

SB

92

<TARGET><BILL>SB 92</BILL><SUBJECT>SB
92</SUBJECT><COMM>HF IN27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 8, 2012

FURTHER REFERRALS:

Date of Committee Action: 4/9/12

The FINANCE Committee considered:

CSSB 92(FIN)

CS FOR SENATE BILL NO. 92(FIN)

"An Act relating to dental hygienists, dentists, dental assistants, dental hygiene, and dentistry."

SB 92-DENTISTS/DENTAL HYGIENISTS/ASSISTANTS

Recommends it be replaced with HCS or CS for CSSB 92 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CEC
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- DHS
- LWF
- LAW
- LEG
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
FN#	List by Dept(s):	Fiscal	Indet.	Zero
3	CED	✓		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Anna Fairclough</i>	FAIRCLOUGH	✓			
<i>Jan [Signature]</i>	STANBERRY	✓			
<i>[Signature]</i>	Gara	✓			
<i>Jamorie Wilson</i>	T. Wilson	✓			
<i>[Signature]</i>	CASTELL	✓			
<i>[Signature]</i>	Edgmon	✓			
<i>Nickie Doogan</i>	DOOGAN	✓			
<i>[Signature]</i>	Joule			✓	
Chair: <i>[Signature]</i>	Stolte	✓			
Chair: <i>[Signature]</i>	Thomas	✓			

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HCS CSSB 92(L&C)
Fiscal Note Number 3
(H) Publish Date 2/8/12

Identifier (file name) SB092-DCCED-CBPL-12-15-11 Dept. Affected DCCED
Title Dentists/Dental Hygienists/Assistants Appropriation Corps, Bus & Professional Licensing
Allocation Corps, Bus & Professional Licensing
Sponsor Senator Dennis Egan
Requester House Labor & Commerce OMB Component Number 2360

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY13	FY14	FY15	FY16	FY17
OPERATING EXPENDITURES								
Personal Services	90.2	0.0	90.2	90.2	90.2	90.2	90.2	90.2
Travel	2.0	0.0	2.0	2.0	2.0	2.0	2.0	2.0
Services	14.7	0.0	14.7	14.7	14.7	14.7	14.7	14.7
Commodities	6.0	0.0	1.0	1.0	1.0	1.0	1.0	1.0
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	112.9	0.0	107.9	107.9	107.9	107.9	107.9	107.9

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1156	Rcpt Svcs (DGF)	112.9		107.9	107.9	107.9	107.9	107.9
TOTAL		112.9	0.0	107.9	107.9	107.9	107.9	107.9

POSITIONS							
Full-time	1		1	1	1	1	1
Part-time							
Temporary							

CHANGE IN REVENUES	112.9		107.9	107.9	107.9	107.9	107.9
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Estimated SUPPLEMENTAL (FY12) operating costs 0.0 (separate supplemental appropriation required;
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

This fiscal note passed out of the Senate Finance Committee updated on new form for 2012 Legislative Session with modified Personal Services support costs.

Prepared by Don Habeger, Director
Division Corporations, Business and Professional Licensing
Approved by Susan K. Bell, Commissioner
Commerce, Community, and Economic Development

Phone 465-2538
Date/Time 12/15/11 10:00am
Date 12/30/2011

FISCAL NOTE #3

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HCS CSSB 92(L&C)

Analysis

SB 92 amends the licensing requirements for dentists, dental hygienists, and dental assistants. The enactment of this legislation will require the following costs;

Personal Services consists of one full-time Investigator III position, Range 18 to conduct investigations into alleged violations and be directly responsible and accountable to the board.

Travel for investigative work is consistent with the duties outlined in the legislation.

Services include support services for the new position and increased legal services.

Commodities include for one time set up costs of furniture, computer, telephone, etc. and ongoing costs for supplies.

Under the self-sufficiency statute of AS 08.01.065, regulatory programs are required to pay the cost of regulation through licensing fees. This position would be funded from an increase in licensing fees.

HOUSE CS FOR CS FOR SENATE BILL NO. 92(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR EGAN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to dental hygienists, dentists, dental assistants, dental hygiene, and**
2 **dentistry."**

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

4 *** Section 1.** AS 08.32.010 is amended to read:

5 **Sec. 08.32.010. License required.** Except as provided in AS 08.32.095, a
6 person may not practice, offer or attempt to practice, or advertise or announce as being
7 prepared or qualified to practice dental hygiene without a license [AND A CURRENT
8 CERTIFICATE OF REGISTRATION].

9 *** Sec. 2.** AS 08.32 is amended by adding a new section to read:

10 **Sec. 08.32.014. Qualifications for license.** (a) An applicant for a license to
11 practice dental hygiene shall

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

13 (A) has successfully completed an academic program in dental
14 hygiene of at least two years duration that, at the time of graduation, is

1 accredited by the Commission on Dental Accreditation of the American Dental
2 Association and is approved by the board;

3 (B) has passed a written theory examination of the American
4 Dental Association Joint Commission on National Dental Examinations or an
5 equivalent examination approved by the board;

6 (C) has successfully passed a state or regional dental hygiene
7 clinical examination approved by the board;

8 (D) has not had a license to practice dental hygiene revoked,
9 suspended, or voluntarily surrendered in this state or another state;

10 (E) is not the subject of an adverse decision based on a
11 complaint, investigation, review procedure, or other disciplinary proceeding
12 within the five years immediately preceding application or of an unresolved
13 complaint, investigation, review procedure, or other disciplinary proceeding
14 undertaken by a state, territorial, local, or federal dental licensing jurisdiction;

15 (F) is not the subject of an unresolved or adverse decision
16 based on a complaint, investigation, review procedure, or other disciplinary
17 proceeding undertaken by a state, territorial, local, or federal dental licensing
18 jurisdiction or law enforcement agency that relates to criminal or fraudulent
19 activity, dental malpractice, or negligent dental care and that adversely reflects
20 on the applicant's ability or competence to practice as a dental hygienist or on
21 the safety or well-being of patients;

22 (G) is not the subject of an adverse report from the National
23 Practitioner Data Bank or the American Association of Dental Boards
24 Clearinghouse for Board Actions that relates to criminal or fraudulent activity
25 or dental malpractice;

26 (H) is not impaired to an extent that affects the applicant's
27 ability to practice as a dental hygienist;

28 (I) has not been convicted of a crime that adversely reflects on
29 the applicant's ability or competency to practice as a dental hygienist or that
30 jeopardizes the safety or well-being of a patient; and

31 (2) meet the other qualifications for a license established by the board

1 by regulation.

2 (b) An applicant for a license to practice dental hygiene may be interviewed in
3 person by the board or a designee of the board. The interview must be recorded. If the
4 application is denied on the basis of the interview, the denial shall be stated in writing,
5 with the reasons for it, and the record shall be preserved.

6 * **Sec. 3.** AS 08.32.030 is amended to read:

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

9 (1) meets the criteria of AS 08.32.014 [AS 08.32.020(a)];

10 (2) submits proof of continued competence as specified in
11 regulations adopted by the board;

12 (3) is currently licensed to practice dental hygiene in another state
13 or territory of the United States; and

14 (4) [HAS SUCCESSFULLY PASSED A STATE OR REGIONAL
15 DENTAL HYGIENE CLINICAL EXAMINATION THAT THE BOARD HAS
16 DETERMINED IS AT LEAST EQUIVALENT IN SCOPE, QUALITY, AND
17 DIFFICULTY TO THE ALASKA CLINICAL EXAMINATION;

18 (3) HAS BEEN IN ACTIVE CLINICAL DENTAL HYGIENE
19 PRACTICE AVERAGING NOT LESS THAN 700 HOURS A YEAR FOR EACH
20 OF THE TWO YEARS IMMEDIATELY PRECEDING APPLICATION FOR
21 STATE LICENSURE;

22 (4) HAS NOT FAILED THE CLINICAL DENTAL HYGIENE
23 EXAMINATION OF THIS STATE;

24 (5) HAS NOT PREVIOUSLY HAD A LICENSE TO PRACTICE
25 DENTAL HYGIENE ISSUED BY ANY STATE OR REGION REVOKED;

26 (6) HAS COMPLETED NOT LESS THAN 14 HOURS OF
27 CONTINUING EDUCATION RELATED TO CLINICAL HYGIENE IN THE TWO
28 YEARS BEFORE FILING AN APPLICATION WITH THE BOARD; THE
29 CONTINUING EDUCATION REQUIRED UNDER THIS PARAGRAPH MUST BE
30 APPROVED BY THE BOARD, THE AMERICAN DENTAL ASSOCIATION, THE
31 ACADEMY OF GENERAL DENTISTRY, OR THE AMERICAN DENTAL

1 HYGIENISTS' ASSOCIATION;

2 (7)] pays the fees established [REQUIRED] under AS 08.01.065
3 [AS 08.32.097; AND

4 (8) IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT,
5 REVIEW PROCEDURE, OR DISCIPLINARY PROCEEDING UNDERTAKEN BY
6 A DENTAL OR DENTAL HYGIENE LICENSING JURISDICTION].

7 * **Sec. 4.** AS 08.32.070 is amended to read:

8 **Sec. 08.32.070. Licensing [REGISTRATION AND LICENSING] of dental**
9 **hygienists.** The board shall issue [REGISTER] each successful applicant [AND
10 ISSUE THE APPLICANT] a license upon payment of all required fees.

11 * **Sec. 5.** AS 08.32.071 is amended to read:

12 **Sec. 08.32.071. Renewal of license [REGISTRATION].** At least 60 days
13 before expiration of a dental hygienist's license [LICENSEE'S REGISTRATION
14 CERTIFICATE], the Department of Commerce, Community, and Economic
15 Development shall notify the [MAIL A FORM FOR RENEWAL OF
16 REGISTRATION TO EACH] licensed dental hygienist. Each licensee who wishes to
17 renew a dental hygienist's license shall submit a completed license renewal form,
18 [REGISTRATION CERTIFICATE SHALL COMPLETE THE FORM AND
19 RETURN IT WITH] the appropriate fee, and evidence of continued professional
20 competence as required by the board. The Department of Commerce, Community, and
21 Economic Development shall, as soon as practicable, issue a dental hygienist license
22 [REGISTRATION CERTIFICATE] valid for a stated number of years. [EACH
23 LICENSEE SHALL KEEP THE REGISTRATION CERTIFICATE BESIDE OR
24 ATTACHED TO THE LICENSEE'S LICENSE.] Failure to receive notification from
25 the department under this section [THE REGISTRATION FORM] does not exempt
26 a licensee from renewing the licensee's dental hygienist license [REGISTRATION].

27 * **Sec. 6.** AS 08.32.081 is amended to read:

28 **Sec. 08.32.081. Lapse and reinstatement of license.** A licensed dental
29 hygienist who does not pay the renewal [REGISTRATION] fee under AS 08.32.071
30 forfeits the hygienist's license. The board may reinstate the license without
31 examination within two years of the date on which payment was due upon written

1 application, proof of continued professional competence, and payment of all unpaid
2 renewal fees and any penalty fee established under AS 08.01.100(b).

3 * **Sec. 7.** AS 08.32.085(a) is amended to read:

4 (a) The board shall issue a restorative function endorsement to a **licensed**
5 dental hygienist [WHO IS LICENSED UNDER THIS CHAPTER] if the licensee
6 furnishes evidence satisfactory to the board that the licensee has

7 (1) successfully completed a **course offered by or under the auspices**
8 **of a** program accredited by the Commission on Dental Accreditation of the American
9 Dental Association or other **equivalent** course **or program** [OF INSTRUCTION]
10 approved by the board; and

11 (2) passed the Western Regional Examining Board's restorative
12 examination or other equivalent examination approved by the board within the five
13 years preceding the licensee's endorsement application, or the licensee is licensed,
14 **certified, or otherwise permitted** in another state or United States territory to
15 perform restorative functions.

16 * **Sec. 8.** AS 08.32.095(a) is amended to read:

17 (a) A person enrolled as a [FULL-TIME] student in an accredited [SCHOOL
18 OF] dental hygiene **program** may perform dental hygiene procedures as part of a
19 course of study without a license if

20 (1) the procedures are performed under the

21 **(A) general** [DIRECT] supervision of a member of the faculty
22 who is licensed under AS 08.36, **and under the direct or indirect**
23 **supervision of a member of the faculty who is licensed under this chapter;**

24 or

25 **(B)** [UNDER THE] direct **or indirect** supervision of a
26 **member of the faculty who** [TEAM OF LICENSED FACULTY DENTISTS,
27 AT LEAST ONE OF WHOM] is licensed under AS 08.36; and

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

29 * **Sec. 9.** AS 08.32.110(a) is amended to read:

30 (a) The role of the dental hygienist is to assist members of the dental
31 profession in providing oral health care to the public. A person licensed to practice the

1 profession of dental hygiene in the state may,

2 (1) under the general supervision of a licensed dentist,

3 (A) perform preliminary charting and triage to formulate a
4 dental hygiene assessment and dental hygiene treatment plan;

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

8 (C) remove marginal overhangs;

9 (D) use local periodontal therapeutic agents;

10 (E) perform nonsurgical periodontal therapy;

11 (F) [(2) APPLY TOPICAL PREVENTIVE AGENTS;

12 (3) APPLY PIT AND FISSURE SEALANTS;

13 (4) PERFORM ROOT PLANING AND PERIODONTAL SOFT
14 TISSUE CURETTAGE;

15 (5)] perform other dental operations and services delegated by a
16 licensed dentist if the dental operations and services are not prohibited by (c) of this
17 section;

18 (G) [AND (6)] if certified by the board [AND UNDER THE
19 DIRECT, INDIRECT, OR GENERAL SUPERVISION OF A LICENSED
20 DENTIST], administer local anesthetic agents; and

21 (2) if certified by the board and under the direct or indirect
22 supervision of a licensed dentist, administer and monitor nitrous oxide-oxygen
23 conscious sedation.

24 * Sec. 10. AS 08.32.110(c) is amended to read:

25 (c) This section does not authorize delegation of

26 (1) dental diagnosis, comprehensive [DIAGNOSING,] treatment
27 planning, and writing prescriptions for drugs; writing authorizations for restorative,
28 prosthetic, or orthodontic appliances;

29 (2) operative or surgical procedures on hard or soft tissues [EXCEPT
30 AS ALLOWED IN (a)(4) OF THIS SECTION]; or

31 (3) other procedures that require the professional competence and skill

1 of a dentist.

2 * **Sec. 11.** AS 08.32.110(e) is amended to read:

3 (e) This section does not prohibit a **licensed** dental hygienist

4 (1) with an endorsement issued under AS 08.32.085 from performing
5 the activities authorized under AS 08.32.085; [OR]

6 (2) who has entered into a collaborative agreement approved by the
7 board under AS 08.32.115 from performing the activities authorized under the
8 collaborative agreement; or

9 **(3) from performing a dental operation, procedure, or service a**
10 **dentist may delegate to a dental assistant under AS 08.36.346.**

11 * **Sec. 12.** AS 08.32.115(a) is amended to read:

12 (a) If the collaborative agreement is approved by the board under (d) of this
13 section, a **licensed** dental hygienist with a minimum of 4,000 documented hours of
14 clinical experience within the five years preceding application for the board's approval
15 may enter into a collaborative agreement with a **licensed** dentist [LICENSED UNDER
16 AS 08.36] in which the licensed dentist authorizes the **licensed** dental hygienist to
17 perform one or more of the following:

18 (1) oral health promotion and disease prevention education;

19 (2) removal of calcareous deposits, accretions, and stains from the
20 surfaces of teeth;

21 (3) application of topical preventive or prophylactic agents, including
22 fluoride varnishes and pit and fissure sealants;

23 (4) polishing and smoothing restorations;

24 (5) removal of marginal overhangs;

25 (6) preliminary charting and triage **to formulate a dental hygiene**
26 **assessment and dental hygiene treatment plan;**

27 (7) **the exposure and development of** radiographs;

28 (8) use of local periodontal therapeutic agents; and

29 (9) performance of nonsurgical periodontal therapy, with or without
30 the administration of local anesthesia, subsequent to a licensed dentist's authorization
31 or diagnosis as specified in the licensed hygienist's collaborative agreement.

1 * **Sec. 13.** AS 08.32.115(d) is amended to read:

2 (d) The board may approve a collaborative agreement between a licensed
3 dentist and a **licensed** dental hygienist. However, the board may not approve more
4 than five collaborative agreements with a licensed dentist, not including any
5 collaborative agreements that have been terminated. A **licensed** dental hygienist shall
6 notify the board of the termination of a collaborative agreement with a licensed
7 dentist.

8 * **Sec. 14.** AS 08.32.160 is amended to read:

9 **Sec. 08.32.160. Grounds for discipline, suspension, or revocation of license.**

10 The board may revoke or suspend the license of a dental hygienist, or may reprimand,
11 censure, or discipline a licensee, if, after a hearing, the board finds that the licensee

12 (1) used or knowingly cooperated in deceit, fraud, or intentional
13 misrepresentation to obtain a license, **certificate**, or **endorsement**
14 [REGISTRATION];

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

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

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

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

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

24 (A) professional incompetence;

25 (B) addiction or dependence on alcohol or other drugs that
26 impairs the licensee's ability to practice safely;

27 (C) physical or mental disability;

28 [(D) FAILURE TO KEEP INFORMED OF OR USE
29 CURRENT PROFESSIONAL THEORIES AND PRACTICES;]

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

1 (8) performed clinical procedures [FOR COMPENSATION] without
2 being under the supervision of a licensed dentist;

3 **(9) did not conform to professional standards in delivering dental**
4 **hygiene services to patients regardless of whether actual injury to the patient**
5 **occurred.**

6 * Sec. 15. AS 08.32.180 is amended by adding a new subsection to read:

7 (b) Notwithstanding AS 08.01.075(a)(8), the board may impose a civil fine not
8 to exceed \$25,000 for each violation of this chapter or a regulation adopted under this
9 chapter.

10 * Sec. 16. AS 08.32.187(a) is amended to read:

11 (a) This chapter applies to a person who practices, or offers or attempts to
12 practice, as a dental hygienist in the state except

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

15 (2) a dental hygienist in the employ of the United States Public Health
16 Service, United States Department of Veterans Affairs, **United States Indian Health**
17 **[ALASKA NATIVE] Service**, or another agency of the federal government, in the
18 discharge of official duties;

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

23 **(4) a dental hygienist employed in the state by an Indian health**
24 **program, as that term is defined in 25 U.S.C. 1603, while providing dental**
25 **hygiene services to a person the Indian health program is entitled to serve under**
26 **25 U.S.C. 450 et seq. (Indian Self-Determination and Education Assistance Act),**
27 **as amended, and 25 U.S.C. 1601 et seq. (Indian Health Care Improvement Act),**
28 **as amended.**

29 * Sec. 17. AS 08.32.190 is amended by adding new paragraphs to read:

30 (6) "licensed dental hygienist" means a dental hygienist licensed under
31 this chapter;

1 (7) "licensed dentist" means a dentist licensed under AS 08.36.

2 * **Sec. 18.** AS 08.36.010(a) is amended to read:

3 (a) There is created the Board of Dental Examiners consisting of nine
4 members. Six members shall be licensed dentists who have been engaged in the
5 practice of dentistry in the state for five years immediately preceding appointment,
6 two members shall be dental hygienists licensed under AS 08.32 who have been
7 engaged in the practice of dental hygiene in the state for five years immediately
8 preceding appointment, and one member shall be a public member **who does not have**
9 **a direct financial interest in the health care industry.**

10 * **Sec. 19.** AS 08.36.010 is amended by adding new subsections to read:

11 (c) Each member shall take an oath of office. The president or secretary
12 elected under AS 08.36.030 may administer oaths. The oath shall be filed and
13 preserved in the department.

14 (d) The board shall adopt a seal.

15 * **Sec. 20.** AS 08.36.030 is amended to read:

16 **Sec. 08.36.030. Election of officers. (a)** The board shall elect **from among its**
17 **members**

18 (1) a president **who is a licensed dentist or licensed dental hygienist;**

19 and

20 (2) a secretary,

21 **(b) Officers elected under (a) of this section** [FROM AMONG ITS
22 MEMBERS, EACH TO] serve for a term not to exceed two years.

23 * **Sec. 21.** AS 08.36.070 is amended to read:

24 **Sec. 08.36.070. General powers. (a)** The board shall

25 (1) provide for the examination of applicants and **the credentialing,**
26 **registration, and licensure of** [ISSUE LICENSES TO] those applicants it finds
27 qualified;

28 (2) **maintain a registry of** [REGISTER] licensed dentists, [AND]
29 licensed dental hygienists, **and registered dental assistants** who are in good standing;

30 (3) affiliate with the American Association of Dental **Boards**
31 [EXAMINERS] and pay annual dues to the association;

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

3 (5) supply forms for applications, licenses, permits, certificates,
4 **registration documents**, and other papers and records;

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

8 (7) adopt regulations ensuring that renewal of **a license, registration,**
9 **or certificate under this chapter or a license, certificate, or endorsement under**
10 **AS 08.32** [REGISTRATION] is contingent upon proof of continued professional
11 competence [BY A LICENSED DENTIST OR LICENSED DENTAL HYGIENIST];

12 (8) [PROVIDE THE DEPARTMENT WITH THE REQUIREMENTS
13 FOR PROOF OF CONTINUED PROFESSIONAL COMPETENCE AND REQUEST
14 THE DEPARTMENT TO MAKE THESE REQUIREMENTS AVAILABLE TO
15 EACH LICENSED DENTIST AND LICENSED DENTAL HYGIENIST AT LEAST
16 ONE YEAR BEFORE THE DATE ON WHICH THE DENTIST OR DENTAL
17 HYGIENIST MUST RENEW REGISTRATION;

18 (9)] at least annually, cause to be published **on the Internet and** in a
19 newspaper of general circulation in each major city in the state a summary of
20 disciplinary actions the board has taken during the preceding calendar year;

21 **(9)** [(10)] issue permits or certificates to licensed dentists, licensed
22 dental hygienists, and dental assistants who meet standards determined by the board
23 for specific procedures that require specific education and training [;

24 (11) REGULATE THE REENTRY INTO PRACTICE OF INACTIVE
25 DENTISTS AND DENTAL HYGIENISTS;

26 (12) REQUIRE, AS A CONDITION OF A LICENSE OR LICENSE
27 RENEWAL ISSUED BY THE BOARD, THAT AN APPLICANT OR LICENSEE
28 HAS, AT THE TIME OF LICENSING OR RENEWAL AND MAINTAINS
29 THROUGHOUT THE PERIOD OF A LICENSE, CURRENT CERTIFICATION IN
30 CARDIOPULMONARY RESUSCITATION TECHNIQUES, EXCEPT THAT THE
31 BOARD MAY WAIVE THIS REQUIREMENT UNDER AN AGREEMENT WITH

1 THE APPLICANT OR LICENSEE IF THE APPLICANT OR LICENSEE
 2 DOCUMENTS, TO THE SATISFACTION OF THE BOARD, THE EXISTENCE OF
 3 A PHYSICAL IMPAIRMENT THAT RESULTS IN AN INABILITY TO BE
 4 CERTIFIED IN CARDIOPULMONARY RESUSCITATION TECHNIQUES AND
 5 THE AGREEMENT SPECIFIES THAT THE APPLICANT OR LICENSEE WILL
 6 ENSURE THAT ANOTHER PERSON WHO IS CERTIFIED IN
 7 CARDIOPULMONARY RESUSCITATION TECHNIQUES WILL BE IN THE
 8 SAME ROOM AS THE APPLICANT OR LICENSEE WHENEVER THE
 9 APPLICANT OR LICENSEE IS PRACTICING DENTISTRY ON A LIVING
 10 PATIENT WHO IS ALSO PRESENT; THE BOARD MAY INCLUDE IN THE
 11 AGREEMENT AN EXPIRATION DATE OR PROVIDE THAT THE AGREEMENT
 12 REMAINS IN EFFECT UNTIL REVIEWED BY THE BOARD].

13 (b) The board may

14 (1) order a licensed dentist or licensed dental hygienist to submit to a
 15 reasonable physical or mental examination if the dentist's or the dental hygienist's
 16 physical or mental capacity to practice safely is at issue; [AND]

17 (2) authorize a designee of the board or the board's investigator
 18 [ITS REPRESENTATIVE] to inspect the practice facilities or patient or professional
 19 records of a dentist at reasonable times and in a reasonable manner to monitor
 20 compliance with this chapter and with AS 08.32; and

21 (3) delegate the board's powers to act, hear, and decide matters as
 22 authorized by AS 44.62.

23 * **Sec. 22.** AS 08.36 is amended by adding a new section to read:

24 **Sec. 08.36.073. Investigator.** After consulting with the board, the department
 25 shall employ a person who is not a member of the board as the investigator for the
 26 board. The investigator shall

27 (1) conduct investigations into alleged violations of this chapter and
 28 into alleged violations of regulations and orders of the board;

29 (2) at the request of the board, conduct investigations based on
 30 complaints filed with the department or with the board; and

31 (3) be directly responsible and accountable to the board, except that

1 only the department has authority to terminate the investigator's employment and the
 2 department shall provide day-to-day and administrative supervision of the
 3 investigator.

4 * **Sec. 23.** AS 08.36.075(a) is amended to read:

5 (a) **The** [SUBJECT TO (b) OF THIS SECTION, THE] board shall establish
 6 standards that comply with applicable federal law for the registration, use, and
 7 inspection of dental radiological equipment, including standards for record keeping
 8 relating to the control panels and the use of the equipment. The board may charge a
 9 fee for dental radiological equipment registered under this section [INSPECTION
 10 STANDARDS ADOPTED BY THE BOARD MUST REQUIRE THAT AN
 11 INSPECTION BE PERFORMED BY A PERSON WHO HAS QUALIFICATIONS
 12 EQUIVALENT TO THE QUALIFICATIONS ESTABLISHED AS OF
 13 SEPTEMBER 7, 1998, IN THE "APPLICANT PROFILE AND JOB
 14 QUALIFICATION SUMMARY" FOR A STATE RADIOLOGICAL HEALTH
 15 SPECIALIST I].

16 * **Sec. 24.** AS 08.36.091 is amended to read:

17 **Sec. 08.36.091. Records and reports.** The board shall maintain

18 (1) a record of its proceedings;

19 (2) a registry [REGISTER] containing the name, office and home
 20 addresses, and other information considered necessary by the board [,] of each person
 21 licensed as a dentist or dental hygienist or registered as a dental assistant, [AND] a
 22 registry [REGISTER] of the licenses, certificates, registrations, and endorsements
 23 revoked by the board, and information on the status of each licensee and each
 24 registered dental assistant.

25 * **Sec. 25.** AS 08.36.100 is amended to read:

26 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238, a
 27 person may not practice, or attempt to practice, dentistry without a license [AND A
 28 CURRENT CERTIFICATE OF REGISTRATION].

29 * **Sec. 26.** AS 08.36.110 is amended to read:

30 **Sec. 08.36.110. Qualifications for license.** An applicant for a license to
 31 practice dentistry shall

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

2 (A) is a graduate of a dental school that, at the time of
3 graduation, is approved [ACCREDITED] by the board [COMMISSION ON
4 ACCREDITATION OF THE AMERICAN DENTAL ASSOCIATION];

5 (B) [HOLDS A CERTIFICATE FROM THE AMERICAN
6 DENTAL ASSOCIATION JOINT COMMISSION ON NATIONAL
7 DENTAL EXAMINATIONS THAT THE APPLICANT] has successfully
8 passed a [THE] written examination approved [EXAMINATIONS GIVEN]
9 by the board [COMMISSION];

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

12 (D) is not the subject of an adverse decision based upon a
13 complaint, investigation, review procedure, or other disciplinary proceeding
14 within the five years immediately preceding application, or of an unresolved
15 complaint, investigation, review procedure, or other disciplinary proceeding,
16 undertaken by a state, territorial, local, or federal dental licensing jurisdiction
17 [OR A DENTAL SOCIETY];

18 (E) is not the subject of an unresolved or an adverse decision
19 based upon a complaint, investigation, review procedure, or other disciplinary
20 proceeding, undertaken by a state, territorial, local, or federal dental licensing
21 jurisdiction [, DENTAL SOCIETY,] or law enforcement agency that relates to
22 criminal or fraudulent activity, dental malpractice, or negligent dental care and
23 that adversely reflects on the applicant's ability or competence to practice
24 dentistry or on the safety or well-being of patients;

25 (F) is not the subject of an adverse report from the National
26 Practitioner Data Bank or the American Association of Dental Boards
27 [EXAMINERS] Clearinghouse for Board Actions that relates to criminal or
28 fraudulent activity, or dental malpractice;

29 (G) is not impaired to an extent that affects the applicant's
30 ability to practice dentistry;

31 (H) has not been convicted of a crime that adversely reflects on

1 the applicant's ability or competency to practice dentistry or that jeopardizes
2 the safety or well-being of a patient;

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

5 (3) meet the other qualifications for a license established by the board
6 by regulation.

7 * **Sec. 27.** AS 08.36.110 is amended by adding a new subsection to read:

8 (b) An applicant for licensure may be interviewed in person by the board or by
9 a member of the board before a license is issued. The interview must be recorded. If
10 the application is denied on the basis of the interview, the denial shall be stated in
11 writing, with the reasons for it, and the record shall be preserved.

12 * **Sec. 28.** AS 08.36.234(a) is repealed and reenacted to read:

13 (a) The board may waive the examination requirement and license by
14 credentials if the dentist applicant meets the requirements of AS 08.36.110, submits
15 proof of continued competence as required by regulation, pays the required fee, and
16 has

17 (1) an active license from a board of dental examiners established
18 under the laws of a state or territory of the United States issued after thorough
19 examination; or

20 (2) passed an examination as specified by the board in regulations.

21 * **Sec. 29.** AS 08.36.234(b) is amended to read:

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

28 * **Sec. 30.** AS 08.36.234 is amended by adding a new subsection to read:

29 (d) A dentist applying for licensure without examination shall be interviewed
30 in person by the board or by a member of the board before a license is issued. The
31 interview must be recorded. If the application is denied on the basis of the interview,

1 the denial shall be stated in writing, with the reasons for it, and the record shall be
2 preserved.

3 * **Sec. 31.** AS 08.36.238(a) is amended to read:

4 (a) A person enrolled as a [FULL-TIME] student in an accredited school of
5 dentistry may perform procedures as part of a course of study without a license if

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

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

11 * **Sec. 32.** AS 08.36.250(a) is amended to read:

12 (a) At least 60 days before expiration of a license issued under this chapter
13 [LICENSEE'S REGISTRATION CERTIFICATE], the department shall notify the
14 [MAIL A FORM FOR RENEWAL OF REGISTRATION TO EACH] licensed
15 dentist. A licensee who wishes to renew a license shall submit a completed license
16 renewal form, [COMPLETE THE FORM AND RETURN IT WITH] the appropriate
17 fee, and evidence of continued professional competence as required by the board. The
18 department shall, as soon as practicable, issue a new license [REGISTRATION
19 CERTIFICATE] valid for a stated number of years. [A LICENSEE SHALL KEEP
20 THE REGISTRATION CERTIFICATE BESIDE OR ATTACHED TO THE
21 LICENSEE'S LICENSE.] Failure to receive notification from the department under
22 this subsection [THE REGISTRATION FORM] does not exempt a licensee from
23 renewing a license to practice dentistry under this chapter [REGISTRATION].

24 * **Sec. 33.** AS 08.36.250 is amended by adding a new subsection to read:

25 (c) A licensed dentist who does not pay the license renewal fee forfeits the
26 dentist's license. The board may reinstate the license without examination within two
27 years after the date on which payment was due upon written application, proof of
28 continued professional competence, and payment of all unpaid renewal fees and any
29 penalty fee established under AS 08.01.100(b).

30 * **Sec. 34.** AS 08.36.315 is amended to read:

31 **Sec. 08.36.315. Grounds for discipline, suspension, or revocation of license.**

1 The board may revoke or suspend the license of a dentist, or may reprimand, censure,
2 or discipline a dentist, or both, if the board finds after a hearing that the dentist

3 (1) used or knowingly cooperated in deceit, fraud, or intentional
4 misrepresentation to obtain a license;

5 (2) engaged in deceit, fraud, or intentional misrepresentation in the
6 course of providing or billing for professional dental services or engaging in
7 professional activities;

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

10 (4) received compensation for referring a person to another dentist or
11 dental practice;

12 (5) has been convicted of a felony or other crime that affects the
13 dentist's ability to continue to practice dentistry competently and safely;

14 (6) engaged in the performance of patient care, or permitted the
15 performance of patient care by persons under the dentist's supervision, **regardless of**
16 **whether actual injury to the patient occurred.**

17 (A) that **did** [DOES] not conform to minimum professional
18 standards of dentistry [REGARDLESS OF WHETHER ACTUAL INJURY
19 TO THE PATIENT OCCURRED]; **or**

20 (B) **when the dentist, or a person under the supervision of**
21 **the dentist, did not have the permit, registration, or certificate required**
22 **under AS 08.32 or this chapter;**

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

25 (8) continued to practice after becoming unfit due to

26 (A) professional incompetence;

27 (B) [FAILURE TO KEEP INFORMED OF OR USE
28 CURRENT PROFESSIONAL THEORIES OR PRACTICES;

29 (C)] addiction or dependence on alcohol or other drugs that
30 **impair** [IMPAIRS] the dentist's ability to practice safely;

31 (C) [(D)] physical or mental disability;

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

3 (10) permitted a dental hygienist or dental assistant who is employed
4 by the dentist or working under the dentist's supervision to perform a dental procedure
5 in violation of AS 08.32.110 or AS 08.36.346 [AS 08.36.070(a)(10)];

6 (11) failed to report to the board a death that occurred on the premises
7 used for the practice of dentistry within 48 hours;

8 (12) falsified or destroyed patient or facility records or failed to
9 maintain a patient or facility record for at least seven years after the date the
10 record was created.

11 * **Sec. 35.** AS 08.36.344(a) is amended to read:

12 (a) The board shall issue a restorative function certificate to a dental assistant
13 if the dental assistant furnishes evidence satisfactory to the board that the dental
14 assistant has

15 (1) successfully completed a course offered by or under the auspices
16 of a program accredited by the Commission on Dental Accreditation of the American
17 Dental Association or other equivalent course or program [OF INSTRUCTION]
18 approved by the board; and

19 (2) passed the Western Regional Examining Board's restorative
20 examination or other equivalent examination approved by the board within the five
21 years preceding the dental assistant's certificate application, or the dental assistant has
22 legal authorization from another state or jurisdiction to perform restorative functions.

23 * **Sec. 36.** AS 08.36 is amended by adding a new section to read:

24 **Sec. 08.36.347. Exemption from registration requirement.** (a) A person
25 enrolled in a program or course of study may perform dental assisting procedures as
26 part of that program or course of study without a registration document if the
27 procedures are performed

28 (1) under the direct supervision of a member of the faculty who is
29 licensed under this chapter or AS 08.32; and

30 (2) as part of a clinical program that has received written approval
31 from the board.

1 (b) A person performing dental assisting procedures under (a) of this section is
 2 subject to all other provisions of this chapter and statutes and regulations that apply to
 3 the practice of dental assisting by a registered dental assistant.

4 * **Sec. 37.** AS 08.36.350(a) is amended to read:

5 (a) This chapter applies to a person who practices, or offers or attempts to
 6 practice, dentistry in the state except

7 (1) a dental surgeon or dentist in the military service in the discharge
 8 of official duties;

9 (2) a dentist in the employ of the United States Public Health Service,
 10 United States Department of Veterans Affairs, United States Indian Health
 11 [ALASKA NATIVE] Service, or other agency of the federal government, in the
 12 discharge of official duties;

13 (3) [A PHYSICIAN OR SURGEON;

14 (4) A DENTIST PROVIDING CARE IN AN ISOLATED AREA BY
 15 AUTHORITY OF A PERMIT ISSUED UNDER AS 08.36.271;

16 (5)] a dentist licensed in another state who is teaching or
 17 demonstrating clinical techniques at a meeting, seminar, or limited course of
 18 instruction sponsored by a dental or dental auxiliary society or association or by an
 19 accredited dental or dental auxiliary educational institution;

20 (4) [(6)] a dentist licensed in another state who provides emergency
 21 care to an injured or ill person who reasonably appears to the dentist to be in
 22 immediate need of emergency aid in order to avoid serious harm or death if the care is
 23 provided without remuneration;

24 (5) a dentist employed in the state by an Indian health program, as
 25 that term is defined in 25 U.S.C. 1603, while providing dental services to a person
 26 the Indian health program is entitled to serve under 25 U.S.C. 450 et seq. (Indian
 27 Self-Determination and Education Assistance Act), as amended, and 25 U.S.C.
 28 1601 et seq. (Indian Health Care Improvement Act), as amended.

29 * **Sec. 38.** AS 08.36 is amended by adding a new section to read:

30 **Sec. 08.36.367. Ownership of a dental office or facility.** (a) Only a person
 31 who holds a valid license issued under this chapter may own, operate, or maintain a

1 dental practice, office, or clinic. This restriction does not apply to

2 (1) a labor organization or a nonprofit organization formed by or on
3 behalf of a labor organization for the purpose of providing dental services to rural or
4 underserved populations;

5 (2) an institution of higher education recognized by the board;

6 (3) a local government;

7 (4) an institution or program accredited by the Commission on Dental
8 Accreditation of the American Dental Association to provide education and training;

9 (5) a nonprofit corporation organized under state law to provide dental
10 services to rural areas and medically underserved populations of migrant, rural
11 community, or homeless individuals under 42 U.S.C. 254b or 254c or health centers
12 qualified under 42 U.S.C. 1396d(l)(2)(B) operating in compliance with other
13 applicable state and federal law;

14 (6) a nonprofit charitable corporation described in 26 U.S.C. 501(c)(3)
15 (Internal Revenue Code) and determined by the board to be providing dental services
16 by volunteer licensed dentists to populations with limited access to dental care at no
17 charge or a substantially reduced charge.

18 (b) For the purpose of owning or operating a dental practice, office, or clinic,
19 an entity described in (a) of this section shall

20 (1) name a licensed dentist as its dental director, who shall be subject
21 to the provisions of AS 08.36.315 and 08.36.317 in the capacity of dental director; the
22 dental director, or an actively licensed dentist designated by the director, shall have
23 responsibility for the entity's practice of dentistry; and

24 (2) maintain current records of the names of licensed dentists who
25 supervise dental hygienists, dental assistants, and other personnel involved in direct
26 patient care who are employed by the entity; the records must be available to the board
27 upon written request.

28 (c) Nothing in this chapter precludes a person or entity not licensed by the
29 board from

30 (1) ownership or leasehold of any tangible or intangible assets used in
31 a dental office or clinic, including real property, furnishings, equipment, and

1 inventory, but not including dental records of patients related to clinical care;

2 (2) employing or contracting for the services of personnel other than
3 licensed dentists; or

4 (3) management of the business aspects of a dental office or clinic that
5 do not include the practice of dentistry.

6 (d) If all of the ownership interests of a dentist or dentists in a dental office or
7 clinic are held by an administrator, executor, personal representative, guardian,
8 conservator, or receiver of the estate of a former shareholder, member, or partner, the
9 administrator, executor, personal representative, guardian, conservator, or receiver
10 may retain the ownership interest for a period of 24 months following the creation of
11 the ownership interest. The board shall extend the ownership period for an additional
12 24 months upon 30 days' notice and may grant additional extensions upon reasonable
13 request.

14 (e) In this section, "labor organization" means an organization, not for
15 pecuniary profit, constituted wholly or partly to bargain collectively or deal with
16 employers, including the state and its political subdivisions, concerning grievances,
17 terms or conditions of employment, or other mutual aid or protection in connection
18 with employees that has existed for at least three years and that has a constitution and
19 bylaws.

20 * **Sec. 39.** AS 08.36.370 is amended by adding new paragraphs to read:

21 (7) "licensed dental hygienist" means a dental hygienist licensed under
22 AS 08.32;

23 (8) "licensed dentist" means a dentist licensed under this chapter;

24 (9) "registered dental assistant" means a dental assistant registered
25 under this chapter.

26 * **Sec. 40.** AS 08.32.020, 08.32.035, 08.32.040, 08.32.060, 08.32.097, 08.32.100, 08.32.120,
27 08.32.130, 08.32.140, 08.32.190(2); AS 08.36.075(b), 08.36.075(c), 08.36.075(d),
28 08.36.075(e), 08.36.114, 08.36.230, 08.36.244, 08.36.246, 08.36.247, 08.36.248, 08.36.260,
29 08.36.271, and 08.36.290 are repealed.

30 * **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 REVISOR'S INSTRUCTION. The revisor of statutes shall change the catch line of
2 AS 08.36.250 from "Renewal of registration" to "License renewal, lapse, and reinstatement."

Adopted
4/09/12

27-LS0779\R
Mischel
4/9/12

HOUSE CS FOR CS FOR SENATE BILL NO. 130(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS OLSON, Kookesh, McGuire, Stedman, Davis, Egan, Ellis, Menard, Dyson, Meyer, Stevens, Wielechowski, Paskvan, Hoffman, Thomas

REPRESENTATIVES Edgmon, Kerttula, Cissna, Kawasaki, Foster, Herron, Dick, Joule, Doogan, Muñoz, Austerman

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Alaska Native Language Preservation and Advisory Council**
2 **and relating to the preservation, restoration, and revitalization of Alaska Native**
3 **languages."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE FINDINGS. The legislature finds that the preservation of Alaska
8 Native languages is a critical component in the sustenance of cultural identity. The legislature
9 further finds that Alaska Native languages are the foundation of cultures and are vital in
10 maintaining traditional knowledge and understanding.

11 * **Sec. 2.** AS 44.33 is amended by adding a new section to read:

12 **Article 7A. Alaska Native Language Preservation and Advisory Council.**

13 **Sec. 44.33.530. Alaska Native Language Preservation and Advisory**
14 **Council. (a)** The Alaska Native Language Preservation and Advisory Council is

1 established in the department for the purpose of recommending the establishment or
2 reorganization of programs to support the preservation, restoration, and revitalization
3 of Alaska Native languages.

4 (b) The council established under this section shall

5 (1) advise both the governor and legislature on programs, policies, and
6 projects to provide for the cost-effective preservation, restoration, and revitalization of
7 Alaska Native languages in the state;

8 (2) meet at least twice a year to carry out the purposes of the council;
9 members may participate in meetings telephonically; and

10 (3) prepare reports of its findings and recommendations for the
11 governor's and the legislature's consideration on or before January 1 of each even-
12 numbered year.

13 (c) The governor shall appoint to the council established in this section five
14 voting members who are professional language experts and who represent diverse
15 regions of the state. In addition, one member of the senate appointed by the president
16 of the senate and one member of the house of representatives appointed by the speaker
17 of the house of representatives shall serve on the council as nonvoting members. In
18 appointing the nonvoting members of the council, the president of the senate and the
19 speaker of the house of representatives shall appoint a member of the bush caucus, if a
20 bush caucus exists. In this subsection, "bush caucus" means a group of legislators that
21 represents rural areas of the state.

22 (d) The members appointed by the governor shall serve at the pleasure of the
23 governor.

24 (e) Members of the council shall serve without compensation but are entitled
25 to per diem and travel expenses as provided under AS 39.20.180.

26 (f) The department shall provide staff as needed to support the council; the
27 staff must demonstrate competency in an Alaska Native language.

28 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **REPORT; APPOINTMENTS.** (a) Notwithstanding AS 44.33.530(b)(3), the first
31 report under AS 44.33.530(b)(3), added by sec. 2 of this Act, is due on or before July 1, 2014.

1 (b) The governor shall make the appointments required by AS 44.33.530(c), added by
2 sec. 2 of this Act, on or before December 1, 2012.

TRANSACTION REPORT

P. 01

APR-09-2012 MON 01:32 PM

FOR: house finance

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APR-09	01:31 PM	4652029	44"	1	FAX TX	OK	868	

TOTAL : 44S PAGES: 1

27-LS0403\X.2
Martin
2/14/12

AMENDMENT # by STOLTZE

OFFERED IN THE HOUSE
TO: HCS CSSB 92(L&C)

*Adopted
4/9/12*

- 1 Page 15, following line 27:
- 2 Insert a new bill section to read:
- 3 **** Sec. 30. AS 08.36.234 is amended by adding a new subsection to read:**
- 4 (d) A dentist applying for licensure without examination shall be interviewed
- 5 in person by the board or by a member of the board before a license is issued. The
- 6 interview must be recorded. If the application is denied on the basis of the interview,
- 7 the denial shall be stated in writing, with the reasons for it, and the record shall be
- 8 preserved."
- 9
- 10 Renumber the following bill sections accordingly.

Adopted
4/9/12

27-LS0403\X.2
Martin
2/14/12

AMENDMENT #1 *St. 1 re*
by Request

OFFERED IN THE HOUSE

TO: HCS CSSB 92(L&C)

- 1 Page 15, following line 27:
- 2 Insert a new bill section to read:
- 3 **** Sec. 30.** AS 08.36.234 is amended by adding a new subsection to read:
- 4 (d) A dentist applying for licensure without examination shall be interviewed
- 5 in person by the board or ~~by a member of the board~~ before a license is issued. The
- 6 interview must be recorded. If the application is denied on the basis of the interview,
- 7 the denial shall be stated in writing, with the reasons for it, and the record shall be
- 8 preserved."
- 9
- 10 Renumber the following bill sections accordingly.



SENATOR DENNIS EGAN

HCS for CSSB 92(L&C)
"An Act relating to dental hygienists, dentists, dental assistants, dental hygiene, and dentistry."

SPONSOR STATEMENT

HCSCSSB92(L&C) clarifies the statutes for dental hygienists, dentists and the board of dental examiners.

The dental statutes set the requirements to obtain and renew a dental license, specify the grounds for discipline and set the requirements for training of a dental assistant. The dental hygiene statutes also set the requirements to obtain and renew a dental hygiene license, list the procedures that a dental hygienist may perform and specify the grounds for discipline.

The board meets at least four times a year and consists of nine members appointed by the governor. Six members are dentists, two members are dental hygienists and one member is from the general public. The statutes governing the board of dental examiners specify the makeup of the board, the times the board shall meet and the powers of the board.

The board adopts regulations to carry out the laws governing the practice of dentistry and dental hygiene in Alaska. It makes final licensing decisions and takes disciplinary action against people who violate the licensing laws.

While incremental changes have been made to these statutes from time to time, it has been many years since anyone comprehensively reviewed them. This bill represents the work of a committee of dentist and dental hygienists who seek to bring the laws governing those professions into line with current standards and practice.

ALASKA SENATE

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SENATOR.DENNIS.EGAN@LEGIS.STATE.AK.US

Alaska State Legislature

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Juneau, Alaska 99801
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Committee Members:
Senator Dennis Egan, Chair
Senator Joe Paskvan, V. Chair
Senator Bettye Davis
Senator Linda Menard
Senator Cathy Giessel

Senate Labor and Commerce Committee

CSSB 92 (FIN) Sectional Analysis and changes from Senate to House L&C CS

Section 1. Removes a requirement that a person practicing dental hygiene, or who is offering to practice dental hygiene, must have a current certificate of registration.

H L&C: No change

Section 2. Establishes the qualifications necessary for licensure as a dental hygienist.

H L&C: Corrects the name of the professional organization that oversees licensure issues, changing "American Association of Dental Examiners Clearinghouse for Board Actions" to American Association of Dental Boards Clearinghouse for Board Actions."

Section 3. Amends the qualifications necessary for a dental hygienist to be licensed by credentials.

H L&C: No change

Section 4. Edits the dental hygiene licensing provision to provide that successful applicants for licensure will no longer be required to have a certificate of registry issued by the Board of Dental Examiners

(board) (see sec. 25 for a parallel provision applicable to dentists).

H L&C: No change

Sections 5 -6. Conforms the "renewal of license" and "lapse and reinstatement of license" provisions applicable to dental hygienists to the bill's removal of the registration requirement for dental hygienists.

H L&C: No change

Section 7. Allows a dental hygienist who has completed a course offered by or under the auspices of a program accredited by the Commission on Dental Accreditation of the American Dental Association or other equivalent course or program to receive a restorative function endorsement from the board.

H L&C: No change

Section 8. Changes the levels of supervision required for a dental student performing dental hygiene procedures. Makes the section applicable to all students enrolled in dental hygiene programs.

H L&C: No change

Sections 9 – 11. Change the permitted scope of practice for a dental hygienist and clarify what practices and procedures may not be delegated to a dental hygienist by a dentist.

H L&C: No change

Section 12. Clarifies what practices and procedures a dental hygienist, who has entered into a collaborative agreement with a dentist may be authorized by the dentist to perform.

H L&C: No change

Section 13, Makes stylistic changes.

H L&C: No change

Section 14. Permits the board to sanction a dental hygienist who used or knowingly cooperated in deceit, fraud, or intentional misrepresentation to obtain a certificate or endorsement and amends the other grounds for discipline, suspension, or revocation of a dental hygienists license.

H L&C: No change

Section 15. Gives the board the authority to impose a civil fine of up to \$25,000 for a violation of AS 08.32 or a regulation adopted under the chapter.

H L&C: No change

Section 16 Amends the list of dental hygienists to whom the provisions of AS 08.32 do not apply.

H L&C: No change

Section 17. Provides new definitions applicable to AS 08.32 for “licensed dental hygienist” and “licensed dentist.”

H L&C: No change

Section 18. Adds a qualification for the public member of the board.

H L&C: No change

Section 19. Requires the members of the board to take an oath. Requires the board to adopt a seal.

H L&C: No change

Section 20. Requires the president of the board to be a dentist or dental hygienist.

H L&C: No change

Section 21. Amends the powers of the board.

H L&C: Changes the term “certified dental assistant” to “registered dental assistant” to avoid copyright infringement, and adds conforming language where appropriate. The term “certified dental assistant” is a copyrighted term of the Dental Assisting National Board, Inc.

Section 22. Requires the Department of Commerce Community and Economic Development to employ an investigator for the board.

H L&C: No change

Section 23. Requires the board to establish standards for dental radiological equipment that comply with applicable federal law. Permits the board to charge a fee for equipment registered under the section. Removes a requirement that inspections of radiologic equipment be performed by a person with certain qualifications.

H L&C: No change

Section 24. Requires the board to maintain a registry of persons licensed as dentists or dental hygienists and persons registered as dental assistants, and a registry of licenses, certificates, registrations, and endorsements revoked by the board.

H L&C: Replaces "certified" with "registered" where referring to a dental assistant; makes conforming changes.

Section 25. Edits the dentist licensing provision to provide that successful applicants for a license will no longer be required to have certificate of registry (see sec. 4 for a parallel provision applicable to dental hygienists).

H L&C: No change

Section 26. Amends the qualifications for a license to practice dentistry in the state.

H L&C: No change

Section 27. Requires that an applicant for licensure as a dentist must be interviewed in person by the board.

H L&C: Makes a board interview optional (deletes "shall," inserts "may").

Sections 28 - 29. Amend what is necessary for a dental hygienist to be licensed by credentials.

H L&C: No change

Section 30. Permits all persons enrolled as students in an accredited school of dentistry to perform dental procedures without a license if certain conditions are met.

H L&C: No change

Section 31. Conforms the renewal of license provision applicable to dentists to the bill's removal of the requirement for a "registration certificate" for dentists. Permits the department to notify a dentist whose license is about to expire by means other than mail.

H L&C: No change

Section 32. Provides that a dentist who does not pay the license renewal fee forfeits the dentist's license. Permits the board to reinstate a license upon certain conditions.

H L&C: No change

Section 33 Amends the grounds for discipline, suspension or revocation of a license to practice dentistry.

H L&C: Adds the word "registration" to conform to the change in terminology regarding dental assistants.

Section 34. Permits a dental assistant who has completed a course offered by or under the auspices of a program accredited by the Commission on Dental Accreditation of the

American Dental Association or other equivalent course or program to receive a restorative function certificate from the board.

H L&C: No change

Section 35. Adds a new provision allowing persons enrolled in a program or course of Study to perform dental assisting procedures as part of that course of study or program without a registration if certain conditions are met.

H L&C: No change.

Section 36. Amends the list of dentists to whom the provisions of AS 08.36 do not apply.

H L&C: No change.

Section 37. Adds a new section that provides who may own, operate or maintain a dental practice, office or clinic.

H L&C: Limits the scope of the exception in (a)(1) to rural or underserved populations.

Section 38. Provides new definitions applicable to AS 08.36 for "licensed dental hygienist," "licensed dentist," and "registered dental assistant."

H L&C: Amends the definition of dental assistant from "certified" to "registered."

Section 39. Repeals AS 08.32.020, O832.O35, O832O4O, O8.32O6O, O832O97, 08 32 100, 08 32 120 08 32 130 08 32 140 08 32 190(2) AS 08 36 075(b) 08 36 075(c) 08 36 075(d), 08 36 075(e) 08 36 114 08 36 230 08 36 244 08 36 246 08.36.247. 08.36.248, 08.36.260. 08.36.271. and 08.36.290.

H L&C: No change.

Section 40. Provides an instruction to the revisor of statutes to change the catchline of a statutory provision applicable to dentists.

H L&C: No change.



MEMORANDUM

TO: Senator Stedman, Co-Chair
Senator Hoffman, Co-Chair
Senate Finance Committee

DATE: April 1, 2011

FROM: Don Habeger, Division Director
Corporations, Business and Professional
Licensing

RE: Department Response to Questions
regarding SB 92: Dental Practice

In response to the Committee's questions on SB92 – Dental Practice, regarding investigative case number comparison the Division of Corporation, Business and Professional Licensing has the following information to offer.

Time period for case numbers for the Medical Board and the Dental Board is January 1, 2009 through March 30, 2011:

- Dental Board cases are: Total cases = 40: 19 have been closed; 21 open status, of these none involve AAG or litigation.
- Medical Board cases are: Total cases = 162: 85 have been closed; 77 open status, of these 4 are with AAG and 4 are in litigation.

Notes: Open status may include the following: initial notification of an alleged violation, intakes, receiving of formal complaint, fact gathering (interviews, records review, etc.); expert witness review and advice as to case merits; board subcommittee review for case merits; accusations filing, Consent Agreements, and presentation to Boards and Commissions for final action.

Currently there are 21 open matters concerning Dental and Dental Hygienist. The open matter includes complaints and intakes. Intakes are when Investigations receive a telephone call or letter alleging a complaint against a licensed practitioner. Investigations respond by sending out a complaint packet and once it is returned, turn the intake into a complaint. It does not turn into an "open" investigation, until we have evidence of a violation. Of the 21 only 5 are considered "open" investigations, the rest are in the intake or complaint stages. This process, although discussed specifically in relation to the Dental Board's investigation activity, is similar for all boards and commissions.

Please let me know if you have any further questions or concerns.



SENATOR DENNIS EGAN

MEMORANDUM

DATE: March 19, 2012

TO: Rep. Bill Stoltze
House Finance Committee

FROM: Sen. Dennis Egan

RE: request for scheduling HCS CSSB 92 (L&C) DENTISTS/DENTAL
HYGIENISTS/ASSISTANTS

SB 92 clarifies the statutes for dental hygienists, dentists and the board of dental examiners.

The last comprehensive overhaul of these statutes was more than 20 years ago. Since that time, dentistry has changed. The bill is largely the product of a committee of dentists and dental hygienists who have worked diligently to bring Alaska statutes into line with current standards and practice.

The Senate Labor & Commerce Committee gave the bill three Do Pass recommendations. The Senate Finance Committee reported six Do Pass and one No Recommendation. The bill passed the Senate 20 – 0. The House Labor & Commerce Committee gave the bill four Do Pass recommendations.

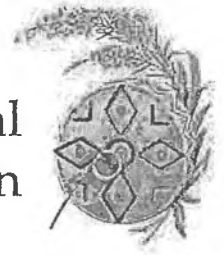
I would appreciate your hearing this bill at your earliest convenience.

Please direct questions to Dana Owen in my office, 465-3881.

ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108
SENATOR.DENNIS.EGAN@LEGIS.STATE.AK.US

Southcentral Foundation



March 7, 2011

David Logan, DDS
Legislative Chairman
Alaska Dental Society
9170 Jewel Lake Road #203
Anchorage, AK 99502

Dear Dr. Logan:

Thank you for your email suggesting language to further amend Section 16 of SB 92. Southcentral Foundation (SCF) agrees with you that the language in the bill as introduced, adding an exemption under AS 08.32.187(a) for certain dental hygienists, needs additional work. Your suggestion was that it read:

(4) a dental hygienist employed in the state by an Alaska Native organization that is recognized by and eligible to receive services from the United States Department of the Interior, Bureau of Indian Affairs, while providing dental hygiene services to a member of a tribe that is recognized by the United States Secretary of the Interior under 25 U.S.C. 479a (Federally Recognized Indian Tribe List Act of 1994).

You asked SCF to identify any problems it might have with that language and it is happy to do so.

Operation of health programs by Alaska Native tribes and tribal organizations is governed by two laws: the Indian Self-Determination and Education Assistance Act (ISDEAA), Pub. L. 93-638, (codified as amended at 25 U.S.C. 450 *et seq.*), and the Indian Health Care Improvement Act (IHCIA), Pub. L. 94-437, (codified as amended 25 U.S.C. 1601 *et seq.*). The ISDEAA specifies which tribal entities are allowed to operate services of the Indian Health Service (IHS). These entities include tribes, tribal organizations, and inter-tribal consortia. There is no process by which the Department of Interior, Bureau of Indian Affairs, recognized "Alaska Native Organizations," as the language above suggests, and the definition of tribe in the latter clause is inconsistent with the definition of tribe in either the ISDEAA or IHCIA.

This is a matter of great concern to SCF, and very likely many other tribal organizations throughout the State, since the proposed language would exclude all of the regional tribal health organizations and would also narrow who may be served significantly over that authorized under applicable Federal law, specifically the ISDEAA and IHCIA.

SCF appreciates the interests that the Alaska Dental Society is attempting to address, however,

and wants to help find the correct language. A really simple version could read:

(4) a dental hygienist employed in the state by an Indian health program, as that term is defined at 25 U.S.C. 1603(12), while providing dental hygiene services to a person that the Indian health program is entitled to serve under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, as amended, and the Indian Health Care Improvement Act, Pub. L. 94-437, as amended.

An alternative version that would spell out the provisions somewhat more could read:

(4) a dental hygienist

(A) employed in the state by

- (i) the Indian Health Service;
- (ii) an Indian tribe or tribal organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the [Indian Health] Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or
- (iii) any Indian tribe or tribal organization to which the Secretary [of Health and Human Services] provides funding pursuant to section 23 of the Act of June 25, 1950 (25 U.S.C. 47) (commonly known as the "Buy Indian Act"); and

(B) while providing dental hygiene services to a person that the Indian health program is entitled to serve under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, as amended, and the Indian Health Care Improvement Act, Pub. L. 94-437, as amended.

SCF encloses the definitions of terms used in either of these versions for your reference since whatever we might agree on, the language will have to be sent to Legislative Counsel for final drafting. As you can see in these definitions, the complexities of Indian health programs are many.

SCF appreciates the effort to clearly define the new exemption, but also needs to assure that the exemption does not inadvertently limit the population SCF and other Indian health programs may serve under their compact with the Indian Health Service. Accordingly, SCF also changed the last part of your proposed amendment. SCF did not try to detail every section of the IHCA that addresses who can be served in an Indian health program. This is a complex matter in which

that addresses who can be served in an Indian health program. This is a complex matter in which one must refer to multiple sections of the law and Federal regulations. SCF is concerned that that level of detail would bog down the limitation on who can be served to the point that the Legislature would exclude that language entirely.

SCF looks forward to continuing to work with you, other stakeholders, and the Legislature on this important piece of legislation.

Sincerely,

SOUTHCENTRAL FOUNDATION

A handwritten signature in black ink, appearing to read "Kevin Gottlieb" followed by a stylized flourish.

Kevin Gottlieb, DDS
Vice President/Chief of Staff

enclosure

APPLICABLE LEGAL DEFINITIONS

Under 25 U.S.C. 1603(12), "Indian health program" means:

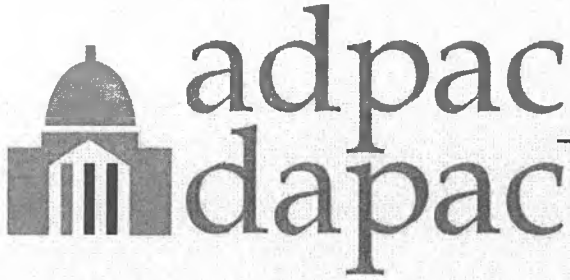
- (A) any health program administered directly by the [Indian Health] Service;
- (B) any tribal health program; and
- (C) any Indian tribe or tribal organization to which the Secretary [of Health and Human Services] provides funding pursuant to section 23 of the Act of June 25, 110 (25 U.S.C. 47) (commonly known as the "Buy Indian Act").

"Tribal health program" is defined in 25 U.S.C. 1603(25) as meaning

an Indian tribe or tribal organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the [Indian Health] Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"Tribal organization" is defined in the IHCA, at 25 U.S.C. 1603(26) by reference to "the term in section 4 of the [ISDEAA] (25 U.S.C. 450b)." "Indian Tribe" is defined in 25 U.S.C. 1603(14), as follows:

The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.



American Dental Political Action Committee
Dentists of Alaska Political Action Committee

SB92

An Act relating to dental hygienists, dentists, dental assistants, dental hygiene and dentistry

SB92, a Senate L&C bill, is a long overdue rewrite of the Dental Practice Act. It has been 25 years since the Practice Act had a complete revision and although it has been modified many times during the years much of the language and phrasing has become antiquated. In 2010 the Alaska Dental Society, along with the Alaska Dental State Hygiene association and the Board of Dental Examiners, formed a work group to review the Act in its entirety. SB92 is the product of that work group, along with input from ANTHC, the Division of Occupational Licensing and the Attorney General's office.

During the 1st session, SB92 went through various Senate Committees before passing the Senate 20-0. This year the bill starts in House L&C on its way through the House.

SB92 is a lengthy bill, 21 pages in its current version, but makes few substantial changes. Two changes of note: the Board would now have a fulltime investigator instead of a part time one with the additional cost borne by the license holders and the definition of ownership of a dental practice is expanded allowing nonprofit entities and surviving spouses of dentists to own dental practices.

Given the volume of the remaining changes rather than detail the changes here I would be happy to discuss the changes with yourself or staff. I can be reached at drdave@acsalaska.net or 723-2884.



Oregon

John A. Kitzhaber, MD, Governor

Patrick D. Braatz
Executive Director

Board of Dentistry

1600 SW 4th Avenue

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March 17, 2011

The Honorable Dennis Egan, Chair
Senate Labor & Commerce Committee
Alaska State Senate
State Capitol Room 510
Juneau, AK 99801

Dear Senator Egan:

The Oregon Board of Dentistry (OBD) was recently asked to send you information regarding the make-up of the OBD and the election of officers.

The current make-up of the OBD is six licensed Oregon Dentists; one must be a specialist, two Oregon Licensed Dental Hygienists and two public members. They are appointed by the Governor, confirmed by the Oregon Senate and serve a four year term and there are no term limits on their service.

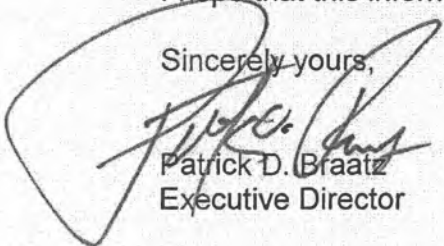
In April the Board elects a President and Vice-President from one of the ten members of the Board to serve a one year term.

All members of the Board are eligible to serve as the President and Vice-President as the duties of the President are to preside over the meetings. The role of President does not require a medical/dental background but the ability to be a good leader and run an organized and efficient Board Meeting.

During my tenure with the OBD, the people that have served as President were dental members, dental hygiene members and public members of the Board, this was also true before I joined the OBD back in 2003.

I hope that this information has been helpful to you.

Sincerely yours,


Patrick D. Braatz
Executive Director





Alaska Native Tribal Health Consortium

Legal and Intergovernmental Affairs: 224 4th Street • Suite 7A • Juneau, AK 99801 • Phone: (907) 523-0363 • Fax: (907) 523-0364 • www.anthc.org

March 31, 2011

Senator Dennis Egan
State Capitol
Juneau, Alaska 99801

Re: SB 92 - DENTISTS/DENTAL HYGIENISTS/ASSISTANTS

Dear Senator Egan:

Thank you for working with us to address concerns the Alaska Native Tribal Health Consortium and other tribal health providers found with the committee substitute coming out of the Senate Labor and Commerce Committee.

In villages across Alaska the only health provider is the village clinic operated by the Alaska Tribal Health System. Health care services, often including itinerant dental services, are provided to Alaska Natives/American Indians under provision of federal law. In communities that have no non-tribal health care alternative, the village clinic is able to provide health care services for non-beneficiaries also.

ANTHC has strong interest in maintaining this status quo, and with the draft amendment, 27-LS0403\D.3 dated 3/28/22, to be offered in the Senate Finance Committee, ANTHC supports Senate Bill 92.

Sincerely,


Valerie Davidson
Senior Director of Legal and Intergovernmental Affairs