

Chapter 28. Board of Dental Examiners.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 28.915 is repealed:

12 AAC 28.915. Application deadline for personal interview. Repealed

_____/_____/_____. (Eff. 2/28/96, Register 137; am 5/29/98, Register 146; am 11/15/2005,

Register 176; am 12/15/2013, Register 208; am 3/11/2016, Register 217; repealed

_____/_____/_____, Register _____)

12 AAC 28.925(b)(3) is amended to read:

12 AAC 28.925. Lapsed licenses.

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(3) arranges for verification of licensure to be sent directly to the division from each state where the applicant [HOLDS OR HAS EVER] held a license as a dentist or dental hygienist **during the period the license issued under this chapter was lapsed**; and

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(Eff. 1/15/2003, Register 165; am 12/15/2013, Register 208; am 5/1/2019, Register 230; am

_____/_____/_____, Register _____)

Authority: AS 08.32.081 AS 08.36.070 AS 08.36.250

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

12 AAC 28.936. Advanced practice permits. (a) The board may issue an advanced practice permit to a dental hygienist with a license in good standing under AS 08.32 and who has a minimum of 4,000 hours of clinical experience. The permit will be subject to all the

requirements of AS 08.32.125 and this section. The applicant must submit

(1) a completed, notarized application on the form provided by the department, which includes the name and license number of the applicant, the name and location of the applicant's hygiene practice facility or business;

(2) the applicable fees required in 12 AAC 02.190;

(3) an affidavit stating that the applicant has a minimum of 4,000 hours of clinical experience within the five years preceding the date of application;

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

(5) a copy of the applicant's current professional liability policy or declaration page that includes the policy number and expiration date; and

(6) evidence of completing at least four contact hours of continuing education course work covering one or more of the subject areas listed in (e) of this section.

(b) An advanced practice permit hygienist shall

(1) maintain dental charts and other records when treating their own patients of record and notify the board of the location where these records are to be secured;

(2) maintain a current, valid mailing address on file with the board at all times;

(3) refer patients who have been assessed by the dental hygienist to a licensed dentist for treatment or planning that is outside of the dental hygienist's scope of practice;

(4) only provide the services described in AS 08.32.125(a) to a patient who is unable to access dental treatments because of age, infirmity, or disability and in the locations described in AS 08.32.125(b); and

(5) document in the patient's chart the name of the licensed dentist to whom the patient is referred.

(c) A dental hygienist holding an advanced practice permit issued under AS 08.32.125

may delegate to a dental assistant;

(1) the exposure and development of radiographs under indirect supervision;

(2) the application of topical preventive agents under indirect or direct supervision;

(3) the placement of pit and fissure sealants under direct supervision; and

(4) the coronal polishing of teeth under direct supervision. The dental assistant must meet the requirements of AS 08.36.342 and have a current permit issued by the board under 12 AAC 28.810.

(d) The board may not issue an advanced practice permit if during the five years immediately preceding the date of application, the applicant is the subject of adverse disciplinary action under AS 08.32 – 08.36 or this chapter, or a similar provision of another jurisdiction.

(e) In addition to the continuing education requirements in 12 AAC 28.400 – 12 AAC 28.420, a dental hygienist who wishes to practice under an advanced practice permit must complete an additional four contact hours of continuing education per biennial license renewal period in one or more of the following subject areas:

(1) medical emergencies;

(2) pediatric and other special health care needs;

(3) pharmacology;

(4) oral pathology;

(5) public health or other eleemosynary facility, relating to, or supporting charity;

(6) patient management;

(7) general medicine and physical diagnosis.

(f) In this section,

(1) "direct supervision" means the hygienist is in the facility, personally diagnoses the condition to be treated, personally authorizes the procedure, and before dismissal of the

patient evaluates the performance of the dental assistant;

(2) "indirect supervision" means the hygienist is in the facility, authorizes the procedures, and remains in the facility while the procedures are being performed by the dental assistant. (Eff. ____/____/_____, Register _____)

Authority: AS 08.32.014 AS 08.32.070 AS 08.32.125
AS 08.32.030 AS 08.32.110 AS 08.36.070

12 AAC 28.937(b)(5) is repealed:

12 AAC 28.937. Dental hygienist licensure by credentials.

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(5) **repealed** ____/____/____ [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)(11) is amended to read:

(11) an affidavit from the applicant documenting

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

(B) THAT 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].

12 AAC 28.937(c)(3) is repealed:

(3) **repealed** ____ / ____ / ____ [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]; (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; am ____ / ____ / _____, Register _____)

Authority: AS 08.32.014 AS 08.32.070 AS 08.36.070
AS 08.32.030

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

12 AAC 28.940. Dental licensure by examination.

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(b) An applicant for a license under this section shall submit

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(8) a copy of the applicant's certificate

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(C) showing successful completion of a two-year or more postgraduate dental specialty training program approved by the Commission on Dental Accreditation of the American Dental Association [, AND EVIDENCE OF 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]; or

12 AAC 28.940(e)(2) is amended to read:

(2) **if the applicant intends to prescribe controlled substances,** 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

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(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; am ____/____/_____, Register _____)

Authority: AS 08.36.070 AS 08.36.110

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

12 AAC 28.951. Dental licensure by credentials.

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(5) **if the applicant intends to prescribe controlled substances,** 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];

12 AAC 28.951(b)(6) is repealed:

(6) **repealed** ____ / ____ / ____ [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)(12) is repealed:

(12) **repealed** ____ / ____ / ____ [AN AFFIDAVIT FROM THE APPLICANT DOCUMENTING

(A) THE DATES AND LOCATIONS WHERE THE APPLICANT HAS PRACTICED DENTISTRY DURING THE FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION; AND

(B) THAT 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)(2) is repealed:

(2) **repealed** ____ / ____ / ____ [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];

12 AAC 28.951(c)(4) is repealed:

(4) **repealed** ____/____/____ [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];

12 AAC 28.951(c)(5) is repealed:

(5) **repealed** ____/____/____ [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 *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

12 AAC 28.951(g) is amended to read:

(g) The personal interview of the applicant required in AS 08.36.234(d) **must be completed** [WILL BE SCHEDULED AS PROVIDED IN 12 AAC 28.915].

(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 Rev. Draft 11/3/2022

Register _____, _____ 2023 **PROFESSIONAL REGULATIONS**

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; am ____ / ____ / _____, Register _____)

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234