

Nancy Dahlstrom  
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:** Triptaa Surve, Department of Health

**FROM:** April Simpson, Office of the Lieutenant Governor 465.4081 

**DATE:** February 21, 2024

**RE:** Filed Permanent Regulations: Department of Health

Department of Health regulations re: Inspection of dental equipment (7 AAC 19, 7 AAC 80.030)

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Attorney General File:	2023200299
Regulation Filed:	2/21/2024
Effective Date:	3/22/2024
Print:	249, April 2024

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Law**

CIVIL DIVISION

P. O. Box 110300  
Juneau, Alaska 99811  
Main: 907.465.3600  
Fax: 907.465.2520

February 12, 2024

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

Re: *7 AAC 19, 7 AAC 80.030; Inspection of dental equipment*  
Our file: 2023200299

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Health against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter 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 Department of Health after the close of the public comment period.

Reflecting the enactment of ch. 56, SLA 2022 (CSSB 173(FIN) am H), the regulations transfer the authority for the inspection of dental radiological equipment from the Board of Dental Examiners to the Department of Health.

Because ch. 56, SLA 2022 took effect July 1, 2023, we respectfully request on behalf of the Department of Health that these regulations take effect as soon as possible. A companion project of the Board of Dental Examiners to repeal now obsolete 12 AAC 28.960 and 12 AAC 28.970 (LAW log number 2023200531) currently is undergoing the public notice and comment process.

The October 1, 2023 public notice and the February 12, 2024 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

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

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2024.02.12  
13:50:03 -09'00'

RCP/SCW

CC w/enclosure: Triptaa Surve, Regulations Contact  
Department of Health

Leah R. Farzin, Assistant Attorney General  
Department of Law

Steven C. Weaver, Assistant Attorney General  
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF HEALTH.

The attached five pages of regulations, dealing with Radiological Health Program, Inspection, Registration, & Fee for Dental & Medical Equipment, are adopted and certified to be a correct copy of the regulation changes that the Department of Health adopts under the authority of AS 18.05.040, AS 44.29.020, and AS 44.29.022, 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.

In considering public comments, the Department of Health paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Digitally signed by Heidi  
Hedberg  
Date: 2024.02.12 08:14:10  
-09'00'

Heidi Hedberg, Commissioner  
Department of Health

FILING CERTIFICATION

*April Simpson for*

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

February 21, 2024, at 2:10 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*Nancy Dahlstrom*  
\_\_\_\_\_  
Lieutenant Governor *Nancy Dahlstrom*

Effective: March 22, 2024

Register: 249, April 2024

**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.**



*Nancy Dahlstrom*

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

7 AAC is amended by adding a new chapter to read:

**Chapter 19. Registration and Inspection of Dental Radiological Equipment.**

**Section**

- 10. Registration of dental radiological equipment.
- 20. Inspection of dental radiological equipment.
- 30. Registration and inspection forms; review of completed forms.
- 900. Definitions.

**7 AAC 19.010. Registration of dental radiological equipment.** (a) To register dental radiological equipment, an owner or lessee of the equipment shall submit a request to the department's radiological health program.

(b) Upon receiving this request, the department will register the equipment and issue applicable fees if the equipment meets the requirements of AS 44.29.020(d), this section, and 7 AAC 19.020. Once the department reconciles applicable fees, it will issue a certificate of registration to the owner or lessee for each device. The owner or lessee of the equipment device shall ensure that the certificate of registration is retained and made available upon request. A certificate of registration is valid for one year from the date of issuance.

(c) The owner or lessee of dental radiological equipment that is registered under this section shall notify the department in writing not later than 30 days after the equipment is sold, relocated, or no longer in use. (Eff. 3 / 22 / 2024, Register 249)

**Authority:** AS 18.05.040 AS 44.29.020

**7 AAC 19.020. Inspection of dental radiological equipment.** (a) An owner or lessee of dental radiological equipment must comply with federal regulations by documenting annual evaluations of device performance and repair by vendors or service providers. A vendor or service provider of dental radiological equipment must meet or exceed the routine standards applicable to dental radiological equipment in the *Suggested State Regulations for the Control of Radiation, Part F*, published by the Conference of Radiation Control Program Directors, Inc., April 2015 edition, adopted by reference. Instances of vendor involvement must be recorded on the form titled *Evaluation of Dental Radiological Equipment*, dated January 5, 2024, adopted by reference in 7 AAC 19.030. Completed forms must be available for review during state inspections.

(b) The owner or lessee of dental radiological equipment must have that equipment inspected by the department not later than six years from the date that the equipment was first registered with the department under 7 AAC 19.010. The owner or lessee of dental radiological equipment must have that equipment inspected by the department again at least once during every six-year period following the initial inspection.

(c) An owner or lessee of dental radiological equipment shall maintain records that document compliance with the requirements of AS 44.29.020(d), 7 AAC 19.010, and this section. The records shall be made available to the department or its designee for inspection.

(d) The department, upon completion of an inspection, will issue the owner or lessee of equipment an inspection result letter that identifies any deficiencies and discloses the timeframe for the next inspection. (Eff. 3 / 22 / 2024, Register 249)

**Authority:** AS 18.05.040 AS 44.29.020

**7 AAC 19.030. Registration and inspection forms; review of completed forms.** (a) A registration certificate will not be issued unless the information gathered during a department-led inspection meets the requirements of AS 44.29.020(d), and of 7 AAC 19.010 and 7 AAC 19.020, as applicable.

(b) The form titled *Evaluation of Dental Radiological Equipment*, dated January 5, 2024, is adopted by reference. This form is established by the department for completion by the vendor or service provider that performs annual service on dental radiological equipment under 7 AAC 19.020. (Eff. 3 / 22 / 2024, Register 249)

**Authority:** AS 18.05.040 AS 44.29.020

**7 AAC 19.900. Definitions.** In this chapter,

(1) "dental radiological equipment" has the meaning given in AS 44.29.020(d);

(2) "department" means the Department of Health. (Eff. 3 / 22 / 2024,

Register 249)

**Authority:** AS 18.05.040 AS 44.29.020



**Chapter 80. Fees for Department Services.**

**Article 1. Public Health Services.**

7 AAC 80.030(a) is amended to read:

(a) Following are the fees for the listed public health services:

SERVICE	FEE
<p>RADIOLOGIC HEALTH SERVICES</p> <p>Annual radiological equipment registration and periodic inspection and testing</p>	<p><b><u>The fee will be determined annually to cover the cost for the work; the fee will be calculated using a full production cost estimate, including personnel costs of radiological health physicists and required contracts, travel, equipment, and supplies; the full production cost will be divided by the number of devices registered in each annual estimate cycle to cover the cost for the work; the fee will be calculated separately for registering each type of device, including x-ray tubes, linear accelerators, and dental devices:</u></b></p> <p><b><u>Full production cost (annual) = personnel + contracts + travel + equipment + supplies.</u></b></p> <p><b><u>Fee per device = Full production cost ÷ number of devices registered annually.</u></b></p>

	<p><b><u>In this equation, "equipment" means the purchase and replacement of calibration equipment necessary to perform an inspection by a radiological health physicist; "equipment" does not include an x-ray device or machine owned by a provider.</u></b></p> <p>[\$ 80 PER X-RAY TUBE LINEAR ACCELERATOR REGISTRATION AND PERIODIC INSPECTION \$500 PER MACHINE].</p>
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(Eff. 12/6/86, Register 100; am 2/3/88, Register 105; am 4/28/94, Register 130; am 8/19/98, Register 147; am 10/1/2003, Register 167; am 12/24/2006, Register 180; am 1/1/2009, Register 188; am 6/16/2016, Register 218; am 7/1/2018, Register 227; am 11/25/2022, Register 244; am 3 / 22 / 2024, Register 249)

**Authority:** AS 18.05.040 AS 44.29.020 AS 44.29.022