Kevin Meyer Lieutenant Governor State Capitol Juneau, Alaska 99811 907.465.3520 WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700 Anchorage, Alaska 99501 907.269.7460 LT.GOVERNOR@ALASKA.GOV

OFFICE OF THE LIEUTENANT GOVERNOR ALASKA

MEMORANDUM

TO:	Amy Demboski
	Department of Commerce, Community, and Economic Development
FROM:	April Simpson, Office of the Lieutenant Governor
DATE:	July 9, 2020
RE:	Filed Permanent Regulations: Board of Dental Examiners
	Board of Dental Examiners regulations re: sedation, on-site inspection, and continuing education (12 AAC 28.068; 12 AAC 28.400; 12 AAC 28.405)

Attorney General File:	2020200285
Regulation Filed:	7/9/2020
Effective Date:	8/8/2020
Print:	235, October 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 five pages of regulations, dealing with general anesthesia and deep sedation permit renewal requirements, on-site inspections, and renewal requirements, are hereby certified to be a correct copy of the regulation changes that the Board of Dental Examiners adopted at its May 5, 2020 meeting, under the authority of AS 08.01.075; AS 08.01.087; AS 08.32.071; AS 08.32.085; AS 08.36.070; 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: May 5th, 2020 Anchorage, Alaska

Dr. David Nielson, President Board of Dental Examiners

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on , 2020 at <u>9:29</u> o.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

Kevin Meyer, Lieutenant Governor

Effective Register:

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

> Josh Applebee, Chief of Staff Kady Levale, Notary Administrator April Simpson, Regulations and Initiatives Specialist

> > IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



K-Man

KEVIN MEYER LIEUTENANT GOVERNOR

Chapter 28. Board of Dental Examiners.

12 AAC 28.068 is repealed and readopted to read:

12 AAC 28.068. On-site inspections. (a) A licensed dentist who holds a permit for deep sedation or general anesthesia under 12 AAC 28.010, or holds a permit for moderate sedation or minimal sedation for patients younger than 13 years of age under 12 AAC 28.015, must obtain at least once every four years, an on-site inspection where sedation or anesthesia is provided. The inspection must be conducted by an organization approved by the board under (b) of this section. If the permit holder provides anesthesia or sedation in more than one office, the permit holder must choose one office for the inspection and provide an attestation that all the same inspection standards have been met in each office where anesthesia or sedation is provided.

(b) Organizations approved by the board to perform an on-site inspection of a dental office where anesthesia or sedation is provided include

(1) the Accreditation Association for Dental Offices (AAFDO);

(2) the American Association of Oral and Maxillofacial Surgeons (AAOMS);

(3) the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF);

(4) the Accreditation Association for Ambulatory Health Care (AAAHC); or

(5) other substantially equivalent organizations approved by the board that conduct inspections in accordance with applicable guidelines provided in the *Office Anesthesia Evaluation Manual*, Ninth Edition, 2019, adopted by reference.

(c) For anesthesia or sedation permits issued before regulations}, an on-site inspection required under this section must be completed by the end of

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(d) For initial anesthesia or sedation permits issued on or after 1 5 5 (d)

{*effective date of regulations*}, an on-site inspection must be completed not later than two years after issuance.

(e) Unless otherwise provided under (c) or (d) of this section, a licensed dentist who seeks to renew a permit to administer deep sedation or general anesthesia under 12 AAC 28.010, or moderate sedation or minimal sedation for patients younger than 13 years of age under 12 AAC 28.015, must submit documentation of an on-site inspection by an organization approved by the board under (b) of this section within the previous four years before the end of the licensing period.

(f) If the inspection report submitted to the board finds the equipment, facilities, or personnel training are inadequate to assure safe use of anesthesia or sedation, the board will allow for a follow-up inspection not later than 90 days after the date of the submitted report. If after review of the follow-up inspection the board finds that the equipment, facilities, or trained personnel are still inadequate to assure safe use of sedation or anesthesia, the board may deny issuance or renewal of a permit under 12 AAC 28.010 or 12 AAC 28.015, or order the dentist to (by $\sim certified$ registered nurse anesthetistor a physician) immediately cease sedation or anesthesia services if provided under 12 AAC 28.030. (Eff. 4/14/2018, Register 226; am $\frac{3}{8}$ / $\frac{3}{8}$ / $\frac{325}{8}$ Authority: AS 08.01.075 AS 08.01.087 AS 08.36.070

((orgeneric)) Editor's note: A copy of the Office Anesthesia Evaluation Manual, adopted by reference in 12 AAC 28.068, can be obtained by contacting the American Association of Oral and

Maxillofacial Surgeons, 9700 West Bryn Mawr Avenue, Rosemont, Illinois 60018-5701

[AMERICAN DENTAL ASSOCIATION, 211 EAST CHICAGO AVENUE, CHICAGO, ILLINOIS 60611-2678].

12 AAC 28.400(a)(2) is amended to read:

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

12 AAC 28.400(a)(3) is amended to read:

(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].

12 AAC 28.400(b)(2) is amended to read:

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of [AS 08.36.070 AND] 12 AAC 28.920.

12 AAC 28.400 is amended by adding a new subsection to read:

(f) Except as provided under 12 AAC 02.965, the continuing education requirements of 12 AAC 28.010, 12 AAC 28.015, and 12 AAC 28.400 – 12 AAC 28.410 must be completed during the concluding licensing period. (Eff. 4/1088, 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; am 8/8/2020, Register 233; am 8/2020, Register 230; am 8/2020, Register 2000, Register 2020; am 8/2020

 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(a)(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(a)(1) for each complete [CALENDAR] year that the applicant was licensed during the concluding licensing period; and

12 AAC 28.405(a)(2) is amended to read:

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of [AS 08.36.070 AND] 12 AAC 28.920.

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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

12 AAC 28.405(b)(2) is amended to read:

(2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of [AS 08.36.070 AND] 12 AAC 28.920. (Eff. 5/29/98, Register 146; am 12/5/2009, Register 192; am 3/5/2020, Register 233; am <u>8 / 8 / 2020</u>, Register 235)

 Authority:
 AS 08.32.071
 AS 08.36.070
 AS 08.36.344

AS 08.32.085 AS 08.36.250

MEMORANDUM

State of Alaska Department of Law

Tel. No.: 465-3600

To:	The Honorable Kevin Meyer	Date:	July 1, 2020
	Lieutenant Governor	File No.:	2020200285

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 Re: Board of Dental Examiners regulations re: sedation, on-site inspection, and continuing education (12 AAC 28.068; 12 AAC 28.400; 12 AAC 28.405)

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 the on-site inspection of facilities where sedation is provided, and make conforming changes to continuing education requirements to reflect statutory changes.

We note that 12 AAC 28.068(c) and (d) contain placeholders for the effective date of the regulations. Once the regulations are filed and the effective date known, please insert the effective date using the "MM DD, YYYY" format. For example if the filing date were July 6, 2020, you would insert "August 5, 2020" where the placeholders are.

The March 20, 2020 public notice and the May 5, 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.

Honorable Kevin Meyer, Lieutenant Governor File No. 2020200285 July 1, 2020 Page 2 of 2

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

Jun Maiquis, 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 RENEWAL REQUIREMENTS AND ON-SITE INSPECTIONS IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

BRIEF DESCRIPTION: The Board of Dental Examiners proposes to update regulations regarding general anesthesia and deep sedation permit renewal requirements, on-site inspections, and renewal 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 amend the requirements for renewal of a permit.
- 2. **12 AAC 28.068. On-site inspections,** is proposed to repeal and readopt the requirements for on-site inspections for dental offices using deep sedation, general anesthesia, moderate sedation, or minimal sedation for patients younger than 13 years of age.
- 3. 12 AAC 28.400. Continuing education requirements for dentistry and dental hygienists licensees, is proposed to be amended by removing a statute citation, and adding a new section to clarify continuing education requirements.
- 4. **12 AAC 28.405. Continuing education requirements for first time renewal of a license,** is proposed to be amended by removing a statute citation and to clarify continuing education requirements.

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 <u>RegulationsAndPublicComment@alaska.gov</u>. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <u>http://notice.alaska.gov/197509</u>, and using the comment link. **The comments must be received not later than 4:30 p.m. on April 24, 2020.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. 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 website on the Board's 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 <u>RegulationsAndPublicComment@alaska.gov</u>, no later than April 17, 2020, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or <u>RegulationsAndPublicComment@alaska.gov</u>, or go to <u>https://www.commerce.alaska.gov/web/portals/5/pub/DEN0320REG.pdf</u>.

A copy of the material proposed for adoption by reference may be viewed at the Board's office at Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Office Building, 333 Willoughby Avenue, 9th floor, Juneau, AK.

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 08.01.075; AS 08.01.087; AS 08.32.071; AS 08.32.085; 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 08.01.075; AS 08.01.087; AS 08.32.071; AS 08.32.085; 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: 3/20/2020

<u>Aher Bern</u> Sher Zinn, Regulations Specialist

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, and on-site inspections.
- 3. Citation of regulation: 12 AAC 28.010; 12 AAC 28.068; 12 AAC 28.400; 12 AAC 28.405.
- 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: Cost for a dentist holding a sedation permit may be up to \$1000 for the inspection required every four years.
 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: Christianne Carrillo, Licensing Examiner Board of Dental Examiners Division of Corporations, Business and Professional Licensing

Telephone: (907) 465-2542 E-mail: christianne.carrillo@alaska.gov

10. The origin of the proposed action: Board of Dental Examiners.

11. Date: <u>3/20/2020</u>

hers in

Regulations Specialist

STATE OF ALASKA

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 general anesthesia and deep sedation permit renewal requirements, on-site inspections, and renewal requirements, has been given by being:

1. published in a newspaper or trade publication;

) ss.

- 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.

5/28/2020 Date:

Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaske

5 28 2020



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

on

ANCHORAGE DAILY NEWS AFFIDAVIT OF PUBLICATION

MAR 2 3 2020

RECEIVED

CBPL

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

Order #: W0014139

Cost: \$567.76

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 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

03/20/2020

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 20th day of March 2020.

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



MY COMMISSION EXPIRES

1/14/2620

NOTICE OF PROPOSED CHANGES RELATING TO RENEWAL REQUIREMENTS AND ON-SITE INSPECTIONS 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:

12 AAC 28.010. Permit requirements for use of deep sedation or general anesthesia, is proposed to amend the requirements for renewal of a permit.

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12 AAC 28.405. Continuing education requirements for first time renewal of a license, is proposed to be amended by removing a statute citation and to clarify continuing education requirements.

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You may submit written questions relevant to the proposed action to Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Lecencing, P.O. Box 110806, Juneau, Askagov. The guestions 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/cbg/throfessionalLensing/ 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 Zim at (907) 455-1049 or Regulations.ndr/bublicCommental alaska.gov, no later than April 17, 2020, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAnd/PublicCommentalaska.gov or go to https://www.commerce.alaska.gov/web/portals/5/pub/ DEN0320RE6.pdf.

A copy of the material proposed for adoption by reference may be viewed at the Board's office at Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Office Building, 333 Willoughby Avenue, 9th floor, Juneau, AK.

After the public comment period ends, the Board will either adopt the proposed regulation charges 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 guestions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.065; AS 08.01.075; AS 08.01.087; AS 08.32.071; AS 08.32.085; 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 08.01.075; AS 08.01.087; AS 08.32.071; AS 08.32.085; 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: 3/20/2020 By: /s/ Sher Zinn, regulations Specialist Division of Corporations, Business and Professional Licensing

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

Published: March 20, 2020

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 general anesthesia and deep sedation permit renewal requirements, on-site inspections, and renewal requirements

Date: 5/28/2020

Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alasko on 5 28 2020 (date)



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

Excerpt of the Board of Dental Examiners Meeting Minutes of May 5, 2020

Regulation Update: Inspection Regulation

Time: 11:10 AM

Public Comments:

Agenda Item 8

The public was asked to send all public comment related to regulations to RegulationsAndPublicComment@Alaska.Gov. A letter from Kenley Michaud about the pros and cons of the inspection regulation was presented by the chair. Dr. Nielson reminded the board that they had decided to change the wording to 28.010 (e)(5)(B). It was changed so providers do not feel pressured to unnecessarily sedate children below the age of thirteen to meet the requirement of 20 sedations every two years. Dr. Nielson asked the board for their thoughts. The board agreed "strike" 12 AAC 28.010 (e)(5)(B) from the project.

It was noted that 12 AAC 28.068(b)(4), the Accreditation Association for Ambulatory Health Care, should have the acronym of "AAAHC".

On a motion duly made by Dr. David Nielson, seconded by Dr. Jon Woller, and approved unanimously by a roll call, it was

RESOLVED adopt the entire regulation project with the correction to number 4 on page 2 to read "AAAHC" and withdraw 12 AAC 28.010 (e)(5)(B) from the project.

AFFIDAVIT OF BOARD OF DENTAL EXAMINERS ACTION

I, Christianne Carrillo, Licensing Examiner, for the Board of Dental Examiners, under penalty of perjury, state the following:

The attached motion dealing with general anesthesia and deep sedation permit renewal requirements, on-site inspections, and renewal requirements, was passed by the Board of Dental Examiners during its May 5, 2020 meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 5/18/2020

Christianne Carrillo

(password-protected electronic signature) Christianne Carrillo

State of Alaska Juneau, Juneau City and Borough