



# LAWS OF ALASKA

1995

**Source**

HB 23

**Chapter No.**

22

## AN ACT

Relating to referrals involving dental services.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** May 10, 1995

**Actual Effective Date:** August 8, 1995

AN ACT

1 Relating to referrals involving dental services.

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3 \* Section 1. AS 08.36.315 is amended to read:

4 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION, OR  
5 REVOCATION OF LICENSE. The board may revoke or suspend the license of a  
6 dentist, or may reprimand, censure, or discipline a dentist, or both, if the board finds  
7 after a hearing that the dentist

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

10 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
11 course of providing or billing for professional dental services or engaging in  
12 professional activities;

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

15 (4) received compensation for referring a person to another dentist

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1        or dental practice:

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

4                (6) [(5)] engaged in the performance of patient care, or permitted the  
5 performance of patient care by persons under the dentist's supervision, that does not  
6 conform to minimum professional standards of dentistry regardless of whether actual  
7 injury to the patient occurred;

8                (7) [(6)] failed to comply with this chapter, with a regulation adopted  
9 under this chapter, or with an order of the board;

10               (8) [(7)] continued to practice after becoming unfit due to

11                        (A) professional incompetence;

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

14                        (C) addiction or dependence on alcohol or other drugs that  
15 impairs the dentist's ability to practice safely;

16                        (D) physical or mental disability;

17                (9) [(8)] engaged in lewd or immoral conduct in connection with the  
18 delivery of professional service to patients;

19                (10) [(9)] permitted a dental hygienist or dental assistant who is  
20 employed by the dentist or working under the dentist's supervision to perform a dental  
21 procedure in violation of AS 08.32.110 or AS 08.36.070(a)(11);

22                (11) [(10)] failed to report to the board a death that occurred on the  
23 premises used for the practice of dentistry within 48 hours.

24 \* Sec. 2. AS 45.50.471(b) is amended by adding new paragraphs to read:

25                        (38) referring a person to a dentist or a dental practice that has paid or  
26 will pay a fee for the referral unless the person making the referral discloses at the  
27 time the referral is made that the dentist or dental practice has paid or will pay a fee  
28 based on the referral;

29                        (39) advertising that a person can receive a referral to a dentist or a  
30 dental practice without disclosing in the advertising that the dentist or dental practice  
31 to which the person is referred has paid or will pay a fee based on the referral if, in

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- 1 fact, the dentist or dental practice to which the person is referred has paid or will pay
- 2 a fee based on the referral.