

HB

81

HFIN

FILE

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: HB 81
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Community & Econ Dev.
 Title: An Act extending the termination date of the BRU: Occupational Licensing
Board of Dental Examiners Component: Occupational Licensing
 Sponsor: Reps. Fata, Harris
 Requester: House Labor and Commerce Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services		91.2	91.2	91.2	91.2	
Travel		22.2	22.2	22.2	22.2	
Contractual		54.5	54.5	54.5	54.5	
Supplies		0.2	0.2	0.2	0.2	
Equipment		0.0	0.0	0.0	0.0	
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	168.1	168.1	168.1	168.1	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	168.1	168.1	168.1	168.1	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other - 1156 RSS		168.1	168.1	168.1	168.1	
TOTAL	0.0	168.1	168.1	168.1	168.1	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill extends the Board of Dental Examiners to June 30, 2005. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the board to conclude its affairs. The information above identifies direct expenditure and revenue information included in the FY 2002 Operating Budget request.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
 Division: Occupational Licensing Date/Time 2/21/2001 6:00 p.m.
 Approved by: _____ Date _____
 Agency: Dept. of Community and Economic Development

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 81(L&C)
() Publish Date: _____

Revision Date/Time (Note if correction): 03/06/2001 1:30p m. Dept. Affected: DCED
Title: An Act extending the termination date of the BRU: Occupational Licensing
Board of Dental Examiners.... Component: Occupational Licensing
Sponsor: Representative Fate
Requester: House Labor and Commerce Component Number: 2360

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Travel		22.2	22.2	22.2	22.2	
Contractual		54.5	54.5	54.5	54.5	
Supplies		0.2	0.2	0.2	0.2	
Equipment		0.0	0.0	0.0	0.0	
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	168.1	168.1	168.1	168.1	

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1156 RSS)	0.0	168.1	168.1	168.1	168.1	
--------------------------------------	------------	--------------	--------------	--------------	--------------	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other - (1156 RSS)		168.1	168.1	168.1	168.1	
TOTAL	0.0	168.1	168.1	168.1	168.1	

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

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Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division: Occupational Licensing Date/Time 03/06/2001 1:30p m
Approved by: Commissioner Deborah B. Sedwick Date 3/6/2001
Agency: Department of Community and Economic Development

For distribution information, call the Governor's Legislative Office

Comments

Sectional Analysis House Bill 81, Board of Dental Examiners

Section 1. AS 08.03.010(c)(7)

Page 1 Line 6

Extends the termination date from June 30, 2001 to June 30, 2005.

Section 2 AS 08.03.110(a)(2)

Page 2 Line 1

Removes OR PROPHYLACTIC. Prophylactic is duplicate language to preventative. It is covered under preventative agent. Prophylactic is also confusing language because it is similar to other dental terms like prophylaxis.

Section 3 AS 08.03.110(d)

Page 2 Line 11

Same reason. [Prophylactic was taken out of both locations because the Department of Law said if one went, they both had to.]

Section 4 AS 08.36.010

Page 2 Line 14

Adds wording that says, the Governor, when making appointments, will consider licensed dentists nominated by the Alaska Dental Society and licensed dental hygienists nominated by the Dental Hygienists' Association.

Requested it be struck.
Section 5 AS 08.36.030

Page 2 Line 22

The president of the Board of Dental Examiners must be a licensed dentist under this chapter.

Section 6. AS 08.36.075(d)

Page 3 Lines 5 to 13

Allows a board authorized inspector to determine whether the owner or lessee of dental radiological equipment is in compliance with the inspection standards of the board, collect the appropriate fee and remit the fee to the board, and issue an inspection seal. The inspector will then remit the paperwork to the board and whether a seal was issued or not.

Section 7 AS 08.36.160(e)

Page 3 Lines 16 to 18

Makes a passing score on a clinical exam given by the Central Regional Dental Testing Service, Inc. an acceptable alternative to the Western Regional Examining Board examination as long as the exam was passed after January 1, 2001.

Section 8 AS 08.36.234(a)

Page 4 Line 1

Requires that the dentist be currently licensed in another state, with the same requirements as Alaska, in order avoid re-examination to practice in Alaska.

Page 4 Lines 2,3

Language that states a dentist could have taken a dental exam in one state and be practicing in another, and as long as the state they are licensed in has equivalent requirements to Alaska, the dentist can practice in Alaska. (The dentist doesn't have to be

licensed and practicing in the same state in order for them to practice in Alaska, if it has equivalent requirements.)

Section 9 AS 08.36.317

Page 6 Line 2

Increases the allowable civil fine from \$5,000 to \$25,000 per violation.

Section 10 08.36.360

Page 6 Lines 27 to 31 and

Page 7 Lines 1 to 3

Expands the current definition of Dentistry to include the American Dental Association's definition of dentistry which allows a dentist to evaluate, diagnose, treat, or perform preventive procedures relating to diseases, disorders, or conditions of the oral cavity, maxillofacial area, or adjacent and associated structures.

Alaska State Legislature



REPRESENTATIVE
HUGH "BUD" FATE

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Fax (907) 456-3346

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State Capitol
Juneau, Alaska
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House District 33

House Of Representatives

CS for House Bill 81

"An Act extending the termination date of the Board of Dental Examiners; relating to the Board of Dental Examiners and regulation of the practice of dental hygienists and dental assistants."

SPONSOR: Representative Hugh Fate

SPONSOR STATEMENT:

Under Title 8 of the Alaska Statutes the Board of Dental Examiners will terminate June 30, 2001. A report released by the Legislative Budget and Audit Committee recommended that the Legislature extend the board's date to June 30, 2005. This is the main focus of House Bill 81. The regulation and licensing of qualified dentists and hygienists benefits the public's safety and welfare. The Board contributes to safe guarding the public interests by ensuring competence and integrity of dentists and dental hygienists. As a retired dentist I believe the Board provides an invaluable service and should continue to do so.

House Bill 81 also addresses some issues of concern to the Dental Board of Examiners and the Alaska Dental Society. House Bill 81 attempts to clear up some duplicate and confusing language, reduce paperwork, expand the definition of dentistry, require the board president be a dentist, address dental testing and equivalency options, board appointments, and increase the allowable civil fine penalty that the Board can impose.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 81(L&C)
(H) Publish Date: 3/7/01

Revision Date/Time (Note if correction): 1/26/2001 4:45PM Dept. Affected: DCED
Title: An Act extending the termination date of the BRU: Occupational Licensing
Board of Dental Examiners Component: Occupational Licensing
Sponsor: Representatives Fate, Harris
Requester: House Labor and Commerce Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0		

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0		
-------------------------------	------------	------------	------------	------------	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 RSS						
TOTAL	0.0	0.0	0.0	0.0		

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
The bill extends the Board of Dental Examiners to June 30, 2005. Funding for the board is included in the FY 2002 Operating Budget request and new funds are not required. For informational purposes, the attached page shows expenditure and revenue information for the last two fiscal years.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division: Occupational Licensing Date/Time 1/26/2001 4:45PM
Approved by: Commissioner Deborah B. Sedwick Date 1/26/2001
Agency: Department of Community and Economic Development

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

HB 81: An Act extending the termination date of the Board of Dental Examiners

Page 2 of 2

FY 1999 Expenditures

FY 2000 Expenditures

Personal Services:

Direct 99,330.21

91,183.03

Indirect 23,564.62

22,832.77

Travel:

Direct 22,441.38

22,222.52

Indirect 332.88

217.22

Contractual Services:

Direct 60,563.63

54,456.87

Indirect 13,163.29

15,163.61

Supplies:

Direct 320.59

197.71

Indirect 1,664.21

1,295.41

Equipment

Direct 0.00

0.00

Indirect 1,188.39

571.74

TOTAL: 222,569.20

208,140.88

REVENUE: 201,673.10

122,989.44

Bill History/Action Display



BILL: HB 81

SHORT TITLE: EXTENDING BOARD OF DENTAL EXAMINERS

BILL VERSION:

SPONSOR(S): REPRESENTATIVE(S)FATE, Harris

CURRENT STATUS: (H) FIN

STATUS DATE: 03/07/01

TITLE: "An Act extending the termination date of the Board of Dental Examiners."

 Full Text

 No Fiscal Notes Available

 Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
01/19/01	<u>0130</u>	(H) READ THE FIRST TIME - REFERRALS
01/19/01	<u>0130</u>	(H) L&C, FIN
03/07/01	<u>0495</u>	(H) L&C RPT CS(L&C) NT SDP 1NR
03/07/01	<u>0495</u>	(H) DP: CRAWFORD, HAYES, MEYER, ROKEBERG,
03/07/01	<u>0495</u>	(H) MURKOWSKI; NR: HALCRO
03/07/01	<u>0495</u>	(H) FN1: ZERO(CED)
03/07/01	<u>0495</u>	(H) REFERRED TO FINANCE

Similar Subject Match or Exact Subject Match

BOARDS & COMMISSIONS

DENTISTS

MEDICAL CARE

OCCUPATIONS & PROFESSIONS

SUNSET

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR



TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22 Legislature)

Return to Legislature Home Page

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347
Internet e-mail address:
legaudit@legis.state.ak.us

SUMMARY OF: A Special Report on the Department of Community and Economic Development, Board of Dental Examiners, Sunset Review November 12, 2000.

PURPOSE OF THE REPORT

In accordance with the intent of Title 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Dental Examiners. Under AS 44.66.050(a), the legislative committee of reference is to consider this report during the oversight process to determine whether the termination date of the board should be extended. Currently, AS 08.03.010(c)(7) requires the board to terminate on June 30, 2001. If the legislature takes no action to extend the termination date, the board will have one year from that date to conclude its affairs.

REPORT CONCLUSIONS

In our opinion, the Board of Dental Examiners is operating in an efficient and effective manner and should continue to regulate dentists and dental hygienists. We believe the board contributes to the safeguarding of the public interest, by ensuring the competence and integrity of those who hold themselves out to the public as dentists and dental hygienists.

The board serves a public purpose and has demonstrated an ability to conduct its business in a satisfactory manner. The board continues to propose changes to regulations to improve the effectiveness of the board and ensure that dentist and dental hygienists are licensed in the State of Alaska.

Alaska Statute 08.03.010(c)(7) requires the Board of Dental Examiners be terminated on June 30, 2001. Under AS 08.03.020, the board has a one-year period to administratively conclude its affairs. We recommend the legislature extend the board's termination date to June 30, 2005.

Final Report

ISSUES NEEDING FURTHER STUDY

Government auditing standards recommend that audit agencies report on issues that are noted during the course of an audit, but due to circumstances are not necessarily addressed with additional audit fieldwork. The standards state the auditor should "*refer significant issues needing further audit work*" to the appropriate entities, so the issues can be addressed through audit review at some other time.

Investigating and "making a case" against licensed professionals is difficult. Complaints often involve whether a certain procedure or practice was appropriate and consistent with competent care or lawful, ethical practice. Assessing compliance with such care or practice standards often involves having both the Division of Occupational Licensing and the Department of Law consult with other practitioners regarding professional procedural norms. Such consultation takes time. We recognize the value in proceeding cautiously in order to make the best case possible, our concern is that the public may unduly be put at risk due to delays often involved with such an approach.

In that context, we suggest that further study is needed to determine if investigations are being carried out, by the Division of Occupational Licensing with support from the Department of Law, in a timely manner. This issue is not solely related to the Board of Dental Examiners as the Division of Occupational Licensing must prioritize and allocate its resources across all boards and licensing functions. However, we are concerned about the length of time an investigation (including legal support) of a single dentist is taking given the serious nature of the complaints.

A separate review could assess the overall investigative efforts of the Division of Occupational Licensing and the related legal assistance provided by the Department of Law. This assessment will determine if the various boards are receiving the support necessary to enforce professional standards and requirements and ensure adequate public protection.

Dental Statute Changes

The Board of Dental Examiners would like the legislature to make the following dental statute changes during the consideration of board sunset extension.

- 1) Replace the current definition of the practice of dentistry with the American Dental Association definition.
- 2) Increase the maximum fine for violation of the dental statutes. The board believes the current \$5,000 maximum fine is not sufficient incentive to stop transgressions.
- 3) Delete the term "prophylactic" from AS 08.32.110(d) in order to make it clear that dental assistants cannot perform teeth cleaning. Cleaning has always been an exclusive hygienist function, but the current wording may mislead the public.
- 4) Amend AS 08.36.160(e) so the board may accept the Central Regional Dental Testing Service exam as well as the current Western Regional Examining Board exam.
- 5) Amend AS 08.36.234(a)(1)(B) by changing "has been licensed" to "is licensed." The effect of this change would be to require applicants for licensure by credentials to hold a current license in another state, territory or region of the United States.

Thank you for considering our comments.

Sincerely,



Catherine Reardon, director



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2 entries found for **prophylactic**.
To select an entry, click on it. (Click 'Go' if nothing happens.)

prophylactic[1,adjective] Go
prophylactic[2,noun]

Main Entry: ¹pro·phy·lac·tic
Pronunciation: "prO-f&- 'lak-tik also "prä-
Function: *adjective*
Etymology: Greek *prophylaktikos*, from *prophylassein* to be on guard, from *pro-* before + *phylassein* to guard, from *phylak-*, *phylax* guard
Date: 1574
1 : guarding from or preventing disease
2 : tending to prevent or ward off : **PREVENTIVE**
- *pro·phy·lac·ti·cal·ly* /-ti-k(&-)lE/ *adverb*

Dictio

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FISCAL NOTE

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(H) Publish Date: 3/7/01

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Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division: Occupational Licensing Date/Time 1/26/2001 4:45PM
Approved by: Commissioner Deborah B. Sedwick Date 1/26/2001
Agency: Department of Community and Economic Development

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

HB 81: An Act extending the termination date of the Board of Dental Examiners

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Indirect 1,188.39

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571.74

TOTAL: 222,569.20

208,140.88

REVENUE: 201,673.10

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22-LS0375\S
Lauterbach
3/23/01

CS FOR HOUSE BILL NO. 81(FIN)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES FATE, Harris

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the termination date of the Board of Dental Examiners; relating to**
2 **the Board of Dental Examiners and regulation of the practice of dentistry; and relating**
3 **to dental hygienists and dental assistants."**

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

5 *** Section 1.** AS 08.03.010(c)(7) is amended to read:

6 (7) Board of Dental Examiners (AS 08.36.010) -- June 30, 2005
7 [2001];

8 *** Sec. 2.** AS 08.32.110(a) is amended to read:

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

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

- 1 (2) apply topical preventive [OR PROPHYLACTIC] agents;
2 (3) apply pit and fissure sealants;
3 (4) perform root planning and periodontal soft tissue curettage;
4 (5) perform other dental operations and services delegated by a
5 licensed dentist if the dental operations and services are not prohibited by (c) of this
6 section; and
7 (6) if certified by the board and under the direct or indirect supervision
8 of a licensed dentist, administer local anesthetic agents.

9 * Sec. 3. AS 08.32.110(d) is amended to read:

10 (d) This section does not prohibit a dental assistant from applying topical
11 preventive [OR PROPHYLACTIC] agents or pit and fissure sealants when those
12 duties have been delegated to the assistant by a dentist licensed under AS 08.36 or by
13 a dentist exempt from licensure under AS 08.36.350(a)(2).

14 * Sec. 4. AS 08.36.010 is amended by adding a new subsection to read:

15 (b) When making appointments of dentists and dental hygienists under (a) of
16 this section, the governor shall consider licensed dentists who have been nominated by
17 the Alaska Dental Society and licensed dental hygienists who have been nominated by
18 the Alaska State Dental Hygienists' Association.

19 * Sec. 5. AS 08.36.075(d) is amended to read:

20 (d) The board shall require that inspection of dental radiological equipment
21 occur once within every five calendar years and require that records concerning the
22 inspection be provided to the board by the owner or lessee of the equipment and kept
23 on file where the equipment is located. The board shall, upon application by the
24 owner or lessee of the dental radiological equipment, submission of evidence
25 documenting compliance with the inspection standards of the board, and payment of a
26 fee set by the board, issue to the owner or lessee an inspection seal indicating the date
27 by which the dental radiological equipment must pass inspection again. The date on
28 the inspection seal shall be December 31 of the fourth calendar year that occurs after
29 the calendar year in which the inspection occurred. A dentist may not use, or allow a
30 person under the dentist's supervision to use, dental radiological equipment in this
31 state after the date on the most recent inspection seal. The board may authorize an

1 inspector who is not a member of the board to determine whether the owner or
2 lessee of dental radiological equipment is in compliance with the inspection
3 standards of the board, collect the appropriate fee and remit the fee to the board,
4 and issue an inspection seal indicating the date by which the dental radiological
5 equipment must pass inspection again. An inspector who performs an inspection
6 under this subsection shall report the results of each inspection to the board and
7 to the department, indicating whether the dental radiological equipment was in
8 compliance with the inspection standards of the board and whether an inspection
9 seal was issued.

10 * Sec. 6. AS 08.36.160(e) is amended to read:

11 (e) A passing score on a clinical examination given by the Western Regional
12 Examining Board or a passing score on a clinical examination taken after
13 January 1, 1999, and given by the Central Regional Dental Testing Service, Inc.,
14 which is an entity incorporated in the state of Kansas, within the five years
15 preceding licensure application under this chapter constitutes a passing score on a
16 clinical examination required under this chapter [, PROVIDED THE
17 EXAMINATION WAS TAKEN ON OR AFTER JANUARY 1, 1987].

18 * Sec. 7. AS 08.36.234(a) is amended to read:

19 (a) The board shall provide for the licensing without examination, except as
20 provided in (2) of this subsection, of a dentist who

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

22 (A) is a graduate of a dental school accredited by the
23 Commission on Accreditation of the American Dental Association, or its
24 successor agency, and holds a certificate from the American Dental
25 Association Joint Commission on National Dental Examinations that the
26 dentist has passed the written examination given by the commission;

27 (B) has passed clinical and written examinations required for
28 licensure in another state, territory, or region of the United States and ~~is~~ [HAS
29 BEEN] licensed to practice dentistry in ~~a~~ [THAT] state, territory, or region of
30 the United States; the state, territory, or region in which the dentist is licensed
31 must have licensing requirements at least generally equivalent to those of this

1 state at the time of application; if the board does not consider the licensing
2 requirements of the other jurisdiction to be generally equivalent to those of this
3 state at the time of application because certain areas of subject matter were not
4 included in the other jurisdiction's examinations, the board may find
5 compliance with the requirements of this subparagraph if the dentist holds a
6 specialty certification in the omitted subject areas;

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

12 (D) has been engaged in continuous active clinical practice
13 averaging at least 20 hours a week for each of the five years immediately
14 preceding the application

15 (i) in a jurisdiction in which the dentist was licensed
16 and in good standing; or

17 (ii) working for the federal government while in good
18 standing with the employing federal agency and after having been
19 licensed by a jurisdiction;

20 (E) is not the subject of an adverse decision based upon a
21 complaint, investigation, review procedure, or other disciplinary proceeding
22 within the five years immediately preceding application, or of an unresolved
23 complaint, investigation, review procedure, or other disciplinary proceeding,
24 undertaken by a state, territorial, local, or federal dental licensing jurisdiction
25 or a dental society;

26 (F) is not the subject of an unresolved or an adverse decision
27 based upon a complaint, investigation, review procedure, or other disciplinary
28 proceeding undertaken by a state, territorial, local, or federal dental licensing
29 jurisdiction, dental society, or law enforcement agency that relates to criminal
30 or fraudulent activity, dental malpractice, or negligent dental care and that
31 adversely reflects on the applicant's ability or competence to practice dentistry

1 or on the safety or well-being of patients;

2 (G) has not previously had a license to practice dentistry
3 suspended for grounds similar to those specified under AS 08.36.315, revoked,
4 or voluntarily surrendered;

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

10 (I) has not within the previous three years failed the clinical
11 exam given by the Western Regional Examining Board;

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

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

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

23 (4) pays all required fees;

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

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

28 * Sec. 8. AS 08.36 is amended by adding a new section to read:

29 Sec. 08.36.317. Civil fine authority. Notwithstanding AS 08.01.075(a), in a
30 disciplinary action, the board may impose a civil fine not to exceed \$25,000 for each
31 violation of this chapter or of a regulation adopted under this chapter.

1 * Sec. 9. AS 08.36.360 is amended to read:

2 Sec. 08.36.360. Practice of dentistry defined. A person engages in the
3 practice of dentistry who

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

6 (2) diagnoses, treats, operates on, corrects, attempts to correct, or
7 prescribes for [,] a disease, lesion, pain, injury, deficiency, deformity, or physical
8 condition, malocclusion or malposition of the human teeth, alveolar process, gingiva,
9 maxilla, mandible, or adjacent tissues;

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

12 (4) furnishes, supplies, constructs, reproduces, or repairs dentures,
13 bridges, appliances or other structures to be used and worn as substitutes for natural
14 teeth, except on prescription of a duly licensed and registered dentist and by the use of
15 impressions or casts made by a duly licensed and registered dentist;

16 (5) uses the words "dentist" or "dental surgeon" or the letters "D.D.S."
17 or "D.M.D." or other letter or title that represents the dentist as engaging in the
18 practice of dentistry;

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

20 (7) exercises control over professional dental matters or the operation
21 of dental equipment in a facility where the acts and things described in this section are
22 performed or done;

23 (8) evaluates, diagnoses, treats, or performs preventive procedures
24 relating to diseases, disorders, or conditions of the oral cavity, maxillofacial area,
25 or adjacent and associated structures; a dentist whose practice includes the
26 services described in this paragraph may only perform the services if they are
27 within the scope of the dentist's education, training, and experience and in accord
28 with the generally recognized ethical precepts of the dental profession; nothing in
29 this paragraph requires a person licensed under AS 08.64 to be licensed under
30 this chapter.