

Statutes and Regulations **Dentists and** **Dental Hygienists**

April 2011

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 32.
DENTAL HYGIENISTS.**

Article

- 1. Examination and Licensing**
(§ 08.32.010—§ 08.32.097)
- 2. Regulation of Dental Hygienists**
(§ 08.32.100—§ 08.32.180)
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**ARTICLE 1.
EXAMINATION AND LICENSING.**

Section.

- 10. License required**
- 20. Examination required**
- 30. Licensure by credentials**
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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. 08.32.020. Examination required. (a) An applicant for examination shall submit information that the person is

- (1) at least 18 years of age;
- (2) a graduate of an accredited high school;
- (3) a graduate or on the date of examination will be a graduate of a dental hygiene school that 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) an examinee who has successfully completed the 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 basic biomedical sciences.

(b) *[Repealed, § 8 ch 47 SLA 2005.]*

Sec. 08.32.030. Licensure by credentials. The board may provide 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 hygiene clinical examination that the board has determined is at least equivalent in scope, quality and difficulty to the Alaska clinical examination;
- (3) has been in active clinical dental hygiene practice averaging not less than 700 hours a year for each of the two years immediately preceding application for state licensure;
- (4) has not failed the clinical dental hygiene examination of this state;
- (5) has not previously had a license to practice dental hygiene issued by any state or region revoked;
- (6) has completed not less than 14 hours of continuing education related to clinical hygiene in the two years before filing an application with the board; the continuing education required under this paragraph must be approved by the board, the American Dental Association, the Academy of General Dentistry, or the American Dental Hygienists' Association;
- (7) pays the fees required under AS 08.32.097; and
- (8) is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding undertaken by dental or dental hygiene licensing jurisdiction.

Sec. 08.32.035. Temporary License. (a) The board may issue without examination a temporary license to an applicant for examination who is licensed to practice dental hygiene in another state and who meets the criteria of AS 08.32.030 but who has been in active clinical practice for less than two years immediately preceding application.

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

(b) A person practicing dental hygiene under (a) of this section is subject to all other provisions of this chapter and laws and regulations that apply to the practice of dental hygiene in this state.

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

Sec. 08.32.040. Application and fee. An application for examination or determination of qualification for licensing under AS 08.32.030 or 08.32.035 shall be signed by the applicant and accompanied by the applicant's certificate of graduation from an accredited dental hygiene school and the required fees.

Sec. 08.32.060. Frequency and content of examination. (a) The examination shall be held at times and places determined by the board. The examination shall be designed to test the qualifications of the applicant to practice dental hygiene and shall consist of a written and a clinical examination.

(b) The subjects of the written examination shall include dental radiology, the state's laws on the practice of dental hygiene, and other subjects selected in accordance with the trends of dental hygiene education and professional and technical advances.

(c) The clinical examination shall test the applicant's skill in clinical procedures considered essential by the board for the practice of dental hygiene including the removal of calcareous deposits, accretions, and stains from the exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing techniques.

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

Sec. 08.32.070. Registration and licensing of dental hygienists. The board shall register each successful applicant and issue the applicant a license upon payment of all required fees.

Sec. 08.32.071. Renewal of Registration. At least 60 days before expiration of a licensee's registration certificate, the Department of Commerce, Community, and Economic Development shall mail a form for renewal of registration to each licensed dental hygienist. Each licensee who wishes to renew a registration certificate shall complete the form and return it with the appropriate fee and evidence of continued professional competence as required by the board. The Department of Commerce, Community, and Economic Development shall, as soon as practicable, issue a registration certificate valid for a stated number of years. Each licensee shall keep the registration certificate beside or attached to the licensee's license. Failure to receive the registration form does not exempt a licensee from renewing registration.

Sec. 08.32.081. Lapse and reinstatement of license. A licensed dental hygienist who does not pay the renewal registration fee forfeits the hygienist's 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 professional competence, and payment of all unpaid renewal fees and any penalty fee established under AS 08.01.100(b).

Sec. 08.32.085. Restorative function license endorsement. (a) The board shall issue a restorative function endorsement to a dental hygienist who is licensed under this chapter if the licensee furnishes evidence satisfactory to the board that the licensee has

(1) successfully completed a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the board; and

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

(b) An endorsement issued under this section authorizes a licensed dental hygienist under the direct supervision of a licensed dentist to place restorations into a cavity prepared by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration.

(c) The board may by regulation establish renewal and continuing education requirements for an endorsement under this section.

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 is subject to all other provisions of this chapter and laws and regulations that apply to the practice of dental hygiene by a licensed dental hygienist.

Sec. 08.32.097. Fees. The Department of Commerce, Community, and Economic Development shall, by regulations adopted under AS 08.01.065, establish fees for dental hygienists for the following:

- (1) filing an examination and licensing application;
- (2) examination fee;
- (3) credential fee;
- (4) initial license;
- (5) registration fee;
- (6) filing a reexamination application;
- (7) duplicate license;
- (8) delinquent registration.

ARTICLE 2. REGULATION OF DENTAL HYGIENISTS.

Section

- 100. Employment of dental hygienists**
- 110. Scope of practice of dental hygienists**
- 115. Collaborative agreements**
- 120. Place of employment**
- 130. Information required**
- 140. Supervision required**
- 160. Grounds for discipline, suspension or revocation of license**
- 165. Limits or conditions on license; discipline**
- 171. Disciplinary sanctions**
- 180. Penalty for violations**

Sec. 08.32.100. Employment of dental hygienists. A licensed dentist, incorporated eleemosynary dental dispensary or infirmary, private school or welfare center, the United States of America or the state may employ a licensed dental hygienist.

Sec. 08.32.110. Scope of practice of dental hygienists. (a) The role of the dental hygienist is to assist members of the dental profession in providing oral health care to the public. A person licensed to practice the profession of dental hygiene in the state may

- (1) remove calcareous deposits, accretions, and stains from the exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing techniques;
- (2) apply topical preventive agents;
- (3) apply pit and fissure sealants;
- (4) perform root planing and periodontal soft tissue curettage;
- (5) perform other dental operations and services delegated by a licensed dentist if the dental operations and services are not prohibited by (c) of this section; and
- (6) if certified by the board and under the direct, indirect, or general supervision of a licensed dentist, administer local anesthetic agents.

(b) The board shall specify by regulation those additional functions that may be performed by a licensed dental hygienist only upon successful completion of a formal course of instruction approved by the board. The board shall adopt regulations specifying the education requirements, evaluation procedures, and degree of supervision required for each function.

(c) This section does not authorize delegation of

- (1) diagnosing, treatment planning, and writing prescriptions for drugs; writing authorizations for restorative, prosthetic, or orthodontic appliances;
- (2) operative or surgical procedures on hard or soft tissues except as allowed in (a)(4) of this section; or
- (3) other procedures that require the professional competence and skill of a dentist.

(d) *[Repealed, § 8 ch 111 SLA 2008.]*

(e) This section does not prohibit a dental hygienist

- (1) with an endorsement issued under AS 08.32.085 from performing the activities authorized under AS 08.32.085; or
- (2) who has entered into a collaborative agreement approved by the board under AS 08.32.115 from performing the activities authorized under the collaborative agreement.

Sec. 08.32.115. Collaborative agreements. (a) If the collaborative agreement is approved by the board under (d) of this section, a dental hygienist with a minimum of 4,000 documented hours of clinical experience within the five years preceding application for the board's approval may enter into a collaborative agreement with a dentist licensed under AS 08.36 in which the licensed dentist authorizes the dental hygienist to perform one or more of the following:

- (1) oral health promotion and disease prevention education;
- (2) removal of calcareous deposits, accretions, and stains from the surfaces of teeth;
- (3) application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants;
- (4) polishing and smoothing restorations;
- (5) removal of marginal overhangs;
- (6) preliminary charting and triage;
- (7) radiographs;
- (8) use of local periodontal therapeutic agents; and
- (9) performance of nonsurgical periodontal therapy, with or without the administration of local anesthesia, subsequent to a licensed dentist's authorization or diagnosis as specified in the licensed hygienist's collaborative agreement.

(b) The services described in (a) of this section may be performed under a collaborative agreement approved by the board

- (1) without the presence of the licensed dentist;
- (2) in a setting other than the usual place of practice of the licensed dentist; and
- (3) without the dentist's diagnosis and treatment plan unless otherwise specified in the collaborative agreement or in (a) of this section.

(c) The board shall adopt regulations regarding approval of collaborative agreements between licensed dental hygienists and licensed dentists.

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

Sec. 08.32.120. Place of employment. A dental hygienist may practice in the office of a licensed dentist, or legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, state or federal institution, village health facility, or in another place designated by the board.

Sec. 08.32.130. Information required. Every dental hygienist practicing dental hygiene in the state shall furnish the board with the name and address of the dentist under whose supervision the dental hygienist is practicing.

Sec. 08.32.140. Supervision required. A dental hygienist, other than a dental hygienist practicing according to a collaborative agreement approved under AS 08.32.115, may not practice except under the general supervision of a licensed dentist or, if required by regulations adopted under AS 08.32.110(b), the direct or indirect supervision of a licensed dentist.

Sec. 08.32.160. Grounds for discipline, suspension or revocation of license. The board may revoke or suspend the license of a dental hygienist, or may reprimand, censure, or discipline a licensee, if, after a hearing, the board finds that the licensee

- (1) used or knowingly cooperated in deceit, fraud, or intentional misrepresentation to obtain a license or registration;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing or billing for 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 that affects the licensee's ability to continue to practice competently and safely;
- (5) failed to comply with this chapter, with a regulation adopted under this chapter or under AS 08.36, or with an order of the board;
- (6) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) addiction or dependence on alcohol or other drugs that impairs the licensee's ability to practice safely;
 - (C) physical or mental disability;
 - (D) failure to keep informed of or use current professional theories and practices;
- (7) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;
- (8) performed clinical procedures for compensation without being under the supervision of a licensed dentist.

Sec. 08.32.165. Limits or conditions on license; discipline. (a) In addition to action under AS 08.32.160, upon a finding that by reason of demonstrated problems of competence, experience, education or health the authority to practice dental hygiene should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) *[Repealed 1978.]*

Sec. 08.32.171. Disciplinary sanctions. (a) *[Repealed 1987.]*

(b) *[Repealed 1987.]*

(c) The board may summarily suspend the license of a licensee who refuses to submit to a physical or mental examination under AS 08.36.070(b)(1). A person whose license is suspended under this section is entitled to a hearing by the board within seven days after the effective date of the order. If, after a hearing, the board upholds the suspension, the licensee may appeal the suspension to a court of competent jurisdiction.

(d) *[Repealed 1987.]*

(e) *[Repealed 1987.]*

Sec. 08.32.180. Penalty for violations. A person who violates a provision of this chapter or a regulation adopted under this chapter for which a penalty is not otherwise provided is guilty of a class B misdemeanor.

ARTICLE 3. GENERAL PROVISIONS.

Section

185. Application of Administrative Procedure Act

187. Application of chapter

190. Definitions

Sec. 08.32.185. Application of Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to any action taken by the board under this chapter.

Sec. 08.32.187. Application of chapter. (a) This chapter applies to a person who practices, or offers or attempts to practice, as a dental hygienist in the state except

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

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

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

(b) A person excepted from this chapter under (a) of this section shall be held to the same standard of care as a person covered by this chapter.

Sec. 08.32.190. Definitions. In this chapter

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

(2) "dental hygienist" means a person who is licensed by the board to perform those educational, preventive, and therapeutic services and procedures that licensed dental hygienists are educated to perform;

(3) "direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and before dismissal of the patient evaluates the performance of the dental hygienist;

(4) "general supervision" means the dentist has authorized the procedures and they are being carried out in accordance with the dentist's diagnosis and treatment plan;

(5) "indirect supervision" means a licensed dentist is in the dental facility, authorizes the procedures, and remains in the dental facility while the procedures are being performed by the dental hygienist.

**CHAPTER 36.
DENTISTRY.**

Article

- 1. Board of Dental Examiners**
(§ 08.36.010—§ 08.36.091)
- 2. Examination and Licensing**
(§ 08.36.100—§ 08.36.290)
- 3. Unlawful Acts** (§ 08.36.315—§ 08.36.340)
- 3A. Dental Assistants** (§ 08.36.342—§ 08.36.349)
- 4. General Provisions** (§ 08.36.350—§ 08.36.370)

**ARTICLE 1.
BOARD OF DENTAL EXAMINERS.**

Section

- 10. Creation and membership of board**
- 25. Suspension of board members**
- 30. Election of officers**
- 40. Meetings**
- 50. Quorum**
- 61. Reimbursement for expenses**
- 70. General powers**
- 75. Dental radiological equipment**
- 80. Applicability of Administrative Procedure Act**
- 91. Records and reports**

Sec. 08.36.010. Creation and membership of board. (a) There is created the Board of Dental Examiners consisting of nine members. Six members shall be licensed dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment, two members shall be dental hygienists licensed under AS 08.32 who have been engaged in the practice of dental hygiene in the state for five years immediately preceding appointment, and one member shall be a public member.

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

Sec. 08.36.025. Suspension of board members. A member against whom an accusation has been filed under AS 44.62 for violation of AS 08.32.160 or AS 08.36.315 is suspended from the board until the decision of the board on the accusation takes effect under AS 44.62.520.

Sec. 08.36.030. Election of officers. The board shall elect a president and a secretary from among its members, each to serve for a term not to exceed two years.

Sec. 08.36.040. Meetings. The board shall meet at the call of the president at least four times annually and at other times necessary to conduct its business. In the absence of a call of the president, a majority of the board may call a meeting.

Sec. 08.36.050. Quorum. A majority of the board constitutes a quorum for the transaction of business.

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

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

- (1) provide for the examination of applicants and issue licenses to those applicants it finds qualified;
- (2) register licensed dentists and licensed dental hygienists who are in good standing;
- (3) affiliate with the American Association of Dental Examiners and pay annual dues to the association;
- (4) hold hearings and order the disciplinary sanction of a person who violates this chapter, AS 08.32, or a regulation of the board;
- (5) supply forms for applications, licenses, permits, certificates, and other papers and records;
- (6) enforce the provisions of this chapter and AS 08.32 and adopt or amend the regulations necessary to make the provisions of this chapter and AS 08.32 effective;
- (7) adopt regulations ensuring that renewal of registration is contingent upon proof of continued professional competence by a licensed dentist or licensed dental hygienist;

(8) provide the department with the requirements for proof of continued professional competence and 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 registration;

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

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

(11) regulate the reentry into practice of inactive dentists and dental hygienists;

(12) require, as a condition of a license or license renewal issued by the board, that an applicant or licensee, has at the time of licensing or renewal and maintains throughout the period of a license, current certification in cardiopulmonary resuscitation techniques, except that the board may waive this requirement under an agreement with the applicant or licensee if the applicant or licensee documents, to the satisfaction of the board, the existence of a physical impairment that results in an inability to be certified in cardiopulmonary resuscitation techniques and the agreement specifies that the applicant or licensee will ensure that another person who is certified in cardiopulmonary resuscitation techniques will be in the same room as the applicant or licensee whenever the applicant or licensee is practicing dentistry on a living patient who is also present; the board may include in the agreement an expiration date or provide that the agreement remains in effect until reviewed by the board.

(b) The board may

(1) order a licensed dentist or licensed dental hygienist to submit to a reasonable physical or mental examination if the dentist's or the dental hygienist's physical or mental capacity to practice safely is at issue; and

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

Sec. 08.36.075. Dental radiological equipment. (a) Subject to (b) of this section, the board shall establish standards for the registration and inspection of dental radiological equipment, including standards for record keeping relating to the control panels and the use of the equipment. The inspection standards adopted by the board must require that an inspection be performed by a person who has qualifications equivalent to the qualifications established as of the effective date of this Act in the "Applicant Profile and Job Qualification Summary" for a state Radiological Health Specialist I.

(b) The board may not adopt a standard under this section that is more stringent than a standard applicable under federal law or regulations or that is more strict than a manufacturer's standard that is applicable to the same aspect of the dental radiological equipment except that, if a federal standard is different from the manufacturer's standard on the same subject, the board shall adopt the stricter of the two standards unless adoption of the other standard would not present a risk of harm to the public or to the operator of the equipment.

(c) A dentist may not use, or allow a person under the dentist's supervision to use, dental radiological equipment in this state unless the owner or lessee of the equipment has registered the equipment's control panel with the board and the control panel displays a seal indicating that it has been registered. The board may charge the owner or lessee of the dental radiological equipment a fee for the registration of each control panel registered under this subsection. For each registered control panel, the board shall issue to the owner or lessee a registration seal that indicates that the registration requirement has been met.

(d) The board shall require that inspection of dental radiological equipment occur once within every six calendar years and require that records concerning the inspection be provided to the board by the owner or lessee of the equipment and kept on file where the equipment is located. The board shall, upon application by the owner or lessee of the dental radiological equipment, submission of evidence documenting compliance with the inspection standards of the board, and payment of a fee set by the board, issue to the owner or lessee an inspection seal indicating the date by which the dental radiological equipment must pass inspection again. The date on the inspection seal shall be December 31 of the fifth calendar year that occurs after the calendar year in which the inspection occurred. A dentist may not use, or allow a person under the dentist's supervision to use, dental radiological equipment in this state after the date on the most recent inspection seal. The board may authorize an inspector who is not a member of the board to determine whether the owner or lessee of dental radiological equipment is in compliance with the inspection standards of the board, collect the appropriate fee and remit the fee to the board, and issue an inspection seal indicating the date by which the dental radiological equipment must pass inspection again. An inspector who performs an inspection under this subsection shall report the results of each inspection to the board and to the department, indicating whether the dental radiological equipment was in compliance with the inspection standards of the board and whether an inspection seal was issued.

(e) Fees charged under this section may not be higher than the amount necessary to cover the board's cost of registering a control panel or approving the inspection of dental radiological equipment, as appropriate, plus the cost of issuing the applicable seals.

(f) In this section, "dental radiological equipment" means equipment for use in the practice of dentistry, consisting of a control panel and associated tube heads, if the equipment emits electronic product radiation, as defined in AS 18.60.545, or uses radionuclides, as defined in AS 18.60.545.

Sec. 08.36.080. Applicability of Administrative Procedure Act. The board shall comply with the Administrative Procedure Act (AS 44.62).

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

- (1) a record of its proceedings;
- (2) a register containing the name, office and home addresses, and other information considered necessary by the board, of each person licensed as a dentist or dental hygienist, and a register of the licenses revoked by the board, and information on the status of each licensee.

ARTICLE 2. EXAMINATION AND LICENSING.

Section

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- 110. Qualifications for license**
- 114. Qualifications for acupuncture applicants**
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Sec. 08.36.100. License required. Except as provided in AS 08.36.238, a person may not practice, or attempt to practice, dentistry without a license and a current certificate of registration.

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

- (1) provide certification to the board that the applicant
 - (A) is a graduate of a dental school that at the time of graduation is accredited by the Commission on Accreditation of the American Dental Association;
 - (B) holds a certificate from the American Dental Association Joint Commission on National Dental Examinations that the applicant has successfully passed the written examinations given by the commission;
 - (C) has not had a license to practice dentistry revoked, suspended, or voluntarily surrendered in this state or another state;
 - (D) is not the subject of an adverse decision based upon a complaint, investigation, review procedure, or other disciplinary proceeding within the five years immediately preceding application, or of an unresolved complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction or a dental society;
 - (E) is not the subject of an unresolved or an adverse decision based upon a complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction, dental society, or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or negligent dental care and that adversely reflects on the applicant's ability or competence to practice dentistry or on the safety or well-being of patients;
 - (F) is not the subject of an adverse report from the National Practitioner Data Bank or the American Association of Dental Examiners Clearinghouse for Board Actions that relates to criminal or fraudulent activity, or dental malpractice;
 - (G) is not impaired to an extent that affects the applicant's ability to practice dentistry;
 - (H) has not been convicted of a crime that adversely reflects on the applicant's ability or competency to practice dentistry or that jeopardizes the safety or well-being of a patient;
- (2) pass, to the satisfaction of the board, written, clinical, and other examinations administered or approved by the board; and
- (3) meet the other qualifications for a license established by the board by regulation.

Sec. 08.36.114. Qualifications for acupuncture applicants. An applicant for a license to perform acupuncture in the regular practice of dentistry shall be licensed under AS 08.36.100 and shall satisfy those requirements of experience or education in the practice of acupuncture as may be adopted by the board.

Sec. 08.36.120. Signing, photograph and filing date of application. *[Repealed, § 8 ch 47 SLA 2005.]*

Sec. 08.36.130. Examination. *[Repealed, § 8 ch 47 SLA 2005.]*

Sec. 08.36.160. Contents of examination. *[Repealed, § 8 ch 47 SLA 2005.]*

Sec. 08.36.180. Reexamination. *[Repealed, § 8 ch 47 SLA 2005.]*

Sec. 08.36.190. Grading of examination. *[Repealed, § 8 ch 47 SLA 2005.]*

Sec. 08.36.230. Practice outside the state. A dentist licensed to practice in this state and residing and practicing dentistry outside this state, may maintain eligibility to practice in this state by registering the dentist's name and place of residence with the department every four years and submitting proof of continued professional competence as required by the board. If the dentist fails to register, the board may reinstate the dentist's license without examination upon payment of applicable fees established by regulations adopted under AS 08.01.065, payment of a penalty established under AS 08.01.100(b), presentation of proof of continued professional competence, and presentation of proof of active practice certified by the dental board having jurisdiction or, if there is no board with jurisdiction, by evidence satisfactory to the board.

Sec. 08.36.234. Licensure by credentials. (a) The board shall provide for the licensing without examination, except as provided in (2) of this subsection, of a dentist who

(1) provides certification to the board that the dentist

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

(B) has passed clinical and written examinations required for licensure in another state, territory, or region of the United States and is licensed to practice dentistry in a state, territory, or region of the United States; the state, territory, or region in which the dentist is licensed must have licensing requirements at least generally equivalent to those of this state at the time of application; if the board does not consider the licensing requirements of the other jurisdiction to be generally equivalent to those of this state at the time of application because certain areas of subject matter were not included in the other jurisdiction's examinations, the board may find compliance with the requirements of this subparagraph if the dentist holds a specialty certification in the omitted subject areas;

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

(D) has been engaged in either continuous active clinical practice averaging at least 20 hours a week or a full-time dental supervisory position in an agency of, or the armed forces of, the United States for each of the five years immediately preceding the application

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

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

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

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

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

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

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

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

(2) has passed, to the satisfaction of the board, a written examination that pertains to the state's laws on the practice of dentistry; the board may not require a higher passing score for applicants under this section than the board requires for applicants under AS 08.36.110;

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

(4) pays all required fees;

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

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

(b) dentist applying for licensure without clinical examination is responsible for providing to the board all materials required by this section or by the board to implement this section to establish eligibility for a license without clinical examination. In addition to the grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued without a clinical examination upon evidence of misinformation or substantial omission.

(c) The board shall adopt regulations necessary to implement this section including the form and manner of certification of qualifications under this section.

Sec. 08.36.238. Exemption from license requirement. (a) A person enrolled as a full-time student in an accredited school of dentistry may perform 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 this chapter, or under the direct supervision of a team of licensed faculty dentists, at least one of whom is licensed under this chapter; and

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

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

Sec. 08.36.240. Issuance and display of license. The board shall issue a license to each successful dentist applicant who has paid the required fees. The licensee shall display the license in a conspicuous place where the licensee practices.

Sec. 08.36.244. License to practice as specialist required. A licensed dentist may not hold out to the public as being especially qualified in a branch of dentistry by announcing through the press, sign, card, letterhead or printed matter, or any means of public advertising, using such terms as "specialist," or inserting the name of the specialty, or using other phrases customarily used by qualified specialists that would imply to the public that the dentist is so qualified, without first securing a specialist's license as provided in this chapter.

Sec. 08.36.246. Qualification for a specialist license. (a) An applicant for a specialty license shall

(1) meet all of the requirements under AS 08.36.110(1) and (3);

(2) have completed as many academic years of advanced education in the specialty as are required by the appropriate specialty board in a program accredited by the Commission on Accreditation of the American Dental Association or its successor agency;

(3) be a diplomate or the equivalent of the appropriate specialty board, or be eligible to be examined for diplomate status as documented by an organization recognized by the American Dental Association; and

(4) satisfy one of the following:

(A) pass an examination approved by the board;

(B) pass a specialty examination given by the Central Regional Examining Board; or

(C) be board certified by a specialty certification board recognized by the American Dental Association.

(b) The provisions of (a)(2) and (3) of this section do not apply to dentists who limit their practice exclusively and who ethically announce limitation of practice in accordance with the Principles of Ethics and Code of Professional Conduct of the American Dental Association.

Sec. 08.36.247. Limitation of special practice. (a) A specialty license may not be issued unless the applicant presents proof satisfactory to the board that the applicant is qualified to practice that specialty. A specialist appointed by the board and licensed in that specialty shall assist the board in the licensing procedures.

(b) This section may not be construed as limiting or preventing a licensed and qualified dentist from performing, without a specialty license, dental acts or services to the public in any of the branches of dentistry, except that a dentist may not administer a general anesthetic to a patient without a valid permit as required by regulations of the dental examiners board.

Sec. 08.36.248. Suspension or revocation of specialty licenses. The board may suspend or revoke a specialty license upon any grounds set out in AS 08.36.315, and the procedure shall be the same as for the revocation or suspension of a license to practice dentistry.

Sec. 08.36.250. Renewal of registration. (a) At least 60 days before expiration of a licensee's registration certificate, the department shall mail a form for renewal of registration to each licensed dentist. A licensee who wishes to renew a license shall complete the form and return it with the appropriate fee and evidence of continued professional competence as required by the board. The department shall, as soon as practicable, issue a registration certificate valid for a stated number of years. A licensee shall keep the registration certificate beside or attached to the licensee's license. Failure to receive the registration form does not exempt a licensee from renewing registration.

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

Sec. 08.36.260. Branch office registration. A licensee who practices in an established office with an address other than that address for which the licensee's registration certificate is issued shall obtain a branch office registration certificate for each office.

Sec. 08.36.271. Permits for isolated areas. (a) The Department of Health and Social Services shall designate as isolated areas those specific places and regions remote from major population centers that are not served by dentists licensed under this chapter and that have a geographical location that works financial hardship, extended loss of time, or arduous and costly travel upon residents needing dental care.

(b) The board shall, upon recommendation of the Department of Health and Social Services, issue an annual permit authorizing the treatment of residents in an area designated under (a) of this section, who are not entitled to dental care by the state or federal government, by a dentist employed by the United States Public Health Service or qualified member of the armed services who serves in that area.

Sec. 08.36.290. Fees. The department shall, by regulations adopted under AS 08.01.065, establish fees for dentists for the following:

- (1) filing an examination and licensing application;
- (2) examination fee;
- (3) credential review;
- (4) initial license;
- (5) registration fee;
- (6) filing a reexamination application;
- (7) specialty license;
- (8) branch office registration;
- (9) duplicate license;
- (10) delinquent registration.

ARTICLE 3. UNLAWFUL ACTS.

Section

- 315. Grounds for discipline, suspension or revocation of license**
- 317. Civil fine authority**
- 320. Summary license suspension**
- 340. Penalties**

Sec. 08.36.315. Grounds for discipline, suspension or revocation of license. The board may revoke or suspend the license of a dentist, may reprimand, censure, or discipline a dentist, or both, if the board finds after a hearing that the dentist

- (1) used or knowingly cooperated in deceit, fraud, or intentional misrepresentation to obtain a license;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing or billing for professional dental services or engaging in professional activities;
- (3) advertised professional dental services in a false or misleading manner;
- (4) received compensation for referring a person to another dentist or dental practice;
- (5) has been convicted of a felony or other crime that affects the dentist's ability to continue to practice dentistry competently and safely;
- (6) engaged in the performance of patient care, or permitted the performance of patient care by persons under the dentist's supervision, that does not conform to minimum professional standards of dentistry regardless of whether actual injury to the patient occurred;
- (7) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;
- (8) 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 dependence on alcohol or other drugs that impairs the dentist's ability to practice safely;
 - (D) physical or mental disability;
- (9) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;
- (10) 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 AS 08.32.110 or AS 08.36.070(a)(11);
- (11) failed to report to the board a death that occurred on the premises used for the practice of dentistry within 48 hours.

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

Sec. 08.36.320. Summary license suspension. (a) *[Repealed 1987.]*

(b) *[Repealed 1987.]*

(c) The board may summarily suspend the license of a licensee who refuses to submit to a physical or mental examination under AS 08.36.070(b)(1). A person whose license is suspended under this section is entitled to a hearing by the board within seven days after the effective date of the order. If, after a hearing, the board upholds the suspension, the licensee may appeal the suspension to a court of competent jurisdiction.

(d) *[Repealed 1987.]*

(e) *[Repealed 1987.]*

Sec. 08.36.340. Penalties. A person who violates any provision of this chapter or regulations adopted under this chapter for which no specific penalty is provided is guilty of a class B misdemeanor.

ARTICLE 3A. DENTAL ASSISTANTS.

Section

342. Coronal polishing certificate

344. Restorative function certificate

346. Delegation to dental assistants

349. Definitions

Sec. 08.36.342. Coronal polishing certificate. (a) The board shall issue a coronal polishing certificate to a dental assistant if the dental assistant furnishes evidence satisfactory to the board that the dental assistant has completed a program of instruction approved by the board.

(b) A certificate issued under (a) of this section authorizes a dental assistant under the direct supervision of a dentist licensed in the state to perform coronal polishing on teeth without calculus.

(c) The board may by regulation establish fees, renewal, and continuing education requirements for a certificate issued under this section.

Sec. 08.36.344. Restorative function certificate. (a) The board shall issue a restorative function certificate to a dental assistant if the dental assistant furnishes evidence satisfactory to the board that the dental assistant has

(1) successfully completed a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the board; and

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

(b) A certificate issued under this section authorizes a dental assistant under the direct supervision of a licensed dentist to place restorations into a cavity prepared by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration.

(c) The board may by regulation establish fees, renewal, and continuing education requirements for a certificate under this section.

Sec. 08.36.346. Delegation to dental assistants. (a) Except as otherwise provided in this chapter, a dentist licensed in this state may delegate to a dental assistant under indirect supervision

(1) the exposure and development of radiographs;

(2) application of topical preventive agents or pit and fissure sealants; and

(3) other dental operations and services except

(A) those that may be performed by a dental hygienist under AS 08.32.110(a); and

(B) those that may not be delegated to a dental hygienist under AS 08.32.110(c).

(b) A dentist licensed in this state may delegate to a dental assistant under direct supervision

(1) coronal polishing on teeth without calculus, if the dental assistant is certified under AS 08.36.342;

(2) the placement of a restoration into a cavity prepared by a dentist licensed under this chapter and the subsequent carving, contouring, and adjustment of the contacts and occlusion of the restoration, if the dental assistant is certified under AS 08.36.344; and

(3) other dental operations and services as defined and regulated by the board; however, a dentist may not delegate to a dental assistant a dental operation or service that requires the professional skill of a licensed dentist or licensed dental hygienist, including those dental operations and services specified in AS 08.32.110(c).

Sec. 08.36.349. Definitions. In AS 08.36.342 - 08.36.349,

(1) "direct supervision" means a dentist licensed in this state is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and, before dismissal of the patient, evaluates the performance of the dental assistant;

(2) "indirect supervision" means a dentist licensed in this state is in the dental office, authorizes the procedures, and remains in the dental office while the procedures are being performed by the dental assistant.

ARTICLE 4. GENERAL PROVISIONS.

Section

350. Application of chapter

360. Practice of dentistry defined

365. Rights of dentists

370. Definitions

Sec. 08.36.350. Application of chapter. (a) This chapter applies to a person who practices, or offers or attempts to practice dentistry in the state except

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

(2) a dentist in the employ of the United States Public Health Service, United States Veterans' Administration, Alaska Native Service, or other agency of the federal government, in the discharge of official duties;

(3) a physician or surgeon;

(4) a dentist providing care in an isolated area by authority of a permit issued under AS 08.36.271;

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

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

(b) A person excepted from this chapter under (a) of this section shall be held to the same standard of care as a person covered by this chapter.

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

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

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

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

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

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

(6) extracts or attempts to extract human teeth;

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

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

Sec. 08.36.365. Rights of Dentists. A dentist licensed in this state may

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

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

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

(4) supervise research that would otherwise violate this chapter or regulations adopted under this chapter when the research involves the treatment of dental patients if the research is performed by a nonprofit dental

research institution chartered by this state or by a dental or dental auxiliary school accredited by the Commission on Accreditation of the American Dental Association, or its successor agency, and if the dentist notifies the board in writing, at least 60 days before beginning the treatment, of the intended practices or procedures and the board does not disapprove the research.

Sec. 08.36.370. Definitions. In this chapter, unless the context requires otherwise,

- (1) "board" means the Board of Dental Examiners;
- (2) "department" means the Department of Commerce, Community, and Economic Development.
- (3) "impaired practitioner" means a person who is unfit to practice dentistry due to addiction or dependence on alcohol or other drugs that impair the practitioner's ability to practice safely.
- (4) "calculus" means a hardened deposit of mineralized plaque;
- (5) "coronal polishing" means the removal of supragingival plaque and stains;
- (6) "dental assistant" means a person employed to provide clinical assistance to a dentist licensed in the state.

**CHAPTER 28.
BOARD OF DENTAL EXAMINERS.**

Article

- 1. Administering of Anesthetic Agent (12 AAC 28.010 – 12 AAC 28.090)**
- 2. Examinations for Dental Licensure (12 AAC 28.100 – 12 AAC 28.300)**
- 3. Administration of Local Anesthetic Agents by Dental Hygienists (12 AAC 28.310 – 12 AAC 28.360)**
- 4. Continuing Professional Competence Requirements (12 AAC 28.400 – 12 AAC 28.420)**
- 5. Dental Hygienist Examination (12 AAC 28.500)**
- 6. Parenteral Sedation (12 AAC 28.600 – 12 AAC 28.640)**
- 7. Professional Practices (12 AAC 28.700 – 12 AAC 28.730)**
- 8. Restorative Functions by Dental Hygienists (12 AAC 28.750 – 12 AAC 28.780)**
- 9. Coronal Polishing and Restorative Functions by Dental Assistants (12 AAC 28.810 – 12 AAC 28.880)**
- 10. General Provisions (12 AAC 28.900 – 12 AAC 28.990)**

**ARTICLE 1.
ADMINISTERING OF ANESTHETIC AGENT.**

Section

- 10. Permit requirements for use of anesthetic agents**
- 20. Operative procedure**
- 30. Other than permit holders**
- 40. Written consent**
- 50. Medical history**
- 60. Requirements for administering general anesthetic**
- 70. Suspension or revocation of permit**
- 80. Filing report**
- 90. Definition**

12 AAC 28.010. PERMIT REQUIREMENTS FOR USE OF ANESTHETIC AGENTS. The board will issue a permit to a dentist licensed in the state for the administration of an anesthetic agent or agents for the purpose of inducing general anesthesia if the applicant offers certified proof that the applicant:

- (1) is a diplomate of the American Board of Oral and Maxillofacial Surgery;
- (2) is a member of the American Association of Oral and Maxillofacial Surgery;
- (3) has fulfilled not less than 36 months of oral surgery advanced education approved by the Council on Dental Education of the American Dental Association;
- (4) is a certified member of an American Dental Association Specialty Board and meets the minimum requirement in anesthesiology as recommended by the American Board of Oral and Maxillofacial Surgery; or
- (5) has completed a minimum of one year of advanced training in anesthesiology in an accredited program beyond the undergraduate dental school level.

Authority: AS 08.36.070 AS 08.36.247

12 AAC 28.020. OPERATIVE PROCEDURE. A dentist administering a general anesthetic may not perform any operative procedures for the duration of the anesthesia. "Operative procedure" means surgical or restorative manipulations in or about the oral cavity.

Authority: AS 08.36.070(a)

12 AAC 28.030. OTHER THAN PERMIT HOLDERS. In addition to a dentist holding a valid permit for the administration of an anesthetic agent or agents for the purpose of inducing general anesthesia, as provided in 12 AAC 28.010, the following persons may administer an anesthetic agent:

- (1) a registered nurse certified by the Association of Nurse Anesthetists who while in a dental office administers the anesthetic agent under the direct supervision of a dentist holding a valid permit under 12 AAC 28.010;
- (2) a board-eligible anesthesiologist who while in a dental office administers the anesthetic agent while under the direct supervision of a dentist holding a valid permit under 12 AAC 28.010;

(3) a dentist who administers an anesthetic agent under the direct supervision of a medical doctor in a licensed hospital even though the dentist does not have a valid permit to do so under 12 AAC 28.010.

Authority: AS 08.36.070(a) AS 08.36.247(b)

12 AAC 28.040. WRITTEN CONSENT. Written consent of the patient shall be obtained prior to the administration of a general anesthetic. In the case of a minor, the consent shall be obtained from his parent or legal guardian.

Authority: AS 08.36.070(a)

12 AAC 28.050. MEDICAL HISTORY. (a) A medical history shall be taken before the administration of a general anesthetic. Patients should be asked to describe any current treatments, including drugs, impending operations, and pregnancies and to give other information that may be helpful to the person administering the anesthetic agent. The dentist is not required to make a medical examination of the patient and draw medical diagnostic conclusions; therefore, if the dentist suspects a problem and calls in a physician for an examination and evaluation, he may then rely upon that conclusion and the diagnosis.

(b) Questions asked of and answers received from the patient shall be permanently recorded and signed by the patient before the administration of any general anesthetic and this record shall become a permanent part of the patient's treatment record.

Authority: AS 08.36.070(a)

12 AAC 28.060. REQUIREMENTS FOR ADMINISTERING GENERAL ANESTHETIC. A holder of a permit to administer a general anesthetic for the purpose of inducing surgical anesthesia shall

- (1) obtain and maintain an adequate airway for the patient;
 - (2) use an oxygen machine and have it available for maintaining the ventilation of the lungs;
 - (3) have the knowledge of and be able to skillfully place needles into veins for the administration of drugs;
- and
- (4) maintain in his office at all times appropriate drugs and medicines for emergencies.

Authority: AS 08.36.070(a) AS 08.36.247(b)

12 AAC 28.070. SUSPENSION OR REVOCATION OF PERMIT. A permit to administer a general anesthetic for the purpose of inducing surgical anesthesia shall automatically become revoked upon the suspension or revocation of the holder's license to practice dentistry in the state.

Authority: AS 08.36.070(a) AS 08.36.320

12 AAC 28.080. FILING REPORT. (a) A dentist shall report to the board a death that occurred on the premises used for the practice of dentistry within 48 hours after the death.

(b) Within two weeks after the receipt of a report under (a) of this section by the department, the department may review the report, consult with a member of the board who is a dentist licensed under AS 08.36, and make a recommendation in writing as to whether further investigation by the board should be made. The department shall make a report of any recommendations under this subsection at the next board meeting. If a recommendation by the department is that further investigation is not warranted, the department shall make only a summary report. The board may accept the recommendation or request the department to make further investigations.

Authority: AS 08.01.087 AS 08.36.070 AS 08.36.315

12 AAC 28.090. DEFINITION. *Repealed 4/13/91.*

ARTICLE 2. EXAMINATIONS FOR DENTAL LICENSURE.

Section

- 100. (Repealed)**
- 105. (Repealed)**
- 110. (Repealed)**
- 120. (Repealed)**
- 130. (Repealed)**
- 140. (Repealed)**
- 150. (Repealed)**
- 160. (Repealed)**

- 170. (Repealed)
- 180. (Repealed)
- 190. (Repealed)
- 200. (Repealed)
- 210. (Repealed)
- 220. (Repealed)
- 230. (Repealed)
- 240. (Repealed)
- 250. (Repealed)
- 260. (Repealed)
- 270. (Repealed)
- 280. (Repealed)
- 290. (Repealed)
- 300. (Deleted)

12 AAC 28.100. EXAMINERS APPOINTED. *Repealed 5/29/98.*

12 AAC 28.105. EXAMINATIONS. *Repealed 10/19/2008.*

12 AAC 28.110. IDENTIFICATION OF APPLICANT. *Repealed 5/29/98.*

12 AAC 28.120. OPERATORY ASSIGNED TO APPLICANT. *Repealed 5/29/98.*

12 AAC 28.130. EQUIPMENT. *Repealed 5/29/98.*

12 AAC 28.140. PATIENTS. *Repealed 5/29/98.*

12 AAC 28.150. ASSISTANTS. *Repealed 5/29/98.*

12 AAC 28.160. SECTIONS OF EXAMINATION. *Repealed 5/29/98.*

12 AAC 28.170. TIME ALLOWED FOR CLINICAL EXAMINATION. *Repealed 5/29/98.*

12 AAC 28.180. CRITERIA FOR TEETH TO BE RESTORED. *Repealed 5/29/98.*

12 AAC 28.190. LOCAL ANESTHESIA; RUBBER DAM. *Repealed 5/29/98.*

12 AAC 28.200. ITEMS TO BE TURNED IN TO THE BOARD. *Repealed 5/29/98.*

12 AAC 28.210. ALL WORK PERFORMED IN CLINIC BY APPLICANT. *Repealed 5/29/98.*

12 AAC 28.220. LABORATORY PROCEDURES. *Repealed 5/29/98.*

12 AAC 28.230. EXAMINERS MAY CONTACT PATIENT, TAKE PHOTOGRAPHS AND MODELS. *Repealed 5/29/98.*

12 AAC 28.240. STEPS OF OPERATIONS CHECKED BY EXAMINERS. *Repealed 5/29/98.*

12 AAC 28.250. ERRORS OR OMISSIONS REQUIRING FAILING GRADE. *Repealed 5/29/98.*

12 AAC 28.260. GRADING OF A BOARD CONDUCTED CLINICAL EXAMINATION. *Repealed 5/29/98.*

12 AAC 28.270. COMPUTATION OF GRADE. *Repealed 5/29/98.*

12 AAC 28.280. NOTIFICATION OF GRADES. *Repealed 5/29/98.*

12 AAC 28.290. REEXAMINATION. *Repealed 5/29/98.*

12 AAC 28.300. DENIAL OF LICENSURE. *Deleted 1/28/2000.*

ARTICLE 3.
ADMINISTRATION OF LOCAL ANESTHETIC AGENTS
BY DENTAL HYGIENISTS.

Section

- 310. (Deleted)**
- 320. Application for certification to administer local anesthetic agents**
- 330. Approval of course of instruction**
- 340. Requirements for course of instruction in local anesthetics**
- 350. Expiration and renewal of certification**
- 360. Registry**

12 AAC 28.310. ADMINISTRATION OF LOCAL ANESTHETIC AGENTS. *Deleted 5/6/88.*

12 AAC 28.320. APPLICATION FOR CERTIFICATION TO ADMINISTER LOCAL ANESTHETIC AGENTS. (a) The board will issue, to a dental hygienist licensed in this state, a certification to administer local anesthetic agents if the licensed hygienist submits

- (1) a completed, notarized application on the form provided by the department;
- (2) the applicable fees required in 12 AAC 02.190;
- (3) written verification of successful completion of an accredited college or university course of instruction in the administration of local anesthetics, approved by the board under 12 AAC 28.330 - 12 AAC 28.340; and
- (4) evidence of having passed the local anesthetic portion of the Western Regional Examining Board (WREB) dental hygienist examination within the five years immediately preceding the date of application.

(b) Instead of meeting the requirements of (a)(4) of this section, an applicant who is currently licensed or certified in another licensing jurisdiction to administer local anesthetic agents may submit evidence showing that the

- (1) applicant's license or certification in that licensing jurisdiction is current and in good standing;
- (2) applicant has actively, as part of routine dental hygiene procedure, administered local anesthetic agents at least an average of once per week during the two years immediately preceding the date of application.

Authority: AS 08.32.110 AS 08.36.070

12 AAC 28.330. APPROVAL OF COURSE OF INSTRUCTION. The board may, upon its own motion or upon the request of any interested person, approve a course of instruction upon receipt of

- (1) the name of the college or university sponsoring the course;
- (2) the name of the accredited college or university faculty member presenting the course;
- (3) a course outline which verifies inclusion of the subjects and procedures required by 12 AAC 28.340;
- (4) an explanation of the evaluation procedures used to determine successful completion of the course.

Authority: AS 08.32.110(b)

12 AAC 28.340. REQUIREMENTS FOR COURSE OF INSTRUCTION IN LOCAL ANESTHETICS. A course of instruction in local anesthetics must include

- (1) at least 16 clock hours of classroom lecture;
- (2) at least eight clock hours of laboratory instruction during which time three injections each of the anterior palatine, incisive palatine, anterior and middle superior alveolar, posterior superior alveolar, inferior alveolar, mental, long buccal, and infiltration injections are administered;
- (3) clinical experience sufficient to establish the hygienist's ability to adequately anesthetize the entire dentition and supporting structures in a clinical setting, requiring not less than six clock hours, under the direct supervision of course faculty;
- (4) instruction in
 - (A) medical history evaluation procedures;
 - (B) anatomy of the head, neck and oral cavity as it relates to administering local anesthetic agents;
 - (C) pharmacology of local anesthetic agents, vasoconstrictors and preservatives, including physiologic actions, types of anesthetics, and maximum dose per weight;
 - (D) systemic conditions which influence selection and administration of anesthetic agents;
 - (E) signs and symptoms of reactions to local anesthetic agents, including monitoring of vital signs;
 - (F) management of reactions to, or complications associated with, the administration of local anesthetic agents to include
 - (i) a currently valid cardio-pulmonary resuscitation certification card from either the American Heart Association or the American Red Cross; or
 - (ii) a provision for instruction and certification in cardiopulmonary resuscitation from an instructor certified in cardiopulmonary resuscitation by the American Heart Association or the American Red Cross as part of the course curriculum;
 - (G) selection and preparation of the armamentaria for administering various local anesthetic agents;

- (H) methods of administering local anesthetic agents with emphasis on
 - (i) technique;
 - (ii) aspiration;
 - (iii) slow injection;
 - (iv) minimum effective dosage;
- (5) instruction by a faculty member of the college or university presenting the course; and
- (6) procedures for determining whether the hygienist has acquired the necessary knowledge and proficiency to administer local anesthetic agents.

Authority: AS 08.32.110

12 AAC 28.350. EXPIRATION AND RENEWAL OF CERTIFICATION. (a) A certification to administer local anesthetic agents expires on the date the dental hygienist's license expires or is revoked or suspended.

(b) A certification to administer local anesthetic agents will be renewed when the dental hygienist's license to practice is renewed.

Authority: AS 08.32.110(b)

12 AAC 28.360. REGISTRY. The board shall maintain a registry of all board approved courses of instruction and all dental hygienists certified to administer local anesthetic agents.

Authority: AS 08.32.110(b)

ARTICLE 4. CONTINUING PROFESSIONAL COMPETENCE REQUIREMENTS.

Section

400. Continuing education requirements for dentistry and dental hygienists licensees

405. Continuing education requirements for first time renewal of a license

410. Approved continuing education courses

420. Report of continuing education

12 AAC 28.400. CONTINUING EDUCATION REQUIREMENTS FOR DENTISTRY AND DENTAL HYGIENISTS LICENSEES. (a) Except as provided in 12 AAC 28.405(a), an applicant for renewal of a dentistry license shall submit evidence of continued professional competence by documenting

(1) completion of at least 28 contact hours of continuing education; and

(2) cardiopulmonary resuscitation (CPR) certification, that meets the requirements of AS 08.36.070 and 12 AAC 28.920.

(b) Except as provided in 12 AAC 28.405(b), an applicant for renewal of a dental hygienist license shall submit evidence of continued professional competence by documenting

(1) completion of at least 14 contact hours of continuing education; and

(2) cardiopulmonary resuscitation (CPR) certification, that meets the requirements of AS 08.36.070 and 12 AAC 28.920.

(c) For the purpose of this section,

(1) one "contact hour" equals a minimum of 50 minutes of instruction;

(2) one academic semester credit hour equals 15 contact hours;

(3) one academic quarter credit hour equals 10 contact hours;

(4) one continuing education unit equals one contact hour;

(5) one continuing education credit equals one contact hour.

(d) Credit is given only for class hours and not hours devoted to class preparation.

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.250

12 AAC 28.405. CONTINUING EDUCATION REQUIREMENTS FOR FIRST TIME RENEWAL OF A LICENSE. (a) An applicant applying for renewal of a dentistry license for the first time shall submit evidence of continued professional competence by documenting

(1) completion of at least one-half of the number of contact hours of continuing education required by 12 AAC 28.400(a)(1) for each complete calendar year that the applicant was licensed during the concluding licensing period; and

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of AS 08.36.070 and 12 AAC 28.920.

(b) An applicant applying for renewal of a dental hygienist license for the first time shall submit evidence of continued professional competence by documenting

(1) completion of at least one-half of the number of contact hours of continuing education required by 12 AAC 28.400(b)(1) for each complete calendar year that the applicant was licensed during the concluding licensing period; and

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of AS 08.36.070 and 12 AAC 28.920.

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.250

12 AAC 28.410. APPROVED CONTINUING EDUCATION COURSES. (a) Except as provided in (c) of this section, only the following courses will be accepted as continuing education under 12 AAC 28.400 — 12 AAC 28.420, and only if participation in those courses is verifiable and the subject matter relates directly to dental patient clinical care:

(1) courses, workshops, or symposiums approved, provided, or sponsored by the American Dental Hygienist's Association (ADHA), Academy of General Dentistry (AGD), or American Dental Association (ADA);

(2) other courses, workshops, or symposiums approved by the board that are offered by dental or dental hygiene colleges or universities, or similar dental or dental hygiene organizations or associations;

(3) organized study club courses approved by the board;

(4) self-study programs offered by a dental or dental hygiene college or university, the AGD, or the ADA that have been approved by the board.

(b) *Repealed 1/15/2003.*

(c) The continuing education contact hours required by 12 AAC 28.400 or 12 AAC 28.405 for renewal of a dentistry license or a dental hygienist license may include no more than four hours of CPR training for the entire renewal period.

(d) An applicant for renewal of a dentistry or dental hygienist license may receive contact hours of continuing education for the applicant's presentation of a lecture or course that meets the requirements of (a) of this section. For the purpose of this section, contact hours for the presentation of a lecture or course will be awarded as follows:

(1) three contact hours for each 50 minutes of an initial presentation; and

(2) one contact hour for each 50 minutes of a repeat presentation.

(e) Acceptance or approval by the board under this section of a course, workshop, or symposium is valid for two years, if a change is not made to its content.

(f) If a change is made to the content of a course, workshop, or symposium or more than two years have passed since its acceptance or approval by the board, the course, workshop, or symposium must be resubmitted to the board for acceptance or approval under this section.

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.250

12 AAC 28.420. REPORT OF CONTINUING EDUCATION. (a) An applicant for renewal of a dentistry license or a dental hygienist license shall submit, on a renewal form provided by the department, a signed statement of compliance with the continuing education requirements under 12 AAC 28.400 – 12 AAC 28.410, as described in 12 AAC 02.960.

(b) An applicant for renewal is responsible for maintaining adequate and detailed records of continuing education courses taken, as described in 12 AAC 02.960(f), and shall make them available to the board upon request.

(c) Falsification of any written evidence submitted to the board under this section is grounds for license revocation or suspension under AS 08.32.160(1) and (5) and AS 08.36.315(1) and (7).

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.315
AS 08.32.160 AS 08.36.250

ARTICLE 5. DENTAL HYGIENIST EXAMINATION.

Section
500. (Repealed)

12 AAC 28.500. DENTAL HYGIENIST EXAMINATION. *Repealed 10/19/2008.*

**ARTICLE 6.
PARENTERAL SEDATION.**

Section

- 600. Administration of parenteral sedation**
- 610. Parenteral sedation permit**
- 620. Education, training, and certification requirements**
- 630. Equipment, facilities, and staff standards**
- 640. Mandatory reporting**

12 AAC 28.600. ADMINISTRATION OF PARENTERAL SEDATION. (a) Parenteral sedation may only be administered by a dentist to dental outpatients and only according to the standards set out in 12 AAC 28.600 – 12 AAC 28.640.

(b) Beginning April 13, 1992, a dentist may not administer parenteral sedation unless he or she possesses a current parenteral sedation permit issued under the provisions of 12 AAC 28.600 – 12 AAC 28.640.

(c) A permit to administer parenteral sedation does not authorize a dentist to administer general anesthetic agents. A dentist must apply separately for a permit to administer a general anesthetic under 12 AAC 28.010 – 12 AAC 28.080.

Authority: AS 08.36.070

12 AAC 28.610. PARENTERAL SEDATION PERMIT. (a) The board will, in its discretion, issue a permit authorizing a dentist to administer parenteral sedation if the dentist

- (1) applies for a permit on a form provided by the department;
- (2) pays the permit fee;
- (3) holds a valid license to practice dentistry under AS 08.36;
- (4) meets the education, training, and certification requirements of 12 AAC 28.620;
- (5) has a properly equipped dental facility which meets the standards of 12 AAC 28.630; and
- (6) has evidence of current Advanced Cardiac Life Support (ACLS) certification from the American Heart Association.

(b) A parenteral sedation permit is renewed biennially in conjunction with the renewal of the permittee's license to practice dentistry in Alaska.

(c) A permit to administer parenteral sedation is automatically suspended or revoked upon the suspension or revocation of the permittee's license to practice dentistry in Alaska.

(d) A parenteral sedation permit is subject to the disciplinary powers of the board under AS 08.01.075 and AS 08.36.315 and the cease and desist powers of the department under AS 08.01.087.

Authority: AS 08.01.075 AS 08.36.070 AS 08.36.315
AS 08.01.087 AS 08.36.248

12 AAC 28.620. EDUCATION, TRAINING, AND CERTIFICATION REQUIREMENTS. (a) To qualify for a parenteral sedation permit an applicant must meet the education, certification, and training requirements of 12 AAC 28.010(3) – (5) or must

- (1) have received formal training in the administration of parenteral sedation that included a minimum of 40 classroom hours and a minimum of 20 patient contact hours; and
- (2) be certified by the institution where the training was received as being competent to administer parenteral sedation and competent to handle all emergencies relating to the use of parenteral sedation.

(b) The formal training program required under (a)(1) and (2) of this section must have been sponsored by or affiliated with a college or university accredited by the American Dental Association (ADA) or the Joint Council for the Accreditation of Hospitals (JCAH), a JCAH accredited hospital, or other facility approved by the board.

(c) *Repealed 4/18/2002.*

Authority: AS 08.36.070

12 AAC 28.630. EQUIPMENT, FACILITIES, AND STAFF STANDARDS. (a) A dentist who administers parenteral sedation shall at all times

- (1) use and properly maintain the equipment and facilities necessary for the safe administration and monitoring of parenteral sedation; and
- (2) have a trained ancillary staff that is capable of handling the procedures, problems, and emergencies that may occur related to parenteral sedation, including proficiency in cardiopulmonary resuscitation and current certification in basic life support techniques.

(b) Before the issuance of a parenteral sedation permit and during the term of the permit, the board will, in its discretion, require an on-site inspection of the permittee's facilities and equipment and an evaluation of the ancillary staff to determine if the standards set out in 12 AAC 28.600—12 AAC 28.640 have been met. The evaluation may

be carried out by the board or its designated representative. Inspections will be conducted according to the general guidelines described in the Anesthesia Evaluation Manual (Third Edition, copyright 1986), published by the American Association of Oral and Maxillofacial Surgeons.

(c) If, after an inspection, the board finds that a permittee's equipment, facilities, or trained ancillary staff are inadequate to assure safe use of parenteral sedation, the board will notify the applicant in writing and make arrangements for conducting a second inspection. If, after the second inspection, the board finds that the equipment, facilities or trained staff are still inadequate, the board will either deny issuance of or immediately suspend a parenteral sedation permit.

Authority: AS 08.36.070 AS 08.36.248 AS 08.36.315

12 AAC 28.640. MANDATORY REPORTING. (a) If a dental patient dies during or immediately after the administration of parenteral sedation, the permittee shall submit a report of the incident to the board within 48 hours after the death. The report must include

- (1) the name, age, and address of the patient;
- (2) the name of the dentist and other staff present during the incident;
- (3) the address of the facility or office where the incident occurred;
- (4) the medical history of the patient;
- (5) the technique of parenteral sedation being administered at the time of the incident;
- (6) the dosages of drugs administered to the patient;
- (7) a narrative description of the incident including approximate times and evolution of symptoms; and
- (8) any additional information that the department requests and that is relevant to investigating the incident.

(b) If a dental patient experiences complications that require hospitalization during or immediately after the administration of parenteral sedation, the permittee shall submit a report of the incident to the board within 30 days after the occurrence of the incident. The report must include

- (1) the name, age, and address of the patient;
- (2) the name of the dentist and other staff present during the incident;
- (3) the address of the facility or office where the incident occurred;
- (4) the medical history of the patient;
- (5) the technique of parenteral sedation being administered at the time of the incident;
- (6) the dosages of drugs administered to the patient;
- (7) a narrative description of the incident including approximate times and evolution of symptoms; and
- (8) any additional information that the department requests and is relevant to investigating the incident.

(c) If a permittee fails to report an incident in accordance with (a) and (b) of this section, the board will immediately suspend the parenteral sedation permit and may subject the dentist to other disciplinary actions.

Authority: AS 08.01.075 AS 08.36.070 AS 08.36.315
AS 08.01.087 AS 08.36.248

ARTICLE 7. PROFESSIONAL PRACTICES.

Section

700. Identification of dental prosthesis

710. (Repealed)

720. Administration of nitrous oxide

730. Control over professional dental matters and operation of dental equipment

12 AAC 28.700. IDENTIFICATION OF DENTAL PROSTHESIS. All non-metal full base dentures shall be permanently identified with the first initial and last name of the owner at the time of processing of the dentures.

Authority: AS 08.36.070

12 AAC 28.710. USE OF LASER DEVICES. *Repealed 11/15/2005.*

12 AAC 28.720. ADMINISTRATION OF NITROUS OXIDE. (a) A dentist may delegate the administration of nitrous oxide to a dental hygienist who is licensed under AS 08.32 and has completed a course of instruction in administering nitrous oxide that meets the requirements of (b) or (c) of this section. The dentist shall provide either direct or indirect supervision of a dental hygienist administering nitrous oxide.

(b) A course of instruction for administering nitrous oxide, provided by an organization accredited by the Commission on Dental Accreditation of the American Dental Association, must contain a minimum of three hours of clinical and three hours of didactic instruction.

(c) A course of instruction approved by the board must contain

- (1) a minimum of three hours of clinical instruction sufficient to establish the hygienists' ability to
 - (A) inspect, operate, and decontaminate nitrous oxide delivery and scavenging systems;
 - (B) properly induce nitrous oxide conscious sedation; and
 - (C) recognize and counteract complications;
- (2) a minimum of three hours of didactic instruction including
 - (A) sedation techniques;
 - (B) physiology of respiration and pharmacology of nitrous oxide;
 - (C) nitrous oxide machines;
 - (D) induction techniques; and
 - (E) complications and their management;
- (3) procedures for determining whether the hygienist has acquired the necessary knowledge and proficiency to administer nitrous oxide sedation.
- (d) A dentist shall ensure that a patient receiving nitrous oxide is observed at all times, and that any adverse reaction or complication is reported to the dentist immediately.
- (e) In this section,
 - (1) "administration of nitrous oxide" means dispensing, applying, or offering nitrous oxide to a dental patient;
 - (2) "direct supervision" has the meaning given in AS 08.32.190;
 - (3) "indirect supervision" has the meaning given in AS 08.32.190.

Authority: AS 08.32.110 AS 08.36.070

12 AAC 28.730. CONTROL OVER PROFESSIONAL DENTAL MATTERS AND OPERATION OF DENTAL EQUIPMENT. In evaluating whether a person has engaged in the practice of dentistry under AS 08.36.360, the board will consider that a person "exercises control over professional dental matters or the operation of dental equipment" if the person determines, interprets, specifies, limits, prescribes, regulates, or otherwise controls by policy, lease, or other arrangement

- (1) the use of dental equipment or material while the equipment or material is being used for the provision of dental treatment, whether the treatment is provided by the dentist, a dental hygienist, or a dental assistant;
- (2) the selection of a course of treatment for the patient, the procedures, or materials to be used as part of the course of treatment and the manner in which the course of treatment is carried out by the dentist;
- (3) the patient records of a dentist;
- (4) policies and decisions relating to fees, rebates, billing, and advertising if the practice would result in the violation of AS 08.36 or this chapter, including the Principles of Ethics and Code of Professional Conduct adopted by reference under 12 AAC 28.905;
- (5) decisions relating to the use of auxiliary personnel for the delivery of patient care in the dentist's practice and the hours of practice if the hours would impair the dentist's ability to safely and professionally deliver care for patients.

Authority: AS 08.36.070 AS 08.36.360

ARTICLE 8. RESTORATIVE FUNCTIONS BY DENTAL HYGIENISTS.

Section

- 750. Restorative functions by dental hygienists**
- 760. Approval of restorative function courses for dental hygienists**
- 770. Requirements for restorative function courses for dental hygienists**
- 780. Renewal of dental hygienist's restorative function license endorsement**

12 AAC 28.750. RESTORATIVE FUNCTIONS BY DENTAL HYGIENISTS. (a) The board will issue an endorsement to perform restorative functions to a dental hygienist licensed in this state who meets the requirements of AS 08.32.085 and this section.

- (b) An applicant for an endorsement under this section must submit to the department
 - (1) a complete, notarized application on a form provided by the department;
 - (2) the applicable fees under 12 AAC 02;
 - (3) verification that the applicant has successfully completed either
 - (A) a restorative function program accredited by the Commission on Dental Accreditation of the American Dental Association; or
 - (B) another course of instruction approved by the board under 12 AAC 28.760; and
 - (4) verification that the applicant either
 - (A) is licensed in another state or United States territory to perform restorative functions; or
 - (B) within the five years immediately before the date of application for an endorsement under this section, the applicant has passed either the restorative function examination of the Western Regional Examining Board or a

restorative function examination approved by the board as equivalent to the restorative function examination of the Western Regional Examining Board.

Authority: AS 08.32.085 AS 08.32.187 AS 08.36.070

12 AAC 28.760. APPROVAL OF RESTORATIVE FUNCTION COURSES FOR DENTAL HYGIENISTS. The board may, upon its own motion or upon request of any interested person, approve a course of instruction upon receipt of an application that includes

- (1) the name of the course sponsor;
- (2) the name and credentials of the course presenter; and
- (3) a course outline showing that the course content meets the requirements of 12 AAC 28.770.

Authority: AS 08.32.085 AS 08.32.187 AS 08.36.070

12 AAC 28.770. REQUIREMENTS FOR RESTORATIVE FUNCTION COURSES FOR DENTAL HYGIENISTS. A course of instruction for restorative functions for dental hygienists must include

- (1) the physical, chemical, and biological properties of dental materials, including amalgam and composite materials;
- (2) the limitations and acceptability of a dental material based on the physical, chemical, and biological properties of the material;
- (3) proper safety when using dental materials, including appropriate infection control and mercury hygiene;
- (4) dental anatomy and occlusion;
- (5) isolation procedures;
- (6) proper placement and finishing of restorative materials; and
- (7) assessment outcomes that measure the stated goals and objectives.

Authority: AS 08.32.085 AS 08.32.187 AS 08.36.070

12 AAC 28.780. RENEWAL OF DENTAL HYGIENIST'S RESTORATIVE FUNCTION LICENSE ENDORSEMENT. (a) A dental hygienist's endorsement to perform restorative functions expires on the date the dental hygienist's license expires.

(b) A dental hygienist's endorsement to perform restorative functions will be renewed when the dental hygienist's license to practice is renewed.

(c) The board will maintain a registry of dental hygienists who have an endorsement under AS 08.32.085 and 12 AAC 28.750 to perform restorative functions.

Authority: AS 08.32.071 AS 08.32.187 AS 08.36.070
AS 08.32.085

ARTICLE 9. CORONAL POLISHING AND RESTORATIVE FUNCTIONS BY DENTAL ASSISTANTS.

Section

- 810. Coronal polishing by dental assistants**
- 820. Approval of coronal polishing courses**
- 830. Requirements for coronal polishing courses**
- 840. Renewal of coronal polishing certificate**
- 850. Restorative functions by dental assistants**
- 860. Approval of restorative function courses for dental assistants**
- 870. Requirements for restorative function courses for dental assistants**
- 880. Renewal of dental assistant's restorative function certificate**

12 AAC 28.810. CORONAL POLISHING BY DENTAL ASSISTANTS. (a) The board will issue a certificate to perform coronal polishing to a dental assistant who meets the requirements of AS 08.36.342 and this section.

- (b) An applicant for certification under this section must submit to the department
 - (1) a complete, notarized application on a form provided by the department;
 - (2) the following fees:
 - (A) \$50 nonrefundable application fee;
 - (B) \$50 certification fee;
 - (3) either

(A) verification of successful completion of a course of instruction approved by the board under 12 AAC 28.820; or

(B) if the applicant is currently licensed or certified in another licensing jurisdiction to perform coronal polishing, evidence showing that the applicant's license or certificate to perform coronal polishing is current and in good standing in that licensing jurisdiction and a list of course of instruction for coronal polishing; the board will only approve the course of instruction under this subparagraph if it substantially complies with the requirements set out in 12 AAC 28.830.

Authority: AS 08.36.070 AS 08.36.342 AS 08.36.346

12 AAC 28.820. APPROVAL OF CORONAL POLISHING COURSES. The board may, upon its own motion or upon request of any interested person, approve a course of instruction upon receipt of an application that includes

- (1) the name of the course sponsor;
- (2) the name of the instructor presenting the course;
- (3) a course outline showing that the course content meets the requirements of 12 AAC 28.830;
- (4) an explanation of the evaluation procedures used to determine successful completion of the course.

Authority: AS 08.36.070 AS 08.36.342

12 AAC 28.830. REQUIREMENTS FOR CORONAL POLISHING COURSES. A course of instruction in coronal polishing must include didactic and clinical instruction in

- (1) characteristics of abrasives used for polishing;
- (2) aerosol production during polishing;
- (3) effects of heat production during polishing;
- (4) removal of tooth structure by polishing;
- (5) indications and contraindications of polishing;
- (6) selective polishing techniques;
- (7) coronal polishing by removing soft plaque and stain from exposed enamel utilizing appropriate rotary instrument and suitable polishing agent; and
- (8) proper infection control techniques while performing rotary coronal polishing.

Authority: AS 08.36.070 AS 08.36.342

12 AAC 28.840. RENEWAL OF CORONAL POLISHING CERTIFICATE. (a) A dental assistant certificate to perform coronal polishing must be renewed biennially on or before December 31 of even-numbered years. In order to renew a certificate to perform coronal polishing, a dental assistant must submit to the department a

- (1) completed application for renewal on a form provided by the department; and
- (2) \$50 certificate renewal fee.

(b) The board will maintain a registry of dental assistants certified to perform coronal polishing under AS 08.36.342.

Authority: AS 08.36.070 AS 08.36.342

12 AAC 28.850. RESTORATIVE FUNCTIONS BY DENTAL ASSISTANTS. (a) The board will issue a certificate to perform restorative functions to a dental assistant in this state who meets the requirements of AS 08.36.344 and this section.

- (b) An applicant for certification under this section must submit to the department
- (1) a complete, notarized application on a form provided by the department;
 - (2) the following fees:
 - (A) \$50 nonrefundable application fee;
 - (B) \$50 certification fee;
 - (3) verification that the applicant has successfully completed either
 - (A) a restorative function program accredited by the Commission on Dental Accreditation of the American Dental Association; or
 - (B) another course of instruction approved by the board under 12 AAC 28.860; and
 - (4) verification that the applicant either
 - (A) has legal authorization from another state or jurisdiction to perform restorative functions; or
 - (B) within the five years immediately before the date of application for a certificate under this section, the applicant has passed either the restorative function examination of the Western Regional Examining Board or a restorative function examination approved by the board as equivalent to the restorative function examination of the Western Regional Examining Board.

Authority: AS 08.36.070 AS 08.36.344

12 AAC 28.860. APPROVAL OF RESTORATIVE FUNCTION COURSES FOR DENTAL ASSISTANTS. The board may, upon its own motion or upon request of any interested person, approve a course of instruction upon receipt of an application that includes

- (1) the name of the course sponsor;
- (2) the name and credentials of the course presenter; and
- (3) a course outline showing that the course content meets the requirements of 12 AAC 28.870.

Authority: AS 08.36.070 AS 08.36.344

12 AAC 28.870. REQUIREMENTS FOR RESTORATIVE FUNCTION COURSES FOR DENTAL ASSISTANTS. (a) A course of instruction for restorative functions for dental assistants must include

- (1) the physical, chemical, and biological properties of dental materials, including amalgam and composite materials;
- (2) the limitations and acceptability of a dental material based on the physical, chemical, and biological properties of the material;
- (3) proper safety when using dental materials, including appropriate infection control and mercury hygiene;
- (4) dental anatomy and occlusion;
- (5) isolation procedures;
- (6) proper placement and finishing of restorative materials; and
- (7) assessment outcomes that measure the stated goals and objectives.

Authority: AS 08.36.070 AS 08.36.344

12 AAC 28.880. RENEWAL OF DENTAL ASSISTANT'S RESTORATIVE FUNCTION CERTIFICATE. (a) A dental assistant's restorative function certificate must be renewed biennially on or before December 31 of even-numbered years.

(b) The board will maintain a registry of dental assistants certified under AS 08.36.344 and 12 AAC 28.850 to perform restorative functions.

Authority: AS 08.36.070 AS 08.36.344

ARTICLE 10. GENERAL PROVISIONS.

Section

- 900. Current address**
- 905. Ethical standards**
- 908. Additional qualifications for licensure**
- 910. Denial of dental license**
- 912. Denial of dental hygiene license**
- 915. Application deadline for personal interview**
- 920. CPR certification**
- 925. Lapsed licenses**
- 930. (Repealed)**
- 935. Dental hygienist licensure by examination**
- 937. Dental hygienist licensure by credentials**
- 940. Dental licensure by examination**
- 950. (Repealed)**
- 951. Dental licensure by credentials**
- 952. Dental specialty license**
- 955. Courtesy license**
- 956. Collaborative agreement requirements**
- 960. Registration of dental radiological equipment**
- 965. Inspection of dental radiological equipment**
- 970. Registration and inspection forms; review of completed forms**
- 990. Definitions**

12 AAC 28.900. CURRENT ADDRESS. A licensee shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file for an active, inactive or lapsed license is the address of the licensee for official communications, notifications and service of legal process.

Authority: AS 08.36.070(a) AS 08.36.080

12 AAC 28.905. ETHICAL STANDARDS. (a) The "Code of Ethics for Dental Hygienists", as set out in the American Dental Hygienists' Association document titled 2001-2002 Bylaws—Code of Ethics, is adopted by reference as the ethical standards for dental hygienists and applies to all dental hygienists in the state.

(b) The American Dental Association's Principles of Ethics and Code of Professional Conduct, with official advisory opinions revised to April 2002, is adopted by reference as the ethical standards for dentists and applies to all dentists in the state.

Authority: AS 08.01.070 AS 08.36.070 AS 08.36.110
AS 08.32.160

Editor's note: A copy of the "Code of Ethics for Dental Hygienists" adopted by reference in 12 AAC 28.905 is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska or may be obtained from the American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611-3980. A copy of the Principles of Ethics and Code of Professional Conduct, adopted by reference in 12 AAC 28.905, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska, or may be obtained from the American Dental Association, Council on Ethics, Bylaws and Judicial Affairs, 211 East Chicago Avenue, Chicago, IL 60611.

12 AAC 28.908. ADDITIONAL QUALIFICATIONS FOR LICENSURE. (a) In addition to the requirements of AS 08.32 and the other requirements of this chapter, to be eligible for licensure as a dental hygienist an applicant shall provide, with the application, on a form provided by the department and signed by the applicant,

(1) a statement that the applicant understands that a licensed dental hygienist shall adhere to the ethical standards for dental hygienists that are established by the board, and that failure to adhere to the ethical standards may result in the imposition of a sanction that is described in AS 08.32.160; and

(2) a certification that the applicant, if licensed as a dental hygienist, will adhere to the ethical standards.

(b) In addition to the requirements of AS 08.36 and the other requirements of this chapter, to be eligible for licensure as a dentist, an applicant shall provide, with the application, on a form provided by the department and signed by the applicant,

(1) a statement that the applicant understands that a licensed dentist shall adhere to the ethical standards for dentists that are established by the board, and that failure to adhere to the ethical standards may result in the imposition of a sanction that is described in AS 08.36.315; and

(2) a certification that the applicant, if licensed as a dentist, will adhere to the ethical standards.

Authority: AS 08.01.070 AS 08.36.070 AS 08.36.110
AS 08.32.160

12 AAC 28.910. DENIAL OF DENTAL LICENSE. (a) The board will deny an application for a dental license by examination if the applicant does not meet the requirements of AS 08.36.110 and the applicable requirements of this chapter.

(b) The board will deny an application for a dental license by credentials if the applicant does not meet the requirements of AS 08.36.234 and the applicable requirements of this chapter.

(c) The board may deny an application for a dental license for the same reasons that the board may impose disciplinary sanctions upon a licensee under AS 08.36.315.

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.315
AS 08.36.100 AS 08.36.234

12 AAC 28.912. DENIAL OF DENTAL HYGIENE LICENSE. (a) The board will deny an application for a dental hygiene license by examination if the applicant does not meet the requirements of AS 08.32.020 and the applicable requirements of this chapter.

(b) The board will deny an application for a dental hygiene license by credentials if the applicant does not meet the requirements of AS 08.36.030 and the applicable requirements of this chapter.

(c) The board may deny an application for a dental hygiene license for the same reasons that the board may impose disciplinary sanctions upon a licensee under AS 08.32.160.

Authority: AS 08.32.020 AS 08.32.100 AS 08.36.070
AS 08.32.030 AS 08.32.160

12 AAC 28.915. APPLICATION DEADLINE FOR PERSONAL INTERVIEW. To be scheduled for a personal interview as required in AS 08.36.234(a)(3), an applicant for licensure by credentials must file with the division a complete application at least 45 days before the meeting of the board at which the interview will be

conducted. An application is considered complete when the completed application form, all supporting documents required in AS 08.36.234 and 12 AAC 28.951, and the application and credential review fees required in 12 AAC 02.190 are filed with the division.

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

12 AAC 28.920. CPR CERTIFICATION. Certification in cardiopulmonary resuscitation (CPR) techniques required under AS 08.36.070 for a license or license renewal must be based upon training equivalent to that required for completion of a CPR course certified by the American Heart Association or American Red Cross.

Authority: AS 08.32.110 AS 08.36.070 AS 08.36.110

12 AAC 28.925. LAPSED LICENSES. (a) A dental license or dental hygienist license that has been lapsed for at least 60 days but less than one year will be reinstated if the applicant

- (1) submits a completed application for renewal;
- (2) pays the renewal fee established in 12 AAC 02.190(a)(4), (a)(8), (b)(5), (b)(6), and (b)(14), as applicable; and
- (3) submits satisfactory documentation to verify the completion of the continuing education requirements in 12 AAC 28.400.

(b) Except as provided in (c) of this section, a dental license that has been lapsed for at least one year but less than five years, or a dental hygienist license that has been lapsed at least one year but no more than two years, will be reinstated if the applicant

- (1) meets the requirements of (a) of this section;
- (2) arranges for reports to be sent directly to the department from the National Practitioner Data Bank and the American Association of Dental Examiners Clearinghouse for Board Actions;
- (3) arranges for verification of licensure to be sent directly to the division from each state where the applicant holds or has ever held a license as a dentist or dental hygienist; and
- (4) is qualified for a license under AS 08.32 or AS 08.36.

(c) After notice and hearing, the board may refuse to reinstate a dental license or dental hygienist license for the same reasons that the board may impose disciplinary sanctions against a licensee under AS 08.32 or AS 08.36, and under this chapter.

Authority: AS 08.32.081 AS 08.36.070 AS 08.36.250

12 AAC 28.930. INACTIVE LICENSE RENEWAL. *Repealed 12/5/2009.*

12 AAC 28.935. DENTAL HYGIENIST LICENSURE BY EXAMINATION. (a) The board will issue a license by examination to practice dental hygiene to an applicant who meets the requirements of AS 08.32.020 and this section.

- (b) An applicant for license under this section shall submit
- (1) a complete, notarized application on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.190;
 - (3) as required under 12 AAC 28.908(a), a signed statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(a);
 - (4) an authorization from the applicant for release of the applicant's records to the department;
 - (5) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental hygiene licenses that the applicant holds or has ever held in any jurisdiction;
 - (6) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques that meets the requirements of 12 AAC 28.920, or a waiver agreement that meets the requirements of AS 08.36.070(a)(12);
 - (7) a copy of the applicant's certificate of examination from the Western Regional Examining Board (WREB) showing that the applicant has passed the clinical examination conducted by WREB within the five years immediately preceding the date of application;
 - (8) a copy of the applicant's certificate of examination that meets the requirements of AS 08.32.020(a)(4).

(c) In addition to the requirements of (b) of this section, an applicant for licensure by examination must pass the written Alaska jurisprudence examination authorized under AS 08.32.060 and conducted by the board with a passing score of at least 70 percent.

(d) In addition to the requirements of AS 08.32.020, and (b) and (c) of this section, an applicant under this section who has not previously held a dental hygiene license in any jurisdiction before the 90 days immediately preceding the date of application shall arrange for and ensure the submission of the results of a level III Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS.

(e) In addition to the requirements of (b) and (c) of this section, an applicant under this section who currently holds or has ever held a dental hygiene license in any jurisdiction before the 90 days immediately preceding the date of application shall

- (1) submit the results of a level II Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS; and
- (2) verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license.

Authority: AS 08.32.020 AS 08.32.060 AS 08.32.070
AS 08.32.040

Editor's note: Information regarding the examination required under 12 AAC 28.935(b)(7) may be obtained from the Western Regional Examining Board (WREB), 2400 West Dunlap Avenue, Suite 155, Phoenix, AZ, 85021-2826; telephone: (602) 944-3315, or the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. An application for a Professional Background Information Services (PBIS) credential review under 12 AAC 28.935 may be obtained from PBIS, 23460 North 19th Avenue, Suite 225, Phoenix, Arizona, 85027; telephone: (602) 861-5867.

12 AAC 28.937. DENTAL HYGIENIST LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice dental hygiene under this section to an applicant who meets the requirements of AS 08.32.030 and this section.

- (b) An applicant for a license under this section shall submit to the department
- (1) a complete, notarized application on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.190;
 - (3) an authorization from the applicant for release of the applicant's records to the department;
 - (4) an affidavit from the applicant that lists the license number and the name of the jurisdiction for all dental hygiene licenses that the applicant holds or has ever held in any jurisdiction.

(c) In addition to the requirements of (a) and (b) of this section, an applicant for a license under this section shall arrange for and ensure the submission of the results of a level II Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS. The credential review must include

- (1) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques for the applicant that meets the requirements of 12 AAC 28.920;
- (2) a copy of the applicant's certificate of examination that meets the requirements of AS 08.32.020(4);
- (3) as required under 12 AAC 28.908(a), a statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(a);
- (4) an affidavit from the applicant stating for each of the two years immediately preceding application
 - (A) the dates and locations where the applicant has practiced dental hygiene;
 - (B) that the applicant has been in continuous active clinical practice averaging at least 700 hours a year for each of the two years immediately preceding application, as required under AS 08.32.030(3);
- (5) if the applicant is or has ever been employed as a dental hygienist with a federal agency, verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed;
- (6) verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license;
- (7) affidavits from three licensed dentists or licensed dental hygienists stating the applicant has been in continuous active clinical practice averaging at least 700 hours a year for each of the two years immediately preceding application.

(d) In addition to the requirements of this section, an applicant for a dental hygiene license must document completion of the jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.32 – 08.36 and this chapter relating to the practice of dental hygienist.

Authority: AS 08.32.030 AS 08.32.070 AS 08.36.070

Editor's note: An application for a Professional Background Information Services (PBIS) credential review under 12 AAC 28.937 may be obtained from PBIS, 23460 North 19th Avenue, Suite 225, Phoenix, Arizona, 85027; telephone: (602) 861-5867.

12 AAC 28.940. DENTAL LICENSURE BY EXAMINATION. (a) The board will issue a license by examination to practice dentistry to an applicant who meets the requirements of AS 08.36.110 and this section.

- (b) An applicant for a license under this section shall submit
- (1) a complete, notarized application on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.190;
 - (3) an affidavit by the applicant stating the applicant is not an impaired practitioner;

- (4) as required under 12 AAC 28.908(b), a statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(b);
 - (5) an authorization from the applicant for release of the applicant's records to the department;
 - (6) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental licenses that the applicant holds or has ever held in any jurisdiction;
 - (7) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques that meets the requirements of 12 AAC 28.920, or a waiver agreement that meets the requirements of AS 08.36.070(a)(12);
 - (8) a copy of the applicant's certificate of examination from the Western Regional Examining Board (WREB) showing that the applicant has passed the clinical examination conducted by WREB within the five years immediately preceding the date of application;
 - (9) a copy of the applicant's certificate of examination that meets the requirements of AS 08.36.110(1)(B).
- (c) In addition to the requirements of (a) and (b) of this section, an applicant for licensure by examination must pass the written Alaska jurisprudence examination authorized under AS 08.36.110 and conducted by the board with a passing score of at least 70 percent.

(d) In addition to the requirements of (a) — (c) of this section, an applicant who has not previously held a dental license in any jurisdiction before the 90 days immediately preceding the date of application or in any foreign country, shall arrange for and ensure the submission of the results of a level III Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS.

(e) In addition to the requirements of (a) — (c) of this section, an applicant who has ever been licensed in a jurisdiction before the 90 days immediately preceding the date of application or has ever been licensed to practice dentistry in a foreign country shall submit

- (1) the results of a level II Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS;
- (2) verification of the status of the applicant's registration with the Drug Enforcement Administration (DEA), sent directly to the department from DEA, even if the applicant is not currently registered with the DEA; and
- (3) verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental license.

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.180

***Editor's note:** Information regarding the examination required under 12 AAC 28.940(b)(8) may be obtained from the Western Regional Examining Board (WREB), 2400 West Dunlap Avenue, Suite 155, Phoenix, AZ, 85021-2826; telephone: (602) 944-3315, or the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. An application for a Professional Background Information Services (PBIS) credentials review required under 12 AAC 28.940(c) may be obtained from PBIS, 23460 North 19th Avenue, Suite 225, Phoenix, Arizona, 85027; telephone: (602) 861-5867.*

12 AAC 28.950. CESSATION OF LICENSING BY CREDENTIALS. *Repealed 2/18/93.*

12 AAC 28.951. DENTAL LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice dentistry to an applicant who meets the requirements of AS 08.36.234 and this section.

- (b) An applicant for a license under this section shall submit to the department
- (1) a complete, notarized application on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.190;
 - (3) an authorization from the applicant for release of the applicant's records to the department;
 - (4) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental licenses that the applicant holds or has ever held in any jurisdiction;

(5) verification of the status of the applicant's registration with the Drug Enforcement Administration (DEA), sent directly to the department from DEA, even if the applicant is not currently registered with the DEA.

(c) In addition to the requirements of (a) and (b) of this section, an applicant for a license under this section shall arrange for and ensure submission of the results of a level II Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS. The credential review must include

- (1) verification of the status of the applicant's registration with the Drug Enforcement Administration (DEA), sent directly from DEA, even if the applicant is not currently registered with the DEA;
- (2) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques that meets the requirements of 12 AAC 28.920, or a waiver agreement that meets the requirements of AS 08.36.070(a)(12);
- (3) a copy of the applicant's certificate of examination that meets the requirements of AS 08.36.234(a)(1)(A);
- (4) an affidavit from the applicant stating the applicant is not impaired to an extent that affects the applicant's ability to practice dentistry;

(5) as required under 12 AAC 28.908(b), a statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(b);

(6) an affidavit from the applicant stating for each of the five years immediately preceding application

(A) the dates and locations where the applicant has practiced dentistry;

(B) that the applicant has been in continuous active clinical practice averaging at least 20 hours per week for each of the five years immediately preceding application as required under AS 08.36.234(a)(1)(D);

(7) copies of certificates showing the applicant has completed the continuing education required under AS 08.36.234(a)(1)(H);

(8) if the applicant is or has ever been employed as a dentist with a federal agency, verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed;

(9) a certification from the applicable licensing jurisdiction or testing agency, that verifies that a state, territory, or region of the United States where the applicant passed a written and clinical dental examination and has been licensed to practice dentistry has, at the time the applicant applies for licensure by credentials in this state, licensing requirements at least generally equivalent to those of this state;

(10) verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental license;

(11) affidavits from three licensed dentists stating the applicant has been in continuous active clinical practice averaging at least 20 hours per week for each of the five years immediately preceding application;

(12) three professional references from licensed dentists that reflect clinical skills that meet the standard of care, ability to exercise sound professional judgment, and professional ethics that meet the code established by the American Dental Association's *Principles of Ethics and Code of Professional Conduct* adopted by reference in 12 AAC 28.905(b).

(d) In addition to the requirements of (b) and (c) of this section, an applicant for licensure by credentials must pass the written Alaska jurisprudence examination authorized under AS 08.36.234 and conducted by the board with a passing score of at least 70 percent.

(e) To determine whether the examination portion of the licensing requirements of another jurisdiction are generally equivalent to those of this state, the examinations for licensure in that jurisdiction must include at least six of the following subject areas and their components or characteristics:

(1) periodontics; clinical abilities testing;

(2) endodontics; clinical abilities testing;

(3) amalgam; clinical abilities testing;

(4) cast gold; clinical abilities testing;

(5) prosthetics; written or clinical abilities testing;

(6) oral diagnosis; written or clinical abilities testing;

(7) other restorative procedure; clinical abilities testing;

(8) standardization and calibration of examiners and anonymity between candidates and grading examiners.

(f) If the licensing requirements of another jurisdiction are determined to not be generally equivalent to those of this state because a subject area specified in (e)(1) – (7) of this section was not included in the other jurisdiction's licensing examination, the board will determine under AS 08.36.234(a)(1)(B) that the applicant meets the requirements for that subject area if the applicant holds a specialty certification in the omitted subject area.

(g) The personal interview of the applicant required in AS 08.36.234(a)(3) will be scheduled as provided in 12 AAC 28.915.

(h) In this section, "clinical abilities testing" means an examination that

(1) evaluates a candidate's performance of a procedure or portion of a procedure;

(2) is conducted for the purpose of demonstrating an acceptable level of practical skill in a subject; and

(3) uses a live patient, laboratory simulation, or interactive computer simulation.

Authority: AS 08.36.070 AS 08.36.234

Editor's note: An application for a Professional Background Information Services (PBIS) credential review under 12 AAC 28.951(c) may be obtained from PBIS, 23460 North 19th Avenue, Suite 225, Phoenix, Arizona, 85027; telephone: (602) 861-5867.

12 AAC 28.952. DENTAL SPECIALTY LICENSE. (a) The board will issue a dental specialty license to an applicant who meets the requirements of AS 08.36.246 and this section.

(b) An applicant for a dental specialty license under this section shall submit to the department

(1) a complete, notarized application on a form provided by the department;

(2) the applicable application and license fees established in 12 AAC 02.190;

(3) a copy of the certification or other documentation acceptable to the board that shows that the applicant has completed as many academic years of advanced education in the specialty as are required at the time of application under this section by the appropriate specialty board in a program that is accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency;

(4) a copy of the certification or other documentation acceptable to the board that shows that the applicant is a diplomate or the equivalent of the appropriate specialty board, or is eligible to be examined for diplomate status as documented by an organization recognized by the American Dental Association;

(5) verification that the applicant meets the requirements of AS 08.36.246(a)(4) by having

(A) passed an examination approved by the board; or

(B) been certified by a specialty certification board recognized by the American Dental Association;

(6) an authorization from the applicant for release of the applicant's records to the department;

(7) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental licenses that the applicant holds or has ever held in any jurisdiction; and

(8) verification of the status of the applicant's registration with the Drug Enforcement Administration (DEA), sent directly to the department from DEA, even if the applicant is not currently registered with the DEA;

(9) *repealed 3/29/2008.*

(c) In addition to the requirements of (b) of this section, an applicant for a license under this section shall arrange for and ensure the submission of the results of a level II Professional Background Information Services (PBIS) credentials review conducted by PBIS, sent directly to the department from PBIS. The credential review must include

(1) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques that meets the requirements of 12 AAC 28.920, or a waiver agreement that meets the requirements of AS 08.36.070(a)(12);

(2) an affidavit from the applicant stating the applicant is not impaired to an extent that affects the applicant's ability to practice dentistry;

(3) if the applicant is licensed as a dentist in any licensing jurisdiction, copies of certificates showing the applicant has completed continuing education hours to equal 14 hours per year, or 42 hours during the three years immediately preceding the date of application;

(4) if the applicant is, or has ever been, employed as a dentist with a federal agency, verification of the applicant's current employment status and disciplinary history from each federal agency where the applicant is or has been employed as a dentist;

(5) verification of the current status of the applicant's dental license, and complete information regarding any disciplinary action or investigation taken or pending, from each licensing jurisdiction where the applicant holds, or has ever held, a dental license;

(6) as required under 12 AAC 28.908(b), a statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(b);

(7) three professional references from licensed dentists verifying that the applicant's clinical skills meet the standard of care, ability to exercise sound professional judgment, and professional ethics required by the American Dental Association's *Principles of Ethics and Code of Professional Conduct* adopted by reference in 12 AAC 28.905(b).

(d) In addition to the requirements of (b) and (c) of this section, an applicant for a dental specialty license must document completion of the jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.36 and this chapter.

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.246

Editor's note: *A list of accredited programs described in 12 AAC 28.952(b)(3) may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska or American Dental Association Commission on Dental Accreditation, 211 East Chicago Ave., Chicago, IL 60611-2678. An application for a Professional Background Information Services (PBIS) credentials review required under 12 AAC 28.952(c) may be obtained from PBIS, 23460 North 19th Avenue, Suite 225, Phoenix, Arizona 85027; telephone: (602) 861-5867.*

12 AAC 28.955. COURTESY LICENSE. (a) The board will issue a courtesy license to practice dentistry or dental hygiene for only a limited purpose that is approved by the board under (b) of this section to an applicant who meets the requirements of this section. The board will specify the limitations on scope of the approved practice and duration of the courtesy license. A courtesy license does not authorize the licensee to practice dentistry or dental hygiene outside the limited purpose that is specified on the courtesy license.

(b) The board will consider a limited purpose for a courtesy license to be the practice of dentistry or dental hygiene to underserved persons by a dentist or dental hygienist who has entered a written contract with a non-profit organization, charitable organization, or governmental agency.

(c) An applicant for a courtesy license under this section shall submit to the department a completed, notarized application on a form provided by the department. An application must include

(1) the applicable application and license fees established in 12 AAC 02.190;

(2) a description of the scope of practice of dentistry or dental hygiene required to perform the duties for which the courtesy license is to be issued; the description must include the practice location, duration of practice,

and patient population to be seen; the applicant must demonstrate to the board's satisfaction that the scope of practice of dentistry or dental hygiene is for a limited purpose set out in this section;

(3) a verification of a current license to practice dentistry or dental hygiene in good standing in another state or other jurisdiction with requirements at least equivalent to those of this state at the time of application under this section and that the licensee is not under investigation in the state or other jurisdiction in which the applicant is licensed; and

(4) a description in sufficient detail for the board to evaluate the circumstances under which the applicant will be practicing under any courtesy license issued, including the name and license number of the supervising dentist licensed to practice in this state if the applicant is working in a supervised clinic.

(d) A courtesy license issued under this section is nonrenewable and is valid for a period not to exceed 90 days or the duration of the limited purpose approved under this section for the courtesy license holder, whichever is less. A person may not be issued more than one courtesy license under this section in a 12-month period.

(e) A courtesy license holder may not use a courtesy license

(1) for the purposes of locum tenens coverage;

(2) to serve in place of a temporary or other license under AS 08.32 or AS 08.36;

(3) for the purposes of employment consideration, if licensure is required under AS 08.32 or AS 08.36; or

(4) for receipt of remuneration directly or indirectly for practicing dentistry or dental hygiene requiring licensure under this chapter.

(f) A holder of a courtesy license for dental hygiene may practice only under this section and under the general supervision of a dentist licensed in Alaska.

(g) While practicing under a courtesy license issued under this section, the holder of the courtesy license is obligated to uphold the standards of practice identified in AS 08.32, AS 08.36, and in this title for the relevant provisions, and is subject to the relevant disciplinary provisions in AS 08.32, AS 08.36 and this title for actions taken or omitted while practicing under the courtesy license.

(h) The board may refuse to issue a courtesy license for the same reasons that it may impose disciplinary sanctions against a licensee under AS 08.32.160, 08.32.165, and AS 08.36.315.

(i) In this section,

(1) "remuneration" does not include reimbursement for actual reasonable expenses incurred for travel, food, and lodging;

(2) "underserved persons" means individuals and groups of individuals whose access to dental health care in this state is limited or nonexistent due to geographic or economic factors, including low income and rural residence.

Authority:	AS 08.01.062	AS 08.32.165	AS 08.36.234
	AS 08.32.160	AS 08.36.110	AS 08.36.315

12 AAC 28.956. COLLABORATIVE AGREEMENT REQUIREMENTS. (a) The board may approve a collaborative agreement between a dental hygienist licensed under AS 08.32 and a dentist licensed under AS 08.36 and who is affiliated with an active dental practice in this state, if the collaborative agreement meets the requirements of AS 08.32.115 and that the dental hygiene and the dental licenses are in good standing. The applicant must submit

(1) a completed, notarized application on the form provided by the department, which includes the names and license numbers of the collaborating dentist and dental hygienist, and the name and location of the dentist's affiliated practice;

(2) the applicable fees required in 12 AAC 02.190;

(3) an affidavit stating that the applicant has a minimum of 4,000 hours of clinical experience within the five years preceding the date of application;

(4) a copy of current certification in cardiopulmonary resuscitation (CPR) techniques for the applicant that meets the requirements of 12 AAC 28.920;

(5) a copy of the applicant's and the collaborating dentist's current professional liability policy or declaration page that includes the policy number and expiration date;

(6) an evidence of continuing educational courses meeting the requirements of the collaborative agreement;

(7) a written agreement including

(A) identification of each affiliated practice setting in which the dental hygienist may engage in dental hygiene practice under the collaborative agreement relationship;

(B) identification of the procedures that can be performed in accordance with AS 08.32.110 and standing orders that the dental hygienist must follow;

(C) a requirement that the dental hygienist refer patients who have been assessed by the dental hygienist to the affiliated dentist for treatment or planning that is outside of the dental hygienist's scope of practice;

(D) starting and ending dates of the collaboration;

(E) patient record location.

(b) The dental hygienist and the affiliated dentist must notify the board of any amendments to the agreement.

(c) The board may not approve a collaborative agreement to a dental hygienist if

(1) the affiliated dentist has five current collaborative agreements under this section;

(2) the applicant or affiliated dentist is under unresolved investigation under AS 08.32 – 08.36 or this chapter, or a similar provision of another jurisdiction;

(3) the applicant or affiliated dentist is the subject of adverse disciplinary action under AS 08.32 – 08.36 or this chapter, or a similar provision of another jurisdiction.

(d) In addition to the continuing education requirements in 12 AAC 28.400 – 12 AAC 28.420, a dental hygienist who wishes to practice under a collaborative agreement must

(1) complete an additional four contact hours of continuing education per biennial license renewal period in one or more of the following subject areas:

(A) medical emergencies;

(B) pediatric and other special health care needs;

(C) pharmacology;

(D) oral pathology;

(E) public health or other eleemosynary facility, relating to, or supporting charity;

(F) patient management;

(G) general medicine and physical diagnosis;

(H) jurisprudence relating to unsupervised practice.

(e) An affiliated dentist in a collaborative agreement must

(1) be available to provide contact, communication, and consultation with the affiliated dental hygienist;

(2) adopt standing orders applicable to dental hygiene procedures that may be performed by the dental hygienist.

(f) A dental hygienist authorized in a collaborative agreement

(1) may perform any dental operations or other services the dental hygienist is authorized to perform under AS 08.32.110 and this chapter, and those dental operations and other services authorized under the collaborative agreement, if approved by the board;

(2) must maintain contact, communication, and consultation with the affiliated dentist; and

(3) before performing any dental hygiene services, shall assess the patient, gather data, interpret the data, determine the patient's dental hygiene treatment needs, and formulate a patient care plan.

(g) A dental hygienist authorized in a collaborative agreement shall

(1) maintain dental charts and other records for the patients who are treated by the dental hygienist; the collaborative agreement must specify where these records are to be secured;

(2) document in the patient's official chart the name of the affiliated dentist;

(3) document all referrals.

(h) A collaborative agreement

(1) expires immediately on date agreed upon by the collaborating dental hygienist and dentist and approved by the board;

(2) may not have a term exceeding two years.

(i) If a dental hygienist and affiliated dentist in a collaborative agreement end their affiliation before the expiration date of the collaborative agreement, each shall notify the board within 30 days of the end of the affiliation.

(j) Before or upon the expiration of the collaborative agreement, the board may renew a collaborative agreement if the applicant submits a new completed application under this section.

(k) The board shall maintain in registry of all current collaborative agreements.

Authority: AS 08.32.115 AS 08.32.187 AS 08.36.070

12 AAC 28.960. REGISTRATION OF DENTAL RADIOLOGICAL EQUIPMENT. (a) Dental radiological equipment with a valid registration from the Department of Health and Social Services under AS 18.85.010 as of September 6, 1998 is considered registered with the board under AS 08.36.075 and this section.

(b) The owner or lessee of dental radiological equipment installed before 11/7/99 that does not meet the requirements of (a) of this section must register the equipment with the board on or before 5/5/2000.

(c) The owner or lessee of dental radiological equipment that is installed on or after 11/7/99 must register the equipment with the board within 60 days after the date of installation.

(d) The owner or lessee of dental radiological equipment that is registered under this section shall notify the board, in writing, within 60 days after the equipment is sold, relocated, or no longer in use.

(e) To register dental radiological equipment, the owner or lessee of the equipment shall submit a completed registration form, adopted by reference in 12 AAC 28.970(b).

(f) Upon receipt of a completed registration form, the board will issue a registration seal to the owner or lessee of the equipment if it meets the requirements of AS 08.36.075, this section, and 12 AAC 28.965. The owner or lessee of the equipment shall ensure that the registration seal is attached to the equipment that is registered under this section.

Authority: AS 08.36.070 AS 08.36.075

Editor's note: A copy of the list of dental radiological equipment registered under 12 AAC 28.960(a) is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806.

12 AAC 28.965. INSPECTION OF DENTAL RADIOLOGICAL EQUIPMENT. (a) The owner or lessee of dental radiological equipment must have that equipment inspected within six years from the date that the equipment was first registered with the board under 12 AAC 28.960. The owner or lessee of dental radiological equipment must have that equipment inspected again at least once during every six-year period following the initial inspection.

(b) The inspection of dental radiological equipment must

(1) be performed by an inspector who is on the list maintained under (d) of this section;

(2) be documented by the inspector on the form adopted by reference in 12 AAC 28.970(c); and

(3) meet or exceed, and must determine whether the equipment meets or exceeds, the standards applicable to dental radiological equipment in the "Suggested State Regulations for the Control of Radiation", Part F, published by the Conference of Radiation Control Program Directors, Inc., December, 2001 edition, adopted by reference.

(c) To perform an inspection under this section, an inspector must submit to the board documentation of meeting the minimum qualifications as a Radiological Health Specialist I for the state as set out in AS 08.36.075(a).

(d) The board will maintain a list of the inspectors who have demonstrated to the board that they meet the requirements of (c) of this section.

(e) Upon receipt of a form documenting an inspection that meets the requirements of AS 08.36.075 and this section, the board will issue to the owner or lessee of the dental radiological equipment, an inspection seal indicating the date by when the equipment must be inspected again. The owner or lessee shall ensure that the inspection seal is placed on the equipment in a location visible to persons operating the equipment.

(f) Owners or lessees of dental radiological equipment shall maintain records that document compliance with the requirements of AS 08.36.075(d), 12 AAC 28.960, and this section.

(g) If an inspector who is on the list maintained under (d) of this section inspects dental radiological equipment and determines that the equipment meets the requirements of (b)(3) of this section, the inspector may issue to the owner or lessee of the equipment an inspection seal for that equipment indicating the date by which the dental radiological equipment must be inspected again. The owner or lessee of the equipment shall ensure that the inspection seal is placed on the equipment in a location visible to persons operating the equipment.

(h) An inspector who is on the list maintained under (d) of this section and who performs an inspection of dental radiological equipment shall complete and submit the form titled "Inspection of Dental Radiological Equipment," adopted by reference in 12 AAC 28.970(c), to the department within 20 days after the inspection.

Authority: AS 08.36.070 AS 08.36.075

Editor's note: A copy of the "Suggested State Regulations for the Control of Radiation", Part F, published by the Conference of Radiation Control Program Directors, Inc., December, 2001 edition, adopted by reference in 12 AAC 28.965, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or may be obtained from the Conference of Radiation Control Directors, Inc., 205 Capitol Avenue, Frankfort, KY 40601-2832; telephone: (502) 227-4543.

12 AAC 28.970. REGISTRATION AND INSPECTION FORMS; REVIEW OF COMPLETED FORMS.

(a) A completed copy of a form adopted by reference in this section demonstrates whether the requirements for a registration seal or inspection seal for dental radiological equipment have been met. If the information on a completed form does not establish that the requirements of AS 08.36.075, and of 12 AAC 28.960 and 12 AAC 28.965, as applicable, have been met, a registration seal or inspection seal will not be issued unless the board further reviews the form and determines that those requirements have been met.

(b) The form titled "Radiological Equipment Registration Form," dated September 2005, is adopted by reference. This form is established by the board for review by staff of the registration of dental radiological equipment under 12 AAC 28.960.

(c) The form titled "Inspection of Dental Radiological Equipment," dated September 2005, is adopted by reference. This form is established by the board for use by inspectors of dental radiological equipment, and for review by staff of the documentation of the inspection of that equipment, under 12 AAC 28.965.

Authority: AS 08.36.070 AS 08.36.075

Editor's note: The forms listed in 12 AAC 28.970 are available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806; phone (907) 465-2542.

12 AAC 28.990. DEFINITIONS. (a) In this chapter

(1) "administer local anesthetic agents" means the administration of local anesthetic agents by injection, both infiltration and block, limited to the oral cavity, for the purposes of pain control;

(2) "board" means the Board of Dental Examiners;

(3) "department" means the Department of Commerce, Community, and Economic Development;

(4) "general anesthesia" means a controlled state of unconsciousness intentionally produced by anesthetic agents and accompanied by partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command;

(5) "parenteral sedation" means a depressed level of consciousness produced by the parenteral administration of pharmacologic substances that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command. Parenteral sedation is not a form of general anesthesia, and brief interludes of unconsciousness during sedation do not bring parenteral sedation within the scope of general anesthesia;

(6) "radiological equipment" means a control panel and associated radiological tubeheads capable of exposing a dental patient to x-rays; and

(7) "American Association of Dental Examiners Clearinghouse for Board Actions" means the American Association of Dental Examiners information source described in AS 08.36.110(1)(F) and AS 08.36.234(1)(J).

(8) "coronal polishing" means removal of supragingival plaque and stains from teeth without calculus, including the removal of soft deposits, such as materia alba, plaque, and stains from the anatomical crowns of the teeth;

(9) "restorative function" means, under the direct supervision of a licensed dentist, to place restorations into a cavity prepared by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration.

(b) In AS 08.32, AS 08.36, and this chapter, unless the context requires otherwise, "jurisdiction" means a state or territory of the United States.

Authority:	AS 08.32.085	AS 08.36.070	AS 08.36.344
	AS 08.32.140	AS 08.36.342	AS 08.36.346