

# **Call to Order / Roll Call**

# STATE OF ALASKA 2020

# BIWEEKLY CALENDAR

## State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)
09/07	Labor Day
10/18	Alaska Day (observed 10/19)
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday  
 Payday



State calendar maintained by the  
Division of Finance,  
Department of Administration  
<http://doa.alaska.gov/calendars.html>  
Revised 10/31/2019

## JANUARY

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## FEBRUARY

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## MAY

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## JUNE

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## NOVEMBER

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## DECEMBER

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# **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.**

# **Dental Board Roster**

**David Nielson, DDS - Board President**

**Gail Walden RDH, BSDH - Board Secretary**

**Steven Scheller, DDS**

**Dominic Wenzell, DMD**

**Kelly lucas, DDS**

**Jesse Hronkin, DDS**

**Timothy “Jon” Woller, DDS**

**Brittany Dschaak, RDH**

**Robin Wahto, Public Member**

# **Ethics Report**

# MEMORANDUM

## State of Alaska Department of Law

TO: \_\_\_\_\_ DATE: \_\_\_\_\_  
FILE NO.: \_\_\_\_\_  
TEL. NO.: \_\_\_\_\_  
FROM: Angie White  
Litigation Assistant  
Department of Law  
Opinions, Appeals, & Ethics Section  
FAX: \_\_\_\_\_  
SUBJECT: Executive Branch Ethics Act, AS  
39.52 Quarterly Report  


**\*\*\*\*SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY  
ONTO YOUR BOARD OR COMMISSION’S LETTERHEAD \*\*\*\***

As designated ethics supervisor and chair [executive director] for the \_\_\_\_\_, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

**OR**

As designated ethics supervisor and chair [executive director] for the \_\_\_\_\_, I have received \_\_\_ notification(s) of a potential violation and \_\_\_ requests for ethics determinations under the Ethics Act (AS 39.52) I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

**AND**

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

**OR**

In addition to the above, at the [date] meeting, [Board member] [Commissioner] \_\_\_\_\_ disclosed a potential conflict with respect to \_\_\_\_\_ [*insert brief description*]\_\_\_\_. *Insert disposition:* [S/He refrained from participation.] *or* [I determined s/he could [could not] participate.] *or* [The Board [Commission] members voted to permit [not to permit] participation.]

**CONFIDENTIAL**

**ETHICS SUPERVISOR DETERMINATION FORM**

(Board or Commission Member)

Board or Commission: \_\_\_\_\_

Member Disclosing Potential Ethics Violation: \_\_\_\_\_

I have determined that the situation described on the attached ethics disclosure form

does or would violate AS 39.52.110 - .190. Identify applicable statute below.

does not or would not violate AS 39.52.110 - .190.

\_\_\_\_\_  
Signature of Designated Ethics Supervisor (Chair)

\_\_\_\_\_  
Printed Name of Designated Ethics Supervisor

Date: \_\_\_\_\_

COMMENTS (Please attach a separate sheet for additional space):

Large light blue rectangular area for comments.

**Note: Disclosure Form must be attached.** Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110-39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4<sup>th</sup> Avenue, Suite 200, Anchorage, AK 99501.

Revised 2012

## State of Alaska Department of Law

# Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

## Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

## Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

## Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

## Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

## University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

## EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300  
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161  
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# State of Alaska

## Department of Law

### Ethics Information for Members of Boards & Commissions (AS 39.52)

#### Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

#### Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

#### Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

## Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

## Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

## Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

## Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

## Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

## Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

## Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

## Disclosure Procedures

### **DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)**

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at [www.law.alaska.gov/doclibrary/ethics](http://www.law.alaska.gov/doclibrary/ethics) or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

### **ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)**

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

### **REPORTS BY THIRD PARTIES (AS 39.52.230)**

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

## Complaints, Hearings, and Enforcement

### **COMPLAINTS (AS 39.52.310-330)**

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

## **CONFIDENTIALITY (AS 39.52.340)**

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

## **HEARINGS (AS 39.52.350-360)**

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

## **PERSONNEL BOARD ACTION (AS 39.52.370)**

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

## **PENALTIES (AS 39.52.410-460)**

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

## **DEFINITIONS (AS 39.52.960)**

Please keep the following definitions in mind:

**Benefit** - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

**Board or Commission** - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

**Designated Ethics Supervisor** - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

**Financial Interest** - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

**Immediate Family** - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

**Official Action** - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

**Personal Interest** - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney  
Alaska Department of Law  
1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501-5903  
(907) 269-5100  
attorney.general@alaska.gov

Revised 9/2013

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State of Alaska  
Department of Law  
Executive Branch Ethics Act

## Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
  1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
  1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300  
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161  
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# **Review / Approve Agenda**

**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY, AND  
ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING**

**BOARD OF DENTAL EXAMINERS AGENDA**

**October 16<sup>th</sup>, 2020**

**Teleconference**

**1-253-215-8782**

**Meeting ID: 924 9520 7140**

**AGENDA**

	<b><u>TIME</u></b>	<b><u>TOPIC</u></b>	<b><u>LEAD PERSON</u></b>
1.	10:00 a.m.	Call to Order/Roll Call	CHAIR
2.	10:05 a.m.	OAH Hearing: Case No. 17-0607-DEN	CHAIR
3.	11:00 a.m.	Regulation Update: Hygiene Exams	ZINN
4.	11:30 a.m.	Regulation Update: Dental Exam Deadline Extension	CHAIR
5.	11:45 a.m.	Subcommittee Update: Fee Changes	CHAIR
		<ul style="list-style-type: none"><li>• Present Letter</li></ul>	
6.	12:00 p.m.	PBIS Closing	ZINN
		<ul style="list-style-type: none"><li>• Draft from Zinn</li><li>• Emergency Regulation w/ Permanent Option</li></ul>	
7.	12:30 p.m.	EA Proposal	CHAMBERS
8.	1:00 p.m.	New Business	CHAIR
		<ul style="list-style-type: none"><li>• Tabled Application</li></ul>	

9. 1:30 p.m. Adjourn

CHAIR

DRAFT

# **OAH Hearing**

# **Regulation Update: Hygiene Exams**

## NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

**BRIEF DESCRIPTION:** The Board of Dental Examiners proposes to update regulations regarding examinations for dental hygienists.

The Board of Dental Examiners (Board) proposes to adopt regulation changes in Title 12, Chapter 28 of the Alaska Administrative Code including the following:

1. **12 AAC 28.320. Application for certification to administer local anesthetic agents**, is proposed to be amended by clarifying the clinical examination requirements for the local anesthesia certification.
2. **12 AAC 28.935. Dental hygienist licensure by examination**, is proposed to be amended by updating the clinical examination requirements for the hygienist license by examination.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <https://notice.alaska.gov/199345>, and using the comment link. **The comments must be received not later than 4:30 p.m. on October 9, 2020.** Comments received after this deadline will not be considered by the Board.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Sher Zinn at (907) 465-1049 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), no later than October 2, 2020, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-Regs0920.pdf>.

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

**Statutory Authority:** AS 08.32.014; AS 08.32.070; AS 08.32.110; AS 08.36.070.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.32.014; AS 08.32.070; AS 08.32.110; AS 08.36.070.

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

DATE: 9/4/2020

/s/  
Sher Zinn, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

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

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

1. **Adopting agency:** Board of Dental Examiners – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Dental hygienist examinations.
3. **Citation of regulation:** 12 AAC 28.320; 12 AAC 28.935.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
**A private person:** None known.  
**Another state agency:** None known.  
**A municipality:** None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**  
No costs are expected in FY 2021 or in subsequent years.
9. **The name of the contact person for the regulation:**  
Abby O'Brien, Licensing Examiner  
Board of Dental Examiners  
Division of Corporations, Business and Professional Licensing  
Telephone: (907) 465-2542  
E-mail: [abby.obrien@alaska.gov](mailto:abby.obrien@alaska.gov)
10. **The origin of the proposed action:** Board of Dental Examiners.
11. **Date:** 9/4/2020      **Prepared by:** /s/  
Sher Zinn  
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.)

12 AAC 28.320(a)(4) is amended to read:

(4) evidence of having passed the local anesthetic **written and patient based clinical components** [PORTION] of the Western Regional Examining Board (WREB) dental hygienist examination within the five years immediately preceding the date of application.

(Eff. 5/31/81, Register 78; am 5/6/88, Register 106; am 1/22/2004, Register 169; am

\_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.32.110 AS 08.36.070

12 AAC 28.935(a)(7) is amended to read:

(7) a copy of the applicant's certificate of examination [FROM THE WESTERN REGIONAL EXAMINING BOARD (WREB)] showing the applicant has passed [THE CLINICAL EXAMINATION CONDUCTED BY WREB] within the five years immediately preceding the date of application, **a patient based clinical examination approved by the board that requires calibration of examiners, anonymity between candidates and grading examiners, and tests the ability of the applicant to practice dental hygiene and utilize professional judgement. Before approval by the board, the board shall receive verification that the clinical examination taken by the applicant included the following:**

**(A) extraoral and intraoral assessment;**

**(B) radiographic evaluation;**

**(C) periodontal assessment;**

Register \_\_\_\_\_, \_\_\_\_\_ 2020 PROFESSIONAL REGULATIONS

**(D) subgingival calculus detection and removal; and**

**(E) tissue management;**

(Eff. 1/22/2004, Register 169; am 2/20/2004, Register 169; am 4/27/2007, Register 182; am 10/19/2008, Register 188; am 12/15/2013, Register 208; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.32.014 AS 08.32.070 AS 08.36.070

## Comments on: NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

Submitted By	Comment
10/5/2020 6:45:41 AM	Hello,
Kadi Wright [REDACTED] Norman, OK, US Anonymous User	I am leaving a comment about this proposed change to express my excitement and support for this potential change for dental hygienist. I am a military wife who is moving to AK next spring due to my husbands orders. I have looked into getting a dental hygiene license in AK and I do not meet the requirements to be license by exam or credentials due to graduating in 2018 and taking CRTDS clinical exam. This proposed change could possibly give me the opportunity to become licensed in AK as dental hygienist so I am able to continue my passion for dental hygiene and serve the AK community . I know this will excite other military spouses who are dental hygienist as well.  Thanks,  Kadi Wright

**Zinn, Sher K (CED)**

*Comments on fees and Virginia's laws*

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**From:** L Bryant [REDACTED]  
**Sent:** Wednesday, September 30, 2020 7:02 PM  
**To:** Regulations and Public Comment (CED sponsored)  
**Subject:** AK DHA Comment Letter concerning Proposed Licensing fee increases  
**Attachments:** AKDHA 2020 INCREASED LICENSEE FEES LETTER.pdf

Hello Ms. Sher Zinn,

Please see the attached letter for comments from the AK DHA regarding proposed licensing fee increases.

I appreciate your time and considerate review of the attached letter.

Sincerely,  
Lisa Bryant, RDH, BSDH  
AK DHA Immediate Past President  
AK DHA Legislative Co-Chair



Alaska  
Dental Hygienists' Association

Alaska Dental Hygienist's Association  
P.O. Box 240247  
Anchorage, AK 99524  
(907) 349-1553

September 18<sup>th</sup>, 2020

Sher Zinn  
Regulations Specialist  
Division of Corporations, Business and Professional Licensing  
P.O. Box 110806, Juneau, AK 99811-0806  
E-mail: [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov).

Attention: Sher Zinn,

The Alaska Dental Hygienist's Association (AK DHA) represents licensed dental hygienists and student dental hygienists in the state of Alaska. The AK DHA supports the Board of Dental Examiners (AK BoDE) proposal to adopt regulations regarding licensing examinations for dental hygienists as stated below:

1. **12 AAC 28.320(a)(4). Application for certification to administer local anesthetic agents**, is proposed to be amended by clarifying the clinical examination requirements for the local anesthesia certification to read:
  - (4) evidence of having passed the local anesthetic written and patient based clinical components of the Western Regional Examining Board (WREB) dental hygienist examination within the five years immediately preceding the date of application.
2. **12 AAC 28.935(a)(7). Dental hygienist licensure by examination**, is proposed to be amended by updating the clinical examination requirements for the hygienist license by examination:
  - (7) a copy of the applicant's certificate of examination showing the applicant has passed a patient based clinical examination approved by the board within the five years immediately preceding the date of application, that requires calibration of examiners, anonymity between candidates and grading examiners, and tests the ability of the applicant to practice dental hygiene and utilize professional judgement. Before approval by the board, the board shall receive verification that the clinical examination taken by the applicant included the following: (A) extraoral and intraoral assessment; (B) radiographic evaluation; (C) periodontal assessment; (D) subgingival calculus detection and removal; and (E) tissue management.

However, the AK DHA does not currently support the Division of Corporations, Business and Professional Licensing (CBPL) proposal to adopt regulations to increase licensing fees. The AK DHA understands the need for the Division of 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  
Dental Hygienists' Association

Alaska Dental Hygienist's Association  
P.O. Box 240247  
Anchorage, AK 99524  
(907) 349-1553

Nonetheless, increasing fees during a pandemic which shut down routine dental operations for nearly three months causing thousands of dental professionals to lose their primary source of income is incredibly insensitive. As responsible stewards of the dental profession's regulating budget, the AK DHA recommends that the CBPL and AK BoDE perform a cost comparison to determine if operational expenses are reasonable or if there are expenditures that could be financially trimmed as well as seeking less expensive services and/or accommodations. As the CBPL referenced, **AS 08.01.065** requires all costs of regulating the profession to be borne by its licensees. Licensees expect prudent spending of their hard-earned money and many are questioning how a projected deficit of \$228,125 for FY2020/2021 can be anticipated when the number of licensees has steadily increased over the years. Many dental professionals are currently wondering how they are going to pay for basic needs let alone the proposed increases in dental professional licensing fees that the CBPL has deemed necessary to cover operating costs with some fees nearly doubled.

As the COVID-19 pandemic continues to spread throughout the Nation creating a public health risk, dental professionals and graduates are reaching out to the AK DHA to relay that they are still struggling to pay for basic needs as income is still not back to normal and they are puzzled as to why the CBPL would suggest an increase in fees during such a trying and unprecedented time in our history. Our government, non-profit organizations, and many other businesses and private citizens have stepped up to help members of the community by providing a little grace in the form of financial relief. Dental professionals are already having to endure increased costs of personal protective equipment (PPE), specialized equipment purchased for office and operatory changes needed to remove and prevent the spread of aerosols. In addition to monetary costs, there are the physical and mental costs of increased stress and fatigue from recreating practice operations during a pandemic which is becoming, "the new norm." Many schools/daycare centers have closed their doors and are going virtual if they have the means to do so. Dental professionals who do not have family to lean on or have small children at home are left with no other option than to stay home to care for their children and accept the government's relief funds to keep a roof over their head and food on the table.

The AK DHA strongly requests that the proposed licensing fee increases be put on hold until FY2022/2023 due to the financial hardship it will cause if implemented in FY2020/2021. Furthermore, the AK DHA recommends the Division of CBPL and AK BoDE re-evaluate the anticipated operating costs to find frugal alternatives to decrease expenditures.

Respectfully,

Lisa Bryant, RDH, BSDH  
Alaska DHA Legislative Co-Chair

**Zinn, Sher K (CED)**

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**From:** David Logan [REDACTED]  
**Sent:** Tuesday, September 22, 2020 10:04 AM  
**To:** Regulations and Public Comment (CED sponsored)  
**Subject:** ADS comments on dental hygiene licensing proposal  
**Attachments:** 9.20 Hygiene licensing.pdf

Jun  
Please find attached comments from the ADS on proposed changes to dental hygiene licensing requirements

Dave Logan, DDS  
Executive Director, Alaska Dental Society



*"Committed to enhancing the dental profession and the health of all Alaskans"*



# Alaska

## DENTAL SOCIETY

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September 21, 2020

Jun Maiquis  
Regulations Specialist  
State of Alaska

Re: Proposed changes to hygienist licensing

The Alaska Dental Society (ADS), representing 400 dentists, offers the following comments on proposed changes to dental hygienist licensing requirements.

**Proposed changes to 12AAC29.935(a)(7)**

The ADS supports the proposed changes and believes this will allow additional applicants to apply for licensure without compromising safety.

**Proposed change to 12AAC28.320(a)(4)**

The ADS does not support the proposed change. The ADS believes the proposed change unfairly disqualifies applicants and fails to take into consideration important factors:

- There is no evidence that one regional licensing exam for local anesthetic is any better than others at preventing adverse events.
- Requiring only the WREB exam will place an undue burden on potential applicants. In addition to the increased personal costs of having to take multiple exams dental hygienists without a local anesthetic license will be at a disadvantage when seeking employment from dentists. Unfortunately, deciding on future practice locations are challenging at best and many hygienists shift locations multiple times in their practicing careers for a variety of reasons making the choice of which regional exam to take a crap shoot.
- Having the WREB as the exclusive test accepted by the board is troublesome for all dental hygienist applicants but it is especially burdensome for military spouses. Military spouses, by the nature of their partner's deployment status, are unable to predict future postings. Limiting these individuals to solely be able to take the WREB exam represents an employment and financial barrier over and above that of other applicants as well as potentially delays their employment for reasons noted above.
- The Alaska Board of Dental Examiners accepts other states local anesthetic certification [12AAC28.320(b)] as part of the credentialing process. It is nonsensical to accept these applicants as safe providers of local anesthetic while failing to accept the regional licensing exams they took for certification.



The ADS urges the board to reconsider changes to 12AAC28.320(a)(4) and instead accept all regional exams that provide testing in both infiltration or upper blocks and lower block anesthesia.

A handwritten signature in black ink, appearing to read 'DLG', with a stylized flourish extending to the right.

David Logan, DDS  
Executive Director, Alaska Dental Society

## Zinn, Sher K (CED)

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**From:** Ambra McMillian [REDACTED]  
**Sent:** Tuesday, September 8, 2020 5:26 PM  
**To:** Regulations and Public Comment (CED sponsored)  
**Subject:** Regulation comments

I am a dental hygienist and military wife. We are relocating next year and it is very difficult to move to a new state not knowing anyone and have to take another examination. I have completed a rigorous dental hygiene program and taken the CDCA exam, CSCE exam, and national board exam. By changing the regulation on the type of exam Alaska accepts regarding dental hygiene licensure by examination, you will be opening the doors for so many military members/spouses! This is huge and I hope the decision is an easy one.

Thank you for considering this opportunity!

**Regulation Update:  
Dental Exam Deadline  
Extension**

**From:**

[Beth Cole](#)

**To:**



**Subject:**

WREB 2021 Exam Options

**Date:**

Thursday, October 8, 2020 12:41:36 PM

**Attachments:**

[image001.png](#)

[WREB Overview of 2021 Dental and Dental Hygiene Examinations Oct072020.pdf](#)

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Good Afternoon,

I hope this note finds you all well. It's been an interesting year for all of us!

Attached to this email is a description of WREB exam options for 2021. I am also sending this today to your DERB and HERB representatives.

If you need additional information, please don't hesitate to contact me.

As always, I would be happy to provide a WREB representative to make a presentation to your Board, if needed.

Thanks and stay safe!

Beth



**Beth Cole**

Chief Executive Officer, Western Regional Examining Board



## WREB Dental Examination Sections 2021

**Comprehensive Treatment Planning (CTP) Section.** CTP is a performance-based, examiner-graded section that requires candidates to review three patient cases and create treatment plans, construct responses to questions, and perform tasks (e.g., write prescriptions). CTP requires a broad understanding of diagnosis, prevention, restoration, endodontics, periodontics, prosthodontics, oral surgery, radiology, pediatric dentistry, and patient-management procedures. Failure can result if a candidate commits a critical error, i.e., constructs a response that could result in life-threatening harm, e.g., administering more than the upper limit of a safe dose of local anesthetic to a pediatric patient.

**Endodontics Simulation Section.** The Endodontics Section is a performance-based, examiner-graded clinical simulation examination. Candidates must perform two endodontic procedures on simulated teeth mounted in a segmented arch within a manikin that is positioned to simulate working on a patient. The teeth, scanned from human teeth and produced via 3-D printing, replicate internal and external anatomy, including polymer hardness for enamel, dentin, and pulp tissue. The anterior tooth procedure requires treatment of a maxillary central incisor, including access, instrumentation and obturation. The posterior tooth procedure requires access of a mandibular first molar tooth. Access of the posterior tooth must enable grading examiners to identify all canal orifices. Candidates are also required to provide post-operative radiographic images for examiner grading.

**Prosthodontics Simulation Section.** The Prosthodontics Section is a performance-based, examiner-graded clinical simulation examination. Candidates complete two prosthodontic procedures (three preparations) on simulated teeth in a mounted articulator and manikin that is positioned to simulate working on a patient. Candidates are required to prepare an anterior tooth for a full-coverage crown and prepare two abutments to support a posterior three-unit fixed partial denture prosthesis (i.e., bridge). The three-unit bridge must have a path of insertion that allows full seating of the restoration.

**Periodontics Section.** The Periodontics section will be available in either a patient-based form or simulation form. The patient-based form is unchanged. The simulation form will not involve qualifying a patient but will involve the removal of subgingival calculus on teeth in an assigned quadrant mounted in a manikin to simulate performing the procedure on a patient. WREB has worked to develop a realistically colored calculus for the simulation. Grading criteria and scoring for the removal of calculus are as published for performance of the same task on a patient.

**Operative Dentistry Section.** The Operative section will be available in either a patient-based form or simulation form. The patient-based form is unchanged. The simulation form involves performing a Class II (composite or amalgam) and a Class III composite restoration on a posterior tooth and anterior tooth, respectively. The teeth for preparation have simulated caries, a DEJ, dentin, enamel, and a pulp chamber. The exam will involve limited radiographic interpretation and the depth of the simulated caries will require candidates to modify their preparations. As in the patient-based form, modifications will be initially reviewed by a Floor Examiner. Both preparation and restoration will be accomplished with full clinical simulation and with rubber-dam isolation.

## WREB Dental Hygiene Examination 2021

**Dental Hygiene Clinical Examination.** The Dental Hygiene Clinical Examination will be available in either a patient-based form or manikin-based form. The patient-based form is unchanged. The manikin exam is comprised of two exercises: 1) Assessment and Detection, and 2) Removable Calculus. Each exercise is completed on a simulated quadrant mounted in a typodont/manikin, positioned to simulate the treatment of a patient. Periodontal features of the Assessment and Detection model are unique in design and the color of the calculus on the Removable Calculus typodont has been changed to reflect a more natural appearance than the calculus currently being utilized in educational programs and by other testing agencies.

- The Assessment and Detection exercise requires the candidate to assess periodontal conditions, accurately record periodontal measurements, and note the presence of subgingival calculus on a maxillary quadrant.
- The Removable Calculus exercise requires candidates to thoroughly remove subgingival calculus from all teeth in the assigned quadrant using ultrasonic and/or hand instrumentation.

**Dental Hygiene Objective Structured Clinical Examination (DH OSCE).** The DH OSCE will continue to be offered as a stand-alone examination for those states that do not require a demonstration of hand skills or as a psychometrically sound alternative in the event that the pandemic impacts the delivery of alternative forms of the exam.

The DH OSCE examination is a standardized, multiple-choice examination that employs images and radiographs to replicate authentic oral conditions and clinical situations. DH OSCE content focuses on the clinical aspects and knowledge-based skills necessary to safely treat a patient in a clinical setting. The content categories assessed are medical history, risk assessment, extraoral/intraoral examination, periodontal assessment, dental hygiene care/treatment plan, and instrumentation. The DH OSCE is tailored to specific clinical aspects of dental hygiene care in order to evaluate critical thinking skills that cannot be assessed comprehensively on the clinic-based examination. The examination is administered at dental hygiene schools by WREB personnel with social distancing and adherence to current COVID-19 guidelines. Site-based administration eliminates the need for students to wait for availability at a testing center.

# **Subcommittee Update: Fee Changes**

# Alaska Board of Dental Examiners Comments on Department Fee Increases

October 12, 2020

The Board of Dental Examiners met on October 16, 2020. The Department's recommended fee increases for FY 2021 were discussed. The Board would like to offer the following observations and suggestions:

(1): The Board questions the need for the 1.3 million dollar budget for FY 2020/21 when the actual costs for FY2018-19 was 1.085 million with a 270K deficit.

- FY 2020 is on track for an 18% increase in expenses over FY2018 at 489K. However, FY2020 is also on track for a 12% decrease in non-investigative expenditures vs FY2019. The Board feels a reasonable budget for FY2020/21 is going to be approximately 1.15 million. In order to do this, we would need to generate approximately 950K during the 2021 renewal year.
- The Dental Board suggests generating this revenue by increasing both the dental and hygiene renewal fees by 50%. The new dental renewal fee would be \$675 and the new hygiene renewal fee would be \$300. The Dental Board does not agree with the Department's suggestion of increasing the dental renewal fee 89%.
- The increases for CE applications and Courtesy license applications and fees are completely unnecessary.

We request these fees remain unchanged. Much of the CE we approve is sponsored and organized by local dental and hygiene associations who are looking to provide low cost or free CE for their members. Very little CE is actually provided by large companies. Increasing these fees will likely result in less CE being available locally.

Likewise, increasing the courtesy license fees will further discourage volunteerism for providing pro bono services to those in need.

(2): The Board questions the Professional Licensing Department's indirect cost increases

- Between FY2012 and FY2016 indirect costs by the Department billed to the Dental Board averaged 114,574. Beginning in FY2017 indirect costs soared and for the past three years have averaged 200,485 with no explanation to the Board despite the Board questioning this cost increase in two separate Board meetings with a representative of the Department.

(3): The calculation of the Dental Board's share of indirect expenditures is likely in error.

- In FY2017 the Professional Licensing Department changed the number of dental licensees from 2461 to 4774. This number increased to 5144 in FY2018. In FY2019, this number increased again to 5350.
- The Dental Board believes there are 826 active dentists, 669 active hygienists, 301 licensed dental assistants and 124 active sedation permits for a total of 1920 licensees.
- Is the Department counting radiological inspection licenses? If so, why? We haven't had inspections for years.
- Is the Department counting multiple permits for each license holder? An example would be a hygienist with a local anesthetic permit being counted in addition to their hygiene license.
- Is a dental assistant who took a one day coronal polishing class being counted as a license holder?

The dental board needs an accurate count of how many licenses and permits are being counted in order to understand the Dental Board's true percent allocation of indirect expenses. An increase of 2461 permit holders to 5350 in FY19 does not sound correct. Furthermore, the Dental Board believes that counting multiple licenses per hygienist and dentist is incorrect.

By making the above adjustments, the estimated Dental Board revenue would be approximately 1.17 million. The Board would like further explanation of indirect cost and allocations.

The Board would also like to consider an executive director. We would like to stabilize the fluctuation in direct costs proportionally related to supervisor time due to constant licensing examiner turn over.

# **PBIS Closing**

**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 28.915 is amended to read:

**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] **fee** required in 12 AAC 02.190 are filed with the department. (Eff. 2/28/96, Register 137; am 5/29/98, Register 146; am 11/15/2005, Register 176; 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

12 AAC 28 is amended by adding a new section to read:

**12 AAC 28.932. Additional documentation for licensure.** The board may require additional documentation necessary to substantiate the qualifications for a license under AS 08.32.014, AS 08.36.110, and this chapter, before approving an applicant for licensure to practice dental hygiene or dentistry. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.32.014 AS 08.36.070 AS 08.36.234  
AS 08.32.030 AS 08.36.110

12 AAC 28.935(b)(8) is amended to read:

(8) a copy of the applicant's certificate of examination that meets the requirements of AS 08.32.014(a)(1)(B);1[.]

12 AAC 28.935(b) is amended by adding new paragraphs to read:

(9) an official transcript sent directly to the department from the educational institution verifying graduation from a recognized dental hygiene program that meets the requirements of AS 08.32.014(a)(1)(A); and

(10) an affidavit from the applicant stating the applicant is not impaired to an extent that affects the applicant's ability to practice dental hygiene.

12 AAC 28.935(d) is repealed:

(d) **Repealed** \_\_\_\_/\_\_\_\_/\_\_\_\_. [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.]

12 AAC 28.935(e) is amended to read:

(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

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the 90 days immediately preceding the date of application shall **submit directly to the department from the licensing jurisdiction.**

[(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. (Eff. 1/22/2004, Register 169; am 2/20/2004, Register 169; am 4/27/2007, Register 182; am 10/19/2008, Register 188; am 12/15/2013, Register 208; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.32.014 AS 08.32.070 AS 08.36.070

[**EDITOR'S NOTE:** AN APPLICATION FOR A PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIAL REVIEW UNDER 12 AAC 28.935 MAY BE OBTAINED FROM PROFESSIONAL BACKGROUND INFORMATION SERVICES, 23460 NORTH 19<sup>TH</sup> AVENUE, SUITE 225, PHOENIX, AZ 85027; TELEPHONE: (602) 861-5867.

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.]

12 AAC 28.937(b)(4) is amended to read:

(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]

12 AAC 28.937(b)(5) is amended to read:

(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;[.]

12 AAC 28.937(b) is amended by adding new paragraphs to read:

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

(7) a copy of the applicant's certificate of examination that meets the requirements of AS 08.32.014(a)(1)(B);

(8) a copy of the applicant's certificate of examination that meets the requirements of AS 08.32.014(a)(1)(C);

(9) 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);

(10) an affidavit from the applicant stating the applicant is not impaired to an extent that affects the applicant's ability to practice dental hygiene; and

(11) 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 licensed for five years or more and in active clinical practice documenting at least 2,500 hours for five years immediately preceding the date of application.

12 AAC 28.937(c) is amended to read:

(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 LICENSED FOR FIVE YEARS OR MORE AND IN ACTIVE CLINICAL PRACTICE DOCUMENTING AT LEAST 2,500 HOURS FOR FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION;

(5) **(1)** 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, **sent directly to the department from the agency;**

**(2)** [(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, **sent directly to the department from the licensing jurisdiction;**

**(3)** [(7)] affidavits from three licensed dentists or licensed dental hygienists stating the applicant has been licensed for five years or more and in active clinical practice documenting at least 2,500 hours during the five years immediately preceding the date of application, **sent directly to the department from the dentist or dental hygienist providing the documentation; and**

**(4) an official transcript sent directly to the department from the educational institution verifying graduation from a recognized dental hygiene program that meets the requirements of AS 08.32.014(a)(1)(A).**

(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 5/1/2019, Register 230; am

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\_\_\_\_ / \_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**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 PROFESSIONAL BACKGROUND INFORMATION SERVICES, 23460 NORTH 19<sup>TH</sup> AVENUE, SUITE 225, PHOENIX, AZ 85027; TELEPHONE: (602) 861-5867.]

12 AAC 28.940(b)(3) is amended to read:

(3) an affidavit from the applicant stating that the applicant is not [AN] impaired [PRACTITIONER] **to an extent that affects the applicant's ability to practice dentistry;**

12 AAC 28.940(b)(9) is amended to read:

(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 Dental Examination Part I and Part II, or the Integrated National Board Dental Examination; [AND]

12 AAC 28.940(b)(10) is amended to read:

(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

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of application; **and** [.]

12 AAC 28.940(b) is amended by adding a new paragraph to read:

(11) an official transcript sent directly to the department from a dental school verifying a dental degree from a school that meets the requirements of 12 AAC 28.938.

12 AAC 28.940(d) is repealed:

(d) **Repealed** \_\_\_\_/\_\_\_\_/\_\_\_\_. [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.]

12 AAC 28.940(e)(1) is repealed:

(1) **repealed** \_\_\_\_/\_\_\_\_/\_\_\_\_ [THE RESULTS OF A LEVEL II PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIALS REVIEW CONDUCTED BY PBIS, SENT DIRECTLY TO THE DEPARTMENT FROM PBIS];

(Eff. 1/28/2000, Register 153; am 8/15/2001, Register 159; am 1/15/2003, Register 165; am 1/22/2004, Register 169; am 4/27/2007, Register 182; am 10/19/2008, Register 188; am

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12/2/2012, Register 204; am 12/15/2013, Register 208; am 9/26/2018, Register 227; am 5/1/2019, Register 230; am 3/5/2020, Register 233; am 10/4/2020, Register 236; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.36.070 AS 08.36.110

**Editor's note:** [AN APPLICATION FOR A PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIALS REVIEW REQUIRED UNDER 12 AAC 28.940(c) MAY BE OBTAINED FROM PROFESSIONAL BACKGROUND INFORMATION SERVICES, 23460 NORTH 19<sup>TH</sup> AVENUE, SUITE 225, PHOENIX, AZ 85027; TELEPHONE: (602) 861-5867.]

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.

12 AAC 28.951(b)(5) is amended to read:

(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; [AND]

12 AAC 28.951(b)(6) is amended to read:

(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

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required under 12 AAC 28.410; [.]

12 AAC 28.951(b)(7) is amended to read:

(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; **and** [.]

12 AAC 28.951(b) is amended by adding new paragraphs to read:

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

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

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

(11) 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); and

(12) 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 licensed for five years or more and in active

clinical practice documenting at least 5,000 hours.

12 AAC 28.951(c) is amended to read:

(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 EXAMINATIONS VERIFYING SUCCESSFUL PASSAGE OF THE NATIONAL BOARD DENTAL EXAMINATION PART I AND PART II, OR THE INTEGRATED NATIONAL BOARD DENTAL EXAMINATION;

(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 LICENSED FOR FIVE YEARS OR MORE AND IN ACTIVE CLINICAL PRACTICE DOCUMENTING AT LEAST 5,000 HOURS;

(7) REPEALED 3/11/2016;]

**(1)** [(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, **sent directly to the department from the agency;**

**(2)** [(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, **sent directly to the department from the licensing jurisdiction;**

**(3)** [(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, **sent directly to the department from the**

**licensing jurisdiction:**

**(4)** [(11)] affidavits from three licensed dentists documenting the applicant has been licensed for five years or more and in active clinical practice for at least 5,000 hours during the five years immediately preceding the date of application, **sent directly to the department from the dentist providing the documentation;**

**(5)** [(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), **sent directly to the department from the dentist providing the documentation;**

**(6) an official transcript sent directly to the department from a dental school verifying a dental degree from a school that meets the requirements of 12 AAC 28.938.**

(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 9/26/2018, Register 227; am 5/1/2019, Register 230; am 3/5/2020, Register 233; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**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 PROFESSIONAL BACKGROUND INFORMATION SERVICES, 23460 NORTH 19TH AVENUE, SUITE 225, PHOENIX, AZ 85027; TELEPHONE: (602) 861-5867.]**

# **EA Proposal**

# **New Business**

**Adjourn**