

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
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Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, the Office of the Lieutenant Governor.

DATE: February 4, 2020

RE: Filed Permanent Regulations: Board of Dental Examiners

Board of Dental Examiners regulations re: sedation permit reinstatement, continuing education for restorative function endorsements and certificates, ethical standards, and examination requirements (12 AAC 28.010(g); 12 AAC 28.015(l); 12 AAC 28.400 - 12 AAC 28.410; 12 AAC 28.780; 12 AAC 28.880; 12 AAC 28.905; 12 AAC 28.940(b); 12 AAC 28.951(c))

Attorney General File:	2019200734
Regulation Filed:	2/4/2020
Effective Date:	3/5/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

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

The attached nine pages of regulations, dealing with sedation permit reinstatement, continuing education for restorative function endorsements and certificates, ethical standards, and examination requirements, are hereby certified to be a correct copy of the regulation changes that the Board of Dental Examiners adopted at its December 6, 2019 meeting, under the authority of AS 08.01.065; AS 08.01.070; AS 08.32.071; AS 08.32.085; AS 08.32.160; AS 08.32.187; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.344, 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: January 3, 2020
Anchorage, Alaska



Dr. David Nielson, President
Board of Dental Examiners

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on February 4th, ²⁰²⁰~~2019~~ at 1:42 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Kevin Meyer, Lieutenant Governor

Effective: March 5, 2020.

Register: 233, April 2020.

Chapter 28. Board of Dental Examiners.

12 AAC 28.010(g)(1) is amended to read:

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

12 AAC 28.010(g)(2) is amended to read:

(2) **lapses or** expires on the date the dentist's license **lapses or** expires; [.] **and**

12 AAC 28.010(g) is amended by adding a new paragraph to read:

(3) may be reinstated if the permit has lapsed more than 60 days but less than two years if the applicant submits

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

(B) the applicable renewal fee established in 12 AAC 02.190; and

(C) evidence of continuing education and documentation of sedation cases required by ~~12 AAC 28.010~~ ^(of this section) (e)(1), (2), (3), and (5), as applicable. ^{all lowercase} The sedation cases required under this subparagraph must be completed while holding a current deep sedation and general anesthesia permit, or while under the supervision of a current deep sedation or general anesthesia permit holder, or an anesthesiologist or certified registered nurse anesthetist ~~licensed in this state or another jurisdiction~~ (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; am

3 / 5 / 2020, Register 233)

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(l)(1) is amended to read:

in lowercase !!!
as in original !!! (1) Will be renewed when the dentist's license to practice is renewed if the dentist demonstrates continued compliance with AS 08.36 and this chapter; [AND]

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

(2) lapses or expires on the date the dentist's license lapses or expires; and [.]

12 AAC 28.015(l) is amended by adding a new paragraph to read:

(3) may be reinstated if the permit has lapsed more than 60 days but less than two years if the applicant submits

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

(B) the applicable renewal fee established in 12 AAC 02.190; and

(C) evidence of continuing education and documentation of sedation cases required by 12 AAC 28.015(h)(1), (2), (3), and (5), as applicable. *(of this section)* The sedation cases required under this subparagraph must be completed while holding a current moderate sedation permit, or while under the supervision of a current deep sedation and general anesthesia permit holder, or an anesthesiologist or certified registered nurse anesthetist licensed in this state or another jurisdiction. *in lowercase !!!*

Register 233, April 2020 PROFESSIONAL REGULATIONS

(Eff. 4/14/2018, Register 226; am 12/9/2018, Register 228; am 5/1/2019, Register 230; am 3/5/2020, Register 233)

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 28.400 is repealed and readopted to read:

- 12 AAC 28.400. Continuing education requirements for dentistry and dental hygienists licensees.** (a) Except as provided in 12 AAC 28.405(a), an applicant for renewal of a dentistry license shall submit evidence of continued professional competence by documenting
- (1) completion of at least 32 contact hours of continuing education;
 - (2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of AS 08.36.070 and 12 AAC 28.920; and
 - (3) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has completed not less than two hours of continuing education in pain management and opioid use and addiction during the concluding licensing period.
- (b) Except as provided in 12 AAC 28.405(b), an applicant for renewal of a dental hygienist license shall submit evidence of continued professional competence by documenting
- (1) completion of at least 20 contact hours of continuing education; and
 - (2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of AS 08.36.070 and 12 AAC 28.920.
- (c) An applicant for renewal of a dental hygienist restorative function endorsement under 12 AAC 28.780 shall submit evidence of continued competence by documenting an

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additional two hours of continuing education relating to materials or techniques used for the restoration of teeth.

(d) For the purpose of this section,

- (1) one “contact hour” equals a minimum of 50 minutes of instruction;
- (2) one academic semester credit hour equals 15 contact hours;
- (3) one academic quarter credit equals 10 contact hours;
- (4) one continuing education unit equals one contact hour;
- (5) one continuing education credit equals one contact hour.

(e) Credit is given only for class hours and not hours devoted to class preparation. (Eff. 4/10/88, Register 106; am 2/18/93, Register 125; am 4/8/93, Register 126; am 5/29/98, Register 146; am 12/5/2009, Register 192; am 12/15/2013, Register 208; am 9/26/2018, Register 227; am 3 / 5 / 2020, Register 233)

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.344
AS 08.32.085 AS 08.36.250

12 AAC 28.405(b)(1) is amended to read:

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

(Eff. 5/29/98, Register 146; am 12/5/2009, Register 192; am 3 / 5 / 2020, Register 233)

Authority: AS 08.32.071 AS 08.36.070 [AS 08.36.250]
AS 08.32.085 AS 08.36.250 AS 08.36.344

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The introductory language of 12 AAC 28.410(a) is amended to read:

(a) Except as provided in (c) of this section, and subject to the limits set out in (g) and (h) of this section, only the following courses will be accepted as continuing education under 12 AAC 28.400 – 12 AAC 28.420 and 12 AAC 28.880(b), and only if participation in those courses is verifiable and the subject matter contributes to the professional knowledge and development of the practitioner or enhances the ability to provide services to the patient: [.]

...

12 AAC 28.410 is amended by adding a new subsection to read:

(i) Not more than eight hours of continuing education taken through the internet in a 24-hour period may apply to meet the continuing education hours required by 12 AAC 28.400 or 12 AAC 28.405. (Eff. 4/10/88, Register 106; am 4/13/91, Register 118; am 2/18/93, Register 125; am 2/28/96, Register 137; am 5/29/98, Register 146; am 1/28/2000, Register 153; am 8/15/2001, Register 159; am 3/23/2002, Register 161; am 1/15/2003, Register 165; am 12/5/2009, Register 192; am 12/15/2013, Register 208; am 3 / 5 / 2020, Register 233)

Authority:	AS 08.32.071	AS 08.36.070	[AS 08.36.250]
	<u>AS 08.32.085</u>	<u>AS 08.36.250</u>	<u>AS 08.36.344</u>

12 AAC 28.780(a) is amended to read:

(a) A dental hygienist's endorsement to perform restorative functions **lapses or** expires on the date the dental hygienist's license **lapses or** expires.

12 AAC 28.780 is amended by adding a new subsection to read:

(d) An applicant for renewal of a dental hygienist endorsement to perform restorative functions must submit

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

(2) the applicable renewal fee established in 12 AAC 02.190;

(3) documentation of successful completion of two hours of continuing education required under 12 AAC 28.400(c). (Eff. 3/18/2011, Register 197; am 3/5/2020, Register 233)

Authority: AS 08.32.071 AS 08.32.187 AS 08.36.070
AS 08.32.085

12 AAC 28.880⁹~~(a)~~ is repealed and readopted to read:

12 AAC 28.880. Renewal of dental assistant's restorative function certificate. (a) A dental assistant's restorative function certificate must be renewed biennially on or before February 28 of odd-numbered years. In order to renew a certificate to perform restorative function, a dental assistant must submit to the department

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

(2) the \$60 certificate renewal fee; and

(3) documentation of completion of two hours of continuing education required under (b) of this section.

(b) An applicant for renewal of a dental assistant restorative function certificate shall complete two hours of continuing education approved under 12 AAC 28.410(a)

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relating to materials or techniques used for the restoration of teeth.

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

(d) A dental assistant restorative function certificate may not be renewed if the certificate has lapsed for two years or more. (Eff. 3/18/2011, Register 197; am 12/4/2014, Register 212; am 9/10/2017, Register 223; am 3 / 5 / 2020, Register 233)

Authority: AS 08.36.070 AS 08.36.344

12 AAC 28.905 is amended to read:

12 AAC 28.905. Ethical standards. (a) The “Code of Ethics for Dental Hygienists”, as set out in the American Dental Hygienist’s Association document titled *Bylaws – Code of Ethics*, dated **June 2018** [JUNE 23, 2014], is adopted by reference as the ethical standards for dental hygienists, and applies to all dental hygienists in the state.

(b) The American Dental Association’s *Principles of Ethics and Code of Professional Conduct*, with official advisory opinions revised to **November 2018** [APRIL 2012], is adopted by reference as the ethical standards for dentists, and applies to all dentists in the state. (Eff. 5/29/98, Register 146; am 1/15/2003, Register 165; am 3/11/2016, Register 217; am 3 / 5 / 2020, Register 233)

Authority: AS 08.01.070 AS 08.36.070 AS 08.36.110
AS 08.32.160

Editor’s note: A copy of the “Code of Ethics for Dental Hygienists,” adopted by reference in 12 AAC 28.905, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional

Licensing, Juneau, Alaska, or may be obtained from the American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611-3980; internet ^{≡ Cap} <https://www.adha.org>. A copy of the *Principles of Ethics and Code of Professional Conduct*, adopted by reference in 12 AAC 28.905, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska, or may be obtained from the American Dental Association, Council on Ethics, Bylaws and Judicial Affairs, 211 East Chicago Avenue, Chicago, IL 60611; internet <https://www.ada.org>.

^{≡ Cap}
(Publisher: *Retain the second paragraph of the editor's note*))

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

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

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 [OF] Dental Examination [EXAMINATIONS] Part I and Part II, or the Integrated National Board Dental Examination; and [.]

(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)

Authority: AS 08.36.070 AS 08.36.110

12 AAC 28.951(c)(3) is amended to read:

(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

[EXAMINATION] verifying successful passage of the National Board Dental Examination

Part I and Part II, or the Integrated National Board Dental Examination [THAT THE

APPLICANT HAS PASSED THE WRITTEN EXAMINATION GIVEN BY THE

COMMISSION];

(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)

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

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 *SCW*
Senior Assistant Attorney General
Legislation and Regulations Section

Date: January 27, 2020

File No.: 2019200734

Tel. No.: 465-3600

Re: Board of Dental Examiners
regulations re: sedation permit
reinstatement, continuing education
for restorative function endorsements
and certificates, ethical standards, and
examination requirements (12 AAC
28.010(g); 12 AAC 28.015(l);
12 AAC 28.400 - 12 AAC 28.410;
12 AAC 28.780; 12 AAC 28.880;
12 AAC 28.905; 12 AAC 28.940(b);
12 AAC 28.951(c))

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 the attached regulations. The regulations were adopted by the Board of Dental Examiners after the close of the public comment period. The regulations concern lapse of, reinstatement of, and continuing education and other requirements for a dentist's sedation or anesthesia permit; lapse of, renewal of, and continuing education requirements for a dental hygienist's restorative function endorsement and a dental assistant's restorative function certificate; updates to ethical standards; and updates to examination requirements.

The September 17, 2019 public notice and the January 3, 2020 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 w/enc: Dr. David Nielson, President
Board of Dental Examiners
(via e-mail through Sher Zinn)

Amy Demboski, Assistant Commissioner and Regulations Contact
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

Harriet Dinegar-Milks, Senior Assistant Attorney General
Commercial, Fair Business, and Child Support Section

Notice of Proposed Changes Relating to Licensees in the Regulations of the Board of Dental Examiners

BRIEF DESCRIPTION: The Board of Dental Examiners proposes to update regulations regarding sedation permit reinstatement, continuing education for restorative function endorsements and certificates, ethical standards, and examination requirements.

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 changed to add the requirements for reinstatement of a lapsed 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 changed to add the requirements for reinstatement of a lapsed permit.
3. **12 AAC 28.400. Continuing education requirements for dentistry and dental hygienists licensees**, is proposed to repeal and readopt the section to add continuing education requirements for the dental hygienist restorative function endorsement renewal.
4. **12 AAC 28.405. Continuing education requirements for first time renewal of a license**, is proposed to be amended by adding a citation of another section.
5. **12 AAC 28.410. Approved continuing education courses**, is proposed to be amended by adding a citation and limiting internet based continuing education.
6. **12 AAC 28.780. Renewal of a dental hygienist's restorative function license endorsement**, is proposed to be changed by adding the renewal requirements for the endorsement.
7. **12 AAC 28.880. Renewal of dental assistant's restorative function certificate**, is proposed to be changed by adding continuing education to the renewal requirements, and limiting the time period for renewal of the certificate.
8. **12 AAC 28.905. Ethical standards**, is proposed to amend the version of the Code of Ethics for Dental Hygienists, and the Principles of Ethics and Code of Professional Conduct, adopted by reference, for dental hygienists and dentists.
9. **12 AAC 28.940. Dental licensure by examination**, is proposed to amend the examinations accepted for the requirements of licensure by examination.
10. **12 AAC 28.951. Dental licensure by credentials**, is proposed to amend the examinations accepted for the requirements of licensure by credentials.

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/195397>, and using the comment link. **The comments must be received not later than 4:30 p.m. on October 22, 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 October 16, 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-0919.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 08.01.065; AS 08.01.070; AS 08.32.071; AS 08.32.085; AS 08.32.160; AS 08.32.187; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.344

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.01.070; AS 08.32.071; AS 08.32.085; AS 08.32.160; AS 08.32.187; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.344

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

DATE: 9/17/19


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:** Continuing education requirements, reinstatement of lapsed sedation permit, and licensure requirements for new licensees.
- 3. Citation of regulation:** 12 AAC 28.010; 12 AAC 28.015; 12 AAC 28.400; 12 AAC 28.405; 12 AAC 28.410; 12 AAC 28.780; 12 AAC 28.880; 12 AAC 28.905; 12 AAC 28.940; 12 AAC 28.951

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: For current licensed hygienists holding a restorative function endorsement, or dental assistants holding a restorative function certificate, the cost of earning the required continuing education for a biennial licensing period. The monetary cost is unknown.
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 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**
Tracy Wiard, Occupational Licensing Examiner
Board of Dental Examiners
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2542
Email: tracy.wiard@alaska.gov
10. **The origin of the proposed action:** Board of Dental Examiners.
11. **Date:** 9/17/19 **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, dealing with sedation permits, continuing education, ethical standards, and examination 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: 11/7/2020

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on
11/7/2020

(date)



Jolene Siirila
Notary Public in and for the State of Alaska
My commission expires w/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 Department of Commerce, Community, and Economic Development 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 permits, continuing education, ethical standards, and examination requirements.

Date: 1/7/2020

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on

1/7/2020

(date)



Jolene Siirila
Notary Public in and for the State of Alaska
My commission expires: w/office

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

Order #: W0011571

Cost: \$652.42

RECEIVED
Juneau

SEP 20 2019

CBPL

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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

09/17/2019

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



Subscribed and sworn to before me
this 17th day of September 2019.

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

Notice of Proposed Changes Relating to Licensees in the Regulations of the Board of Dental Examiners

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 changed to add the requirements for reinstatement of a lapsed permit.
2. 12 AAC 28.015. Permit requirements for use of moderate sedation, or for use of minimal sedation for a patient younger than 11 years of age, is proposed to be changed to add the requirements for reinstatement of a lapsed permit.
3. 12 AAC 28.400. Continuing education requirements for dentistry and dental hygienists licensees, is proposed to repeal and reword the section to add continuing education requirements for the dental hygienist restorative function endorsement renewal.
4. 12 AAC 28.405. Continuing education requirements for first time renewal of a license, is proposed to be amended by adding a citation of another section.
5. 12 AAC 28.410. Approved continuing education courses, is proposed to be amended by adding a citation and limiting internet based continuing education.
6. 12 AAC 28.780. Renewal of a dental hygienist's restorative function license endorsement, is proposed to be changed by adding the renewal requirements for the endorsement.
7. 12 AAC 28.880. Renewal of dental assistant's restorative function certificate, is proposed to be changed by adding continuing education to the renewal requirements, and limiting the time period for renewal of the certificate.
8. 12 AAC 28.905. Ethical standards, is proposed to amend the version of the Code of Ethics for Dental Hygienists, and the Principles of Ethics and Code of Professional Conduct, adopted by reference, for dental hygienists and dentists.
9. 12 AAC 28.940. Dental licensure by examination, is proposed to amend the examinations accepted for the requirements of licensure by examination.
10. 12 AAC 28.951. Dental licensure by credentials, is proposed to amend the examinations accepted for the requirements of licensure by credentials.

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/195397>, and using the comment link. The comments must be received not later than 4:30 p.m. on October 22, 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 October 16, 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-0919.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 08.01.065; AS 08.01.070; AS 08.32.071; AS 08.32.085; AS 08.32.160; AS 08.32.187; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.344

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.01.070; AS 08.32.071; AS 08.32.085; AS 08.32.160; AS 08.32.187; AS 08.36.070; AS 08.36.100; AS 08.36.110; AS 08.36.234; AS 08.36.250; AS 08.36.344

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

DATE: 9/17/19

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

Division

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.

Published: September 17, 2019

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF BOARD ACTION

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

The attached motion dealing with sedation permit reinstatement, continuing education for restorative function endorsements and certificates, ethical standards, and examination requirements, was passed by the Board of Dental Examiners during its December 6, 2019 meeting.

Date: 12/9/19
Juneau, Alaska


Christianne Carrillo, Licensing Examiner

Subscribed and sworn to before me at Juneau Alaska on
12.9.19.
(date)



Jolene Siila
Notary Public in and for the
State of Alaska
My commission expires: W/office

is no stipulation that an applicant will have to travel outside of Alaska to take a class in person. Dr. Hronkin agreed that the board has addressed the public's concern.

Dr. Nielson proposed to remove lines 28.01 (g) 3(c) "completed during the concluding licensing period" and remove 28.01.5(l)3(c) "completed during the concluding licensing period." He continued saying doing this will allow applicants that have a lapsed sedation permit to make up the didactic and CE they're lacking for a license renewal. Ms. Walden asked Dr. Nielson to be read exactly what 28.010 (g-c) should say.

Dr. Nielson recited, page 1 regulation 28.010. (g) 3(c) will read "Evidence on continuing education and documentation of sedation cases required by 12 AAC 28.010 (e) 1, 2, 3, and 5 as applicable. The sedation cases required under this sub paragraph must be completed by holding a deep sedation and general anesthesia permit or while under the supervision of a current deep sedation or general anesthesia permit holder or anesthesiologist or certified registered nurse anesthetist licensed in the state or another jurisdiction."

He continued to page 2, the amendment 28.015 (l) 3 (c), "Evidence of continuing education and documentation of sedation cases required by 12 AAC 28.010. (h) 1, 2, 3, and 5 as applicable. The sedation cases required under this sub paragraph must be completed by holding a current moderate sedation permit or while under the supervision of a current deep sedation or general anesthesia permit holder anesthesiologist or certified registered nurse anesthetist licensed in the state or another jurisdiction."

Dr. Nielson asked if there were any discussion about the changes in the regulation project and entertained a motion to accept the project as amended.

Robin Wahto asked regarding the question if an applicant does a course of 16 CEs and you do it over a three-day period but it shows as only one day. Ms. Wahto asked if there was a discussion on how to resolve that or is it something people would explain or somehow document themselves. Dr. Woller clarified with Ms. Wahto that the board had discussed that the amount of CE online classes that are longer than 8 hours is so miniscule that the applicant should contact the board and it will be handled on a case by case basis by the board. Ms. Wahto further asked about live webinar CEs and if they are considered an online CE since a live webinar is different than just reading something online. Dr. Woller agreed that the applicants should contact the board. Dr. Nielson reminded the board that it does not matter whether the courses are considered in person or online but that you cannot do more than 8 hours in a day. Dr. Nielson asked Ms. Zinn if the way the subsection regulation (i) is now written, leaves any leeway. Ms. Zinn responded with yes, as long as the applicant can provide documentation that they did in fact take longer than 8 hours in a 24 hours period to complete the course, the board can approve it and that the board does not need to change anything in the regulation.

On a motion duly made by Dr. Nielson, seconded by Dr. Jesse Hronkin, and approved unanimously by a roll call, it was

RESOLVED to adopt the regulation project as amended.

Board Member	Approve	Deny	Recuse
Dr. David Nielson	X		
Ms. Gail Walden	X		
Dr. Dominic Wenzell	X		
Dr. Kelly Lucas	X		
Ms. Robin Wahto	X		
Dr. Jesse Hronkin	X		
Dr. Jonathan Woller	X		
Ms. Brittany Dschaak	X		