



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
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October 31, 2016

Dear licensees and interested parties:

Alaska's professional licensing statutes (AS 08.01.065) require the Division of Corporations, Business and Professional Licensing (CBPL) to "annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation." Alaska's licensing fee statutes go on to say, "If the review indicates that an occupation's fee collections and regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations...to implement the adjustments."

The Division has conducted a thorough fee analysis and has determined that fee increases are necessary to comply with the statute listed above: to prevent the program from going into a deficit position and to continue to deliver the current level of service of the dental licensing program. Program expenses have slowly been depleting its surplus for several years, and the program will be very close to deficit by the end of this fiscal year. Although fees were increased in FY2015, they were not set high enough to stem the program's depleting surplus. Barring any unforeseen circumstances, this increase will stabilize the program and prevent the need for an even larger increase later.

The Board of Dental Examiners reviewed the fee analysis at its September 23, 2016, meeting and unanimously agreed with the changes proposed by the Division. The proposed fee amounts are enclosed and can also be found on the Board's web page at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofDentalExaminers.aspx>.

This fee proposal is entering a public comment period. The Division encourages all licensees and interested parties to comment on this proposal through the Division's Paralegal, whose contact information is enclosed on the public notice. After the comment period closes and the Division reviews all comments received, the Division may adopt the regulation as drafted, may amend a proposed fee, or may withdraw the regulations in part or in its whole.

All comments received will be reviewed and taken into consideration prior to adopting the final regulations. The final decision will result in the fee to be implemented during next spring's license renewal.

Follow the instructions enclosed to make written comments during the public comment period. Comments must be addressed to Marilyn Zimmerman, Paralegal, PO Box 110806, Juneau, AK 99811, or RegulationsAndPublicComment@alaska.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janey Hovenden".

Janey Hovenden
Director

Encl.

**NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR
PROFESSIONS REGULATED BY THE BOARD OF DENTAL EXAMINERS IN THE
REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to change occupational license and continuing education fees charged to dentists and hygienists.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02, of the Alaska Administrative Code, dealing with occupational licensing fees for professions regulated by the Board of Dental Examiners, including the following:

12 AAC 02.190, Board of Dental Examiners, is proposed to be changed to alter the application fees, license fees, permit fees, renewal fees, and continuing education fees for dentists and hygienists.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing program for the Board of Dental Examiners and proposes fee changes that reflect, to the extent possible, the actual costs of the activities related to the program.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/183421>, and using the comment link. **The comments must be received not later than 5:00 p.m. on December 2, 2016.** Comments received after this deadline will not be considered by the Department.

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at marilyn.zimmerman@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System or on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofDentalExaminers.aspx>. The Department may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov not later than November 23, 2016, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-Fees-2017.pdf>.

After the public comment period ends, the Department will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.065; AS 08.01.100; AS 08.32.030; AS 08.32.070; AS 08.32.071; AS 08.32.081; AS 08.36.250

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.01.100; AS 08.32.030; AS 08.32.070; AS 08.32.071; AS 08.32.081; AS 08.36.250

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 10/31/2016

/s/
Marilyn Zimmerman, Paralegal
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

**ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))**

- 1. Adopting agency:** Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing.
- 2. General subject of regulation:** Occupational licensing fees.
- 3. Citation of regulation:** 12 AAC 02.190.
- 4. Department of Law file number:** To be assigned.
- 5. Reason for the proposed action:** Compliance with state statute.
- 6. Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
- 7. Estimated annual cost to comply with the proposed action to:**
A private person: Increase will range from \$10 to \$100 depending on type of license.
Another state agency: None known.
A municipality: None known.
- 8. Cost of implementation to the state agency and available funding (in thousands of dollars):** No costs are expected in FY2017 or in subsequent years.
- 9. The name of the contact person for the regulation:**
Sara Chambers, Division Operations Manager
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2144
E-mail: sara.chambers@alaska.gov
- 10. The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.

Date: 10/31/2016

Prepared by: /s/
Marilyn Zimmerman, Paralegal
(907) 465-2532

Chapter 02. General Occupational Licensing Functions.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 02.190 is amended to read:

12 AAC 02.190. Board of Dental Examiners. (a) The following fees for dental hygienists are established:

(1) nonrefundable application fee for

(A) initial license, \$100;

(B) courtesy license, \$50;

(C) initial restorative function endorsement, **\$100** [\$60];

(D) local anesthetic permit, **\$100** [\$60];

(2) repealed 12/13/2014;

(3) license fee for all or part of the initial biennial license period, **\$200** [\$150];

(4) biennial license renewal fee, **\$200** [\$150];

(5) local anesthetic permit, **\$100** [\$60];

(6) credential review fee, \$110;

(7) local anesthetic permit renewal fee, **\$100** [\$60];

(8) courtesy license fee, \$50;

(9) restorative function endorsement fee, for all or part of the initial endorsement period, \$60;

(10) restorative function endorsement renewal fee, \$60.

(b) The following fees for dentists are established:

(1) nonrefundable application fee for

- (A) initial license by examination, \$600;
- (B) repealed 12/13/2014;
- (C) courtesy license, \$50;
- (D) repealed 12/13/2014;
- (E) parenteral sedation or general anesthetic permit, \$100;
- (2) nonrefundable application and review fee for license by credentials, \$1,000;
- (3) repealed 12/13/2014;
- (4) license fee for all or part of the initial biennial license period, **\$450** [\$350];
- (5) repealed 12/13/2014;
- (6) biennial license renewal fee, **\$450** [\$350];
- (7) repealed 12/13/2014;
- (8) repealed 12/13/2014;
- (9) parenteral sedation permit fee for all or part of the initial biennial permit period, \$1,000;
- (10) biennial parenteral sedation permit renewal fee, **\$350** [\$250];
- (11) repealed 12/13/2014;
- (12) general anesthetic permit fee for all or part of the initial biennial permit period, \$1,000;
- (13) biennial general anesthetic permit renewal fee, **\$350** [\$250];
- (14) courtesy license fee, \$50.

(c) The following fees are established for submission of dental and dental hygiene continuing education courses for approval under 12 AAC 28.410:

- (1) initial continuing education course submittal fee, **\$50** [\$40];

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(2) continuing education course resubmittal fee, **\$50** [\$30]. (Eff. 11/20/86, Register 100; am 10/1/88, Register 107; am 2/18/93, Register 125; am 5/28/93, Register 126; am 10/29/94, Register 132; am 11/15/96, Register 140; am 4/19/97, Register 142; am 11/24/2000, Register 156; am 6/21/2001, Register 158; am 4/10/2003, Register 166; am 12/24/2006, Register 180; am 12/27/2007, Register 184; am 12/12/2008, Register 188; am 4/17/2011, Register 198; am 12/13/2014, Register 212; am __/__/__, Register __)

Authority: AS 08.01.065 AS 08.32.070 AS 08.32.081
AS 08.01.100 AS 08.32.071 AS 08.36.250
AS 08.32.030