

Nancy Dahlstrom  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Victoria Caltagirone  
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:** June 23, 2023

**RE:** Filed Permanent Regulations: Board of Dental Examiners

Department of Commerce, Community, and Economic Development regulations re:  
Board of Dental Examiners - dental specialty license (12 AAC 28)

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Attorney General File:	2023200090
Regulation Filed:	6/23/2023
Effective Date:	7/23/2023
Print:	247, October 2023

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis  
Alison Osborne, Regulations Specialist  
Stefanie Davis, Occupational License Examiner



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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June 9, 2023

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: 2023200090 – Department of Commerce,  
Community, and Economic Development,  
Board of Dental Examiners; amendment to  
12 AAC 28; dental specialty license

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulation 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 regulation.

The Board of Dental Examiners adopted the regulation after the close of the public comment period. The regulation adds a new section, 12 AAC 29.959, that sets out a process for a licensed dentist to apply for a “dental specialty license” and requirements related to the use of that license.

Both the March 26, 2023 public notice and the May 25, 2023 order certifying changes state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

To: The Honorable Nancy Dahlstrom  
Our file: 2023200090

June 9, 2023  
Page 2 of 2

We have made minor technical corrections necessary to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

The agency has requested that this project be filed with its companion project, 2023200091, relating to dental specialty fees. In addition, the Board of Dental Examiners requests a filing date as soon as possible as the statute becomes effective July 1, 2023. We appreciate your assistance.

Sincerely,

TREG R. TAYLOR  
ATTORNEY GENERAL

Rebecca C.  
Polizzotto

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2023.06.09  
15:22:06 -08'00'

By:

Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

RCP:bws

CC w/enclosure: Stefanie Davis, Regulations Specialist  
Department of Commerce, Community and Economic Development

Harriet Milks, Assistant Attorney General  
Department of Law

Brad W. Sharp, Assistant Attorney General  
Department of Law

Steven C. Weaver, Assistant Attorney General  
Department of Law

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

The attached two pages of regulations, dealing with adding a dental specialist license to a dentist who holds a license issued by the board, to implement statutory changes to AS 08.36 under Chapter 56, SLA 2022 (SB 173), are certified to be a correct copy of the regulation changes that the Board of Dental Examiners adopted at its May 19, 2023 meeting, under the authority of AS 08.36.070, AS 08.36.110, AS 08.36.234, AS 08.36.242, and AS 08.36.243, 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: 6/22/2023

DocuSigned by:

**Dr. Greg Johnson**

5534A78C28E6458

Gregory Johnson, DDS, President  
Alaska Board of Dental Examiners

*April Simpson for*

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on June  
23, 2023 at 12:19 p.m., I filed the attached regulations according to the provisions of  
AS 44.62.040 – 44.62.120.

*for*   
Nancy Dahlstrom, Lieutenant Governor

Effective: July 23, 2023

Register: 247, October 2023

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, 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:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

**Chapter 28. Board of Dental Examiners.**

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

**12 AAC 28.959. Dental specialist license.** (a) The board may issue a dental specialist license in a branch of dentistry recognized by the board to a dentist applicant who

(1) holds a license issued by the board in accordance with AS 08.36.110 or 08.36.234;

(2) submits proof of successful completion of a post-doctoral dental specialty residency program that, at the time of completion, is accredited by the Commission on Dental Accreditation of the American Dental Association;

(3) has successfully completed a post-doctoral residency in a branch of dentistry that is recognized by the board and the National Commission on Recognition of Dental Specialties and Certifying Boards; and

(4) submits a notarized, completed application on a form provided by the department; the completed application must include the

(A) applicant's name and license number;

(B) name and location of the applicant's dental practice, office, or clinic;

and

(C) applicable fees required in 12 AAC 02.190.

(b) A dentist may only advertise as a specialist in a branch of dentistry that is recognized by the board, including

(1) endodontics;

(2) oral and maxillofacial surgery;

(3) oral and maxillofacial radiology;

(4) oral and maxillofacial pathology;

- (5) orthodontics and dentofacial orthopedics;
- (6) pediatric dentistry;
- (7) periodontics;
- (8) prosthodontics;
- (9) dental public health;
- (10) dental anesthesiology;
- (11) oral medicine; or
- (12) orofacial pain.

(c) Notwithstanding (b) of this section, a general dentist who does not obtain a dental specialist license may advertise fellowships, other credentials earned, or aspects of focus in the area of general dentistry so long as any communications that express or imply specialization are avoided, and the advertisement includes a disclaimer that the dentist is a general dentist.

(d) A dentist who obtains a dental specialist license under (a) of this section is limited to practice in the branch of dentistry in which the dentist holds a dental specialist license.

(e) In this section, "dental specialty" means an area of dentistry that has been formally recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards. (Eff. 7 / 23 / 2023, Register 247)

**Authority:** AS 08.36.070      AS 08.36.234      AS 08.36.243  
AS 08.36.110      AS 08.36.242