

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**

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

DATE: January 20, 2021

RE: Filed Permanent Regulations: Board of Dental Examiners

Board of Dental Examiners regulations re: license requirements for dental hygienists and cleanup of references to the defunct Professional Background Information Services (PBIS) (12 AAC 28.935; 12 AAC 28.937; 12 AAC 28.940; 12 AAC 28.951)

Attorney General File:	2020200648
Regulation Filed:	1/20/2021
Effective Date:	2/19/2021
Print:	237, April 2021

cc with enclosures: Harry Hale, Department of Law
Judy Heirndon, LexisNexis
Jun Maiquis, Regulations Specialist

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


The attached twelve pages of regulations, dealing with examinations for dental hygienists, are hereby certified to be a correct copy of the regulation changes that the Board of Dental Examiners adopted at its December 4, 2020 meeting, under the authority of AS 08.32.014; AS 08.32.030; AS 08.32.070; AS 08.36.070; AS 08.36.110; and AS 08.36.234, 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, although no public comments were received, 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: 12/4/2020
Anchorage, Alaska

DocuSigned by:

CF0D767EED28418
Dr. David Nielson, President
Board of Dental Examiners

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on JANUARY 20, 2020 at 12:11 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Kevin Meyer, Lieutenant Governor

Effective: February 19, 2021.
Register: 237, April 2021.

Chapter 28. Board of Dental Examiners.

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

*Withdrawn
SEP 1/14/2021*

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

Authority: AS 08.32.014 AS 08.36.070 AS 08.36.234

~~AS 08.32.030 AS 08.36.110~~

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

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

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

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

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

12 AAC 28.935(d) is repealed:

(d) Repealed 2 / 19 / 2021.

12 AAC 28.935(e) is amended to read:

(e) In addition to the requirements of (b) and (c) of this section, an applicant under this section who currently holds or has ever held a dental hygiene license in any jurisdiction before the 90 days immediately preceding the date of application shall submit directly to the department from the licensing jurisdiction.

[(1) SUBMIT THE RESULTS OF A LEVEL II PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIALS REVIEW CONDUCTED BY PBIS, SENT DIRECTLY TO THE DEPARTMENT FROM PBIS; AND

(2)] verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license. (Eff. 1/22/2004, Register 169; am

2/20/2004, Register 169; am 4/27/2007, Register 182; am 10/19/2008, Register 188; am

am 12/20/2020, Register 2363 12/15/2013, Register 208; am 2 / 19 / 2021, Register 237)

Authority: AS 08.32.014 AS 08.32.070 AS 08.36.070

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

cc The rest of the editor's note was deleted in Department of Law project file 2020200561))

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

(4) an affidavit from the applicant that lists the license number and the name of the jurisdiction for all dental hygiene licenses that the applicant holds or has ever held in any

jurisdiction; [AND]

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

(5) copies of certificates showing the applicant has completed 30 hours of continuing education during the three years immediately preceding the date of application as required under 12 AAC 28.410; [.]

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

- (6) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques for the applicant that meets the requirements of 12 AAC 28.920;
- (7) a copy of the applicant's certificate of examination that meets the requirements of AS 08.32.014(a)(1)(B);
- (8) a copy of the applicant's certificate of examination that meets the requirements of AS 08.32.014(a)(1)(C);
- (9) as required under 12 AAC 28.908(a), a statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(a);
- (10) an affidavit from the applicant stating the applicant is not impaired to an extent that affects the applicant's ability to practice dental hygiene; and

(11) an affidavit from the applicant documenting ~~that during the five years~~
immediately preceding application

(A) the dates and locations where the applicant has practiced dental
during the five years immediately preceding the date of application
hygiene; and

(B) that the applicant has been licensed for five years or more and in

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active clinical practice documenting at least 2,500 hours ^{during the} for five years immediately preceding the date of application.

12 AAC 28.937(c) is amended to read:

(c) In addition to the requirements of (a) and (b) of this section, an applicant for a license under this section shall arrange for and ensure the submission of [THE RESULTS OF A LEVEL II PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIALS REVIEW CONDUCTED BY PBIS, SENT DIRECTLY TO THE DEPARTMENT FROM PBIS. THE CREDENTIAL REVIEW MUST INCLUDE

(1) A COPY OF A CURRENT CERTIFICATION IN CARDIOPULMONARY RESUSCITATION (CPR) TECHNIQUES FOR THE APPLICANT THAT MEETS THE REQUIREMENTS OF 12 AAC 28.920;

(2) A COPY OF THE APPLICANT'S CERTIFICATE OF EXAMINATION THAT MEETS THE REQUIREMENTS OF AS 08.32.014(a)(1)(C);

(3) AS REQUIRED UNDER 12 AAC 28.908(a), A STATEMENT FROM THE APPLICANT CERTIFYING THE APPLICANT WILL ADHERE TO THE ETHICAL STANDARDS SPECIFIED IN 12 AAC 28.905(a);

(4) AN AFFIDAVIT FROM THE APPLICANT DOCUMENTING THAT DURING THE FIVE YEARS IMMEDIATELY PRECEDING APPLICATION

(A) THE DATES AND LOCATIONS WHERE THE APPLICANT HAS PRACTICED DENTAL HYGIENE;

(B) THAT THE APPLICANT HAS BEEN LICENSED FOR FIVE YEARS OR MORE AND IN ACTIVE CLINICAL PRACTICE DOCUMENTING AT

LEAST 2,500 HOURS FOR FIVE YEARS IMMEDIATELY PRECEDING THE DATE
OF APPLICATION;

(5)] (1) if the applicant is or has ever been employed as a dental hygienist with a federal agency, verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed, sent directly to the department from the agency;

(2) [(6)] verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license, sent directly to the department from the licensing jurisdiction;

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

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

(Eff. 1/22/2004, Register 169; am 5/5/2006, Register 178; am 12/5/2009, Register 192; am 12/15/2013, Register 208; am 3/11/2016, Register 217; am 5/1/2019, Register 230; am 2 / 19 / 2021, Register 237)

Authority: AS 08.32.014 AS 08.32.070 AS 08.36.070
AS 08.32.030

[**EDITOR'S NOTE: AN APPLICATION FOR A PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIAL REVIEW UNDER 12 AAC 28.937 MAY BE OBTAINED FROM PROFESSIONAL BACKGROUND INFORMATION SERVICES, 23460 NORTH 19TH AVENUE, SUITE 225, PHOENIX, AZ 85027; TELEPHONE: (602) 861-5867.]**

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

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

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

(vi) a patient based, or if passed before December 31, 2021
[DECEMBER 31, 2020], a mannequin based operative examination that includes
one class II posterior alloy or composite procedure, and one additional operative
procedure, either anterior class III or posterior class II; or

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

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

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

(10) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has completed ^{not} ~~no~~ less than two hours of education in pain management and opioid use and addiction within the two years ^{before} ~~prior to~~ the date of application; and [.]

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

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

12 AAC 28.940(d) is repealed:

(d) Repealed 2 / 19 / 2021.

12 AAC 28.940(f)(2) is amended to read:
(2) meets the requirements of AS 08.36.110 and (b)(1)-(7) and (11) [(b)(1)-(7)] of this section;

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

(1) repealed 2 / 19 / 2021;

(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; am 3/5/2020, Register 233; am 10/4/2020, Register 236; am 2 / 19 / 2021, Register 237)

Authority: AS 08.36.070 AS 08.36.110

Editor's note: [AN APPLICATION FOR A PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIALS REVIEW REQUIRED UNDER 12 AAC 28.940(c) MAY BE OBTAINED FROM PROFESSIONAL BACKGROUND INFORMATION

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SERVICES, 23460 NORTH 19TH AVENUE, SUITE 225, PHOENIX, AZ 85027;

TELEPHONE: (602) 861-5867.]

Information regarding the examination required under 12 AAC 28.940(b)(8) may be obtained from the Western Regional Examining Board (WREB), 2400 West Dunlap Avenue, Suite 155, Phoenix, AZ 85021-2826; telephone: (602) 944-3315, or the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806.

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

(5) verification of the status of the applicant's registration with the Drug Enforcement Administration (DEA), sent directly to the department from DEA, even if the applicant is not currently registered with the DEA; [AND]

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

(6) copies of certificates showing the applicant has completed 48 hours of continuing education during the three years immediately preceding the date of application as required under 12 AAC 28.410; [.]

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

(7) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has completed not less than two hours of education in pain management and opioid use and addiction within the two years before prior to the date of application; [.]

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

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

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

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

(11) as required under 12 AAC 28.908(b), a statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(b); and

(12) an affidavit from the applicant documenting ~~that during the five years~~

~~immediately preceding application~~

during the five years immediately preceding the date of application

(A) the dates and locations where the applicant has practiced dentistry; and

that

(B) the applicant has been licensed for five years or more and in active

clinical practice documenting at least 5,000 hours.

during the five years immediately preceding the date of application

12 AAC 28.951(c) is amended to read:

(c) In addition to the requirements of (a) and (b) of this section, an applicant for a license under this section shall arrange for and ensure submission of [THE RESULTS OF A LEVEL II PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIALS REVIEW CONDUCTED BY PBIS, SENT DIRECTLY TO THE DEPARTMENT FROM PBIS. THE CREDENTIAL REVIEW MUST INCLUDE

(1) REPEALED 12/15/2013;

(2) A COPY OF A CURRENT CERTIFICATION IN CARDIOPULMONARY RESUSCITATION (CPR) TECHNIQUES THAT MEETS THE REQUIREMENTS OF 12 AAC 28.920;

(3) A COPY OF THE APPLICANT'S CERTIFICATE OF EXAMINATION DOCUMENTING GRADUATION FROM A DENTAL SCHOOL ACCREDITED BY THE COMMISSION ON DENTAL ACCREDITATION OF THE AMERICAN DENTAL ASSOCIATION, OR ITS SUCCESSOR AGENCY, AND A COPY OF THE APPLICANT'S CERTIFICATE FROM THE AMERICAN DENTAL ASSOCIATION JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS VERIFYING SUCCESSFUL PASSAGE OF THE NATIONAL BOARD DENTAL EXAMINATION PART I AND PART II, OR THE INTEGRATED NATIONAL BOARD DENTAL EXAMINATION;

(4) AN AFFIDAVIT FROM THE APPLICANT STATING THE APPLICANT IS NOT IMPAIRED TO AN EXTENT THAT AFFECTS THE APPLICANT'S ABILITY TO PRACTICE DENTISTRY;

a lowercase »

(5) AS REQUIRED UNDER 12 AAC 28.908(B), A STATEMENT FROM THE APPLICANT CERTIFYING THE APPLICANT WILL ADHERE TO THE ETHICAL STANDARDS SPECIFIED IN 12 AAC 28.905(b);

(6) AN AFFIDAVIT FROM THE APPLICANT DOCUMENTING THAT DURING THE FIVE YEARS IMMEDIATELY PRECEDING APPLICATION

(A) THE DATES AND LOCATIONS WHERE THE APPLICANT HAS PRACTICED DENTISTRY;

(B) THE APPLICANT HAS BEEN LICENSED FOR FIVE YEARS OR

MORE AND IN ACTIVE CLINICAL PRACTICE DOCUMENTING AT LEAST 5,000 HOURS;

(7) REPEALED 3/11/2016;]

(1) [(8)] if the applicant is or has ever been employed as a dentist with a federal agency, verification of the current status and disciplinary history from each federal agency where the applicant is or has been employed, sent directly to the department from the agency;

(2) [(9)] a certification from the applicable licensing jurisdiction or testing agency, that verifies that a state, territory, or region of the United States where the applicant passed a written and clinical dental examination and has been licensed to practice dentistry has, at the time the applicant applies for licensure by credentials in this state, licensing requirements at least generally equivalent to those of this state, sent directly to the department from the licensing jurisdiction;

(3) [(10)] verification of the applicant's status and complete information regarding any disciplinary action or investigation taken or pending from all licensing jurisdictions where the applicant holds or has ever held a dental license, sent directly to the department from the licensing jurisdiction;

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

(5) [(12)] three professional references from licensed dentists that reflect clinical skills that meet the standard of care, ability to exercise sound professional judgment, and professional ethics that meet the code established by the American Dental Association's

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Principles of Ethics and Code of Professional Conduct adopted by reference in 12 AAC

28.905(b), sent directly to the department from the dentist providing the documentation; ^{and}

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

(Eff. 2/18/93, Register 125; am 2/4/94, Register 129; am 2/22/98, Register 145; am 1/28/2000, Register 153; am 8/15/2001, Register 159; am 1/22/2004, Register 169; am 5/5/2006, Register 178; am 10/19/2008, Register 188; am 12/15/2013, Register 208; am 3/11/2016, Register 217; am 9/26/2018, Register 227; am 5/1/2019, Register 230; am 3/5/2020, Register 233; am 2 / 19 / 2021, Register 237)

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

[**EDITOR'S NOTE:** AN APPLICATION FOR A PROFESSIONAL BACKGROUND INFORMATION SERVICES (PBIS) CREDENTIAL REVIEW UNDER 12 AAC 28.951(c) MAY BE OBTAINED FROM PROFESSIONAL BACKGROUND INFORMATION SERVICES, 23460 NORTH 19TH AVENUE, SUITE 225, PHOENIX, AZ 85027; TELEPHONE: (602) 861-5867.]

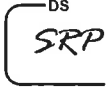
MEMORANDUM

State of Alaska Department of Law

D The Honorable Kevin Meyer
Lieutenant Governor

Date: January 15, 2021

File No.: 2020200648

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

Tel. No.: 465-3600

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

Re: Board of Dental Examiners
regulations re: license requirements
for dental hygienists and cleanup of
references to the defunct Professional
Background Information Services
(PBIS) (12 AAC 28.935; 12 AAC
28.937; 12 AAC 28.940; 12 AAC
28.951)

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. We have received confirmation from the agency staff to defer, to a future regulations project, our review of proposed 12 AAC 28.932, pending additional board work on that section. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the rest 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 licensure requirements for dental hygienists, and also transfer to the Board of Dental Examiners most of the credential review functions of Professional Background Information Services (PBIS), an entity that is winding down operations and no longer taking new applications.

The October 21, 2020 public notice and the December 4, 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 IN THE REGULATIONS OF THE BOARD OF DENTAL EXAMINERS

BRIEF DESCRIPTION: The Board of Dental Examiners proposes to update regulations regarding license qualifications for dentists and dental hygienists.

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

1. **12 AAC 28.932. Additional documentation for licensure**, is a proposed new section that will allow the Board to require additional information from the applicant to substantiate qualifications for licensure of a dentist or dental hygienist.
2. **12 AAC 28.935. Dental hygienist licensure by examination**, is proposed to be amended by repealing the requirement to obtain a Professional Background Information Services (PBIS) report and require certain documents to be submitted to the department from the agencies.
3. **12 AAC 28.937. Dental hygienist licensure by credentials**, is proposed to be amended by removing the requirement to obtain a PBIS report, require the applicant to submit certain documents to the department, and request certain documents to be submitted directly to the department from agencies.
4. **12 AAC 28.940. Dental licensure by examination**, is proposed to be amended by altering the date for a mannequin based examination, repealing the requirement to obtain a PBIS report, and requires certain documents to be submitted to the department from the agencies.
5. **12 AAC 28.951. Dental licensure by credentials**, is proposed to be amended by removing the requirement to obtain a PBIS report, require the applicant to submit certain documents to the department, and request certain documents to be submitted directly to the department from other agencies.

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 <https://notice.alaska.gov/199854>, and using the comment link. **The comments must be received not later than 4:30 p.m. on November 23, 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 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 November 16, 2020, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-Regs1020.pdf>.


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

Statutory Authority: AS 08.32.014; AS 08.32.030; AS 08.32.070; AS 08.36.070; AS 08.36.110; AS 08.36.234.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.32.014; AS 08.32.030; AS 08.32.070; AS 08.36.070; AS 08.36.110; AS 08.36.234.

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

DATE: 10/6/20



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:** Initial licensure qualifications for dentists and dental hygienists.
3. **Citation of regulation:** 12 AAC 28.932; 12 AAC 28.935; 12 AAC 28.937; 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:** None known.
 - Another state agency:** None known.
 - A municipality:** None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2021 or in subsequent years.
9. **The name of the contact person for the regulation:**

Abby O'Brien, Licensing Examiner
Board of Dental Examiners
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-2542
E-mail: abby.obrien@alaska.gov

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

11. **Date:** 10/21/20

Prepared by: 
Sher Zinn
Regulations Specialist

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 license qualifications for dentists and dental hygienists, 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: 12/10/20

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on

12/10/2020
(date)



Jolene Siirila
Notary Public in and for the State of Alaska

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 did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Dental Examiners regulations on dealing with license qualifications for dentists and dental hygienists.

Date: 12/10/20

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on
12/10/2020
(date)



Jolene Siirila
Notary Public in and for the State of Alaska

Excerpt from December 4, 2020 Dental Board Meeting:

On a motion duly made by Ms. Wahto, seconded by Ms. Dschaak, and with unanimous consent, it was RESOLVED that the Board adopt the regulation changes in Title 12, Chapter 28 of the Alaska Administrative Code as proposed.

There is no cost to the public, and no public comments were received.

Roll Call: Yeas – Wahto, Dschaak, Nielson, Walden, Wenzell, Lucas, Hronkin, Woller

Nays - none

AFFIDAVIT OF BOARD ACTION

I, Abby O'Brien, Licensing Examiner for the Board of Dental Examiners, being duly sworn, state the following:

The attached motion dealing with license qualifications for dentists and dental hygienists, was passed by the Board of Dental Examiners during its December 4, 2020.

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: 12/10/2020

DocuSigned by:



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Abby O'Brien, Licensing Examiner

State of Alaska
Juneau, Juneau City and Borough

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
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PO BOX 110806, JUNEAU, AK 99811

Order #: W0018580

Cost: \$567.76

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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

10/21/2020

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 22nd day of October 2020.

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

MY COMMISSION EXPIRES

NOTARY PUBLIC
JADA L. NOWLING
STATE OF ALASKA
MY COMMISSION EXPIRES July 14, 2024

NOTICE OF PROPOSED CHANGES 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 28.932. Additional documentation for licensure**, is a proposed new section that will allow the Board to require additional information from the applicant to substantiate qualifications for licensure of a dentist or dental hygienist.

2. **12 AAC 28.935. Dental hygienist licensure by examination**, is proposed to be amended by repealing the requirement to obtain a Professional Background Information Services (PBIS) report and require certain documents to be submitted to the department from the agencies.

3. **12 AAC 28.937. Dental hygienist licensure by credentials**, is proposed to be amended by removing the requirement to obtain a PBIS report, require the applicant to submit certain documents to the department, and request certain documents to be submitted directly to the department from agencies.

4. **12 AAC 28.940. Dental licensure by examination**, is proposed to be amended by altering the date for a manequin based examination, repealing the requirement to obtain a PBIS report, and requires certain documents to be submitted to the department from the agencies.

5. **12 AAC 28.951. Dental licensure by credentials**, is proposed to be amended by removing the requirement to obtain a PBIS report, require the applicant to submit certain documents to the department, and request certain documents to be submitted directly to the department from other agencies.

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 <https://notice.alaska.gov/199854>, and using the comment link. The comments must be received not later than 4:30 p.m. on November 23, 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 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 November 16, 2020, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-regs1020.pdf>.

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

Statutory Authority: AS 08.32.014; AS 08.32.030; AS 08.32.070; AS 08.36.070; AS 08.36.110; AS 08.36.234.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.32.014; AS 08.32.030; AS 08.32.070; AS 08.36.070; AS 08.36.110; AS 08.36.234.

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

DATE: 10/21/2020
/s/ Sher Zinn,
Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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

Published: October 21, 2020