

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



530 West 7<sup>th</sup> 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

A handwritten signature in blue ink, likely belonging to April Simpson, is written over the "FROM:" line.

**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)

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|------------------------|-----------------|
| 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:  
  
CF00767EED28418  
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 19<sup>TH</sup> 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 <sup>during the</sup> 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 <sup>recognized</sup> 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 19<sup>TH</sup> 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 <sup>not</sup> ~~no~~ less than two hours of education in pain management and opioid use and addiction within the two years <sup>before</sup> ~~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 19<sup>TH</sup> 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; <sup>and</sup>

(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.]