrupulous or unfit dentists, physicians, or other providers from taking part in Medicare, Medicaid, or other federal health programs. Health care providers convicted of fraud, patient abuse or neglect under one program may not take part in any federal health program for at least five years. The law allows HHS to

exclude doctors who provide unnecessary or substandard care.

*New tax measures.* A package of spending cuts and revenue-raisers, based on agreements forged between Congress and the White House in November 1987, wound its way through Congress in the last few days of the 1987 session. The new law raises \$9 billion in fiscal 1988 and \$14 billion in fiscal 1989 by tightening tax provisions for businesses and wealthy individuals. About one-fourth of the savings comes from cutting or capping Medicare payments to physicians and hospitals.

Among the new tax provisions:

- Professional corporations with taxable income below \$335,000 will pay the flat 34 percent corporate tax rate rather than use graduated tax rates.

- Employers no longer will be permitted to deduct new contributions to vacation reserves or to certain pension funds.

- Owners of family businesses may no longer take FICA tax exemptions for children and spouses working for them.

## Bills expected to pass

Two bills that could impact on dental practices are near passage, and will likely become law in 1988.

The House and Senate versions of a bill redefining the scope of the Federal Trade Commission (H.R. 2897) are before negotiators who will work out differences between the two chambers. The bills direct the FTC to study the causes of liability premium hikes for dentists, physicians, day care centers and other groups. If approved, the bills would allow Congress to veto FTC rulings within 90 days and limit the FTC's ability to interfere in state-regulated professions such as dentistry.

In October, the House approved the High Risk Occupational Disease Notification and Prevention Act (H.R. 162), which would require the federal government to notify workers of possible exposure to disease-causing chemicals. An amendment to

the bill by Rep. William Dannemeyer (R-Calif.) would require 3-4 million dental, medical and emergency care workers to be warned that they are at risk of contracting the virus that causes AIDS. The bill also would require employers of these "at-risk" workers to provide and pay for medical monitoring of the conditions of workers.

Sen. Jesse Helms (R-N.C.) has agreed to offer a similar amendment to the Senate version of the bill (S. 79), which won approval from a Senate Labor Committee in September and is ready for action on the Senate floor.

## Bills to watch

*Mandated health benefits.* The Senate Labor Committee held extensive hearings on a proposal by Sen. Edward Kennedy (D-Mass.) to require employers to pay 80 percent of the cost of health benefits for their workers (S. 1265). Organized labor and the American Hospital Association say the bill would provide access to health care for about two-thirds of the nation's 37 million uninsured.

*AIDS testing and confidentiality.* Democrats and liberal Republicans reached a stalemate with conservative members of Congress in 1987 over legislation (H.R. 3071) that would fund voluntary AIDS testing and counseling. The bill, drafted by Rep. Henry Waxman (D-Calif.), also would ensure confidentiality of test results and extend anti-discrimination protection to those carrying the AIDS virus.

*Insurance reform.* Interest of Congressional Democrats in insurance reporting legislation picked up in late 1987 when a House panel approved product liability legislation. Rep. Al Swift (D-Wash.) hopes to see his bill (H.R. 3643)—which would require insurers to report data on payouts, premiums and investment income for each line of insurance—attached to a product liability bill on the House floor.

P.L.  
99-660

Introduced: 2/2/87  
Referred: Health, Education &  
Social Services and Finance

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IN THE HOUSE

BY MENARD AND GRUENBERG

HOUSE BILL NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act extending the termination date of the Board  
of Dental Examiners; and providing for an effective  
date."

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

\* Section 1. AS 08.03.010(c)(6) is amended to read:

(6) Board of Dental Examiners (AS 08.36.010) -- June 30,  
1991 [1988].

\* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).