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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Debbie Morgan
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 1, 2019

RE: Filed Permanent Regulations: Board of Dental Examiners

Board of Dental Examiners regulations re: sedation permit training requirements, continuing education, requirements regarding dental hygienists, lapsed licenses, and courtesy licenses (12 AAC 28.010(e)(5)(B); 12 AAC 28.015; 12 AAC 28.025 - 12 AAC 28.027; 12 AAC 28.360; 12 AAC 28.925(a)(2); 12 AAC 28.937(c); 12 AAC 28.940(b)(8)(B)(vi); 12 AAC 28.951(c); 12 AAC 28.955(a))

Attorney General File: 2018201025.001

Regulation Filed: 4/1/2019

Effective Date: 5/1/2019

Print: 230, July 2019

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF DENTAL EXAMINERS


The attached ten pages of regulations, dealing with sedation permit requirements, continuing education requirements, license qualifications, and courtesy license requirements, are hereby certified to be a correct copy of the regulation changes that the Board of Dental Examiners adopted at its February 15, 2019 meeting, under the authority of AS 08.01.062; AS 08.01.065; AS 08.32.014; AS 08.32.030; AS 08.32.070; AS 08.32.081; AS 08.32.110; AS 08.32.160; AS 08.32.165; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; and AS 08.36.315, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Dental Examiners paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 15 Feb 2019
Anchorage, Alaska



Dr. Paul Silveira, President
Board of Dental Examiners

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 1st, 2019 at 11:11 Am., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Kevin Meyer, Lieutenant Governor

Effective: May 1, 2019.

Register: 230, July 2019.

Chapter 28. Board of Dental Examiners.

12 AAC 28.010(e)(5)(B) is amended to read:

(B) provide documentation that **at least** 20 of the 50 anesthesia or deep sedation cases were individually managed patients younger than 13 years of age.
(Eff. 4/10/70, Register 34; am 5/29/98, Register 146; am 6/24/2012, Register 202; am 12/15/2013, Register 208; am 4/14/2018, Register 226; am 12/9/2018, Register 228; am 5 / 1 / 2019, Register 230)

| | | | |
|-------------------|--------------|--------------|--------------|
| 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(e)(1)(B) is amended to read:

(B) 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 (A) of this paragraph, **and required under 12 AAC 28.026**; 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; and

12 AAC 28.015(e)(2)(A) is amended to read:

(A) provide proof that the applicant completed an additional 30 hours of board-approved coursework in pediatric moderate sedation ^{required} **under 12 AAC 28.027(b)**; and

12 AAC 28.015(e)(2)(B) is amended to read:

(B) provide proof of administration of sedation for at least 20 individually managed patients younger than 13 years of age while under the supervision of a sedation provider holding a current moderate or deep sedation permit in good standing for patients under 13 years of age, ^{or an} a licensed anesthesiologist ~~or a~~ certified ^(licensed) registered nurse anesthetist in this state or another jurisdiction.

12 AAC 28.015(f) is amended to read:

(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 only to patients who are younger than 13 years of age under this section 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 comprised airway, and provide documentation that the applicant has completed

[(1)] a Commission on Dental Accreditation (CODA) accredited residency in pediatric dentistry[; OR

(2) AT LEAST 60 HOURS OF CONTINUING EDUCATION COURSEWORK IN PEDIATRIC MODERATE SEDATION APPROVED BY THE BOARD].

12 AAC 28.015(h)(5)(B) is amended to read:

(B) provide documentation that at least 10 of the 25 moderate sedation cases were individually managed patients younger than 13 years of age.

12 AAC 28.015(j)(1) is amended to read:

(1) provide proof of an additional 30 hours of board-approved continuing education in pediatric moderate sedation ^{required} under 12 AAC 28.027; and

12 AAC 28.015(j)(2) is amended to read:

(2) provide proof of administration of sedation for at least 20 individually managed patients younger than 13 years of age while under the supervision of a sedation provider holding a current moderate or deep sedation permit in good standing for patients under 13 years of age, ^{or an} a licensed anesthesiologist or a certified registered nurse anesthetist, ^{licensed} in this state or another jurisdiction.

(Eff. 4/14/2018, Register 226; am 12/9/2018, Register 228; am 5 / 1 / 2019, Register 230)

| | | | |
|------------|--------------|--------------|--------------|
| 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 |

coursework required
under 12 AAC

28.015(e)(2)(A)

or continuing education

required under 12 AAC 28.015(e)(1)(B) or (j)(1)

12 AAC 28 is amended by adding new sections ~~in Article 1~~ to read:

^{Board} ^(allowcase)) ^(coursework or continuing education)
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

(1) a completed form provided by the department that includes the name of the ^{providing} college or university ~~if the course is completed through a residency program~~, or if the course is completed through a continuing education course, ^{the} name of the sponsor, accredited program and faculty member presenting the course;

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

(A) 12 AAC 28.026 if certification to administer moderate sedation only for patients 13 years of age and older is sought; and

(B) 12 AAC 28.027 if certification to administer moderate or minimal sedation for patients younger than 13 years of age is sought; and

(3) an explanation of the evaluation procedures used to determine successful completion of the course. (Eff. 5 / 1 / 2019, Register 230)

Authority: AS 08.36.070

documentation of training or
12 AAC 28.026. Requirements for a continuing education course ~~for training in a postgraduate residency in moderate sedation for patients 13 years of age and older.~~ (Documentation of training or required under 12 AAC 28.015(e)(1)(B)) (a) ~~A~~ continuing education course ~~for a dental training program~~ for an initial permit in moderate sedation only for patients 13 years of age and older ~~must meet the requirements of 12 AAC 28.015(e)(1), and must include~~

(1) ^a certification of competence in moderate sedation techniques;

(2) ^a 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;

(3) ^a provision by ^{the} course director or faculty of additional clinical experience if participant competency has not been achieved ^{the} in time allotted; and

(4) records of instruction and clinical experience that are maintained and available for participant review, including ^{the} number of patients managed by each participant in each modality or route.

To receive board approval,

(b) ^{lowercase}

required under 12 AAC 28.015(e)(1)(B)

A continuing education course for an initial permit in moderate sedation for patients 13 years of age and older ~~under 12 AAC 28.015(e)(1)(B) and (a) of this section~~ must be certified by the American Dental Association (ADA) Continuing Education Recognition Program (CERP), or the Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE). (Eff. 5 / 1 / 2019, Register 230)

Authority: AS 08.36.070

coursework or

12 AAC 28.027. Requirements for continuing education ^{courses} in moderate

sedation and minimal sedation for patients younger than 13 years of age. ^{To receive board approval for coursework required under 12 AAC 28.015(e)(2)(A) or continuing education under 12 AAC 28.015(j)(1), the} (a) A dentist who applies for a designation to sedate patients younger than 13 years of age on their initial moderate permit under 12 AAC 28.015(e)(2), or on their existing moderate permit under 12 AAC

~~28.015(j)~~, must complete an additional 30 hours of continuing education under (b) of this

~~section, and provide proof of administration of sedation of at least 20 individually managed cases~~

~~of patients younger than 13 years of age, while under the supervision of a sedation provider~~

~~holding a current moderate or deep sedation permit in good standing for patients under 13 years~~

~~of age, a licensed anesthesiologist, or a certified registered nurse anesthetist, in this state or~~

~~another jurisdiction.~~

or continuing education

(b) Continuing education coursework under (a) of this section must be certified by the American Dental Association (ADA) Continuing Education Recognition Program (CERP), the Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE), or

the American Academy of Pediatric Dentistry (AAPD), or offered by other organizations approved by the board including, the American Dental Society of Anesthesiology (ADSA), and the Society for Pediatric Sedation (SPS). Course titles and outlines must be provided to the board and must include the following subject areas:

- (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 sedatives 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 three 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. (Eff. 5 / 1 / 2019, Register 230)

Authority: AS 08.36.070

12 AAC 28.360 is amended to read:

12 AAC 28.360. **Registry.** The board will maintain a registry of all [BOARD
(*is bold*)]

APPROVED COURSES OF INSTRUCTION AND ALL] dental hygienists certified to administer local anesthetic agents or nitrous oxide sedation. (Eff. 5/31/81, Register 78; am 4/14/2018, Register 226; am 5 / 1 / 2019, Register 230)

Authority: AS 08.32.110 AS 08.36.070

12 AAC 28.925(a)(2) is amended to read:

(2) pays the renewal fee established in 12 AAC 02.190(a)(4) ^{and} (10)(b)(6), ^{lowercase} (10), and (13) [12 AAC 02.190(A)(4), (A)(8), (B)(5), (B)(6), AND (B)(14)], as applicable; and (Eff. 1/15/2003, Register 165; am 12/15/2013, Register 208; am 5 / 1 / 2019, Register 230)

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 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)(7) is amended to read:

(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.

(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)

Authority: AS 08.32.014 AS 08.32.070 AS 08.36.070

AS 08.32.030

"Publisher: Existing 12 AAC 28.938 remains unchanged."))

~~12 AAC 28.938 is amended to read:~~

~~12 AAC 28.938. Dental educational requirements. An applicant for a license to practice dentistry must be a graduate of a dental school or a two year post-graduate residency program that, at the time of graduation, is accredited by the Commission on Dental Accreditation of the American Dental Association. (Eff. 12/15/2013, Register 208; am ____/____/____, Register ____)~~

*Withdrawn
Ad 3/26/2019
ACR*

~~Authority: AS 08.36.070 AS 08.36.110~~

12 AAC 28.940(b)(8)(B)(vi) is amended to read:

(vi) patient based operative examination that includes one class II posterior alloy or [AND ONE] composite procedure, and one additional operative procedure, either anterior class III or posterior class II; or (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 12/2/2012, Register 204; am 12/15/2013, Register 208; am 9/26/2018, Register 227; am 5/1/2019, Register 230)

Authority: AS 08.36.070 AS 08.36.110

12 AAC 28.951(c)(6)(B) is amended to read:

(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)(11) is amended to read:

(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;

(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)

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

12 AAC 28.955(a) is amended to read:

(a) The board will issue a courtesy license to practice dentistry or dental hygiene to a non-resident 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.

Withdrawn
3/26/2019
ACR

~~12 AAC 28.955(i) is amended by adding a new paragraph to read:~~

~~(3) "non-resident" means individuals with permanent residence outside this state,~~

~~or members of the military stationed in this state,~~ (Eff. 12/24/2006, Register 180; am 12/15/2013,
Register 208; am 5 / 1 / 2019, Register 230)

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

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Thru: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

From: Steven C. Weaver *ACW*
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Date: March 26, 2019

File No.: 2018201025.001

Tel. No.: 465-3600

Re: Board of Dental Examiners
regulations re: sedation permit
training requirements, continuing
education, requirements regarding
dental hygienists, lapsed licenses, and
courtesy licenses (12 AAC
28.010(e)(5)(B); 12 AAC 28.015;
12 AAC 28.025 - 12 AAC 28.027;
12 AAC 28.360; 12 AAC
28.925(a)(2); 12 AAC 28.937(c);
12 AAC 28.940(b)(8)(B)(vi);
12 AAC 28.951(c); 12 AAC
28.955(a))

The Department of Law has reviewed the attached regulations of the Board of Dental Examiners against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file Part 1 of the attached regulations. The regulations were adopted by the Board of Dental Examiners after the close of the public comment period. The regulations concern sedation permit training requirements, continuing education, requirements regarding dental hygienists, lapsed licenses, and courtesy licenses.

We have confirmation that the board has requested that we defer our review, to Part 2 of this project (Department of Law file 2018201025.002), of a proposed amendment to 12 AAC 28.938, pending additional board work on that provision. We also have confirmation from agency staff to defer our review, to Part 2 of this project, of proposed 12 AAC 28.955(i), pending additional board work on that provision. The provisions that are withdrawn are shown on the attached copy of regulations. The remainder of the regulations, grouped as Part 1, are ready for filing.

The January 7, 2019 public notice and the February 15, 2019 certification of adoption

order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc: Dr. David Nielson, President
Board of Dental Examiners
(by e-mail through Sher Zinn)

Debbie Morgan, Regulations Contact
Department of Commerce, Community, and Economic Development

Sara Chambers, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Joan M. Wilson, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

NOTICE OF PROPOSED CHANGES RELATING TO LICENSE AND SEDATION PERMIT QUALIFICATIONS, RENEWAL, COURTESY LICENSES IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

BRIEF DESCRIPTION: The Board of Dental Examiners proposes to update regulations regarding licensing qualifications, sedation permit initial qualifications and renewal, courtesy licenses and updating other regulations.

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 28.010. Permit requirements for use of deep sedation or general anesthesia**, is proposed to be updated to require a minimum number of sedation cases for patients younger than 13 years of age for renewal of a sedation permit.
2. **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**, is proposed to be updated by changing the qualifications for obtaining a moderate sedation permit.
3. **12 AAC 28.025. Approval of course of instruction in moderate sedation, or minimal sedation of patients younger than 13 years of age**, is a proposed new section outlining the requirements for board approval of a course of instruction for a moderate or minimal sedation permit.
4. **12 AAC 28.026. Requirements for a continuing education course, or training in a postgraduate residency in moderate sedation for patients 13 years of age and older**, is a proposed new section outlining the requirements for a moderate sedation course of instruction for patients 13 years of age and older.
5. **12 AAC 28.027. Requirements for continuing education courses in moderate and minimal sedation for patients younger than 13 years of age**, is a proposed new section outlining the requirements for continuing education coursework for adding a pediatric designation to a moderate sedation permit.
6. **12 AAC 28.360. Registry**, is proposed to remove the requirement of keeping a registry for board-approved courses of instruction for local anesthesia and nitrous oxide sedation for dental hygienists.
7. **12 AAC 28.925. Lapsed licenses**, is proposed to update the citations for applicable fees in centralized regulations.
8. **12 AAC 28.937. Dental hygienist licensure by credentials**, is proposed to clarify the requirement of five years of licensure to qualify for a license by credentials.
9. **12 AAC 28.938. Dental educational requirements**, is proposed to add an accredited post graduate residency program for educational requirements of a dental license.
10. **12 AAC 28.940. Dental licensure by examination**, is proposed to change the examination requirements for a dental license by examination.
11. **12 AAC 28.951. Dental licensure by credentials**, is proposed to clarify the requirement of five years of licensure to qualify for a license by credentials.
12. **12 AAC 28.955. Courtesy license**, is proposed to be changed by adding a definition for “non-resident”.

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. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/192439>, and using the comment link. **The comments must be received not later than 5:00 p.m. on February 6, 2019.** 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. **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, no later than January 30, 2019, 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, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-12-18.pdf>.

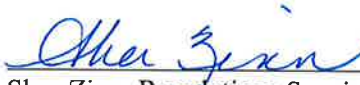
After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You 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 08.01.062; AS 08.01.065; AS 08.32.014; AS 08.32.030; AS 08.32.070; AS 08.32.081; AS 08.32.110; AS 08.32.160; AS 08.32.165; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.315

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.01.065; AS 08.32.014; AS 08.32.030; AS 08.32.070; AS 08.32.081; AS 08.32.110; AS 08.32.160; AS 08.32.165; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.315

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

DATE: 1/4/19



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:** License qualifications, sedation permit qualifications, sedation permit renewal requirements, and courtesy licenses.
3. **Citation of regulation:** 12 AAC 28.010; 12 AAC 28.015; 12 AAC 28.025; 12 AAC 28.026; 12 AAC 28.027; 12 AAC 28.360; 12 AAC 28.925; 12 AAC 28.937; 12 AAC 28.938; 12 AAC 28.940; 12 AAC 28.951; 12 AAC 28.955
4. **Department of Law file number:** 2018201025
5. **Reason for the proposed action:** Update license and sedation permit qualifications, clarification of existing regulations, define “non-resident” for courtesy licenses.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: Cost for a dentist for completing a course or residency in moderate sedation. Actual cost is unknown at this time.
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 2019 or in subsequent years.
9. **The name of the contact person for the regulation:**
Amber Treston, Records and Licensing Supervisor
Board of Dental Examiners
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-2542
E-mail: amber.treston@alaska.gov
10. **The origin of the proposed action:** Board of Dental Examiners.
11. **Date:** 11/4/19 **Prepared by:** Sher Zinn
Sher Zinn
Regulations Specialist

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION

I, Sher Zinn, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 28.010 – 12 AAC 28.955 dealing with sedation permit requirements, continuing education requirements, license qualifications, and courtesy license requirements, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 2/22/19

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on 2/22/2019



James
Notary Public in and for the State of Alaska
My commission expires at office

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Sher Zinn, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

In compliance with AS 44.62.215, the Board of Dental Examiners has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Dental Examiners regulations on dealing with sedation permit requirements, continuing education requirements, license qualifications, and courtesy license requirements.

Date: 2/22/19

Sher Zinn

Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska

on 2/22/2019.

D. Ames

Notary Public in and for the State of Alaska

My commission expires: 4/1/2021



STATE OF ALASKA)

FIRST JUDICIAL DISTRICT


AFFIDAVIT OF BOARD ACTION

I, Tracy Wiard, Licensing Examiner for the Board of Dental Examiners, being duly sworn, state the following:

The attached motion dealing with sedation permit requirements, continuing education requirements, license qualifications, and courtesy license requirements, was passed by the Board of Dental Examiners during its February 15, 2019 meeting.

Date:

2/22/2019
Juneau, Alaska


Tracy Wiard, Licensing Examiner

Subscribed and sworn to before me at STATE OF ALASKA on
02/22/2019.
(date)



Notary Public in and for the
State of Alaska

My commission expires: WITH OFFICE

questioning who verifies military training can be a substitute for training, or a component of the exam, etc. It was asked if the board would like to clear up the decision regarding military experience in lieu of training. There was a discussion regarding the statute and how the board does not want to give rubber stamp approvals for licensees that may not be qualified.

On a motion duly made by Ross, seconded by Scheller, and approved unanimously, it was RESOLVED to go in to executive session in accordance with Alaska Statute 44.62.310(c)(3) for the purpose of discussing investigative matters which by law, municipal charter, or ordinance are required to be confidential. Board staff to remain during this session.

Off the Record at: 1:20 pm

On the Record at: 1:32 pm

On a motion duly made by Scheller, seconded by Walden, and approved unanimously by a roll call vote, it was RESOLVED to approve Richard Lauderback's Dental Application by Exam Level II.

The board wanted to note on the record that further military applications would be considered on a case by case basis. There was evidence to show that the licensing qualifications have been met but the board does like to review qualifications on a case by case basis.

Agenda Item 10 – Regulation Review

Dr. Nielsen addressed the board and said he would like to discuss a few changes to the regulations. He informed the board he had gotten a comment from someone that would be considered public comment and asked the person to draft a letter but they did not. Regulations Specialist Zinn stopped Dr. Nielsen and explained that public comment cannot be delivered by a board member. Public comment must be completed in writing and submitted through the appropriate channels in the public comment process to be considered. The board did review the public comments properly submitted and considered the cost to the public.

The board reviewed the regulations that were previously out for public comment. It was noted that 12 AAC 28.015(e)(2)(B) has left out a physician anesthesiologist. There was a question as to if licensed medical anesthesiologist was covered under the term, "sedation provider?" Regulations Specialist Zinn stated that because CRNA was listed then a licensed anesthesiologist would also need to be listed. A medical anesthesiologist would not fall under a moderate or deep sedation permit because an anesthesiologist is a license outside the dental boards jurisdiction. The board would need to add licensed anesthesiologist to the current regulations.

On a motion duly made by Silveira, seconded by Ross, and approved unanimously, it was RESOLVED to adopt the regulations amending to add licensed anesthesiologist as an acceptable 12 AAC 28.015(e)(2)(B), 12 AAC 28.015(j)(2), 12 AAC 28.027(a). It was also resolved to approve 12 AAC 28.940(b)(8)(B) as amended with the word, "one," removed after the word, "or."

The board reviewed the application again and discussed the content to be covered. They discussed the course covering implants and sinus grafts and how the course offers 40 hours of CEU's. The board discussed perhaps each course being reviewed individually. There was discussion of the

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STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Sarah Jennett

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

January 07, 2019

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Sarah Jennett

Subscribed and sworn to before me
this 7th day of January, 2019

Britney Thompson

Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019



STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF BOARD ACTION

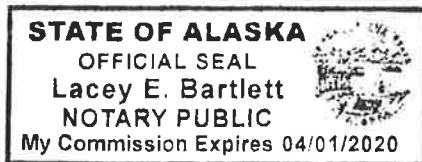
I, Tracy Wiard, Licensing Examiner for the Board of Dental Examiners, being duly sworn, state the following:

The attached motion dealing with revisions of regulations from the regulation project regarding sedation permit requirements, continuing education requirements, license qualifications, and courtesy license requirements, was passed by the Board of Dental Examiners during its March 8, 2019 meeting.

Date: 3/13/19
Juneau, Alaska

Tracy Wiard
Tracy Wiard, Licensing Examiner

Subscribed and sworn to before me at Juneau on
3/13/19
(date)



Lacey E. Bartlett
Notary Public in and for the
State of Alaska
My commission expires: 04/01/2020

Miller, Linda J (LAW)

From: Zinn, Sher K (CED)
Sent: Tuesday, March 12, 2019 2:28 PM
To: Wilson, Joan M (LAW)
Subject: RE: Dental Board Sedation Project 2018201025

See below excerpt of minutes from the March 8, 2019, Dental Board meeting withdrawing 12 AAC 28.938 from the regulation project. Let me know if there is anything else you need. Thank you!

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

**MINUTES OF MEETING
March 08, 2019**

Agenda Item 4 - 2 Year Residency for Foreign Dental Graduates

Dr. Nielsen overviewed the history of the of the board having to deny applicants that have not graduated from a dental school accredited by CODA. CODA accreditation only occurs in the US and that would mean only US dental school graduates would meet the qualification. The board tried adding a section to 12 AAC 28.938 allowing applicants who have not graduated from a CODA accredited school to complete a 2-year residency program to be eligible for licensure.

It was determined by Department of Law that the board did not have the statutory authority to make that change. AS 08.36.110(1)(A) states that the applicant must graduate from a dental school approved by the board. The Department of Law states that a dental school and a residency program are not the same thing. The board cannot require a residency in lieu of dental school approved by the board. It was recommended a statute change or regulation change be made to qualify applicants who have not graduated from a CODA accredited dental school.

Dr. Nielsen stated that the board may remove the requirement of graduation from a CODA accredited dental school by removing 12 AAC 28.938 from the regulations project. Previous considerations the board had with not having the CODA accreditation is that an orthodontist or other specialty licensed person may have been eligible for licensure and begin placing fillings, etc., without ever having taken a US board exam or graduated from a US school. Dr. Nieslen suggested complete removal of the 2-year residency requirement from current regulations projects.

On a motion made by Gail Walden, seconded by Dominic Wenzell, and passed unanimously, it was RESOLVED to withdraw any changes from 12 AAC 28.938 from the regulation project.

*Sher Zinn
Regulations Specialist
State of Alaska
Dept. of Commerce
Corp., Business & Professional Licensing*

Phone- 907-465-1049
fax- 907-465-2974
sher.zinn@alaska.gov

From: Wilson, Joan M (LAW) <joan.wilson@alaska.gov>
Sent: Tuesday, March 12, 2019 9:50 AM
To: Zinn, Sher K (CED) <sher.zinn@alaska.gov>
Subject: RE: Dental Board Sedation Project 2018201025

Okay. Then we will break this portion into Part 2 and have the Board remove it at their next meeting. We can still have the amendment that adds "non-resident" to a courtesy license. The Board can determine non-residency consistent with State law.