



LAWS OF ALASKA

1984

Source

CSHB 611(HESS)

Chapter No.

100

AN ACT

Relating to dentists and dental hygienists.

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

THE ACT FOLLOWS ON PAGE 1, LINE 8

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 11, 1984
Actual Effective Date: September 9, 1984

AN ACT

Relating to dentists and dental hygienists.

* Section 1. AS 08.32.010 is amended to read:

Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.-32.095, a person may not practice, offer or attempt to practice, or advertise or announce as being prepared or qualified to practice dental hygiene without a license and a current certificate of registration.

* Sec. 2. AS 08.32.020(a) is amended to read:

(a) An applicant for examination shall submit information that the person is [BE]

(1) [Repealed.

(2)] at least 18 years of age;

(2) [(3)] a graduate of an accredited high school;

(3) [(4)] a graduate or on the date of examination will be a graduate of a dental hygiene school that [WHICH] requires at least a two-year course and is accredited by the Commission on Accreditation of Dental and Dental Auxiliary Education Programs of the American Dental Association; and

(4) [(5)] an examinee who has successfully completed the [NATIONAL BOARD OF DENTAL EXAMINERS'] written theory examination of the American Dental Association Joint Commission on National Dental Examinations or an equivalent written examination given by the board, thereby demonstrating satisfactory theoretical knowledge of dental and

Chapter 100

1 basic biomedical sciences.

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

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

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

6 (2) has successfully passed a state or regional dental
7 hygiene clinical examination which the board has determined is at
8 least equivalent in scope, quality, and difficulty to the Alaska
9 clinical examination;

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

13 (4) has not failed the clinical dental hygiene examination
14 of this state;

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

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

18 (7) pays the [ALL] fees required under AS 08.32.097 [AS 08.-
19 36.290]; and

20 (8) is not the subject of an unresolved complaint, review
21 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]
22 dental or dental hygiene licensing jurisdiction [HYGIENICS ASSOCIA-
23 TION].

24 * Sec. 4. AS 08.32 is amended by adding a new section to read:

25 Sec. 08.32.035. TEMPORARY LICENSE. (a) The board may issue
26 without examination a temporary license to an applicant for examina-
27 tion who is licensed to practice dental hygiene in another state and
28 who meets the criteria of AS 08.32.030 but who has been in active
29 clinical practice for less than two years immediately preceding

1 application. A temporary license expires at the time notice is given
2 of the results of the next scheduled examination and may not be
3 reissued.

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 that apply to the practice of dental hygiene in this state.

7 (c) Time in active clinical dental hygiene practice under a
8 temporary license may not be credited toward licensure by credentials
9 under AS 08.32.030.

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

11 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-
12 nation or determination of qualification for licensing under AS 08.-
13 32.030 or 08.32.035 [BY CREDENTIALS] shall be signed by the applicant
14 and accompanied by the applicant's certificate of graduation from an
15 accredited dental hygiene school and the required fees [FEE PROVIDED
16 UNDER AS 08.36.290(1)].

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

18 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. (a) The
19 examination shall be held at [THE SAME] times and places determined by
20 the board. The examination shall be designed to test the qualifica-
21 tions of the applicant to practice dental hygiene and shall consist of
22 a written and a clinical examination.

23 (b) The subjects of the written examination shall include dental
24 radiology, the state's laws on the practice of dental hygiene, and
25 other subjects selected in accordance with the trends of dental hy-
26 giene education and professional and technical advances [AS THE EX-
27 AMINATION OF DENTISTS UNDER AS 08.36.130].

28 (c) The clinical examination shall test the applicant's skill in
29 clinical procedures [COVER SUBJECTS] considered essential by the board

Chapter 100

1 for the practice of dental hygiene including [A CLINICAL EXAMINATION
2 ON] the removal of calcareous deposits, accretions, and stains from
3 the exposed surfaces of the teeth beginning at the epithelial attach-
4 ment by scaling and polishing techniques.

5 (d) The board may require an applicant to pass a laboratory
6 examination as a prerequisite to admission to the clinical examination
7 if the board has reason to believe the applicant cannot practice
8 safely on a clinical patient.

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

10 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.
11 The [IF THE APPLICANT PASSES THE EXAMINATION, THE] board shall regis-
12 ter each successful [THE] applicant and issue the applicant a license
13 upon payment of all required fees [REQUIRED UNDER AS 08.36.290. A
14 LICENSED DENTAL HYGIENIST SHALL RENEW REGISTRATION AND OFFER PROOF OF
15 CONTINUED COMPETENCY AS REQUIRED BY REGULATION OF THE BOARD EVERY FOUR
16 YEARS].

17 * Sec. 8. AS 08.32 is amended by adding a new section to read:

18 Sec. 08.32.071. RENEWAL OF REGISTRATION. A registration certifi-
19 cate is valid for four years. At least 60 days before expiration of
20 a licensee's registration certificate, the division of occupational
21 licensing shall mail a form for renewal of registration to each li-
22 censed dental hygienist. Each licensee who wishes to renew a regis-
23 tration certificate shall complete the form and return it with the
24 appropriate fee and evidence of continued professional competence as
25 required by the board. The division of occupational licensing shall,
26 as soon as practicable, issue a registration certificate valid for a
27 stated number of years. Each licensee shall keep the registration
28 certificate beside or attached to the licensee's license. Failure to
29 receive the registration form does not exempt a licensee from renewing

1 registration.

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

3 Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. A [THE
4 FAILURE, NEGLIGENCE, OR REFUSAL OF A] licensed dental hygienist who does
5 not [TO] pay the renewal registration fee forfeits [CONSTITUTES A
6 FORFEITURE OF] the hygienist's license. The board may reinstate the
7 license without examination within two years of the date on which
8 payment was due upon written application, proof of continued profes-
9 sional competence [COMPETENCY], and payment of all unpaid renewal fees
10 and any penalty fee established under AS 08.01.100(b) [REQUIRED UNDER
11 AS 08.36.290].

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

13 Sec. 08.32.097. FEES. The department shall, by regulations
14 adopted under AS 08.01.065, establish fees for dental hygienists for
15 the following:

- 16 (1) filing an examination and licensing application;
- 17 (2) examination fee;
- 18 (3) credential fee;
- 19 (4) initial license;
- 20 (5) registration fee;
- 21 (6) filing a reexamination application;
- 22 (7) duplicate license;
- 23 (8) delinquent registration.

24 * Sec. 11. AS 08.32.110(a) is amended to read:

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

- 29 (1) remove calcareous deposits, accretions, and stains from

Chapter 100

1 the exposed surfaces of the teeth beginning at the epithelial attach-
2 ment by scaling and polishing techniques;

3 (2) apply topical preventive or prophylactic agents;

4 (3) apply pit and fissure sealants;

5 (4) perform root planing and peridontal soft tissue curet-
6 tage; [AND]

7 (5) perform other dental operations and services delegated
8 by a licensed dentist if the dental operations and services are not
9 prohibited by (c) of this section; and

10 (6) if certified by the board and under the direct or
11 indirect supervision of a licensed dentist, administer local anes-
12 thetic agents.

13 * Sec. 12. AS 08.32.110(b) is amended to read:

14 (b) The board shall specify by regulation those additional
15 [INTRA-ORAL] functions that [WHICH] may be performed by a licensed
16 dental hygienist only upon successful completion of a formal course of
17 instruction approved by the board. The board shall promulgate regula-
18 tions specifying the education requirements, evaluation procedures,
19 and degree of supervision required for each function.

20 * Sec. 13. AS 08.32.160 is amended to read:

21 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
22 OF LICENSE. The board may revoke or suspend the license of a dental
23 hygienist, or [THE LICENSEE] may reprimand, censure [BE REPRIMANDED,
24 CENSURED], or discipline a licensee, if, after a hearing, [DISCIPLINED
25 WHEN] the board finds [AFTER A HEARING] that the licensee

26 (1) used or knowingly cooperated in [SECURED A LICENSE
27 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a
28 license or registration;

29 (2) engaged in deceit, fraud, or intentional misrepresenta-

1 tion in the course of providing or billing for professional services
2 or engaging in professional activities;

3 (3) advertised professional services in a false or mislead-
4 ing manner;

5 (4) has been convicted of a felony or other crime that
6 [WHICH] affects the licensee's ability to continue to practice compe-
7 tently and safely;

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

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

12 (A) professional incompetence;

13 (B) addiction or dependence [SEVERE DEPENDENCY] on
14 alcohol or other drugs that [WHICH] impairs the licensee's abil-
15 ity to practice safely;

16 (C) physical or mental disability;

17 (D) failure to keep informed of or use current profes-
18 sional theories and practices;

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

21 (8) performed clinical procedures for compensation without
22 being under the supervision of a licensed dentist.

23 * Sec. 14. AS 08.32 is amended by adding a new section to read:

24 Sec. 08.32.171. DISCIPLINARY SANCTIONS. (a) If it finds that a
25 dental hygienist is guilty of an offense under AS 08.32.160, the board
26 may impose the following sanctions singly or in combination:

27 (1) permanently revoke a license to practice;

28 (2) suspend a license for a stated period of time;

29 (3) censure a licensee;

Chapter 100

1 (4) issue a letter of reprimand;

2 (5) place a licensee on probationary status and require the
3 licensee to

4 (A) report regularly to the board upon matters involv-
5 ing the basis of probation;

6 (B) limit practice to those areas prescribed;

7 (C) continue professional education until the licensee
8 attains a satisfactory level of competence in those areas deter-
9 mined by the board to need improvement;

10 (6) impose limitations or conditions on the practice of a
11 licensee.

12 (b) The board may withdraw probationary status if it finds that
13 the deficiencies that required the sanction have been remedied.

14 (c) The board may summarily suspend a license before final
15 hearing or during the appeals process if the board finds that con-
16 tinued practice by the licensee poses a clear and immediate danger to
17 the public health and safety. The board may summarily suspend the
18 license of a licensee who refuses to submit to a physical or mental
19 examination under AS 08.36.070(b)(1). A person whose license is
20 suspended under this section is entitled to a hearing by the board no
21 later than seven days after the effective date of the order. If,
22 after a hearing, the board upholds the suspension, the licensee may
23 appeal the suspension to a court of competent jurisdiction.

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

27 (e) The board shall seek consistency in the application of
28 disciplinary sanctions and shall issue findings of fact or orders to
29 explain a significant departure from prior decisions.

1 * Sec. 15. AS 08.32.180 is amended to read:

2 Sec. 08.32.180. VIOLATION. A person who violates a provision of
3 this chapter or a regulation adopted under this chapter [OR WHO FAILS
4 TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, A PENALTY] for which
5 a penalty is not otherwise provided [,] is guilty of a class B misde-
6 meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
7 \$100].

8 * Sec. 16. AS 08.32 is amended by adding a new section to read:

9 Sec. 08.32.187. APPLICATION OF CHAPTER. (a) This chapter
10 applies to a person who practices, or offers or attempts to practice,
11 as a dental hygienist in the state except

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

14 (2) a dental hygienist in the employ of the United States
15 Public Health Service, United States Veterans' Administration, Alaska
16 Native Service, or another agency of the federal government, in the
17 discharge of official duties;

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

23 (b) A person excepted from this chapter under (a) of this sec-
24 tion shall be held to the same standard of care as a person covered by
25 this chapter.

26 * Sec. 17. AS 08.36.010 is amended to read:

27 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
28 created the Board of Dental Examiners consisting of seven members.
29 Four members shall be licensed [QUALIFIED RESIDENT] dentists who have

Chapter 100

1 been engaged in the practice of dentistry in the state for five years
2 immediately preceding appointment, one member shall be a dental hy-
3 gienist licensed under AS 08.32 who has been engaged in the practice
4 of dental hygiene in the state for five years immediately preceding
5 appointment, and two members shall be public members.

6 * Sec. 18. AS 08.36.025 is amended to read:

7 Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A
8 member of the board may be removed from office by the governor for
9 cause. The board may by regulation provide that unexcused absences
10 from meetings constitute cause for removal. A member against whom an
11 accusation has been filed under AS 44.62 for violation of AS 08.32.160
12 or AS 08.36.315 is suspended from the board until the decision of the
13 board on the accusation takes effect under AS 44.62.520.

14 * Sec. 19. AS 08.36.040 is amended to read:

15 Sec. 08.36.040. MEETINGS. The board shall meet at the call of
16 the president at least four times annually [AS OFTEN AS,] and at other
17 [THE] times [AND PLACES,] necessary to conduct its business. In the
18 absence of a call of the president, a majority of the board may call a
19 meeting.

20 * Sec. 20. AS 08.36 is amended by adding a new section to read:

21 Sec. 08.36.061. REIMBURSEMENT FOR EXPENSES. Board members are
22 entitled to per diem and travel expenses authorized for boards and
23 commissions under AS 39.20.180. The department shall reimburse a
24 member for other actual, reasonable expenses incurred in carrying out
25 duties as a board member.

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

27 Sec. 08.36.070. GENERAL POWERS. (a) The board shall [HAVE, BUT
28 NOT BY WAY OF LIMITATION, THE FOLLOWING POWERS AND DUTIES]:

29 (1) [TO] examine applicants and issue licenses to those

1 applicants it finds qualified;

2 (2) [TO] register licensed dentists and licensed dental
3 hygienists who are in good standing;

4 (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS PROCEED-
5 INGS] to the governor and [TO MEMBERS OF] the department on the
6 board's proceedings during the year, findings concerning the standards
7 and availability of dental services in the state including the number
8 of licensees, examination and licensing activities, other matters
9 related to dental practice, and board receipts and expenditures
10 [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY RECEIVED AND
11 DISBURSED];

12 (4) [TO] affiliate with the American Association of Dental
13 Examiners, and pay annual dues to the association;

14 (5) [TO] hold hearings, and order the disciplinary sanction
15 of a person who violates this chapter, AS 08.32, or a regulation [THE
16 REGULATIONS] of the board;

17 (6) [TO] supply forms for applications, licenses, permits,
18 certificates, and other papers and records;

19 (7) [TO] enforce the provisions of this chapter and
20 AS 08.32 and adopt or amend the regulations necessary to make the pro-
21 visions of this chapter and AS 08.32 effective;

22 (8) [TO] adopt regulations ensuring [INSURING] that renewal
23 of registration is contingent upon proof of continued professional
24 competence [COMPETENCY] by a licensed dentist or licensed dental
25 hygienist;

26 (9) [TO] provide the department with the requirements for
27 proof of continued professional competence [COMPETENCY] and [TO] re-
28 quest the department to make these requirements available to each li-
29 censed dentist and licensed dental hygienist at least one year before

Chapter 100

1 the date on which the dentist or dental hygienist must renew registra-
2 tion;

3 (10) at least annually cause to be published in a newspaper
4 of general circulation in each major city in the state, a summary of
5 disciplinary actions the board has taken during the preceding calendar
6 year; [TO ORDER A LICENSED DENTIST OR LICENSED DENTAL HYGIENIST TO
7 SUBMIT TO A REASONABLE PHYSICAL EXAMINATION IF THE DENTIST'S OR THE
8 DENTAL HYGIENIST'S PHYSICAL CAPACITY TO PRACTICE SAFELY IS AT ISSUE]

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

13 (12) regulate the reentry into practice of inactive dentists
14 and dental hygienists.

15 (b) The board may

16 (1) order a licensed dentist or licensed dental hygienist
17 to submit to a reasonable physical or mental examination if the den-
18 tist's or the dental hygienist's physical or mental capacity to prac-
19 tice safely is at issue; and

20 (2) authorize its representative to inspect the practice
21 facilities or patient or professional records of a dentist at reason-
22 able times and in a reasonable manner to monitor compliance with this
23 chapter and with AS 08.32.

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

25 Sec. 08.36.100. LICENSE REQUIRED. Except as provided in AS 08.-
26 36.238, a person may not practice, or attempt to practice, dentistry
27 without a license [OR PERMIT,] and a current certificate of registra-
28 tion.

29 * Sec. 23. AS 08.36.110 is amended to read:

1 Sec. 08.36.110. QUALIFICATIONS OF APPLICANTS. An applicant for
2 a license to practice dentistry may apply to the board for an examina-
3 tion and license by submitting information that the applicant is a
4 graduate or on the date of the examination will be a graduate of a
5 dental college accredited by the Commission on Accreditation of the
6 American Dental Association, or its successor agency, at the time of
7 graduation, and holds a certificate from the American Dental Associa-
8 tion Joint Commission on National Dental Examinations that the appli-
9 cant has passed the written examination given by the commission
10 [D.D.S. OR D.M.D. DEGREE OR THE EQUIVALENT].

11 * Sec. 24. AS 08.36.120 is amended to read:

12 Sec. 08.36.120. SIGNING, PHOTOGRAPH AND FILING DATE OF APPLICA-
13 TION. Each applicant shall submit a recent unmounted, autographed
14 photograph of the applicant. Applications shall be signed by the
15 applicant and filed at least 45 [30] days before the date scheduled
16 for an examination.

17 * Sec. 25. AS 08.36.160 is amended to read:

18 Sec. 08.36.160. CONTENTS OF EXAMINATION. (a) The examination
19 shall be designed [CLINICAL AND WRITTEN AND OF SUCH A CHARACTER AS] to
20 test [IN A SATISFACTORY MANNER] the qualifications of the applicant to
21 practice dentistry and [THE EXAMINATION] shall consist of a written
22 and a clinical examination. [THE FOLLOWING:]

23 (b) [(1)] The subjects of the written examination shall include
24 dental radiology, the state's laws on the practice of dentistry, and
25 other subjects [BE] selected in accordance with the trend of dental
26 education and professional and technical advances [AS DETERMINED BY
27 THE COUNCIL OF DENTAL EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

28 (c) [(2)] The clinical examination [APPLICANT] shall test the
29 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry

Chapter 100

1 or any procedures selected by the board from procedures [AS] recom-
2 ended by the American Dental Association Joint Commission on National
3 [OF] Dental Examinations [EXAMINERS].

4 (d) The board may require an applicant to pass a laboratory ex-
5 amination as a prerequisite to admission to the clinical examination
6 if the board has reason to believe the applicant cannot practice
7 safely on a clinical patient.

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

9 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed
10 to practice in this state and residing and practicing dentistry out-
11 side [OF] this state, may maintain eligibility to practice in this
12 state by registering the dentist's name and place of residence with
13 the division of occupational licensing every four years and submitting
14 proof of continued professional competence [COMPETENCY] as required by
15 the board. If the dentist fails to register, the board may reinstate
16 the dentist's license without examination upon payment of applicable
17 fees established by regulations adopted under AS 08.01.065, payment of
18 a penalty established under AS 08.01.100(b) [OF \$25, PAYMENT OF THE
19 DELINQUENT REGISTRATION FEE UNDER AS 08.36.290(10)], presentation of
20 proof of continued professional competence [COMPETENCY], and presenta-
21 tion of proof of active practice certified by the dental board having
22 jurisdiction or, if there is no board with jurisdiction, by evidence
23 satisfactory to the board.

24 * Sec. 27. AS 08.36.234 is amended to read:

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

27 (1) is a graduate of a dental college accredited [APPROVED]
28 by the Commission on Accreditation of the American Dental Association,
29 or its successor agency, and holds a certificate from the American

1 Dental Association Joint Commission on National Dental Examinations
2 that the dentist has passed the written examination given by the
3 commission;

4 (2) has been licensed to practice dentistry in another
5 state, territory, or region with licensing requirements at least
6 equivalent in scope, quality and difficulty to [SIMILAR TO OR HIGHER
7 THAN] those of this state at the time of licensure;

8 (3) has been engaged in continuous active practice averag-
9 ing at least 20 hours per week for each of the five years immediately
10 preceding the application;

11 (4) is not the subject of an unresolved complaint, review
12 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]
13 dental licensing jurisdiction [ASSOCIATION];

14 (5) has not previously had a license to practice dentistry
15 revoked;

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

17 (7) is personally interviewed by the board;

18 (8) pays all required fees [REQUIRED UNDER AS 08.36.290].

19 * Sec. 28. AS 08.36.240 is amended to read:

20 Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The
21 board shall issue a license to each successful dentist applicant who
22 has paid the required fees. [THE HOLDER OF A LICENSE SHALL REGISTER
23 IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT IN THE JUDICIAL
24 DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.] The licensee shall
25 display the license in a conspicuous place where the licensee prac-
26 tices.

27 * Sec. 29. AS 08.36.246 is amended to read:

28 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An
29 applicant for a specialty license shall [MUST]

Chapter 100

1 (1) possess a license to practice dentistry in the state;
2 [, AND]

3 (2) have completed as many [TWO OR MORE] academic years of
4 advanced education in the specialty as are required by the appropriate
5 specialty board in a program accredited by the Commission on Accredi-
6 tation of the American Dental Association or its successor agency; and

7 (3) be a diplomate or the equivalent of the appropriate
8 specialty board, or be eligible to be examined for diplomate status as
9 documented by an organization recognized by the American Dental Asso-
10 ciation.

11 (b) The provisions [PROVISION] of (a)(2) and (3) of this section
12 do [DOES] not apply to dentists who limit [HAVE LIMITED] their prac-
13 tice exclusively and who ethically announce [ANNOUNCED] limitation of
14 practice in accordance with the Principles of Ethics and Code of
15 Professional Conduct of the American Dental Association [POLICY BEFORE
16 JULY 23, 1968].

17 * Sec. 30. AS 08.36.247(a) is amended to read:

18 (a) A specialty license may not be issued unless the applicant
19 presents proof satisfactory to the board that the applicant is quali-
20 fied to practice that specialty. A specialist appointed by the board
21 and licensed in that specialty shall assist the board in the licensing
22 procedures.

23 * Sec. 31. AS 08.36.250 is amended to read:

24 Sec. 08.36.250. RENEWAL OF REGISTRATION. (a) A registration
25 certificate is valid for four years. At least 60 days before expira-
26 tion of a licensee's registration certificate [JANUARY 1 OF EVERY
27 FOURTH YEAR], the division of occupational licensing shall mail a form
28 for renewal of registration to each licensed dentist [AND LICENSED
29 DENTAL HYGIENIST]. Each licensee who wishes to renew a license shall

1 complete the form and return it [TOGETHER] with the appropriate [REGI-
2 STRATION] fee and evidence [OFFER PROOF] of continued professional
3 competence [COMPETENCY] as required by the board. The division of
4 occupational licensing shall, as soon as practicable, issue a regis-
5 tration certificate valid for a stated number of [THE] years [FOR
6 WHICH IT IS ISSUED]. Each licensee shall keep the registration cer-
7 tificate beside or attached to the licensee's license. Failure to
8 receive the registration form does not exempt a licensee from renewing
9 registration.

10 (b) When applying for license renewal, a dentist shall report to
11 the board each instance during the prior registration period in which
12 the quality of the licensee's professional services was the subject of
13 legal action.

14 * Sec. 32. AS 08.36.290 is repealed and reenacted to read:

15 Sec. 08.36.290. FEES. The department shall, by regulations
16 adopted under AS 08.01.065, establish fees for dentists for the fol-
17 lowing:

- 18 (1) filing an examination and licensing application;
- 19 (2) examination fee;
- 20 (3) credential review;
- 21 (4) initial license;
- 22 (5) registration fee;
- 23 (6) filing a reexamination application;
- 24 (7) specialty license;
- 25 (8) branch office registration;
- 26 (9) duplicate license;
- 27 (10) delinquent registration.

28 * Sec. 33. AS 08.36.315 is amended to read:

29 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION

Chapter 100

1 OF LICENSE. The board may revoke or suspend the license of a dentist,
2 or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,
3 or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board
4 finds after a hearing that the dentist

5 (1) used or knowingly cooperated in [SECURED A LICENSE
6 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a
7 license;

8 (2) engaged in deceit, fraud, or intentional misrepresenta-
9 tion in the course of providing or billing for professional dental
10 services or engaging 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 that
14 [WHICH] affects the dentist's ability to continue to practice den-
15 tistry competently and safely;

16 (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in the perfor-
17 mance of patient care, or permitted the performance of patient care by
18 persons under the dentist's supervision, that [WHICH] does not conform
19 to minimum professional standards of dentistry regardless of whether
20 actual injury to the patient occurred;

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

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

24 (A) professional incompetence;

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

27 (C) addiction or dependence [SEVERE DEPENDENCY] on
28 alcohol or other drugs that [WHICH] impairs the dentist's ability
29 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) permitted a dental hygienist or dental assistant who is employed by the dentist or working under the dentist's supervision to perform a dental procedure in violation of [OTHER THAN THOSE PERMITTED UNDER] AS 08.32.110 or AS 08.36.070(a)(11);

(10) failed to report to the board a death that occurred on the premises used for the practice of dentistry within 48 hours.

* Sec. 34. AS 08.36.320(a) is amended to read:

(a) If [WHEN] it finds that a dentist [OR DENTAL HYGIENIST] is guilty of an offense under [AS 08.32.160 OR] AS 08.36.315, the board may impose the following sanctions singly or in combination:

(1) permanently revoke a license to practice;

(2) suspend a license for a stated [DETERMINATE] period of time;

(3) censure a licensee;

(4) issue a letter of reprimand;

(5) place a licensee on probationary status and require the licensee to

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

(B) limit practice to those areas prescribed;

(C) continue professional education until the licensee attains a satisfactory level of competence [DEGREE OF SKILL HAS BEEN ATTAINED] in those areas determined by the board to need improvement;

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

Chapter 100

1 * Sec. 35. AS 08.36.320(c) is amended to read:

2 (c) The board may summarily suspend a license before final
3 hearing or during the appeals process if the board finds that con-
4 tinued practice by the licensee poses a clear and immediate danger to
5 the public health and safety. The board may summarily suspend the
6 license of a licensee who refuses to submit to a physical or mental
7 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO
8 PRACTICE]. A person whose license is suspended under this section is
9 [SHALL BE] entitled to a hearing by the board no later than seven days
10 after the effective date of the order. If, after a hearing, the board
11 upholds the suspension, the [THE] licensee may appeal the suspension
12 [AFTER A HEARING] to a court of competent jurisdiction.

13 * Sec. 36. AS 08.36.340 is amended to read:

14 Sec. 08.36.340. PENALTIES. A person who violates any provision
15 of [AS 08.32 OR] this chapter or regulations adopted under this chap-
16 ter for which no specific penalty is provided is guilty of a class B
17 misdemeanor.

18 * Sec. 37. AS 08.36.350 is amended to read:

19 Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter
20 applies to a person who practices, or offers or attempts to practice
21 dentistry in the state except

22 (1) a dental surgeon [SURGEONS] or dentist [DENTISTS] in
23 the military service in the discharge of official duties;

24 [(2) Repealed]

25 (2) [(3)] a dentist [DENTISTS] in the employ of the United
26 States Public Health Service, United States Veterans' Administration,
27 Alaska Native Service, or other agency of the federal government [OR
28 DEPARTMENT OF HEALTH AND SOCIAL SERVICES], in the discharge of offi-
29 cial duties;

1 (3) a physician or surgeon

2 [(4) CLINICIANS DEMONSTRATING AT MEETINGS OF DENTISTS AP-
3 PROVED BY THE BOARD;

4 (5) PHYSICIANS AND SURGEONS];

5 (4) a dentist [(6) DENTISTS IN THE EMPLOY OF THE UNITED
6 STATES PUBLIC HEALTH SERVICE] providing care in an isolated area by
7 authority of a permit issued under AS 08.36.271;

8 (5) a dentist licensed in another state who is teaching or
9 demonstrating clinical techniques at a meeting, seminar or limited
10 course of instruction sponsored by a dental or dental auxiliary soci-
11 ety or association or by an accredited dental or dental auxiliary
12 educational institution;

13 (6) a dentist licensed in another state who provides emer-
14 gency care to an injured or ill person who reasonably appears to the
15 dentist to be in immediate need of emergency aid in order to avoid
16 serious harm or death if the care is provided without remuneration.

17 (b) A person excepted from this chapter under (a) of this sec-
18 tion shall be held to the same standard of care as a person covered by
19 this chapter.

20 * Sec. 38. AS 08.36.360 is amended to read:

21 Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages
22 in the practice of dentistry who

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

25 (2) diagnoses, treats, operates on, corrects, [OR] attempts
26 to correct, or prescribes for, a disease, lesion, pain, injury, defi-
27 ciency, deformity, or physical condition, malocclusion or malposition
28 of the human teeth, alveolar process, gingiva, maxilla, mandible, or
29 [GUMS OR JAWS AND] adjacent tissues;

Chapter 100

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

3 (4) furnishes, supplies, constructs, reproduces, or repairs
4 [PROSTHETIC] dentures, bridges, appliances or other structures to be
5 used and worn as substitutes for natural teeth, except on prescription
6 of a duly licensed and registered dentist and by the use of impres-
7 sions or casts made by a duly licensed and registered dentist;

8 (5) uses the words [WORD] "dentist" or "dental surgeon" or
9 the letters D.D.S. or D.M.D. or other letter or title that [WHICH]
10 represents the dentist as engaging in the practice of dentistry;

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

12 (7) exercises control over professional dental matters or
13 the operation of dental equipment in [OWNS, MANAGES OR OPERATES] a
14 facility [PLACE] where the acts and things described in this section
15 are performed or done.

16 * Sec. 39. AS 08.36 is amended by adding a new section to read:

17 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this
18 state may

19 (1) practice in an association, partnership, corporation or
20 other lawful entity with other dentists including specialists;

21 (2) practice under the name of "dental center" or other
22 descriptive term that does not deceive the public about the nature of
23 the services provided;

24 (3) supervise research that would otherwise violate this
25 chapter or regulations adopted under this chapter when the research
26 does not involve treatment of dental patients if the research is
27 performed by a nonprofit dental research institution chartered by this
28 state or by a dental or dental auxiliary school accredited by the
29 Commission on Accreditation of the American Dental Association, or its

1 successor agency;

2 (4) supervise research that would otherwise violate this
3 chapter or regulations adopted under this chapter when the research
4 involves the treatment of dental patients if the research is performed
5 by a nonprofit dental research institution chartered by this state or
6 by a dental or dental auxiliary school accredited by the commission on
7 Accreditation of the American Dental Association, or its successor
8 agency, and if the dentist notifies the board in writing, at least 60
9 days before beginning the treatment, of the intended practices or
10 procedures and the board does not disapprove the research.

11 * Sec. 40. AS 08.36.140, 08.36.150, 08.36.170, 08.36.200 and 08.36.280
12 are repealed.