



5/1/80 Met with
Sen. Colletta +
Bob Page, M.D.

Preliminary Agreement between the Alaskan Association of Optometry represented by Roy Box, O. D. and James N. Matson, O. D. with the Alaska Association of Ophthalmology represented by Peter Canava, M. D., Samuel A. McConkey, M. D., Robert Page, M. D., Ron Tokar, M. D.

Others attending the meeting were: Rick Urion, lobbyist for the State Optometric Association; Jerf Landry, lobbyist for the Alaska State Medical Association.

RE: House Bill 79 and Senate Bill 75 - concerning the use of medications in the eye by Optometry

It is agreed by both parties that if a solution in this endeavor is to be reached that a compromise position has to be made. That compromise is as follows:

1. Optometry would be allowed to use proparacaine 0.5% as a topical anesthetic for diagnostic purposes, 1% tropicamide or phenylephrine hydrochloride 2.5% - 5% for dilatation of the pupil for diagnostic purposes.
2. Any changes in this list of medications will be by the combined concurrence of the State Board of Optometry and the State Board of Medical Examiners.
3. A training course will be completed by each optometrist desiring to use drugs prior to any examination. The course shall consist of the following minimum subject matter:
 - A. Clinical pharmacology and drug organ interactions.
 - B. Cardiopulmonary resuscitation and emergency training.
 - C. Techniques of clinical examination.
 - D. Thorough review of clinical signs of fundus, anterior segment, and external disease as well as referral guidelines.

4. Optometrists will take a written exam on the above given by a special test committee comprised of two Optometrists and two Ophthalmologists chosen by each respective professional organization to prove competence in the above subjects. *The point of a clinical proficiency demonstration is unsettled by both parties at this time. Any course taken by an Optometrist desiring to use medications in the eye for diagnostic purposes will have to be approved by a committee of two Optometrists and two Ophthalmologists chosen by each respective professional organization.
5. In the current State Statutes regarding Optometry, the word "diagnosis" wherever it appears will be changed to "detection".
6. Mandatory referral guidelines will be followed by all Optometrists. Referral guidelines will be clearly delineated in the Bill and adhered to by all Optometrists whether or not they wish to use drugs in the exam. Those referral guidelines are as follows:

When an Optometrist examines any person, he shall inform that person, parent, guardian, or other responsible party, prior to prescribing or providing eyeglasses or other services that examination by a licensed physician specializing in diseases of the eye (or if no such licensed physician is available then by a duly licensed physician) is indicated whenever one or more of the following conditions is present. These conditions fall generally into four categories where there is:

1. An abnormality of vision.
2. An abnormality of tissue.
3. An abnormality of motor function.
4. Other.

1. Abnormality of Vision:

- A. Failure on the part of an individual to obtain 20/30 vision in each eye, 20/30 in children under 8 years of age by refractive correction by lenses. unless the cause has been medically determined by a physician and is stable or unless there is improvement within two weeks with visual therapy.
- B. A complaint by the individual of a sudden appearance of spots or flashing lights, scintillating images, transient dimming or loss of vision, or distortion in the shape of objects.
- C. A complaint by the individual of temporary or permanent loss of any part of the visual field.
- D. A history of rainbow halos around lights in the absence of contact lens causes.
- E. Diplopia (double vision) of sudden onset.

2. Tissue Abnormalities:

- A. Presence of redness, swelling, mass or ulceration of the eye or its surrounding tissues in the absence of contact lens causes.
- B. Opacities of the cornea, lens or vitreous.
- C. Changes in the appearance of the optic discs.
 - 1. Cupping greater than 0.5 cup-disc ratio (C-D).
 - 2. Difference greater than 0.2 C-D ratio between the two eyes, that is .2 C-D one eye and .5 C-D the other eye.
 - 3. Difference in appearance between the optic discs of each eye.
 - 4. Change in appearance of the optic discs from a previous exam.
 - 5. Suspicion of elevation of the optic nerve head.
- D. Observation of a deviation from the normal appearance of the retina or its vessels.

3. Abnormalities of Motor Function:

- A. Strabismus. A deviation of the eyes from their normal parallel position in straight ahead gaze or gaze in any direction. *This needs to be further defined and refined for Optometry to accept.
- B. A difference in the size of the pupils or failure to constrict with illumination or with near vision.
- C. Ptosis or lag ophthalmus (drooping of the eyelids) with onset within one week of examination.
- D. Nystagmus (rapidly oscillating eye movements).

4. C ER:

- A. Continuous tearing of longer than 24 hours duration or complaints of watering eyes not associated with visual tasks.
- B. Intraocular tension of 22 or more on any occasion or a family history of glaucoma.
- C. Any other observation or deviation from the usual appearance of the eye and related tissues or any complaint which is not attributable to the refractive state or muscle balance, or which is not amenable to lenses, prisms, or visual training.

Exception to any of the preceding conditions would be previous evaluation by a physician and discharge from medical treatment and followup for that condition.

Failure to comply with the provisions of the Act shall subject the offender to revocation or suspension of his licenses to practice Optometry and this Act shall take effect immediately.

It is completely understood at the outset that there is to be no Grandfather Clause attached to any of the above.

WORKSHOP RECOMMENDED CHANGES

SE 541 - Dispensing Opticians

- 1) Delete "reasonable" in Sec. 10 (AS 08.71.175(6)(d))

P5, L21

SB 549 - Nursing Home Administrators

- 1) Make board's composition comply with federal regulations - suggest reducing to three member board

P1, L22

SB 550 - Pharmacy

- 1) Rationale for wholesale licenses

SB 551 - Optometry

- 1) Include Canada
2) Remove "certificate number"
3) Include definition of optometry/practicing optometry

P3, L12

P6, L21

P7, L1

OPTOMETRISTS

- Sec. 1 -- Provisions of this chapter will not affect other boards and commissions under Title 8
- Sec. 2 -- Gives board provision to regulate and control their profession
- Sec. 3 -- Changes boards membership terms from three to four years.
- Sec. 4 -- Provides for board members removal
- Sec. 5 -- changes board composition
 - limits board membership to two consecutive four year terms
- Sec. 6 -- Broadens boards authority to establish license requirements
- Sec. 7 -- Allows board to define professional conduct and adopt rules of professional conduct
- Sec. 8 -- Broadens boards powers to "order a licensee TO submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is at issue"
- Sec. 9 -- Removes "may" and states the board "shall" issue a branch office certificate of registration
- Sec. 10 - Eliminates "normal color perception" requirement to be qualified for optometrist exam.
- Sec. 11 - Parts 1 & 2 of the National Optometry Exam will comprise the written part of the Alaska examination
- Sec. 12 - Removes a person currently licensed in a territory or fireign country from being eligible for waiver of written examination
- Sec. 13 - Provides for license renewal to occur every four years
- Sec. 14 - License renewal continuing education requirement
- Sec. 15 - Continued competency requirement attached to license renewal
- Sec. 16 - Fee revision

CANADA

Sec. 17 - Imposition of disciplinary sanction provision

Sec. 18 - Disciplinary sanctions enumerated

Sec. 19 - Removing the requirement that an optometrist temporarily practicing in a place other than his normal place of business, SIGN the receipt for a person supplied with glasses

Sec. 20 - This provision provides for an individual that does not want glasses "impact resistant" that he must sign a waiver stating so

Sec. 21 - Repeal

Sec. 22 - Effective date clause

OPTOMETRIST

The following changes are to be incorporated into the practice act revisions re: the following health boards - Dental, Dispensing Opticians, Veterinarians, Physical Therapists, Optometrists, Psychologists, Chiropractors, Pharmacy, Nursing Home Administrators, Medical.

OPTOMETRIST -

P2,L4 #1 - Board members and composition, 4 optometrist/1 public member

P2,L4 - Limit board membership to two consecutive four year terms.

P4,L1 #2 - Revise fee schedule.

Allow for license renewal to occur every four years

P4,L29 #3 - Eliminate re: to "good character," "professional conduct," etc., unless behavior defined.

P2,L10 #4 - Consider giving boards responsibility of determining licensing standards through regulations.

* #5 - Out-of-state licensees credentialed through a process/by standards equivalent to ours - should be licensed by endorsement.

#6 - Eliminate standards protecting economic interest of occupational groups, reducing information flow or restricting competition.

P3,L17 #7 - License renewal provisions have been revised which allow for renewal to occur every four years.

MAKE license renewal contingent upon proof of continued competency with BOARDS DETERMINING BY REGULATION how continued competency will be demonstrated.

PS,LZ #8 - Licensing violations: make sure that each board may revoke, suspend or take any other disciplinary action necessary to correct incompetency.

#9 - Establish section providing for removal of board members.

PI,26 unexcused absences, (2) license violation, (3) anything detrimental to public interest served by board.

* OPTOMETRISTS ALREADY PROVIDE FOR CREDENTIALING AS 08.72.170

Shown to Dr. Page 5/1/80
D.H.

Definition of Optometry

as listed in _____

"Optometry" is the examination, other than by the use of drugs, of the human eyes and the visual system for the purpose of ascertaining a departure from the normal, ascertaining the status of the human visual system, including refractive and functional abilities, or ascertaining the presence of ocular disease and any other departure from the normal, which (MAY) require referral to other health care practitioners, or (IS THE EMPLOYMENT OF MEANS OR METHODS, OTHER THAN THE USE OF DRUGS, FOR) the diagnosis of an optical deficiency or deformity, visual or muscular anomaly of the human eye, or the prescription or application of lenses, prisms or ocular exercises for the correction of relief of the human eye;

Under Grounds For Imposition of Disciplinary Sanctions. The board may impose disciplinary sanctions when the board finds after a hearing that a licensee.....

(9) failed to refer a patient to the appropriate health care practitioner after ascertaining the possible presence of ocular disease.

WHAT THIS DOES

- 1) Bars optometrists from using drugs "other than by the use of drugs,"
- 2) Statutorily authorizes the optometrists to examine the eye for the purpose of ascertaining the presence of ocular disease
- 3) Imposes disciplinary sanctions on the optometrists if they fail to refer the patient to the appropriate practitioner after ascertaining the presence of ocular disease.

WO 8318
Cook

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of the practice of optometry; and providing
8 for an effective date."

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

10 * Section 1. AS 08.01.100(a) is amended to read:

11 (a) Except as otherwise provided in this title, [ALL] licenses
12 shall be renewed biennially on the dates set by the department with the
13 approval of the respective board.

14 * Sec. 2. AS 08.72.010 is amended to read:

15 Sec. 08.72.010. CREATION AND PURPOSE OF BOARD OF EXAMINERS. There
16 is created the Board of Examiners in Optometry to regulate and control
17 the practice of optometry and to protect and promote the public health,
18 welfare, and safety and the public interest.

19 * Sec. 3. AS 08.72.020 is amended to read:

20 Sec. 08.72.020. MEMBERSHIP OF BOARD AND TERMS OF OFFICE. The
21 board consists of five persons, appointed by the governor. Members
22 serve staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC
23 MEMBERS OF THE BOARD SHALL BE SET SO THAT THEY DO NOT EXPIRE AT THE SAME
24 TIME.]

25 * Sec. 4. AS 08.72 is amended by adding a new section to read:

26 Sec. 08.72.025. REMOVAL OF BOARD MEMBERS. A member of the board
27 may be removed from office by the governor for cause. The board may by
28 regulation provide that unexcused absences from meetings constitute
29 cause for removal.

1 * Sec. 5. AS 08.72.040 is amended to read:

2 Sec. 08.72.040. QUALIFICATIONS. Four [THREE] board members shall
3 be licensed, practicing optometrists who have been residents for at
4 least three years. One board member shall be a public member. A person
5 who has served two successive complete terms may not be reappointed until
6 four years from the expiration of the second term that he served [TWO
7 SHALL BE PERSONS WHO HAVE NO DIRECT FINANCIAL INTEREST IN THE HEALTH
8 CARE INDUSTRY].

9 * Sec. 6. AS 08.72.050 is amended by adding new paragraphs to read:

10 (5) establishing requirements for licensing in addition to
11 those established in this chapter;

12 (6) prescribing requirements which a person licensed under
13 this chapter must meet to demonstrate continued professional competency.

14 * Sec. 7. AS 08.72.060(b) is repealed and re-enacted to read:

15 (b) The board may

16 (1) adopt a seal;

17 (2) define professional conduct and adopt rules of profes-
18 sional conduct.

19 * Sec. 8. AS 08.72.060(c) is repealed and re-enacted to read:

20 (c) The board shall

21 (1) elect a president and secretary from among its members;

22 (2) order a licensee to submit to a reasonable physical or
23 mental examination if his physical or mental capacity to practice safely
24 is at issue.

25 * Sec. 9. AS 08.72.125(a) is amended to read:

26 (a) The board shall [MAY] issue a branch office certificate of
27 registration to an Alaskan licensee who maintains a full-time practice
28 in the state but who serves other communities in the state on a part-
29 time basis [A BRANCH OFFICE CERTIFICATE OF REGISTRATION].

1 * Sec. 10. AS 08.72.140(2) is amended to read:

2 (2) he has [NORMAL COLOR PERCEPTION AND] a visual acuity of a
3 standard of at least 20/40 in at least one eye as corrected;

4 * Sec. 11. AS 08.72.160(a) is amended to read:

5 (a) The examination shall be written, practical, and oral in
6 nature. The National Board of Examiners in Optometry Examination,
7 Parts I and 2, shall comprise the written portion of the Alaska examina-
8 tion. The oral portion of the examination shall be recorded and re-
9 tained for two years.

10 * Sec. 12. AS 08.72.170(a)(2) is amended to read:

11 (2) holds a current license by examination in another state
12 [, TERRITORY OR FOREIGN COUNTRY] and has been established in ethical
13 optometric practice for at least three years before the application, or
14 shows satisfactory evidence of having passed the written portion of the
15 examination given by the National Board of Examiners in Optometry; and

16 * Sec. 13. AS 08.72.181(a) is amended to read:

17 (a) To remain in force a license must be renewed every four years
18 [BIENNIALY].

19 * Sec. 14. AS 08.72.181(d) is amended to read:

20 (d) Before a license may be renewed the licensee shall submit to
21 the board evidence of 24 hours of post graduate continuing education in-
22 struction as prescribed by regulations of the board. The board may
23 specify by regulation those circumstances under which the requirements
24 of this subsection may be waived.

25 * Sec. 15. AS 08.72.181 is amended by adding a new subsection to read:

26 (e) Before a license may be renewed, the licensee shall provide
27 evidence of continued professional competency in accordance with the
28 regulations adopted by the board under AS 08.72.050(6).

29 * Sec. 16. AS 08.72.191 is amended to read:

1 Sec. 08.72.191. FEES. The following fees shall be imposed under
2 this chapter when applicable:

- 3 (1) examination fee..... \$50 [\$35]
- 4 (2) re-examination fee for written portion..... \$50 [50]
- 5 (3) waiver of examination fee..... \$50 [25]
- 6 (4) certificate fee..... \$100 [50]
- 7 (5) [BIENNIAL] renewal fee
- 8 (due every four years)..... \$200 [50]
- 9 (6) branch office [BIENNIAL] registration fee
- 10 (due every four years)..... \$100 [25]

11 * Sec. 17. AS 08.72.240 is repealed and re-enacted to read:

12 Sec. 08.72.240. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

13 The board may impose disciplinary sanctions when the board finds after a
14 hearing that a licensee

15 (1) secured a license through deceit, fraud, or intentional
16 misrepresentation;

17 (2) engaged in deceit, fraud, or intentional misrepresenta-
18 tion in the course of providing professional services or engaging in
19 professional activities;

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

22 (4) has been convicted of a felony or other crime which
23 affects his ability to continue to practice competently and safely;

24 (5) intentionally or negligently engaged in or permitted the
25 performance of patient care by persons under his supervision which does
26 not conform to minimum professional standards regardless of whether
27 actual injury to the patient occurred;

28 (6) failed to comply with this chapter, with a regulation
29 adopted under this chapter, or with an order of the board;

- 1 (7) continued to practice after becoming unfit due to
2 (A) professional incompetence;
3 (B) failure to keep informed of or use current profes-
4 sional theories or practices;
5 (C) addiction or severe dependency on alcohol or other
6 drugs which impairs his ability to practice safely;
7 (D) physical or mental disability;
8 (8) engaged in lewd or immoral conduct in connection with the
9 delivery of professional service to patients.

10 * Sec. 18. AS 08.72.250 is repealed and re-enacted to read:

11 Sec. 08.72.250. DISCIPLINARY SANCTIONS. (a) When it finds that a
12 licensee is guilty of an offense under AS 08.72.240, the board may
13 impose the following sanctions singly or in combination:

- 14 (1) permanently revoke a license to practice;
15 (2) suspend a license for a determinate period of time;
16 (3) censure a licensee;
17 (4) issue a letter of reprimand;
18 (5) place a licensee on probationary status and require him
19 to
20 (A) report regularly to the board upon matters involving
21 the basis of probation;
22 (B) limit practice to those areas prescribed;
23 (C) continue professional education until a satisfactory
24 degree of skill has been attained in those areas determined by the
25 board to need improvement;
26 (6) impose limitations or conditions on the practice of a
27 licensee.

28 (b) The board may withdraw probation status if it finds that the
29 deficiencies which required the sanction have been remedied.

1 (c) The board may summarily suspend a license before final hearing
2 or during the appeals process if the board finds that the licensee poses
3 a clear and immediate danger to the public health and safety if he
4 continues to practice. A person whose license is suspended under this
5 section shall be entitled to a hearing by the board no later than seven
6 days after the effective date of the order. He may appeal the sus-
7 pension after a hearing to a court of competent jurisdiction.

8 (d) The board may reinstate a license which has been suspended or
9 revoked if the board finds after a hearing that the applicant is able to
10 practice with reasonable skill and safety.

11 (e) The board shall seek consistency in the application of dis-
12 ciplinary sanctions, and significant departure from prior decisions
13 involving similar situations shall be explained in findings of fact or
14 orders.

15 * Sec. 19. AS 08.72.270(a) is amended to read:

16 (a) A registered optometrist, who temporarily practices optometry
17 away from his regular place of business, shall display his registration
18 certificate and deliver to each patient or person fitted or supplied
19 with glasses a receipt [WITH HIS SIGNATURE] showing his permanent place
20 of business or post office address [certificate number] and the amount
21 charged. A licensee who fails to comply with any of the [FOREGOING]
22 provisions of this section for six months after issuance of the certi-
23 ficate shall forfeit his certificate.

24 * Sec. 20. AS 08.72.275 is amended by adding a new subsection to read:

25 (d) A licensee may sell, exchange or deliver eyeglasses or sun-
26 glasses which do not meet the requirements of (a) of this section if the
27 sale, exchange or delivery is authorized in a written request signed by
28 the patient.

29 * Sec. 21. AS 08.72.060(e), 08.72.070, 08.72.090, and 08.72.140(6) are

1 repealed.

2 * Sec. 22. This Act takes effect immediately in accordance with AS 01.10.-
3 070(c).

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SB

561

COMMITTEE REPORT
SENATE

FURTHER: None

4/15/80

Date: 4-16-80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 561

professional licensing and regulation of dentists and dental hygienists

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back ^{in divided vote} without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Other recommendations

Chairman

CHAIRMAN

DO PASS

COMMITTEE REPORT

SENATE

FURTHER: None

4/25/80-

Date: 5-9-80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 561

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the ROLIF Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
CHAIRMAN

AMENDMENT #1

OFFERED IN THE SENATE:

BY: HACKNEY

To: _____ CS SENATE BILL No. 561

HOUSE BILL No. _____

PAGE: 6

LINE: 25-27

Page 6, line 25: delete (11) in its entirety

renumber remaining lines accordingly

SB 561

"Professional Lic. S. HESS SB 561-80
regulation of dentists and
denture fabricators

Introduced 4-15-80

Logged 4-15-80

Referrals none

Comm. meeting 4-16-80 - Paul has returned Pes

" action. Passed out - taken Senate Secy. 4-17-80 @ 8:55 AM. 4-24-80 mtg. to Senate floor by Sen. Hachey.

Logged - 4-25-80

Comm. meeting 5-9-80

Comm. action passed referred to Rules

v.l

36

COMMITTEE REPORT

SENATE

FURTHER: None

4/15/30

Date: 4-16-80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 561

professional licensing and regulation of dentists and dental hygienists

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

map do pass

[] do not pass

[] do pass with attached amendments(s)

[] same title
[] new title

[] replace with CS for _____ and recommends _____

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[X] reports it back ^{individual} without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

1 Colletta
1 Fabronkang

MEMBERS HAVING OTHER RECOMMENDATIONS:

2 Artis Sturgis no Rec

Ret

Glenn Hackney
CHAIRMAN

DO PASS

COMMITTEE REPORT
SENATE RULES COMMITTEE

4/17/80

Date April 23, 1980

Mr. President:

The Committee on Rules has had SB 561
professional licensing and regulation of dentists and dental hygienists

under consideration and recommends it be placed on the

Thurs April 24, 1980 Calendar.

- () with attached amendment(s).
() replace with CS for _____ () same title
() new title
() and attaches a "Letter of Intent"
() new fiscal note

MEMBERS SIGNING FOR PLACEMENT
ON THE CALENDAR

MEMBERS HAVING OTHER
RECOMMENDATIONS

Zwick
Phillips
Holman

Colletta

CHAIRMAN

NAME

GROUP REPRESENTING

FILE

Rules Comm. Sub.
Lic - by Credentials

Diff. Dec. 9 Cre.

Recip -

cred. - lower - commission for the ... in

must still wait for ... 23

SS 561-
RULES

SS 561 by Rules Comm
SECTIONAL

DEPT. OF COMMERCE TO ISSUE A DUPLICATE LICENSE FOR A FEE OF \$2. THIS PROVISION IS ALLOWING DOL TO MAKE AN "EXCEPTION" IN REGARDS TO DUPLICATING A DENTAL LICENSE. THE FEE FOR DUPLICATING A DENTAL LICENSE IS BEING RAISED TO \$10. (SEE SEC 27, P. 11)
DELETES DENTAL HYGIENISTS FROM THE LIST OF BOARDS
DOL WILL PROVIDE INVESTIGATIVE SERVICES TO BECAUSE THERE IS NO BOARD OF DENTAL HYGIENISTS. DENTAL HYGIENISTS COME UNDER THE BOARD OF DENTISTRY.

Sec. 2

Sec. 3

Sec. 4

Sec. 5

Sec. 6

Sec. 7

Sec. 8

Sec. 9

Sec. 10

Sec. 11

Sec. 12

- Currently the statute mandates that "all" licenses be renewed biennially on dates set by Dept (DOL). Since we are having renewals occur every four years for the health boards, we have to account for this exception to the statute.
 - Provides that only those individuals exempted under AS 08.32.095 may practice dental hygiene without a license.
 - Provides for licensing by credentials (dental hygienists)
 - Adds language "determination of qualification for" licensing by credentials and provides for this determination to be accompanied by a \$25 review fee.
 - Provides for dental hygienists exam to be given at the same time, location as examination of dentists.
 - Provides for license to be issued if applicant passes exam and pays appropriate fee.
 - Provides for registration renewal to occur every four years.
 - Includes continued competency provision.
 - Provides for "lapsed" license to be reinstated without licensee taking examination if licensee submits a written application, provides proof of continued competency, pays all required fees within two years of original renewal due date.
 - Provides provisions permitting dental hygiene students to be exempt from licensure requirements.
 - Section enumerates grounds for discipline, suspension or revocation of license. ~~Amendment proposed by Lois Reeder: Subsection (9) was BEEN ADDED~~
- (9) performed clinical procedures for compensation without being under the supervision of a licensed dentist.
- Changes dental board's composition - reduces number of dentists from 10 to 8. Increases the number of public health dentists from 2 to 4. Changes the dental board's structure to be more representative.

- Sec. 13 - Changes board members' terms from five to four years and limits board membership to two consecutive four year terms.
- Sec. 14 - Allows for "removal of board members".
- Sec. 15 - ^{ADDS "LICENSED DENTAL HYGIENIST"} ~~licensed dentist is replaced with "practitioner".~~
~~(Practitioner is defined in definition section as a "person licensed to practice dentistry or dental hygiene in the state.")~~
- Sec. 16 - Gives board power to impose disciplinary sanctions.
- Sec. 17 - Brings dental hygienist under the "general powers" section of the board.
- Sec. 18 - Expands board's powers ^{ALLOWS BOARD TO ADOPT REGS CONCERNING OUR "CONTINUED COMPETENCY REQUIREMENT"}
- Sec. 19 - Provides that only those individuals exempted under AS 08 36.238 may practice dentistry without a license.
- Sec. 20 - Council on Dental Education is replaced with Commission on Accreditation of the American Dental Association, or its successor agency.
~~SHOULD READ "ACCREDITED"~~
- Sec. 21 - Provides for dental examination to be administered at least once a year and more often if board deems necessary.
- Provides for the board to appoint an examination committee, consisting of dentists, to conduct examination for dental applicants.
 - Provides for the board to appoint an examination committee, consisting of two dentists and one dental hygienist, to conduct the exam for the dental hygienist applicants.
- Sec. 22 - Provides for dentists licensed in this state, but practicing "outside", to keep license current by registering with DOI quadrennially and submitting proof of competency.
- Sec. 23 - Licensure by credentials provision.
~~SHOULD READ "CREDENTIALS"~~
- Provides provisions permitting dental students to be exempt from licensure requirements.
- Sec. 24 - Brings suspension/revocation of "speciality licenses" under AS 08.36.315 to conform with changes made in this bill.

- Sec. 25 - Provides for registration to be renewed every four years (instead of biennially) and provides for "continued competency" requirement.
- Sec. 26 - Provides for branch office registration.
- Sec. 27 - Fee revisions.
- Sec. 28 - Spells out grounds for discipline, suspension or revocation of license.
- Sec. ~~28~~²⁹ - Enumerates disciplinary sanctions.
- Sec. 30 - Penalty provision.
- Sec. 31 - Definitions
- Sec. 32 - Repeal section.
- Sec. 33 - Effective date.

* Sec. 15. AS 08.36.070(2) is amended to read:

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

* Sec. 16. AS 08.36.070(5) is amended to read:

(5) to hold hearings, and order the disciplinary sanction [REVOKE, ANNUL, OR SUSPEND THE LICENSE] of a person who violates this chapter, AS 08.32, or the [RULES AND] regulations of the board;

* Sec. 17. AS 08.36.070(7) is amended to read:

(7) to enforce the provisions of this chapter and AS 08.32, and adopt [MAKE, ALTER,] or amend the [RULES AND] regulations necessary [OR DESIRABLE] to make the provisions of this chapter and AS 08.32 effective.

* Sec. 18. AS 08.36.070 is amended by adding new paragraphs to read:

(8) to adopt regulations insuring that renewal registration is contingent upon proof of continued competency by a licensed dentist or licensed dental hygienist;

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

(10) to order a licensed dentist or licensed dental hygienist to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is at issue;

(11) to join regional professional testing boards and enter into professional licensing reciprocity agreements with other jurisdictions under AS 08.36.234.

* Sec. 19. AS 08.36.100 is amended to read:

Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.36.

4-14-80
Passed Ret'd
4-24-80



Introduced: 4/15/80
Referred: Health, Education & Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 561

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of dentists and dental hygienists; and
8 providing for an effective date."

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

10 * Section 1. AS 08.01.050(a)(10) is amended to read:

11 (10) except as otherwise provided in this title, issue dup-
12 licate licenses or certificates upon proof by the licensee of loss of
13 the original and payment by the licensee of a fee of \$2;

14 * Sec. 2. AS 08.01.050(a)(19) is amended to read:

15 (19) provide investigative services to the boards established
16 under AS 08.20, [AS 08.32,] AS 08.36, AS 08.64, AS 08.68, AS 08.71,
17 AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of assisting
18 those boards in matters of professional discipline.

19 * Sec. 3. AS 08.01.100(a) is amended to read:

20 (a) Except as otherwise provided in this title, [All] licenses
21 shall be renewed biennially on the dates set by the department with the
22 approval of the respective board.

23 * Sec. 4. AS 08.32.010 is amended to read:

24 Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.32.
25 095, a person may not [NO PERSON MAY] practice, offer or attempt to
26 practice, or advertise or announce oneself as prepared or qualified to
27 practice dental hygiene without a license.

28 * Sec. 5. AS 08.32.030 is repealed and re-enacted to read:

29 Sec. 08.32.030. LICENSURE BY CREDENTIALS. The board may provide

1 for the licensing without examination of a dental hygienist who

2 (1) meets the criteria of AS 08.32.020(a);

3 (2) has successfully passed a state or regional dental hy-
4 giene clinical examination which the board has determined is at least
5 equivalent in scope, quality, and difficulty to the Alaska clinical
6 examination;

7 (3) has been in active clinical dental hygiene practice
8 averaging no less than 14 hours per week for the two years immediately
9 preceding application for state licensure;

10 (4) has not failed the clinical dental hygiene examination of
11 this state;

12 (5) has not previously had a license to practice dental
13 hygiene issued by any state or region revoked;

14 (6) is personally interviewed by a board member;

15 (7) pays all fees required under AS 08.36.290;

16 (8) is not the subject of an unresolved complaint, review
17 procedure, or disciplinary proceeding undertaken by a professional
18 dental or dental hygienics association.

19 * Sec. 6. AS 08.32.040 is amended to read:

20 Sec. 08.32.040. APPLICATION AND FEE. An application for examina-
21 tion or determination of qualification for licensing by credentials
22 shall be accompanied by the applicant's certificate of graduation from
23 an accredited dental hygiene school and the fee provided under AS 08.36.-
24 290(1) [A FEE OF \$25].

25 * Sec. 7. AS 08.32.060 is amended to read:

26 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. The
27 examination shall be held [ONCE EACH YEAR] at the same times and places
28 [TIME] as the examination of dentists under AS 08.36.130. The
29 examination shall cover subjects considered essential by the board for

1 the practice of dental hygiene including a clinical examination on the
2 removal of calcareous deposits, accretions, and stains from the exposed
3 surfaces of the teeth beginning at the epithelial attachment by scaling
4 and polishing techniques.

5 * Sec. 8. AS 08.32.070 is amended to read:

6 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.

7 If the applicant passes the examination, the board shall register the
8 applicant and issue a license upon payment of all fees required un-
9 der AS 08.36.290. A licensed dental hygienist shall renew registration
10 and offer proof of continued competency as required by regulation of the
11 board every four years [CERTIFICATE. THE FEE FOR REGISTRATION IS \$20.
12 BEFORE MAY 1 OF EVERY OTHER YEAR AFTER THE YEAR OF REGISTRATION, EVERY
13 REGISTERED DENTAL HYGIENIST SHALL PAY A REGISTRATION FEE OF \$20].

14 * Sec. 9. AS 08.32.081 is amended to read:

15 Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. The failure,
16 neglect, or refusal of a licensed dental hygienist to pay the renewal
17 [BIENNIAL] registration fee constitutes a forfeiture of the license.
18 The board may reinstate the license without examination within two years
19 of the date on which payment was due upon written application, proof
20 of continued competency, and payment of all fees required under AS 08.-
21 36.290 [\$25].

22 * Sec. 10. AS 08.32 is amended by adding a new section to read:

23 Sec. 08.32.095. EXEMPTION FROM LICENSE REQUIREMENT. (a) A person
24 enrolled as a full-time student in an accredited school of dental hy-
25 giene may perform dental hygiene procedures as part of a course of study
26 without a license if

27 (1) the procedures are performed under the direct supervision
28 of a member of the faculty who is licensed under AS 08.36, or under the
29 direct supervision of a team of licensed faculty dentists, at least one

1 of whom is licensed under AS 08.36; and

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

4 (b) A person practicing dental hygiene under (a) of this section
5 is subject to all other provisions of this chapter and laws and regu-
6 lations which apply to the practice of dental hygiene by a licensed
7 dental hygienist.

8 * Sec. 11. AS 08.32.160 is repealed and re-enacted to read:

9 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
10 OF LICENSE. The board may revoke or suspend the license of a dental
11 hygienist, or the licensee may be reprimanded, censured, or disciplined
12 when the board finds after a hearing that he

13 (1) secured a license through deceit, fraud, or intentional
14 misrepresentation;

15 (2) engaged in deceit, fraud, or intentional misrepresen-
16 tation in the course of providing professional services or engaging in
17 professional activities;

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

20 (4) has been convicted of a felony or other crime which
21 affects his ability to continue to practice competently and safely;

22 (5) failed to comply with this chapter, with a regulation
23 adopted under this chapter, under AS 08.3., or with an order of the
24 board;

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

26 (A) professional incompetence;

27 (B) failure to keep informed of or use current profes-
28 sional theories or practices;

29 (C) addiction or severe dependency on alcohol or other

1 drugs which impairs his ability to practice safely;
2 (9) physical or mental disability;
3 (7) engaged in lewd or immoral conduct in connection with the
4 delivery of professional service to patients;
5 (8) performed clinical procedures for compensation without
6 being under the supervision of a licensed dentist.

7 * Sec. 12. AS 08.36.010 is amended to read:

8 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
9 created the Board of Dental Examiners (, REFERRED TO IN THIS CHAPTER AS
10 THE BOARD,) consisting of seven members. Four [FIVE] members shall be
11 qualified resident dentists who have been engaged in the practice of
12 dentistry in the state for five years immediately preceding appointment,
13 one member shall be a dental hygienist licensed under AS 08.32, and
14 two public members [ONE MEMBER WITH NO DIRECT FINANCIAL INTEREST IN THE
15 HEALTH CARE INDUSTRY].

16 * Sec. 13. AS 08.36.020 is amended to read:

17 Sec. 08.36.020. APPOINTMENT AND TERM OF OFFICE [SERVICE OF MEM-
18 BERS]. Members of the board are appointed by the governor, subject to
19 confirmation by the legislature in joint session. Each board member
20 serves for a term of four [FIVE] years, and until his successor is
21 appointed and qualified. The term begins on February 1. An appointment
22 to a vacancy is for the unexpired term. A person who has served two
23 successive complete terms may not be reappointed until four years from
24 the expiration of the second term.

25 * Sec. 14. AS 08.36 is amended by adding a new section to read:

26 Sec. 08.36.025. REMOVAL OF BOARD MEMBERS. A member of the board
27 may be removed from office by the governor for cause. The board may by
28 regulation provide that unexcused absences from meetings constitute
29 cause for removal.

1 * Sec. 15. AS 08.36.070(2) is amended to read:

2 (2) to register licensed dentists and licensed dental hy-
3 gienists who are in good standing;

4 * Sec. 16. AS 08.36.070(5) is amended to read:

5 (5) to hold hearings, and order the disciplinary sanction [,
6 REVOKE, ANNUL, OR SUSPEND THE LICENSE] of a person who violates this
7 chapter, AS 08.32, or the [RULES AND] regulations of the board;

8 * Sec. 17. AS 08.36.070(7) is amended to read:

9 (7) to enforce the provisions of this chapter and AS 08.32,
10 and adopt [MAKE, ALTER,] or amend the [RULES AND] regulations necessary
11 [OR DESIRABLE] to make the provisions of this chapter and AS 08.32
12 effective.

13 * Sec. 18. AS 08.36.070 is amended by adding new paragraphs to read:

14 (8) to adopt regulations insuring that renewal of registra-
15 tion is contingent upon proof of continued competency by a licensed
16 dentist or licensed dental hygienist;

17 (9) to provide the department with the requirements for proof
18 of continued competency and to request the department to make these re-
19 quirements available to each licensed dentist and licensed dental hy-
20 gienist at least one year before the date on which the dentist or dental
21 hygienist must renew his registration;

22 (10) to order a licensed dentist or licensed dental hygienist
23 to submit to a reasonable physical or mental examination if his physical
24 or mental capacity to practice safely is at issue;

25 (11) to join regional professional testing boards and enter
26 into professional licensing reciprocity agreements with other juris-
27 dictions under AS 08.36.234.

28 * Sec. 19. AS 08.36.100 is amended to read:

29 Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.36.-

1 238, a person may not [NO PERSON, EXCEPT THOSE SPECIFICALLY EXEMPTED
2 FROM THE APPLICATION OF THIS CHAPTER, MAY] practice, or attempt to
3 practice, dentistry without a license or permit, and a current certi-
4 ficate of registration.

5 * Sec. 20. AS 08.36.110(4) is amended to read:

6 (4) a graduate of a dental college accredited [APPROVED] by
7 the Commission on Accreditation [COUNCIL ON DENTAL EDUCATION] of the
8 American Dental Association, or its successor agency, at the time of
9 graduation, and holds a D.D.S. or D.M.D. degree or the equivalent;

10 * Sec. 21. AS 08.36.130 is amended to read:

11 Sec. 08.36.130. EXAMINATION. An examination shall be given at
12 least once a year and at other times and places determined by the board
13 to be convenient and economical for the applicants and the state. At
14 least once each year the board shall appoint [FROM ITS MEMBERSHIP] an
15 examination committee of at least three licensed dentists who have been
16 engaged in the practice of dentistry in the state for five years im-
17 mediately preceding appointment to conduct the examination for appii-
18 cants for licenses to practice dentistry. The board shall also appoint
19 an examination committee of at least two licensed dentists who have been
20 engaged in the practice of dentistry in the state for five years im-
21 mediately preceding appointment and one person licensed to practice den-
22 tal hygiene in the state to conduct the examination for applicants for
23 licenses to practice dental hygiene [PERSONS]. The examination com-
24 mittees [COMMITTEE] shall [CONDUCT AN EXAMINATION AT LEAST ONCE A YEAR
25 AND] report the results to the board for official action.

26 * Sec. 22. AS 08.36.230 is amended to read:

27 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed to
28 practice in this state and residing and practicing dentistry outside of
29 this state, may maintain his eligibility to practice in this state by

1 [BIENNIALY] registering his name and place of residence with the divi-
2 sion of occupational licensing every four years and submitting proof of
3 competency as required by the board. If the dentist fails to register,
4 the board may reinstate his license without examination upon payment of
5 a penalty of \$25, payment of the delinquent registration fee under
6 AS 08.36.290(7), presentation of proof of continued competency [ALL
7 DELINQUENT REGISTRATION FEES], and presentation of proof of active
8 practice [AT HIS PLACE OF RESIDENCE,] certified by the dental board
9 having jurisdiction [AT HIS PLACE OF RESIDENCE,] or, if there is no
10 board, by evidence satisfactory to the board.

11 * Sec. 23. AS 08.36 is amended by adding new sections to read:

12 Sec. 08.36.234. REGIONAL TESTING BOARDS AND RECIPROCIITY. The
13 board may join regional professional testing boards, such as the Western
14 Regional Testing Board, and enter into professional licensing reciprocity
15 agreements with other jurisdictions, as long as an applicant for a
16 license in this state under the agreement has

17 (1) graduated from a dental school accredited by the Commis-
18 sion on Dental Accreditation, or its successor agency;

19 (2) held a license and practiced dentistry in the jurisdic-
20 tion for five years before application;

21 (3) met licensure requirements which are substantially equi-
22 valent to or higher than those required by this state;

23 (4) not failed the clinical examination of this state;

24 (5) not previously had a license to practice dentistry re-
25 voked;

26 (6) not been the subject of an unresolved complaint, review
27 procedure, or disciplinary proceeding undertaken by a professional
28 dental association.

29 Sec. 08.36.238. EXEMPTION FROM LICENSE REQUIREMENT. (a) A person

1 enrolled as a full-time student in an accredited school of dentistry may
2 perform procedures as part of a course of study without a license if

3 (1) the procedures are performed under the direct supervision
4 of a member of the faculty who is licensed under AS 08.36, or under the
5 direct supervision of a team of licensed faculty dentists, at least one
6 of whom is licensed under AS 08.36; and

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

9 (b) A person practicing dentistry under (a) of this section is
10 subject to all other provisions of this chapter and to other laws and
11 regulations which apply to the practice of dentistry.

12 * Sec. 24. AS 08.36.248 is amended to read:

13 Sec. 08.36.248. SUSPENSION OR REVOCATION OF SPECIALTY LICENSES.
14 The board may suspend or revoke a specialty license upon any grounds set
15 out in AS 08.36.315 [AS 08.36.310], and the procedure [FOR SUSPENSIONS
16 AND REVOCATIONS] shall be the same as for the revocation or suspension
17 of a [REGULAR] license to practice dentistry.

18 * Sec. 25. AS 08.36.250 is amended to read:

19 Sec. 08.36.250. RENEWAL OF [BIENNIAL] REGISTRATION. At least 60
20 days before January 1 of every fourth [OTHER] year, the division of
21 occupational licensing shall mail a form for renewal of [BIENNIAL]
22 registration to each licensed dentist and licensed dental hygienist.
23 Each licensee shall complete the form and return it together with the
24 registration fee and offer proof of continued competency as required by
25 the board. The division of occupational licensing shall, as soon as
26 practicable, issue a registration certificate valid for the years for
27 which it is issued. Each licensee shall keep the registration certifi-
28 cate beside or attached to his license. Failure to receive the regis-
29 tration form does not exempt a licensee [DENTIST] from renewing [BI-

1 FNNIAL] registration.

2 ‡ Sec. 26. AS 08.36.260 is amended to read:

3 Sec. 08.36.260. BRANCH OFFICE REGISTRATION. A licensee who prac-
4 tices in an established office with an address other than that address
5 for which his [BIENNIAL] registration certificate is issued shall obtain
6 a branch office registration certificate for each office.

7 * Sec. 27. AS 08.36.290 is repealed and re-enacted to read:

8 Sec. 08.36.290. FEES AND PENALTIES. The following fees and penal-
9 ties shall be imposed by the board as applicable:

- 10 (1) filing fee for examination and licensing appli-
11 cation..... \$ 25
- 12 (2) examination fee:
13 dentist..... \$200
14 dental hygienist..... 75
- 15 (3) credential review fee:
16 dentist..... \$200
17 dental hygienist..... 75
- 18 (4) initial license fee:
19 dentist..... \$ 30
20 dental hygienist..... 20
- 21 (5) registration fee (due every four years):
22 dentist..... \$200
23 dental hygienist..... 100
- 24 (6) filing fee for reexamination application..... \$ 25
- 25 (7) specialty license fee..... \$ 30
- 26 (8) branch office registration fee..... \$100
- 27 (9) temporary permit to practice dentistry..... \$ 50
- 28 (10) penalty for delinquent registration..... \$ 10
- 29 (11) duplicate license fee..... \$ 10

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

2 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
3 OF LICENSE. The board may revoke or suspend the license of a dentist,
4 and the licensee may be reprimanded, censured, or disciplined when the
5 board finds after a hearing that he

6 (1) secured a license through deceit, fraud, or intentional
7 misrepresentation;

8 (2) engaged in deceit, fraud, or intentional misrepresenta-
9 tion in the course of providing professional dental services or engaging
10 in professional activities;

11 (3) advertised professional dental services in a false or
12 misleading manner;

13 (4) has been convicted of a felony or other crime which
14 affects his ability to continue to practice dentistry competently and
15 safely;

16 (5) intentionally or negligently engaged in or permitted the
17 performance of patient care by persons under his supervision which does
18 not conform to minimum professional standards of dentistry regardless of
19 whether actual injury to the patient occurred;

20 (6) failed to comply with this chapter, with a regulation
21 adopted under this chapter, or with an order of the board;

22 (7) continued to practice after becoming unfit due to

23 (A) professional incompetence;

24 (B) failure to keep informed of or use current profes-
25 sional theories or practices;

26 (C) addiction or severe dependency on alcohol or other
27 drugs which impairs his ability to practice safely;

28 (D) physical or mental disability;

29 (8) engaged in lewd or immoral conduct in connection with the

1 delivery of professional service to patients;

2 (9) permits a dental hygienist who is employed by him or
3 working under his supervision to perform a dental procedure other than
4 those permitted under AS 08.32.110.

5 * Sec. 29. AS 08.36.320 is repealed and re-enacted to read:

6 Sec. 08.36.320. DISCIPLINARY SANCTIONS. (a) When it finds that a
7 dentist or dental hygienist is guilty of an offense under AS 08.32.160
8 or AS 08.36.315, the board may impose the following sanctions singly or
9 in combination:

- 10 (1) permanently revoke a license to practice;
- 11 (2) suspend a license for a determinate period of time;
- 12 (3) censure a licensee;
- 13 (4) issue a letter of reprimand;
- 14 (5) place a licensee on probationary status and require him

15 to

16 (A) report regularly to the board upon matters involving
17 the basis of probation;

18 (B) limit practice to those areas prescribed;

19 (C) continue professional education until a satisfactory
20 degree of skill has been attained in those areas determined by the
21 board to need improvement;

22 (6) impose limitations or conditions on the practice of a
23 licensee.

24 (b) The board may withdraw probation status if it finds that the
25 deficiencies which required the sanction have been remedied.

26 (c) The board may summarily suspend a license before final hearing
27 or during the appeals process if the board finds that the licensee poses
28 a clear and immediate danger to the public health and safety if he
29 continues to practice. A person whose license is suspended under this

1 section shall be entitled to a hearing by the board no later than seven
2 days after the effective date of the order. He may appeal the sus-
3 pension after a hearing to a court of competent jurisdiction.

4 (d) The board may reinstate a license which has been suspended or
5 revoked if the board finds after a hearing that the applicant is able to
6 practice with skill and safety.

7 (e) The board shall seek consistency in the application of dis-
8 ciplinary sanctions, and significant departure from prior decisions
9 involving similar situations shall be explained in findings of fact or
10 orders.

11 * Sec. 30. AS 08.36.340 is amended to read:

12 Sec. 08.36.340. PENALTIES. A person who violates any provision of
13 AS 08.32 or AS 08.36 [THIS CHAPTER, for which no specific penalty is
14 provided [,] is guilty of a class B misdemeanor [AND IS PUNISHABLE BY A
15 FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
16 MONTHS, OR BY BOTH].

17 * Sec. 31. AS 08.36 is amended by adding a new section to read:

18 Sec. 08.36.370. DEFINITIONS. In this chapter, unless the context
19 requires otherwise,

20 (1) "board" means the Board of Dental Examiners;

21 (2) "department" means the Department of Commerce and Eco-
22 nomic Development.

23 * Sec. 32. AS 08.32.020(a)(1), 08.32.150; AS 08.36.110(2), 08.36.210,
24 08.36.220, 08.36.310, 08.36.325, 08.36.330, and 08.36.350(2) are repealed.

25 * Sec. 33. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

DRAFT BILLWORKSHOP RECOMMENDED CHANGESSB 561

- | | | |
|------------------------|--|--------------------------------|
| <u>Page 2, line 10</u> | - Delete "the" and insert by "a" board member | <u>Page 2, line 14</u> |
| <u>Page 3, line 6</u> | - Insert "by regulation" so it reads ". . . as required by regulation of the board . . ." | <u>Page 3, line 10</u> |
| <u>Page 4, line 3</u> | - Delete "practitioner" and insert "dental hygienist" | <u>Page 4, line 7</u> |
| <u>Page 4, line 18</u> | - Delete sec. (5) | |
| <u>Page 5, line 5</u> | - Delete sec. (9) and add new language | <u>Page 5, line 5 sec. (8)</u> |
| <u>Page 6, line 2</u> | - Delete "practitioners" and insert "licensed dentists and licensed dental hygienists." | <u>Page 6, line 1</u> |
| <u>Page 6, line 14</u> | - Delete sec. (8) | |
| | Give Board authority to join Regional | <u>Page 6, line 25</u> |
| <u>Page 6, line 29</u> | - Delete "approved" and insert "accredited" | <u>Page 7, line 6</u> |
| <u>Page 7, line 25</u> | - Add language "as required by the board." | <u>Page 8, line 3</u> |
| <u>Page 8, line 5</u> | - Delete this section and insert Josn's amendment | <u>Page 8, line 11</u> |
| <u>Page 9, line 7</u> | - Delete "by practitioners" so it reads "regulations which apply to the practice of dentistry" | <u>Page 9, line 11</u> |
| <u>Page 9, line 18</u> | - Delete "practitioner" and insert "licensed dentist and licensed dental hygienist." | <u>Page 9, line 22</u> |
| <u>Page 13</u> | - Delete definition of practitioner | |

WO#8218
Cook✓

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of the practice of dentistry and dental
8 hygienics; and providing for an effective date."

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

10 * Section 1. AS 08.01.050(a)(19) is amended to read:

11 (19) provide investigative services to the boards established
12 under AS 08.20, [AS 08.32,] AS 08.36, AS 08.64, AS 08.68, AS 08.71,
13 AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of assisting
14 those boards in matters of professional discipline.

15 * Sec. 2. AS 08.01.100(a) is amended to read:

16 (a) Except as otherwise provided in this title, [ALL] licenses
17 shall be renewed biennially on the dates set by the department with the
18 approval of the respective board.

19 * Sec. 3. AS 08.32.010 is amended to read:

20 Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.32.-
21 095, a person may not [NO PERSON MAY] practice, offer or attempt to
22 practice, or advertise or announce oneself as prepared or qualified to
23 practice dental hygiene without a license.

24 * Sec. 4. AS 08.32.030 is repealed and re-enacted to read:

25 Sec. 08.32.030. LICENSURE BY CREDENTIALS. The board may provide
26 for the licensing without examination of a dental hygienist who

(1) meets the criteria of AS 08.32.020(a);

(2) has successfully passed a state or regional dental hy-
27 giene clinical examination which the board has determined is at least

1 equivalent in scope, quality, and difficulty to the Alaska clinical
2 examination;

3 (3) has been in active clinical dental hygiene practice
4 averaging no less than 14 hours per week for the two years immediately
5 preceding application for state licensure;

6 (4) has not failed the clinical dental hygiene examination of
7 this state;

8 (5) has not previously had a license to practice dental
9 hygiene issued by any state or region revoked;

10 (6) is personally interviewed by the board;

11 (7) pays all fees required under AS 08.36.290;

12 (8) is not the subject of an unresolved complaint, review
13 procedure, or disciplinary proceeding undertaken by a professional
14 dental or dental hygienics association.

15 * Sec. 5. AS 08.32.040 is amended to read:

16 Sec. 08.32.040. APPLICATION AND FEE. An application for examina-
17 tion or determination of qualification for licensing by credentials
18 shall be accompanied by the applicant's certificate of graduation from
19 an accredited dental hygiene school and the fee provided under AS 08.36.
20 290(1) [A FEE OF \$25].

21 * Sec. 6. AS 08.32.060 is amended to read:

22 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. The
23 examination shall be held [ONCE EACH YEAR] at the same times and places
24 [TIME] as the examination of dentists under AS 08.36.130. The
25 examination shall cover subjects considered essential by the board for
26 the practice of dental hygiene including a clinical examination on the
27 removal of calcareous deposits, accretions, and stains from the exposed
28 surfaces of the teeth beginning at the epithelial attachment by scaling
29 and polishing techniques.

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

Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS. If the applicant passes the examination, the board shall register the applicant and issue a license upon payment of all fees required under AS 08.36.290. A licensed dental hygienist shall renew registration and offer proof of continued competency as required by the board every four years [CERTIFICATE. THE FEE FOR REGISTRATION IS \$20. BEFORE MAY 1 OF EVERY OTHER YEAR AFTER THE YEAR OF REGISTRATION, EVERY REGISTERED DENTAL HYGIENIST SHALL PAY A REGISTRATION FEE OF \$20].

* Sec. 8. AS 08.32.081 is amended to read:

Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. The failure, neglect, or refusal of a licensed dental hygienist to pay the renewal [BIENNIAL] registration fee constitutes a forfeiture of the license. The board may reinstate the license without examination within two years of the date on which payment was due upon written application, proof of continued competency, and payment of all fees required under AS 08.36.290 [\$25].

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

Sec. 08.32.095. EXEMPTION FROM LICENSE REQUIREMENT. (a) A person enrolled as a full-time student in an accredited school of dental hygiene may perform dental hygiene procedures as part of a course of study without a license if

(1) the procedures are performed under the direct supervision of a member of the faculty who is licensed under AS 08.36, or under the direct supervision of a team of licensed faculty dentists, at least one of whom is licensed under AS 08.36; and

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

(b) A person practicing dental hygiene under (a) of this section

1 is subject to all other provisions of this chapter and laws and regu-
2 lations which apply to the practice of dental hygiene by a licensed
3 practitioner.

4 * Sec. 10. AS 08.32.160 is repealed and re-enacted to read:

5 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
6 OF LICENSE. The board may revoke or suspend the license of a dental
7 hygienist, or the licensee may be reprimanded, censured, or disciplined
8 when the board finds after a hearing that he

9 (1) secured a license through deceit, fraud, or intentional
10 misrepresentation;

11 (2) engaged in deceit, fraud, or intentional misrepresen-
12 tation in the course of providing professional services or engaging in
13 professional activities;

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

16 (4) has been convicted of a felony or other crime which
17 affects his ability to continue to practice competently and safely;

18 (5) intentionally or negligently engaged in or permitted the
19 performance of patient care by persons under his supervision which does
20 not conform to minimum professional standards regardless of whether
21 actual injury to the patient occurred;

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

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

26 (A) professional incompetence;

27 (B) failure to keep informed of or use current profes-
28 sional theories or practices;

29 (C) addiction or severe dependency on alcohol or other

1 drugs which impairs his ability to practice safely;

2 (D) physical or mental disability;

3 (8) engaged in lewd or immoral conduct in connection with the
4 delivery of professional service to patients;

5 (9) performed professional service without being under the
6 supervision of a licensed dentist.

7 * Sec. 11. AS 08.36.010 is amended to read:

8 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
9 created the Board of Dental Examiners [, REFERRED TO IN THIS CHAPTER AS
10 THE BOARD,] consisting of seven members. Four [FIVE] members shall be
11 qualified resident dentists who have been engaged in the practice of
12 dentistry in the state for five years immediately preceding appointment,
13 one member shall be a dental hygienist licensed under AS 08.32, and
14 two public members [ONE MEMBER WITH NO DIRECT FINANCIAL INTEREST IN THE
15 HEALTH CARE INDUSTRY].

16 * Sec. 12. AS 08.36.020 is amended to read:

17 Sec. 08.36.020. APPOINTMENT AND TERM OF OFFICE [SERVICE OF MEM-
18 BERS]. Members of the board are appointed by the governor, subject to
19 confirmation by the legislature in joint session. Each board member
20 serves for a term of four [FIVE] years, and until his successor is
21 appointed and qualified. The term begins on February 1. An appointment
22 to a vacancy is for the unexpired term. A person who has served two
23 successive complete terms may not be reappointed until four years from
24 the expiration of the second term.

25 * Sec. 13. AS 08.36 is amended by adding a new section to read:

26 Sec. 08.36.025. REMOVAL OF BOARD MEMBERS. A member of the board
27 may be removed from office by the governor for cause. The board may by
28 regulation provide that unexcused absences from meetings constitute
29 cause for removal.

1 * Sec. 14. AS 08.36.070(2) is amended to read:

2 (2) to register practitioners who are [LICENSED DENTISTS] in
3 good standing;

4 * Sec. 15. AS 08.36.070(5) is amended to read:

5 (5) to hold hearings, and order the disciplinary sanction [
6 REVOKE, ANNUL, OR SUSPEND THE LICENSE] of a person who violates this
7 chapter, AS 08.32, or the [RULES AND] regulations of the board;

8 * Sec. 16. AS 08.36.070(7) is amended to read:

9 (7) to enforce the provisions of this chapter and AS 08.32,
10 and adopt [MAKE, ALTER,] or amend the [RULES AND] regulations necessary
11 [OR DESIRABLE] to make the provisions of this chapter and AS 08.32
12 effective.

13 * Sec. 17. AS 08.36.070 is amended by adding new paragraphs to read:

14 (8) to establish requirements for licensing in addition to
15 those requirements set out in this chapter and in AS 08.32;

16 (9) to adopt regulations insuring that renewal of
17 registration is contingent upon proof of continued competency by a
18 practitioner;

19 (10) to order a practitioner to submit to a reasonable phy-
20 sical or mental examination if his physical or mental capacity to prac-
21 tice safely is at issue.

22 * Sec. 18. AS 08.36.100 is amended to read:

23 Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.36.-
24 238, a person may not [NO PERSON, EXCEPT THOSE SPECIFICALLY EXEMPTED
25 FROM THE APPLICATION OF THIS CHAPTER, MAY] practice, or attempt to
26 practice, dentistry without a license or permit, and a current
27 certificate of registration.

28 * Sec. 19. AS 08.36.110(4) is amended to read:

29 (4) a graduate of a dental college approved by the Commission



1 on Accreditation [COUNCIL ON DENTAL EDUCATION] of the American Dental
2 Association, or its successor agency, at the time of graduation, and
3 holds a D.D.S. or D.M.D. degree or the equivalent;

4 * Sec. 20. AS 08.36.130 is amended to read:

5 Sec. 08.36.130. EXAMINATION. An examination shall be given at
6 least once a year and at other times and places determined by the board
7 to be convenient and economical for the applicants and the state. At
8 least once each year the board shall appoint [FROM ITS MEMBERSHIP] an
9 examination committee of at least three licensed dentists who have been
10 engaged in the practice of dentistry in the state for five years im-
11 mediately preceding appointment to conduct the examination for appli-
12 cants for licenses to practice dentistry. The board shall also appoint
13 an examination committee of at least two licensed dentists who have been
14 engaged in the practice of dentistry in the state for five years im-
15 mediately preceding appointment and one person licensed to practice den-
16 tal hygiene in the state to conduct the examination for applicants for
17 licenses to practice dental hygiene [PERSONS]. The examination com-
18 mittees [COMMITTEE] shall [CONDUCT AN EXAMINATION AT LEAST ONCE A YEAR
19 AND] report the results to the board for official action.

20 * Sec. 21. AS 08.36.230 is amended to read:

21 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed to
22 practice in this state and residing and practicing dentistry outside of
23 this state, may maintain his eligibility to practice in this state by
24 [BIENNIALLY] registering his name and place of residence with the divi-
25 sion of occupational licensing every four years and submitting proof of
26 competency. If the dentist fails to register, the board may reinstate
27 his license without examination upon payment of a penalty of \$25,
28 payment of the delinquent registration fee under AS 08.36.290(7),
29 presentation of proof of continued competency [ALL DELINQUENT REGIS-

1 TRATION FEES], and presentation of proof of active practice [AT HIS
2 PLACE OF RESIDENCE,] certified by the dental board having jurisdiction
3 [AT HIS PLACE OF RESIDENCE,] or, if there is no board, by evidence
4 satisfactory to the board.

5 * Sec. 22. AS 08.36 is amended by adding new sections to read:

6 Sec. 08.36.234. LICENSURE BY CREDENTIALS. The board may provide
7 for the licensing without examination of a dentist who

8 (1) is a graduate of a dental college approved by the Com-
9 mission on Accreditation of the American Dental Association, or its
10 successor agency;

11 (2) has been licensed to practice dentistry in another state,
12 territory, or region with licensing requirements similar to or higher
13 than those of this state at the time of licensure;

14 (3) has been engaged in continuous active practice averaging
15 at least 20 hours per week for the five years immediately preceding the
16 application;

17 (4) is not the subject of an unresolved complaint, review
18 procedure, or disciplinary proceeding undertaken by a professional
19 dental association;

20 (5) has not previously had a license to practice dentistry
21 revoked;

22 (6) has not failed the clinical examination of this state;

23 (7) is personally interviewed by the board;

24 (8) pays all fees required under AS 08.36.290.

25 Sec. 08.36.238. EXEMPTION FROM LICENSE REQUIREMENT. (a) A person
26 enrolled as a full-time student in an accredited school of dentistry may
27 perform procedures as part of a course of study without a license if

28 (1) the procedures are performed under the direct supervision
29 of a member of the faculty who is licensed under AS 08.36, or under the

1 direct supervision of a team of licensed faculty dentists, at least one
2 of whom is licensed under AS 08.36; and

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

5 (b) A person practicing dentistry under (a) of this section is
6 subject to all other provisions of this chapter and to other laws and
7 regulations which apply to the practice of dentistry, by practitioners.

8 * Sec. 23. AS 08.36.248 is amended to read:

9 Sec. 08.36.248. SUSPENSION OR REVOCATION OF SPECIALTY LICENSES.

10 The board may suspend or revoke a specialty license upon any grounds set
11 out in AS 08.36.315 [AS 08.36.310], and the procedure [FOR SUSPENSIONS
12 AND REVOCATIONS] shall be the same as for the revocation or suspension
13 of a [REGULAR] license to practice dentistry.

14 * Sec. 24. AS 08.36.250 is amended to read:

15 Sec. 08.36.250. RENEWAL OF [BIENNIAL] REGISTRATION. At least 60
16 days before January 1 of every fourth [OTHER] year, the division of
17 occupational licensing shall mail a form for renewal of [BIENNIAL]
18 registration to each practitioner [LICENSED DENTIST]. Each licensee
19 shall complete the form and return it together with the registration fee
20 and offer proof of continued competency as required by the board. The
21 division of occupational licensing shall, as soon as practicable, issue
22 a registration certificate valid for the years for which it is issued.
23 Each licensee shall keep the registration certificate beside or attached
24 to his license. Failure to receive the registration form does not
25 exempt a practitioner [DENTIST] from renewing [BIENNIAL] registration.

26 * Sec. 25. AS 08.36.260 is amended to read:

27 Sec. 08.36.260. BRANCH OFFICE REGISTRATION. A licensee who prac-
28 tices in an established office with an address other than that address
29 for which his [BIENNIAL] registration certificate is issued shall obtain

1 a branch office registration certificate for each office.

2 * Sec. 26. AS 08.36.290 is repealed and re-enacted to read:

3 Sec. 08.36.290. FEES AND PENALTIES. The following fees and penal-
4 ties shall be imposed by the board as applicable:

- 5 (1) filing fee for examination and licensing appli-
6 cation..... \$ 25
- 7 (2) examination fee:
8 dentist..... \$200
9 dental hygienist..... 75
- 10 (3) credential review fee:
11 dentist..... \$200
12 dental hygienist..... 75
- 13 (4) initial license fee:
14 dentist..... \$ 30
15 dental hygienist..... 20
- 16 (5) registration fee (due every four years):
17 dentist..... \$200
18 dental hygienist..... 100
- 19 (6) filing fee for reexamination application..... \$ 25
- 20 (7) specialty license fee..... \$ 30
- 21 (8) branch office registration fee..... \$100
- 22 (9) temporary permit to practice dentistry..... \$ 50
- 23 (10) penalty for delinquent registration..... \$ 10
- 24 (11) duplicate license fee..... \$ 10

25 * Sec. 27. AS 08.36 is amended by adding a new section to read:

26 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
27 OF LICENSE. The board may revoke or suspend the license of a dentist,
28 and the licensee may be reprimanded, censured, or disciplined when the
29 board finds after a hearing that he

1 (1) secured a license through deceit, fraud, or intentional
2 misrepresentation;

3 (2) engaged in deceit, fraud, or intentional misrepresenta-
4 tion in the course of providing professional dental services or engaging
5 in professional activities;

6 (3) advertised professional dental services in a false or
7 misleading manner;

8 (4) has been convicted of a felony or other crime which
9 affects his ability to continue to practice dentistry competently and
10 safely;

11 (5) intentionally or negligently engaged in or permitted the
12 performance of patient care by persons under his supervision which does
13 not conform to minimum professional standards of dentistry regardless of
14 whether actual injury to the patient occurred;

15 (6). failed to comply with this chapter, with a regulation
16 adopted under this chapter, or with an order of the board;

17 (7) continued to practice after becoming unfit due to

18 (A) professional incompetence;

19 (B) failure to keep informed of or use current profes-
20 sional theories or practices;

21 (C) addiction or severe dependency on alcohol or other
22 drugs which impairs his ability to practice safely;

23 (D) physical or mental disability;

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

(9) permits a dental hygienist who is employed by him or
working under his supervision to perform a dental procedure other than
those permitted under AS 08.32.110.

Sec. 28. AS 08.36.320 is repealed and re-enacted to read:

1 Sec. 08.36.320. DISCIPLINARY SANCTIONS. (a) When it finds that a
2 practitioner is guilty of an offense under AS 08.32.160 or AS 08.36.315,
3 the board may impose the following sanctions singly or in combination:

4 (1) permanently revoke a practitioner's license to practice;
5 (2) suspend a practitioner's license for a determinate period
6 of time;

7 (3) censure a practitioner;

8 (4) issue a letter of reprimand;

9 (5) place a practitioner on probationary status and require
10 the practitioner to

11 (A) report regularly to the board upon matters involving
12 the basis of probation;

13 (B) limit practice to those areas prescribed;

14 (C) continue professional education until a satisfactory
15 degree of skill has been attained in those areas determined by the
16 board to need improvement;

17 (6) impose limitations or conditions on the practice of a
18 practitioner.

19 (b) The board may withdraw probation status of a practitioner if
20 it finds that the deficiencies which required the sanction have been
21 remedied.

22 (c) The board may summarily suspend a practitioner's license
before final hearing or during the appeals process if the board finds
that the practitioner poses a clear and immediate danger to the public
health and safety if he continues to practice. A practitioner whose
license is suspended under this section shall be entitled to a hearing
by the board no later than seven days after the effective date of the
order. The practitioner may appeal the suspension after a hearing to a
court of competent jurisdiction.

1 (d) The board may reinstate a license which has been suspended or
2 revoked if the board finds after a hearing that the applicant is able to
3 practice with reasonable skill and safety.

4 (e) The board shall seek consistency in the application of dis-
5 ciplinary sanctions, and significant departure from prior decisions
6 involving similar situations shall be explained in findings of fact or
7 orders.

8 * Sec. 29. AS 08.36.340 is amended to read:

9 Sec. 08.36.340. PENALTIES. A person who violates any provision of
10 AS 08.32 or AS 08.36 [THIS CHAPTER] for which no specific penalty is
11 provided [,] is guilty of a class B misdemeanor [AND IS PUNISHABLE BY A
12 FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
13 MONTHS, OR BY BOTH].

14 * Sec. 30. AS 08.36 is amended by adding a new section to read:

15 Sec. 08.36.370. DEFINITIONS. In this chapter, unless the context
16 requires otherwise,

17 (1) "board" means the Board of Dental Examiners;

18 (2) "department" means the Department of Commerce and
19 Economic Development:

20 (3) "practitioner" means a person licensed to practice den-
21 tistry or dental hygiene in the state.

22 * Sec. 31. AS 08.32.020(a)(1), 08.32.150; AS 08.36.110(2), 08.36.210,
23 08.36.220, 08.36.310, 08.36.325, 08.36.330, and 08.36.350(2) are repealed.

24 * Sec. 32. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).

DENTAL BOARD

- Sec. 1 -- Deletes dental hygienists from the list of boards DOL will provide investigative services to because there is no board of dental hygienists. Dental hygienists come under the Board of Dentistry.
- Sec. 2 -- Currently the statute mandates that "all" licenses be renewed biennially on dates set by Dept (DOL). Since we are having renewals occur every four years for the health boards, we have to account for this exception to the statute.
- Sec. 3 -- Provides that only those individuals exempted under AS 08.32.095 may practice dental hygiene without a license.
- Sec. 4 -- Provides for licensing by credentials (dental hygienists)
- Sec. 5 -- Adds language "determination of qualification for licensing by credentials and provides for this determination to be accompanied by a \$25 review fee.
- Sec. 6 -- Provides for dental hygienists exam to be given at the same time, location as examination of dentists.
- Sec. 7 -- Provides for license to be issued if applicant passes exam and pays appropriate fee.
- Provides for registration renewal to occur every four years.
- Includes continued competency provision.
- Sec. 8 -- Provides for "lapsed" license to be reinstated without licensee taking examination if licensee submits a written application, provides proof of continued competency, pays all required fees within two years of original renewal due date.
- Sec. 9 -- Provides provisions permitting dental hygiene students to be exempt from licensure requirements.
- Sec. 10 - Section enumerates grounds for discipline, suspension or revocation of license. Amendment proposed by Lois Reeder:
- (9) performed clinical procedures for compensation without being under the supervision of a licensed dentist.
- Sec. 11 - Changes dental board's composition - reduces number of dentists from five to four, increases the number of public members from one to two and leaves one dental hygienist on the board.

- Sec. 12 - Changes board members' terms from five to four years and limits board membership to two consecutive four year terms.
- Sec. 13 - Allows for "removal of board members".
- Sec. 14 - "licensed dentist" is replaced with "practitioner". (Practitioner is defined in definition section as a "person licensed to practice dentistry or dental hygiene in the state.)
- Sec. 15 - Gives board power to impose disciplinary sanctions.
- Sec. 16 - Brings dental hygienist under the "general powers" section of the board.
- Sec. 17 - Expands board's powers
- Sec. 18 - Provides that only those individuals exempted under AS 08.36.238 may practice dentistry without a license.
- Sec. 19 - Council on Dental Education is replaced with Commission on Accreditation of the American Dental Association, or its successor agency.
~~- SHOULD READ "ACCREDITED"~~
- Sec. 20 - Provides for dental examination to be administered at least once a year and more often if board deems necessary.
- Provides for the board to appoint an examination committee, consisting of dentists, to conduct examination for dental applicants.
 - Provides for the board to appoint an examination committee, consisting of two dentists and one dental hygienist, to conduct the exam for the dental hygienist applicants.
- Sec. 21 - Provides for dentists licensed in this state, but practicing "outside", to keep license current by registering with DOL quadrennially and submitting proof of competency.
- Sec. 22 - Licensure by credentials provision.
~~- SHOULD READ "ACCREDITED"~~
- Provides provisions permitting dental students to be exempt from licensure requirements.
- Sec. 23 - Brings suspension/revocation of "speciality licenses" under AS 08.36.315 to conform with changes made in this bill.

- Sec. 24 - Provides for registration to be renewed every four years (instead of biennially) and provides for "continued competency" requirement.
- Sec. 25 - Provides for branch office registration.
- Sec. 26 - Fee revisions.
- Sec. 27 - Spells out grounds for discipline, suspension or revocation of license.
- Sec. 28 - Enumerates disciplinary sanctions.
- Sec. 29 - Penalty provision.
- Sec. 30 - Definitions
- Sec. 31 - Repeal section.
- Sec. 32 - Effective date.

JOSH WRIGHT'S PROPOSED AMENDMENTS

Section 08.36 - Issuance of license by credentials.

If an applicant for licensure currently holds a valid license to practice dentistry in Arizona, Idaho, Oregon, and Utah, the Board may issue the appropriate dental license to the applicant upon evidence that:

- (1) The applicant is a graduate from a dental school accredited by the Commission on Dental Accreditation, or its successor agency, if any, and;
- (2) The applicant has practiced dentistry in one of the above states full-time at least 5 years out of the 5 years immediately preceeding application, and;
- (3) Licensure requirements in the other states are substantially similar to or higher than those required by this state, and;
- (4) The applicant has not failed the clinical examination of this state, and;
- (5) No disciplinary proceeding, unresolved complaint or professional association's peer review procedure is pending anywhere at the time a license is to be issued by this state, and;
- (6) The applicant has not previously had a license revoked in any state.

Section 08.36 - Expanded duties that may be delegated to dental auxiliaries. a. Only functions which do not require the composite judgment, knowledge and skill attained through dental education and which contribute to a meaningful role in dental care delivery should be delegated.

b. The board shall specify by regulation those additional intra-oral functions which may be performed by dental auxiliaries. Provisions for delegation of expanded functions shall include general specifications of education, training requirements and supervision by the dentist.

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COMMITTEE REPORT

SENATE

FURTHER: Finance

4/25/80

Date: 5-7-80

Mr. President:

The Committee on HEALTH, EDUCATION AND
~~ANEX~~ SOCIAL SERVICES has had SB 578
relating to the practice of chiropractic

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back with ~~no~~ recommendation
Order. Memorandum
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Committee on

John Hachem

CHAIRMAN

DO NOT SIGN

Introduced 4-25-80

Logged 4-25-80

Referral Finance

Comm. meeting 5-7-80

" action passed with indiv. rec. (taken Devote Recy @ 8:30 AM,
5-8-80

LB 578 "An Act relating to the ^{S. HESS 7/1/80} practice of
By: HESS chiropractic and providing
for effective date.

may

u u

CHIROPRACTORS - SECTIONAL

- Sec. 1 -- With the exception of our health boards, DOL is mandated to issue licenses biennially as currently provided for in statute
- Sec. 2 -- Changes board's composition - Increases number of chiropractors from three to four and reduces the number of public members from two to one
- Sec. 3 -- Allows for "removal of board members"
- Sec. 4 -- Changes board members' terms from three to four years and limits boardmembership to two successive four-year terms
- Sec. 5 -- Add language in subsection ^{(a)(2)} "OR HE HAS ENGAGED IN THE ACTIVE ~~(a)~~ and adds subsections ~~(b)~~ and ~~(c)~~ PRACTICE OF CHIROPRACTIC FOR THE THREE OF THE FOUR YEARS PRECEDING THE FILING OF THIS APPLICATION."
- Sec. 6 -- Provides for "associate" licenses not to be issued after July 1, 1980
- Sec. 7 -- "Licensure by credentials"
- Sec. 8 -- Imposition of disciplinary sanctions
- Sec. 9 -- Continued competency requirement
- Sec. 10 -- ~~Disciplinary Sanctions~~
- Sec. 11 - Fees and allows renewal to occur every four years
- Sec. 12 - Associate program repealed
- Sec. 13 - Effective date

Introduced: 4/25/80
Referred: Health, Education
& Social Services and Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 578

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the ~~practice of chiropractic~~; and
7 providing for an effective date."

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

9 * Section 1. AS 08.01.100(a) is amended to read:

10 (a) Except as otherwise provided in this title, [ALL] licenses
11 shall be renewed biennially on the dates set by the department with the
12 approval of the respective board.

13 * Sec. 2. AS 08.20.020 is amended to read:

14 Sec. 08.20.020. MEMBERS OF BOARD. Four [THREE] members of the
15 board shall be licensed chiropractic physicians who have practiced
16 chiropractic in this state not less than two years. One member [TWO
17 MEMBERS] of the board shall be a person [PERSONS] with no direct finan-
18 cial interest in the health care industry. Each member serves without
19 pay but is entitled to per diem and travel expenses allowed by law.

20 * Sec. 3. AS 08.20 is amended by adding a new section to read:

21 Sec. 08.20.025. ~~REMOVAL OF BOARD MEMBERS~~, ~~a~~ member of the board
22 may be removed from office by the governor for cause. The board may by
23 regulation provide that unexcused absences from meetings constitute
24 cause for removal.

25 * Sec. 4. AS 08.20.030 is amended to read:

26 Sec. 08.20.030. MEMBERS' TERMS; VACANCIES. (a) Members serve for
27 staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC MEMBERS
28 OF THE BOARD MAY NOT EXPIRE AT THE SAME TIME.] Vacancies on the board
29 shall be filled for the unexpired term.

1 (b) A member who has served two successive four-year terms may
2 not be reappointed until four years after the expiration of the second
3 term.

4 * Sec. 5. AS 08.20.120 is repealed and re-enacted to read:

5 Sec. 08.20.120. QUALIFICATIONS FOR LICENSE. (a) An applicant
6 shall be issued a license to practice chiropractic if he

7 (1) has a high school education or its equivalent;

8 (2) has successfully completed at least two academic years of
9 study in a college of liberal arts or sciences or he has engaged in the
10 active practice of chiropractic for three of the four years preceding
11 the filing of this application;

12 (3) is a graduate of a legally chartered accredited school or
13 college of chiropractic approved by the board which requires for gradua-
14 tion a residence course of instruction of not less than four years of
15 nine months each;

16 (4) passes an examination given by the board;

17 (5) passes to the satisfaction of the board Part I and Part
18 II of the examination of the National Board of Chiropractic Examiners.

19 (b) The board may issue a license without examination to an appli-
20 cant under AS 08.20.140.

21 * Sec. 6. AS 08.20.135 is amended by adding a new subsection to read:

22 (b) A license may not be issued under (a) of this section after
23 July 1, 1980.

24 * Sec. 7. AS 08.20.140 is amended to read:

25 Sec. 08.20.140. LICENSURE BY CREDENTIALS [OUT-OF-STATE LICENSES].

26 The board may issue a license without examination to an applicant pre-
27 senting satisfactory proof of the possession of a license or certificate
28 of registration in good standing in a state or territory of the United
29 States, or a foreign country, if the requirements for registration at

1 the date of his license are essentially [CONSIDERED BY THE BOARD AS]
2 equivalent to those in this chapter [, AND IF THE LICENSING JURISDICTION
3 EXTENDS THE SAME PRIVILEGE TO THOSE HOLDING A LICENSE FROM THIS STATE].

4 * Sec. 8. AS 08.20.170(a) is repealed and re-enacted to read:

5 (a) The board may, after a hearing, impose a disciplinary sanction
6 on a person licensed under this chapter when the board finds that he

7 (1) secured a license through deceit, fraud, or intentional
8 misrepresentation;

9 (2) engaged in deceit, fraud, or intentional misrepresenta-
10 tion in the course of providing professional services or engaging in
11 professional activities;

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

14 (4) has been convicted of a felony or other crime which
15 affects his ability to continue to practice competently and safely;

16 (5) intentionally or negligently engaged in or permitted the
17 performance of patient care by persons under his supervision which does
18 not conform to minimum professional standards **established by regulation**
19 regardless of whether actual injury to the patient occurred;

20 (6) failed to comply with this chapter, with a regulation
21 adopted under this chapter, or with an order of the board;

22 (7) continued to practice after becoming unfit due to

23 (A) professional incompetence;

24 (B) failure to keep informed of or use current pro-
25 fessional theories or practices;

26 (C) addiction or severe dependency on alcohol or a drug
27 which impairs his ability to practice safely;

28 (D) physical or mental disability;

29 (8) engaged in lewd or immoral conduct in connection with the

1 delivery of professional service to patients.

2 * Sec. 9. AS 08.20.170 is amended by adding a new subsection to read:

3 (d) The board shall adopt regulations which insure that renewal of
4 license is contingent on proof of continued competency by a practitioner.

5 * Sec. 10. AS 08.20.175 is repealed and re-enacted to read:

6 Sec. 08.20.175. **DISCIPLINARY SANCTIONS.** (a) When it finds that a
7 chiropractor is guilty of an offense under AS 08.20.170, the board may
8 impose the following sanctions singly or in combination:

9 (1) permanently revoke the chiropractor's license to prac-
10 tice;

11 (2) suspend the chiropractor's license for a determinate
12 period of time;

13 (3) censure the chiropractor;

14 (4) issue a letter of reprimand to the chiropractor;

15 (5) place the chiropractor on probationary status and require
16 him to

17 (A) report regularly to the board upon matters involving
18 the basis of probation;

19 (B) limit practice to those areas prescribed;

20 (C) continue professional education until a satisfactory
21 degree of skill has been attained in areas determined by the board
22 to need improvement;

23 (6) impose limitations or conditions on the practice of the
24 chiropractor.

25 (b) The board may withdraw probationary status of a chiropractor
26 if it finds that the deficiencies which required the sanction have been
27 remedied.

28 (c) The board may summarily suspend a chiropractor's license
29 before final hearing or during the appeals process if the board finds

1 that he poses a clear and immediate danger to the public health and
2 safety if he continues to practice. A chiropractor whose license is
3 suspended under this section is entitled to a hearing by the board no
4 later than seven days after the effective date of the order. The chiro-
5 practor may appeal the suspension after a hearing to a court of com-
6 petent jurisdiction.

7 (d) The board may reinstate a license which has been suspended or
8 revoked if the board finds after a hearing that the applicant is able to
9 practice with skill and safety.

10 (e) The board shall seek consistency in the application of disci-
11 plinary sanctions, and significant departure from earlier decisions
12 involving similar situations shall be explained in findings of fact or
13 orders.

14 * Sec. 11. AS 08.20.180 is amended to read:

15 Sec. 08.20.180. FEES. The board shall impose and collect the
16 following fees:

17 (1) upon the filing of an application for examination, \$50
18 [\$25];

19 (2) upon application for re-examination, \$20 [\$10];

20 (3) for issuance of temporary permit, \$50 [\$25];

21 (4) initial and renewal [BIENNIAL] license, due every four
22 years, \$200 [\$50];

23 (5) ASSOCIATE LICENSE, \$30].

24 * Sec. 12. AS 08.20.135 is repealed on July 1, 1983.

25 * Sec. 13. This Act takes effect June 30, 1980.
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29

WORK DRAFT BILL

WORKSHOP RECOMMENDED CHANGES - CHIROPRACTIC BOARD

SB 578

- Page 1, line 25 - Delete work draft's language re: "removal of Board members" and insert "removal" language that we have used in our other health board bills
- Page 2, line 27 - Section 5 - Delete AS 08.20.120(5)(c)
- Page 4, line 1 - Add language "established by regulation"
Add "disciplinary sanctions"
- Page 5, line 4 - Section 10 - Delete 08.20.180(b) and add "every four years" to license renewal

Page 1, line 21

Page 3, line 18

Page 4, line 5

Page 5, line 21

WO#8215
Bradley ✓

IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act continuing the Board of Chiropractic Examiners relating to the practice of chiropractic; and providing for an effective date."

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

* Section 1. AS 08.01.100(a) is amended to read:

(a) Except as otherwise provided in this title, [ALL] licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

* Sec. ~~2~~². AS 08.20.020 is amended to read:

Sec. 08.20.020. MEMBERS OF BOARD. Four [THREE] members of the board shall be licensed chiropractic physicians who have practiced chiropractic in this state not less than two years. One member [TWO MEMBERS] of the board shall be a person [PERSONS] with no direct financial interest in the health care industry. Each member serves without pay but is entitled to per diem and travel expenses allowed by law.

* Sec. ~~2~~³. AS 08.20 is amended by adding a new section to read:

Sec. 08.20.025. **REMOVAL OF BOARD MEMBERS.** (a) The governor may remove a member of the board only for cause.

(b) As used in (a) of this section, "cause" means

- (1) unexcused absences which hamper the work of the board;
- (2) the suspension of the license of a board member for a

violation of AS 08.20.170(a);

(3) disability; and

(4) malfeasance in office.

* Sec. ~~5~~. AS 08.20.030 is amended to read:

Sec. 08.20.030. MEMBERS' TERMS; VACANCIES. (a) Members serve for staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC MEMBERS OF THE BOARD MAY NOT EXPIRE AT THE SAME TIME.] Vacancies on the board shall be filled for the unexpired term.

(b) A member who has served two successive four-year terms may not be reappointed until four years after the expiration of the second term.

* Sec. ~~6~~. AS 08.20.120 is repealed and re-enacted to read:

Sec. 08.20.120. QUALIFICATIONS FOR LICENSE. (a) An applicant shall be issued a license to practice chiropractic if he

(1) has a high school education or its equivalent;

(2) has successfully completed at least two academic years of study in a college of liberal arts or sciences or the applicant has engaged in the active practice of chiropractic for three of the four years preceding the filing of this application.

(3) is a graduate of a legally chartered accredited school or college of chiropractic approved by the board which requires for graduation a residence course of instruction of not less than four years of nine months each;

(4) passes an examination given by the board;

(5) passes to the satisfaction of the board Part I and Part II of the examination of the National Board of Chiropractic Examiners.

(b) The board may issue a license without examination to an applicant under AS 08.20.140.

(c) The board may establish requirements for licensing in addition to the requirements set out in this chapter.

* Sec. ~~7~~. AS 08.20.135 is amended by adding a new subsection to read:

(b) A license may not be issued under (a) of this section after July 1, 1980.

* Sec. ~~8~~. AS 08.20.140 is amended to read:

Sec. 08.20.140. LICENSURE BY CREDENTIALS [OUT-OF-STATE LICENSES]

The board may issue a license without examination to an applicant presenting satisfactory proof of the possession of a license or certificate of registration in a state or territory of the United States, or a foreign country, if

~~the~~ requirements for registration at the date of his license are essentially [CONSIDERED BY THE BOARD AS] equivalent to those in this chapter.

* Sec. ~~8~~. AS 08.20.170(a) is repealed and re-enacted to read:

(a) The board may, after a hearing, impose a disciplinary sanction on a person licensed under this chapter when the board finds that he

(1) secured a license through deceit, fraud, or intentional misrepresentation;

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

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

(4) has been convicted of a felony or other crime which affects his ability to continue to practice competently and safely;

(5) intentionally or negligently engaged in or permitted the performance of patient care by persons under his supervision which does

not conform to minimum professional standards regardless of whether actual injury to the patient occurred;

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) failure to keep informed of or use current professional theories or practices;

(C) addiction or severe dependency on alcohol or a drug which impairs his ability to practice safely;

(D) physical or mental disability;

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

(9) made a controlled substance available to a person except upon prescription issued by a licensed physician;

(10) was convicted of selling federal legend drugs without the prescription of a licensed physician, surgeon, dentist, or veterinarian;

(11) violated state or federal regulations pertaining to the provision of adequate security of dangerous drugs.

* Sec. ~~18~~¹⁹. AS 08.20.170 is amended by adding a new subsection to read:

(d) The board shall adopt regulations which insure that renewal of license is contingent on proof of continued competency by a practitioner.

* Sec. ~~19~~²⁰. AS 08.20.180 is amended to read:

Sec. 08.20.180. FEES. (a) The board shall impose and collect the following fees:

(1) upon the filing of an application for examination, \$50

(2) upon application for re-examination, \$50 (6100)

(3) for issuance of temporary permit, \$50 (6010)

1 (4) license to practice chiropractic, \$200. [INITIAL AND
2 RENEWAL BIENNIAL LICENSE, \$50;

3 (5) ASSOCIATE LICENSE, \$30.]

4 (b) A license issued under (a)(4) of this section shall be re-
5 newed under AS 08.20.170(d) four years from the date of its issuance.

6 * Sec. ~~12~~¹¹. AS 08.20.135 is repealed on July 1, 1983.

7 * Sec. ~~13~~¹². This Act takes effect July 1, 1980.

SB

5800

COMMITTEE REPORT

SENATE

FURTHER: None

4/25/80

Date: 5-7-80

Mr. President:

HEALTH, EDUCATION AND
SOCIAL SERVICES

The Committee on _____ has had SB 580
relating to professional licensing and the practice of medicine

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Robert Stimpert

Colletta

Steven Hachem
CHAIRMAN
DO PASS

Introduced 4-25-80

Logged 4-25-80

Referral: Finance

Comm. meeting: 5-7-80

active passed indiv. rec. taken Secretary @ 8:30 AM. 5-8-80

SB 580
By HESS

SB HESS 79-80
"An Act relating to professional
licensing and the practice
of medicine"

Introduced: 4/25/80
Referred: Health, Education
& Social Services

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 580

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of the practice of medicine; and providing
8 for an effective date."

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

10 * Section 1. AS 08.01.050 is amended by adding a new subsection to read:

11 (c) After consulting with the State Medical Board (AS 08.64.010),
12 ~~The department shall employ~~ an individual to be assigned as the investi-
13 gator for that board. The investigator shall

14 (1) not be a member of the State Medical Board;

15 (2) conduct investigations into alleged violations of
16 AS 08.64, and into alleged violations of regulations and orders of the
17 State Medical Board;

18 (3) at the request of the State Medical Board, conduct
19 investigations based on complaints filed with the department or with the
20 State Medical Board; and

21 (4) be directly responsible and accountable to the State
22 Medical Board, ~~except that only the department has authority to~~
23 ~~terminate his employment.~~

24 * Sec. 2. AS 08.01.100(a) is amended to read:

25 (a) Except as otherwise provided in this title, [ALL] licenses
26 shall be renewed biennially on the dates set by the department with the
27 approval of the respective board.

28 * Sec. 3. AS 08.64.010 is amended to read:

29 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.