

HB

103

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.

Kathy Marshall

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

January 22, 1988

Representative Nilo Koponen, Co-Chair
House Health, Education and Social Services
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Koponen:

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, D.D.S.
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
Secretary
Member
Member
Member
Member
Member

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

STATE OF ALASKA

AUDIT DIVISION
PO BOX W
JUNEAU, ALASKA 99811-3300

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

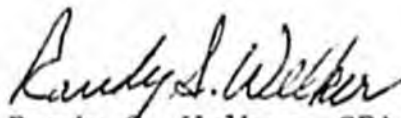
December 31, 1987

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 (sunset 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

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report	1
Organization and Function	3
Report Conclusion	5
Findings and Recommendations	7
Analysis of Public Need	9
Appendixes:	
A. Schedule of Revenues Compared with Expenditures, for Fiscal Year 1987	15
B. Schedule of Estimated Revenues Compared with Budgeted Expenditures, for Fiscal Year 1988	16
C. Practical Examination and Statistics	18
D. Schedule of Administrative Statistics	19
Agency Response:	
Department of Commerce and Economic Development	21

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.

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, assurance 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.

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.

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.

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.

APPENDIXES

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.

Note 2

Revenues were estimated based upon the current licensing fees (See schedule 1) and projected license renewals and application fees for fiscal years 1988, 1989, 1990 and 1991. Because of a downward trend in Alaska's economy the projection for revenues includes a factor representing a 20% to 30% decline in the number licensed professionals.

Note 3

Expenditures consist of FY88 budgeted direct costs associated with board member activities (i.e. travel and per diem) and a allocation of direct and indirect costs of DOL. It should be noted that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

Note 4

This schedule represents the licensing fees currently in effect. Fees were raised in November 1986 in response to legislative intent to make the Boards more self supporting. Fees have not be adjusted to reflect biennial renewal schedule which passed in 1987.

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

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

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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

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").

source does the interest in credentialing 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 credentialing 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.

Title: An Act extending the termination date of the Board of Dental Examiners;...
 Sponsor: Reps. Menard & Gruenberg
 Requestor: _____

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

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. Alexander Smith
 Agency: Commerce and Economic Development

Date: 1/22/88

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