

1-23-92

HB 31

HB 247



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

## MEMBERS:

REP. ELLIS, CHAIR  
REP. DAVIDSON, VICE-CHAIR  
REP. DONLEY  
REP. GRUSSENDORF  
REP. GRUENBERG  
REP. MARTIN  
REP. TAYLOR

HOUSE RULES COMMITTEE MEETING  
THURSDAY, JANUARY 23, 1992  
CAPITOL ROOM 208  
8:00 A.M.

## AGENDA:

HB 31      APPLICANTS FOR PHARMACIST LICENSING  
HB 247     LICENSURE OF DENTISTS



# HOUSE RULES COMMITTEE

## JOHNNY ELLIS, CHAIR

465-3765

DATE: January 23, 1992

PLACE: Speaker's Chambers

**SUBJECT OF MEETING:**  
 HB 31 Applicants for Pharmacists Licenses  
 HB 247 Licensure of Dentists

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Nancy BENNETT	Rep Mackie	State Capitol		<del>3882</del>	3882	Y <input checked="" type="radio"/> N	HB 247
Rep Niilo Koponen	self	Capitol 503			4942	Y <input checked="" type="radio"/> N	HB 31
STAN ROSS	Greenb...	" 214			3718	Y <input checked="" type="radio"/> N	
Ashley Reed	Dental Magistrate	3201 C St #300 Anch 99503			562 2560	Y <input checked="" type="radio"/> N	HB 247
Rep. Mackie						<input checked="" type="radio"/> Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-463-2800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Rules 1-23-92 8:00 am*

B  
(7)

**HOUSE COMMITTEE REPORT**

Date Referred: 5/13/91

FURTHER REFERRALS:

Date of Committee Action: 1-23-92

1-24-92  
HB 31

The Rules Committee considered:

HOUSE BILL NO. 31

"An Act relating to applicants for pharmacist licenses."

RECOMMENDATIONS:  
be replaced with CSHB 31 (Rules)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note DCED (Fy92 report)

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ph Ellis</i>	✓				
<i>Ben ...</i>	✓				
<i>...</i>	✓				
<i>...</i>	✓				
<i>...</i>	✓				
<i>...</i>	✓				
<i>...</i>	✓				

*Ph Ellis*  
CHAIRMAN'S SIGNATURE



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

## HB 31: APPLICANTS FOR PHARMACIST LICENSING

### I N D E X

- I. RULES COMMITTEE DRAFT CS
- II. ORIGINAL VERSION
- III. SPONSOR STATEMENT
- IV. DCED POSITION PAPER
- V. PHARMACIST LICENSING FACTS
- VI. FISCAL NOTE

CS FOR HOUSE BILL NO. 31 (RULES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered:  
Referred:

Sponsor(s): Representative Koponen

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to applicants for pharmacist licenses; and providing for an effective  
2 date."

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

4 \* Section 1. AS 08.80.110 is amended to read:

5 Sec. 08.80.110. QUALIFICATIONS FOR REGISTRATION. An applicant for  
6 registration as a pharmacist shall

7 (1) be fluent in the reading, writing, and speaking of the English language;

8 (2) furnish the board with at least two affidavits from reputable citizens, that the  
9 applicant has known for at least one year, attesting to the applicant's good moral character and  
10 freedom from addiction to the use of drugs or alcoholic liquors;

11 (3) be a graduate of a college of pharmacy recognized by the American Council  
12 on Pharmaceutical Education or, if the applicant has received a bachelor of science degree  
13 in pharmacy or an equivalent degree from an institution located outside of the United States  
14 and its territories, possess the Foreign Pharmacy Graduate Equivalency Committee

1 certificate issued by the Foreign Pharmacy Graduate Equivalency Committee of the  
2 National Association of Boards of Pharmacy Foundation [AMERICAN ASSOCIATION OF  
3 COLLEGES OF PHARMACY];

4 (4) pass an examination by a board of pharmacy which has been approved by the  
5 National Association of Boards of Pharmacy;

6 (5) have completed at least 1,500 hours of internship training under the direct  
7 supervision of a licensed pharmacist in a licensed pharmacy, 160 hours of which must have been  
8 completed after graduation.

9 \* Sec. 2. AS 08.80.110 is amended to read:

10 Sec. 08.80.110. QUALIFICATIONS FOR REGISTRATION. An applicant for  
11 registration as a pharmacist shall

12 (1) be fluent in the reading, writing, and speaking of the English language;

13 (2) furnish the board with at least two affidavits from reputable citizens, that the  
14 applicant has known for at least one year, attesting to the applicant's good moral character and  
15 freedom from addiction to the use of drugs or alcoholic liquors;

16 (3) be a graduate of a college of pharmacy recognized by the American Council  
17 on Pharmaceutical Education [OR, IF THE APPLICANT HAS RECEIVED A BACHELOR OF  
18 SCIENCE DEGREE IN PHARMACY OR AN EQUIVALENT DEGREE FROM AN INSTITU-  
19 TION LOCATED OUTSIDE OF THE UNITED STATES AND ITS TERRITORIES, POSSESS  
20 THE FOREIGN PHARMACY GRADUATE EQUIVALENCY COMMITTEE CERTIFICATE  
21 ISSUED BY THE FOREIGN PHARMACY GRADUATE EQUIVALENCY COMMITTEE OF  
22 THE NATIONAL ASSOCIATION OF BOARDS OF PHARMACY FOUNDATION];

23 (4) pass an examination by a board of pharmacy which has been approved by the  
24 National Association of Boards of Pharmacy;

25 (5) have completed at least 1,500 hours of internship training under the direct  
26 supervision of a licensed pharmacist in a licensed pharmacy, 160 hours of which must have been  
27 completed after graduation.

28 \* Sec. 3. AS 08.80.116(b) is amended to read:

29 (b) An applicant for license as a pregraduate pharmacist must meet the requirements of  
30 AS 08.80.110(1) and (2) and must be enrolled in a pharmacy school recognized by the American  
31 Council on Pharmaceutical Education [AMERICAN ASSOCIATION OF COLLEGES OF

1 PHARMACY] as a junior. An applicant may be on recognized vacation from the pharmacy  
2 school. However, the vacation may not exceed one quarter or one semester. The pregraduate  
3 internship pharmacist shall pay the required fee.

4 \* Sec. 4. AS 08.80.480(13) is repealed.

5 \* Sec. 5. Section 2 of this Act takes effect July 1, 1994.

HOUSE BILL NO. 31

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KOPONEN

Introduced: 1/21/91

Referred: Labor and Commerce, Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to applicants for pharmacist licenses."

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

3 • Section 1. AS 08.80.110 is amended to read:

4 Sec. 08.80.110. QUALIFICATIONS FOR REGISTRATION. An applicant for  
5 registration as a pharmacist shall

6 (1) be fluent in the reading, writing, and speaking of the English language;

7 (2) furnish the board with at least two affidavits from reputable citizens, that the  
8 applicant has known for at least one year, attesting to the applicant's good moral character and  
9 freedom from addiction to the use of drugs or alcoholic liquors;

10 (3) be a graduate of a college of pharmacy recognized by the American Council  
11 on Pharmaceutical Education or, if the applicant has received a bachelor of science degree  
12 in pharmacy or an equivalent degree from an institution located outside of the United States  
13 and its territories, possess the Foreign Pharmacy Graduate Equivalency Committee  
14 certificate issued by the Foreign Pharmacy Graduate Equivalency Committee of the

1 National Association of Boards of Pharmacy Foundation [AMERICAN ASSOCIATION OF  
2 COLLEGES OF PHARMACY];

3 (4) pass an examination by a board of pharmacy which has been approved by the  
4 National Association of Boards of Pharmacy;

5 (5) have completed at least 1,500 hours of internship training under the direct  
6 supervision of a licensed pharmacist in a licensed pharmacy, 160 hours of which must have been  
7 completed after graduation.

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9 (b) An applicant for license as a pregraduate pharmacist must meet the requirements of  
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12 PHARMACY] as a junior. An applicant may be on recognized vacation from the pharmacy  
13 school. However, the vacation may not exceed one quarter or one semester. The pregraduate  
14 internship pharmacist shall pay the required fee.

15 \* Sec. 3. AS 08.80.480(13) is repealed.

III

# Alaska State Legislature

Alaska State Capitol  
Juneau, AK 99801-1182  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
Juneau, Alaska 99801  
(907) 465-4992

Representative Niilo Koponen  
House District 21

119 N. Cushman, Suite 207  
Fairbanks, Alaska 99701  
(907) 456-8172

## SPONSOR STATEMENT

### House Bill 31 "An Act relating to applicants for pharmacist licenses"

Foreign-educated doctors, nurses, chiropractors, physical therapists, optometrists and veterinarians may practice in Alaska, provided they successfully complete Alaskan licensing examinations and fulfill all pertinent qualifications. Standard equivalency examinations insure that credentials earned outside of the United States meet American standards of academic and clinical competence.

HB 31 extends the same opportunity to pharmacists trained at non-U.S. institutions. The state would benefit from expanding the universe of trained professionals available to serve the public. At present, Alaskans may qualify for state loans to study pharmacy at non-U.S. institutions, but they may not be licensed when they return to the state. Continued exclusion of these Alaskans from practice is inconsistent with treatment of other health professionals and extends no apparent advantage to other state residents.

Section 2 of the bill is essentially a sunset. Changes made by Section 1 allow licensure of foreign-educated pharmacists. When it takes effect in July 1994, Section 2 returns the statute's licensing requirements to the qualifications presently in place.

The greater principle of licensing competent professionals in Alaska is made clear -- and urgent -- in one specific case. A constituent of mine, educated at the Sorbonne in Paris, cannot work as a pharmacist in Alaska. She and her husband, a highly-valued member of the UAF mathematics faculty, may leave the state if she is unable to secure a professional pharmacist position in Alaska. It would be an unnecessary loss to our citizens if we lost these Alaskans to the Lower 48.

I urge your affirmative vote on HB 31.

HB 31: An Act relating to applicants for pharmacist licenses.

The Department of Commerce and Economic Development supports passage of HB 31.

The proposed legislation will address a problem of longstanding for the Board of Pharmacy (hereinafter "board") within the Division of Occupational Licensing (hereinafter "division"). Presently, the board has no provision for licensure of pharmacy graduates educated in institutions not recognized by the American Council on Pharmaceutical Education (ACPE) and located outside the United States and its territories (hereinafter "foreign graduates").

The bill amends the qualifications for pharmacy registration to recognize applicants who have received their bachelor of science degree in pharmacy or an equivalent degree from outside of the United States and its territories. Currently, when foreign graduates apply for licensure, regardless of their qualifications, the board must deny licensure.

Nationally, the National Association of Boards of Pharmacy (NABP) Foundation has responded to this problem by developing course review procedures geared towards determining whether the bachelor of science degree in pharmacy attained by a foreign graduate is substantially equivalent to the degree and learning attained by a graduate of an ACPE accredited school in the United States.

The foreign graduate who possesses an NABP Foreign Pharmacy Graduate Equivalency Committee certificate is considered equivalently educated and is, therefore, eligible for licensure (assuming compliance with other admission criteria) in any state throughout the country. HB 31 will allow foreign-trained pharmacy graduates who possess an NABP Foreign Pharmacy Graduate Equivalency Committee certificate the opportunity to become licensed in Alaska.

There exists nationwide a significant shortage of pharmacists and an acute shortage in Alaska. This legislation will enable the state to admit qualified foreign graduates and, potentially improve our ability to meet our employment needs in this area.

Therefore, the department urges passage of HB 31.



Glenn A. Olds, Commissioner

Date: February 1, 1991

GAO/JS/dgl8849D  
020191b

V

## PHARMACIST LICENSING FACTS

The American Council on Pharmaceutical Education (ACPE, established 1932) is the national agency for accreditation of professional degree programs in pharmacy and for approval of providers of continuing pharmaceutical education.

The ACPE presently recognizes 74 accredited professional programs in 43 states, plus the District of Columbia and Puerto Rico.

30 other states, the District of Columbia and Puerto Rico allow foreign-educated pharmacists to sit for state licensing exams if they pass the Foreign Pharmacy Graduate Equivalency Examination administered by the Foreign Pharmacy Graduate Examination Committee (FPGEC).

The FPGEC certificate is awarded only to four-year graduates with Bachelor of Science degrees scoring 550 or higher on the Test of English as a Foreign Language.

Some foreign graduates are allowed to enter accredited U.S. schools of pharmacy as advanced students. After graduation, they qualify to take state examinations.

New York and California allow some candidates to take the state examination after their credentials have been evaluated and approved by the state licensing board.

### ALASKA FACTS

All pharmacists must be licensed in Alaska. Operators of pharmacy businesses must also have a license to dispense drugs and controlled substances. Applicants must be graduates of a college of pharmacy and complete at least 1,500 hours as an intern.

Application fee: \$30.00  
Examination fee: \$150.00  
License fee: \$180.00  
Biennial renewal: \$180.00

### ALASKA EMPLOYMENT

(Statistics from the Alaska Department of Labor)

Employment in 1989: 188; in 1990: 193; in 1994: 209 (predicted)

Average Annual Job Openings, 1989-1994

Due to Growth: 4; Due to Separations: 5; Total: 9

Current license holders: 489

*misc. facts*

HB31 Miscellaneous Notes

Alaska licenses the following professionals who were educated at non-U.S. institutions:

Physicians  
Nurses  
Optometrists  
Chiropractors  
Physical Therapists  
Veterinarians

On 4/25/91, the chairman of the Board of Pharmacy told me (RGC) that he had five vacancies for pharmacists in his company (Carr's) alone.

This is not a one-constituent bill. One constituent brought to light the broader issue -- a statewide shortage of pharmacists, and an inability for Alaskans educated at non-U.S. institutions to work in Alaska.

FISCAL NOTE

**VI**

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 31

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Dev.  
 Title: An Act relating to applicants for pharmacist licenses. BRU: Occupational Licensing  
 Component: Administration  
 Sponsor: Rep. Koponen  
 Requestor: Rep. Koponen COMPONENT SERIAL NO. 

0	3	5	6
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
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						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

HB 31 amends pharmacy education requirements for licensure to allow foreign pharmacy graduates an opportunity to become licensed. New funds are not required to implement this bill.

Prepared By: Jennifer Strickler, Administrative Officer Phone: 465-2144  
 Division: Occupational Licensing Date: February 1, 1991

Approved by Commissioner: Glenn A. Olds  
 Agency: Department of Commerce & Economic Development Date: February 1, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies)

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**FISCAL NOTE**

Revision Date: 01/22/92 Department Affected: Commerce & Economic Development  
 Title: An Act relating to applicants for pharmacist licenses. BRU: Occupational Licensing  
 Component: Administration  
 Sponsor: Rep. Koponen  
 Requestor: House Rules COMPONENT SERIAL NO. 

0	3	5	6
---	---	---	---

**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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**FUNDING: (Thousands of Dollars)**

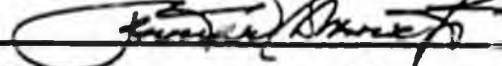
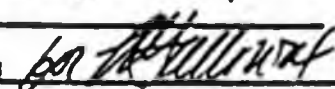
GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

**ANALYSIS: (Attach a separate page if necessary)**  
 HB 31 amends pharmacy education requirements for licensure to allow foreign pharmacy graduates an opportunity to become licensed. New funds are not required to implement this bill.

Prepared By: Jennifer Strickler  Phone: 465-2144  
 Division: Occupational Licensing Date: 01/22/92  
 Approved by Commissioner: Glen A. Oida  for the Willard Act - Comm.  
 Agency: Department of Commerce & Economic Development Date: 1-22-92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska State Capitol  
Juneau, AK 99801-1182

# Alaska State Legislature

Representative Niilo Koponen

House District 21

119 N. Cushman, Suite 207  
Fairbanks, Alaska 99701  
(907) 456-8172

(907) 465-4992

## SECTIONAL ANALYSIS

### CS FOR HOUSE BILL NO. 31 (RULES)

"An Act relating to applicants for pharmacist licenses;  
and providing for an effective date."

Section 1. Replaces the American Association of Colleges of Pharmacy (AAP), a service organization for U.S. pharmacy schools, with the American Council on Pharmaceutical Education (ACPE), which accredits all U.S. schools of pharmacy, as the agency responsible for recognizing institutions from which Alaska-licensed pharmacists graduate. Allows Alaska licensing of graduates of non-U.S. institutions after applicants pass the Foreign Pharmacy Graduate Equivalency Examination, a standard test employed by a majority of other states.

Section 2. Effectively sunsets licensing of foreign-educated pharmacists; replaces Section 1 with the previous statutory language after July 1, 1994.

Section 3. Changes accreditation authority for Alaskan pregraduate intern pharmacists from AAP to ACPE.

Section 4. Repeals obsolete definition of "recognized college of pharmacy," since it is redefined in Section 1.

Section 5. Provides an effective date for the Section 2 sunset.

Alaska State Capitol  
Juneau, AK 99801-1182

Alaska State Legislature  
Representative Niilo Koponen

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SPONSOR STATEMENT

House Bill 31

"An Act relating to applicants for pharmacist licenses"

Foreign-educated doctors, nurses, chiropractors, physical therapists, optometrists and veterinarians may practice in Alaska, provided they successfully complete Alaskan licensing examinations and fulfill all pertinent qualifications. Standard equivalency examinations insure that credentials earned outside of the United States meet American standards of academic and clinical competence.

HB 31 extends the same opportunity to pharmacists trained at non-U.S. institutions. The state would benefit from expanding the universe of trained professionals available to serve the public. At present, Alaskans may qualify for state loans to study pharmacy at non-U.S. institutions, but they may not be licensed when they return to the state. Continued exclusion of these Alaskans from practice is inconsistent with treatment of other health professionals and extends no apparent advantage to other state residents.

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The greater principle of licensing competent professionals in Alaska is made clear -- and urgent -- in one specific case. A constituent of mine, educated at the Sorbonne in Paris, cannot work as a pharmacist in Alaska. She and her husband, a highly-valued member of the UAF mathematics faculty, may leave the state if she is unable to secure a professional pharmacist position in Alaska. It would be an unnecessary loss to our citizens if we lost these Alaskans to the Lower 48.

I urge your affirmative vote on HB 31.

### HB31 Miscellaneous Notes

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- Physicians
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- Physical Therapists
- Veterinarians

On 4/25/91, the chairman of the Board of Pharmacy told me (RGC) that he had five vacancies for pharmacists in his company (Carr's) alone.

This is not a one-constituent bill. One constituent brought to light the broader issue -- a statewide shortage of pharmacists, and an inability for Alaskans educated at non-U.S. institutions to work in Alaska.

4ES

(7)

Date Referred: January 21, 1991

FURTHER REFERRALS: Health, Education & Social Services

Date of Committee Action: 4-30-91

The LABOR AND COMMERCE Committee considered:

HB 31

HOUSE BILL NO. 31

APPLICANTS FOR PHARMACIST LICENSING

"An Act relating to applicants for pharmacist licenses."

RECOMMENDATIONS:

be replaced with \_\_\_\_\_ [ ] the same title [ ] a new title

[ ] have attached amendments(s)

[ ] do pass

[ ] do not pass

no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

zero fiscal note Commerce & Econ. Dev.

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Signature	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>[Signature]</i> Finkelstein				
<i>[Signature]</i> Taylor			<input checked="" type="checkbox"/>	
<i>[Signature]</i> Brockman			<input type="checkbox"/>	
<i>[Signature]</i> Ivan			<input checked="" type="checkbox"/>	
<i>[Signature]</i> Parnell			<input checked="" type="checkbox"/>	

*[Signature]* Finkelstein  
Chairman's Signature

Alaska State Legislature  
Representative Niilo Koponen

Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

House District 21

119 N. Cushman, Suite 207  
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SPONSOR STATEMENT

House Bill 31

"An Act relating to applicants for pharmacist licenses"

By Representative Niilo Koponen

Foreign-educated doctors, nurses, chiropractors, physical therapists, optometrists and veterinarians may practice in Alaska, provided they successfully complete Alaskan licensing examinations and fulfill all pertinent qualifications. Standard equivalency examinations insure that credentials earned outside of the United States meet American standards of academic and clinical competence.

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Representative Niilo Koponen

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M E M O R A N D U M

TO: House Labor and Commerce Committee Members  
FROM: Representative Niilo Koponen   
DATE: April 30, 1991  
RE: House Bill 31, "An Act relating to applicants for pharmacist licenses"

At the first committee hearing of the HB 31, confusion arose as to the appropriate body to recognize an Alaskan pharmacist's credentials. Here's a quick summary of the players:

- American Council on Pharmaceutical Education (ACPE): accredits all U.S. schools of pharmacy.

- National Association of Boards of Pharmacy Foundation (NABPF): examines and certifies foreign-educated pharmacists, through administration of the Foreign Pharmacy Graduate Equivalency Examination (FPGEE). Successful applicants receive a certificate from the Foreign Pharmacy Graduate Equivalency Committee (FPGEC).

- American Association of Colleges of Pharmacy (AACP): service organization for U.S. schools of pharmacy; publishes regular newsletter, etc.

Today, my staff spoke with Ms. Susan Meyer, Academic Affairs Director for the AACP. She stated unequivocally that the ACPE, not the AACP, was the appropriate body to recognize, certify or accredit U.S.-trained pharmacists, and that the NABPF/FPGEC was the appropriate body to perform the same function for foreign-educated pharmacists. She said the AACP was mostly a fraternal, "industry"-oriented group, not one concerned with professional licensing.

Therefore, the bill should stand as written, with the ACPE listed as the accrediting body.

Finally, the addition of the word "intern" to Sec. 2, Line 1, AS 08.80.116(b) is reasonable. I would accept this change in a CS for this bill.

FEB 07 1991

February 4, 1991

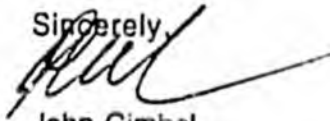
Representative Niilo Koponen  
PO Box V  
Juneau, AK 99811

Dear Representative Koponen:

Greetings. I am writing today in support of HB31, "An Act Relating to Applicants for Pharmacist Licensing." This is, in my opinion, an excellent piece of legislation and certainly deserves passage by this legislature.

Thank you. Warm, kind and friendly regards.

Sincerely,



John Gimbel  
Box 84885  
Fairbanks, AK 99775

cc: Rep. Finkelstein

February 5, 1991

Representative Niilo Koponen  
P.O. Box V  
Juneau, Ak 99811

FEB 07 1991

Dear Representative Koponen: \*

I appreciate your introducing HB31 -- "An Act Relating to Applicants for Pharmacist Licensing." The present regulation that prohibits qualified persons, who have earned a degree outside the United States, from receiving a license is unjust.

Thank you.

Sincerely,



Robert A. Sullivan  
P.O. Box 802224  
College, Ak 99708

copy to Rep. Finkelstein

3501 College Road - #2  
Fairbanks, AK 99709  
1 February 1991

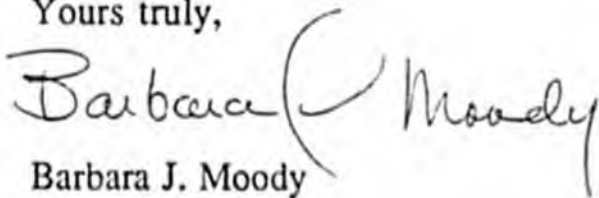
Representative Niilo Koponen  
P. O. Box V  
Juneau, AK 99811

Dear Representative Koponen:

I firmly support House Bill 31, "An Act Relating to Applicants for Pharmacist Licensing", and urge you to vote in favor of its passage.

Thank you.

Yours truly,

A handwritten signature in cursive script that reads "Barbara J. Moody". The signature is written in dark ink and is positioned to the right of the typed name.

Barbara J. Moody

copy: Representative Finkelstein, Chair  
Labor and Commerce Committee

FEB 05 1991

Mrs. Jenise M. Klos  
1260 Candle Lite Loop  
North Pole, AK 99705

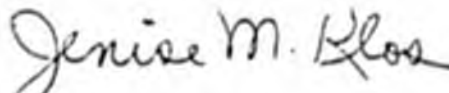
1 February 1991

Rep. Niilo Koponen  
P.O. Box V  
Juneau, AK 99811

Dear Rep. Koponen:

I am writing to express my strongest support of the passing of HB31, "An Act Relating to Applicants for Pharmacist Licensing." Thank you.

Sincerely,

  
Jenise M. Klos

cc: Rep. Finkelstein  
Chair, Labor and Commerce Committee

P. O. Box 84544  
Fairbanks, AK 9970  
27 February 1991

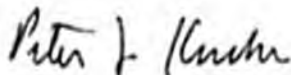
Representative Niilo Koponen  
P. O. Box V  
Juneau, AK 99811

Dear Representative Koponen:

I support House Bill 31, "An Act Relating to Applicants for Pharmacist Licensing", and urge you to vote in favor of its passage.

Thank you.

Yours truly,



Peter J. Knoke  
Associate Professor of Computer Science  
University of Alaska Fairbanks

copy: Representative Finkelstein, Chair  
Labor and Commerce Committee

3/12/91

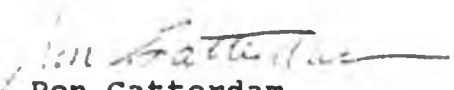
MAR 14 1991

Representative Nilo Koponen  
PO Box V  
Juneau, AK 99811

Dear Nilo,

I am writing in support of HB31 regarding the licensing of pharmacists. It would be a waste for Alaska to not allow qualified professionals to work in the state simply on the basis of the location of their degree. Clearly other states have found it to their advantage to allow pharmacists from elsewhere to practice their profession. Alaska has found that to be the case for other medical professions. It is only reasonable that the same licensing practice be extended to pharmacists. Thank you for your consideration in this matter.

Sincerely

  
Ron Gatterdam  
1028 East Chena Hills Drive  
Fairbanks, AK 99709

cc Rep. Finkelstein, Chair Labor and Commerce Committee

# MEMORANDUM

# State of Alaska

TO: Members of the House Labor & Commerce      DATE: April 26, 1991  
Rep. David Finklestein, Chairman

FILE NO

TELEPHONE NO      465-2534

FROM: *Ann B.*  
Ann Boudreaux      SUBJECT: HB 31

This memo is a follow-up to my testimony on April 25, 1991.

Today, I received a memo from the licensing examiner who took minutes at the April 16-17 Pharmacy Board meeting held in Juneau. Quoting from that memo in regard to HB 31:

Sec. 1, AS 08.80.110(3) [American Council on Pharmaceutical Education] American Association of Colleges of Pharmacy.

Sec. 2, Line 1, AS 08.80.116(b) An applicant for license as a pregraduate intern pharmacist....

Sec. 2, AS 08.80.116(b) ...and must be enrolled in a pharmacy school recognized by [American Council on Pharmaceutical Education] American Association of Colleges of Pharmacy.

The Pharmacy Board wanted to keep the Association because the Council advocates a 6-year degree (doctor of pharm.cy) and this would mean many of our applicants would not qualify as they have only the 5-year degree (registered pharmacist) that has been standard up to now.

Most states apparently have a 5-year standard. California has gone to 6-years.

One suggestion might be to have an or clause so that foreign students could have their education rated by the Council, but an American student who qualified under Association standards would not have an undue burden.

The Pharmacy Board, by a split vote, passed a resolution favoring the licensing of foreign-trained pharmacists at their meeting on November 1, 1990, in Anchorage.

By the way, the insertion of the word "intern" is to correct a typographical error in the original statute which was carried over in this bill. There is no pregraduate pharmacist; there is a pregraduate intern pharmacist and a postgraduate intern pharmacist.

HOUSE COMMITTEE REPORT

\* 1/24/92  
Today's  
calendar

(7)  
Date Referred: 5/13/91

FURTHER REFERRALS:

Date of Committee Action: 1-23-92

The Rules Committee considered:

HB 247

HOUSE BILL NO. 247

"An Act relating to licensure of dentists."

RECOMMENDATIONS:

be replaced with CSHB 247 (Rules)  the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note DCED (Figs update)

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Robin L Taylor</i>	✓				
<i>Larry Martin</i>					
<i>Bob Symons</i>	✓				
<i>John Krenkel</i>	✓				
<i>Daniel Doherty</i>	✓				
<i>Phyllis</i>	✓				
<i>Clyde Ponder</i>	✓				

*Phyllis*  
CHAIRMAN'S SIGNATURE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 2  
Bill Version: CSHB 247(RLS)  
(H) Publish Date: 1/24/92

Revision Date: 01/22/92 Department Affected: Commerce & Economic Development  
Title: An Act relating to licensure of dentists. BRU: Occupational Licensing  
Component: Administration

Sponsor: Rep. Mackie  
Requestor: House Rules

COMPONENT SERIAL NO. 

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

CSHB 247(L&C) amends the dental statutes (AS 08.36) to bring the statutes into conformity with recent court decisions concerning licensure without examination; and further mandates access to clearinghouses of disciplinary information making it possible to render an informed judgement on the applicant. New funds are not required to implement provisions of the bill.

Prepared By: Jennifer Strickler *Jennifer Strickler* Phone: 465-2144  
Division: Occupational Licensing Date: 01/22/92

Approved by Commissioner: Glenn A. Olds *Glenn A. Olds*  
Agency: Commerce & Economic Development Date: 1.22.92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

## HB 247: LICENSURE OF DENTISTS

### I N D E X

- I. DRAFT RULES CS
- II. L&C CS
- III. HESS CS
- IV. ORIGINAL VERSION
- V. SPONSOR STATEMENT
- VI. L&C LETTER OF INTENT
- VII. DCED POSITION PAPER
- VIII. FISCAL NOTE
- IX. JUDGEMENT: ANDREWS VS. STATE OF ALASKA

7-LS1059H  
Luckhaupt  
1/21/92

I

CS FOR HOUSE BILL NO. 247 (RULES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure of dentists, including licensure by credentials; relating to the  
2 Board of Dental Examiners; and providing for an effective date."

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

4 \* Section 1. AS 08.36.070(a) is amended to read:

5 (a) The board shall

6 (1) provide for the examination of applicants and issue licenses to those applicants  
7 it finds qualified;

8 (2) register licensed dentists and licensed dental hygienists who are in good  
9 standing;

10 (3) report annually to the governor and the department on the board's proceedings  
11 during the year, findings concerning the standards and availability of dental services in the state  
12 including the number of licensees, examination, and licensing activities, other matters related to  
13 dental practice, and board receipts and expenditures;

14 (4) affiliate with the American Association of Dental Examiners, and pay annual

1 dues to the association;

2 (5) hold hearings, and order the disciplinary sanction of a person who violates this  
3 chapter, AS 08.32, or a regulation of the board;

4 (6) supply forms for applications, licenses, permits, certificates, and other papers  
5 and records;

6 (7) enforce the provisions of this chapter and AS 08.32 and adopt or amend the  
7 regulations necessary to make the provisions of this chapter and AS 08.32 effective;

8 (8) adopt regulations ensuring that renewal of registration is contingent upon proof  
9 of continued professional competence by a licensed dentist or licensed dental hygienist;

10 (9) provide the department with the requirements for proof of continued  
11 professional competence and request the department to make these requirements available to each  
12 licensed dentist and licensed dental hygienist at least one year before the date on which the  
13 dentist or dental hygienist must renew registration;

14 (10) at least annually cause to be published in a newspaper of general circulation  
15 in each major city in the state [,] a summary of disciplinary actions the board has taken during  
16 the preceding calendar year;

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

20 (12) regulate the reentry into practice of inactive dentists and dental hygienists;

21 (13) require, as a condition of a license or license renewal issued by the  
22 board, that an applicant or licensee has at the time of licensing or renewal and maintains  
23 throughout the period of a license current certification in cardiopulmonary resuscitation  
24 techniques.

25 \* Sec. 2. AS 08.36.110 is repealed and reenacted to read:

26 Sec. 08.36.110. QUALIFICATIONS FOR LICENSE. An applicant for a license to  
27 practice dentistry shall

28 (1) provide certification to the board that the applicant

29 (A) is a graduate of a dental school that at the time of graduation is  
30 accredited by the Commission on Accreditation of the American Dental Association;

31 (B) holds a certificate from the American Dental Association Joint

1 Commission on National Dental Examinations that the applicant has successfully passed  
2 the written examinations given by the commission;

3 (C) has not had a license to practice dentistry revoked, suspended, or  
4 voluntarily surrendered in this state or another state;

5 (D) is not the subject of an unresolved complaint, investigation, review  
6 procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law  
7 enforcement agency;

8 (E) is not the subject of an adverse report from the National Practitioner  
9 Data Bank or the American Association of Dental Examiners Clearinghouse for  
10 Disciplinary Information that relates to criminal or fraudulent activity, or dental  
11 malpractice;

12 (F) is not the subject of an adverse peer review report from a state,  
13 territory, or local dental society in any state or territory;

14 (G) is not an impaired practitioner;

15 (2) pass, to the satisfaction of the board, written, clinical, and other examinations  
16 administered or approved by the board; and

17 (3) meet the other qualifications for a license established by the board by  
18 regulation.

19 \* Sec. 3. AS 08.36.160 is amended by adding a new subsection to read:

20 (e) A passing score on a clinical examination given by the Western Regional Examining  
21 Board within the five years preceding licensure application under this chapter constitutes a  
22 passing score on a clinical examination required under this chapter, provided the examination was  
23 taken on or after January 1, 1987.

24 \* Sec. 4. AS 08.36.234 is repealed and reenacted to read:

25 Sec. 08.36.234. LICENSURE BY CREDENTIALS. (a) The board shall provide for the  
26 licensing without examination, except as provided in (2) of this subsection, of a dentist who

27 (1) provides certification to the board that the dentist

28 (A) is a graduate of a dental school accredited by the Commission on  
29 Accreditation of the American Dental Association, or its successor agency, and holds a  
30 certificate from the American Dental Association Joint Commission on National Dental  
31 Examinations that the dentist has passed the written examination given by the

1 commission;

2 (B) has passed clinical and written examinations required for licensure in  
3 another state, territory, or region of the United States and has been licensed to practice  
4 dentistry in that state, territory, or region of the United States; the state, territory, or  
5 region must have licensing requirements at least equivalent in scope, quality, and  
6 difficulty to those of this state at the time of licensure in the other state, territory, or  
7 region;

8 (C) is in good standing with the licensing entity in the jurisdiction where  
9 the dentist is currently licensed and in all jurisdictions in which the dentist was previously  
10 licensed; if the dentist is employed by the federal government, the dentist must be in good  
11 standing with the employing federal agency;

12 (D) has been engaged in continuous active clinical practice in a  
13 jurisdiction in which the dentist was licensed and in good standing, averaging at least 20  
14 hours per week for each of the five years immediately preceding the application;

15 (E) is not the subject of an unresolved complaint, investigation, review  
16 procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law  
17 enforcement agency;

18 (F) has not previously had a license to practice dentistry suspended for  
19 grounds similar to those specified under AS 08.36.315, revoked, or voluntarily  
20 surrendered;

21 (G) has not failed the clinical examination of this state and, within the  
22 previous three years, has not failed the clinical examination given by the Western  
23 Regional Examining Board;

24 (H) has completed at least 42 hours of continuing education related to  
25 clinical dentistry in the three years preceding application for a license in this state; the  
26 continuing education must have been approved by the American Dental Association, the  
27 Academy of General Dentistry, or the appropriate specialty board;

28 (I) is not the subject of an adverse report from the National Practitioner  
29 Data Bank or the American Association of Dental Examiners Clearinghouse for  
30 Disciplinary Information that relates to criminal or fraudulent activity, negligent dental  
31 care, or malpractice;

1 (J) is not the subject of an adverse peer review report from a state,  
2 territory, or local dental society in any other state or territory;

3 (2) has passed, to the satisfaction of the board, a written examination that consists  
4 of the portion of the written examination given under AS 08.36.160(b) that pertains to the state's  
5 laws on the practice of dentistry; the board may not require a higher passing score for applicants  
6 under this section than the board requires for applicants under AS 08.36.110;

7 (3) is personally interviewed by the board for purposes of verifying credentials;

8 (4) pays all required fees;

9 (5) provides the board with an affidavit that the dentist is not an impaired  
10 practitioner;

11 (6) provides to the board an authorization for release of records in a form  
12 prescribed by the board.

13 (b) A dentist applying for licensure without clinical examination is responsible for  
14 providing to the board all materials required by this section or by the board to implement this  
15 section to establish eligibility for a license without clinical examination. In addition to the  
16 grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued  
17 without a clinical examination upon evidence of misinformation or substantial omission.

18 (c) The board shall adopt regulations necessary to implement this section including

19 (1) the form and manner of certification of qualifications under this section; and

20 (2) a requirement that certification of education, licensing, law enforcement and  
21 disciplinary proceedings, and examination be provided directly to the board by the appropriate  
22 institution, jurisdiction, or agency.

23 \* Sec. 5. AS 08.36.370 is amended by adding a new paragraph to read:

24 (3) "impaired practitioner" means a person who is unfit to practice dentistry due  
25 to addiction or dependence on alcohol or other drugs that impair the practitioner's ability to  
26 practice safely.

27 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

CS FOR HOUSE BILL NO. 247 (L&C)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/13/91

Referred: Rules

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the scope of work of dental hygienists; relating to licensure of  
2 dentists; relating to the Board of Dental Examiners; relating to dental assistants; und  
3 providing for an effective date."

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

5 \* Section 1. AS 08.32.110(a) is amended to read:

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

9 (1) remove calcareous deposits and [,] accretions [, AND STAINS] from the  
10 exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing  
11 techniques;

12 (2) [APPLY TOPICAL PREVENTIVE OR PROPHYLACTIC AGENTS;

13 (3) APPLY PIT AND FISSURE SEALANTS;

14 (4)] perform root planing and periodontal soft tissue curettage;

1           (3) [(5)] perform other dental operations and services delegated by a licensed  
2 dentist if the dental operations and services are not prohibited by (c) of this section; and

3           (4) [(6)] if certified by the board and under the direct or indirect supervision of  
4 a licensed dentist, administer local anesthetic agents.

5 \* Sec. 2. AS 08.36.070(a) is amended to read:

6           (a) The board shall

7                   (1) provide for the examination of applicants and issue licenses to those applicants  
8 it finds qualified;

9                   (2) register licensed dentists and licensed dental hygienists who are in good  
10 standing;

11                   (3) report annually to the governor and the department on the board's proceedings  
12 during the year, findings concerning the standards and availability of dental services in the state  
13 including the number of licensees, examination, and licensing activities, other matters related to  
14 dental practice, and board receipts and expenditures;

15                   (4) affiliate with the American Association of Dental Examiners, and pay annual  
16 dues to the association;

17                   (5) hold hearings, and order the disciplinary sanction of a person who violates this  
18 chapter, AS 08.32, or a regulation of the board;

19                   (6) supply forms for applications, licenses, permits, certificates, and other papers  
20 and records;

21                   (7) enforce the provisions of this chapter and AS 08.32 and adopt or amend the  
22 regulations necessary to make the provisions of this chapter and AS 08.32 effective;

23                   (8) adopt regulations ensuring that renewal of registration is contingent upon proof  
24 of continued professional competence by a licensed dentist or licensed dental hygienist;

25                   (9) provide the department with the requirements for proof of continued  
26 professional competence and request the department to make these requirements available to each  
27 licensed dentist and licensed dental hygienist at least one year before the date on which the  
28 dentist or dental hygienist must renew registration;

29                   (10) at least annually cause to be published in a newspaper of general circulation  
30 in each major city in the state [ ] a summary of disciplinary actions the board has taken during  
31 the preceding calendar year;

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

4 (12) regulate the reentry into practice of inactive dentists and dental hygienists;

5 (13) require, as a condition of a license or license renewal issued by the  
6 board, that an applicant or licensee has at the time of licensing or renewal and maintains  
7 throughout the period of a license current certification in cardiopulmonary resuscitation  
8 techniques.

9 \* Sec. 3. AS 08.36.110 is repealed and reenacted to read:

10 Sec. 08.36.110. QUALIFICATIONS FOR LICENSE. An applicant for a license to  
11 practice dentistry shall

12 (1) provide certification to the board that the applicant

13 (A) is a graduate of a dental school that at the time of graduation is  
14 accredited by the Commission on Accreditation of the American Dental Association;

15 (B) holds a certificate from the American Dental Association Joint  
16 Commission on National Dental Examinations that the applicant has successfully passed  
17 the written examinations given by the commission;

18 (C) has not had a license to practice dentistry revoked, suspended, or  
19 voluntarily surrendered in this state or another state;

20 (D) is not the subject of an unresolved complaint, investigation, review  
21 procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law  
22 enforcement agency;

23 (E) is not the subject of an adverse report from the National Practitioner  
24 Data Bank or the American Association of Dental Examiners Clearinghouse for  
25 Disciplinary Information that relates to criminal or fraudulent activity, or dental  
26 malpractice;

27 (F) is not the subject of an adverse peer review report from a state,  
28 territory, or local dental society in any state or territory;

29 (G) is not an impaired practitioner;

30 (2) pass, to the satisfaction of the board, written, clinical, and other examinations  
31 administered or approved by the board; and

1 (3) meet the other qualifications for a license established by the board by  
2 regulation.

3 \* Sec. 4. AS 08.36.160 is amended by adding a new subsection to read:

4 (c) A passing score on a clinical examination given by the Western Regional Examining  
5 Board within the five years preceding licensure application under this chapter constitutes a  
6 passing score on a clinical examination required under this chapter, provided the examination was  
7 taken on or after January 1, 1987.

8 \* Sec. 5. AS 08.36.234 is repealed and reenacted to read:

9 Sec. 08.36.234. LICENSURE WITHOUT CLINICAL EXAMINATION. (a) The board  
10 shall provide for the licensing without examination, except as provided in (2) of this subsection,  
11 of a dentist who

12 (1) provides certification to the board that the dentist

13 (A) is a graduate of a dental school accredited by the Commission on  
14 Accreditation of the American Dental Association, or its successor agency, and holds a  
15 certificate from the American Dental Association Joint Commission on National Dental  
16 Examinations that the dentist has passed the written examination given by the  
17 commission;

18 (B) has been licensed to practice dentistry in another state, territory, or  
19 region of the United States with licensing requirements at least equivalent in scope,  
20 quality, and difficulty to those of this state at the time of licensure;

21 (C) is in good standing with the licensing entity in the jurisdiction where  
22 the dentist is currently licensed and in all jurisdictions in which the dentist was previously  
23 licensed; if the dentist is employed by the federal government, the dentist must be in good  
24 standing with the employing federal agency;

25 (D) has been engaged in continuous active clinical practice averaging at  
26 least 20 hours per week for each of the five years immediately preceding the application  
27 in a jurisdiction in which the dentist was in good standing;

28 (E) is not the subject of an unresolved complaint, investigation, review  
29 procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law  
30 enforcement agency;

31 (F) has not previously had a license to practice dentistry suspended for

1 grounds similar to those specified under AS 08.36.315, revoked, or voluntarily  
2 surrendered;

3 (G) has not failed the clinical examination of this state and, within the  
4 previous three years, has not failed the clinical examination given by the Western  
5 Regional Examining Board;

6 (H) has completed at least 42 hours of continuing education related to  
7 clinical dentistry in the three years preceding application for a license in this state; the  
8 continuing education must have been approved by the American Dental Association, the  
9 Academy of General Dentistry, or the appropriate specialty board;

10 (I) is not the subject of an adverse report from the National Practitioner  
11 Data Bank or the American Association of Dental Examiners Clearinghouse for  
12 Disciplinary Information that relates to criminal or fraudulent activity, negligent dental  
13 care, or malpractice;

14 (J) is not the subject of an adverse peer review report from a state,  
15 territory, or local dental society in any other state or territory;

16 (2) has passed, to the satisfaction of the board, the written examination given  
17 under AS 08.36.160; the board may not require a higher passing score for applicants under this  
18 section than the board requires for applicants under AS 08.36.110;

19 (3) is personally interviewed by the board for purposes of verifying credentials;

20 (4) pays all required fees;

21 (5) provides the board with an affidavit that the dentist is not an impaired  
22 practitioner;

23 (6) provides to the board an authorization for release of records in a form  
24 prescribed by the board.

25 (b) A dentist applying for licensure without clinical examination is responsible for  
26 providing to the board all materials required by this section or by the board to implement this  
27 section to establish eligibility for a license without clinical examination. In addition to the  
28 grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued  
29 without a clinical examination upon evidence of misinformation or substantial omission.

30 (c) The board shall adopt regulations necessary to implement this section including

31 (1) the form and manner of certification of qualifications under this section; and

1                   (2) a requirement that certification of education, licensing, law enforcement and  
2           disciplinary proceedings, and examination be provided directly to the board by the appropriate  
3           institution, jurisdiction, or agency.

4   \* Sec. 6. AS 08.36.370 is amended by adding a new paragraph to read:

5                   (3) "impaired practitioner" means a person who is unfit to practice dentistry due  
6           to addiction or dependence on alcohol or other drugs that impair the practitioner's ability to  
7           practice safely.

8   \* Sec. 7. The Board of Dental Examiners shall adopt education and training standards and shall issue  
9   permits or certificates for the application of pit and fissure sealants and the performance of other  
10   procedures by dental assistants as provided in AS 08.36.070(a)(11) within one year of the effective date  
11   of this Act.

12   \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

## CS FOR HOUSE BILL NO. 247 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/29/91

Referred: Labor &amp; Commerce

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to licensure of dentists; and providing for an effective date."

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

3 \* Section 1. AS 08.36.070(a) is amended to read:

4 (a) The board shall

5 (1) provide for the examination of applicants and issue licenses to those applicants  
6 it finds qualified;7 (2) register licensed dentists and licensed dental hygienists who are in good  
8 standing;9 (3) report annually to the governor and the department on the board's proceedings  
10 during the year, findings concerning the standards and availability of dental services in the state  
11 including the number of licensees, examination, and licensing activities, other matters related to  
12 dental practice, and board receipts and expenditures;13 (4) affiliate with the American Association of Dental Examiners, and pay annual  
14 dues to the association;

1 (5) hold hearings, and order the disciplinary sanction of a person who violates this  
2 chapter, AS 08.32, or a regulation of the board;

3 (6) supply forms for applications, licenses, permits, certificates, and other papers  
4 and records;

5 (7) enforce the provisions of this chapter and AS 08.32 and adopt or amend the  
6 regulations necessary to make the provisions of this chapter and AS 08.32 effective;

7 (8) adopt regulations ensuring that renewal of registration is contingent upon proof  
8 of continued professional competence by a licensed dentist or licensed dental hygienist;

9 (9) provide the department with the requirements for proof of continued  
10 professional competence and request the department to make these requirements available to each  
11 licensed dentist and licensed dental hygienist at least one year before the date on which the  
12 dentist or dental hygienist must renew registration;

13 (10) at least annually cause to be published in a newspaper of general circulation  
14 in each major city in the state [,] a summary of disciplinary actions the board has taken during  
15 the preceding calendar year;

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

19 (12) regulate the reentry into practice of inactive dentists and dental hygienists;

20 (13) require, as a condition of a license or license renewal issued by the  
21 board, that an applicant or licensee has at the time of licensing or renewal and maintains  
22 throughout the period of a license current certification in cardiopulmonary resuscitation  
23 techniques.

24 \* Sec. 2. AS 08.36.160 is amended by adding a new subsection to read:

25 (c) A passing score on a clinical examination given by the Western Regional Examining  
26 Board within the five years preceding licensure application under this chapter constitutes a  
27 passing score on a clinical examination required under this chapter. The board may accept a  
28 passing score on a clinical examination given by the Western Regional Examining Board more  
29 than five years preceding licensure application if the examination was taken on or after January 1,  
30 1986.

31 \* Sec. 3. AS 08.36.234 is amended to read:

1           Sec. 08.36.234. LICENSURE BY CREDENTIALS. The board shall [MAY] provide for  
2 the licensing without examination, except as provided in (9) of this section, of a dentist who

3           (1) provides certification to the board that the dentist is a graduate of a dental  
4 school [COLLEGE] accredited by the Commission on Accreditation of the American Dental  
5 Association, or its successor agency, and holds a certificate from the American Dental  
6 Association Joint Commission on National Dental Examinations that the dentist has passed the  
7 written examination given by the commission;

8           (2) provides certification to the board that the dentist has been licensed to  
9 practice dentistry in another state, territory, or region of the United States with licensing  
10 requirements at least equivalent [IN SCOPE, QUALITY AND DIFFICULTY] to those of this  
11 state at the time of licensure;

12           (3) provides certification to the board that the dentist is endorsed by the  
13 licensing entity in the jurisdiction where the dentist is currently licensed and in all  
14 jurisdictions in which the dentist was previously licensed; if the dentist is employed by the  
15 federal government, the dentist must be endorsed by the employing federal agency;

16           (4) has been engaged in continuous active clinical practice averaging at least 20  
17 hours per week for each of the five years immediately preceding the application in a jurisdiction  
18 for which the dentist was endorsed;

19           (5) provides certification to the board that the dentist [(4)] is not the subject  
20 of an unresolved complaint, investigation, review procedure, or disciplinary proceeding  
21 undertaken by a dental licensing jurisdiction or agency, law enforcement agency, or other  
22 governmental agency;

23           (6) provides certification to the board that the dentist [(5)] has not previously  
24 had a license to practice dentistry suspended for grounds similar to those specified under  
25 AS 08.36.315, revoked, or voluntarily surrendered;

26           (7) provides certification to the board that the dentist [(6)] has not failed the  
27 clinical examination of this state or, within the previous three years, failed the clinical  
28 examination given by the Western Regional Examining Board;

29           (8) submits to the board documentation that the dentist has completed at  
30 least 42 hours of continuing education related to clinical dentistry in the three years  
31 preceding application for a license in this state; the continuing education must have been

1 approved by the American Dental Association, the Academy of General Dentistry, or the  
2 appropriate specialty board;

3 (9) has passed, to the satisfaction of the board, the part of the written  
4 examination given under AS 08.36.160 that pertains to the state's laws on the practice of  
5 dentistry; the board may not require a higher passing score for applicants under this  
6 section than the board requires for applicants under AS 08.36.110;

7 (10) [(7)] is personally interviewed by the board for purposes of verifying  
8 credentials;

9 (11) [(8)] pays all required fees;

10 (12) provides certification to the board that the dentist is not the subject of  
11 an adverse report from the National Practitioner Data Bank or the American Association  
12 of Dental Examiners Clearinghouse for Disciplinary Information that relates to criminal or  
13 fraudulent activity;

14 (13) provides certification to the board that the dentist is not the subject of  
15 an adverse peer review report from a state, territory, or local dental society in any other  
16 state or territory;

17 (14) provides the board with an affidavit that the dentist is not an impaired  
18 practitioner;

19 (15) provides to the board an authorization for release of records in a form  
20 prescribed by the board.

21 \* Sec. 4. AS 08.36.234 is amended by adding new subsections to read:

22 (b) A dentist applying for licensure by credentials is responsible for providing to the  
23 board all materials required by this section or by the board to implement this section to establish  
24 eligibility for a license without examination. A license issued based upon credentials may be  
25 revoked by the board upon evidence of misinformation or substantial omission.

26 (c) The board shall adopt regulations necessary to implement this section including

27 (1) the form and manner of certification of qualifications under this section; and

28 (2) a requirement that certification of education, licensing, law enforcement and  
29 disciplinary proceedings, and examination be provided directly to the board by the appropriate  
30 institution, jurisdiction, or agency.

31 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 247

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MACKIE, Baker

Introduced: 4/2/91

Referred: Health, Education & Social Services, Labor & Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure of dentists."

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

3 \* Section 1. AS 08.36.160 is amended by adding a new subsection to read:

4 (e) A passing score on a clinical examination given by the Western Regional Examining  
5 Board within the five years preceding licensure application under this chapter constitutes a  
6 passing score on a clinical examination required under this chapter. The board may accept a  
7 passing score on a clinical examination given by the Western Regional Examining Board more  
8 than five years preceding licensure application if the examination was taken on or after January 1,  
9 1987.

10 \* Sec. 2. AS 08.36.234 is amended to read:

11 Sec. 08.36.234. LICENSURE BY CREDENTIALS. The board shall [MAY] provide for  
12 the licensing without examination, except as provided in (10) and (11) of this section, of a  
13 dentist who

14 (1) provides certification to the rd that the dentist is a graduate of a dental

1 school [COLLEGE] accredited by the Commission on Accreditation of the American Dental  
2 Association, or its successor agency, and holds a certificate from the American Dental  
3 Association Joint Commission on National Dental Examinations that the dentist has passed the  
4 written examination given by the commission;

5 (2) provides certification to the board that the dentist has been licensed to  
6 practice dentistry in another state, territory, or region of the United States with licensing  
7 requirements at least equivalent [IN SCOPE, QUALITY AND DIFFICULTY] to those of this  
8 state at the time of licensure;

9 (3) provides certification to the board that the dentist is endorsed by the  
10 licensing entity in the jurisdiction where the dentist is currently licensed and in all  
11 jurisdictions in which the dentist was previously licensed; if the dentist is employed by the  
12 federal government, the dentist must be endorsed by the employing federal agency;

13 (4) has been engaged in continuous active clinical practice averaging at least 20  
14 hours per week for each of the five years immediately preceding the application in a jurisdiction  
15 for which the dentist was endorsed;

16 (5) provides certification to the board that the dentist [(4)] is not the subject  
17 of an unresolved complaint, investigation, review procedure, or disciplinary proceeding  
18 undertaken by a dental licensing jurisdiction or agency, law enforcement agency, or other  
19 governmental agency;

20 (6) provides certification to the board that the dentist [(5)] has not previously  
21 had a license to practice dentistry suspended for grounds similar to those specified under  
22 AS 08.36.315, revoked, or voluntarily surrendered;

23 (7) provides certification to the board that the dentist [(6)] has not failed the  
24 clinical examination of this state or, within the previous three years, failed the clinical  
25 examination given by the Western Regional Examining Board;

26 (8) submits to the board documentation that the dentist has completed at  
27 least 50 hours of continuing education related to clinical dentistry in the three years  
28 preceding application for a license in this state; the continuing education must have been  
29 approved by the American Dental Association, the Academy of General Dentistry, or the  
30 appropriate specialty board;

31 (9) provides proof of current certification in cardiopulmonary resuscitation

1 techniques;

2 (10) has passed, to the satisfaction of the board, the part of the written  
3 examination given under AS 08.36.160 that pertains to the state's laws on the practice of  
4 dentistry; the board may not require a higher passing score for applicants under this  
5 section than the board requires for applicants under AS 08.36.110;

6 (11) [(7)] is personally interviewed by the board for purposes of verifying the  
7 dentist to be clinically and professionally competent by discussion and review of recent  
8 patient case reports and oral defense of diagnosis and treatment plans;

9 (12) [(8)] pays all required fees;

10 (13) provides certification to the board that the dentist is not the subject of  
11 an adverse report from the National Practitioner Data Bank or the American Association  
12 of Dental Examiners Clearinghouse for Disciplinary Information that relates to criminal or  
13 fraudulent activity;

14 (14) provides certification to the board that the dentist is not the subject of  
15 an adverse peer review report from a state, territory, or local dental society in any other  
16 state or territory;

17 (15) provides the board with an affidavit that the dentist is not an impaired  
18 practitioner;

19 (16) provides to the board an authorization for release of records in a form  
20 prescribed by the board.

21 \* Sec. 3. AS 08.36.234 is amended by adding new subsections to read:

22 (b) A dentist applying for licensure by credentials is responsible for providing to the  
23 board all materials required by this section or by the board to implement this section to establish  
24 eligibility for a license without examination. A license issued based upon credentials may be  
25 revoked by the board upon evidence of misinformation or substantial omission.

26 (c) The board shall adopt regulations necessary to implement this section including

27 (1) the form and manner of certification of qualifications under this section; and

28 (2) a requirement that certification of education, licensing, law enforcement and  
29 disciplinary proceedings, and examination be provided directly to the board by the appropriate  
30 institution, jurisdiction, or agency.

REPRESENTATIVE  
**JERRY MACKIE**

P O BOX 73  
CRAIG, ALASKA 99921  
(907) 826-3008 OFFICE  
(907) 826-2930 HOME

CHAIRMAN,  
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VILE CHAIRMAN,  
TRANSPORTATION COMMITTEE

# Alaska State Legislature



## House of Representatives

### POSITION STATEMENT

on

### HB 247, an Act relating to licensure of dentists

This bill was introduced as an effort to clear up some confusion regarding the licensure of dentists by credential.

On January 30, 1991, a decision was issued by Superior Court Judge Larry Weeks which invalidated the regulation, 12 AAC 28.950, that the Board of Dental Examiners adopted. This regulation said that the Board would not license dentists by credential because the existing statute is vague. A copy of this regulation is attached.

This decision required the Board of Dental Examiners to license the dentists who have applied for licensure by credential and to use the existing statute as the basis for this process. A copy of the current statute that this bill amends, AS 08.36.234, is also attached for your reference. The dentists most impacted by this decision are the dentists who are in federal practice -- those on military bases or employed by the public health service and stationed in Alaska.

HB 247 presents a series of requirements for licensure by credential. It sets out standards that each applicant must meet to be eligible to participate in this form of licensure. Finally, it mandates that the Board of Dental Examiners shall license by credential.

I have attached a proposed committee substitute for HB 247 that makes several changes. The changes are outlined below.

The major change in the proposed committee substitute is that the House Health, Education and Social Services Committee version of

WHILE IN JUNEAU  
P O BOX V  
JUNEAU, ALASKA 99811  
(907) 485-4025

Sponsor Statement on HB 247

Page 2

May 1, 1991

HB 164, which extends the Board of Dental Examiners until 1993, has been added to this bill.

On page 2, the date, 1986 changed in the House Health, Education and Social Services Committee, has been returned to 1987. This is the year that the State joined the Western Regional Examining Board. This corrects an error that was made by my staff in preparing the information for the House Health, Education and Social Services Committee Substitute for HB 247.

The rest of the changes made in this proposed committee substitute basically wording changes.

To reflect the idea that a dentist licensing under AS 08.36.234 still needs to take a written test (see paragraph 9), we are proposing to delete "credential" and insert "without clinical examination".

We have changed the word "endorsed" in Section 3, to "in good standing". This responds to the concern raised by the Department of Commerce and Economic Development that "endorsed" can carry the meaning of recommendation.

The last change is the addition of a definition for "impaired practitioner". The language that has been inserted here is the language found in existing law at AS 08.36.315.

May 10, 1991

by the House Labor and Commerce Committee

Letter of Intent  
for  
CSHB 247 (L&C)

It is the intent of the House Labor and Commerce Committee that in the next year the Board of Dental Examiners and the Division of Occupational Licensing develop education and training standards for dental assistants who may apply pit and fissure sealants. Also, the Board shall develop procedures to issue permits or certificates to dental assistants who have met those standards.

HB 247: "An Act relating to licensure of dentists."

The department supports HB 247 because it brings the statute into conformity with recent court decisions. It further mandates access to clearinghouses of disciplinary information which makes it possible to render an informed judgment on the applicant.

HB 247 makes several amendments to the dental statutes concerning examinations and licensure by credentials. It adds a new section which indicates the time frame for the Board of Dental Examiners to accept WREB scores. A major addition to the credentialing section is the addition of statutory language which would allow the board to conduct oral examinations during the personal interview. Although the department is well aware of the purpose for these changes, the department has a number of concerns as explained below by sections.

The new subsection, 08.36.160, sets out a standard for acceptance of WREB examinations; however, it is contradictory in that, in accordance with the first sentence, if the bill passes in 1991, the board would accept WREB examinations as far back as 1986. However, in the second sentence, this subsection indicates that the board may accept WREB results from January 1, 1987 forward. This section applies only to candidates by exam. If a candidate took the WREB in 1987 but did not practice dentistry between 1987-92, it appears this provision would require the board to license the applicant. Ironically, this same person would be ineligible by credentials as credentialing would require active practice within the immediate past five years.

Section 2, 08.36.234(3), indicates that an applicant must be endorsed by another licensing jurisdiction (and all jurisdictions where they have held licenses in the past) as well as endorsed by a federal agency if the applicant is employed by the federal government. Exactly what an endorsement means is unclear other than it appears to be equivalent to a "recommendation." Many boards (including Alaska's) will only give a history without comment.

Section 2, 08.36.234(5), appears overly broad in that the applicant must provide certification to the board that he/she is not the subject of an unresolved complaint, investigation, review procedure, or disciplinary proceeding of a dental licensing jurisdiction or agency, law enforcement agency, or "other governmental agency." "Other governmental agency" should be clarified to include only those agencies and issues which pertain to matters relating to dentistry.

Section 2, 08.36.234(8), requires applicants to submit proof of 50 hours of continuing education completed within the three years preceding application; however, Alaskan licensed dentists need only to complete 42 hours during that same period. Different requirements for credential applicants and Alaskan licensees cause an equal protection concern and the standard should be the same for both.

POSITION PAPER - HB 247

Page 2

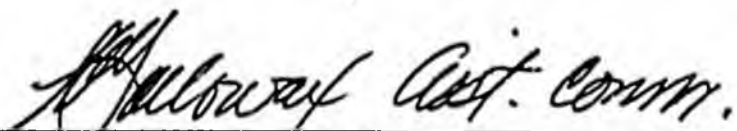
Section 2, 08.36.234(9), also causes an equal protection concern in that the bill would require credential applicants to provide proof of current certification in cardiopulmonary resuscitation techniques; however, exam applicants are not required to be currently certified. The division feels this requirement is a good one and should also be required of applicants by examination.

Section 2, 08.36.234(11), adds language which would require the board to discuss and review patient case reports during the credentialing personal interview. For this process to be defensible, there needs to be a standard established which would be used in discussing and reviewing the patient case reports. Clear standards of what will/will not be acceptable on a given case type must be established.

Section 3, 08.36.234, adds a new subsection (b) which provides that a license issued by credentials may be revoked by the board upon evidence of misinformation or substantial omission. This sets up a different standard for credential applicants versus exam applicants. Existing statute 08.36.315(1) appears to sufficiently cover both credential and exam applicants. The division feels "misinformation" and "substantial omission" would more properly be added to 08.36.315(1) and delete entirely subsection (b) of Section 3, 08.36.234.

The department recommends the following amendments be made:

- o Add a definition of "impaired practitioner" as it is referred to in Sec. 2, 08.36.234(15). The definition should read that "an impaired practitioner is one who has become unfit to practice due to addition or dependence on alcohol or other drugs that impairs the practitioner's ability to practice safely." (This is similar wording to the existing authorities to revoke or suspend a dental license under 08.36.315(7)(C).
- o Amend 08.36.234(1), last sentence, ". . . has passed the written examinations given by the commission."
- o Amend 08.36.234(13), line 13, end of the sentence, add "or competency issues."

  
Glenn A. Olds, Commissioner

Date: 4-26-91

FISCAL NOTE

VII.

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 247

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Dev.  
 Title: Relating to licensure of dentists. BRU: Occupational Licensing  
 Component: Administration

Sponsor: Reps. Mackie & Baker  
 Requestor: Rep. Mackie

COMPONENT SERIAL NO. 

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

HB 247 amends the dental statutes (AS 08.36) to mandate licensure by credentials for dentists. New funds are not required to implement provisions of the bill.

Prepared By: Jennifer Strickler, Admin. Officer Phone: 465-2144  
 Division: Occupational Licensing Date: April 22, 1991  
 Approved by Commissioner: Glenn A. Olds  
 Agency: Commerce and Economic Development Date: 4-22-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

IX

IN THE SUPERIOR COURT OF THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT JUNEAU

lodged  
1-29-91 dm.

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DR. STEVE ANDREWS, DR. JAMES R. )  
ARNESON, DR. DAVID BACKUS, DR. )  
STEPHEN BOESCH, DR. THOMAS )  
BORNSTEIN, DR. RICHARD CRITTENDEN, )  
DR. DONALD DENUCCI, DR. ROBERT )  
FELKER, DR. ED GRAVES, DR. WILLIAM )  
HALL, DR. RICHARD HOPKINS, DR. )  
GREG KALAL, DR. TOM KOVALESKI, DR. )  
MIKE KULIKOWSKI, DR. CHRIS MAEDER, )  
DR. ROBERT S. MATTHEWS, DR. )  
FREDERICK NOLAN, JR., DR. JASON )  
RAMPTON, DR. OLIVIA S. ROMINGER, )  
DR. CYNTHIA THIEL, DR. ED TRIPP, )  
DR. ROMMIE G. WHEELER, and )  
DR. BARRY WYMAN, )  
  
Plaintiffs, )  
  
v. )  
  
BOARD OF DENTAL EXAMINERS, )  
STATE OF ALASKA, )  
  
Defendant. )

FILED IN THE TRIAL COURT  
STATE OF ALASKA, FIRST DISTRICT  
AT JUNEAU

JAN 30 1991

Clerk of Court

By \_\_\_\_\_ alm Deputy

RECEIVED  
Department of Law  
AM FEB 13 1991 PM  
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Case No. 1JU-90-974 Civil

FINAL JUDGMENT

This case having come on before the court for hearing on  
January 28, 1991, the court having considered both plaintiffs'  
Motion for Summary Judgment and defendant's Cross-Motion for  
Summary Judgment, the briefs and arguments of the parties, and  
having concluded that there are no issues of material fact, now  
ORDERS, ADJUDGES AND DECREES that:

- 1) 12 AAC 28.950 is invalid and contrary to law;

FINAL JUDGMENT  
ORDER FOR COSTS

LAW OFFICES  
GROSS & BURKE  
A corporate law corporation  
424 NORTH FRANKLIN STREET  
JUNEAU, ALASKA 99901  
(907) 586-2777

1           2) the terms of AS 08.36.234 and AS 08.36.240 require the  
2 State Board of Dental Examiners to accept and consider  
3 applications for licensing by credentials and to grant licenses  
4 to practice dentistry in this State to all applicants who meet  
5 the requirements of AS 08.36.234;

6           3) the Board is ordered to receive and consider all  
7 applications submitted by plaintiffs for admission by  
8 credentials on or before 60 days from January 28, 1991;

9           4) Plaintiffs' Motion for Summary Judgment is granted in  
10 its entirety;

11           5) Defendant's Cross-Motion for Summary Judgment is  
12 denied in its entirety;

13           6) Final judgment is entered in favor of plaintiffs.

14           DATED at Juneau, Alaska, this 30<sup>TH</sup> day of January, 1991.

Jon Wood  
Superior Court Judge

17 Copy of proposed judgment received;  
18 no objections as to form.

CERTIFICATION

Sarah J. Felix  
Sarah J. Felix  
Assistant Attorney General

The undersigned certifies that on the 31<sup>ST</sup> day of  
January, 1991, a true copy of this  
document was served on the following attorneys:  
Aurum Hoss  
Sarah J. Felix  
By Sharon Lenko

ORDER AWARDING COSTS

22 Defendant is ordered to pay costs to the Plaintiff in the  
23 amount of \$152.00.

Sharon Lenko 2-12-91  
Clerk of Courts  
CERTIFICATION

The undersigned certifies that on the 13<sup>th</sup> day of  
February, 1991, a true copy of this  
document was served on the following attorneys:  
Aurum M. Gross  
-2- Sarah J. Felix  
By Sharon Lenko

26 FINAL JUDGMENT  
ORDER FOR COSTS

LAW OFFICES  
GROSS & BURKE  
A PROFESSIONAL CORPORATION  
424 NORTH FRANKLIN STREET  
JUNEAU, ALASKA 99901  
(907) 586-2777

12 AAC 28.950 ALASKA ADMINISTRATIVE CODE 12 AAC 30.010

**Editor's notes.** — 12 AAC 28.910 was originally adopted and filed as 12 AAC 28.300, effective April 8, 1979, Register 70. The section was renumbered to 12 AAC 28.910 in Register 106. The history note for 12 AAC 28.910 reflects the original effective date of the section 12 AAC 28.300.

**12 AAC 28.950. CESSATION OF LICENSING BY CREDENTIALS.** In the absence of specific regulations implementing AS 08.36.234 or legislation clarifying that statute, no applications for licensure by credentials will be accepted. (Eff. 10/17/84, Register 92; am 2/1/85, Register 93)

**Authority:** AS 08.36.070  
AS 08.36.234

**12 AAC 28.990. DEFINITIONS.** In this chapter  
(1) "administer local anesthetic agents" means the administration of local anesthetic agents by injection, both infiltration and block, limited to the oral cavity, for the purposes of pain control; and  
(2) "board" means the Board of Dental Examiners.  
(Eff. 5/31/81, Register 78)

**Authority:** AS 08.32.110(b)

## CHAPTER 30. BOARD OF DISPENSING OPTICIANS

### Article

1. Continuing Competence (12 AAC 30.010 — 12 AAC 30.060)
2. Examinations and Licensing (12 AAC 30.070 — 12 AAC 30.110)
3. General Provisions (12 AAC 30.900 — 12 AAC 30.990)

### Article 1. Continuing Competence

Section	Section
10. Definition of "continuing competence"	50. Continuing competence required for renewal of initial license
20. Evidence of continuing competence	60. Computation of continuing competence hours
30. Date of continuing competence	
40. Field in which continuing competence is obtained	

**12 AAC 30.010. DEFINITION OF "CONTINUING COMPETENCE."** For the purpose of AS 08.71.130(d) and this chapter, "continuing competence" means

- (1) attendance at a seminar or course conducted by
  - (A) the Opticians Association of America;
  - (B) the Contact Lens Society;
  - (C) the American Optometric Association;
  - (D) the Academy of Ophthalmology;
  - (E) the Optical Wholesalers Association;

**Statutes and Regulations Board of Dental Examiners**

**Article 2.**

**Regulation of Dental Hygienists**

**Sec. 08.32.110 Scope of work of dental hygienists**

(6) if certified by the board and under the direct or indirect supervision of a licensed dentist, administer local anesthetic agents.

**Change to read :**

(6) if certified by the board and under the general supervision of a licensed dentist, administer local anesthetic agents.

**Add the following:**

(7) if certified by the board and under the indirect supervision of a licensed dentist, administer and monitor nitrous oxide-oxygen analgesia.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

May 9, 1991

**SUBJECT:** Scope of Work of Dental Hygienists (CSHB 247( ))  
(Work Order No. 7-LS1059(V))

**TO:** Representative Jerry Mackie  
Attn: Linda

**FROM:** Jerry Luckhaupt  
Legislative Counsel

You have asked if section 1 of the above-referenced bill which amends AS 08.32.110(a) by limiting the procedures that dental hygienists are statutorily authorized to perform (removal of stains (AS 08.32.110(a)(1); application of topical preventive or prophylactic agents (AS 08.32.110(a)(2); application of pit and fissure sealants (AS 08.32.110(a)(3)) prohibits a dental hygienist from performing those procedures? The answer is no. A dental hygienist may still perform those procedures, but only when the procedure has been delegated by a licensed dentist under AS 08.32.110(a)(3) (amended by section 1 of the bill, page 1, line 14). Section 1 of the bill merely removes certain procedures from being performed at the discretion of a dental hygienist without delegation from a licensed dentist.

GPL:lmb  
91-172.lmb

# DIVISION OF LEGAL SERVICES

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Mail Stop 3101

### MEMORANDUM

April 10, 1991

**SUBJECT:** Sectional Summary - HB 247 (W.O. 17LS-1059)

**TO:** Representative Jerry Mackie  
Attn: Linda

**FROM:** Jerry Luckhaupt *JEL*  
Legislative Counsel

You have requested a sectional summary of HB 247, an Act relating to the licensure of dentists. Be advised that a sectional summary is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 08.36.160 by adding a new subsection (e). AS 08.36.160 deals with the examination required for licensure as a dentist. New (e) would allow the board to accept a passing score an applicant had received on a clinical examination given by the Western Regional Examining Board as a passing score on the clinical exam required under AS 08.36.160, provided the exam was taken within the five years preceding application and after January 1, 1987.

Section 2 of the bill amends AS 08.36.234 in several ways. First, the bill requires the board to allow for licensing by credentials. This allows for the licensing of dentists who have not taken and failed the examination required by AS 08.63.160. Under the bill dentists who have not taken and failed the examination shall be licensed by the dental board if they pass a written exam on the state's dental laws and an oral interview consisting of discussion of recent patient case reports and oral defense of diagnosis and treatment plans (page 3, lines 2 - 8), and if they submit the other information required by Section 2 of the bill. Existing law merely provides that the board "may" provide for licensing by credentials. Second, the information that is required to be produced by the dentist has been expanded upon over the existing statute. In particular, the paragraphs of AS 08.36.234 provide that:

(1) the applicant must provide certification of graduation from an accredited dental school and holds a certificate that the applicant has passed an examination given by the American Dental Association Joint Commission on National Dental Examinations;

(2) the applicant must provide certification of licensure in another state;

Representative Jerry Mackie

April 10, 1991

Page 2

(3) the applicant must provide certification of licensure in the jurisdiction where the applicant is currently licensed and has been licensed, provided that an applicant employed by the federal government must provide certification of endorsement by the employing federal agency;

(4) the applicant must provide certification of continuous clinical practice for the five years preceding application;

(5) the applicant must provide certification that the applicant is not the subject of an investigation, etc.;

(6) the applicant must provide certification that licensure in another jurisdiction has not been suspended, revoked, or voluntarily surrendered;

(7) the applicant must provide certification that the applicant has not failed the clinical examination of this state or the clinical examination of the Western Regional Examining Board (within the last three years);

(8) the applicant must submit proof of completion of 50 hours of continuing education in the last three years;

(9) the applicant must provide current certification in CPR;

(10) the applicant must pass the written examination on the state's laws;

(11) the applicant must be personally interviewed by the board for the purpose of verifying the applicant's professional competency;

(12) the applicant must pay all fees;

(13) the applicant must provide certification of no adverse reports by the National Practitioner Data Bank or the American Association of Dental Examiners Clearinghouse for Disciplinary Information;

(14) the applicant must provide certification of no adverse peer review reports from other jurisdictions;

(15) the applicant must provide an affidavit stating that the applicant is not an impaired practitioner; and

(16) the applicant must provide an authorization for release of records.

Section 3 of the bill amends AS 08.36.234 by the addition of new subsections, requiring the adoption of regulations and putting the burden of producing the documentary evidence required in section 2 of the bill on the applicant.

GPL:lmb  
91-107.lmb

PAUL S. BUXTON, D.D.S.

P.O. BOX 1876  
SOLDOTNA, ALASKA 99860

Telephone (907) 269-2424

RE: HB 247

I object to HB 247 in total. Credentialing of dentists without examination will allow incompetent and unsafe dentists into Alaska. Have you asked yourselves why these outside dentists are afraid to take an examination of their abilities? and do you really think that our already overworked Division of Occupational Licensing is going to be able to check up on the past of these new dentists from around the United States?

I also object to the "tacked on" portion of the bill that changes Sec. 08.32.110 Scope of work of dental hygienists. Changing this section will again allow unqualified people to do a job that requires the skill and education that our present hygienists have at this time.

Rather than vote for this bill I request that you move to eliminate Sec. 08.32.030 Licensure by credentials in its entirety.

Respectively yours,

Paul S. Buxton D.D.S.



American Dental Hygienists' Association  
 444 N. Michigan Avenue, Suite 3400  
 Chicago, Illinois 60611  
 (312) 440-8000  
 FAX # (312) 440-8020

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 Gail B. Bernal, RDH, District XII

May 10, 1991

Gail Bemis, RDH  
 14409 Don Circle  
 Eagle River, AK 99577

Dear Gail:

Thank you for contacting the American Dental Hygienists' Association asking for input on the proposed changes to the dental practice act. I am especially concerned that the proposed amendment to the dental hygiene scope of practice in Sec.08.32.110 is both unwise and unwarranted because it drastically changes the licensed scope requiring a dental hygiene license.

As I understand the situation, the stated intent of the proposed change is to enable dentists to delegate the application of fluoride and pit and fissure sealants to dental assistants who have completed board specified education. If that is indeed the purpose, why wouldn't the simplest and most understandable wording be used; i.e, why not just specify that unlicensed persons who have met board-specified requirements would not be considered to be practicing dental hygiene by performing those duties?

The exemption device is commonly used in practice acts to exempt persons who are not appropriately licensed from the dental and/or dental hygiene license requirement if they are performing specified acts under specified conditions. As an example, please see the enclosed excerpt from the Texas practice act, in particular the highlighted sentence exempting dental assistants taking dental x-rays from the practice of dentistry.

Moreover, the deletion of stain removal and application of prophylactic agents from the dental hygiene scope means that unlicensed persons would be eligible to perform a wide variety of duties beyond applying fluoride and sealants -- and there would be no requirement for additional education for these unspecified duties. For example, mechanical polishing of teeth, which can cause serious damage to tooth structure if improperly performed, would no longer be a licensed function.



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 Gail B. Bernis, RDH, District XII

Please contact me again if I can provide any additional specific information or be of any other assistance.

Sincerely,

Kathy Schroder, Manager  
 Governmental Affairs Division

Enclosure

cc: Connie Stewart, President, ADHA  
 Jane L. Kendall, CAE, Dir. Govt. Aff.

dispensing any anesthesia, anesthetic drug, medicine, or agent in anywise incidental to or in connection with the practice of dentistry; or who permits or allows another to use his license or certificate to practice dentistry in this state for the purpose of performing any act described in this Article; or who shall aid or abet, directly or indirectly, the practice of dentistry by any person not duly licensed to practice dentistry by the Texas State Board of Dental Examiners.

(8) Who shall control, attempt to control, influence, attempt to influence, or otherwise interfere with the exercise of a dentist's independent professional judgment regarding the diagnosis or treatment of any dental disease, disorder, or physical condition. However, nothing herein shall be construed to require any entity to pay for services which are not provided for in a contract or agreement or to exempt any dentist who is a member of a hospital staff from adhering to hospital bylaws, medical staff bylaws, or established policies approved by the governing board and the medical and dental staff of the hospital. (Acts 1935, 44th Leg., p. 506, Ch. 244; Acts 1943, 48th Leg., p. 576, Ch. 340; Acts 1951, 52nd Leg., p. 427, Ch. 267; Acts 1953, 53rd Leg., p. 721, Ch. 281; Acts 1954, 53rd Leg., p. 97, Ch. 46; Acts 1959, 56th Leg., p. 666, Ch. 309; Acts 1975, 64th Leg., p. 1836, Ch. 566; Acts 1977, 65th Leg., p. 1955, Ch. 778; Acts 1981, 67th Leg., p. 2832, Ch. 763; Acts 1985, 69th Leg., Ch. 306).

Article 4551b. EXCEPTIONS.

The definition of dentistry as contained in Chapter 9, of Title 71, of the Revised Civil Statutes of Texas as amended, shall not apply to: (1) members of the faculty of a reputable dental college or school where such faculty members perform their services for the sole benefit of such school or college; or to (2) students of a reputable dental college who perform their operations without pay except for actual cost of materials, in the presence of and under the direct personal supervision of a demonstrator or teacher who is a member of the faculty of a reputable dental college; or to (3) persons doing laboratory work on inert matter only, and who do not solicit or obtain work, by any means, from a person or persons not a licensed dentist actually engaged in the practice of dentistry and who do not act as the agents or solicitors of, or have any interest whatsoever in any dental office, practice or the receipts therefrom; or to (4) physicians and surgeons legally authorized to practice medicine as defined by the law of this State; or to (5) dental hygienists legally authorized to practice dental hygiene in this State and who practice dental hygiene in strict conformity with the laws of Texas regulating the practice of dental hygiene; or to (6) those persons who as members of an established church practice healing by prayer only; or to (7) employees of a dentist who make dental X-rays in the dental office and under the supervision of such dentist or dentists legally engaged in the practice of dentistry in this State; or to (8) Dental Health Service Corporations legally chartered under Subsection (1) of Article 2.01, of the Texas Nonprofit Corporation Act; or to (9) dental interns and dental residents as defined and regulated by the Texas State Board of Dental Examiners in its rules and regulations; or to (10) students of a reputable dental hygiene school who practice dental hygiene without pay in strict conformity with the laws of this state regulating the practice of dental hygiene; or to (11) dental assistants who perform the duties permitted by Article 4551a-1, Revised Statutes, in strict conformity with the laws of this state; or to (12) dentists licensed by another state or foreign country who perform clinical procedures only for professional and technical education demonstration purposes, provided that such dentists must first obtain a temporary license for such purpose from the State Board of Dental Examiners. (Acts 1935, 44th Leg., p. 606, Ch. 244; Acts 1951, 52nd Leg., p. 427, Ch. 267; Acts 1953, 53rd Leg., p. 721, Ch. 281; Acts

HOUSE COMMITTEE REPORT

5/19/91  
Rules

(7)  
Date Referred: April 29, 1991

FURTHER REFERRALS:

Date of Committee Action: 5-10-91

The LABOR AND COMMERCE Committee considered:

HB 247

HOUSE BILL NO. 247

LICENSURE OF DENTISTS

"An Act relating to licensure of dentists."

RECOMMENDATIONS:

be replaced with CSHB 247 (L+C)  the same title

have attached amendments(s)  a new title

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) Commwa

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Heroin P. Powell</i> POWELL	✓				
<i>John Rose</i> ROSE	✓				
<i>Don Finkelstein</i> FINKELSTEIN	✓	<i>E. Bruckman</i> BRUCKMAN			

*Don Finkelstein*  
CHAIRMAN'S SIGNATURE Finkelstein

# ALASKA LEGISLATURE

## Committees

JUDICIARY  
LABOR & COMMERCE  
BUDGET SUBCOMMITTEE  
ADMINISTRATION



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BOX 10-1776  
ANCHORAGE, ALASKA 99510  
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**Kevin "Pat" Parnell**  
Representative  
University-Midtown, Anchorage

## MEMORANDUM

TO: House Labor & Commerce Committee  
FROM: Representative Pat Parnell  
DATE: May 10, 1991  
SUBJECT: HB 247, Licensure of Dentists

*Kevin Pat Parnell*

Proposed amendments to the work draft dated 5/8/91:

# Page 3; Section 3, line 24 and page 5; Section 5, line 10--amended to read "criminal or fraudulent activity and negligent dental care (malpractice)."

Page 5; Section 5, line 14--amended to read "under AS 08.36.160 or provides a copy of the exam results which qualified them in their current state of practice;"

7-LS1059V  
Luckhaupt  
5/8/91

CS FOR HOUSE BILL NO. 247 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the scope of work of dental hygienists; relating to licensure of  
2 dentists; and providing for an effective date."

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

4 \* Section 1. AS 08.32.110(a) is amended to read:

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

8 (1) remove calcareous deposits and [,] accretions [, AND STAINS] from the  
9 exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing  
10 techniques;

11 (2) [APPLY TOPICAL PREVENTIVE OR PROPHYLACTIC AGENTS;

12 (3) APPLY PIT AND FISSURE SEALANTS;

13 (4)] perform root planing and periodontal soft tissue curettage;

14 (3) [(5)] perform other dental operations and services delegated by a licensed

1 dentist if the dental operations and services are not prohibited by (c) of this section; and  
2 (4) [(6)] if certified by the board and under the direct or indirect supervision of  
3 a licensed dentist, administer local anesthetic agents.

4 \* Sec. 2. AS 08.36.070(a) is amended to read:

5 (a) The board shall

6 (1) provide for the examination of applicants and issue licenses to those applicants  
7 it finds qualified;

8 (2) register licensed dentists and licensed dental hygienists who are in good  
9 standing;

10 (3) report annually to the governor and the department on the board's proceedings  
11 during the year, findings concerning the standards and availability of dental services in the state  
12 including the number of licensees, examination, and licensing activities, other matters related to  
13 dental practice, and board receipts and expenditures;

14 (4) affiliate with the American Association of Dental Examiners, and pay annual  
15 dues to the association;

16 (5) hold hearings, and order the disciplinary sanction of a person who violates this  
17 chapter, AS 08.32, or a regulation of the board;

18 (6) supply forms for applications, licenses, permits, certificates, and other papers  
19 and records;

20 (7) enforce the provisions of this chapter and AS 08.32 and adopt or amend the  
21 regulations necessary to make the provisions of this chapter and AS 08.32 effective;

22 (8) adopt regulations ensuring that renewal of registration is contingent upon proof  
23 of continued professional competence by a licensed dentist or licensed dental hygienist;

24 (9) provide the department with the requirements for proof of continued  
25 professional competence and request the department to make these requirements available to each  
26 licensed dentist and licensed dental hygienist at least one year before the date on which the  
27 dentist or dental hygienist must renew registration;

28 (10) at least annually cause to be published in a newspaper of general circulation  
29 in each major city in the state [,] a summary of disciplinary actions the board has taken during  
30 the preceding calendar year;

31 (11) issue permits or certificates to licensed dentists, licensed dental hygienists,

1 and dental assistants who meet standards determined by the board for specific procedures that  
2 require specific education and training;

3 (12) regulate the reentry into practice of inactive dentists and dental hygienists;

4 (13) require, as a condition of a license or license renewal issued by the  
5 board, that an applicant or licensee has at the time of licensing or renewal and maintains  
6 throughout the period of a license current certification in cardiopulmonary resuscitation  
7 techniques.

8 \* Sec. 3. AS 08.36.110 is repealed and reenacted to read:

9 Sec. 08.36.110. QUALIFICATIONS FOR LICENSE. An applicant for a license to  
10 practice dentistry shall

11 (1) provide certification to the board that the applicant

12 (A) is a graduate of a dental school that at the time of graduation is  
13 accredited by the Commission on Accreditation of the American Dental Association;

14 (B) holds a certificate from the American Dental Association Joint  
15 Commission on National Dental Examinations that the applicant has successfully passed  
16 the written examinations given by the commission;

17 (C) has not had a license to practice dentistry revoked, suspended, or  
18 voluntarily surrendered in this state or another state;

19 (D) is not the subject of an unresolved complaint, investigation, review  
20 procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law  
21 enforcement agency;

22 (E) is not the subject of an adverse report from the National Practitioner  
23 Data Bank or the American Association of Dental Examiners Clearinghouse for  
24 Disciplinary Information that relates to criminal or fraudulent activity;

25 (F) is not the subject of an adverse peer review report from a state,  
26 territory, or local dental society in any state or territory;

27 (G) is not an impaired practitioner;

28 (2) pass, to the satisfaction of the board, written, clinical, and other examinations  
29 administered or approved by the board; and

30 (3) meet the other qualifications for a license established by the board by  
31 regulation.

1 \* Sec. 4. AS 08.36.160 is amended by adding a new subsection to read:

2 (e) A passing score on a clinical examination given by the Western Regional Examining  
3 Board within the five years preceding licensure application under this chapter constitutes a  
4 passing score on a clinical examination required under this chapter, provided the examination was  
5 taken on or after January 1, 1987.

6 \* Sec. 5. AS 08.36.234 is repealed and reenacted to read:

7 Sec. 08.36.234. LICENSURE WITHOUT CLINICAL EXAMINATION. (a) The board  
8 shall provide for the licensing without examination, except as provided in (2) of this subsection,  
9 of a dentist who

10 (1) provides certification to the board that the dentist

11 (A) is a graduate of a dental school accredited by the Commission on  
12 Accreditation of the American Dental Association, or its successor agency, and holds a  
13 certificate from the American Dental Association Joint Commission on National Dental  
14 Examinations that the dentist has passed the written examination given by the  
15 commission;

16 (B) has been licensed to practice dentistry in another state, territory, or  
17 region of the United States with licensing requirements at least equivalent in scope,  
18 quality, and difficulty to those of this state at the time of licensure;

19 (C) is in good standing with the licensing entity in the jurisdiction where  
20 the dentist is currently licensed and in all jurisdictions in which the dentist was previously  
21 licensed; if the dentist is employed by the federal government, the dentist must be in good  
22 standing with the employing federal agency;

23 (D) has been engaged in continuous active clinical practice averaging at  
24 least 20 hours per week for each of the five years immediately preceding the application  
25 in a jurisdiction in which the dentist was in good standing;

26 (E) is not the subject of an unresolved complaint, investigation, review  
27 procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law  
28 enforcement agency;

29 (F) has not previously had a license to practice dentistry suspended for  
30 grounds similar to those specified under AS 08.36.315, revoked, or voluntarily  
31 surrendered;

1 (G) has not failed the clinical examination of this state or, within the  
2 previous three years, failed the clinical examination given by the Western Regional  
3 Examining Board;

4 (H) has completed at least 42 hours of continuing education related to  
5 clinical dentistry in the three years preceding application for a license in this state; the  
6 continuing education must have been approved by the American Dental Association, the  
7 Academy of General Dentistry, or the appropriate specialty board;

8 (I) is not the subject of an adverse report from the National Practitioner  
9 Data Bank or the American Association of Dental Examiners Clearinghouse for  
10 Disciplinary Information that relates to criminal or fraudulent activity;

11 (J) is not the subject of an adverse peer review report from a state,  
12 territory, or local dental society in any other state or territory;

13 (2) has passed, to the satisfaction of the board, the written examination given  
14 under AS 08.36.160; the board may not require a higher passing score for applicants under this  
15 section than the board requires for applicants under AS 08.36.110;

16 (3) is personally interviewed by the board for purposes of verifying credentials;

17 (4) pays all required fees;

18 (5) provides the board with an affidavit that the dentist is not an impaired  
19 practitioner;

20 (6) provides to the board an authorization for release of records in a form  
21 prescribed by the board.

22 (b) A dentist applying for licensure without clinical examination is responsible for  
23 providing to the board all materials required by this section or by the board to implement this  
24 section to establish eligibility for a license without clinical examination. In addition to the  
25 grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued  
26 without a clinical examination upon evidence of misinformation or substantial omission.

27 (c) The board shall adopt regulations necessary to implement this section including

28 (1) the form and manner of certification of qualifications under this section; and

29 (2) a requirement that certification of education, licensing, law enforcement and  
30 disciplinary proceedings, and examination be provided directly to the board by the appropriate  
31 institution, jurisdiction, or agency.

1 \* Sec. 6. AS 08.36.370 is amended by adding a new paragraph to read:

2 (3) "impaired practitioner" means a person who is unfit to practice dentistry due  
3 to addiction or dependence on alcohol or other drugs that impair the practitioner's ability to  
4 practice safely.

5 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

REPRESENTATIVE  
JERRY MACKIE

P O BOX 73  
CRAIG, ALASKA 99921  
(907) 828-3008 OFFICE  
(907) 828-2930 HOME

CHAIRMAN,  
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,  
TRANSPORTATION COMMITTEE

# Alaska State Legislature



WHILE IN JUNEAU  
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JUNEAU, ALASKA 99811  
(907) 465-4925

## House of Representatives DEPARTMENT ISSUES SURROUNDING HB 247

The Department of Commerce and Economic Development presented a series of concerns regarding this bill. I will address the concerns in the same order that they are presented in the Department position paper.

The first concern which is the addition of an oral exam. This concern was addressed in the committee substitute from the Health Education and Social Services. This requirement has been restored to an interview by the Board for the purpose of verifying the information that the applicant has presented. An oral examination is no longer required under this bill.

The second concern is the amendment to AS 08.36.160. This concern has not been addressed in the proposed committee substitute before you. An amendment that will correct the concerns that the Department presented is available for committee action.

The third concern expressed by the Department is the use of the word "endorsed". The proposed committee substitute has corrected this concern. In place of "endorsed" the words, "in good standing" have been used.

The fourth concern, which discusses the use of "other governmental agency" has not been addressed in the proposal before you. An amendment is attached which will address this concern for your consideration.

The concern regarding continuing education requirements has been addressed in the committee substitute adopted by the Health Education and Social Services Committee and has been retained in

Department Issues

Page 2

May 1, 1991

the bill that is being presented for adoption by the House Labor and Commerce Committee.

Another concern that has been corrected in the bill before you is the CPR requirement. This is now found in Sec. 1 of the bill, and is required of all applicants for licensure and license renewal.

The concern about case reviews has been addressed by the removal of the oral examination. A interview by the board to verify credentials presented is all that is required under this proposal.

A cross-reference to AS 08.36.315 has been added to Section 4, while the substantial omission language has been retained. An inadvertent omission can be substantial in this process.

A definition of impaired practitioner has been added in the proposed committee substitute of HB 247.

The "s" has not been added to examination as suggested in proposed 08.36.234(1). There are two tests given, however, when completed it is considered one examination.

The language, "or competency issues", has not been added. The "competency issues" appears to be covered in paragraph (5) and (6) of the bill.