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**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, is written over the "FROM:" line.

**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))

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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 4<sup>th</sup>, <sup>2020</sup>~~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~~ <sup>(of this section)</sup> (e)(1), (2), (3), and (5), as applicable. <sup>all lowercase</sup> 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 !!!*

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(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]

AS 08.32.085

AS 08.36.250

AS 08.36.344

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 28.880~~(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 <sup>Cap</sup> 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.

<sup>Cap</sup>  
(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 <sup>1</sup> 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