Board of Dental Examiners Teleconference 11/9/18

Nov 9, 2018 10:00 AM - 12:00 PM AKST

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Item 1

- Call to Order/Roll Call

Board Roster

September 28, 2018

Paul Silveira, DMD – Board President

Gail Walden, RDH, BSDH, Board Secretary

David Neilson, DDS

Paula Ross, RDH

Thomas Kovaleski, DDS

Steven Scheller, DDS

Michael Moriarty, DDS

Dominc Wenzell, DDS

Robin Wahto, Public Member

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING
BOARD OF DENTAL EXAMINERS

MISSION STATEMENT

To protect the health, safety, and welfare of Alaskans by ensuring that practitioners possess competency, ethical standards, and integrity necessary to offer or deliver quality services to consumers.

VISION STATEMENT

To ensure that all Alaskans receive the best possible dental care.

EXECUTIVE SESSION MOTION

Sec. 44.62.310. government meetings public.

(c) The following subject may be considered in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential;

(4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

In accordance with the provisions of Alaska Statute 44.62.310 (c) (1) (2) (3) or (4) [*select appropriate paragraph number above*], I move to go into executive session for the purpose of discussing:

_____

_____

Board staff to remain during the session, *OR* Board only to remain during session.

Off the record at _____.

Example: 1

In accordance with the provisions of AS 44.62.310 (c)(2), I move to go into executive session for the purpose of discussing the license application of (name). Board staff (names) to remain during the session.

Example: 2

In accordance with the provisions of AS 44.62.310(c)(3), I move to go into executive session for the purpose of discussing investigative matters. Board staff (names) to remain during the session.

Statutes and Regulations

Dentists and Dental Hygienists

September 2018

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

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CHAPTER 32.
DENTAL HYGIENISTS AND ASSISTANTS.

Article

1. **Examination and Licensing of Dental Hygienists (§ 08.32.010—§ 08.32.095)**
2. **Regulation of Dental Hygienists (§ 08.32.110—§ 08.32.180)**
3. **General Provisions (§ 08.32.185—§ 08.32.190)**

ARTICLE 1.
EXAMINATION AND LICENSING OF DENTAL HYGIENISTS.

Section.

10. License required
14. Qualifications for license
30. Licensure by credentials
70. Licensing of dental hygienists
71. Renewal of license
81. Lapse and reinstatement of license
85. Restorative function license endorsement
95. Exemption from license requirement

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.

Sec. 08.32.014. Qualifications for license. (a) An applicant for a license to practice dental hygiene shall

(1) provide evidence to the board that the applicant

(A) has successfully completed an academic program in dental hygiene of at least two years duration that, at the time of graduation, is accredited by the Commission on Dental Accreditation of the American Dental Association and is approved by the board;

(B) has passed a written theory examination of the American Dental Association Joint Commission on National Dental Examinations or an equivalent examination approved by the board;

(C) has successfully passed a state or regional dental hygiene clinical examination approved by the board;

(D) has not had a license to practice dental hygiene revoked, suspended, or voluntarily surrendered in this state or another state;

(E) is not the subject of an adverse decision based on 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;

(F) is not the subject of an unresolved or adverse decision based on a complaint, investigation, review procedure, or other disciplinary proceeding undertaken by a state, territorial, local, or federal dental licensing jurisdiction 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 as a dental hygienist or on the safety or well-being of patients;

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

(H) is not impaired to an extent that affects the applicant's ability to practice as a dental hygienist;

(I) has not been convicted of a crime that adversely reflects on the applicant's ability or competency to practice as a dental hygienist or that jeopardizes the safety or well-being of a patient; and

(2) meet the other qualifications for a license established by the board by regulation.

(b) An applicant for a license to practice dental hygiene may be interviewed in person by the board or a designee of the board. The interview must be recorded. If the application is denied on the basis of the interview, the denial shall be stated in writing, with the reasons for it, and the record shall be preserved.

Sec. 08.32.020. Examination required. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

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 08.32.014;

(2) submits proof of continued competence as specified in regulations adopted by the board;

(3) is currently licensed to practice dental hygiene in another state or territory of the United States; and

(4) pays the fees established under AS 08.01.065.

Sec. 08.32.035. Temporary License. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.32.040. Application and fee. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.32.060. Frequency and content of examination. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.32.070. Licensing of dental hygienists. The board shall issue each successful applicant a license upon payment of all required fees.

Sec. 08.32.071. Renewal of license. At least 60 days before expiration of a dental hygienist's license, the Department of Commerce, Community, and Economic Development shall notify the licensed dental hygienist. Each licensee who wishes to renew a dental hygienist's license shall submit a completed license renewal form, 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 dental hygienist license valid for a stated number of years. Failure to receive notification from the department under this section does not exempt a licensee from renewing the licensee's dental hygienist license.

Sec. 08.32.081. Lapse and reinstatement of license. A licensed dental hygienist who does not pay the renewal fee under AS 08.32.071 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 licensed dental hygienist if the licensee furnishes evidence satisfactory to the board that the licensee has

(1) successfully completed a course offered by or under the auspices of a program accredited by the Commission on Dental Accreditation of the American Dental Association or other equivalent course or program 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, certified, or otherwise permitted 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 student in an accredited dental hygiene program may perform dental hygiene procedures as part of a course of study without a license if

(1) the procedures are performed under the

(A) general supervision of a member of the faculty who is licensed under AS 08.36, and under the direct or indirect supervision of a member of the faculty who is licensed under this chapter; or

(B) direct or indirect supervision of a member of the faculty who 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. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

ARTICLE 2.
REGULATION OF DENTAL HYGIENISTS.

Section

110. Scope of practice of dental hygienists
115. Collaborative agreements
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. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

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) under the general supervision of a licensed dentist,

(A) perform preliminary charting and triage to formulate a dental hygiene assessment and dental hygiene treatment plan;

(B) remove calcareous deposits, accretions, and stains from the exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing techniques;

(C) remove marginal overhangs;

(D) use local periodontal therapeutic agents;

(E) perform nonsurgical periodontal therapy;

(F) 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;

(G) if certified by the board, administer local anesthetic agents; and

(2) if certified by the board and under the direct or indirect supervision of a licensed dentist, administer and monitor nitrous oxide-oxygen conscious sedation.

(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) dental diagnosis, comprehensive 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; or

(3) other procedures that require the professional competence and skill of a dentist.

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

(e) This section does not prohibit a licensed dental hygienist

(1) with an endorsement issued under AS 08.32.085 from performing the activities authorized under AS 08.32.085;

(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; or

(3) from performing a dental operation, procedure, or service a dentist may delegate to a dental assistant under AS 08.36.346.

Sec. 08.32.115. Collaborative agreements. (a) If the collaborative agreement is approved by the board under (d) of this section, a licensed 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 licensed dentist in which the licensed dentist authorizes the licensed 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 to formulate a dental hygiene assessment and dental hygiene treatment plan;

(7) the exposure and development of 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 licensed 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 licensed dental hygienist shall notify the board of the termination of a collaborative agreement with a licensed dentist.

Sec. 08.32.120. Place of employment. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.32.130. Information required. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.32.140. Supervision required. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.32.150. Revocation of dentist's license. *[Repealed, Sec. 32 ch 49 SLA 1980. For current law, see AS 08.36.315]*.

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, certificate, or endorsement;

(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;

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

(8) performed clinical procedures without being under the supervision of a licensed dentist;

(9) did not conform to professional standards in delivering dental hygiene services to patients regardless of whether actual injury to the patient occurred.

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 by Sec. 15 ch 59 SLA 1978]*.

Sec. 08.32.171. Disciplinary sanctions. (a) *[Repealed, Sec. 49 ch 94 SLA 1987]*.

(b) *[Repealed, Sec. 49 ch 94 SLA 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, Sec. 49 ch 94 SLA 1987]*.

(e) *[Repealed, Sec. 49 ch 94 SLA 1987]*.

Sec. 08.32.180. Penalty for violations. (a) 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.

(b) Notwithstanding AS 08.01.075(a)(8), the board may impose a civil fine not to exceed $25,000 for each violation of this chapter or a regulation adopted under this chapter.

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 Department of Veterans Affairs, United States Indian Health Service, or another agency of the federal government, in the discharge of official duties;

(3) a dental hygienist licensed in another state or jurisdiction 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;

(4) a dental hygienist employed in the state by an Indian health program, as that term is defined in 25 U.S.C. 1603, while providing dental hygiene services to a person the Indian health program is entitled to serve under 25 U.S.C. 450 et seq. (Indian Self-Determination and Education Assistance Act), as amended, and 25 U.S.C. 1601 et seq. (Indian Health Care Improvement Act), as amended.

(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) "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;

(3) "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;

(4) "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;

(5) "licensed dental hygienist" means a dental hygienist licensed under this chapter;

(6) "licensed dentist" means a dentist licensed under AS 08.36.

CHAPTER 36.
DENTISTRY.

Article

1. **Board of Dental Examiners (§ 08.36.010—§ 08.36.091)**
2. **Examination and Licensing (§ 08.36.100—§ 08.36.250)**
3. **Unlawful Acts (§ 08.36.315—§ 08.36.340)**
4. **Dental Assistants (§ 08.36.342—§ 08.36.349)**
5. **General Provisions (§ 08.36.350—§ 08.36.370)**

ARTICLE 1.
BOARD OF DENTAL EXAMINERS.

Section

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

Sec. 08.36.010. Creation and membership of board; oath; seal. (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 who does not have a direct financial interest in the health care industry.

(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.

(c) Each member shall take an oath of office. The president or secretary elected under AS 08.36.030 may administer oaths. The oath shall be filed and preserved in the department.

(d) The board shall adopt a seal.

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 and term of officers. (a) The board shall elect from among its members

(1) a president who is a licensed dentist or licensed dental hygienist; and

(2) a secretary.

(b) Officers elected under (a) of this section 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 the credentialing, registration, and licensure of those applicants it finds qualified;

(2) maintain a registry of licensed dentists, licensed dental hygienists, and registered dental assistants who are in good standing;

(3) affiliate with the American Association of Dental Boards 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, registration documents, 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 a license, registration, or certificate under this chapter or a license, certificate, or endorsement under AS 08.32 is contingent on proof of continued professional competence; the regulations must require that a licensee receive not less than two hours of education in pain management and opioid use and addiction in the two years preceding an application for renewal of a license, unless the licensee has demonstrated to the satisfaction of the board that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number;

(8) at least annually, cause to be published on the Internet and 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;

(9) 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;

(10) require that a licensed dentist who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(o).

(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;

(2) authorize a designee of the board or the board's investigator 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; and

(3) delegate the board's powers to act, hear, and decide matters as authorized by AS 44.62.

Sec. 08.36.073. Investigator. After consulting with the board, the department shall employ a person who is not a member of the board as the investigator for the board. The investigator shall

(1) conduct investigations into alleged violations of this chapter and into alleged violations of regulations and orders of the board;

(2) at the request of the board, conduct investigations based on complaints filed with the department or with the board; and

(3) be directly responsible and accountable to the board, except that only the department has authority to terminate the investigator's employment and the department shall provide day-to-day and administrative supervision of the investigator.

Sec. 08.36.075. Dental radiological equipment. (a) The board shall establish standards that comply with applicable federal law for the registration, use, and inspection of dental radiological equipment, including standards for record keeping relating to the control panels and the use of the equipment. The board may charge a fee for dental radiological equipment registered under this section.

(b) *[Repealed, Sec. 40 ch 53 SLA 2012]*.

(c) *[Repealed, Sec. 40 ch 53 SLA 2012]*.

(d) *[Repealed, Sec. 40 ch 53 SLA 2012]*.

(e) *[Repealed, Sec. 40 ch 53 SLA 2012]*.

(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 registry 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 or registered as a dental assistant, a registry of the licenses, certificates, registrations, and endorsements revoked by the board, and information on the status of each licensee and each registered dental assistant.

ARTICLE 2.
EXAMINATION AND LICENSING.

Section

100. License required
110. Qualifications for license; interview
234. Licensure by credentials
238. Exemption from license requirement
240. Issuance and display of license
250. License renewal, lapse, and reinstatement

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.

Sec. 08.36.110. Qualifications for license; interview. (a) 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 approved by the board;

(B) has successfully passed a written examination approved by the board;

(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 on 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;

(E) is not the subject of an unresolved or an adverse decision based on a complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction 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 Boards 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, including education in pain management and opioid use and addiction in the two years preceding the application for a license, unless the applicant has demonstrated to the satisfaction of the board that the applicant does not currently hold a valid federal Drug Enforcement Administration registration number; approved education may include dental school coursework.

(b) An applicant for licensure may be interviewed in person by the board or by a member of the board before a license is issued. The interview must be recorded. If the application is denied on the basis of the interview, the denial shall be stated in writing, with the reasons for it, and the record shall be preserved.

Sec. 08.36.114. Qualifications for acupuncture applicants. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.36.115. Malpractice insurance. *[Repealed, Sec. 40 ch 177 SLA 1978]*.

Sec. 08.36.120, 08.36.130. Signing, photograph, and filing date of application; Examination. *[Repealed, Sec. 8 ch 47 SLA 2005]*.

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

Sec. 08.36.170. Partial examination. *[Repealed, Sec. 40 ch 100 SLA 1984]*.

Sec. 08.36.180, 08.36.190. Reexamination; Grading of examination. *[Repealed, Sec. 8 ch 47 SLA 2005]*.

Sec. 08.36.200. Waiver of written examination. *[Repealed, Sec. 40 ch 100 SLA 1984]*.

Sec. 08.36.210. - 08.36.220. Waiver of examination and issuance of license by reciprocity. *[Repealed, Sec. 32 ch 49 SLA 1980. For current law, see AS 08.36.234]*.

Sec. 08.36.230. Practice outside the state. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.36.234. Licensure by credentials. (a) The board may waive the examination requirement and license by credentials if the dentist applicant meets the requirements of AS 08.36.110, submits proof of continued competence as required by regulation, pays the required fee, and has

(1) an active license from a board of dental examiners established under the laws of a state or territory of the United States issued after thorough examination; or

(2) passed an examination as specified by the board in regulations.

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

(d) A dentist applying for licensure without examination shall be interviewed in person by the board or by a member of the board before a license is issued. The interview must be recorded. If the application is denied on the basis of the interview, the denial shall be stated in writing, with the reasons for it, and the record shall be preserved.

Sec. 08.36.238. Exemption from license requirement. (a) A person enrolled as a 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. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.36.246. - 08.36.248. Qualification for a specialist license; limitation of special practice; suspension or revocation of specialty licenses. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.36.250. License renewal, lapse, and reinstatement. (a) At least 60 days before expiration of a license issued under this chapter, the department shall notify the licensed dentist. A licensee who wishes to renew a license shall submit a completed license renewal form, the appropriate fee, and evidence of continued professional competence as required by the board. The department shall, as soon as practicable, issue a new license valid for a stated number of years. Failure to receive notification from the department under this subsection does not exempt a licensee from renewing a license to practice dentistry under this chapter.

(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.

(c) A licensed dentist who does not pay the license renewal fee forfeits the dentist's license. The board may reinstate the license without examination within two years after 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. 08.36.260. Branch office registration. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.36.271. Permits for isolated areas. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

Sec. 08.36.290. Fees. *[Repealed, Sec. 40 ch 53 SLA 2012]*.

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, or 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, regardless of whether actual injury to the patient occurred,

(A) that did not conform to minimum professional standards of dentistry; or

(B) when the dentist, or a person under the supervision of the dentist, did not have the permit, registration, or certificate required under AS 08.32 or this chapter;

(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) addiction or dependence on alcohol or other drugs that impair the dentist's ability to practice safely;

(C) 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 08.36.346;

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

(12) falsified or destroyed patient or facility records or failed to maintain a patient or facility record for at least seven years after the date the record was created;

(13) prescribed or dispensed an opioid in excess of the maximum dosage authorized under AS 08.36.355; or

(14) procured, sold, prescribed, or dispensed drugs in violation of a law, regardless of whether there has been a criminal action or harm to the patient.

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, Sec. 49 ch 94 SLA 1987]*.

(b) *[Repealed, Sec. 49 ch 94 SLA 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, Sec. 49 ch 94 SLA 1987]*.

(e) *[Repealed, Sec. 49 ch 94 SLA 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 4.
DENTAL ASSISTANTS.

Section

342. Coronal polishing certificate
344. Restorative function certificate
346. Delegation to dental assistants
347. Exemption from registration requirement
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 course offered by or under the auspices of a program accredited by the Commission on Dental Accreditation of the American Dental Association or other equivalent course or program 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. 08.36.347. Exemption from registration requirement. (a) A person enrolled in a program or course of study may perform dental assisting procedures as part of that program or course of study without a registration document if the procedures are performed

(1) under the direct supervision of a member of the faculty who is licensed under this chapter or AS 08.32; and

(2) as part of a clinical program that has received written approval from the board.

(b) A person performing dental assisting procedures under (a) of this section is subject to all other provisions of this chapter and statutes and regulations that apply to the practice of dental assisting by a registered dental assistant.

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 5.
GENERAL PROVISIONS.

Section

350. Application of chapter
355. Maximum dosage for opioid prescriptions
360. Practice of dentistry defined
365. Rights of dentists
367. Ownership of a dental office or facility
370. Definitions for chapter

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 Department of Veterans Affairs, United States Indian Health Service, or other agency of the federal government, in the discharge of official duties;

(3) 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;

(4) 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;

(5) a dentist employed in the state by an Indian health program, as that term is defined in 25 U.S.C. 1603, while providing dental services to a person the Indian health program is entitled to serve under 25 U.S.C. 450 et seq. (Indian Self-Determination and Education Assistance Act), as amended, and 25 U.S.C. 1601 et seq. (Indian Health Care Improvement Act), as amended.

(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. 08.36.355. Maximum dosage for opioid prescriptions. (a) A licensee may not issue

(1) an initial prescription for an opioid that exceeds a seven-day supply to an adult patient for outpatient use;

(2) a prescription for an opioid that exceeds a seven-day supply to a minor; at the time a licensee writes a prescription for an opioid for a minor, the licensee shall discuss with the parent or guardian of the minor why the prescription is necessary and the risks associated with opioid use.

(b) Notwithstanding (a) of this section, a licensee may issue a prescription for an opioid that exceeds a seven-day supply to an adult or minor patient if, in the professional judgment of the licensee, more than a seven-day supply of an opioid is necessary for

(1) the patient's chronic pain management; the licensee may write a prescription for an opioid for the quantity needed to treat the patient's medical condition or chronic pain; the licensee shall document in the patient's medical record the condition triggering the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; or

(2) a patient who is unable to access a practitioner within the time necessary for a refill of the seven-day supply because of a logistical or travel barrier; the licensee may write a prescription for an opioid for the quantity needed to treat the patient for the time that the patient is unable to access a practitioner; the licensee shall document in the patient's medical record the reason for the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; in this paragraph, "practitioner" has the meaning given in AS 11.71.900.

(c) In this section,

(1) "adult" means

(A) an individual who has reached 18 years of age; or

(B) an emancipated minor;

(2) "emancipated minor" means a minor whose disabilities have been removed for general purposes under AS 09.55.590;

(3) "minor" means an individual under 18 years of age who is not an emancipated minor.

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. 08.36.367. Ownership of a dental office or facility. (a) Only a person who holds a valid license issued under this chapter may own, operate, or maintain a dental practice, office, or clinic. This restriction does not apply to

(1) a labor organization or a nonprofit organization formed by or on behalf of a labor organization for the purpose of providing dental services to rural or underserved populations;

(2) an institution of higher education recognized by the board;

(3) a local government;

(4) an institution or program accredited by the Commission on Dental Accreditation of the American Dental Association to provide education and training;

(5) a nonprofit corporation organized under state law to provide dental services to rural areas and medically underserved populations of migrant, rural community, or homeless individuals under 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(*l*)(2)(B) operating in compliance with other applicable state and federal law;

(6) a nonprofit charitable corporation described in 26 U.S.C. 501(c)(3) (Internal Revenue Code) and determined by the board to be providing dental services by volunteer licensed dentists to populations with limited access to dental care at no charge or a substantially reduced charge.

(b) For the purpose of owning or operating a dental practice, office, or clinic, an entity described in (a) of this section shall

(1) name a licensed dentist as its dental director, who shall be subject to the provisions of AS 08.36.315 and 08.36.317 in the capacity of dental director; the dental director, or an actively licensed dentist designated by the director, shall have responsibility for the entity's practice of dentistry; and

(2) maintain current records of the names of licensed dentists who supervise dental hygienists, dental assistants, and other personnel involved in direct patient care who are employed by the entity; the records must be available to the board upon written request.

(c) Nothing in this chapter precludes a person or entity not licensed by the board from

(1) ownership or leasehold of any tangible or intangible assets used in a dental office or clinic, including real property, furnishings, equipment, and inventory, but not including dental records of patients related to clinical care;

(2) employing or contracting for the services of personnel other than licensed dentists; or

(3) management of the business aspects of a dental office or clinic that do not include the practice of dentistry.

(d) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held by an administrator, executor, personal representative, guardian, conservator, or receiver of the estate of a former shareholder, member, or partner, the administrator, executor, personal representative, guardian, conservator, or receiver may retain the ownership interest for a period of 24 months following the creation of the ownership interest. The board shall extend the ownership period for an additional 24 months upon 30 days' notice and may grant additional extensions upon reasonable request.

(e) In this section, "labor organization" means an organization, not for pecuniary profit, constituted wholly or partly to bargain collectively or deal with employers, including the state and its political subdivisions, concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employees that has existed for at least three years and that has a constitution and bylaws.

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

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

(2) "calculus" means a hardened deposit of mineralized plaque;

(3) "coronal polishing" means the removal of supragingival plaque and stains;

(4) "dental assistant" means a person employed to provide clinical assistance to a dentist licensed in the state;

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

(6) "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;

(7) "licensed dental hygienist" means a dental hygienist licensed under AS 08.32;

(8) "licensed dentist" means a dentist licensed under this chapter;

(9) "registered dental assistant" means a dental assistant registered under this chapter;

(10) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160.

CHAPTER 28.
BOARD OF DENTAL EXAMINERS.

Article

1. **Administration of Deep Sedation, General Anesthesia, Moderate Sedation, and Minimal Sedation (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 and Nitrous Oxide Sedation by Dental Hygienists (12 ACC 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.
ADMINISTRATION OF DEEP SEDATION, GENERAL ANESTHESIA, MODERATE SEDATION, AND MINIMAL SEDATION.

Section

10. Permit requirements for use of deep sedation or general anesthesia
15. Permit requirements for use of moderate sedation, or for use of minimal sedation for a patient younger than 13 years of age
20. (Repealed)
30. Persons other than permit holders
40. Informed written consent
50. Medical history
60. Requirements for administering deep sedation, general anesthesia, moderate sedation, or minimal sedation for a patient younger than 13 years of age
61. Additional requirements for administering deep sedation or general anesthesia
62. Additional requirements for administering moderate sedation, or minimal sedation for a patient younger than 13 years of age
65. Exceptions to permit requirements under 12 AAC 28.010 - 12 AAC 28.080
68. Inspections
70. Suspension or revocation of permit
80. Mandatory reporting
90. Definition

12 AAC 28.010. PERMIT REQUIREMENTS FOR USE OF DEEP SEDATION OR GENERAL ANESTHESIA. (a) Before administering deep sedation or general anesthesia a dentist licensed under AS 08.36 must have a deep sedation or general anesthesia permit issued by the board.

(b) An applicant for an initial or renewed permit to administer deep sedation or general anesthesia must

(1) submit a completed application on a form provided by the board;

(2) submit a dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with all applicable statutes and regulations;

(3) submit, on a form provided by the board, a dated and signed affidavit attesting that the dentist's facility meets the requirements of this chapter for the administration of deep sedation or general anesthesia;

(4) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);

(5) provide proof of current certification in advanced resuscitative techniques with hands-on simulated airway and megacode training for healthcare providers, including basic electrocardiographic interpretation; qualifying certification for an applicant who seeks to treat patients 13 years of age or older includes the American Heart Association's Advanced Cardiac Life Support (ACLS) for Health Professionals; qualifying certification for an applicant who seeks to treat patients younger than 13 years of age includes Pediatric Advanced Life Support (PALS) for Health Professionals; an applicant who seeks to treat patients of any age must also be certified in both ACLS for Health Professionals and PALS for Health Professionals or must be certified in equivalent qualifying certifications

under this paragraph, one for advanced cardiac life support for health professionals and one for pediatric advanced life support for health professionals; and

(6) submit the applicable fees specified in 12 AAC 02.190.

(c) In addition to meeting the requirements of (b) and (d) of this section, an applicant for an initial permit to provide deep sedation or general anesthesia must provide documentation that the applicant

(1) is a member of the American Association of Oral and Maxillofacial Surgery;

(2) successfully completed an advanced educational program in oral maxillofacial surgery accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association; or

(3) successfully completed an advanced educational program in dental anesthesiology accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association.

(d) In addition to meeting the requirements of (b) and (c) of this section, an applicant for an initial permit to provide deep sedation or general anesthesia must provide documentation that

(1) within three years immediately before application, the applicant completed training or education identified in (c)(2) or (3) of this section in general anesthesia or deep sedation;

(2) if more than three years but less than five years have elapsed since completing training or education identified in (c)(2) or (3) of this section in general anesthesia or deep sedation, the applicant completed all continuing education that would have been required for a deep sedation or general anesthesia permit under this section;

(3) if more than three years but less than five years have elapsed since completing training or education identified in (c)(2) or (3) of this section in general anesthesia or deep sedation, the applicant completed a comprehensive review course approved by the board;

(4) if more than five years have elapsed since completing training or education identified in (c)(2) or (3) of this section in general anesthesia or deep sedation, the applicant holds a permit for general anesthesia or deep sedation from another jurisdiction where the applicant is also licensed to practice dentistry and where the applicant completed at least 25 anesthesia cases at the requested permit level not earlier than the 12 months immediately preceding application; or

(5) demonstrates current competency to the satisfaction of the board that the applicant has adequate sedation or anesthesia skill to safely deliver deep sedation or general anesthesia services to the public.

(e) In addition to meeting the requirements of (b) of this section, on or after March 1, 2019, a dentist who seeks to renew a permit to administer deep sedation or general anesthesia must

(1) during each biennial licensing period participate in four or more contact hours of continuing education that relates specifically to hands-on advanced airway management or general anesthesia; if the permit holder provides anesthesia for patients younger than 13 years of age, the course must be a pediatric course;

(2) during each biennial licensing period participate in eight contact hours of continuing education that focuses on one or more of the following:

(A) physical evaluation;

(B) medical emergencies;

(C) monitoring and use of monitoring equipment;

(D) pharmacology of drugs and agents used in deep sedation and general anesthesia;

(3) complete at least 50 general anesthesia or deep sedation cases each biennial licensing period; and

(4) maintain continuing education records that can be audited, including course titles, instructors, dates attended, sponsors, and number of contact hours for each course.

(f) A dentist who has met the requirements of this section to administer deep sedation or general anesthesia to patients younger than 13 years of age will be issued a permit that so indicates.

(g) A permit to administer deep sedation and general anesthesia

(1) will be renewed when the dentist's license to practice is renewed if the dentist demonstrates continued compliance with AS 08.36 and this chapter; and

(2) expires on the date the dentist's license expires.

(h) For purposes of this section,

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

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

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

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

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

Authority:	AS 08.01.065	AS 08.36.100	AS 08.36.234
	AS 08.36.070	AS 08.36.110	AS 08.36.250

12 AAC 28.015. PERMIT REQUIREMENTS FOR USE OF MODERATE SEDATION, OR FOR USE OF MINIMAL SEDATION FOR A PATIENT YOUNGER THAN 13 YEARS OF AGE. (a) Unless exempt under 12 AAC 28.065, before administering moderate sedation to a patient, or minimal sedation to a patient younger than 13 years of age, a dentist licensed under AS 08.36 must have a moderate sedation permit issued by the board.

(b) The requirement to obtain a permit to administer moderate or minimal sedation under this section does not apply to a dentist currently permitted under 12 AAC 28.010 to administer deep sedation and general anesthesia.

(c) A dentist who holds a permit under this section may not administer or employ an agent or technique that has so narrow a margin for maintaining consciousness that the agent or technique is most likely to produce deep sedation or general anesthesia. These agents include ketamine, propofol, brevital, and sodium pentothal.

(d) An applicant for an initial or renewed permit to administer moderate or minimal sedation under this section must

(1) submit a completed application on a form provided by the board;

(2) submit a dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with all applicable statutes and regulations;

(3) submit, on a form provided by the board, a dated and signed affidavit attesting that the dentist's facility meets the requirements of this chapter for the administration of moderate or minimal sedation under this section;

(4) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);

(5) provide proof of current certification in advanced resuscitative techniques with hands-on simulated airway and megacode training for healthcare providers, including basic electrocardiographic interpretation; qualifying certification for an applicant who seeks to treat patients 13 years of age and older includes the American Heart Association's Advanced Cardiac Life Support (ACLS) for Health Professionals; qualifying certification for an applicant who seeks to treat patients younger than 13 years of age includes Pediatric Advanced Life Support (PALS) for Health Professionals; an applicant who seeks to treat patients of any age must also be certified in both ACLS for Health Professionals and PALS for Health Professionals or must be certified in equivalent qualifying certifications under this paragraph, one for advanced cardiac life support for health professionals and one for pediatric advanced life support for health professionals; and

(6) submit the applicable fees specified in 12 AAC 02.190.

(e) In addition to meeting the requirements of (d) and (g) of this section, an applicant for an initial permit to administer moderate sedation to a patient who is at least 13 years of age under this section must provide documentation that the applicant completed either

(1) training in moderate sedation consistent with the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, as adopted by the American Dental Association (ADA) House of Delegates, October 2016, adopted by reference; the applicant must complete the training required under this paragraph while enrolled in

(A) a dental program accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association; or

(B) a post-doctoral university or teaching hospital program; or

(2) a board-approved continuing education course in sedation consistent with the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, adopted by reference in (1) of this subsection; the course must consist of a minimum of 60 hours of instruction plus administration of sedation for at least 20 individually managed patients per participant to establish competency and clinical experience in moderate sedation and management of a compromised airway.

(f) In addition to meeting the requirements of (d) and (g) of this section, an applicant for an initial permit to administer moderate or minimal sedation to a patient who is younger than 13 years of age under this section must provide documentation that the applicant has completed a Commission on Dental Accreditation (CODA) accredited residency in pediatric dentistry or sufficient training in pediatric moderate sedation as determined by the board. The applicant must provide proof of administration of sedation for at least 20 individually managed patients younger than 13 years of age to establish competency and clinical experience in management of a compromised airway.

(g) In addition to meeting the requirements of (d) and (e) of this section, or (f) of this section if administering moderate or minimal sedation to a patient who is younger than 13 years of age, an applicant for an initial permit to provide moderate sedation and minimal sedation under this section must provide documentation that

(1) within three years immediately before application, the applicant completed training or education as required in this section in moderate sedation;

(2) if more than three years but less than five years have elapsed since completing training or education as required in this section in moderate sedation, the applicant completed all continuing education that would have been required for a permit under this section;

(3) if more than three years but less than five years have elapsed since completing training or education as required in this section in moderate sedation, the applicant completed a comprehensive review course approved by the board in moderate sedation;

(4) if more than five years have elapsed since completing training or education as required in this section in moderate sedation, the applicant holds a permit for moderate sedation from another jurisdiction where the applicant is also licensed to practice dentistry and where the applicant completed at least 25 anesthesia cases at the moderate sedation level not earlier than the 24 months immediately preceding application; or

(5) demonstrates current competency to the satisfaction of the board that the applicant has skill in moderate sedation to safely deliver moderate sedation services to the public.

(h) In addition to meeting the requirements of (d) of this section, on or after March 1, 2019, a dentist who seeks to renew a permit to administer moderate or minimal sedation under this section must

(1) during each biennial licensing period participate in four or more contact hours of continuing education that relates specifically to hands-on advanced airway management; if the permit holder provides moderate or minimal sedation for patients younger than 13 years of age, the course must be a pediatric course; contact hours earned from

certification in health care provider basic life support (BLS), advanced cardiac life support (ACLS), and pediatric advanced life support (PALS) courses may be used to meet the continuing education requirements for obtaining or renewing a permit to administer moderate or minimal sedation under this section;

(2) during each biennial licensing period participate in four contact hours of continuing education that focuses on one or more of the following:

(A) venipuncture;
(B) intravenous sedation;
(C) enteral sedation;
(D) physiology;
(E) pharmacology;
(F) nitrous oxide analgesia;
(G) patient evaluation, patient monitoring, or medical emergencies;

(3) complete at least 25 moderate sedation cases each biennial renewal period; and

(4) maintain continuing education records that can be audited, including course titles, instructors, dates attended, sponsors, and number of contact hours for each course.

(i) A dentist who holds a permit for parenteral sedation that the board issued before April 14, 2018 will be issued a moderate sedation permit immediately.

(j) A dentist who has met the requirements of this section to administer moderate or minimal sedation to patients younger than 13 years of age will be issued a permit that so indicates.

(k) A permit to administer moderate or minimal sedation under this section

(1) will be renewed when the dentist's license to practice is renewed if the dentist demonstrates continued compliance with AS 08.36 and this chapter; and

(2) expires on the date the dentist's license expires.

(*l*) For purposes of this section,

(1) one contact hour equals 50 minutes of instruction;
(2) one academic semester credit hour equals 15 contact hours;
(3) one academic quarter credit equals 10 contact hours; and
(4) one continuing education credit equals one contact hour.

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

Authority:	AS 08.01.065	AS 08.36.100	AS 08.36.234
	AS 08.36.070	AS 08.36.110	AS 08.36.250

Editor's note: A copy of the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, adopted by reference in 12 AAC 28.015, or an electronic equivalent may be obtained by contacting the American Dental Association, 211 East Chicago Ave., Chicago, Illinois 60611-2678; Internet address: http://www.ada.org/en/~/media/ADA/Advocacy/Files/anesthesia_use_guidelines.

12 AAC 28.020. OPERATIVE PROCEDURE. Repealed 6/24/2012.

12 AAC 28.030. PERSONS OTHER THAN PERMIT HOLDERS. (a) In addition to a dentist holding a valid permit under 12 AAC 28.010 or 12 AAC 28.015, the following persons may administer deep sedation, general anesthesia, or moderate sedation:

(1) a certified registered nurse anesthetist with a valid license under AS 08.68 and 12 AAC 44 from the Board of Nursing;

(2) a physician with a valid license under AS 08.64 and 12 AAC 40 from the State Medical Board to practice anesthesiology.

(b) A dentist employing or collaborating with a person described in (a)(1) or (2) of this section must establish a written agreement with that person to guarantee that, when deep sedation, general anesthesia, or moderate sedation is provided, all facility, equipment, monitoring, and training requirements for all personnel under this chapter have been met. The dentist shall provide the written agreement to the board.

(c) The dentist employing or collaborating with a person described in (a)(1) or (2) of this section must

(1) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);

(2) provide all dental treatment and ensure that the person described in (a)(1) or (2) of this section remains in the dental facility until the patient receiving anesthesia or sedation services is discharged;

(3) ensure that all sedation and anesthesia records provided by the person described in (a)(1) or (2) of this section are maintained as a permanent part of the patient's treatment record; and

(4) notify the board at the initiation of the employment or collaboration by filing notice of the written agreement, on a form provided by the board; the dentist must notify the board of any amendments to the agreement when a dental license is renewed.

Authority: AS 08.36.070

12 AAC 28.040. INFORMED WRITTEN CONSENT. Before administering deep sedation, general anesthesia, or moderate sedation, and before administering minimal sedation to a patient younger than 13 years of age, a dentist shall

(1) discuss with the patient, or with the patient's parent, legal guardian, or caregiver if the patient is younger than 13 years of age, the nature and objectives of the sedation and anesthesia along with the risks, benefits, and alternatives;

(2) obtain informed written consent of the patient or of the parent or legal guardian; and

(3) maintain a copy of the informed written consent in the patient's permanent record.

Authority: AS 08.36.070

12 AAC 28.050. MEDICAL HISTORY. (a) Before administering deep sedation, general anesthesia, or moderate sedation to a patient, and before administering minimal sedation to a patient younger than 13 years of age, a dentist shall

(1) obtain and record the patient's medical history, including

(A) a description of all current treatments;

(B) all current medications and dosages;

(C) assessment of the patient's body mass index (BMI);

(D) impending operations;

(E) pregnancies; and

(F) other information that may be helpful to the person administering the sedation or anesthesia; and

(2) record the questions asked of and answers received from the patient, parent, legal guardian, or caregiver, signed by the patient, parent, legal guardian, or caregiver, as a permanent part of the patient's treatment record.

(b) The dentist is not required to make a medical examination of the patient and draw medical diagnostic conclusions. If the dentist suspects a problem and calls in a physician for an examination, the dentist may rely upon the physician's conclusion and diagnosis.

Authority: AS 08.36.070

12 AAC 28.060. REQUIREMENTS FOR ADMINISTERING DEEP SEDATION, GENERAL ANESTHESIA, MODERATE SEDATION, OR MINIMAL SEDATION FOR A PATIENT YOUNGER THAN 13 YEARS OF AGE. (a) The document *Guidelines for the Use of Sedation and General Anesthesia by Dentists*, as adopted by the American Dental Association (ADA) House of Delegates, October 2016, is adopted by reference as the standards for administering deep sedation, general anesthesia, and moderate sedation to patients 13 years of age and older and applies to all licensees subject to this chapter, unless otherwise specified in this chapter.

(b) The document *Guideline for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures*, developed and endorsed by the American Academy of Pediatrics and the American Academy of Pediatric Dentistry, adopted in 2006 and reaffirmed in 2011, is adopted by reference as the standards for administering deep sedation, general anesthesia, moderate sedation, and minimal sedation to patients younger than 13 years of age and applies to all licensees subject to this chapter, unless otherwise specified in this chapter.

(c) When a patient younger than 13 years of age requires sedation or anesthesia, a sedating medication may not be prescribed for or administered to that patient before the patient arrives at the dentist's facility.

(d) When deep sedation, general anesthesia, moderate sedation, or minimal sedation to a patient younger than 13 years old is administered, the dentist

(1) shall record baseline vital signs before administration of a controlled substance and before discharge, unless the patient's behavior prevents this determination; in this paragraph "controlled substance" has the meaning given in AS 11.71.900;

(2) shall continually monitor a patient's heart rate, blood pressure, and respiration using electrocardiographic monitoring, pulse oximetry, a blood pressure monitoring device, and a respiration monitoring device;

(3) shall record sedation and anesthesia records in a timely manner; the records must include

(A) blood pressure;

(B) heart rate;

(C) respiration;

(D) blood oxygen saturation;

(E) drugs administered, including dosages, the time that drugs were administered, and the route of administration;

(F) the length of the procedure;

(G) the patient's temperature; if depolarizing medications or volatile anesthetics are administered, temperature must be monitored constantly; and

(H) any complications from anesthesia or sedation;

(4) shall stop the dental procedure if a patient enters a deeper level of sedation than the dentist is permitted to provide until the patient returns to, and is stable at, the intended level of sedation; while returning the patient to the

intended level of sedation, the patient's pulse, respiration, blood pressure, and pulse oximetry must be monitored and recorded at least every five minutes;

(5) may not discharge a patient until the person who administered the sedation or anesthesia, or another practitioner qualified to administer the same level of sedation or anesthesia, determines that the patient's level of consciousness, oxygenation, ventilation, and circulation are satisfactory for discharge and vital signs have been taken and recorded;

(6) shall give postoperative instructions verbally and in writing; the written instructions must include a 24-hour emergency telephone number that directly calls the dental provider;

(7) shall discharge the patient to a responsible individual who has been instructed with regard to the patient's care; and

(8) shall make a discharge entry in the patient's record describing the patient's condition upon discharge and the responsible party to whom the patient was discharged.

(e) When deep sedation, general anesthesia, moderate sedation, or minimal sedation to a patient younger than 13 years of age is administered, the dentist's facility shall

(1) have an operating table or chair that permits the patient to be positioned so the operating team can maintain the airway, quickly alter patient position in an emergency, and provide a firm platform for the administration of basic life support;

(2) have a lighting system that is adequate to permit evaluation of the patient's skin and mucosal color, and a backup lighting system of sufficient intensity to permit conclusion of the operation when power fails;

(3) have suction equipment capable of aspirating gastric contents from the mouth and pharyngeal cavities, and a backup suction device that does not depend on power supply from the facility;

(4) have an oxygen delivery system with adequate full face masks and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, and an adequate portable backup system;

(5) have a recovery area that has available oxygen, adequate lighting, suction, and electrical outlets, though the recovery area can be the operating area;

(6) have a defibrillator or automated external defibrillator (AED) available and in reach within 60 seconds from any area where anesthesia or sedation is administered;

(7) have written basic emergency procedures established and maintain a staff of supervised personnel capable of handling procedures, complications, and emergency incidents; all personnel involved in patient care must hold a certification in healthcare professional cardiopulmonary resuscitation (CPR);

(8) conduct a training exercise at least two times each calendar year and log each exercise; the log must be signed and dated and must include

(A) the names and positions of facility personnel or practitioners present;

(B) proof of current certification in cardiopulmonary resuscitation (CPR), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS) for each person involved in patient care; and

(C) a completed checklist provided by the board, or an equivalent, to establish competency in handling procedures, complications, and emergency incidents;

(9) maintain the following equipment and drugs in the facility and available for immediate use:

(A) oral and nasal airways of various sizes;

(B) a supra-glottic airway device;

(C) a blood pressure cuff of appropriate size and stethoscope, or equivalent monitoring devices;

(D) a pulse oximeter;

(E) a respiratory monitoring device;

(F) adequate equipment to establish an intravenous infusion, including hardware and fluids;

(G) a narcotic antagonist;

(H) a corticosteroid;

(I) a bronchodilator;

(J) an anticholinergic;

(K) an antiarrhythmic;

(L) an antihistamine;

(M) a coronary artery vasodilator;

(N) a benzodiazepine antagonist;

(O) sterile needles, syringes, tourniquets, and tape;

(P) epinephrine;

(Q) an antiemetic; and

(R) 50 percent dextrose or other anti-hypoglycemic; and

(10) display a permit for moderate sedation, deep sedation, or general anesthesia and current dental license in a conspicuous place where the dentist practices.

Authority: AS 08.36.070

Editor's note: A copy of the *Guidelines for the Use of Sedation and General Anesthesia by Dentists*, adopted by reference in 12 AAC 28.060, or an electronic equivalent may be obtained by contacting the American Dental

Association, 211 East Chicago Ave., Chicago, Illinois 60611-2678; Internet address: http://www.ada.org/~/media/ADA/Education%20and%20Careers/Files/anesthesia_use_guidelines.pdf.

An electronic copy of the *Guideline for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures*, adopted by reference in 12 AAC 28.060, may be obtained from the American Academy of Pediatric Dentistry; Internet address: http://www.aapd.org/media/Policies_Guidelines/G_Sedation.pdf.

12 AAC 28.061. ADDITIONAL REQUIREMENTS FOR ADMINISTERING DEEP SEDATION OR GENERAL ANESTHESIA. In addition to meeting the requirements of 12 AAC 28.060, when deep sedation or general anesthesia is administered,

(1) the dentist's facility must have an operating area large enough to adequately accommodate the patient on a table or in an operating chair and permit an operating team consisting of at least three individuals to freely move about the patient;

(2) the dentist's facility must have a laryngoscope complete with an adequate selection of blades, spare batteries, and bulbs;

(3) the dentist's facility must have endotracheal tubes and appropriate connectors, a supra-glottic airway device, and other appropriate equipment necessary to do an intubation;

(4) the dentist's facility must have a tonsillar or pharyngeal suction tip adaptable to all outlets;

(5) the dentist's facility must have endotracheal tube forceps;

(6) the dentist's facility must have an electrocardiographic monitor;

(7) the dentist shall use an end-tidal carbon dioxide monitor to monitor respiration;

(8) the dentist's facility must have the following emergency equipment and drugs in the facility and available for immediate use:

(A) a vasopressor;

(B) a muscle relaxant;

(C) intravenous medications for treatment of cardiac arrest;

(D) an antihypertensive;

(E) an anticonvulsant; and

(F) dantrolene sodium or its equivalent if administering general anesthesia by means of inhalation;

(9) the provider administering deep sedation or general anesthesia shall establish and maintain a secured intravenous line throughout the procedure, unless poor patient cooperation prevents placement or the ability to maintain the line;

(10) the provider administering deep sedation or general anesthesia shall remain in the operatory room to monitor the patient continuously until the patient is responsive and recovery care can be transferred to a staff member capable of handling procedures, complications, and emergency incidents related to the type of sedation or anesthesia used;

(11) the provider who administered deep sedation or general anesthesia, or another licensed practitioner qualified to administer the same level of sedation or anesthesia, shall remain on the premises of the dentist's facility until the patient has regained consciousness and is discharged; and

(12) if the deep sedation or general anesthesia provider is the treating dentist, the treatment team shall include a second trained person to monitor and observe the patient at all times during the procedure, and a third person to assist the dentist.

Authority: AS 08.36.070

12 AAC 28.062. ADDITIONAL REQUIREMENTS FOR ADMINISTERING MODERATE SEDATION, OR MINIMAL SEDATION FOR A PATIENT YOUNGER THAN 13 YEARS OF AGE. In addition to meeting the requirements of 12 AAC 28.060, when moderate sedation is administered to a patient of any age, or minimal sedation is administered to a patient younger than 13 years of age,

(1) the dentist's facility must have an operating area of size and design to permit access of emergency equipment and personnel and to permit effective emergency management;

(2) the dentist shall use an end-tidal carbon dioxide monitor or a pre-cordial stethoscope to monitor respiration; and

(3) the treatment team shall consist of the treating dentist and a second person to assist, monitor, and observe the patient; both the treating dentist and the second person shall be in the operating area with the patient throughout the dental procedure.

Authority: AS 08.36.070

12 AAC 28.065. EXCEPTIONS TO PERMIT REQUIREMENTS UNDER 12 AAC 28.010 - 12 AAC 28.080. The requirement to obtain a permit under 12 AAC 28.010 or 12 AAC 28.015 does not apply to

(1) the administration of local anesthesia;

(2) the administration of nitrous oxide sedation to patients of any age if the delivery system for the nitrous oxide-oxygen contains a mechanism that guarantees that an oxygen concentration of at least 25 percent will be administered to the patient at all times during the administration of the nitrous oxide;

(3) the administration of an oral medication to achieve minimal sedation if

(A) the patient is 13 years of age or older;

(B) the dose of the administered drug is within the United States Food and Drug Administration's (FDA) recommended dose as printed in that agency's approved labeling for unmonitored home use; the dentist may not use a second drug without obtaining a permit under 12 AAC 28.010 or 12 AAC 28.015, as applicable;

(C) the dose of the administered drug is used in combination with nitrous oxide or oxygen and does not exceed minimal sedation; and

(D) the patient is re-appointed if the intended level of minimal sedation is not achieved; or

(4) the administration of deep sedation, general anesthesia, moderate sedation, or minimal sedation in a licensed hospital, a state-operated hospital, or a facility directly maintained or operated by the federal government.

Authority: AS 08.36.070 AS 08.36.315 AS 08.36.360

12 AAC 28.068. INSPECTIONS. (a) The board may require an on-site inspection of the dentist's facility where deep sedation, general anesthesia, or moderate sedation is administered.

(b) A dentist will be notified in writing if an on-site inspection is required and will be provided with information about how the board conducts an on-site inspection. A dentist shall cooperate in scheduling a timely inspection not later than 90 days after receiving notice of an inspection.

(c) A designee of the board or the board's investigator shall carry out the inspection.

(d) An inspection shall be conducted according to the guidelines provided in the *Office Anesthesia Evaluation Manual*, Eighth Edition, 2012, adopted by reference, and may include the evaluation of equipment, medications, patient records, documentation of personnel training, and other items as determined necessary by the board, the designee of the board, or the board's investigator.

(e) If a dentist maintains membership in the American Association of Oral and Maxillofacial Surgeons (AAOMS) and receives notification from the board that an on-site inspection is required, the board may accept reports that result from the periodic office examinations required by that association.

(f) If the equipment, facilities, or personnel training are inadequate to assure safe use of sedation or anesthesia, the board will notify the dentist in writing and will conduct a follow-up inspection. If the board finds that the equipment, facilities, or trained personnel are still inadequate to assure safe use of sedation or anesthesia, the board will deny issuance of a permit under 12 AAC 28.010 or 12 AAC 28.015, immediately suspend a permit issued under 12 AAC 28.010 or 12 AAC 28.015, or order the dentist to immediately cease sedation or anesthesia services provided under 12 AAC 28.030.

(g) This section does not apply to investigations by the board, a designee of the board, or the board's investigator upon an allegation that a licensee has violated a provision of AS 08.32, AS 08.36, or this chapter.

Authority: AS 08.01.075 AS 08.01.087 AS 08.36.070

Editor's note: A copy of the *Office Anesthesia Evaluation Manual*, adopted by reference in 12 AAC 28.068, can be obtained by contacting the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611-2678.

12 AAC 28.070. SUSPENSION OR REVOCATION OF PERMIT. The board will automatically suspend or revoke a permit under 12 AAC 28.010 or 12 AAC 28.015 upon the suspension or revocation of the holder's license to practice dentistry in the state.

Authority: AS 08.36.070 AS 08.36.315 AS 08.36.320

12 AAC 28.080. MANDATORY REPORTING. (a) If a dental patient dies or experiences sedation or anesthesia complications that require hospitalization or emergency room care during or immediately after receiving sedation or general anesthesia, the dentist who treated the patient shall submit a written or electronic report of the incident to the board not later than 48 hours after learning of the death or hospitalization. The report must include

(1) the name, age, and address of the patient;

(2) the names of the dentist and of other personnel or providers present during the treatment;

(3) the address of the facility where the treatment took place;

(4) the medical history of the patient;

(5) a description of the type of sedation or anesthetic that was used and the dosages of drugs administered to the patient;

(6) a narrative description of the incident including approximate times and evolution of symptoms; and

(7) as requested by the board, a designee of the board, or the board's investigator, additional information that is relevant to investigating the incident.

(b) Not later than 30 days after the receipt of a report required under (a) of this section, the board investigator 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 or the board's investigator should be made. The department will make a report of recommendations under this subsection at the next board meeting. If a recommendation by the department is that further investigation is not warranted, the department will 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 AND NITROUS OXIDE SEDATION BY DENTAL HYGIENISTS.

Section

310. (Deleted)
320. Application for certification to administer local anesthetic agents
325. Application for certification to administer nitrous oxide sedation
330. Approval of course of instruction
340. Requirements for course of instruction in local anesthetics
345. Requirements for course of instruction for administering nitrous oxide
350. Expiration 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 28.325. APPLICATION FOR CERTIFICATION TO ADMINISTER NITROUS OXIDE SEDATION. The board will issue a certification to administer nitrous oxide sedation under direct or indirect supervision to a dental hygienist licensed in this state if the hygienist

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

(2) pays the applicable fee required in 12 AAC 02.190; and

(3) provides written verification of successful completion of an accredited college or university course of instruction in the administration of nitrous oxide, approved by the board under 12 AAC 28.345.

Authority: AS 08.01.065 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 program and faculty member presenting the course;

(3) a course outline that verifies inclusion of the subjects and procedures required under

(A) 12 AAC 28.340 if certification to administer local anesthesia is sought; or

(B) 12 AAC 28.345, if certification to administer nitrous oxide sedation is sought; and

(4) an explanation of the evaluation procedures used to determine successful completion of the course.

Authority: AS 08.32.110

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 didactic instruction;

(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 cardiopulmonary 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 28.345. REQUIREMENTS FOR COURSE OF INSTRUCTION FOR ADMINISTERING NITROUS OXIDE. (a) To satisfy the requirements for a certification under 12 AAC 28.325, a course of instruction for administering nitrous oxide must be provided by an organization accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association or approved by the board.

(b) To satisfy the requirements for certification under 12 AAC 28.325, a course of instruction for administering nitrous oxide must include

(1) a minimum of three hours of clinical instruction sufficient to establish the ability to

(A) inspect, operate, and decontaminate nitrous oxide delivery and scavenging systems;

(B) properly induce nitrous oxide 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; and

(3) procedures for determining whether the dental hygienist has acquired the necessary knowledge and proficiency to administer nitrous oxide sedation.

Authority: AS 08.32.110 AS 08.36.070

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

(b) A certification to administer local anesthesia or nitrous oxide sedation remains active as long as the holder's dental hygiene license is active and in good standing.

(c) The board will notify a dental hygienist of initial certification to provide local anesthesia or nitrous oxide sedation and thereafter certification will be listed on the dental hygiene license.

Authority: AS 08.32.110 AS 08.36.070 AS 08.36.315

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

Authority: AS 08.32.110 AS 08.36.070

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 32 contact hours of continuing education;

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

(3) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has completed not less than two hours of continuing education in pain management and opioid use and addiction during the concluding licensing period.

(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 20 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, and subject to the limits set out in (g) and (h) 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 contributes to the professional knowledge and development of the practitioner or enhances the ability to provide services to the patient:

(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.

(g) Courses in practice management and risk management are limited to three hours per licensing period.

(h) Not more than two credit hours of continuing education may apply for at least two hours of volunteer service in a dental related setting.

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. (Repealed)
610. (Repealed)
620. (Repealed)
630. (Repealed)
640. (Repealed)

12 AAC 28.600. ADMINISTRATION OF PARENTERAL SEDATION. Repealed 4/14/2018.

12 AAC 28.610. PARENTERAL SEDATION PERMIT. Repealed 4/14/2018.

12 AAC 28.620. EDUCATION, TRAINING, AND CERTIFICATION REQUIREMENTS. Repealed 4/14/2018.

12 AAC 28.630. EQUIPMENT, FACILITIES, AND STAFF STANDARDS. Repealed 4/14/2018.

12 AAC 28.640. MANDATORY REPORTING. Repealed 4/14/2018.

ARTICLE 7.
PROFESSIONAL PRACTICES.

Section
700. Identification of dental prosthesis
710. (Repealed)
720. (Repealed)
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. Repealed 4/14/2018.

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 AS 08.36.367

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;

(7) assessment outcomes that measure the stated goals and objectives;

(8) didactic course hours sufficient to meet the restorative course requirements of this section;

(9) laboratory experience to be able to place and finish all classes of restorations; and

(10) a required clinical proficiency to establish a demonstrated ability to place and finish all classes of restorations.

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) $60 nonrefundable application fee;

(B) $60 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 February 28 of odd-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) $60 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) $60 nonrefundable application fee;

(B) $60 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;

(7) assessment outcomes that measure the stated goals and objectives;

(8) classroom hours sufficient to meet the restorative course requirements of this section;

(9) laboratory experience to be able to place and finish all classes of restorations; and

(10) a required clinical proficiency to establish a demonstrated ability to place and finish all classes of restorations.

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 February 28 of odd-numbered years. In order to renew a certificate to perform restorative function, a dental assistant must submit to the department a

(1) completed application for renewal on a form provided by the department; and

(2) $60 certificate renewal fee.

(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
906. Disciplinary sanctions
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
938. Dental educational requirements
940. Dental licensure by examination
950. (Repealed)
951. Dental licensure by credentials
952. (Repealed)
953. Registration with the prescription drug monitoring program controlled substance prescription database
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 *Bylaws – Code of Ethics*, dated June 23, 2014, 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 2012, 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 28.906. DISCIPLINARY SANCTIONS. The following acts, in addition to those specified in AS 08.36.315, constitute grounds for disciplinary sanctions:

(1) failing to prepare and maintain accurate, complete, and legible records in accordance with generally accepted standards of practice for each patient or to make those records available to the board or the board's representatives for inspection for investigation purposes;

(2) failing to provide copies of complete patient records in the licensee's custody and control within 30 days after receipt of a written request from the patient or the patient's guardian;

(3) failing to cooperate with an official investigation by the board or the board's representatives, including failing to timely provide requested information;

(4) failing to allow the board or the board's representative, upon written request, to examine and have access to records maintained by the licensee that relate to the licensee's practice under AS 08.36;

(5) failing to report to the board, not later than 30 days after the effective date of the action, any disciplinary action against the licensee taken by another licensing jurisdiction, health care entity, or law enforcement agency.

Authority: AS 08.36.070 AS 08.36.315

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 08.32.014 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 08.32.030 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 08.32.014 AS 08.32.160 AS 08.36.070
AS 08.32.030

12 AAC 28.915. APPLICATION DEADLINE FOR PERSONAL INTERVIEW. To be scheduled for a personal interview as required in AS 08.36.234, an applicant for licensure by credentials must file with the department a complete application at least 30 days before 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 department.

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

12 AAC 28.920. CPR CERTIFICATION. (a) Certification in cardiopulmonary resuscitation (CPR) techniques required under this chapter for a license or license renewal must be based upon training equivalent to that required for completion of a cardiopulmonary resuscitation course certified by the American Heart Association or American Red Cross. Online courses are not acceptable, unless there is a hands-on component.

(b) The board may approve a waiver of the cardiopulmonary resuscitation requirements upon submission of documentation of a physical disability prohibiting the person from performing cardiopulmonary resuscitation. A person with a waiver must work in close proximity to a staff person with current certification in cardiopulmonary resuscitation.

Authority: AS 08.32.014 AS 08.36.070 AS 08.36.110
AS 08.32.110

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 or a dental hygiene 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 08.32.014 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;

(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 08.32.014(a)(1)(B).

(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 08.32.014 and conducted by the board with a passing score of at least 70 percent.

(d) In addition to the requirements of AS 08.32.014, 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 08.32.014 AS 08.32.070 AS 08.36.070

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 08.32.014, 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; and

(5) copies of certificates showing the applicant has completed 30 hours of continuing education during the three years immediately preceding the date of application as required under 12 AAC 28.410.

(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 08.32.014(a)(1)(C);

(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 documenting that during the five years immediately preceding application

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

(B) that the applicant has been in active clinical practice documenting at least 2,500 hours for five years immediately preceding application;

(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 active clinical practice documenting at least 2,500 hours during the five 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 examination prepared by the board, covering the provisions of AS 08.32, AS 08.36, and this chapter relating to the practice of dental hygiene, with a passing score of at least 70 percent.

Authority: AS 08.32.014 AS 08.32.070 AS 08.36.070
AS 08.32.030

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 28.938. DENTAL EDUCATIONAL REQUIREMENTS. An applicant for a license to practice dentistry must be a graduate of a dental school that, at the time of graduation, is accredited by the Commission on Dental Accreditation of the American Dental Association.

Authority: AS 08.36.070 AS 08.36.110

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;

(8) a copy of the applicant's certificate

(A) of examination from the Western Regional Examining Board (WREB) showing that the applicant has passed the clinical examination conducted by WREB before February 1, 2019 and within the five years immediately preceding the date of application;

(B) of examination showing that the applicant has passed the clinical examination conducted by WREB on or after February 1, 2019 or an equivalent examination; an applicant must have passed an examination under this subparagraph within the five years immediately preceding the date of application; and the examination must include the following subject areas, components, or characteristics;

(i) standardization and calibration of the examiners and anonymity between candidates and grading examiners;

(ii) patient based periodontics testing;

(iii) constructive response testing that includes treatment planning;

(iv) endodontics testing, on a mannequin or live patient, to include access and obturation of an anterior tooth and access of a multi-canalled posterior tooth;

(v) prosthetics testing, on a mannequin or live patient, to include a crown prep or a bridge prep;

(vi) patient based operative examination that includes one class II posterior alloy and one composite procedure, either anterior class III or posterior class II; or

(C) showing successful completion of a two-year or more postgraduate training program approved by the Commission on Dental Accreditation of the American Dental Association, and evidence of having five years of continuous clinical practice with an average of 20 hours per week, immediately preceding the date of application; for purposes of the clinical practice requirements of this subparagraph, clinical practice may include dental school; and

(9) a copy of the applicant's certificate of examination from the American Dental Association Joint Commission on National Dental Examinations, verifying successful passage of the National Board of Dental Examinations Part 1 and Part II; and

(10) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has completed no less than two hours of education in pain management and opioid use and addiction within the two years prior to the date of application.

(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.

(f) Notwithstanding other provisions of this section, the board will issue a license to practice dentistry to an applicant who

(1) held an active Alaska dental specialty license from this state in 2012;

(2) meets the requirements of AS 08.36.110 and (b)(1) – (7) of this section; and

(3) provides a copy of the applicant's certificate of examination from the American Dental Association Joint Commission on National Dental Examinations that the applicant has successfully passed the written examinations given by the commission.

Authority: AS 08.36.070 AS 08.36.110

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 08.36.110, 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;

(6) copies of certificates showing the applicant has completed 48 hours of continuing education during the three years immediately preceding the date of application as required under 12 AAC 28.410; and

(7) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has completed not less than two hours of education in pain management and opioid use and addiction within the two years prior to the date of application.

(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) repealed 12/15/2013;

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

(3) a copy of the applicant's certificate of examination documenting graduation from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, and a copy of the applicant's certificate from the American Dental Association Joint Commission on National Dental Examination that the applicant has passed the written examination given by the commission;

(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 documenting that during the five years immediately preceding application

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

(B) the applicant has been in active clinical practice documenting at least 5,000 hours;

(7) repealed 3/11/2016;

(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 documenting the applicant has been in active clinical practice for at least 5,000 hours during the five years immediately preceding the date of 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 this section, an applicant for a dental license must document completion of the jurisprudence examination prepared by the board, covering the provisions of AS 08.32, AS 08.36, and this chapter relating to the practice of dentistry, 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;

(9) constructive response testing.

(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) – (9) of this section was not included in the other jurisdiction's licensing examination, the board will determine if the applicant meets the requirements for that subject area.

(g) The personal interview of the applicant required in AS 08.36.234(d) 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 08.36.110 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. Repealed 12/15/2013.

12 AAC 28.953. REGISTRATION WITH THE PRESCRIPTION DRUG MONITORING PROGRAM CONTROLLED SUBSTANCE PRESCRIPTION DATABASE. A dentist who holds a federal Drug Enforcement Administration registration number must register and comply with the controlled substance prescription database under AS 17.30.200.

Authority: AS 08.36.070 AS 08.36.234 AS 17.30.200
AS 08.36.110

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 either a total of 40 days of practice during a 12-consecutive-month period or the duration of the limited purpose approved under this section for the courtesy license holder, whichever is less. A person will 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 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 08.32.115 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;

(F) patient billing process.

(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) during the five years immediately preceding the date of application, 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 complete an additional four contact hours of continuing education per biennial license renewal period in one or more of the following subject areas:

(1) medical emergencies;

(2) pediatric and other special health care needs;

(3) pharmacology;

(4) oral pathology;

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

(6) patient management;

(7) general medicine and physical diagnosis;

(8) 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 18.60.475 as of September 6, 1998 is considered registered with the board under AS 08.36.075 and this section.

(b) Repealed 3/11/2016.

(c) Repealed 3/11/2016.

(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) repealed 9/26/2018;

(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., May, 2009 edition, adopted by reference.

(c) Repealed 3/11/2016.

(d) Repealed 3/11/2016.

(e) Upon receipt of a form documenting an inspection that meets the requirements of AS 08.36.075 and this section, the inspector shall 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, 12 AAC 28.960, and this section. The records shall be made available to the board or its designee for inspection.

(g) Repealed 3/11/2016.

(h) An inspector 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 owner or lessee of the equipment 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., May, 2009 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 Program Directors, Inc., 1030 Burlington Lane, Suite 4B, Frankfort, KY 40601-2832; telephone: (502) 227-4543.

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

(a) A registration seal or inspection seal may not be issued unless the information on the completed form meets the requirements of AS 08.36.075, and of 12 AAC 28.960 and 12 AAC 28.965, as applicable.

(b) The form titled *"Radiological Equipment Registration Form,"* dated February 2014, 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 February 2014, 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 to administer an agent that induces local anesthesia and to administer that agent by injection, both infiltration and block, limited to the oral cavity, for the purposes of pain control;

(2) "American Association of Dental Examiners Clearinghouse for Board Actions" means the American Association of Dental Examiners information source described in AS 08.36.110(a)(1)(F);

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

(4) "coronal polishing," within the meaning given in AS 08.36.370, 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;

(5) "deep sedation" means a drug-induced depression of consciousness during which

(A) patients cannot be easily aroused but respond purposefully following repeated or painful stimulation;

(B) the ability to independently maintain ventilatory function may be impaired;

(C) patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate; and

(D) cardiovascular function is usually maintained;

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

(7) "facility" means a dental practice, office, or clinic that is subject to the requirements of AS 08.36.367;

(8) "general anesthesia" means a drug-induced loss of consciousness during which

(A) patients are not arousable, even by painful stimulation;

(B) the ability to independently maintain ventilatory function is often impaired;

(C) patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function; and

(D) cardiovascular function may be impaired;

(9) "local anesthesia" means the elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug;

(10) "minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, in which

(A) the patient retains the ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command; and

(B) although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected;

(11) "moderate sedation" means a drug-induced depression of consciousness, during which

(A) a patient responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation;

(B) no interventions are required to maintain a patent airway, and spontaneous ventilation is adequate; and

(C) cardiovascular function is usually maintained;

(12) "nitrous oxide sedation" means an induced, controlled state of minimal sedation, produced solely by the inhalation of a combination of nitrous oxide and oxygen in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

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

(14) "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 08.36.342	AS 08.36.346
	AS 08.36.070	AS 08.36.344	

Occupational Licensing
Centralized Regulations

August 2018

DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

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CHAPTER 02.
GENERAL OCCUPATIONAL LICENSING FUNCTIONS.

Article

1. **Collection of Fees (12 AAC 02.010 — 12 AAC 02.030)**
2. **Occupational Licensing Fees (12 AAC 02.100 — 12 AAC 02.396)**
3. **Examination Review Procedures (12 AAC 02.400)**
4. **Real Estate Errors and Omissions Insurance (12 AAC 02.510 — 12 AAC 02.590)**
5. **Telemedicine Business Registry (12 AAC 02.600)**
6. **General Provisions (12 AAC 02.900 — 12 AAC 02.990)**

ARTICLE 1.
COLLECTION OF FEES.

Section

10. **Licensing and renewal fees**
15. **Refund of license fees**
20. **Prorating renewal fees**
30. **Prorating initial renewal fees**

12 AAC 02.010. LICENSING AND RENEWAL FEES. (a) The department will collect fees for licensing and for license renewal for the boards and professions listed in AS 08.01.010.

(b) The department will not issue a license or renew a license unless the applicable fees established in AS 08 or in this chapter have been collected.

(c) Except as otherwise provided in this title, an application for initial licensure or renewal of license will be considered filed as of the filing date of the document, as determined by 12 AAC 02.920.

(d) Repealed 5/4/90.

(e) An application fee is not refundable.

Authority: AS 08.01.050 AS 08.01.065 AS 08.01.100
AS 08.01.060 AS 08.01.080

12 AAC 02.015. REFUND OF LICENSE FEES. (a) Except as provided in (b) of this section, after a license is initially issued or renewed, the department will not refund the initial license fee or the license renewal fee.

(b) On request, the department will issue a prorated refund of a license fee paid for a licensing period in which the individual licensee dies. The department will issue the refund to the estate of the licensee. The department will not issue a refund when the estate of the licensee remains a partner in a partnership that received a license under AS 08.

(c) To request a refund under this section, the estate of the licensee shall submit to the department

(1) a written request for a refund within 12 months of the licensee's death or before the end of the licensing period in which the licensee died, whichever time period is greater; and

(2) verification of the licensee's death; the department will accept a letter from a coroner or mortuary, a death certificate, or a copy of a newspaper article as verification.

(d) The department will calculate the amount of the prorated refund described in (b) of this section based on the number of complete months remaining in the licensing period on the date of the licensee's death.

Authority: AS 08.01.050 AS 08.01.065 AS 08.01.080

12 AAC 02.020. PRORATING RENEWAL FEES. The department will prorate the first license renewal fees following initial licensure, in accordance with 12 AAC 02.030. All renewal fees, including penalty and delinquent fees must be paid by the licensee applying for renewal of a license, except as provided in 12 AAC 02.030(a)(1) and (b)(1).

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.030. PRORATING INITIAL RENEWAL FEES. (a) When the department issues an initial biennial license

(1) on or within the 90 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

(2) more than 90 days but 12 months or less before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of the first renewal date; or

(3) more than 12 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of the first renewal date.

(b) When the department issues an initial annual license

(1) on or within the 90 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

(2) more than 90 days but six months or less before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of the first renewal date; or

(3) more than six months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of the first renewal date.

(c) Repealed 12/28/97.

(d) Repealed 9/29/2005.

(e) The department will not prorate fees for applications, examinations, reexaminations, credential review or investigation, temporary or emergency permits, locum tenens permits, certificates, or other such fees established in AS 08 or in this chapter.

Authority: AS 08.01.065 AS 08.01.080 AS 08.01.100

ARTICLE 2.
OCCUPATIONAL LICENSING FEES.

Section

100. Fees established by department
102. Fees for a temporary license issued under AS 14.43.148 or AS 25.27.244; waivers; refunds
105. Administrative fees
106. Telemedicine business registry
107. Prescription drug monitoring program controlled substance prescription database registration
108. Acupuncturists
110. Board of Registration for Architects, Engineers, and Land Surveyors
130. Audiologist, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants
140. Board of Barbers and Hairdressers
145. Board of Certified Direct-Entry Midwives
150. Board of Chiropractic Examiners
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210. Electrical administrators
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225. Private professional guardian license and private professional conservator license
230. Big Game Commercial Services Board
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242. Board of Marital and Family Therapy
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290. Nursing home administrators
300. Board of Examiners in Optometry
310. Board of Pharmacy
320. State Physical Therapy and Occupational Therapy Board
325. Board of Professional Counselors
330. Board of Psychologist and Psychological Associate Examiners
340. Board of Public Accountancy
350. Board of Veterinary Examiners
360. Real Estate Commission
370. Board of Certified Real Estate Appraisers
380. Pawnbrokers
390. Behavior analysts
395. Athletic trainers
396. Board of Massage Therapists

12 AAC 02.100. FEES ESTABLISHED BY DEPARTMENT. The fees established in this chapter have been adopted by the department after considering any recommendations of the applicable board or commission listed in AS 08.01.010.

Authority: AS 08.01.065

12 AAC 02.102. FEES FOR A TEMPORARY LICENSE ISSUED UNDER AS 14.43.148 OR AS 25.27.244; WAIVERS; REFUNDS. (a) When the division issues a temporary license under AS 14.43.148 or AS 25.27.244, the division will collect the annual or biennial license fee for the trade or profession for which the temporary license is issued, subject to the refund and waiver provisions set out in this section. The temporary license fee is the amount paid to the division under this section from the annual or biennial license fee that is not refunded or waived under this section.

(b) When an individual who holds a temporary license issued under AS 14.43.148 is

(1) issued a notice of release by the Alaska Commission on Postsecondary Education and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under AS 05.10, AS 08, or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

(2) not issued a notice of release by the Alaska Commission on Postsecondary Education on or before the expiration date of the temporary license, the department will

(A) refund one-half of the annual or biennial license fee paid under (a) of this section; and

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under AS 05.10.090, AS 08, or this chapter, except as required by law.

(c) When an individual who holds a temporary license issued under AS 25.27.244 is

(1) issued a release by the child support services agency and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under AS 05.10, AS 08, or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

(2) not issued a notice of release by the child support services agency on or before the expiration date of the temporary license, the department will

(A) refund one-half of the annual or biennial license fee paid under (a) of this section; and

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under AS 05.10.090, AS 08, or this chapter, except as required by law.

(d) In this section, "annual or biennial license fee" means the initial license fee or the license renewal fee established in

(1) AS 05.10.120 or this chapter for a licensing category included under the trades and professions listed in AS 08.01.010; and

(2) 18 AAC 78.495 for certification as an underground storage tank worker.

Authority: AS 08.01.050 AS 14.43.148 AS 25.27.244
AS 08.01.065

12 AAC 02.105. ADMINISTRATIVE FEES. Except as otherwise provided in this chapter for a particular board or occupation, the following fees apply to all boards and professions listed in AS 08.01.010:

(1) duplicate license fee, $5;
(2) fee for verification or certification of an Alaska license, registration, or examination, $20;
(3) name change, except for construction contractors, $5;
(4) photocopy fee, $.25 per page, which may be waived by the department if the total fee is less than $5;

(5) facsimile fee, $1 per page, which may be waived by the department if the total fee is less than $5;
(6) returned check fee, $20;
(7) repealed 12/28/97;
(8) exam postponement fee, $25;
(9) wall certificate fee, $20;
(10) fee for proctoring an examination for another state's applicant, $50;
(11) fee for specialized report of licensing data that the department has agreed to provide, $100 plus the cost of supplies;
(12) express delivery handling fee, $20;
(13) fee for providing the most recently printed roster of all licensees in a licensing program, other than business licensing, with
(A) 2,000 or less licensees, $5;
(B) more than 2,000 licensees, $15;
(C) repealed 3/25/2004;
(14) fee for a courtesy license issued under 12 AAC 02.955, $100;
(15) courtesy license application fee, $50;
(16) examination review fee, $50.

Authority: AS 08.01.062 AS 08.01.065 AS 08.01.100

12 AAC 02.106. TELEMEDICINE BUSINESS REGISTRY. The following fees are established for registration under AS 44.33.381 (telemedicine business registry) for businesses performing telemedicine services in this state;
(1) initial registration fee, $50;
(2) fee to report changes in the information on the initial registration, $50.

Authority: AS 44.33.020 AS 44.33.381

12 AAC 02.107. PRESCRIPTION DRUG MONITORING PROGRAM CONTROLLED SUBSTANCE PRESCRIPTION DATABASE REGISTRATION. The following fees are established for registration as required under AS 17.30.200 with the prescription drug monitoring program (PDMP) controlled substance prescription database by a pharmacist who dispenses, or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law:
(1) initial registration fee, $25;
(2) biennial registration renewal fee, $25.

Authority: AS 08.01.065 AS 17.30.200

12 AAC 02.108. ACUPUNCTURISTS. The following fees are established for acupuncturists:
(1) application fee for initial license, $200;
(2) license fee for all or part of the initial biennial license period, $325;
(3) biennial license renewal fee, $325.

Authority: AS 08.01.010 AS 08.06.030 AS 08.06.100
AS 08.01.065

12 AAC 02.110. BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS. (a) The following fees are established for architects, engineers, land surveyors, and landscape architects:
(1) application fee for initial registration and corporate, limited liability company, or limited liability partnership certification, $200;
(2) repealed 10/29/2017;
(3) registration fee for all or part of the initial biennial registration period, $100;
(4) biennial registration renewal fee, $100;
(5) corporation, limited liability company, or limited liability partnership certification fee, for all or part of the biennial certification period, $300;
(6) biennial corporation, limited liability company, or limited liability partnership certification renewal fee, $300;
(7) amendment to corporate, limited liability company, or limited liability partnership certification, $75;
(8) repealed 11/13/2014;
(9) repealed 10/29/2017;
(10) retired status registration one-time fee, $25.
(b) The following examination fees are established for land surveyors and landscape architects:
(1) Alaska Land Surveying Exam (AKLS), $100;

(2) repealed 11/13/2014.

(c) Repealed 4/19/97.

(d) The examination fees established in this section are due each time an applicant applies for an examination or examination division.

(e) The following fee is established for opening a file for the retention of completed land surveyor work verification forms: $50.

Authority: AS 08.01.065 AS 08.48.265

12 AAC 02.130. AUDIOLOGIST, HEARING AID DEALERS, SPEECH-LANGUAGE PATHOLOGISTS, AND SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS. The following fees are established for audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants:

(1) application fee for initial license or registration, $250;

(2) temporary license fee for audiologists or speech-language pathologists, $225;

(3) audiologist or speech-language pathologist license fee for all or part of the initial biennial license period, $225;

(4) biennial audiologist or speech-language pathologist license renewal fee, $225;

(5) hearing aid dealer license fee for all or part of the initial biennial license period, $225;

(6) hearing aid dealer biennial license renewal fee, $225;

(7) delinquent fee for delayed renewal, $50;

(8) speech-language pathologist assistant registration fee for all or part of the initial biennial registration period, $225;

(9) biennial speech-language pathologist assistant registration renewal fee, $225.

Authority: AS 08.01.065 AS 08.11.025 AS 08.55.010
AS 08.11.010 AS 08.11.030 AS 08.55.020
AS 08.11.015 AS 08.11.043 AS 08.55.040
AS 08.11.020 AS 08.11.050

12 AAC 02.140. BOARD OF BARBERS AND HAIRDRESSERS. (a) The following fees are established:

(1) nonrefundable application fee for

(A) initial license, $150;

(B) courtesy license, $80;

(2) temporary permit fee, $100;

(3) fee for student permit, student instructor permit, or apprenticeship that is valid for

(A) one year, $100;

(B) two years, $125;

(4) barber, hairdresser, esthetician, advanced manicurist, or instructor written examination fee, $60;

(5) barber, hairdresser, esthetician, or instructor practical examination fee, $60;

(6) temporary license fee, $100;

(7) written examination fee for practitioners of body piercing or practitioners of tattooing and permanent cosmetic coloring, $60;

(8) temporary shop license fee, $100;

(9) courtesy license for practitioners of hairdressing, body piercing, or for practitioners of tattooing and permanent cosmetic coloring, $80;

(10) advanced manicurist endorsement one-time fee, $20.

(b) The following license fees are established for all or part of the initial biennial license period:

(1) barber or hairdresser, $180;

(2) esthetician, $180;

(3) instructor, $260;

(4) shop owner, $260;

(5) school and school owner combined, $660;

(6) manicurist, $180;

(7) repealed 6/8/2016;

(8) practitioner of tattooing and permanent cosmetic coloring, $180;

(9) practitioner of body piercing, $180.

(c) The following biennial license renewal fees are established:

(1) barber or hairdresser, $180;

(2) esthetician, $180;

(3) instructor, $260;

(4) shop owner, $260;

(5) school and school owner combined, $660;

(6) manicurist and advanced manicurist endorsement, $180;

(7) repealed 6/8/2016;

(8) practitioner of tattooing and permanent cosmetic coloring, $180;
(9) practitioner of body piercing, $180.

Authority: AS 08.01.065 AS 08.13.185

12 AAC 02.145. BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES. The following fees are established for direct-entry midwives and apprentices:
(1) nonrefundable application fee for initial certification, $500;
(2) certification fee for all or part of the initial biennial certification period, $3,800;
(3) biennial certification renewal fee, $3,800;
(4) apprentice direct-entry midwife permit fee, $1,275;
(5) biennial apprentice direct-entry midwife permit renewal fee, $1,275;
(6) nonrefundable application fee for initial apprentice direct-entry midwife permit, $250.

Authority: AS 08.01.065 AS 08.65.100

12 AAC 02.150. BOARD OF CHIROPRACTIC EXAMINERS. (a) The following fees are established for chiropractors:
(1) application fee for
(A) initial license, $250;
(B) locum tenens permit, $250;
(C) any courtesy license, $250;
(2) license fee for all or part of the initial biennial license period, $600;
(3) biennial license renewal fee, $600;
(4) temporary permit fee, $150;
(5) examination fee, $200;
(6) locum tenens permit fee, $150;
(7) inactive license fee, $150;
(8) retired status license fee, $150;
(9) specialty designation fee, $50;
(10) fee for any courtesy license, $150;
(11) continuing education course approval fee, $125;
(12) continuing education course change approval fee, $50;
(13) delayed renewal penalty fee, $100.
(b) The peer review fee charged to a complainant is $50.

Authority: AS 08.01.062 AS 08.01.100 AS 08.20.185
AS 08.01.065 AS 08.20.180

12 AAC 02.155. BOARD OF SOCIAL WORK EXAMINERS. (a) The following fees are established for social workers:
(1) application fee for initial license, $100;
(2) clinical social worker license fee for all or part of the initial biennial license period, $325;
(3) master social worker license fee for all or part of the initial biennial license period, $275;
(4) baccalaureate social worker license fee for all or part of the initial biennial license period, $225;
(5) biennial clinical social worker license renewal fee, $325;
(6) biennial master social worker license renewal fee, $275;
(7) biennial baccalaureate social worker license renewal fee, $225;
(8) temporary license fee, $75.
(b) Notwithstanding 12 AAC 02.020 and 12 AAC 02.030, the initial license renewal fee for a clinical social worker, master social worker, or baccalaureate social worker in (a)(5) – (7) of this section will not be prorated, except as provided in 12 AAC 02.030(a)(1).
(c) The following fees are established for submission of social worker continuing education courses for approval under 12 AAC 18.220:
(1) initial continuing education course submittal fee, $50;
(2) continuing education course resubmittal fee, $25.

Authority: AS 08.01.065 AS 08.95.110 AS 08.95.125
AS 08.95.030 AS 08.95.120

12 AAC 02.160. COLLECTION AGENCIES. (a) The following fees are established for collection agencies:
(1) application fee for initial license, $50;
(2) operator license fee for all or part of the initial biennial license period, $125;
(3) biennial operator license renewal fee, $125;

(4) agency license fee for all or part of the initial biennial license period, $125;
(5) biennial agency license renewal fee, $125;
(6) branch office license fee, for all or part of the initial biennial license period, $125;
(7) biennial branch office license renewal fee, $125;
(8) delayed renewal penalty, $50.

(b) Under AS 08.24.370, all nonresident operator and agency fees are double the fees established in (a) of this section, except for branch office fees.

Authority: AS 08.01.065 AS 08.24.135 AS 08.24.370
AS 08.01.100

12 AAC 02.170. CONCERT PROMOTERS. The following fees are established for concert promoters:
(1) application fee for initial registration, $125;
(2) certificate of registration fee, for all or part of the initial biennial registration period, $800;
(3) biennial certificate of registration renewal fee, $800.

Authority: AS 08.01.065 AS 08.92.020 AS 08.92.080

12 AAC 02.180. CONSTRUCTION CONTRACTORS. (a) The following fees are established for general, mechanical, and all specialty construction contractors:
(1) nonrefundable application fee for initial registration or residential contractor endorsement, $65;
(2) certificate of registration and license enforcement support fee, for all or part of the initial biennial registration period, $235;
(3) biennial certificate of registration renewal and license enforcement support fee, $235;
(4) fee for change from one specialty to another specialty, or from specialty to mechanical, or from mechanical to specialty, contractor registration, $35;
(5) name change, $65;
(6) bonding research, $30;
(7) residential contractor endorsement fee, for all or part of the initial biennial endorsement period, $235;
(8) biennial residential contractor endorsement renewal fee, $235;
(9) residential contractor endorsement examination fee, $95.

(b) When a registrant upgrades from a specialty or mechanical contractor registration to a general contractor registration, or downgrades from a general contractor registration to a specialty or mechanical contractor registration, the following fees will be assessed:
(1) when, as a result of the change, the registrant's registration period at the time of the change is reduced, $65;
(2) when, as a result of the change, the registrant's registration period at the time of the change is extended, $95;
(3) repealed 11/15/96.

Authority: AS 08.01.065 AS 08.18.041

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;
(D) local anesthetic permit, $100;
(E) nitrous oxide certification, $100;
(2) repealed 12/13/2014;
(3) license fee for all or part of the initial biennial license period, $200;
(4) biennial license renewal fee, $200;
(5) local anesthetic permit, $100;
(6) credential review fee, $110;
(7) local anesthetic permit renewal fee, $100;
(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;
(11) nitrous oxide certification one-time fee, $100.

(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) deep sedation, moderate sedation, minimal 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;
(5) repealed 12/13/2014;
(6) biennial license renewal fee, $450;
(7) repealed 12/13/2014;
(8) repealed 12/13/2014;
(9) deep sedation, moderate sedation, or minimal sedation permit fee for all or part of the initial biennial permit period, $1,000;
(10) biennial deep sedation, moderate sedation, or minimal sedation permit renewal fee, $350;
(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;
(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;
(2) continuing education course resubmittal fee, $50.

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

12 AAC 02.195. DIETITIANS AND NUTRITIONISTS. The following fees are established for dietitians and nutritionists:
(1) application fee for initial license, $100;
(2) license fee for all or part of the initial biennial license period, $125;
(3) biennial license renewal fee, $125.

Authority: AS 08.01.010 AS 08.01.100 AS 08.38.030
AS 08.01.065 AS 08.38.020

12 AAC 02.200. DISPENSING OPTICIANS. The following fees are established for dispensing opticians and apprentices:
(1) nonrefundable application fee for initial license, $50;
(2) license fee for all or part of the initial biennial license period, $275;
(3) biennial license renewal fee, $275;
(4) apprentice registration fee, $250;
(5) apprentice registration change fee, $50.

Authority: AS 08.01.065 AS 08.71.120 AS 08.71.160

12 AAC 02.210. ELECTRICAL ADMINISTRATORS. The following fees are established for electrical administrators:
(1) nonrefundable application fee for each license category applied for separately, $50;
(2) examination fee, due each time an applicant applies for an examination, $125 per category;
(3) electrical administrator license fee for all or part of the initial biennial license period, $200;
(4) biennial electrical administrator license renewal fee, $200;
(5) repealed 10/1/88;
(6) repealed 5/30/97.

Authority: AS 08.01.065 AS 08.40.150

12 AAC 02.215. EUTHANASIA OF DOMESTIC ANIMALS. The following fees are established for agencies that purchase, possess, and use certain drugs to euthanize domestic animals:
(1) application fee for initial euthanasia permit, $25;
(2) permit fee for all or part of the initial biennial license period, $25;
(3) biennial permit renewal fee, $25.

Authority: AS 08.01.065 AS 08.02.050

12 AAC 02.220. GEOLOGISTS. The fee for certification of a professional geologist is $50.

Authority: AS 08.01.065 AS 08.02.011

12 AAC 02.225. PRIVATE PROFESSIONAL GUARDIAN LICENSE AND PRIVATE PROFESSIONAL CONSERVATOR LICENSE. The following fees are established for private professional guardians and private professional conservators:

(1) application fee for initial registration, $125;
(2) license fee for all or part of the initial biennial licensing period, $725;
(3) biennial license renewal fee, $725;
(4) temporary license fee for private professional guardian or private professional conservator, $50;
(5) nonrefundable fingerprint processing fee, $59.

Authority: AS 08.01.065 AS 08.26.060

12 AAC 02.230. BIG GAME COMMERCIAL SERVICES BOARD. (a) The following fees are established for registered and master guide-outfitters:

(1) nonrefundable application fee for initial license, $200;
(2) initial registered guide-outfitter qualification examination or retake examination fee, $125;
(3) game management unit examination fee for taking initial examination, retaking examination, or adding game management units, $400 per game management unit;
(4) registered or master guide-outfitter license fee, for all or part of the biennial license period, $850;
(5) biennial registered or master guide-outfitter license renewal fee, $850;
(6) examination preparation packet for registered guide-outfitter, $100;
(7) retired status license fee, $300;
(8) hunt record annual filing fee, $300;
(9) guide use area registration fee, $100.

(b) The following fees are established for Class-A assistant and assistant guides:

(1) nonrefundable application fee for initial license, $200;
(2) Class-A assistant and assistant guide license fee for all or part of the initial biennial license period, $410;
(3) Class-A assistant and assistant guide biennial license renewal fee, $410;
(4) retired status license fee, $175.

(c) The following fees are established for transporter licenses:

(1) nonrefundable application fee, $200;
(2) transporter license fee, for all or part of the biennial license period, $850;
(3) biennial transporter license renewal fee, $850;
(4) transporter activity report annual filing fee, $300.

(d) Under AS 08.54.770(e), the license fees for nonresidents are double the license fees established in (a) – (c) of this section.

Authority: AS 08.01.010 AS 08.54.650 AS 08.54.760
AS 08.01.065 AS 08.54.750 AS 08.54.770
AS 08.01.100

12 AAC 02.235. HOME INSPECTORS. The following fees are established for home inspectors and associate home inspectors:

(1) nonrefundable application fee for initial license, $65;
(2) certificate of registration and license enforcement support fee, for all or part of the initial biennial licensing period, $235;
(3) biennial certificate of registration renewal and license enforcement support fee, $235;
(4) bonding research, $30;
(5) fee for adding an additional type of authorized inspection to a registration, $30.

Authority: AS 08.01.065 AS 08.18.022 AS 08.18.041

12 AAC 02.240. BOARD OF MARINE PILOTS. The following fees are established for all license and registration categories of marine pilots and vessel agents:

(1) nonrefundable application fee for

(A) initial deputy marine pilot license, including the application fee for the regional comprehensive local knowledge examination, $500;

(B) core examination, extension of route examination, marine pilot license, vessel agent registration, VLCC endorsement, or tonnage upgrade, $100;

(2) marine pilot license fee for all or part of the initial biennial license period, $2,500, which will be waived by the department if the applicant is upgrading from a deputy marine pilot license and has paid the deputy marine pilot license fee for the same biennial license period;
(3) biennial marine pilot license renewal fee, $2,500;
(4) vessel agent registration fee for all or part of the initial biennial registration period, $1,000;
(5) biennial vessel agent renewal fee, $1,000;
(6) core examination fee, $500;
(7) deputy marine pilot license fee for all or part of the initial biennial license period, $2,500;
(8) biennial deputy marine pilot license renewal fee, $2,500;
(9) regional comprehensive local knowledge examination fee, $500;
(10) extension of route examination fee, $200.

Authority: AS 08.01.065 AS 08.62.140

12 AAC 02.242. BOARD OF MARITAL AND FAMILY THERAPY. The following fees are established for marital and family therapists and associates:
(1) nonrefundable application fee for initial license, $200;
(2) license fee for all or part of the initial biennial license period, $800;
(3) biennial license renewal fee, $800;
(4) four-year associate license fee for supervised practice, $500;
(5) temporary license fee, $200.

Authority: AS 08.01.065 AS 08.63.110 AS 08.63.140
AS 08.63.100 AS 08.63.130

12 AAC 02.245. MECHANICAL ADMINISTRATORS. The following fees are established for mechanical administrators:
(1) nonrefundable application fee for each license category applied for separately, $50;
(2) examination fee, due each time an applicant applies for an examination, $125 per category;
(3) mechanical administrator license fee for all or part of the initial biennial license period, $250;
(4) biennial mechanical administrator license renewal fee, $250;
(5) repealed 5/30/97.

Authority: AS 08.01.065 AS 08.40.290 AS 08.40.310

12 AAC 02.250. STATE MEDICAL BOARD. (a) The following fees are established for physicians, podiatrists, and osteopaths:
(1) nonrefundable application fee for initial license, $200;
(2) temporary permit fee, $75;
(3) initial or extended locum tenens permit fee, $100;
(4) license fee for all or part of the initial biennial license period, $300;
(5) active biennial license renewal fee, $300;
(6) inactive biennial license renewal fee, $125;
(7) retired status license one-time fee, $50;
(8) courtesy license fee, $100;
(9) residency permit nonrefundable application and permit fee, $50;
(10) nonrefundable application fee for locum tenens permit, $100;
(11) nonrefundable application fee for courtesy license, $100.
(b) The following fees are established for physician assistants:
(1) nonrefundable application fee for initial license, $150;
(2) temporary license fee, $50;
(3) temporary authorization to practice fee, $50;
(4) locum tenens authorization to practice fee, $50;
(5) fee for establishing or changing a collaborative relationship, $100;
(6) license fee for all or part of the initial biennial license period, $200;
(7) biennial license renewal fee, $200;
(8) graduate physician assistant nonrefundable application and license fee, $50;
(9) inactive biennial license fee, $100.
(c) The following fees are established for mobile intensive care paramedics:
(1) nonrefundable application fee for initial license, $50;
(2) temporary permit fee, $50;
(3) provisional license fee, $50;
(4) license fee for all or part of the initial biennial license period, $50;
(5) biennial license renewal fee, $50.

Authority: AS 08.01.062 AS 08.64.270 AS 08.64.276
AS 08.01.065 AS 08.64.272 AS 08.64.315
AS 08.64.107

12 AAC 02.255. MOBILE HOME DEALERS. (a) The following fees are established for mobile home dealers:
(1) nonrefundable application fee for initial registration, $50;
(2) registration fee for all or part of the initial biennial registration period, $510;
(3) biennial registration renewal fee, $510;
(b) A registration as a mobile home dealer expires on August 31 of odd-numbered years.

Authority: AS 08.01.065 AS 08.67.020 AS 08.67.040
AS 08.01.100

12 AAC 02.260. MORTUARY SCIENCE. (a) A funeral director or embalmer license and a funeral establishment permit expires on December 31 of all even- numbered years. The following fees are established for funeral directors, embalmers, and funeral establishments:
(1) nonrefundable application fee for initial license or permit, $150;
(2) license or permit fee for all or part of the initial license or permit period, $275;
(3) biennial license or permit renewal fee, $275;
(4) state law examination fee, $100.
(b) The following fees are established for funeral director or embalmer trainee permits:
(1) application fee for initial permit, $150;
(2) trainee permit issuance and renewal fee, $100.
(c) Permit fee for disposal of human remains for compensation by a person not licensed under AS 08.42 is $75.

Authority: AS 08.01.065 AS 08.42.010

12 AAC 02.270. NATUROPATHS. The following fees are established for naturopaths:
(1) nonrefundable application fee for initial license, $500;
(2) license fee for all or part of the initial biennial license period, $1,800;
(3) biennial license renewal fee, $1,800;
(4) temporary license fee, $500;
(5) repealed 10/28/2000.

Authority: AS 08.01.065 AS 08.45.030 AS 08.45.100
AS 08.45.020 AS 08.45.035

12 AAC 02.280. BOARD OF NURSING: FEES FOR NURSES AND ADVANCED PRACTICE REGISTERED NURSES. The following fees are established for nurses and advanced practice registered nurses:
(1) nonrefundable application fee for
(A) initial registered or practical nursing license, $100;
(B) advanced practice registered nurse license, $100;
(C) preceptorship registration one-time fee, $100;
(2) license fee for all or part of the initial biennial registered or practical nursing license period, $200;
(3) biennial registered or practical nursing license renewal fee, $200;
(4) temporary permit fee, $100;
(5) prescriptive authority or controlled substance authority application one-time fee, $100;
(6) advanced practice registered nurse license fee for all or part of the initial biennial license period, $100;
(7) advanced practice registered nurse biennial license renewal fee, $100;
(8) reexamination application fee, $50;
(9) late renewal penalty fee, $100;
(10) nonrefundable fingerprint processing fee, $75;
(11) courtesy license fee, $50;
(12) retired nurse status license one-time fee, $100.

Authority: AS 08.01.010 AS 08.01.100 AS 08.68.220
AS 08.01.065

12 AAC 02.282. BOARD OF NURSING: FEES FOR CERTIFIED NURSE AIDES. The following fees are established for certified nurse aides:
(1) nonrefundable application fee for initial certification, $100;
(2) examination fee, $55;
(3) certification fee for all or part of the initial biennial nurse aide certification period, $100;
(4) biennial nurse aide certification renewal fee, $100;

(5) certified nurse aide training program approval fee, $500;
(6) reexamination fee, $50;
(7) nonrefundable fingerprint processing fee, $75.

Authority: AS 08.01.010 AS 08.01.065 AS 08.68.336

12 AAC 02.290. NURSING HOME ADMINISTRATORS. The following fees are established for nursing home administrators:
(1) application fee for
(A) initial license, $125;
(B) provisional license, $100;
(2) license fee for all or part of the initial biennial license period, $250;
(3) biennial license renewal fee, $250;
(4) provisional license fee, $125.

Authority: AS 08.01.065 AS 08.70.130 AS 08.70.150
AS 08.70.080

12 AAC 02.300. BOARD OF EXAMINERS IN OPTOMETRY. The following fees are established for optometrists:
(1) nonrefundable application fee for initial license, $300;
(2) examination fee, $100;
(3) license fee for all or part of the initial biennial license period, $480;
(4) biennial license renewal fee, $480;
(5) retired status license fee, $150;
(6) temporary military courtesy license fee, $240;
(7) extension of temporary military courtesy license fee, $240.

Authority: AS 08.01.063 AS 08.01.065 AS 08.72.191

12 AAC 02.310. BOARD OF PHARMACY. (a) The following fees are established for pharmacists, pharmacy interns, pharmacy technicians, pharmacies, wholesale drug distributors, and drug dispensaries:
(1) application fee for initial license, $60
(2) repealed 10/28/2000;
(3) temporary pharmacist license fee, $60;
(4) emergency permit to practice pharmacy fee, $110;
(5) pharmacy intern license fee, $30.
(b) The following license and registration fees for all or part of the initial biennial licensing or registration period and subsequent biennial license and registration renewal fees are established for pharmacists, pharmacy technicians, remote and other pharmacies, and wholesale drug distributors:
(1) pharmacist, $240;
(2) wholesale drug distributor, $500;
(3) pharmacy, $240;
(4) drug room, $240;
(5) registered pharmacy located outside of the state, $600;
(6) pharmacy technician, $60;
(7) remote pharmacy, $240.

Authority: AS 08.01.065 AS 08.80.160

12 AAC 02.320. STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD. The following fees are established for physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants:
(1) application fee for initial license, $150;
(2) license fee for physical or occupational therapist for all or part of the initial biennial license period, $240;
(3) biennial license renewal fee for physical or occupational therapist, $240;
(4) temporary permit fee, $65;
(5) limited permit fee, $65;
(6) license fee for physical or occupational therapy assistant for all or part of the initial biennial license period, $175;
(7) biennial license renewal fee for physical or occupational therapy assistant, $175.

Authority: AS 08.01.065 AS 08.84.050

12 AAC 02.325. BOARD OF PROFESSIONAL COUNSELORS. The following fees are established for professional counselors:

(1) application fee for any initial license, $200;
(2) license fee for all or part of any initial biennial license period, $500;
(3) any biennial license renewal fee, $500;
(4) any board-approved supervisor fee, $150.

Authority: AS 08.01.065

12 AAC 02.330. BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS. The following fees are established for psychologists and psychological associates:

(1) application fee for
  (A) initial license, $200;
  (B) any courtesy psychologist license, $50;
(2) credential review fee, $100;
(3) psychologist license fee for all or part of the initial biennial licensing period, $775;
(4) psychologist biennial license renewal fee, $775;
(5) temporary license fee, $150;
(6) psychological associate license fee for all or part of the initial biennial licensing period, $775;
(7) psychological associate biennial license renewal fee, $775;
(8) state examination fee, $50;
(9) Examination for Professional Practice in Psychology (EPPP), examination retest fee, $25;
(10) fee for any courtesy psychologist license, $200.

Authority: AS 08.01.062 AS 08.86.135 AS 08.86.140
AS 08.01.065

12 AAC 02.340. BOARD OF PUBLIC ACCOUNTANCY. The following fees are established for accountants, partnerships, corporations, limited liability companies, and other legal entities:

(1) nonrefundable application fee for
  (A) initial license, permit, or practice privilege, $300;
  (B) repealed 10/18/2015;
(2) repealed 11/18/2006;
(3) certified public accountant license fee for all or part of the initial biennial license period, $390;
(4) certified public accountant biennial active license renewal fee, $390;
(5) certified public accountant biennial inactive license renewal fee, $245;
(6) uncertified public accountant biennial license renewal fee, under AS 08.04.661, $200;
(7) uncertified public accountant biennial inactive license renewal fee, under AS 08.04.661, $200;
(8) partnership, corporation, limited liability company, or other legal entity registration and permit fee for all or part of the initial biennial registration period, $530;
(9) biennial partnership, corporation, limited liability company, or other legal entity permit renewal fee, $530;
(10) out-of-state practice privilege permit fee for all or part of the initial biennial registration period, $900;
(11) biennial out-of-state practice privilege permit renewal fee, $900;
(12) license reactivation fee, $150;
(13) delayed renewal penalty fee, $100.

Authority: AS 08.01.065 AS 08.04.495

12 AAC 02.350. BOARD OF VETERINARY EXAMINERS. The following fees are established for veterinarians and veterinary technicians:

(1) nonrefundable application fee for
  (A) initial veterinarian license by examination, $250;
  (B) initial veterinary technician license, $125;
  (C) courtesy license, $125;
  (D) student permit, $125;
(2) state written examination fee for veterinarians, $200;
(3) repealed 10/9/2016;
(4) license fee for veterinarians for all or part of the initial biennial license period, $500;
(5) biennial license renewal fee for veterinarians, $500;
(6) temporary license fee, $125;
(7) temporary permit fee, $125;
(8) registration fee for veterinary technicians for all or part of the initial biennial registration period, $100;
(9) biennial registration renewal fee for veterinary technicians, $100;
(10) courtesy license fee, $125;

(11) nonrefundable application and investigation fee for veterinarian license by credentials under AS 08.98.184, $250;

(12) delayed renewal penalty fee for a veterinarian license that has lapsed more than 60 days and for each year the license has been lapsed, $150;

(13) delayed renewal penalty fee for a veterinary technician license that has lapsed more than 60 days and for each year the license has been lapsed, $75.

Authority: AS 08.01.062 AS 08.01.100 AS 08.98.190
AS 08.01.065

12 AAC 02.360. REAL ESTATE COMMISSION. (a) The following fees are established for real estate salespersons, associate brokers, and brokers:

(1) license fee, for all or part of the initial biennial license period, whether licensure is by examination or endorsement, $200;
(2) biennial license renewal fee for both active and inactive licenses, $200;
(3) fee for office changes, including change of broker and company name, $75 for each license;
(4) transfer of license fee, $225;
(5) application fee for initial license, $200;
(6) initial office registration fee, $225;
(7) license inactivation or reactivation fee, $150;
(8) duplicate license fee, $50;
(9) name change fee, $75;
(10) post-license education certification and new license document fee, $30;
(11) reinstatement fee for a lapsed license, $275.

(b) The following fees are established for real estate education course certification and instructor approval:
(1) initial course certification fee, $30 per credit hour;
(2) biennial course recertification fee, $25 per credit hour;
(3) instructor approval fee, $200 per instructor;
(4) temporary instructor approval fee, $250 per instructor;
(5) instructor approval recertification fee, $100.

(c) The following fees are established for publications offered by the Real Estate Commission:
(1) information pamphlet on landlord and tenant rights, $5;
(2) repealed 12/2/2005.

Authority: AS 08.01.065 AS 08.88.221

12 AAC 02.370. BOARD OF CERTIFIED REAL ESTATE APPRAISERS. The following fees are established for general real estate appraisers, residential real estate appraisers, institutional real estate appraisers, and registered real estate appraiser trainees:

(1) nonrefundable application fee for initial certification, license, or registration, $450;
(2) certification fee for all or part of the initial biennial certification period, $1,050;
(3) biennial certification renewal fee, $1,050;
(4) real estate appraiser trainee registration fee, $450;
(5) real estate appraiser trainee renewal fee, $450;
(6) courtesy license fee, $150;
(7) course approval fee, $400;
(8) annual federal registry fee, $40.

Authority: AS 08.01.062 AS 08.87.110 AS 08.87.310
AS 08.01.065 AS 08.87.120

12 AAC 02.380. PAWNBROKERS. The following fees are established for pawnbrokers:

(1) nonrefundable application fee for initial license, $200;
(2) license fee for all or part of the initial biennial licensing period, $800;
(3) biennial license renewal fee, $800.

Authority: AS 08.01.065 AS 08.76.110 AS 08.76.140

12 AAC 02.390. BEHAVIOR ANALYSTS. The following fees are established for behavior analysts and assistant behavior analysts:

(1) nonrefundable application fee for initial license, $200;
(2) behavior analyst license fee for all or part of the initial biennial licensing period, $250;
(3) behavior analyst biennial license renewal fee, $250;
(4) assistant behavior analyst license fee for all or part of the initial biennial licensing period, $150;

(5) assistant behavior analyst biennial license renewal fee, $150;
(6) temporary license fee, $100;
(7) nonrefundable fingerprint processing fee, $60.

Authority: AS 08.01.010 AS 08.15.020 AS 08.15.080
AS 08.01.065

12 AAC 02.395. ATHLETIC TRAINERS. The following fees are established for athletic trainers:
(1) nonrefundable application fee for initial license, $200;
(2) athletic trainer license fee for all or part of the initial biennial licensing period, $500;
(3) athletic trainer biennial license renewal fee, $500.

Authority: AS 08.01.010 AS 08.07.020 AS 08.07.040
AS 08.01.065

12 AAC 02.396. BOARD OF MASSAGE THERAPISTS. The following fees are established for massage therapists:
(1) nonrefundable application fee for initial license, $200;
(2) massage therapy license fee for all or part of the initial biennial licensing period, $290;
(3) massage therapy biennial license renewal fee, $290;
(4) nonrefundable fingerprint processing fee, $60.

Authority: AS 08.01.010 AS 08.01.065 AS 08.61.090

ARTICLE 3.
EXAMINATION REVIEW PROCEDURES.

Section
400. Examination review

12 AAC 02.400. EXAMINATION REVIEW. (a) The division will follow the examination review procedures established in this section unless the public or private organization that prepares and owns the examination has procedures for examination review that conflict with the procedures in this section. When there is a conflict, the division will follow the procedures of the public or private organization that prepares and owns the examination.

(b) An applicant who wishes to review a failed examination shall submit a written request, and the applicable examination review fee specified in this chapter, to the division within 30 days after the notice of examination results was mailed to the applicant.

(c) All examination reviews will be conducted in the presence of division staff or the division's designee at the time and location determined by the division. An examination review will not be conducted within 30 days of the next examination the applicant is scheduled to take.

(d) Only an applicant who has failed an examination may participate in the examination review and the applicant may review only his or her own examination.

(e) An applicant may use the same reference materials during an examination review that were allowed during the examination itself, but applicants may not use other materials or take notes or make copies of any kind. All materials brought to an examination review are subject to inspection by the division staff.

(f) An applicant may challenge questions on the examination by submitting the challenge in writing during the time allowed to conduct the examination review under (h) of this section. The written challenge to an examination question must include
(1) the applicant's name;
(2) the date of the examination;
(3) the title of the examination;
(4) the number of the question being challenged; and
(5) a detailed explanation of the reason for the challenge.

(g) A challenge to an examination question will be reviewed by the division, licensing board, or the public or private organization administering the examination. If the division, licensing board, or public or private organization administering the examination sustains a challenge to an examination question, the department will give credit to the applicant for that question.

(h) To conduct the examination review, the division will allow the applicant challenging a question under (f) of this section one half of the length of time that was allowed for the taking of the examination being reviewed.

(i) Unless otherwise provided by an organization that provides or administers an examination for the division or the release is prohibited by law or contract, the division will provide an applicant who requests an examination review with the questions answered incorrectly on the failed examination and the answer that the applicant selected

only. If the examination contains multiple choice questions, the applicant may be provided with all of the answer selections to each failed question without identification of the correct answers.

Authority: AS 08.01.050 AS 08.01.080

ARTICLE 4.
REAL ESTATE ERRORS AND OMISSIONS INSURANCE.

Section

510. Minimum standards
520. Exceptions to coverage
530. Standards for equivalent coverage
540. Notification required for cancellation
550. Maximum amount of premium
560. Method of adjustment
590. Definitions

12 AAC 02.510. MINIMUM STANDARDS. (a) The master errors and omissions insurance policy must provide to each individual licensee, at a minimum, the following terms of coverage:

(1) not less than $100,000 limit of liability for each licensee per covered wrongful act or per covered claim depending on the policy form used by the insurer; claims expenses including the cost for investigation or defense must be in addition to the limit of liability; if the limit of liability is on a

(A) covered wrongful act basis, two or more claims arising out of a single wrongful act or a series of related wrongful acts may be considered one claim;

(B) covered claim basis, two or more related wrongful acts may be considered one claim;

(2) an annual aggregate limit of liability of not less than $300,000 per licensee;

(3) a deductible amount for each covered wrongful act of not more than $5,000 for every $300,000 annual aggregate limit of liability; an additional deductible for investigation and defense costs may be considered;

(4) an extended reporting period of 90 days and an option to purchase an additional three years extended reporting period for a premium not to exceed 200 percent of the premium charged for the last year of the terminating coverage;

(5) the ability of a licensee, upon payment of an additional premium, to obtain higher limits of coverage or to purchase additional coverages from the group insurer as may be available from the insurer;

(6) the coverage provided under the master errors and omissions insurance policy must be individual and specific to the licensee and must cover the licensee regardless of changes in real estate broker or changes in the business relationship between a real estate broker and the licensee; and

(7) prior acts coverage must be offered to a licensee who has maintained the same or similar coverage, continually in-force until the date and the time that coverage begins under the master errors and omissions insurance policy coverage.

(b) The master errors and omissions insurance policy must contain a provision requiring the consent of the insured to settle a claim except that the insured may not unreasonably withhold consent.

(c) The insurer that is selected to provide the master errors and omissions insurance policy shall

(1) maintain an A.M. Best rating of "B+" or better and financial size category of class VI or higher;

(2) maintain a certificate of authority issued under AS 21.09 by the director of insurance to transact insurance business in this state and be in compliance with AS 21;

(3) provide the master errors and omissions insurance policy after notification by the Real Estate Commission that it is the successful bidder of a competitive bidding process under AS 36.30;

(4) enter into contract to provide the master errors and omissions insurance policy in conformity with AS 08.88.172, 12 AAC 02.510 – 12 AAC 02.590, and AS 21; and

(5) collect premiums, maintain records, and report to the Real Estate Commission the names of those insured and prior claims experience if known, date of claim, amount paid, nature of claim, and claims information on a quarterly basis or an annual basis or on request by the Real Estate Commission.

Authority: AS 08.88.172

12 AAC 02.520. EXCEPTIONS TO COVERAGE. Except as provided in this section, the master errors and omissions insurance policy may not exclude coverage for claims brought against the insured licensee arising out of a wrongful act by the licensee when performing a professional service for which a real estate license is required. The policy may limit or exclude coverage for claims brought against a licensee that arise as follows:

(1) out of claims or lawsuits made or brought by any insured person against any other insured person within the same firm or from compensation disputes between licensees;

(2) out of loss assumed under a contract or an agreement, except for liability the insured would have had in the absence of the agreements;

(3) from a criminal, dishonest, fraudulent, or intentional act or omission; this exclusion does not apply to an insured person who did not personally participate in committing the act or omission and who, upon having knowledge of the act or omission, reported it to the Real Estate Commission, or appropriate law enforcement authorities;

(4) from unlawful discrimination committed by or for the insured person;

(5) from fines or penalties imposed by a tribunal or other governmental agency;

(6) from bodily injury, personal injury, advertising injury, or property damage;

(7) from related business activities for which a license is not required under AS 08.88;

(8) from the presence of or the actual, alleged, or threatened discharge, dispersal, release, or escape of hazardous materials, nuclear materials, or pollutants;

(9) from prior wrongful acts unless specific prior wrongful acts coverage is provided;

(10) from any violation of 15 U.S.C. 77a – 77aa (Securities Act of 1933) or 15 U.S.C. 78a – 78mm (Securities Exchange Act of 1934) or any state blue sky or securities law or similar state or federal statutes; or

(11) other standard exclusions that are typical in a professional liability insurance policy and that have been approved by the director of insurance under AS 21.42;

(12) from the insolvency of an insured person;

(13) from any injury or damage that the insured had reason to expect; or

(14) from the conversion, misappropriation, commingling, or defalcation of funds or other property.

Authority: AS 08.88.172

12 AAC 02.530. STANDARDS FOR EQUIVALENT COVERAGE. An insurer issuing equivalent coverage under AS 08.88.172(c)(2) shall hold a certificate of authority issued under AS 21.09. All activities contemplated under AS 08.88.172 must be covered. The insurance must meet the minimum coverage standards of 12 AAC 02.510, except that

(1) a policy with a higher deductible amount or self-insured retention will qualify as equivalent coverage for purposes of AS 08.88.172(c)(2) if, when applying to obtain or renew the license, the insured licensee provides the Real Estate Commission with

(A) an affidavit certifying that the insured licensee has the financial resources in set-aside funds to pay the higher deductible amount or self-insured retention; and

(B) a certificate of insurance from the insured licensee's insurer; and

(2) a broker employing other real estate licensees may comply with the requirements of 12 AAC 02.510(a)(1) and (2) by obtaining insurance with coverage of a minimum of $300,000 per wrongful act and $1,000,000 aggregate, if all licensees associated with the broker are covered.

Authority: AS 08.88.172

12 AAC 02.540. NOTIFICATION REQUIRED FOR CANCELLATION. If equivalent insurance coverage obtained by a licensee under AS 08.88.172(c)(2) is to lapse or not be renewed, the insurer shall notify the Real Estate Commission of the intent to lapse or not to renew a minimum of 30 days before the expiration date of the term. It is the responsibility of the broker or licensee, as applicable, to instruct the insurer to provide the notice required by this section to the Real Estate Commission with named licensees covered.

Authority: AS 08.88.172

12 AAC 02.550. MAXIMUM AMOUNT OF PREMIUM. The maximum amount of premium to be charged a licensee annually under the master errors and omissions insurance policy may not exceed $2,500.

Authority: AS 08.88.172

12 AAC 02.560. METHOD OF ADJUSTMENT. Every three years after the initial procurement of the master errors and omissions insurance policy, the department may adjust the amount of coverage under 12 AAC 02.510(a). The department will not make an adjustment if the department finds the adjustment will significantly reduce the number of insurers willing to bid on a contract to offer the master errors and omissions insurance policy. An adjustment in the limits of liability under 12 AAC 02.510(a) must be an increment of no less than $25,000. The department will give notice of the adjustments under this section by posting the amounts on its Internet website. An adjustment under this section does not take effect until the renewal or the issuance of a new master errors and omissions insurance policy.

Authority: AS 08.88.172

12 AAC 02.590. DEFINITIONS. In this chapter, unless the context requires otherwise,

(1) "aggregate limit" means the maximum liability of an insurer regardless of the number of claims during the policy term;

(2) "director of insurance" means the person appointed under AS 21.06.010 to head the division of insurance of this state;

(3) "equivalent coverage" means errors and omissions insurance coverage obtained independently of the master errors and omissions insurance policy available from the Real Estate Commission and that complies with the requirements, terms, and conditions as set out in 12 AAC 02.510 – 12 AAC 02.590;

(4) "errors and omissions insurance" means professional liability insurance that provides coverage to holders of active real estate brokers, associate brokers, and salespersons licensed in this state for wrongful acts made during the course of real estate transactions, subject to the coverages, limitations, and exclusions of one or more specific insurance policies in place;

(5) "extended reporting period" means a designated period of time after an errors and omissions insurance policy has expired during which a claim may be made and coverage triggered as if the claim has been made during the policy period;

(6) "master errors and omissions insurance policy" means the policy obtained by the Real Estate Commission under AS 08.88.172 that meets the requirements of 12 AAC 02.510 – 12 AAC 02.590.

(7) "prior acts coverage" means the insurance policy provides coverage for claims that are made during a current policy period, but one or more acts causing the claim or injuries for which the claim is made occurred before the inception of the current policy period;

(8) "wrongful act" means a negligent act, error, or omission.

Authority: AS 08.88.172

ARTICLE 5.
TELEMEDICINE BUSINESS REGISTRY.

Section

600. Application for placement on the telemedicine business registry; changes of information

12 AAC 02.600. APPLICATION FOR PLACEMENT ON THE TELEMEDICINE BUSINESS REGISTRY; CHANGES OF INFORMATION. (a) To be registered on the telemedicine business registry established and maintained under AS 44.33.381, and before providing telemedicine services to a recipient located in this state, a business performing telemedicine services must submit to the department

(1) a complete registration on a form provided by the department; the registration must include the business's name, address, and contact information;

(2) a copy of the business's valid business license issued under AS 43.70 and 12 AAC 12; and

(3) the applicable fee established in 12 AAC 02.106.

(b) A business performing telemedicine services must register with the name it is using to perform telemedicine services in this state. A business operating under multiple names to perform telemedicine services shall file a separate registration for each name.

(c) If the name, address, or contact information of a business on the telemedicine business registry changes, the business performing telemedicine services must submit to the department, not later than 30 days after the change or termination,

(1) a complete report, on a form provided by the department, of each change; and

(2) the applicable fee established in 12 AAC 02.106.

(d) A business that fails to comply timely with (c) of this section may not perform telemedicine services in this state and must submit a new application under (a) of this section before resuming the provision of telemedicine services to a recipient located in this state.

(e) If a business terminates the performance of telemedicine services in this state, the business shall notify the department, requesting that the department remove the business from the telemedicine business registry. If a business gives notification under this subsection, the business must submit a new application under (a) of this section before resuming the provision of telemedicine services to a recipient located in this state.

(f) In this section, "telemedicine services" has the meaning given in AS 44.33.381.

Authority: AS 44.33.020 AS 44.33.381

ARTICLE 6.
GENERAL PROVISIONS.

Section

900. Name and address changes
910. Abandoned applications
920. Filing date
930. Date of license lapse
935. Effective date of license
940. Effective date of renewed licenses
950. (Repealed)
955. Courtesy license
960. Audit of compliance with continuing competency requirements
965. Failure to meet continuing education requirements for renewal and reinstatement of license
990. Definitions

12 AAC 02.900. NAME AND ADDRESS CHANGES. (a) A person licensed, registered, or certified by a board or commission listed in AS 08.01.010, or in an occupation listed in AS 08.01.010, shall maintain a current, valid, mailing address on file with the division at all times. The latest mailing address on file with the division is the address that will be used for official communications, notifications, and service of legal process.

(b) A licensee must notify the division in writing, of a change of the licensee's address.

(c) If a licensee has a change of name, the licensee shall submit to the division within 30 days of the change of name

(1) notification of the change of the licensee's name, on a form provided by the division that has been completed by the licensee and notarized;

(2) a copy of the marriage certificate, court document, or other legal document verifying the change of name; and

(3) the fee established in 12 AAC 02.105 for a name change.

(d) The division will issue a new license showing the change of name if a licensee meets the requirements in (c) of this section.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.087

12 AAC 02.910. ABANDONED APPLICATIONS. (a) Except if procedures are otherwise expressly provided in this title for a particular board or occupation, an application is considered abandoned when

(1) 12 months have elapsed since correspondence was last received from or on behalf of the applicant; or

(2) the applicant has failed to appear for two successive examinations.

(b) An abandoned application is denied without prejudice and the application fee forfeited.

(c) At the time an application is considered abandoned, the division will send notification of abandonment to the last known address of the applicant. An applicant may request a refund of all unused examination and licensing fees credited to the application by submitting a written request for refund within 30 days from the date notification of abandonment was mailed by the division. If no request for refund is received, all fees are forfeited.

Authority: AS 08.01.050 AS 08.01.080

12 AAC 02.920. FILING DATE. (a) Except as otherwise provided in this title, a document submitted to the division will be considered filed as of the postmark date of the document. If the document is submitted by a method that does not provide a postmark date, the document will be considered filed as of the date stamped on the document,

(1) except as provided in (2) of this subsection, when it is received in the division office in Juneau;

(2) for a document related to licensing for nursing under 12 AAC 44 or real estate licensing under 12 AAC 64, when it is received in the division office in Anchorage.

(b) If a filing deadline established in AS 08 or this title falls on a Saturday, Sunday, or state holiday, the deadline will be extended to the next regular state business day.

(c) For the purposes of this section, "postmark date" means the date of a document with prepaid postage and correctly addressed to the division by the United States Postal Service or other established domestic courier service.

Authority: AS 08.01.050 AS 08.01.080

Editor's note: For the purposes of 12 AAC 02.920(a), the division of corporations, business and professional licensing office in the Department of Commerce, Community, and Economic Development, in Juneau is located at the State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801 and the division office in Anchorage is located at the Atwood Building, 550 W. 7th Avenue, Suite 1500, Anchorage, Alaska 99501.

12 AAC 02.930. DATE OF LICENSE LAPSE. For the purposes of AS 08.01.100, if a person licensed by the department or by one of the boards or commissions under AS 08.01.010 was issued a temporary license under AS 14.43.148 or AS 25.27.244 and the temporary license was not converted to an annual or biennial license under AS 05.10, or AS 08, or AS 46.03.375, the lapsed period begins from the date that the temporary license expired.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.935. EFFECTIVE DATE OF LICENSE. (a) When the Alaska Commission on Postsecondary Education issues a notice of release, on or before the expiration date of the temporary license issued by the division under AS 14.43.148, the division will issue the initial license or renewal under AS 08 or AS 46.03.375. The effective date of the license is the date that the license is issued under AS 08 or AS 46.03.375, except as provided in 12 AAC 02.940(b).

(b) When the child support services agency issues a release, on or before the expiration date of the temporary license issued by the division under AS 25.27.244, the division will issue the initial license or renewal under AS 08 or AS 46.03.375. The effective date of the license is the date that the license is issued under AS 08 or AS 46.03.375, except as provided in 12 AAC 02.940(b).

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.940. EFFECTIVE DATE OF RENEWED LICENSES. (a) Except as provided in (b) of this section, the effective date of a renewed license will be the date a complete renewal application is filed with the division as determined by 12 AAC 02.920. A complete application includes

(1) a completed renewal form;

(2) any applicable renewal fees required by this chapter; and

(3) documentation of fulfillment of all applicable prerequisites to license renewal, such as continuing competency, recent experience, insurance coverage, or other requirements.

(b) The division will, in its discretion, show a retroactive effective date on a licensee's renewed license if the licensee

(1) holds a license that has been lapsed less than 60 days;

(2) requests in writing that the division issue a renewed license showing an effective date that is earlier than the date the renewed license was issued;

(3) documents that the licensee was in substantial compliance with the renewal requirements in (a) of this section as of the requested effective date; and

(4) establishes to the satisfaction of the division that the licensee made a good faith effort to strictly comply with the renewal requirements.

(c) The division will not issue a renewed license with an effective date that is earlier than the postmark date of the licensee's first written attempt to renew the licensee's license. "Written attempt to renew" means an effort by the licensee to submit the proper documentation to comply with the license renewal requirements. A request for a renewal application form alone does not constitute a "written attempt to renew."

Authority: AS 08.01.050 AS 08.01.100

12 AAC 02.950. APPLICATION DEADLINE FOR EXAMINATION FOR AN OPTOMETRY LICENSE. Repealed 12/16/2001.

12 AAC 02.955. COURTESY LICENSE. (a) If an applicant meets the requirements of this section, the department will issue a courtesy license authorizing the holder to practice one of the following professions for the limited purpose recognized by the division:

(1) acupuncturist under AS 08.06;

(2) audiologist under AS 08.11;

(3) electrical administrator or mechanical administrator under AS 08.40;

(4) funeral director or embalmer under AS 08.42;

(5) naturopath under AS 08.45.

(b) A courtesy license issued under (a) of this section authorizes the holder to practice the profession or occupation for which the license is issued for a limited purpose recognized by the division under (f) of this section. A courtesy license does not authorize the holder to practice the profession outside the scope of the limited purpose for which the courtesy license is issued.

(c) An applicant for a courtesy license issued under (a) of this section shall submit to the department

(1) a completed application on a form provided by the department;

(2) the fee established in 12 AAC 02.105 for a courtesy license;

(3) a sworn statement, signed by the applicant before a notary, that the applicant is not a resident of this state;

(4) verification of a current license in another licensing jurisdiction to practice the profession for which a courtesy license is requested; the license in that jurisdiction must be active, in good standing, and cover the scope of the practice required for the limited purpose of the courtesy license;

(5) a description of the limited purpose of the courtesy license and the applicant's intended scope of practice under the courtesy license; and

(6) a sworn statement, signed by the applicant before a notary, that the applicant has not previously been denied a license or had a license revoked in this or another state or other licensing jurisdiction for the profession that the courtesy license is sought.

(d) A courtesy license issued under (a) of this section is valid for no more than 90 consecutive days. The department will not issue more than two courtesy licenses for the profession to an individual within a consecutive eighteen-month period.

(e) The holder of a courtesy license issued under (a) of this section is obligated to uphold the standards of practice identified in AS 08 and in this title for the relevant profession and is subject to the relevant disciplinary provisions in AS 08 and this title.

(f) The department will recognize the following limited purposes for a courtesy license issued under (a) of this section:

(1) provision of professional services in an emergency situation specifically recognized by the department; the department will, in its discretion, restrict the license to cover only the professional services required to respond to the emergency situation, if the department finds that the courtesy license is only needed for this purpose;

(2) instruction or provision of professional services at a clinic or seminar focused on a subject in which the applicant for a courtesy license is a specialist.

Authority: AS 08.01.050 AS 08.01.080 AS 08.02.030

12 AAC 02.960. AUDIT OF COMPLIANCE WITH CONTINUING COMPETENCY REQUIREMENTS.

(a) Except as provided in (b) - (j) of this section, the department will audit compliance of licenses with continuing competency requirements in accordance with this section if

(1) the licensee is required to meet continuing competency requirements under AS 08 or this title;

(2) repealed 9/29/2005;

(3) repealed 9/29/2005.

(b) A licensee subject to audit under (a) of this section and applying for license renewal shall

(1) complete and sign a statement of compliance with continuing competency requirements; and

(2) submit the statement to the department with the application for license renewal.

(c) Except as provided in (d) of this section, the department will select licensees for audit under (a) of this section as follows:

(1) ten percent of the total number of licensees in that profession if the total number of licensees is less than 3,000; or

(2) five percent of the total number of licensees in that profession if the total number of licensees is 3,000 or more.

(d) The department will require that a different percent of licensees be selected for audit, if the board that regulates the profession, or the department for a profession not regulated by a board or commission, finds that a different percent to be audited is necessary to protect public health and safety.

(e) A licensee selected for audit under (c) or (d) of this section will be notified by the department. Within 30 days of notification, the licensee shall submit to the department, documentation to verify completion of the continuing competency activities claimed on the statement submitted with the application for license renewal. The documentation must include a valid copy of a certificate or similar verification of satisfactory completion of the continuing competency activities claimed that provides

(1) the name of the licensee;

(2) the amount of continuing competency credit awarded;

(3) a description of the continuing competency activity;

(4) the dates of actual participation or successful completion; and

(5) the name, mailing address and signature of the instructor, sponsor, or other verifier.

(f) A licensee subject to audit under (a) of this section is responsible for maintaining adequate and detailed records of all continuing competency activities completed and shall make the records available to the department on request. A licensee shall maintain the records until the later of

(1) four years from the date of completion of the continuing competency activity; or

(2) if the licensee was selected for audit, the date that the department notifies the licensee that the audit is completed.

(g) The department will extend the period for providing documentation of completion of continuing competency activities if the department finds that the licensee has good cause for the need for additional time to submit the documentation required in (e) of this section.

(h) The department will notify the respective board of a licensee's failure to comply with the department's request for records under (e) of this section.

(i) For professions licensed by the department, the department will consider the licensee's failure to comply with the department's request for records under (e) of this section as grounds for imposition of disciplinary sanctions to the extent allowed under AS 08 and this title.

(j) In this section, "successful completion" means the date that credit for the continuing competency activity is awarded by the instructor, sponsor, or other verifier for completion of the activity.

Authority: AS 08.01.050 AS 08.01.087 AS 08.01.100
AS 08.01.080

12 AAC 02.965. FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL AND REINSTATEMENT OF LICENSE. (a) Except as otherwise provided in AS 08 or this title, a license issued under AS 08 will not be renewed or reinstated if the applicant for renewal or reinstatement has not earned the required number of continuing education credits. The applicant may earn the required number of credits after the expiration date of the license. Continuing education credits earned to reinstate or renew an expired license may not be used to satisfy the continuing education requirements for a future renewal or reinstatement. Credits submitted to satisfy the continuing education requirements under this section must be approved under AS 08 and this title by the department or the applicable board.

(b) For the purposes of this section, "continuing education credits" includes continuing competency, contact hours, continuing education units (CEU's), and credit hours.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.990. DEFINITIONS. As used in this chapter

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

(2) "division" means the division assigned occupational licensing functions in the Department of Commerce, Community, and Economic Development;

(3) "license" means a license, certificate, permit, registration, or similar evidence of authority issued by the division or by one of the boards listed in AS 08.01.010;

(4) "licensee" means a person who holds a license issued by the division or by one of the boards listed in AS 08.01.010.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

APPENDIX

Fees for Certification of Underground Storage Tank Workers

18 AAC 78.495. FEES. (a) The following fees are established for purposes of this chapter:

(1) application fee, $75;

(2) certification fee for each category for which an applicant seeks certification, $130;

(3) certification fee for each category for which an applicant seeks renewal, $130;

(4) duplicate certificate fee, $5; and

(5) reciprocity certification fee for each category for which an applicant seeks certification through reciprocity, $130.

(b) An applicant shall submit a fee required under this section to the division at the time of application, renewal, or request for duplicate certificate.

Authority: AS 46.03.375

Centralized Licensing
Statutes

July 2017

DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

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Sec. 08.01.010. Applicability of chapter. This chapter applies to the

(1) Board of Public Accountancy (AS 08.04.010);
(2) regulation of acupuncturists under AS 08.06;
(3) State Board of Registration for Architects, Engineers, and Land Surveyors (AS 08.48.011);
(4) Athletic Commission (AS 05.05 and AS 05.10);
(5) regulation of athletic trainers under AS 08.07;
(6) regulation of audiologists and speech-language pathologists under AS 08.11;
(7) Board of Barbers and Hairdressers (AS 08.13.010);
(8) regulation of behavior analysts under AS 08.15;
(9) Big Game Commercial Services Board (AS 08.54.591);
(10) regulation of business licenses under AS 43.70;
(11) Board of Chiropractic Examiners (AS 08.20.010);
(12) regulation of collection agencies under AS 08.24;
(13) regulation of concert promoters under AS 08.92;
(14) regulation of construction contractors and home inspectors under AS 08.18;
(15) Board of Dental Examiners (AS 08.36.010);
(16) regulation of dietitians and nutritionists under AS 08.38;
(17) Board of Certified Direct-Entry Midwives (AS 08.65.010);
(18) regulation of dispensing opticians under AS 08.71;
(19) regulation of electrical and mechanical administrators under AS 08.40;
(20) regulation of agencies that perform euthanasia services under AS 08.02.050;
(21) regulation of professional geologists under AS 08.02.011;
(22) regulation of private professional guardians and private professional conservators (AS 08.26);
(23) regulation of hearing aid dealers under AS 08.55;
(24) Board of Marine Pilots (AS 08.62.010);
(25) Board of Marital and Family Therapy (AS 08.63.010);
(26) Board of Massage Therapists (AS 08.61.010);
(27) State Medical Board (AS 08.64.010);
(28) regulation of morticians under AS 08.42;
(29) regulation of the practice of naturopathy under AS 08.45;
(30) Board of Nursing (AS 08.68.010);
(31) regulation of nursing home administrators under AS 08.70;
(32) Board of Examiners in Optometry (AS 08.72.010);
(33) regulation of pawnbrokers (AS 08.76.100 – 08.76.590);

(34) Board of Pharmacy (AS 08.80.010);
(35) State Physical Therapy and Occupational Therapy Board (AS 08.84.010);
(36) Board of Professional Counselors (AS 08.29.010);
(37) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
(38) Real Estate Commission (AS 08.88.011);
(39) Board of Certified Real Estate Appraisers (AS 08.87.010);
(40) Board of Social Work Examiners (AS 08.95.010);
(41) Board of Veterinary Examiners (AS 08.98.010).

Sec. 08.01.020. Board organization. Board members are appointed by the governor and serve at the pleasure of the governor. Unless otherwise provided, the governor may designate the chair of a board, and all other officers shall be elected by the board members. Unless otherwise provided, officers of a board are the chair and the secretary. A board may provide by regulation that three or more unexcused absences from meetings are cause for removal.

Sec. 08.01.025. Public members. A public member of a board may not
(1) be engaged in the occupation that the board regulates;
(2) be associated by legal contract with a member of the occupation that the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
(3) have a direct financial interest in the occupation that the board regulates.

Sec. 08.01.030. Quorum. A majority of the membership of a board constitutes a quorum unless otherwise provided.

Sec. 08.01.035. Appointments and terms. Members of boards subject to this chapter are appointed for staggered terms of four years. Except as provided in AS 39.05.080(4), a member of a board serves until a successor is appointed. Except as provided in AS 39.05.080(4), an appointment to fill a vacancy on a board is for the remainder of the unexpired term. A member who has served all or part of two successive terms on a board may not be reappointed to that board unless four years have elapsed since the person has last served on the board.

Sec. 08.01.040. Transportation and per diem. A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180.

Sec. 08.01.050. Administrative duties of department. (a) The department shall perform the following administrative and budgetary services when appropriate:
(1) collect and record fees;
(2) maintain records and files;
(3) issue and receive application forms;
(4) notify applicants of acceptance or rejection as determined by the board or, for occupations or activities listed in AS 08.01.010 that are regulated directly by the department, as determined by the department under applicable law;
(5) designate dates examinations are to be held and notify applicants;
(6) publish notice of examinations and proceedings;
(7) arrange space for holding examinations and proceedings;
(8) notify applicants of results of examinations;
(9) issue licenses or temporary licenses as authorized by the board or, for occupations or activities listed in AS 08.01.010 that are regulated directly by the department, as authorized by the department under applicable law;
(10) issue duplicate licenses upon submission of a written request by the licensee attesting to loss of or the failure to receive the original and payment by the licensee of a fee established by regulation adopted by the department;
(11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
(12) compile and maintain a current register of licensees;
(13) answer routine inquiries;
(14) maintain files relating to individual licensees;
(15) arrange for printing and advertising;
(16) purchase supplies;
(17) employ additional help when needed;
(18) perform other services that may be requested by the board;
(19) provide inspection, enforcement, and investigative services to the boards and for the occupations listed in AS 08.01.010 regarding all licenses issued by or through the department;
(20) retain and safeguard the official seal of a board and prepare, sign, and affix a board seal, as appropriate, for licenses approved by a board;
(21) issue business licenses under AS 43.70.

(b) The form and content of a license, authorized by a board listed in AS 08.01.010, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned.

(c) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(d) At the request of one of the following boards, the department may contract with public agencies and private professional organizations to provide assistance and treatment to persons licensed by the board who abuse alcohol, other drugs, or other substances:

(1) Board of Social Work Examiners;
(2) Board of Dental Examiners;
(3) Board of Marital and Family Therapy;
(4) State Medical Board;
(5) Board of Nursing;
(6) Board of Examiners in Optometry;
(7) Board of Pharmacy;
(8) State Physical Therapy and Occupational Therapy Board;
(9) Board of Professional Counselors;
(10) Board of Psychologist and Psychological Associate Examiners; and
(11) Board of Veterinary Examiners.

Sec. 08.01.060. Application for license. (a) All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department.

(b) If the applicant is a natural person, the application must require that the applicant submit the applicant's social security number to the department. Notwithstanding any other provision of this title, a license to engage in a profession may not be issued by the department to a natural person unless the social security number has been provided to the department.

Sec. 08.01.062. Courtesy licenses. (a) A board established under this title and the Department of Commerce, Community, and Economic Development, with respect to an occupation that it regulates under this title, may by regulation establish criteria for issuing a temporary courtesy license to nonresidents who enter the state so that, on a temporary basis, they may practice the occupation regulated by the board or the department.

(b) The regulations adopted under (a) of this section may include limitations relating to the

(1) duration of the license's validity;
(2) scope of practice allowed under the license; and
(3) other matters considered important by the board or the department.

Sec. 08.01.063. Military courtesy licenses. (a) Except as provided in (d) of this section, and notwithstanding another provision of law, the department or appropriate board may issue a temporary courtesy license to the spouse of an active duty member of the armed forces of the United States if the spouse applies to the department or appropriate board in the manner prescribed by the department or appropriate board. An application must include evidence satisfactory to the department or appropriate board that the applicant

(1) is married to and living with a member of the armed forces of the United States who is on active duty and assigned to a duty station in this state under official active duty military orders;

(2) holds a current license or certificate in another state, district, or territory of the United States with requirements that the department or appropriate board determines are equivalent to those established under this title for that occupation;

(3) if required by the department or appropriate board for obtaining a license in the applicant's profession, has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(4) has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation under this title at the time the act was committed;

(5) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction; and

(6) pays any fees required under this title.

(b) The department or appropriate board shall expedite the procedure for issuance of a license under (a) of this section.

(c) A temporary courtesy license issued under this section is valid for 180 days and may be extended at the discretion of the department or appropriate board for one additional 180-day period, on application of the holder of the temporary courtesy license.

(d) This section does not apply to the practice of law or the regulation of attorneys under AS 08.08.

Sec. 08.01.064. Military education, training, and service credit; temporary license. (a) Notwithstanding another provision of law, the department or applicable board shall accept military education, training, and service for some or all of the qualifications otherwise required of an applicant for a license or certificate issued under this chapter if

(1) the department or applicable board determines that the military education, training, and service is substantially equivalent to some or all of the qualifications otherwise required of an applicant for a license or certificate issued under this chapter; and

(2) the applicant provides satisfactory evidence of successful completion of the education, training, or service as a member of the armed forces of the United States, the United States Reserves, the National Guard of any state, the Military Reserves of any state, or the Naval Militia of any state.

(b) If the department issues temporary licenses or certificates as authorized by the department or applicable board under AS 08.01.050(a)(9), the department or applicable board shall issue a temporary license or certificate to a person who

(1) applies to the department or applicable board in a manner prescribed by the department or board;

(2) meets the requirements in AS 08.01.063(a)(3) - (6); and

(3) while in the armed forces of the United States or any state, as described in (a) of this section,

(A) held a current license or certificate in another state, district, or territory of the United States, practiced in the area of the license or certificate, and maintained the license or certificate in active status before and at the time of application for a license or certificate under this subsection; or

(B) was awarded a degree, diploma, or certificate by a branch of the armed forces of the United States or any state, as described in (a) of this section, that met standards for an equivalent license or a certificate of technical training.

(c) The department or applicable board shall expedite the procedure for issuance of a license or certificate under (b) of this section for an applicant who is on active duty.

(d) A license or certificate issued under (b) of this section is valid for 180 days and may be extended at the discretion of the department or applicable board for one additional 180-day period if the holder of the license or certificate applies for an extension on a form approved by the department or applicable board.

(e) The department or applicable board may adopt regulations necessary to implement this section.

Sec. 08.01.065. Establishment of fees. (a) Except for business licenses, the department shall adopt regulations that establish the amount and manner of payment of application fees, examination fees, license fees, registration fees, permit fees, investigation fees, and all other fees as appropriate for the occupations covered by this chapter.

(b) *[Repealed, Sec. 4 ch 34 SLA 1992.]*

(c) Except as provided in (f) – (i) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The department shall annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation. 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 under (a) of this section to implement the adjustments. In January of each year, the department shall report on all fee levels and revisions for the previous year under this subsection to the office of management and budget. If a board regulates an occupation covered by this chapter, the department shall consider the board's recommendations concerning the occupation's fee levels and regulatory costs before revising fee schedules to comply with this subsection. In this subsection, "regulatory costs" means costs of the department that are attributable to regulation of an occupation plus

(1) all expenses of the board that regulates the occupation if the board regulates only one occupation;

(2) the expenses of a board that are attributable to the occupation if the board regulates more than one occupation.

(d) The license fee for a business license is set by AS 43.70.030(a). The department shall adopt regulations that establish the manner of payment of the license fee.

(e) *[Repealed, Sec. 28 ch 90 SLA 1991.]*

(f) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the State Board of Registration for Architects, Engineers, and Land Surveyors approximately equals the total regulatory costs of the department and the board for all occupations regulated by the board. The department shall set the fee levels for the issuance and renewal of a certificate of registration issued under AS 08.48.211 so that the fee levels are the same for all occupations regulated by the board.

(g) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the department for all occupations regulated under AS 08.11 approximately equals the total regulatory costs of the department for all occupations regulated by the department under AS 08.11. The department shall set the fee levels for the issuance and renewal of licenses issued under AS 08.11 so that the fee levels are the same for all occupations regulated by the department under AS 08.11.

(h) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the Board of Barbers and Hairdressers approximately equals the total regulatory costs of the department, the board, and the Department of Environmental Conservation for all occupations regulated by the board. For purposes of this subsection, the regulatory costs of the Department of Environmental

Conservation for the occupations regulated by the board include the cost of inspections under AS 08.13.210(b), the cost of developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing, manicuring, esthetics, body piercing, ear piercing, and tattooing and permanent cosmetic coloring establishments, and the cost to the Department of Environmental Conservation of enforcing those regulations except for the enforcement costs relating to ear piercing establishments. The department shall set the fee levels for the issuance and renewal of a practitioner's license issued under AS 08.13.100 so that the license and license renewal fees are the same for all occupations regulated by the Board of Barbers and Hairdressers.

(i) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the Department of Commerce, Community, and Economic Development for specialty contractors, home inspectors, and associate home inspectors approximately equals the total regulatory costs of the department for those three registration categories. The department shall set the fee levels for the issuance and renewal of a certificate of registration issued under AS 08.18 so that the fee levels are the same for all three of these registration categories and so that the fee level for a home inspector with a joint registration is not different from the fee level for a home inspector who does not have a joint registration. In this subsection, "joint registration" has the meaning given in AS 08.18.171.

Sec. 08.01.070. Administrative duties of boards. Each board shall perform the following duties in addition to those provided in its respective law:

(1) take minutes and records of all proceedings;

(2) hold a minimum of one meeting each year;

(3) hold at least one examination each year;

(4) request, through the department, investigation of violations of its laws and regulations;

(5) prepare and grade board examinations;

(6) set minimum qualifications for applicants for examination and license and may establish a waiver of continuing education requirements for renewal of a license for the period in which a licensee is engaged in active duty military service as described under AS 08.01.100(f);

(7) forward a draft of the minutes of proceedings to the department within 20 days after the proceedings;

(8) forward results of board examinations to the department within 20 days after the examination is given;

(9) notify the department of meeting dates and agenda items at least 15 days before meetings and other proceedings are held;

(10) submit before the end of the fiscal year an annual performance report to the department stating the board's accomplishments, activities, and needs.

Sec. 08.01.075. Disciplinary powers of boards. (a) A board may take the following disciplinary actions, singly or in combination:

(1) permanently revoke a license;

(2) suspend a license for a specified period;

(3) censure or reprimand a licensee;

(4) impose limitations or conditions on the professional practice of a licensee;

(5) require a licensee to submit to peer review;

(6) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;

(7) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;

(8) impose a civil fine not to exceed $5,000.

(b) A board may withdraw probationary status if the deficiencies that required the sanction are remedied.

(c) A board may summarily suspend a licensee from the practice of the profession before a final hearing is held or during an appeal if the board finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of a summary suspension to a court of competent jurisdiction.

(d) A board may reinstate a suspended or revoked license if, after a hearing, the board finds that the applicant is able to practice the profession with skill and safety.

(e) A board may accept the voluntary surrender of a license. A license may not be returned unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.

(f) A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.

Sec. 08.01.077. Conviction as grounds for disciplinary action. Notwithstanding any other provision of this title, the conviction under AS 47.24.010 of a person licensed, certified, or regulated by the department or a board under this title may be considered by the department or board as grounds for disciplinary proceedings or sanctions.

Sec. 08.01.080. Department regulations. The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

(1) how an examination is to be conducted;
(2) what is contained in application forms;
(3) how a person applies for an examination or license.

Sec. 08.01.087. Investigative and enforcement powers of department. (a) The department may, upon its own motion, conduct investigations to

(1) determine whether a person has violated a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010; or

(2) secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010, the commissioner may, if the commissioner considers it in the public interest, and after notification of a proposed order or action by telephone, telegraph, or facsimile to all board members, if a board regulates the act or practice involved, unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the office of administrative hearings (AS 44.64.010) shall conduct the hearing and shall issue a proposed decision within 10 days after the hearing; the commissioner shall issue a final order within five days after the proposed decision is issued;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, an order issued under it, or with a provision of this title or regulation adopted under this title dealing with business licenses or an occupation or board listed in AS 08.01.010;

(3) examine or have examined the books and records of a person whose business activities require a business license or licensure by a board listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010; the commissioner may require the person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records, and other documents.

(c) Under procedures and standards of operation established by the department by regulation, and with the agreement of the appropriate agency, the department may designate appropriate state or municipal agencies to investigate reports of abuse, neglect, or misappropriation of property by certified nurse aides.

Sec. 08.01.089. Copies of records for child support purposes. If a copy of a public record concerning an individual who owes or is owed child support that is prepared or maintained by the department is requested by the child support services agency created in AS 25.27.010 or a child support enforcement agency of another state, the department shall provide the requesting agency with a certified copy of the public record, including the individual's social security number. If these records are prepared or maintained by the department in an electronic data base, the records may be supplied by providing the requesting agency with a copy of the electronic record and a statement certifying its contents. A requesting agency receiving information under this section may use it only for child support purposes authorized under law.

Sec. 08.01.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b) and actions taken under AS 08.68.333(c).

Sec. 08.01.100. License renewal, lapse, and reinstatement. (a) Licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A license subject to renewal shall be renewed on or before the date set by the department. If the license is not renewed by the date set by the department, the license lapses. In addition to renewal fees required for reinstatement of the lapsed license, the department may impose a delayed renewal penalty, established by regulation, that shall be paid before a license that has been lapsed for more than 60 days may be renewed. The department may adopt a delayed renewal penalty only with the concurrence of the appropriate board.

(c) Except as provided in (f) of this section, when continuing education or other requirements are made a condition of license renewal, the requirements shall be satisfied before a license is renewed.

(d) Except as otherwise provided, a license may not be renewed if it has been lapsed for five years or more.

(e) Notwithstanding any other provision of this title, a renewal of a license may not be issued by the department to a natural person unless the licensee's social security number has been provided to the department.

(f) The department may establish and implement a waiver of continuing education requirements for renewal of a license regulated by the department and a board may establish and implement a waiver of continuing education

requirements for renewal of a license regulated by the board for the period in which a licensee is engaged in active duty military service in the armed forces of the United States.

(g) A member of the armed forces of the United States on active duty in a combat zone, danger pay post, or qualified hazardous duty area, who is a licensee under this title in good standing at the time of the licensee's active duty order is exempt from any fees or other requirements to maintain that license or good standing while the licensee is in that zone, at that post, or in that area. This exemption is valid for 180 days after returning to the licensee's permanent duty station, if the licensee does not engage in licensed practice for profit in the private sector. The licensee shall pay fees and meet all other requirements for the license period beginning after the exemption ends. In this subsection,

(1) "combat zone" has the meaning given in 26 U.S.C. 112(c)(2) (Internal Revenue Code);

(2) "danger pay post" means a post so designated by the United States Secretary of State in the Department of State Standardized Regulations for purposes of danger pay under 5 U.S.C. 5928;

(3) "qualified hazardous duty area" means an area that, during the applicant's deployment, is treated as if it were a combat zone for purposes of a federal tax exemption under 26 U.S.C. 112 (Internal Revenue Code).

Sec. 08.01.102. Citation for unlicensed practice or activity. The department may issue a citation for a violation of a license requirement under this chapter, except a requirement to have a license under AS 43.70, if there is probable cause to believe a person has practiced a profession or engaged in business for which a license is required without holding the license. Each day a violation continues after a citation for the violation has been issued constitutes a separate violation. A citation issued under this section must comply with the standards adopted under AS 12.25.175 - 12.25.230.

Sec. 08.01.103. Procedure and form of citation. (a) A person receiving the citation issued under AS 08.01.102 is not required to sign a notice to appear in court.

(b) The time specified in the notice to appear on a citation issued under AS 08.01.102 shall be at least five working days after the issuance of the citation.

(c) The department is responsible for the issuance of books containing appropriate citations and shall maintain a record of each book issued and each citation contained in it. The department shall require and retain a receipt for every book issued to an employee of the department.

(d) On or before the 10th working day after the issuance of a citation, the department shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. Upon its deposit with the court, the citation may be disposed of only by trial in the court or other official action taken by the magistrate, judge, or prosecutor. The department may not dispose of a citation, copies of it, or the record of its issuance except as required under this subsection and (e) of this section.

(e) The department shall require the return of a copy of every citation issued by the department and all copies of a citation that has been spoiled or upon which an entry has been made and not issued to an alleged violator. The department shall also maintain, in connection with each citation, a record of the disposition of the charge by the court where the original or copy of the citation was deposited.

(f) A citation issued under AS 08.01.102 is considered to be a lawful complaint for the purpose of prosecution.

Sec. 08.01.104. Failure to obey citation. Unless the citation has been voided or otherwise dismissed by the magistrate, judge, or prosecutor, a person who without lawful justification or excuse fails to appear in court to answer a citation issued under AS 08.01.102, regardless of the disposition of the charge for which the citation was issued, is guilty of a class B misdemeanor.

Sec. 08.01.105. Penalty for improper payment. An applicant shall pay a penalty of $10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor.

Sec. 08.01.110. Definitions. In this chapter,

(1) “board” includes the boards and commissions listed in AS 08.01.010;

(2) “commissioner” means the commissioner of commerce, community, and economic development;

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

(4) “license” means a business license or a license, certificate, permit, or registration or similar evidence of authority issued for an occupation by the department or by one of the boards listed in AS 08.01.010;

(5) “licensee” means a person who holds a license;

(6) “occupation” means a trade or profession listed in AS 08.01.010.

CHAPTER 02.
MISCELLANEOUS PROVISIONS.

Section

10. Professional designation requirements
11. Professional geologist
20. Limitation of liability
40. Access to certain mental health information and records by the state
50. Permits for use of drugs to euthanize domestic animals
90. Definition

Sec. 08.02.010. Professional designation requirements. (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-language pathologist licensed under AS 08.11, a behavior analyst licensed under AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of noncompliance by that person's appropriate licensing board or, if the person is not regulated by a board, by the department. If, after a reasonable time, with opportunity for a hearing, the person's noncompliance continues, the board or department, as appropriate, may suspend or revoke the person's license or registration, or administer other disciplinary action which in its determination is appropriate.

Sec. 08.02.011. Professional geologist. The commissioner of commerce, community, and economic development shall certify an applicant as a professional geologist if the applicant is certified as a professional geologist by the American Institute of Professional Geologists.

Sec. 08.02.020. Limitation of liability. An action may not be brought against a person for damages resulting from

(1) the person’s good faith performance of a duty, function, or activity required as a

(A) member of, or witness before, a licensing board or peer review committee established to review a licensing matter;

(B) member of a committee appointed under AS 08.64.336(c);

(C) contractor or agent of a contractor under AS 08.01.050(d) or AS 08.64.101(5);

(2) a recommendation or action in accordance with the prescribed duties of a licensing board, peer review committee established to review a licensing matter, committee appointed under AS 08.64.336(c), or contractor or agent of a contractor under AS 08.01.050(d) or AS 08.64.101(5) when the person acts in the reasonable belief that the action or recommendation is warranted by facts known to the person, board, peer review committee, committee appointed under AS 08.64.336(c), or contractor or agent of the contractor under AS 08.01.050(d) or AS 08.64.101 (5) after reasonable efforts to ascertain the facts upon which the action or recommendation is made; or

(3) a report made in good faith to a public agency by the person, or participation by the person in an investigation by a public agency or a judicial or administrative proceeding relating to the report, if the report relates to the abuse of alcohol, other drugs, or other substances by a person licensed by a board listed in AS 08.01.050(d).

Sec. 08.02.040. Access to certain mental health information and records by the state. (a) Notwithstanding AS 08.29.200, AS 08.63.200, AS 08.86.200, AS 08.95.900, another provision of this title, or a regulation adopted under this title, a licensee or an entity employing or contracting with a licensee may disclose confidential patient mental health information, communications, and records to the Department of Health and Social Services when disclosure is authorized under AS 47.30.540, 47.30.590, 47.30.845, or AS 47.31.032. Information, communications, and records received by the Department of Health and Social Services under this section are confidential medical records of patients and are not open to public inspection and copying under AS 40.25.110 - 40.25.120.

(b) In this section, "licensee" has the meaning given in AS 08.01.110.

Sec. 08.02.050. Permits for use of drugs to euthanize domestic animals. (a) A qualified agency may apply to the department and obtain a permit that authorizes the purchase, possession, and use by the agency of sodium pentobarbital, sodium pentobarbital with lidocaine, and other drugs authorized in regulations adopted by the department for the purpose of euthanizing injured, sick, or abandoned domestic animals in the lawful possession of the agency. To qualify to obtain the permit, the agency shall certify that it will

(1) comply with applicable federal laws related to the use of the drugs; and

(2) not permit an employee to administer the drugs unless the employee has successfully completed a euthanasia technician certification course approved by the National Animal Control Association, the American Humane Association, or the Humane Society of the United States.

(b) The department may revoke or suspend a permit or take another disciplinary action under AS 08.01.075 if it determines that the agency or an employee of the agency

(1) improperly used sodium pentobarbital, sodium pentobarbital with lidocaine, or another drug authorized for use under this section;

(2) failed to follow federal or state laws regarding proper storage and handling of the drugs;

(3) allowed an employee to administer the drugs before the employee successfully completed the certification course described in (a)(2) of this section; or

(4) violated this title or a regulation adopted under this title.

(c) In this section, "agency" means an animal control agency of a municipality or recognized governmental entity or an entity that has contracted with a municipality or recognized governmental entity to perform animal control or animal euthanasia services.

(d) The department may adopt regulations to implement this section.

Sec. 08.02.090. Definition. In this chapter, "department" means the Department of Commerce, Community, and Economic Development.

CHAPTER 03.
TERMINATION, CONTINUATION AND REESTABLISHMENT OF REGULATORY BOARDS.

Section

10. Termination dates for regulatory boards
20. Procedures governing termination, transition, and continuation

Sec. 08.03.010. Termination dates for regulatory boards.

(a) *[Repealed, Sec. 4 ch 14 SLA 1987.]*
(b) *[Repealed, Sec. 4 ch 14 SLA 1987.]*
(c) The following boards have the termination date provided by this subsection:
(1) Board of Public Accountancy (AS 08.04.010) – June 30, 2021;
(2) Board of Governors of the Alaska Bar Association (AS 08.08.040) – June 30, 2021;
(3) State Board of Registration for Architects, Engineers, and Land Surveyors (AS 08.48.011) – June 30, 2025;
(4) Board of Barbers and Hairdressers (AS 08.13.010) – June 30, 2019;
(5) Board of Chiropractic Examiners (AS 08.20.010) – June 30, 2022;
(6) Board of Professional Counselors (AS 08.29.010) – June 30, 2018;
(7) Board of Dental Examiners (AS 08.36.010) – June 30, 2019;
(8) Board of Certified Direct-Entry Midwives (AS 08.65.010) – June 30, 2021;
(9) Big Game Commercial Services Board (AS 08.54.591) – June 30, 2019;
(10) Board of Marine Pilots (AS 08.62.010) – June 30, 2019;
(11) Board of Marital and Family Therapy (AS 08.63.010) – June 30, 2018;
(12) Board of Massage Therapists (AS 08.61.010 – June 30, 2018;
(13) State Medical Board (AS 08.64.010) – June 30, 2020;
(14) Board of Nursing (AS 08.68.010) – June 30, 2019;
(15) Board of Examiners in Optometry (AS 08.72.010) – June 30, 2022;
(16) Board of Pharmacy (AS 08.80.010) – June 30, 2018;
(17) State Physical Therapy and Occupational Therapy Board (AS 08.84.010) – June 30, 2022;
(18) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010) – June 30, 2018;
(19) Real Estate Commission (AS 08.88.011) – June 30, 2018;
(20) Board of Certified Real Estate Appraisers (AS 08.87.010) – June 30, 2018;
(21) Board of Social Work Examiners (AS 08.95.010) – June 30, 2018;
(22) Board of Veterinary Examiners (AS 08.98.010) – June 30, 2025.
(d) *[Repealed, Sec. 3 ch 74 SLA 1979.]*
(e) *[Repealed, Sec. 3 ch 74 SLA 1979.]*

Sec. 08.03.020. Procedures governing termination, transition, and continuation. (a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities, and the statutory authority of the board is transferred to the department.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed eight years unless the board is continued or reestablished for a longer period under AS 08.03.010.

(d) The department shall carry out the functions of a board that has ceased all activities under (a) of this section. Litigation, hearings, investigations, and other proceedings pending at the time the board ceased activities continue in effect and may be continued or completed by the department. Licenses, certificates, orders, and regulations issued or adopted by the board and in effect at the time the board ceased activities remain in effect for the term issued or until revoked, amended, vacated, or repealed by the department.

Item 2

- Review of Agenda

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF DENTAL EXAMINERS AGENDA

November 9, 2018

550 W 7th Ave, Atwood Building Ste. 1550, Anchorage, AK 99501

Teleconference

GCI: 1(800)315-6338 Access code: 12011

AGENDA

	TIME	TOPIC	LEAD PERSON
1.	**10:00 a.m.**	**Call to Order/Roll Call**	**CHAIR**
2.	**10:05 a.m.**	**Review of Agenda**	**CHAIR**
3.	**10:15 a.m.**	**Consent Agreement**	**Bautista**
4.	**10:30 a.m.**	**Regulation Review**	**Chair/Zinn**
		• Consideration and adoption of Regulations that were out for public comment and closed 11/5/18 • Correct Citations • Courtesy License – define non-resident • Consideration of fee changes	
5.	**10:50 a.m.**	**Sedation Permit course requirement**	**CHAIR**
		• Approval of course of Instruction • Requirements for Course of Instructions	
6.	**11:30 a.m.**	**WREB equivalent exams**	**CHAIR**
		• **Rep. Tammie Wilson joining the meeting**	
7.	**12:00 p.m.**	**Adjourn**	**CHAIR**

Item 3

- Consent Agreement

Item 4

- Regulation Review

Chapter 28. Board of Dental Examiners.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 28 is amended by adding a new section to read:

12 AAC 28.953. Temporary permit. (a) The board may issue a temporary permit to practice dentistry to a dentist who meets the requirements of this section for the purpose of substituting for a dentist the board has determined to be "incapacitated" as defined under AS 08.36.254.

(b) An applicant for a temporary permit under this section shall submit to the department

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

(2) the applicable fees in 12 AAC 02.190;

(3) a form completed by the incapacitated dentist providing information regarding the reason for the incapacitation and documentation of reasonable effort to find a substitute dentist licensed under this chapter;

(4) a form completed by the incapacitated dentist's healthcare provider verifying the dentist is incapacitated and unable to practice;

(5) verification of a current license to practice dentistry from a board of dental examiners of a state or territory of the United States. The verification must include the applicants status and complete information regarding any disciplinary action or investigation taken or pending on behalf of the applicant;

(6) verification of graduation from a dental school that at the time of graduation was accredited by the Commission on Dental Accreditation of the American Dental Association by submitting

(A) a certified true copy of the applicant's dental school diploma showing credentials similar or equivalent to the incapacitated dentist credentials; or

(B) transcripts sent directly from the issuing educational institution showing credentials similar or equivalent to the incapacitated dentist credentials;

(c) The department shall receive a report from the National Practitioner Data Bank on behalf of the applicant. The report shall be reviewed by the board as part of the application process and the board may deny a temporary permit application based on report content.

(d) An applicant for a temporary permit may not have had a license to practice dentistry revoked, suspended, or voluntarily surrendered in this state or another state or territory of the United States.

(e) The temporary permit issued will be authorized only for the practice locations of the incapacitated dentist. The name and license number of the dentist, and practice locations of the incapacitated dentist will be printed on the license.

(f) The temporary permit will be extended past the initial 90 days if the applicant meets the requirements of AS 08.36.254(f) or (g) and pays the fee required in 12 AAC 02.190. (Eff. ____/____/_____, Register _____)

Authority: AS 08.36.070 AS 08.36.254

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

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Notice of Proposed Changes Relating to Fees for a Temporary Permit in the Regulations of the Board of Dental Examiners

Proposed Regulations - FAQ

October 2018

Temporary Permit Fee Regulations

1. **Why are the new fees being proposed?**

House Bill 346 passed the legislature in the last legislative session to allow issuance of a temporary permit for a dentist located outside of the state for the purposes of substituting for an "incapacitated" dentist. The Dental Board (Board) is in the process of adopting regulations to implement the new statute. The Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing is charged to set fees for occupations licensed by the division. The application fee and extension of the permit fee is set by the division, while the temporary permit fee is set by statute. The new statute requires the temporary permit fee to be one quarter of the current full dental license fee.

By law, fees must be analyzed annually and set to approximately recover the cost of program operations. 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."

In addition to implementing new fees for the temporary permit, the regulation will repeal the local anesthetic permit renewal fee. April 2018 the Board of Dental Examiners implemented changes to the dental hygiene local anesthesia regulations. Dental hygienists will no longer be required to renew a local anesthetic permit as the permit will now only expire at the time the dental hygienist allows their license to expire.

2. **Who will pay the fees for the temporary permit?**

The applicant will submit the fees for the application and permit with the temporary permit application. If the dentist requests an extension, the extension fee would be submitted with the form required for the extension.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.

Regulation Changes Questionnaire

Division/Board: Commerce/DENBoard **Meeting Date:** September 17, 2018

Regulation change being proposed: 12 AAC 28.953

General top of the regulation: Temporary Permit

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE:** ***Use a separate worksheet for each section being proposed.***

1. Is the new regulation needed to comply with new legislation or federal law?	Yes ☒	No ☐
If yes, effective date of new statute/federal law: Please fill in		
(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)		
2. Does the change add a new license type?	Yes ☒	No ☐
If yes:		
Does it affect current licensees?	Yes ☐	No ☒
Do current licensees/non-licensees already perform the service for which the new license type is required?	Yes ☒	No ☐
Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes ☐	No ☒
3. Does it change the qualifications or requirements of an existing license?	Yes ☐	No ☒
If yes, does it affect current licensees?	Yes ☐	No ☐
4. Does it affect continuing education/competency requirements?	Yes ☐	No ☒
If yes:		
Does it add additional requirements or hours?	Yes ☐	No ☐
Does it clarify existing regulations?	Yes ☐	No ☐
Is there an effective date in the future to give licensees time to comply?	Yes ☐	No ☐
5. Is it a fee change or does it create a new fee?	Yes ☒	No ☐
If yes:		
Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes ☐	No ☒
6. Does it make changes to the requirements of licensees?	Yes ☐	No ☒
If yes:		
All licensees	Yes ☐	No ☐
Certain licensees (List: _____)	Yes ☐	No ☐
Initial licensees	Yes ☐	No ☐

7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)

These regulations may be of interest to all dental licensees only, not hygiene licensees.

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.

No

9. What will the regulation do?

It is companion regulation with AS 8.36.254 which allows the DENBoard to issue a temporary permit for practicing dentistry in Alaska to a dentist who has a license in good standing in another US state or territory. The regulation will allow the holder of this temporary permit to work only in the location(s) on the business license of a "incapacitated" Alaska licensed dentist for a limited time period.

10. What is the demonstrated public need or purpose of this regulation?

There are certain unique situations in Alaska where a dentist may be taking care of a segment of the population who are not easily serviced by other Alaska dentists. This can be due to the remoteness of the dental practice or because the dentist is a specialist who's patients are not easily treated by another specialist. In either case, if the dentist who services this unique population becomes incapacitated and unable to work for an extended period of time, the patients will have no way to be treated unless fill in dentist can be found quickly.

11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the *Steps in the Regulation Process…*)?

None. Only cost will be to the dentist applying for the temporary permit.

12. What positive consequences may this regulation have on public or private people, businesses, or organizations?

It would allow for certain vulnerable segments of the public who are having their dental needs met by a single provider who becomes incapacitated and unable to work, some chance to have there dental needs met by a new dentist as quickly as possible.

13. What negative consequences may this regulation have on public or private people, business, or organizations?

None

14. If any negative consequences, please address the reasons why the public need for this change outweighs the negative impact.

N/A

15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.

1) How can I be confident the temporary permit holder be qualified to work on my teeth?
The board will only issue permits to dentists who have current licenses in good standing from another US state and who do not have disciplinary actions on their license. A query from the National Practitioner Data Bank will also be examined. Also, the temporary permit holder will likely be a colleague from another state, and someone your dentist has recommended to apply for the permit.

2) If my dentist was a specialist, will the new temporary permit holder also be a specialist? YES

16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes.

FAQ on website ☒ Email to licensees ☒ *Letter to licensees ☐

* *Cost to board for mailing letter*

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Chapter 28. Board of Dental Examiners.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 28.925(a)(2) is amended to read:

(2) pays the renewal fee established in 12 AAC 02.190(a)(4), (a)**10** [8], (b)**6** [5], (b)**10** [6], and (b)**13** [14], as applicable; and

(Eff. 1/15/2003, Register 165; am 12/15/2013, Register 208; ____/____/_____, Register _____)

Authority: AS 08.32.081 AS 08.36.070 AS 08.36.250

12 AAC 28.937(c)(4)(B) is amended to read;

(B) that the applicant has been in **continuous** active clinical practice documenting at least 2,500 hours for five years immediately preceding application;

12 AAC 28.937(c)(7) is amended to read;

(7) affidavits from three licensed dentists or licensed dental hygienists stating the applicant has been in **continuous** active clinical practice documenting at least 2,500 hours during the five years immediately preceding application.

(Eff. 1/22/2004, Register 169; am 5/5/2006, Register 178; am 12/5/2009, Register 192; am 12/15/2013, Register 208; am 3/11/2016, Register 217; am ____/____/_____, Register _____)

Authority: AS 08.32.014 AS 08.32.070 AS 08.36.070
AS 08.32.030

12 AAC 28.951(c)(6)(B) is amended to read:

(B) the applicant has been in **continuous** active clinical practice documenting at least 5,000 hours;

12 AAC 28.951(c)(11) is amended to read:

(11) affidavits from three licensed dentists documenting the applicant has been in **continuous** active clinical practice for at least 5,000 hours during the five years immediately preceding the date of application;

(Eff. 2/18/93, Register 125; am 2/4/94, Register 129; am 2/22/98, Register 145; am 1/28/2000, Register 153; am 8/15/2001, Register 159; am 1/22/2004, Register 169; am 5/5/2006, Register 178; am 10/19/2008, Register 188; am 12/15/2013, Register 208; am 3/11/2016, Register 217; am ____/____/_____, Register _____)

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

Amend courtesy license regulations to allow military personnel the ability to apply as a non-resident.

Add a new subsection to 12 AAC 28.955

Example for discussion-

(j) For purposes of this section and AS 08.01.062, a non-resident includes a member of the military stationed in the state who does not intend to remain in the state indefinitely and to make a home in the state.

Centralized statute for courtesy license requirements-

Sec. 08.01.062. Courtesy licenses. (a) A board established under this title and the Department of Commerce, Community, and Economic Development, with respect to an occupation that it regulates under this title, may by regulation establish criteria for issuing a temporary courtesy license to nonresidents who enter the state so that, on a temporary basis, they may practice the occupation regulated by the board or the department.

(b) The regulations adopted under (a) of this section may include limitations relating to the

(1) duration of the license's validity;

(2) scope of practice allowed under the license; and

(3) other matters considered important by the board or the department.

State definition of residency-

Sec. 01.10.055. Residency. (a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.

(b) A person demonstrates the intent required under (a) of this section

(1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and

(2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.

(c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory, or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state.

Courtesy License: 28.955 (a) The board……the board under (b) of this section to an applicant who [is a non-resident and] meets the requirements of this section.....

(i) In this section,

Add : (3) “non-resident” means individuals with permanent residents outside Alaska or members of the military stationed in Alaska.

Chapter 02. General Occupational Licensing Functions.

(Words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 02.190(a)(7) is repealed:

(7) repealed ____/____/_____ [LOCAL ANESTHETIC PERMIT RENEWAL FEE, $100];

12 AAC 02.190(b)(1) is amended by adding a subparagraph to read:

(F) temporary permit, $50;

12 AAC 02.190(b) is amended by adding new paragraphs to read:

(15) temporary permit fee, $112.50

(16) temporary permit extension fee, $50;

(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 1/15/2017, Register 221; am 4/14/2018, Register 226; am ____/____/_____, Register _____)

Authority:	AS 08.01.065	AS 08.32.070	AS 08.36.250
	AS 08.01.100	AS 08.32.071	**AS 08.36.254**
	AS 08.32.030	AS 08.32.081	

Item 5

- Sedation Permit Course requirements
    - Approval of Course of Instruction
    - Requirements for Course of Instructions

Chapter 28. Board of Dental Examiners.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 28 is amended by adding a new section to read;

12 AAC 28.025. Approval of course of instruction in moderate sedation, or minimal sedation of patients younger than 13 years of age. The board may upon its own motion or upon the request of any interested person, approve a course of instruction upon receipt of a form provided by the department that includes

(1) the name of the college or university if the course is completed through a residency program, or name of the sponsor if the course is completed through a continuing education course;

(2) the name of accredited program and faculty member presenting the course;

(3) a course outline that verifies inclusion of the subjects and procedures required under

(A) 12 AAC 28.026 if certification to administer moderate sedation for patients 13 years of age and older is sought; or

(B) 12 AAC 28.027 or 12 AAC 28.028 if certification to administer moderate or minimal sedation for patients younger than 13 year of age is sought; and

(4) An explanation of the evaluation procedures used to determine successful completion of the course. (Eff. ____/____/_____, Register _____)

Authority: AS 08.01.065 AS 08.36.100 AS 08.36.234
AS 08.36.070 AS 08.36.110 AS 08.36.250

12 AAC 28 is amended by adding a new section to read;

12 AAC 28.026. Requirements for course of instruction in moderate sedation for patients 13 years of age and older. (a) A course of instruction for an initial permit in moderate sedation only for patients 13 years of age and older under 12 AAC 28.015(e)(1) must include

(1) a minimum of 60 hours of instruction;

(2) administration of at least 20 individually managed patients;

(3) certification of competence in moderate sedation techniques;

(4) certification of competence in rescuing patients from a deeper level of sedation than intended including managing the airway, intravascular or intraosseous access, and reversal medications;

(5) provision by course director or faculty of additional clinical experience if participant competency has not been achieved in time allotted; and

(6) records of instruction and clinical experiences including number of patients managed by each participant in each modality or route that are maintained and available for participant review.

(b) Required topics of the course of instruction under (a) of this section must include:

(1) historical, philosophical and psychological aspects of anxiety and pain control;

(2) patient evaluation and selection through review of medical history taking, physical diagnosis and psychological considerations;

(3) use of patient history and examination for put proper name here (ASA) classification, risk assessment and pre-procedure fasting instructions;

(4) definitions and descriptions of physiological and psychological aspects of

Commented [ZSK(1]: (1) And (2) are in 28.015(e)(1)(B), does the board also want the same minimum requirements (e)(1)(A)?

anxiety and pain;

(5) description of the sedation anesthesia continuum, with special emphasis on the distinction between the conscious and the unconscious state;

(6) review of adult respiratory and circulatory physiology and related anatomy;

(7) pharmacology of local anesthetics and agents used in moderate sedation, including drug interactions and contraindications;

Commented [ZSK(2]: Are 7 and 8 basically the same just worded differently?

(8) indications and contraindications for use of moderate sedation;

(9) review of dental procedures possible under moderate sedation;

(10) patient monitoring using observation and monitoring equipment, with particular attention to vital signs, ventilation and breathing, and reflexes related to consciousness;

(11) maintaining proper records with accurate chart entries recording medical history, physical examination, informed consent, time-oriented anesthesia record, including the names of all drugs administered including local anesthetics, doses, and monitored physiological parameters;

(12) prevention, recognition and management of complications and emergencies;

(13) description, maintenance and use of moderate sedation monitors and equipment;

(14) discussion of abuse potential;

(15) intravenous access: anatomy, equipment and technique;

(16) prevention, recognition and management of complications of venipuncture and other parenteral techniques;

(17) description and rationale for the technique to be employed; and

(18) prevention, recognition and management of systemic complications of moderate sedation, with particular attention to airway maintenance and support of the respiratory and cardiovascular systems. (Eff. ____/____/_____, Register _____)

Authority:

12 AAC 28 is amended by adding a new section to read;

12 AAC 28.027. **Requirements for course of instruction in moderate or minimal sedation for patients younger than 13 years of age.** (a) A course of instruction for an initial permit in moderate or minimal sedation only for patients younger than 13 years of age under 12 AAC 28.015(f) must include

(1) a minimum of 60 hours of instruction in pediatric moderate sedation;

(2) administration of at least 20 individually managed pediatric;

Commented [ZSK(3]: These requirements are already listed in 12 AAC 28.015(f)(2), does the board want to make the requirement for (f)(1) as well.

(3) certification of competence in rescuing pediatric patients from a deeper level of sedation than intended including managing the airway, intravascular or intraosseous access, and reversal medications;

(4) provision by course director or faculty of additional clinical experience if participant competency has not been achieved in time allowed; and

(5) records of instruction and clinical experience that are maintained and available for participant review including number of patients managed by each participant in each modality or route.

(b) Required topics of the course of instruction under (a) of this section must include:

(1) historical, philosophical and psychological aspects of anxiety and pain control

in children and infants;

(2) pediatric patient evaluation and selection through review of medical history taking, physical diagnosis and psychological considerations;

(3) use of patient history and examination for ASA classification, risk assessment and pre-procedure fasting instructions for the pediatric patient;

Commented [ZSK(4]: Need proper name

Commented [TAM(5R4]: American Society of Anesthesiologists – The ASA physical status classification system for assessing the fitness of cases before surgery.

(4) definitions and descriptions of physiological and psychological aspects of anxiety and pain in small children;

(5) description of the sedation anesthesia continuum, with special emphasis on the distinction between the conscious and the unconscious state;

(6) review of pediatric respiratory and circulatory physiology and related anatomy;

(7) pharmacology of local anesthetics and agents used in moderate sedation, including drug interactions and contraindications;

Commented [ZSK(6]: Are 7 and 8 the same just using different verbiage?

(8) indications and contraindications for use of moderate sedation in the pediatric patients;

(9) review of dental procedures possible under moderate sedation;

(10) monitoring of the pediatric patient using observation and monitoring equipment, with particular attention to vital signs, ventilation, breathing and reflexes related to consciousness;

(11) maintaining proper records with accurate chart entries recording medical history, physical examination, informed consent, time-oriented anesthesia record, including the names of all drugs administered including local anesthetics, doses, and monitored physiological

parameters;

(12) prevention, recognition and management of complications and emergencies in the pediatric patient;

(13) description, maintenance and use of moderate sedation monitors and equipment;

(14) discussion of abuse potential;

(15) intravenous access in a pediatric patient including anatomy, equipment and techniques;

(16) prevention, recognition and management of complications of venipuncture and other parenteral techniques;

(17) description and rationale for the technique to be employed; and

(18) prevention, recognition and management of systemic complications of moderate sedation, with particular attention to airway maintenance and support of the respiratory and cardiovascular systems in the pediatric patient. (Eff. ____/____/_____, Register _____)

Authority:

12 AAC 28 is amended by adding a new section to read;

Commented [ZSK(7]: I am assuming this section is for all applicants who want to add the pediatric sedation to a moderate permit they have already obtained. Which is why the two regulations are referenced.

12 AAC 28.028. Permit holders of moderate sedation for patients 13 years of age and older. A dentist who applies for a moderate sedation permit under 12 AAC 28.015(e) to sedate patients younger than 13 years of age in addition to sedating patients 13 years of age or older, or applies for a designation of sedation for patients younger than 13 years of age under 12 AAC 28.015(j), must complete an additional 30 hours of continuing education that includes the

following topics;

(1) physical, psychological and social child development and age appropriate behavior response;

(2) principles and objectives of sedation and general anesthesia as behavior guidance techniques in children and indication and contraindications for sedative and their use;

(3) prevention, recognition, treatment and management of pharmacological related emergencies in pediatric patients, and rescuing a child from a deeper level of sedation than intended;

(4) pre-operative evaluation and risk assessment of the pediatric patient;

(5) assessing the effects of pharmacologic agents on the pediatric patient;

(6) at least 3 hours of hands on simulated airway management specific to the pediatric patient;

(7) pediatric patient monitoring; and

(8) recovery room management and pediatric post-operative appraisal and follow up.

Regulation Changes Questionnaire

Division/Board: Board of Dental Examiners **Meeting Date:** 11/9/18

Regulation change being proposed: 12 AAC 28.025

General top of the regulation: Approval of course of instruction in moderate sedation, or mi

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE:** ***Use a separate worksheet for each section being proposed.***

1. Is the new regulation needed to comply with new legislation or federal law?	Yes ☐	No ☒
If yes, effective date of new statute/federal law: _____		
(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)		
2. Does the change add a new license type?	Yes ☐	No ☒
If yes:		
Does it affect current licensees?	Yes ☐	No ☐
Do current licensees/non-licensees already perform the service for which the new license type is required?	Yes ☐	No ☐
Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes ☐	No ☐
3. Does it change the qualifications or requirements of an existing license?	Yes ☐	No ☒
If yes, does it affect current licensees?	Yes ☐	No ☐
4. Does it affect continuing education/competency requirements?	Yes ☒	No ☐
If yes:		
Does it add additional requirements or hours?	Yes ☒	No ☐
Does it clarify existing regulations?	Yes ☒	No ☐
Is there an effective date in the future to give licensees time to comply?	Yes ☒	No ☐
5. Is it a fee change or does it create a new fee?	Yes ☐	No ☒
If yes:		
Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes ☐	No ☐
6. Does it make changes to the requirements of licensees?	Yes ☒	No ☐
If yes:		
All licensees	Yes ☐	No ☒
Certain licensees (List: Those licensees applying for a moderate sedation permit to)	Yes ☒	No ☐
Initial licensees	Yes ☐	No ☒

7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)

Any licensee who wishes to determine whether a residency or the continuing education coursework they plan to take or have taken will qualify them for their desired moderate sedation permit type. All licensees should probably receive the public notice.

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.

Not for this section.

9. What will the regulation do?

This section clarifies what will be required in order to apply for any one of three different moderate sedation permits. It shows which section to reference for educational requirements and course approval perimeters for the three available moderate sedation permit categories.

10. What is the demonstrated public need or purpose of this regulation?

There has been some confusion as to what the board considers sufficient training when it comes to the sedation of children under 13 years of age. This section takes a step towards clarifying that confusion. The desire to strengthen educational training requirements for sedation in the dental office overall has been a goal of the board for some time.

11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the *Steps in the Regulation Process…*)?

There will be no additional cost to a private person or agency as this new section does not create a new permit type. Some of the new training requirements will cause an additional cost for any licensee wishing to either add an under 13 designation to their adult moderate sedation permit or get a moderate sedation permit for under 13 years of age only.

12. What positive consequences may this regulation have on public or private people, businesses, or organizations?

This regulation will simply help dentists who want to apply for certain moderate sedation permit types know where to look for more specific training requirements. It will indirectly have a positive consequence on the general public by helping dentists understand what they need to do in order to qualify for the particular moderate sedation permit they seek.

13. What negative consequences may this regulation have on public or private people, business, or organizations?

This regulation section will not have a negative consequence on the public as it simply provides clarification for licensees about requirements for different moderate sedation permits and where to look for training requirements.

14. If any negative consequences, please address the reasons why the public need for this change outweighs the negative impact.

There is nothing negative with this section of proposed regulation with respect to the general public.

15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.

1) Is it necessary to have a residency that includes moderate sedation training or a moderate sedation continuing education course be approved by the board prior to entering the residency or taking the sedation course?
Answer: No, not always. Pediatric residencies accredited by CODA, other post graduate residencies or continuing education courses that offer moderate sedation training consistent with current ADA guidelines and are CODA accredited, CERP, PACE or AGD certified will likely qualify . However, if you are unsure if a course or residency will qualify it is best to ask the board for an opinion prior to taking the course. *Remember, oral conscious sedation courses that are less than the required 60 hours of didactic training

16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes.

FAQ on website ☒ Email to licensees ☐ Letter to licensees ☒

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Regulation Changes Questionnaire

Division/Board: Board of Dental Examiners **Meeting Date:** 11/9/18

Regulation change being proposed: 12 AAC 28.026

General top of the regulation: Requirements for course of instruction in moderate sedation

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE:** ***Use a separate worksheet for each section being proposed.***

1. Is the new regulation needed to comply with new legislation or federal law?	Yes ☐	No ☒
If yes, effective date of new statute/federal law: _____		
(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)		
2. Does the change add a new license type?	Yes ☐	No ☒
If yes:		
Does it affect current licensees?	Yes ☐	No ☐
Do current licensees/non-licensees already perform the service for which the new license type is required?	Yes ☐	No ☐
Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes ☐	No ☐
3. Does it change the qualifications or requirements of an existing license?	Yes ☐	No ☒
If yes, does it affect current licensees?	Yes ☐	No ☐
4. Does it affect continuing education/competency requirements?	Yes ☒	No ☐
If yes:		
Does it add additional requirements or hours?	Yes ☐	No ☒
Does it clarify existing regulations?	Yes ☒	No ☐
Is there an effective date in the future to give licensees time to comply?	Yes ☐	No ☒
5. Is it a fee change or does it create a new fee?	Yes ☐	No ☒
If yes:		
Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes ☐	No ☐
6. Does it make changes to the requirements of licensees?	Yes ☐	No ☒
If yes:		
All licensees	Yes ☐	No ☐
Certain licensees (List: _____)	Yes ☐	No ☐
Initial licensees	Yes ☐	No ☐

7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)

All licensees should receive public notice since this regulation can apply to anyone who desires to work towards getting a moderate sedation permit for the 13 and over age group. Although, this section only clarifies existing requirements already in place for this particular permit type.

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.

Not for this section.

9. What will the regulation do?

This section simply clarifies topics and requirements that must be included in any residency or continuing education course in order to be approved by the board for a 13 and older moderate sedation permit. The section basically lists the requirements that are necessary to bring training into compliance with the current ADA guidelines for adult moderate sedation.

10. What is the demonstrated public need or purpose of this regulation?

This section does not have a direct effect on public need other than to help ensure strong moderate sedation training requirements for dental providers. The purpose of this section is to help clear up confusion and/or give licensees a guideline as to what coursework is required to get a moderate sedation permit for the 13 and older age group.

11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the *Steps in the Regulation Process…*)?

No new additional cost above what is already in current regulations regarding moderate sedation permitting.

12. What positive consequences may this regulation have on public or private people, businesses, or organizations?

The only positive consequence of this section will be to give licensees a more clear idea of the requirements necessary for moderate sedation permit for the 13 and older age group.

13. What negative consequences may this regulation have on public or private people, business, or organizations?

There are no negative consequences of this section because it is for clarification purposes mainly.

14. If any negative consequences, please address the reasons why the public need for this change outweighs the negative impact.

Not applicable

15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.

1) Is it necessary to have a residency that includes adult moderate sedation training or an adult moderate sedation continuing education course approved by the board prior to entering the residency or taking the sedation course?
Answer: No, not always. Post graduate residencies or continuing education courses that offer adult moderate sedation training consistent with current ADA guidelines and are CODA accredited, CERP, PACE or AGD certified will likely qualify. However, if you are unsure if a course or residency will qualify it is best to ask the board for an opinion prior to taking the course.

16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes.

FAQ on website ☒ Email to licensees ☐ Letter to licensees ☒

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Regulation Changes Questionnaire

Division/Board: Board of Dental Examiners **Meeting Date:** 11/9/18

Regulation change being proposed: 12 AAC 28.027

General top of the regulation: Requirements for course of instruction in moderate or minima

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE:** ***Use a separate worksheet for each section being proposed.***

1. Is the new regulation needed to comply with new legislation or federal law?	Yes ☐	No ☒
If yes, effective date of new statute/federal law: _____		
(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)		
2. Does the change add a new license type?	Yes ☐	No ☒
If yes:		
Does it affect current licensees?	Yes ☐	No ☐
Do current licensees/non-licensees already perform the service for which the new license type is required?	Yes ☐	No ☐
Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes ☐	No ☐
3. Does it change the qualifications or requirements of an existing license?	Yes ☐	No ☒
If yes, does it affect current licensees?	Yes ☐	No ☐
4. Does it affect continuing education/competency requirements?	Yes ☒	No ☐
If yes:		
Does it add additional requirements or hours?	Yes ☒	No ☐
Does it clarify existing regulations?	Yes ☒	No ☐
Is there an effective date in the future to give licensees time to comply?	Yes ☐	No ☒
5. Is it a fee change or does it create a new fee?	Yes ☐	No ☒
If yes:		
Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes ☐	No ☐
6. Does it make changes to the requirements of licensees?	Yes ☒	No ☐
If yes:		
All licensees	Yes ☐	No ☒
Certain licensees (List: Any licensee who has not graduated from a pediatric)	Yes ☒	No ☐
Initial licensees	Yes ☒	No ☐

7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)

This section sets forth requirements that the board will use to approve continuing education courses that train enrollees in pediatric moderate sedation. Any licensee who is considering this permit type may have a comment on this section. Therefore, all licensees should receive the public notice.

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.

Not in this case.

9. What will the regulation do?

This section will set forth requirements that the board will use to evaluate continuing education courses for approval that train enrollees in pediatric moderate sedation . The requirements under this new section mirror those found in the section dealing with courses in adult moderate sedation that are currently available and consistent with the ADA guidelines, although there are no ADA guidelines specifically for pediatric moderate sedation training.

10. What is the demonstrated public need or purpose of this regulation?

This regulation should further strengthen the qualifications of dentists who choose to sedate children under 13 years of age in the dental office. When the public brings a child to the dental office to be sedate for treatment, they should be confident the dental provider is competent to handle any complication that may arise. These requirements will ensure that any dentist sedating children with any drug or agent other than nitrous oxide alone will have extra training to do so.

11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the *Steps in the Regulation Process…*)?

There will be no direct additional cost to a private person or another agency. The cost of the training, if under taken, would be born by the dental licensee who receives the training. The permit type already exists.

12. What positive consequences may this regulation have on public or private people, businesses, or organizations?

Safe in office sedation of children is of paramount importance. This section will add training requirements required for dentists who have not graduated from a pediatric residency and who want a permit to sedate children in their office. This is a positive step towards helping to ensure the sedation of children is done safely.

13. What negative consequences may this regulation have on public or private people, business, or organizations?

This regulation may tend to have a negative impact by reducing the total number of dental providers who are permitted or allowed to sedate children under 13 years of age with any drug other nitrous oxide alone in the dental office. This could decrease access to certain types of in office sedation for children who can not be treated using traditional management techniques and nitrous oxide. It is the boards opinion that these traditional management techniques have become underutilized in favor of sedation with drugs.

14. If any negative consequences, please address the reasons why the public need for this change outweighs the negative impact.

It is the board's opinion that the need to provide safe in office sedation outweighs a possible decrease in access to care for some children. The board believes continuing education coursework specific to the sedation of children is critical in order to qualify for an under 13 years of age moderate sedation permit. If a licensee wishes to obtain a moderate sedation permit of this type only without graduating from a pediatric residency, the board feels the course should at least be equivalent to the training required for an adult moderate permit.

15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.

1) Where can I find a continuing education course that is the required 60 hours of instruction and 20 individually managed patients that focuses on the age group of under 13 years old? Answer: At this time there are no available courses offered in the United States that meet all the requirements described in this section. As of now, this is not a viable pathway to receive an under 13 year old only moderate permit. However, there may soon be available course that do qualify and the board is allowing a regulation to be put in lace for when that day comes.
2) What are my options if I want to receive a permit that allows me to sedate children with an oral drug in addition to or in place of

16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes.

FAQ on website ☒ Email to licensees ☐ Letter to licensees ☒

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Regulation Changes Questionnaire

Division/Board: Board of Dental Examiners **Meeting Date:** 11/9/18

Regulation change being proposed: 12 AAC 12.028

General top of the regulation: Permit holders of moderate sedation for patients 13 years of

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE:** ***Use a separate worksheet for each section being proposed.***

1. Is the new regulation needed to comply with new legislation or federal law?	Yes ☐	No ☒
If yes, effective date of new statute/federal law: _____		
(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)		
2. Does the change add a new license type?	Yes ☐	No ☒
If yes:		
Does it affect current licensees?	Yes ☐	No ☐
Do current licensees/non-licensees already perform the service for which the new license type is required?	Yes ☐	No ☐
Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes ☐	No ☐
3. Does it change the qualifications or requirements of an existing license?	Yes ☐	No ☒
If yes, does it affect current licensees?	Yes ☐	No ☒
4. Does it affect continuing education/competency requirements?	Yes ☒	No ☐
If yes:		
Does it add additional requirements or hours?	Yes ☒	No ☐
Does it clarify existing regulations?	Yes ☒	No ☐
Is there an effective date in the future to give licensees time to comply?	Yes ☒	No ☐
5. Is it a fee change or does it create a new fee?	Yes ☒	No ☐
If yes:		
Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes ☒	No ☐
6. Does it make changes to the requirements of licensees?	Yes ☒	No ☐
If yes:		
All licensees	Yes ☐	No ☒
Certain licensees (List: Licensees who already have an existing moderate sedation)	Yes ☒	No ☐
Initial licensees	Yes ☐	No ☒

7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)

This section will apply to any licensee considering training required to apply for a moderate sedation permit for all age groups or wanting to add an under 13 years of age designation to their current moderate permit. This will be of particular interest to anyone wanting to add the designation to an existing permit as there is an effective date of March 1, 2019 at which time they will no longer be able to sedate the under 13 age group with any drug other than nitrous oxide. Send to all licensees.

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.

Not for this section.

9. What will the regulation do?

This regulation section will clarify the course topic requirements that must be covered in the 30 hours of additional training needed to either add an under 13 years of age designation to an existing moderate sedation permit or must be included along with an application for a 13 and older moderate sedation permit if the applicant wants to sedate all age groups.

10. What is the demonstrated public need or purpose of this regulation?

Sedating children is not like sedating small adults. It is the board's opinion that extra training focusing on the sedation of children should be required to supplement the training licensees receive during a normal adult moderate sedation curriculum. This regulation section will help ensure dentists who also choose to sedate children in the dental office will be more familiar with differences in sedating both age groups. This should help increase public safety.

11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the *Steps in the Regulation Process…*)?

Only additional cost to comply with this regulation will be born by the licensee for the training involved. The department, however, may need to come up with a fee associated with adding an under 13 designation to an existing moderate sedation permit.

12. What positive consequences may this regulation have on public or private people, businesses, or organizations?

The board believes extra coursework specific to the sedation of children is warranted in order to add an under 13 designation to a moderate sedation permit. This regulation section will help ensure dentists who choose to sedate children in the dental office will be better trained to do so. The section will also clarify what type of course work should be included in the training.

13. What negative consequences may this regulation have on public or private people, business, or organizations?

This section should not have any negative consequences as it simply helps clarify how a licensee can go about adding an under 13 year old designation to a moderate sedation permit.

14. If any negative consequences, please address the reasons why the public need for this change outweighs the negative impact.

This question does not apply.

15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.

1) How did the board arrive at the topics that must be covered under this section? Answer: The topics relating to the sedation of children in this section were taken directly from the requirements a pediatric residency must meet in order to be accredited by CODA.
2) Where can I find courses that cover these topics? Answer: Coursework can be offered anywhere but should be CERP, PACE, ADA or AAPD certified or be offered by other organizations approved by the board. Examples may include the American Dental Society of Anesthesiology (ADSA) and the Society for Pediatric Sedation.
3) Who is responsible for determining if all the topics required are covered? Answer: It will up to the applicant to make sure the

16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes.

FAQ on website ☒ Email to licensees ☐ Letter to licensees ☒

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Item 6

- WREB Equivalent Exams

Consider a few changes for the WREB equivalent exams

(8) a copy of the applicant's certificate
(A) of examination ~~from the Western Regional Examining Board (WREB)~~ showing that the applicant has passed the clinical examination conducted by WREB or an equivalent examination before February 1, 2019 and within the five years immediately preceding the date of application;
(B) of examination showing that the applicant has passed the clinical examination conducted by WREB or an equivalent examination on or after February 1, 2019 ~~or an equivalent examination;~~ an applicant must have passed an examination under this subparagraph within the five years immediately preceding the date of application; and the examination must include the following subject areas, components, or characteristics;
(i) standardization and calibration of the examiners and anonymity between candidates and grading
examiners;
(ii) patient based periodontics testing;
(iii) constructive response testing that includes treatment planning;
(iv) endodontics testing, on a mannequin or live patient, to include access and obturation of an anterior tooth
and access of a multi-canalled posterior tooth;
(v) prosthetics testing, on a mannequin or live patient, to include a crown prep or a bridge prep;
(vi) patient based operative examination that includes one class II posterior alloy or composite and one composite procedure, either anterior class III or posterior class II;

Add a provision to license by exam under 12 AAC 28.940 to allow the board leeway in approving an exam that may not have included one of the components listed under (b(8)(B)(i) – (vi).

New section to read:

(g) If the clinical examination passed under (b)(8)(B) of this section is determined to not be generally equivalent to the clinical examination conducted by WREB because a subject area, component, or characteristic specified in that subparagraph was not included in the clinical examination, the board will determine if the applicant meets the requirements for that subject area.

May also need to amend (b)(8)(B) to clarify equivalent as **generally** equivalent.

(B) of examination showing that the applicant has passed the clinical examination conducted by WREB on or after February 1, 2019 or **a generally** [AN] equivalent examination; an applicant must have passed an examination under this subparagraph within the five years immediately preceding the date of application; and the examination must include the following subject areas, components, or characteristics;

License by credentials- 12 AAC 28.951- allows the board to waive subject areas of the clinical exam for license by credentials. Has the board ever done this?

(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) – (9) of this section was not included in the other jurisdiction's licensing examination, the board will determine if the applicant meets the requirements for that subject area.

Item 7

- Adjourn