

Statutes and Regulations **Dentists and** **Dental Hygienists**

April 2024



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 32.
DENTAL HYGIENISTS AND ASSISTANTS**

Article

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**ARTICLE 1.
EXAMINATION AND LICENSING OF DENTAL HYGIENISTS**

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Sec. 08.32.010. License required. Except as provided in AS 08.32.095, a person may not practice, offer or attempt to practice, or advertise or announce as being prepared or qualified to practice dental hygiene without a license.

Sec. 08.32.014. Qualifications for license. (a) An applicant for a license to practice dental hygiene shall

(1) provide evidence to the board that the applicant

(A) has successfully completed an academic program in dental hygiene of at least two years duration that, at the time of graduation, is accredited by the Commission on Dental Accreditation of the American Dental Association and is approved by the board;

(B) has passed a written theory examination of the American Dental Association Joint Commission on National Dental Examinations or an equivalent examination approved by the board;

(C) has successfully passed a state or regional dental hygiene clinical examination approved by the board;

(D) has not had a license to practice dental hygiene revoked, suspended, or voluntarily surrendered in this state or another state;

(E) is not the subject of an adverse decision based on a complaint, investigation, review procedure, or other disciplinary proceeding within the five years immediately preceding application or of an unresolved complaint, investigation, review procedure, or other disciplinary proceeding undertaken by a state, territorial, local, or federal dental licensing jurisdiction;

(F) is not the subject of an unresolved or adverse decision based on a complaint, investigation, review procedure, or other disciplinary proceeding undertaken by a state, territorial, local, or federal dental licensing jurisdiction or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or negligent dental care and that adversely reflects on the applicant's ability or competence to practice as a dental hygienist or on the safety or well-being of patients;

(G) is not the subject of an adverse report from the National Practitioner Data Bank or the American Association of Dental Boards Clearinghouse for Board Actions that relates to criminal or fraudulent activity or dental malpractice;

(H) is not impaired to an extent that affects the applicant's ability to practice as a dental hygienist;

(I) has not been convicted of a crime that adversely reflects on the applicant's ability or competency to practice as a dental hygienist or that jeopardizes the safety or well-being of a patient; and

(2) meet the other qualifications for a license established by the board by regulation.

(b) An applicant for a license to practice dental hygiene may be interviewed in person by the board or a designee of the board. The interview must be recorded. If the application is denied on the basis of the interview, the denial shall be stated in writing, with the reasons for it, and the record shall be preserved.

Sec. 08.32.015. Malpractice insurance. *[Repealed, Sec. 40 ch 177 SLA 1978.]*

Sec. 08.32.020. Examination required. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.32.030. Licensure by credentials. The board may provide for the licensing without examination of a dental hygienist who

(1) meets the criteria of AS 08.32.014;

(2) submits proof of continued competence as specified in regulations adopted by the board;

(3) is currently licensed to practice dental hygiene in another state or territory of the United States; and

(4) pays the fees established under AS 08.01.065.

Sec. 08.32.035. Temporary license. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.32.040. Application and fee. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.32.050. Disposition of fees. *[Repealed, Sec. 54 ch 37 SLA 1985.]*

Sec. 08.32.060. Frequency and content of examination. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.32.070. Licensing of dental hygienists. The board shall issue each successful applicant a license upon payment of all required fees.

Sec. 08.32.071. Renewal of license. At least 60 days before expiration of a dental hygienist's license, the Department of Commerce, Community, and Economic Development shall notify the licensed dental hygienist. Each licensee who wishes to renew a dental hygienist's license shall submit a completed license renewal form, the appropriate fee, and evidence of continued professional competence as required by the board. The Department of Commerce, Community, and Economic Development shall, as soon as practicable, issue a dental hygienist license valid for a stated number of years. Failure to receive notification from the department under this section does not exempt a licensee from renewing the licensee's dental hygienist license.

Sec. 08.32.080. Lapse and reinstatement of license. *[Repealed, Sec. 7 ch 94 SLA 1968.]*

Sec. 08.32.081. Lapse and reinstatement of license. A licensed dental hygienist who does not pay the renewal fee under AS 08.32.071 forfeits the hygienist's license. The board may reinstate the license without examination within two years of the date on which payment was due upon written application, proof of continued professional competence, and payment of all unpaid renewal fees and any penalty fee established under AS 08.01.100(b).

Sec. 08.32.085. Restorative function license endorsement. (a) The board shall issue a restorative function endorsement to a licensed dental hygienist if the licensee furnishes evidence satisfactory to the board that the licensee has

(1) successfully completed a course offered by or under the auspices of a program accredited by the Commission on Dental Accreditation of the American Dental Association or other equivalent course or program approved by the board; and

(2) passed the Western Regional Examining Board's restorative examination or other equivalent examination approved by the board within the five years preceding the licensee's endorsement application, or the licensee is licensed, certified, or otherwise permitted in another state or United States territory to perform restorative functions.

(b) An endorsement issued under this section authorizes a licensed dental hygienist under the direct supervision of a licensed dentist to place restorations into a cavity prepared by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration.

(c) The board may by regulation establish renewal and continuing education requirements for an endorsement under this section.

Sec. 08.32.090. Temporary license. *[Repealed, Sec. 15 ch 59 SLA 1978.]*

Sec. 08.32.095. Exemption from license requirement. (a) A person enrolled as a student in an accredited dental hygiene program may perform dental hygiene procedures as part of a course of study without a license if

(1) the procedures are performed under the

(A) general supervision of a member of the faculty who is licensed under AS 08.36, and under the direct or indirect supervision of a member of the faculty who is licensed under this chapter; or

(B) direct or indirect supervision of a member of the faculty who is licensed under AS 08.36; and

(2) the clinical program has received written approval from the board.

(b) A person practicing dental hygiene under (a) of this section is subject to all other provisions of this chapter and laws and regulations that apply to the practice of dental hygiene by a licensed dental hygienist.

Sec. 08.32.097. Fees. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

ARTICLE 2. REGULATION OF DENTAL HYGIENISTS

Section

110. Scope of practice of dental hygienists

115. Collaborative agreements

- 125. Advanced practice permits
- 160. Grounds for discipline, suspension, or revocation of license
- 165. Limits or conditions on license; discipline
- 171. Disciplinary sanctions
- 180. Penalty for violations

Sec. 08.32.100. Employment of dental hygienists. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.32.110. Scope of practice of dental hygienists. (a) The role of the dental hygienist is to assist members of the dental profession in providing oral health care to the public. A person licensed to practice the profession of dental hygiene in the state may,

- (1) under the general supervision of a licensed dentist,
 - (A) perform preliminary charting and triage to formulate a dental hygiene assessment and dental hygiene treatment plan;
 - (B) remove calcareous deposits, accretions, and stains from the exposed surfaces of the teeth beginning at the epithelial attachment by scaling and polishing techniques;
 - (C) remove marginal overhangs;
 - (D) use local periodontal therapeutic agents;
 - (E) perform nonsurgical periodontal therapy;
 - (F) perform other dental operations and services delegated by a licensed dentist if the dental operations and services are not prohibited by (c) of this section;
 - (G) if certified by the board, administer local anesthetic agents; and
- (2) if certified by the board and under the direct or indirect supervision of a licensed dentist, administer and monitor nitrous oxide-oxygen conscious sedation.

(b) The board shall specify by regulation those additional functions that may be performed by a licensed dental hygienist only upon successful completion of a formal course of instruction approved by the board. The board shall adopt regulations specifying the education requirements, evaluation procedures, and degree of supervision required for each function.

- (c) This section does not authorize delegation of
 - (1) dental diagnosis, comprehensive treatment planning, and writing
 - (A) prescriptions for drugs;
 - (B) authorizations for restorative, prosthetic, or orthodontic appliances;
 - (2) operative or surgical procedures on hard or soft tissues; or
 - (3) other procedures that require the professional competence and skill of a dentist.

(d) *[Repealed, Sec. 8 ch 111 SLA 2008.]*

- (e) This section does not prohibit a licensed dental hygienist
 - (1) with an endorsement issued under AS 08.32.085 from performing the activities authorized under AS 08.32.085;
 - (2) who holds an advanced practice permit issued by the board under AS 08.32.125 or has entered into a collaborative agreement approved by the board under AS 08.32.115 from performing the activities authorized under the permit or collaborative agreement; or
 - (3) from performing a dental operation, procedure, or service a dentist may delegate to a dental assistant under AS 08.36.346 or that a licensed dental hygienist who holds an advanced practice permit issued by the board under AS 08.32.125 may delegate to a dental assistant under AS 08.36.346(c).

Sec. 08.32.115. Collaborative agreements. (a) If the collaborative agreement is approved by the board under (d) of this section, a licensed dental hygienist with a minimum of 4,000 documented hours of clinical experience within the five years preceding application for the board's approval may enter into a collaborative agreement with a licensed dentist in which the licensed dentist authorizes the licensed dental hygienist to perform one or more of the following:

- (1) oral health promotion and disease prevention education;
- (2) removal of calcareous deposits, accretions, and stains from the surfaces of teeth;
- (3) application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants;
- (4) polishing and smoothing restorations;
- (5) removal of marginal overhangs;
- (6) preliminary charting and triage to formulate a dental hygiene assessment and dental hygiene treatment plan;
- (7) the exposure and development of radiographs;
- (8) use of local periodontal therapeutic agents; and
- (9) performance of nonsurgical periodontal therapy, with or without the administration of local anesthesia, subsequent to a licensed dentist's authorization or diagnosis as specified in the licensed hygienist's collaborative agreement.

(b) The services described in (a) of this section may be performed under a collaborative agreement approved by the board

- (1) without the presence of the licensed dentist;

(2) in a setting other than the usual place of practice of the licensed dentist; and
(3) without the dentist's diagnosis and treatment plan unless otherwise specified in the collaborative agreement or in (a) of this section.

(c) The board shall adopt regulations regarding approval of collaborative agreements between licensed dental hygienists and licensed dentists.

(d) The board may approve a collaborative agreement between a licensed dentist and a licensed dental hygienist. However, the board may not approve more than five collaborative agreements with a licensed dentist, not including any collaborative agreements that have been terminated. A licensed dental hygienist shall notify the board of the termination of a collaborative agreement with a licensed dentist.

Sec. 08.32.120. Place of employment. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.32.125. Advanced practice permits. (a) The board may issue an advanced practice permit to a licensed dental hygienist with a minimum of 4,000 documented hours of clinical experience. A licensed dental hygienist holding an advanced practice permit may

(1) promote oral health and provide disease prevention education and oral systemic health education;
(2) remove calcareous deposits, accretions, and stains from the surfaces of the teeth beginning at the epithelial attachment by scaling and polishing techniques;
(3) apply topical preventive or prophylactic agents, including silver diamine fluoride, fluoride varnishes, and pit and fissure sealants;

(4) remove marginal overhangs;
(5) perform preliminary charting and triage to formulate a dental hygiene assessment and dental hygiene treatment plan;

(6) expose and develop radiographs;
(7) use local periodontal therapeutic agents;
(8) perform nonsurgical periodontal therapy;
(9) screen for oral cancer;
(10) if certified by the board, administer local anesthetic agents;
(11) prescribe

(A) fluoride that is applied or provided to a patient; and
(B) chlorhexidine or a similar antibacterial rinse; and

(12) delegate dental operations and services to a dental assistant as provided in AS 08.36.346.

(b) A licensed dental hygienist holding an advanced practice permit may provide the services described in (a) of this section to a patient who is unable to access dental treatment because of age, infirmity, or disability and is

(1) a resident in a senior center, including a hospital, long-term care facility, adult foster home, residential care facility, or adult congregate living facility;

(2) a resident in a health care facility, including a mental health residential program or facility for individuals with developmental or other disabilities;

(3) held in a local correctional facility for juveniles or adults;

(4) enrolled in a nursery school, day care program, vocational training facility, primary school, secondary school, private school, or public charter school;

(5) entitled to benefits under 42 U.S.C. 1786 (Special Supplemental Nutrition Program for Women, Infants, and Children);

(6) homebound; or

(7) a resident of a dental health professional shortage area designated under 42 U.S.C. 254e.

(c) A licensed dental hygienist holding an advanced practice permit may provide the services described in (a) of this section to a patient described in (b) of this section without

(1) the physical presence, authorization, or supervision of a licensed dentist;

(2) a licensed dentist's examination of the patient.

(d) A licensed dental hygienist who provides services under an advanced practice permit shall maintain professional liability insurance and provide the patient, or the parent or legal guardian of the patient, with

(1) a written notice that the treatment provided will be limited to services permitted under (a) of this section;

(2) a written recommendation that the patient be examined by a licensed dentist for comprehensive oral health care services; and

(3) assistance in obtaining a referral to a licensed dentist for further dental planning and treatment, including a written description of methods for obtaining a referral and a list of licensed dentists in the patient's community or other resources for finding a licensed dentist.

(e) An advanced practice permit is valid until the expiration of the dental hygienist's license to practice. A licensed dental hygienist may renew an advanced practice permit at the time of license renewal under AS 08.32.071.

Sec. 08.32.130. Information required. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.32.140. Supervision required. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.32.150. Revocation of dentist's license. *[Repealed, Sec. 32 ch 49 SLA 1980. For current law, see AS 08.36.315.]*

Sec. 08.32.160. Grounds for discipline, suspension, or revocation of license. The board may revoke or suspend the license of a dental hygienist, or may reprimand, censure, or discipline a licensee, if, after a hearing, the board finds that the licensee

- (1) used or knowingly cooperated in deceit, fraud, or intentional misrepresentation to obtain a license, certificate, or endorsement;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing or billing for professional services or engaging in professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime that affects the licensee's ability to continue to practice competently and safely;
- (5) failed to comply with this chapter, with a regulation adopted under this chapter or under AS 08.36, or with an order of the board;
- (6) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) addiction or dependence on alcohol or other drugs that impairs the licensee's ability to practice safely;
 - (C) physical or mental disability;
- (7) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;
- (8) except as permitted under an advanced practice permit under AS 08.32.125, performed clinical procedures without being under the supervision of a licensed dentist;
- (9) did not conform to professional standards in delivering dental hygiene services to patients regardless of whether actual injury to the patient occurred;
- (10) permitted a dental assistant employed by an advanced practice dental hygienist or working under the supervision of a dental hygienist to perform a dental procedure in violation of AS 08.32.110 or AS 08.36.346;
- (11) falsified or destroyed a patient or facility record, or failed to maintain a patient or facility record for at least seven years after the date the record was created.

Sec. 08.32.165. Limits or conditions on license; discipline. (a) In addition to action under AS 08.32.160, upon a finding that by reason of demonstrated problems of competence, experience, education or health the authority to practice dental hygiene should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) *[Repealed by Sec. 15 ch 59 SLA 1978.]*

Sec. 08.32.170. Procedure followed. *[Repealed, Sec. 15 ch 59 SLA 1978.]*

Sec. 08.32.171. Disciplinary sanctions. (a) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(b) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(c) The board may summarily suspend the license of a licensee who refuses to submit to a physical or mental examination under AS 08.36.070(b)(1). A person whose license is suspended under this section is entitled to a hearing by the office of administrative hearings (AS 44.64.010) within seven days after the effective date of the order. If, after a hearing, the board upholds the suspension, the licensee may appeal the suspension to a court of competent jurisdiction.

(d) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(e) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

Sec. 08.32.180. Penalty for violations. (a) A person who violates a provision of this chapter or a regulation adopted under this chapter for which a penalty is not otherwise provided is guilty of a class B misdemeanor.

(b) Notwithstanding AS 08.01.075(a)(8), the board may impose a civil fine not to exceed \$25,000 for each violation of this chapter or a regulation adopted under this chapter.

ARTICLE 3. GENERAL PROVISIONS

Section

185. Application of Administrative Procedure Act

187. Application of chapter

190. Definitions

Sec. 08.32.185. Application of Administrative Procedure Act. AS 44.62 (Administrative Procedure Act) applies to any action taken by the board under this chapter.

Sec. 08.32.187. Application of chapter. (a) This chapter applies to a person who practices, or offers or attempts to practice, as a dental hygienist in the state except

(1) a dental hygienist in the military service in the discharge of official duties;

(2) a dental hygienist in the employ of the United States Public Health Service, United States Department of Veterans Affairs, United States Indian Health Service, or another agency of the federal government, in the discharge of official duties;

(3) a dental hygienist licensed in another state or jurisdiction who is teaching or demonstrating clinical techniques at a meeting, seminar, or limited course of instruction sponsored by a dental or dental auxiliary society or association or by an accredited dental or dental auxiliary educational institution;

(4) a dental hygienist employed in the state by an Indian health program, as that term is defined in 25 U.S.C. 1603, while providing dental hygiene services to a person the Indian health program is entitled to serve under 25 U.S.C. 450 et seq. (Indian Self-Determination and Education Assistance Act), as amended, and 25 U.S.C. 1601 et seq. (Indian Health Care Improvement Act), as amended.

(b) A person excepted from this chapter under (a) of this section shall be held to the same standard of care as a person covered by this chapter.

Sec. 08.32.190. Definitions. In this chapter,

(1) "board" means the Board of Dental Examiners;

(2) "direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and before dismissal of the patient evaluates the performance of the dental hygienist;

(3) "general supervision" means the dentist has authorized the procedures and they are being carried out in accordance with the dentist's diagnosis and treatment plan;

(4) "indirect supervision" means a licensed dentist is in the dental facility, authorizes the procedures, and remains in the dental facility while the procedures are being performed by the dental hygienist;

(5) "licensed dental hygienist" means a dental hygienist licensed under this chapter;

(6) "licensed dentist" means a dentist licensed under AS 08.36.

**CHAPTER 36.
DENTISTRY**

Article

1. **Board of Dental Examiners (§ 08.36.010—§ 08.36.091)**
2. **Examination and Licensing (§ 08.36.100—§ 08.36.254)**
3. **Unlawful Acts (§ 08.36.315—§ 08.36.340)**
4. **Dental Assistants (§ 08.36.342—§ 08.36.349)**
5. **General Provisions (§ 08.36.350—§ 08.36.370)**

**ARTICLE 1.
BOARD OF DENTAL EXAMINERS**

Section

10. **Creation and membership of board; oath; seal**
25. **Suspension of board members**
30. **Election and term of officers**
40. **Meetings**
50. **Quorum**
61. **Reimbursement for expenses**
70. **General powers**
73. **Investigator**
80. **Applicability of Administrative Procedure Act**
91. **Records and reports**

Sec. 08.36.010. Creation and membership of board; oath; seal. (a) There is created the Board of Dental Examiners consisting of nine members. Six members shall be licensed dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment, two members shall be dental hygienists licensed under AS 08.32 who have been engaged in the practice of dental hygiene in the state for five years immediately preceding appointment, and one member shall be a public member who does not have a direct financial interest in the health care industry.

(b) When making appointments of dentists and dental hygienists under (a) of this section, the governor may consider licensed dentists who have been nominated by the Alaska Dental Society and licensed dental hygienists who have been nominated by the Alaska State Dental Hygienists' Association.

(c) Each member shall take an oath of office. The president or secretary elected under AS 08.36.030 may administer oaths. The oath shall be filed and preserved in the department.

(d) The board shall adopt a seal.

Sec. 08.36.020. Term of office. *[Repealed, Sec. 20 ch 80 SLA 1996. For current provisions, see AS 39.05.053.]*

Sec. 08.36.025. Suspension of board members. A member against whom an accusation has been filed under AS 44.62 (Administrative Procedure Act) for violation of AS 08.32.160 or AS 08.36.315 is suspended from the board until the decision of the board on the accusation takes effect under AS 44.62.520.

Sec. 08.36.030. Election and term of officers. (a) The board shall elect from among its members

- (1) a president who is a licensed dentist or licensed dental hygienist; and
- (2) a secretary.

(b) Officers elected under (a) of this section serve for a term not to exceed two years.

Sec. 08.36.040. Meetings. The board shall meet at the call of the president at least four times annually and at other times necessary to conduct its business. In the absence of a call of the president, a majority of the board may call a meeting.

Sec. 08.36.050. Quorum. A majority of the board constitutes a quorum for the transaction of business.

Sec. 08.36.060. Expenses and salary. *[Repealed, Sec. 3 ch 59 SLA 1966.]*

Sec. 08.36.061. Reimbursement for expenses. Board members are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180. The department shall reimburse a member for other actual, reasonable expenses incurred in carrying out duties as a board member.

Sec. 08.36.070. General powers. (a) The board shall

(1) provide for the examination of applicants and the credentialing, registration, and licensure of those applicants it finds qualified;

- (2) maintain a registry of licensed dentists, licensed dental hygienists, and registered dental assistants who are in good standing;
 - (3) affiliate with the American Association of Dental Boards and pay annual dues to the association;
 - (4) hold hearings and order the disciplinary sanction of a person who violates this chapter, AS 08.32, or a regulation of the board;
 - (5) supply forms for applications, licenses, permits, certificates, registration documents, and other papers and records;
 - (6) enforce the provisions of this chapter and AS 08.32 and adopt or amend the regulations necessary to make the provisions of this chapter and AS 08.32 effective;
 - (7) adopt regulations ensuring that renewal of a license, registration, or certificate under this chapter or a license, certificate, or endorsement under AS 08.32 is contingent on proof of continued professional competence; the regulations must require that a licensee receive not less than two hours of education in pain management and opioid use and addiction in the two years preceding an application for renewal of a license, unless the licensee has demonstrated to the satisfaction of the board that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number;
 - (8) at least annually, cause to be published on the Internet and in a newspaper of general circulation in each major city in the state a summary of disciplinary actions the board has taken during the preceding calendar year;
 - (9) issue permits or certificates to licensed dentists, licensed dental hygienists, and dental assistants who meet standards determined by the board for specific procedures that require specific education and training;
 - (10) require that a licensed dentist who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(n).
- (b) The board may
- (1) order a licensed dentist or licensed dental hygienist to submit to a reasonable physical or mental examination if the dentist's or the dental hygienist's physical or mental capacity to practice safely is at issue;
 - (2) authorize a designee of the board or the board's investigator to inspect the practice facilities or patient or professional records of a dentist at reasonable times and in a reasonable manner to monitor compliance with this chapter and with AS 08.32; and
 - (3) delegate the board's powers to act, hear, and decide matters as authorized by AS 44.62 (Administrative Procedure Act).

Sec. 08.36.073. Investigator. After consulting with the board, the department shall employ a person who is not a member of the board as the investigator for the board. The investigator shall

- (1) conduct investigations into alleged violations of this chapter and into alleged violations of regulations and orders of the board;
- (2) at the request of the board, conduct investigations based on complaints filed with the department or with the board; and
- (3) be directly responsible and accountable to the board, except that only the department has authority to terminate the investigator's employment and the department shall provide day-to-day and administrative supervision of the investigator.

Sec. 08.36.075. Dental radiological equipment. *[Repealed, Sec. 13 ch 56 SLA 2022.]*

Sec. 08.36.080. Applicability of Administrative Procedure Act. The board shall comply with AS 44.62 (Administrative Procedure Act).

Sec. 08.36.090. Records and reports. *[Repealed, Sec. 3 ch 59 SLA 1966.]*

Sec. 08.36.091. Records and reports. The board shall maintain

- (1) a record of its proceedings;
- (2) a registry containing the name, office and home addresses, and other information considered necessary by the board of each person licensed as a dentist or dental hygienist or registered as a dental assistant, a registry of the licenses, certificates, registrations, and endorsements revoked by the board, and information on the status of each licensee and each registered dental assistant.

ARTICLE 2. EXAMINATION AND LICENSING

Section

- 100. License required**
- 110. Qualifications for license; interview**
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- 240. Issuance and display of license**

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- 243. Qualification for specialist license; scope of practice
- 245. Suspension or revocation of specialist license
- 250. License renewal, lapse, and reinstatement
- 254. Temporary permit to substitute for an incapacitated dentist

Sec. 08.36.100. License required. Except as provided in AS 08.36.238 and 08.36.254, a person may not practice, or attempt to practice, dentistry without a license.

Sec. 08.36.110. Qualifications for license; interview. (a) An applicant for a license to practice dentistry shall

- (1) provide certification to the board that the applicant
 - (A) is a graduate of a dental school that, at the time of graduation, is approved by the board;
 - (B) has successfully passed a written examination approved by the board;
 - (C) has not had a license to practice dentistry revoked, suspended, or voluntarily surrendered in this state or another state;
 - (D) is not the subject of an adverse decision based on a complaint, investigation, review procedure, or other disciplinary proceeding within the five years immediately preceding application, or of an unresolved complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction;
 - (E) is not the subject of an unresolved or an adverse decision based on a complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or negligent dental care and that adversely reflects on the applicant's ability or competence to practice dentistry or on the safety or well-being of patients;
 - (F) is not the subject of an adverse report from the National Practitioner Data Bank or the American Association of Dental Boards Clearinghouse for Board Actions that relates to criminal or fraudulent activity, or dental malpractice;
 - (G) is not impaired to an extent that affects the applicant's ability to practice dentistry;
 - (H) has not been convicted of a crime that adversely reflects on the applicant's ability or competency to practice dentistry or that jeopardizes the safety or well-being of a patient;
- (2) pass, to the satisfaction of the board, written, clinical, and other examinations administered or approved by the board; and
- (3) meet the other qualifications for a license established by the board by regulation, including education in pain management and opioid use and addiction in the two years preceding the application for a license, unless the applicant has demonstrated to the satisfaction of the board that the applicant does not currently hold a valid federal Drug Enforcement Administration registration number; approved education may include dental school coursework.

(b) An applicant for licensure may be interviewed in person by the board or by a member of the board before a license is issued. The interview must be recorded. If the application is denied on the basis of the interview, the denial shall be stated in writing, with the reasons for it, and the record shall be preserved.

Sec. 08.36.114. Qualifications for acupuncture applicants. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.36.115. Malpractice insurance. *[Repealed, Sec. 40 ch 177 SLA 1978.]*

Sec. 08.36.120, 08.36.130. Signing, photograph, and filing date of application; Examination. *[Repealed, Sec. 8 ch 47 SLA 2005.]*

Sec. 08.36.140. Out-of-state examination. *[Repealed, Sec. 40 ch 100 SLA 1984.]*

Sec. 08.36.150. Examination in out-of-state dental schools. *[Repealed, Sec 40 ch 100 SLA 1984.]*

Sec. 08.36.160. Contents of examination. *[Repealed, Sec. 8 ch 47 SLA 2005.]*

Sec. 08.36.170. Partial examination. *[Repealed, Sec. 40 ch 100 SLA 1984.]*

Sec. 08.36.180, 08.36.190. Reexamination; Grading of examination. *[Repealed, Sec. 8 ch 47 SLA 2005.]*

Sec. 08.36.200. Waiver of written examination. *[Repealed, Sec. 40 ch 100 SLA 1984.]*

Sec. 08.36.210 – 08.36.220. Waiver of examination and issuance of license by reciprocity. *[Repealed, Sec. 32 ch 49 SLA 1980. For current law, see AS 08.36.234.]*

Sec. 08.36.230. Practice outside the state. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.36.234. Licensure by credentials. (a) The board may waive the examination requirement and license by credentials if the dentist applicant meets the requirements of AS 08.36.110, submits proof of continued competence as required by regulation, pays the required fee, and has

(1) an active license from a board of dental examiners established under the laws of a state or territory of the United States issued after thorough examination; or

(2) passed an examination as specified by the board in regulations.

(b) A dentist applying for licensure without examination is responsible for providing to the board all materials required by the board to implement this section to establish eligibility for a license without examination. In addition to the grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued without examination upon evidence of misinformation or substantial omission.

(c) The board shall adopt regulations necessary to implement this section including the form and manner of certification of qualifications under this section.

(d) A dentist applying for licensure without examination shall be interviewed in person by the board or by a member of the board before a license is issued. The interview must be recorded. If the application is denied on the basis of the interview, the denial shall be stated in writing, with the reasons for it, and the record shall be preserved.

Sec. 08.36.238. Exemption from license requirement. (a) A person enrolled as a student in an accredited school of dentistry may perform procedures as part of a course of study without a license if

(1) the procedures are performed under the direct supervision of a member of the faculty who is licensed under this chapter, or under the direct supervision of a team of licensed faculty dentists, at least one of whom is licensed under this chapter; and

(2) the clinical program has received written approval from the board.

(b) A person practicing dentistry under (a) of this section is subject to all other provisions of this chapter and to other laws and regulations which apply to the practice of dentistry.

Sec. 08.36.240. Issuance and display of license. The board shall issue a license to each successful dentist applicant who has paid the required fees. The licensee shall display the license in a conspicuous place where the licensee practices.

Sec. 08.36.242. License to practice as specialist required. A licensed dentist may not represent to the public to be qualified in a specialized branch of dentistry through any means of public advertising using the term "specialist," the name of a specialty, or a phrase that would suggest to the public that the dentist is a qualified specialist in a branch of dentistry unless the dentist has a specialist license in that branch as provided in this chapter.

Sec. 08.36.243. Qualification for specialist license; scope of practice. (a) An applicant for a specialist license must

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

(2) meet additional qualifications for a specialist license in a specified branch of dentistry as established by the board by regulation.

(b) In determining the qualifications for a specialist license in a specified branch of dentistry under (a) of this section, the board shall consider the qualifications necessary to obtain specialty certification by a nationally recognized certifying entity approved by the board.

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

Sec. 08.36.244. License to practice as specialist required. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.36.245. Suspension or revocation of specialist license. The board may suspend or revoke a specialist license on grounds and according to the procedures set out in AS 08.36.315.

Sec. 08.36.246 – 08.36.248. Qualification for a specialist license; limitation of special practice; suspension or revocation of specialty licenses. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.36.250. License renewal, lapse, and reinstatement. (a) At least 60 days before expiration of a license issued under this chapter, the department shall notify the licensed dentist. A licensee who wishes to renew a license shall submit a completed license renewal form, the appropriate fee, and evidence of continued professional competence as required by the board. The department shall, as soon as practicable, issue a new license valid for a stated number of years. Failure to receive notification from the department under this subsection does not exempt a licensee from renewing a license to practice dentistry under this chapter.

(b) When applying for license renewal, a dentist shall report to the board each instance during the prior registration period in which the quality of the licensee's professional services was the subject of legal action.

(c) A licensed dentist who does not pay the license renewal fee forfeits the dentist's license. The board may reinstate the license without examination within two years after the date on which payment was due upon written

application, proof of continued professional competence, and payment of all unpaid renewal fees and any penalty fee established under AS 08.01.100(b).

Sec. 08.36.254. Temporary permit to substitute for an incapacitated dentist. (a) The board may issue a temporary permit to practice dentistry to a dentist for the purpose of substituting for an incapacitated dentist licensed in this state.

(b) A dentist applying for a temporary permit under (a) of this section shall

(1) hold an active license from a board of dental examiners established under the laws of a state or territory of the United States issued after thorough examination;

(2) pay the required fee; and

(3) meet other qualifications for a temporary permit established by regulation.

(c) A temporary permit issued under this section is valid only to treat patients of the incapacitated dentist at an address listed on the business license of the incapacitated dentist.

(d) The fee for a permit issued under this section is one-fourth of the fee for a biennial license plus the appropriate application fee.

(e) The board may not issue a temporary permit under this section if another dentist licensed under this chapter may reasonably substitute for the incapacitated dentist.

(f) A temporary permit issued under this section is initially valid for 90 consecutive calendar days. Upon request of a permittee, the board shall extend a permit issued under this section for 60 calendar days if, before the expiration of the initial 90-day permit, the permittee submits to the board a completed application form and the fee required under this chapter, except that the board may refuse to grant a request for an extension for the same reasons the board may revoke a license under AS 08.36.315. Permits and extensions of permits issued to a permittee under this section are not valid for more than 240 calendar days during any consecutive 24 months.

(g) The board may extend a permit issued under this section for a period that exceeds the limit established in (f) of this section if the board determines that the extension is necessary to provide essential dental services and the board has received a clearance report from the

(1) National Practitioner Data Bank; and

(2) United States Drug Enforcement Administration.

(h) In this section, "incapacitated" means impaired by a health condition that renders a dentist unable to practice dentistry for more than 30 days.

Sec. 08.36.260. Branch office registration. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.36.270. Permits for isolated areas. *[Repealed, Sec. 3 ch 26 SLA 1965; Sec. 5 ch 93 SLA 1965.]*

Sec. 08.36.271. Permits for isolated areas. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

Sec. 08.36.280. Temporary permit. *[Repealed, Sec. 40 ch 100 SLA 1984.]*

Sec. 08.36.285. Licensing a permittee. *[Repealed, Sec. 10 ch 121 SLA 1972.]*

Sec. 08.36.290. Fees. *[Repealed, Sec. 40 ch 53 SLA 2012.]*

ARTICLE 3. UNLAWFUL ACTS

Section

315. Grounds for discipline, suspension or revocation of license

317. Civil fine authority

320. Summary license suspension

340. Penalties

Sec. 08.36.310. Grounds for revocation of license. *[Repealed, Sec. 32 ch 49 SLA 1980.]*

Sec. 08.36.315. Grounds for discipline, suspension or revocation of license. The board may revoke or suspend the license of a dentist, or may reprimand, censure, or discipline a dentist, or both, if the board finds, after a hearing, that the dentist

(1) used or knowingly cooperated in deceit, fraud, or intentional misrepresentation to obtain a license;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing or billing for professional dental services or engaging in professional activities;

(3) advertised professional dental services in a false or misleading manner;

(4) received compensation for referring a person to another dentist or dental practice;

- (5) has been convicted of a felony or other crime that affects the dentist's ability to continue to practice dentistry competently and safely;
- (6) engaged in the performance of patient care, or permitted the performance of patient care by persons under the dentist's supervision, regardless of whether actual injury to the patient occurred,
 - (A) that did not conform to minimum professional standards of dentistry; or
 - (B) when the dentist, or a person under the supervision of the dentist, did not have the permit, registration, or certificate required under AS 08.32 or this chapter;
- (7) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;
- (8) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) addiction or dependence on alcohol or other drugs that impair the dentist's ability to practice safely;
 - (C) physical or mental disability;
- (9) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;
- (10) permitted a dental hygienist or dental assistant who is employed by the dentist or working under the dentist's supervision to perform a dental procedure in violation of AS 08.32.110 or AS 08.36.346;
- (11) failed to report to the board a death that occurred on the premises used for the practice of dentistry within 48 hours;
- (12) falsified or destroyed patient or facility records or failed to maintain a patient or facility record for at least seven years after the date the record was created;
- (13) prescribed or dispensed an opioid in excess of the maximum dosage authorized under AS 08.36.355; or
- (14) procured, sold, prescribed, or dispensed drugs in violation of a law, regardless of whether there has been a criminal action or harm to the patient.

Sec. 08.36.317. Civil fine authority. Notwithstanding AS 08.01.075(a), in a disciplinary action, the board may impose a civil fine not to exceed \$25,000 for each violation of this chapter or of a regulation adopted under this chapter.

Sec. 08.36.320. Summary license suspension. (a) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(b) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(c) The board may summarily suspend the license of a licensee who refuses to submit to a physical or mental examination under AS 08.36.070(b)(1). A person whose license is suspended under this section is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) within seven days after the effective date of the order. If, after a hearing, the board upholds the suspension, the licensee may appeal the suspension to a court of competent jurisdiction.

(d) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(e) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

Sec. 08.36.325 – 08.36.330. Discipline, suspension or revocation of license of dentists. *[Repealed, Sec. 32 ch 49 SLA 1980.]*

Sec. 08.36.340. Penalties. A person who violates any provision of this chapter or regulations adopted under this chapter for which no specific penalty is provided is guilty of a class B misdemeanor.

ARTICLE 4. DENTAL ASSISTANTS

Section

- 342. Coronal polishing certificate
- 344. Restorative function certificate
- 346. Delegation to dental assistants
- 347. Exemption from registration requirement
- 349. Definitions

Sec. 08.36.342. Coronal polishing certificate. (a) The board shall issue a coronal polishing certificate to a dental assistant if the dental assistant furnishes evidence satisfactory to the board that the dental assistant has completed a program of instruction approved by the board.

(b) A certificate issued under (a) of this section authorizes a dental assistant under the direct supervision of a dentist licensed in the state to perform coronal polishing on teeth without calculus.

(c) The board may by regulation establish fees, renewal, and continuing education requirements for a certificate issued under this section.

Sec. 08.36.344. Restorative function certificate. (a) The board shall issue a restorative function certificate to a dental assistant if the dental assistant furnishes evidence satisfactory to the board that the dental assistant has

(1) successfully completed a course offered by or under the auspices of a program accredited by the Commission on Dental Accreditation of the American Dental Association or other equivalent course or program approved by the board; and

(2) passed the Western Regional Examining Board's restorative examination or other equivalent examination approved by the board within the five years preceding the dental assistant's certificate application, or the dental assistant has legal authorization from another state or jurisdiction to perform restorative functions.

(b) A certificate issued under this section authorizes a dental assistant under the direct supervision of a licensed dentist to place restorations into a cavity prepared by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration.

(c) The board may by regulation establish fees, renewal, and continuing education requirements for a certificate under this section.

Sec. 08.36.346. Delegation to dental assistants. (a) Except as otherwise provided in this chapter, a dentist licensed in this state may delegate to a dental assistant under indirect supervision

(1) the exposure and development of radiographs;

(2) application of topical preventive agents or pit and fissure sealants; and

(3) other dental operations and services except

(A) those that may be performed by a dental hygienist under AS 08.32.110(a); and

(B) those that may not be delegated to a dental hygienist under AS 08.32.110(c).

(b) A dentist licensed in this state may delegate to a dental assistant under direct supervision

(1) coronal polishing on teeth without calculus, if the dental assistant is certified under AS 08.36.342;

(2) the placement of a restoration into a cavity prepared by a dentist licensed under this chapter and the subsequent carving, contouring, and adjustment of the contacts and occlusion of the restoration, if the dental assistant is certified under AS 08.36.344; and

(3) other dental operations and services as defined and regulated by the board; however, a dentist may not delegate to a dental assistant a dental operation or service that requires the professional skill of a licensed dentist or licensed dental hygienist, including those dental operations and services specified in AS 08.32.110(c).

(c) A dental hygienist holding an advanced practice permit issued under AS 08.32.125 may delegate to a dental assistant, under a level of supervision specified by the board in regulations,

(1) the exposure and development of radiographs;

(2) application of topical preventive agents or pit and fissure sealants;

(3) other tasks specified by the board in regulations.

Sec. 08.36.347. Exemption from registration requirement. (a) A person enrolled in a program or course of study may perform dental assisting procedures as part of that program or course of study without a registration document if the procedures are performed

(1) under the direct supervision of a member of the faculty who is licensed under this chapter or AS 08.32; and

(2) as part of a clinical program that has received written approval from the board.

(b) A person performing dental assisting procedures under (a) of this section is subject to all other provisions of this chapter and statutes and regulations that apply to the practice of dental assisting by a registered dental assistant.

Sec. 08.36.349. Definitions. In AS 08.36.342 - 08.36.349,

(1) "direct supervision" means a dentist licensed in this state is in the dental office, 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 a dentist licensed in this state is in the dental office, authorizes the procedures, and remains in the dental office while the procedures are being performed by the dental assistant.

ARTICLE 5. GENERAL PROVISIONS

Section

350. Application of chapter

355. Maximum dosage for opioid prescriptions

360. Practice of dentistry defined

365. Rights of dentists

367. Ownership of a dental office or facility

370. Definitions for chapter

Sec. 08.36.350. Application of chapter. (a) This chapter applies to a person who practices, or offers or attempts to practice, dentistry in the state except

- (1) a dental surgeon or dentist in the military service in the discharge of official duties;
- (2) a dentist in the employ of the United States Public Health Service, United States Department of Veterans Affairs, United States Indian Health Service, or other agency of the federal government, in the discharge of official duties;
- (3) a dentist licensed in another state who is teaching or demonstrating clinical techniques at a meeting, seminar, or limited course of instruction sponsored by a dental or dental auxiliary society or association or by an accredited dental or dental auxiliary educational institution;
- (4) a dentist licensed in another state who provides emergency care to an injured or ill person who reasonably appears to the dentist to be in immediate need of emergency aid in order to avoid serious harm or death if the care is provided without remuneration;
- (5) a dentist employed in the state by an Indian health program, as that term is defined in 25 U.S.C. 1603, while providing dental services to a person the Indian health program is entitled to serve under 25 U.S.C. 450 et seq. (Indian Self-Determination and Education Assistance Act), as amended, and 25 U.S.C. 1601 et seq. (Indian Health Care Improvement Act), as amended.

(b) A person excepted from this chapter under (a) of this section shall be held to the same standard of care as a person covered by this chapter.

Sec. 08.36.355. Maximum dosage for opioid prescriptions. (a) A licensee may not issue

- (1) an initial prescription for an opioid that exceeds a seven-day supply to an adult patient for outpatient use;
- (2) a prescription for an opioid that exceeds a seven-day supply to a minor; at the time a licensee writes a prescription for an opioid for a minor, the licensee shall discuss with the parent or guardian of the minor why the prescription is necessary and the risks associated with opioid use.

(b) Notwithstanding (a) of this section, a licensee may issue a prescription for an opioid that exceeds a seven-day supply to an adult or minor patient if, in the professional judgment of the licensee, more than a seven-day supply of an opioid is necessary for

(1) the patient's chronic pain management; the licensee may write a prescription for an opioid for the quantity needed to treat the patient's medical condition or chronic pain; the licensee shall document in the patient's medical record the condition triggering the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; or

(2) a patient who is unable to access a practitioner within the time necessary for a refill of the seven-day supply because of a logistical or travel barrier; the licensee may write a prescription for an opioid for the quantity needed to treat the patient for the time that the patient is unable to access a practitioner; the licensee shall document in the patient's medical record the reason for the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; in this paragraph, "practitioner" has the meaning given in AS 11.71.900.

(c) In this section,

- (1) "adult" means
 - (A) an individual who has reached 18 years of age; or
 - (B) an emancipated minor;
- (2) "emancipated minor" means a minor whose disabilities have been removed for general purposes under AS 09.55.590;
- (3) "minor" means an individual under 18 years of age who is not an emancipated minor.

Sec. 08.36.360. Practice of dentistry defined. A person engages in the practice of dentistry who

- (1) performs or holds out to the public as being able to perform dental operations;
- (2) diagnoses, treats, operates on, corrects, attempts to correct, or prescribes for a disease, lesion, pain, injury, deficiency, deformity, or physical condition, malocclusion or malposition of the human teeth, alveolar process, gingiva, maxilla, mandible, or adjacent tissues;
- (3) performs or attempts to perform an operation incident to the replacement of teeth;
- (4) furnishes, supplies, constructs, reproduces, or repairs dentures, bridges, appliances or other structures to be used and worn as substitutes for natural teeth, except on prescription of a duly licensed and registered dentist and by the use of impressions or casts made by a duly licensed and registered dentist;
- (5) uses the words "dentist" or "dental surgeon" or the letters "D.D.S." or "D.M.D." or other letter or title that represents the dentist as engaging in the practice of dentistry;
- (6) extracts or attempts to extract human teeth;
- (7) exercises control over professional dental matters or the operation of dental equipment in a facility where the acts and things described in this section are performed or done;
- (8) evaluates, diagnoses, treats, or performs preventive procedures related to diseases, disorders, or conditions of the oral cavity, maxillofacial area, or adjacent and associated structures; a dentist whose practice includes the services described in this paragraph may only perform the services if they are within the scope of the dentist's

education, training, and experience and in accord with the generally recognized ethical precepts of the dental profession; nothing in this paragraph requires a person licensed under AS 08.64 to be licensed under this chapter.

Sec. 08.36.365. Rights of Dentists. A dentist licensed in this state may

- (1) practice in an association, partnership, corporation or other lawful entity with other dentists including specialists;
- (2) practice under the name of "dental center" or other descriptive term that does not deceive the public about the nature of the services provided;
- (3) supervise research that would otherwise violate this chapter or regulations adopted under this chapter when the research does not involve treatment of dental patients if the research is performed by a nonprofit dental research institution chartered by this state or by a dental or dental auxiliary school accredited by the Commission on Accreditation of the American Dental Association, or its successor agency;
- (4) supervise research that would otherwise violate this chapter or regulations adopted under this chapter when the research involves the treatment of dental patients if the research is performed by a nonprofit dental research institution chartered by this state or by a dental or dental auxiliary school accredited by the Commission on Accreditation of the American Dental Association, or its successor agency, and if the dentist notifies the board in writing, at least 60 days before beginning the treatment, of the intended practices or procedures and the board does not disapprove the research.

Sec. 08.36.367. Ownership of a dental office or facility. (a) Only a person who holds a valid license issued under this chapter may own, operate, or maintain a dental practice, office, or clinic. This restriction does not apply to

- (1) a labor organization or a nonprofit organization formed by or on behalf of a labor organization for the purpose of providing dental services to rural or underserved populations;
- (2) an institution of higher education recognized by the board;
- (3) a local government;
- (4) an institution or program accredited by the Commission on Dental Accreditation of the American Dental Association to provide education and training;
- (5) a nonprofit corporation organized under state law to provide dental services to rural areas and medically underserved populations of migrant, rural community, or homeless individuals under 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(l)(2)(B) operating in compliance with other applicable state and federal law;
- (6) a nonprofit charitable corporation described in 26 U.S.C. 501(c)(3) (Internal Revenue Code) and determined by the board to be providing dental services by volunteer licensed dentists to populations with limited access to dental care at no charge or a substantially reduced charge.

(b) For the purpose of owning or operating a dental practice, office, or clinic, an entity described in (a) of this section shall

- (1) name a licensed dentist as its dental director, who shall be subject to the provisions of AS 08.36.315 and 08.36.317 in the capacity of dental director; the dental director, or an actively licensed dentist designated by the director, shall have responsibility for the entity's practice of dentistry; and
- (2) maintain current records of the names of licensed dentists who supervise dental hygienists, dental assistants, and other personnel involved in direct patient care who are employed by the entity; the records must be available to the board upon written request.

(c) Nothing in this chapter precludes a person or entity not licensed by the board from

- (1) ownership or leasehold of any tangible or intangible assets used in a dental office or clinic, including real property, furnishings, equipment, and inventory, but not including dental records of patients related to clinical care;
- (2) employing or contracting for the services of personnel other than licensed dentists; or
- (3) management of the business aspects of a dental office or clinic that do not include the practice of dentistry.

(d) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held by an administrator, executor, personal representative, guardian, conservator, or receiver of the estate of a former shareholder, member, or partner, the administrator, executor, personal representative, guardian, conservator, or receiver may retain the ownership interest for a period of 24 months following the creation of the ownership interest. The board shall extend the ownership period for an additional 24 months upon 30 days' notice and may grant additional extensions upon reasonable request.

(e) In this section, "labor organization" means an organization, not for pecuniary profit, constituted wholly or partly to bargain collectively or deal with employers, including the state and its political subdivisions, concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employees that has existed for at least three years and that has a constitution and bylaws.

Sec. 08.36.370. Definitions for chapter. In this chapter, unless the context requires otherwise,

- (1) "board" means the Board of Dental Examiners;
- (2) "calculus" means a hardened deposit of mineralized plaque;
- (3) "coronal polishing" means the removal of supragingival plaque and stains;
- (4) "dental assistant" means a person employed to provide clinical assistance to a dentist licensed in the state;
- (5) "department" means the Department of Commerce, Community, and Economic Development;

- (6) "impaired practitioner" means a person who is unfit to practice dentistry due to addiction or dependence on alcohol or other drugs that impair the practitioner's ability to practice safely;
- (7) "licensed dental hygienist" means a dental hygienist licensed under AS 08.32;
- (8) "licensed dentist" means a dentist licensed under this chapter;
- (9) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160;
- (10) "registered dental assistant" means a dental assistant registered under this chapter.

**CHAPTER 28.
BOARD OF DENTAL EXAMINERS.**

Article

- 1. Administration of Deep Sedation, General Anesthesia, Moderate Sedation, and Minimal Sedation (12 AAC 28.010 – 12 AAC 28.090)**
- 2. Examinations for Dental Licensure (12 AAC 28.100 – 12 AAC 28.300)**
- 3. Administration of Local Anesthetic Agents and Nitrous Oxide Sedation by Dental Hygienists (12 AAC 28.310 – 12 AAC 28.360)**
- 4. Continuing Professional Competence Requirements (12 AAC 28.400 – 12 AAC 28.420)**
- 5. Dental Hygienist Examination (12 AAC 28.500)**
- 6. Parenteral Sedation (12 AAC 28.600 – 12 AAC 28.640)**
- 7. Professional Practices (12 AAC 28.700 – 12 AAC 28.730)**
- 8. Restorative Functions by Dental Hygienists (12 AAC 28.750 – 12 AAC 28.780)**
- 9. Coronal Polishing and Restorative Functions by Dental Assistants (12 AAC 28.810 – 12 AAC 28.880)**
- 10. General Provisions (12 AAC 28.900 – 12 AAC 28.990)**

**ARTICLE 1.
ADMINISTRATION OF DEEP SEDATION, GENERAL ANESTHESIA,
MODERATE SEDATION, AND MINIMAL SEDATION.**

Section

- 10. Permit requirements for use of deep sedation or general anesthesia**
- 15. Permit requirements for use of moderate sedation, or for use of minimal sedation for a patient younger than 13 years of age**
- 20. (Repealed)**
- 25. Board approval of coursework or continuing education in moderate sedation, or minimal sedation of patients younger than 13 years of age**
- 26. Requirements for documentation of training or a continuing education course in moderate sedation for patients 13 years of age and older**
- 27. Requirements for coursework or continuing education in moderate sedation and minimal sedation for patients younger than 13 years of age**
- 30. Persons other than permit holders**
- 40. Informed written consent**
- 50. Medical history**
- 60. Requirements for administering deep sedation, general anesthesia, moderate sedation, or minimal sedation for a patient younger than 13 years of age**
- 61. Additional requirements for administering deep sedation or general anesthesia**
- 62. Additional requirements for administering moderate sedation, or minimal sedation for a patient younger than 13 years of age**
- 65. Exceptions to permit requirements under 12 AAC 28.010 - 12 AAC 28.080**
- 68. Inspections**
- 70. Suspension or revocation of permit**
- 80. Mandatory reporting**
- 90. (Repealed)**

12 AAC 28.010. PERMIT REQUIREMENTS FOR USE OF DEEP SEDATION OR GENERAL ANESTHESIA. (a) Before administering deep sedation or general anesthesia a dentist licensed under AS 08.36 must have a deep sedation or general anesthesia permit issued by the board.

- (b) An applicant for an initial or renewed permit to administer deep sedation or general anesthesia must
- (1) submit a completed application on a form provided by the board;
 - (2) submit a dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with all applicable statutes and regulations;
 - (3) submit, on a form provided by the board, a dated and signed affidavit attesting that the dentist's facility meets the requirements of this chapter for the administration of deep sedation or general anesthesia;
 - (4) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);
 - (5) provide proof of current certification in advanced resuscitative techniques with hands-on simulated airway and megacode training for healthcare providers, including basic electrocardiographic interpretation; qualifying certification for an applicant who seeks to treat patients 13 years of age or older includes the American Heart Association's Advanced Cardiac Life Support (ACLS) for Health Professionals; qualifying certification for an applicant who seeks to treat patients younger than 13 years of age includes Pediatric Advanced Life Support (PALS)

for Health Professionals; an applicant who seeks to treat patients of any age must also be certified in both ACLS for Health Professionals and PALS for Health Professionals or must be certified in equivalent qualifying certifications under this paragraph, one for advanced cardiac life support for health professionals and one for pediatric advanced life support for health professionals; and

(6) submit the applicable fees specified in 12 AAC 02.190.

(c) In addition to meeting the requirements of (b) and (d) of this section, an applicant for an initial permit to provide deep sedation or general anesthesia must provide documentation that the applicant

(1) is a member of the American Association of Oral and Maxillofacial Surgery;

(2) successfully completed an advanced educational program in oral maxillofacial surgery accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association; or

(3) successfully completed an advanced educational program in dental anesthesiology accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association.

(d) In addition to meeting the requirements of (b) and (c) of this section, an applicant for an initial permit to provide deep sedation or general anesthesia must provide documentation that

(1) within three years immediately before application, the applicant completed training or education identified in (c)(2) or (3) of this section in general anesthesia or deep sedation;

(2) if more than three years but less than five years have elapsed since completing training or education identified in (c)(2) or (3) of this section in general anesthesia or deep sedation, the applicant completed all continuing education that would have been required for a deep sedation or general anesthesia permit under this section;

(3) if more than three years but less than five years have elapsed since completing training or education identified in (c)(2) or (3) of this section in general anesthesia or deep sedation, the applicant completed a comprehensive review course approved by the board;

(4) if more than five years have elapsed since completing training or education identified in (c)(2) or (3) of this section in general anesthesia or deep sedation, the applicant holds a permit for general anesthesia or deep sedation from another jurisdiction where the applicant is also licensed to practice dentistry and where the applicant completed at least 25 anesthesia cases at the requested permit level not earlier than the 12 months immediately preceding application; or

(5) demonstrates current competency to the satisfaction of the board that the applicant has adequate sedation or anesthesia skill to safely deliver deep sedation or general anesthesia services to the public.

(e) In addition to meeting the requirements of (b) of this section, on or after March 1, 2019, a dentist who seeks to renew a permit to administer deep sedation or general anesthesia must

(1) during each biennial licensing period participate in four or more contact hours of continuing education that relates specifically to hands-on advanced airway management or general anesthesia; if the permit holder provides

(A) anesthesia for patients younger than 13 years of age, the course must be a pediatric course;

(B) anesthesia for patients older and younger than 13 years of age, at least four contact hours of continuing education must relate specifically to hands-on advanced airway management of patients older than 13 years of age, and at least four additional contact hours of continuing education must relate specifically to hands-on advanced airway management of patients younger than 13 years of age;

(2) during each biennial licensing period participate in eight contact hours of continuing education that focuses on one or more of the following:

(A) physical evaluation;

(B) medical emergencies;

(C) monitoring and use of monitoring equipment;

(D) pharmacology of drugs and agents used in deep sedation and general anesthesia;

(3) complete at least 50 general anesthesia or deep sedation cases each biennial licensing period;

(4) maintain continuing education records that can be audited, including course titles, instructors, dates attended, sponsors, and number of contact hours for each course; and

(5) if seeking to renew a permit to administer general anesthesia or deep sedation to a patient younger than 13 years of age,

(A) meet the requirements of this section; and

(B) provide documentation that at least 20 of the 50 anesthesia or deep sedation cases were individually managed patients younger than 13 years of age.

(f) A dentist who has met the requirements of this section to administer deep sedation or general anesthesia to patients younger than 13 years of age will be issued a permit that so indicates.

(g) A permit to administer deep sedation and general anesthesia

(1) will be renewed when the dentist's license to practice is renewed if the dentist demonstrates continued compliance with AS 08.36 and this chapter;

(2) lapses or expires on the date the dentist's license lapses or expires; and

(3) may be reinstated if the permit has lapsed more than 60 days but less than two years of the applicant submits

(A) a completed application for renewal on a form provided by the department;

(B) the applicable renewal fee established in 12 AAC 02.190; and

(C) evidence of continuing education and documentation of sedation cases required by (e)(1), (2), (3), and

(5) of this section, as applicable; the sedation cases required under this subparagraph must be completed while holding

a current deep sedation and general anesthesia permit, or while under the supervision of a current deep sedation or general anesthesia permit holder, or an anesthesiologist or certified registered nurse anesthetist.

- (h) For purposes of this section,
 - (1) one contact hour equals 50 minutes of instruction;
 - (2) one academic semester credit hour equals 15 contact hours;
 - (3) one academic quarter credit equals 10 contact hours; and
 - (4) one continuing education credit equals one contact hour.
- (i) Credit is given only for class hours and not hours devoted to class preparation.

Authority: AS 08.01.065 AS 08.36.100 AS 08.36.234
AS 08.36.070 AS 08.36.110 AS 08.36.250

12 AAC 28.015. PERMIT REQUIREMENTS FOR USE OF MODERATE SEDATION, OR FOR USE OF MINIMAL SEDATION FOR A PATIENT YOUNGER THAN 13 YEARS OF AGE. (a) Unless exempt under 12 AAC 28.065, before administering moderate sedation to a patient, or minimal sedation to a patient younger than 13 years of age, a dentist licensed under AS 08.36 must have a moderate sedation permit issued by the board.

(b) The requirement to obtain a permit to administer moderate or minimal sedation under this section does not apply to a dentist currently permitted under 12 AAC 28.010 to administer deep sedation and general anesthesia.

(c) A dentist who holds a permit under this section may not administer or employ an agent or technique that has so narrow a margin for maintaining consciousness that the agent or technique is most likely to produce deep sedation or general anesthesia. These agents include ketamine, propofol, brexival, and sodium pentothal.

(d) An applicant for an initial or renewed permit to administer moderate or minimal sedation under this section must

- (1) submit a completed application on a form provided by the board;
- (2) submit a dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with all applicable statutes and regulations;
- (3) submit, on a form provided by the board, a dated and signed affidavit attesting that the dentist's facility meets the requirements of this chapter for the administration of moderate or minimal sedation under this section;
- (4) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);
- (5) provide proof of current certification in advanced resuscitative techniques with hands-on simulated airway and megacode training for healthcare providers, including basic electrocardiographic interpretation; qualifying certification for an applicant who seeks to treat patients 13 years of age and older includes the American Heart Association's Advanced Cardiac Life Support (ACLS) for Health Professionals; qualifying certification for an applicant who seeks to treat patients younger than 13 years of age includes Pediatric Advanced Life Support (PALS) for Health Professionals; an applicant who seeks to treat patients of any age must also be certified in both ACLS for Health Professionals and PALS for Health Professionals or must be certified in equivalent qualifying certifications under this paragraph, one for advanced cardiac life support for health professionals and one for pediatric advanced life support for health professionals; and
- (6) submit the applicable fees specified in 12 AAC 02.190.

(e) In addition to meeting the requirements of (d) and (g) of this section,

(1) an applicant for an initial permit to administer moderate sedation to a patient who is at least 13 years of age under this section must provide documentation that the applicant completed either

(A) training in moderate sedation consistent with the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, as adopted by the American Dental Association (ADA) House of Delegates, October 2016, adopted by reference; the applicant must complete the training required under this subparagraph while enrolled in

(i) a dental program accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association; or

(ii) a post-doctoral university or teaching hospital program; or

(B) a board-approved continuing education course in sedation consistent with the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, adopted by reference in (A) of this paragraph, and required under 12 AAC 28.026; the course must consist of a minimum of 60 hours of instruction plus administration of sedation for at least 20 individually managed patients per participant to establish competency and clinical experience in moderate sedation and management of a compromised airway; and

(2) before administering moderate or minimal sedation to a patient younger than 13 years of age, an applicant for an initial permit must

(A) provide proof that the applicant completed an additional 30 hours of board-approved coursework in pediatric moderate sedation required under 12 AAC 28.027; and

(B) provide proof of administration of sedation for at least 20 individually managed patients younger than 13 years of age while under the supervision of a sedation provider holding a current moderate or deep sedation permit in good standing for patients under 13 years of age or an anesthesiologist or certified registered nurse anesthetist licensed in this state or another jurisdiction.

(f) In addition to meeting the requirements of (d) and (g) of this section, an applicant for an initial permit to administer moderate or minimal sedation only to patients who are younger than 13 years of age under this section must provide proof of administration of sedation for at least 20 individually managed patients younger than 13 years of age to establish competency and clinical experience in management of a compromised airway, and provide documentation that the applicant has completed a Commission on Dental Accreditation (CODA) accredited residency in pediatric dentistry.

(g) In addition to meeting the requirements of (d) and (e) of this section, or (f) of this section if administering moderate or minimal sedation to a patient who is younger than 13 years of age, an applicant for an initial permit to provide moderate sedation and minimal sedation under this section must provide documentation that

(1) within three years immediately before application, the applicant completed training or education as required in this section in moderate sedation;

(2) if more than three years but less than five years have elapsed since completing training or education as required in this section in moderate sedation, the applicant completed all continuing education that would have been required for a permit under this section;

(3) if more than three years but less than five years have elapsed since completing training or education as required in this section in moderate sedation, the applicant completed a comprehensive review course approved by the board in moderate sedation;

(4) if more than five years have elapsed since completing training or education as required in this section in moderate sedation, the applicant holds a permit for moderate sedation from another jurisdiction where the applicant is also licensed to practice dentistry and where the applicant completed at least 25 anesthesia cases at the moderate sedation level not earlier than the 24 months immediately preceding application; or

(5) demonstrates current competency to the satisfaction of the board that the applicant has skill in moderate sedation to safely deliver moderate sedation services to the public.

(h) In addition to meeting the requirements of (d) of this section, on or after March 1, 2019, a dentist who seeks to renew a permit to administer moderate or minimal sedation under this section must

(1) during each biennial licensing period participate in four or more contact hours of continuing education that relates specifically to hands-on advanced airway management; contact hours earned from certification in health care provider basic life support (BLS), advanced cardiac life support (ACLS), and pediatric advanced life support (PALS) courses may be used to meet the continuing education requirements for obtaining or renewing a permit to administer moderate or minimal sedation under this section; if the permit holder provides

(A) moderate or minimal sedation for patients younger than 13 years of age, the course must be a pediatric course;

(B) moderate or minimal sedation for patients older and younger than 13 years of age, at least four contact hours of continuing education must relate specifically to hands-on advanced airway management of patients older than 13 years of age, and at least four additional contact hours of continuing education must relate specifically to hands-on advanced airway management of patients younger than 13 years of age;

(2) during each biennial licensing period participate in four contact hours of continuing education that focuses on one or more of the following:

(A) venipuncture;

(B) intravenous sedation;

(C) enteral sedation;

(D) physiology;

(E) pharmacology;

(F) nitrous oxide analgesia;

(G) patient evaluation, patient monitoring, or medical emergencies;

(3) complete at least 25 moderate sedation cases each biennial renewal period;

(4) maintain continuing education records that can be audited, including course titles, instructors, dates attended, sponsors, and number of contact hours for each course; and

(5) if seeking to renew a permit to administer moderate or minimal sedation to a patient younger than 13 years of age,

(A) meet the requirement of this section;

(B) provide documentation that at least 10 of the 25 moderate sedation cases were individually managed patients younger than 13 years of age.

(i) A dentist who holds a permit for parenteral sedation that the board issued before April 14, 2018 will be issued a moderate sedation permit immediately.

(j) After March 1, 2019, in order to provide moderate or minimal sedation to patients younger than 13 years of age, a dentist who holds a moderate sedation permit for a patient 13 years of age or older must

(1) provide proof of an additional 30 hours of board-approved continuing education in pediatric moderate sedation required under 12 AAC 28.027; and

(2) provide proof of administration of sedation for at least 20 individually managed patients younger than 13 years of age while under the supervision of a sedation provider holding a current moderate or deep sedation permit in good standing for patients under 13 years of age or an anesthesiologist or certified registered nurse anesthetist licensed in this state or another jurisdiction.

(k) A dentist who has met the requirements of this section to administer moderate or minimal sedation to patients younger than 13 years of age will be issued a permit that so indicates.

(l) A permit to administer moderate or minimal sedation under this section

(1) will be renewed when the dentist's license to practice is renewed if the dentist demonstrates continued compliance with AS 08.36 and this chapter;

(2) lapses or expires on the date the dentist's license lapses or expires; and

(3) may be reinstated if the permit has lapsed more than 60 days but less than two years if the applicant submits

(A) a completed application for renewal on a form provided by the department;

(B) the applicable renewal fee established in 12 AAC 02.190; and

(C) evidence of continuing education and documentation of sedation cases required by (h)(1), (2), (3), and (5) of this section, as applicable; the sedation cases required under this subparagraph must be completed while holding a current moderate sedation permit, or while under the supervision of a current deep sedation and general anesthesia permit holder, or an anesthesiologist or certified registered nurse anesthetist.

(m) For purposes of this section,

(1) one contact hour equals 50 minutes of instruction;

(2) one academic semester credit hour equals 15 contact hours;

(3) one academic quarter credit equals 10 contact hours; and

(4) one continuing education credit equals one contact hour.

(n) Credit is given only for class hours and not hours devoted to class preparation.

Authority:	AS 08.01.065	AS 08.36.100	AS 08.36.234
	AS 08.36.070	AS 08.36.110	AS 08.36.250

Editor's note: A copy of the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, adopted by reference in 12 AAC 28.015, or an electronic equivalent may be obtained by contacting the American Dental Association, 211 East Chicago Ave., Chicago, Illinois 60611-2678; Internet address: http://www.ada.org/en/~media/ADA/Advocacy/Files/anesthesia_use_guidelines.

12 AAC 28.020. OPERATIVE PROCEDURE. Repealed 6/24/2012.

12 AAC 28.025. BOARD APPROVAL OF COURSEWORK OR CONTINUING EDUCATION IN MODERATE SEDATION, OR MINIMAL SEDATION OF PATIENTS YOUNGER THAN 13 YEARS OF AGE. The board may upon its own motion or upon the request of any interested person, approve coursework required under 12 AAC 28.015(e)(2)(A) or continuing education required under 12 AAC 28.015(e)(1)(B) or (j)(1) upon receipt of

(1) a completed form provided by the department that includes the name of the college or university providing the course, or if the course is completed through a continuing education course, the name of the sponsor, accredited program and faculty member presenting the course;

(2) a course outline that verifies inclusion of the subjects and procedures required under

(A) 12 AAC 28.026 if certification to administer moderate sedation only for patients 13 years of age and older is sought; and

(B) 12 AAC 28.027 if certification to administer moderate or minimal sedation only for patients younger than 13 years

of age is sought; and

(3) an explanation of the evaluation procedures used to determine successful completion of the course.

Authority: AS 08.36.070

12 AAC 28.026. REQUIREMENTS FOR DOCUMENTATION OF TRAINING OR A CONTINUING EDUCATION COURSE IN MODERATE SEDATION FOR PATIENTS 13 YEARS OF AGE AND OLDER.

(a) Documentation of training or a continuing education course required under 12 AAC 28.015(e)(1)(B) for an initial permit in moderate sedation only for patients 13 years of age and older must include

(1) a certification of competence in moderate sedation techniques;

(2) a certification of competence in rescuing patients from a deeper level of sedation than intended, including managing the airway, intravascular or intraosseous access, and reversal medications;

(3) a provision by the course director or faculty of additional clinical experience if participant competency has not been achieved in the time allotted; and

(4) records of instruction and clinical experience that are maintained and available for participant review, including the number of patients managed by each participant in each modality or route.

(b) To receive board approval, a continuing education course required under 12 AAC 28.015(e)(1)(B) for an initial permit in moderate sedation for patients 13 years of age and older must be certified by the American Dental Association (ADA) Continuing Education Recognition Program (CERP), or the Academy of General Dentistry (AGD) Program for Continuing Education (PACE).

Authority: AS 08.36.070

12 AAC 28.027. REQUIREMENTS FOR COURSEWORK OR CONTINUING EDUCATION IN MODERATE SEDATION AND MINIMAL SEDATION FOR PATIENTS YOUNGER THAN 13 YEARS OF AGE. To receive board approval for coursework required under 12 AAC 28.015(e)(2)(A) or continuing education under 12 AAC 28.015(j)(1), the coursework or continuing education must be certified by the American Dental Association (ADA) Continuing Education Recognition Program (CERP), the Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE), or the American Academy of Pediatric Dentistry (AAPD), or offered by other organizations approved by the board including, the American Dental Society of Anesthesiology (ADSA), and the Society for Pediatric Sedation (SPS). Course titles and outlines must be provided to the board and must include the following subject areas:

- (1) physical, psychological, and social child development, and age-appropriate behavior response;
- (2) principles and objectives of sedation and anesthesia as behavior guidance techniques in children, and indication and contraindications for sedatives and their use;
- (3) prevention, recognition, treatment, and management of pharmacological related emergencies in pediatric patients, and rescuing a child from a deeper level of sedation than intended;
- (4) pre-operative evaluation and risk assessment of the pediatric patient;
- (5) assessing the effects of pharmacologic agents on the pediatric patient;
- (6) at least three hours of hands-on simulated airway management specific to the pediatric patient;
- (7) pediatric patient monitoring; and
- (8) recovery room management and pediatric post-operative appraisal and follow-up.

Authority: AS 08.36.070

12 AAC 28.030. PERSONS OTHER THAN PERMIT HOLDERS. (a) In addition to a dentist holding a valid permit under 12 AAC 28.010 or 12 AAC 28.015, the following persons may administer deep sedation, general anesthesia, or moderate sedation:

(1) a certified registered nurse anesthetist with a valid license under AS 08.68 and 12 AAC 44 from the Board of Nursing;

(2) a physician with a valid license under AS 08.64 and 12 AAC 40 from the State Medical Board to practice anesthesiology.

(b) A dentist employing or collaborating with a person described in (a)(1) or (2) of this section must establish a written agreement with that person to guarantee that, when deep sedation, general anesthesia, or moderate sedation is provided, all facility, equipment, monitoring, and training requirements for all personnel under this chapter have been met. The dentist shall provide the written agreement to the board.

(c) The dentist employing or collaborating with a person described in (a)(1) or (2) of this section must

(1) hold a current registration to prescribe and administer controlled substances in this state issued by the United States Drug Enforcement Administration (DEA);

(2) provide all dental treatment and ensure that the person described in (a)(1) or (2) of this section remains in the dental facility until the patient receiving anesthesia or sedation services is discharged;

(3) ensure that all sedation and anesthesia records provided by the person described in (a)(1) or (2) of this section are maintained as a permanent part of the patient's treatment record; and

(4) notify the board at the initiation of the employment or collaboration by filing notice of the written agreement, on a form provided by the board; the dentist must notify the board of any amendments to the agreement when a dental license is renewed.

Authority: AS 08.36.070

12 AAC 28.040. INFORMED WRITTEN CONSENT. Before administering deep sedation, general anesthesia, or moderate sedation, and before administering minimal sedation to a patient younger than 13 years of age, a dentist shall

(1) discuss with the patient, or with the patient's parent, legal guardian, or caregiver if the patient is younger than 13 years of age, the nature and objectives of the sedation and anesthesia along with the risks, benefits, and alternatives;

(2) obtain informed written consent of the patient or of the parent or legal guardian; and

(3) maintain a copy of the informed written consent in the patient's permanent record.

Authority: AS 08.36.070

12 AAC 28.050. MEDICAL HISTORY. (a) Before administering deep sedation, general anesthesia, or moderate sedation to a patient, and before administering minimal sedation to a patient younger than 13 years of age, a dentist shall

(1) obtain and record the patient's medical history, including

(A) a description of all current treatments;

- (B) all current medications and dosages;
 - (C) assessment of the patient's Body Mass Index (BMI);
 - (D) impending operations;
 - (E) pregnancies; and
 - (F) other information that may be helpful to the person administering the sedation or anesthesia; and
- (2) record the questions asked of and answers received from the patient, parent, legal guardian, or caregiver, signed by the patient, parent, legal guardian, or caregiver, as a permanent part of the patient's treatment record.
- (b) The dentist is not required to make a medical examination of the patient and draw medical diagnostic conclusions. If the dentist suspects a problem and calls in a physician for an examination, the dentist may rely upon the physician's conclusion and diagnosis.

Authority: AS 08.36.070

12 AAC 28.060. REQUIREMENTS FOR ADMINISTERING DEEP SEDATION, GENERAL ANESTHESIA, MODERATE SEDATION, OR MINIMAL SEDATION FOR A PATIENT YOUNGER THAN 13 YEARS OF AGE. (a) The document *Guidelines for the Use of Sedation and General Anesthesia by Dentists*, as adopted by the American Dental Association (ADA) House of Delegates, October 2016, is adopted by reference as the standards for administering deep sedation, general anesthesia, and moderate sedation to patients 13 years of age and older and applies to all licensees subject to this chapter, unless otherwise specified in this chapter.

(b) The document *Guideline for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures*, developed and endorsed by the American Academy of Pediatrics and the American Academy of Pediatric Dentistry, adopted in 2006 and reaffirmed in 2011, is adopted by reference as the standards for administering deep sedation, general anesthesia, moderate sedation, and minimal sedation to patients younger than 13 years of age and applies to all licensees subject to this chapter, unless otherwise specified in this chapter.

(c) When a patient younger than 13 years of age requires sedation or anesthesia, a sedating medication may not be prescribed for or administered to that patient before the patient arrives at the dentist's facility.

(d) When deep sedation, general anesthesia, moderate sedation, or minimal sedation to a patient younger than 13 years old is administered, the dentist

(1) shall record baseline vital signs before administration of a controlled substance and before discharge, unless the patient's behavior prevents this determination; in this paragraph "controlled substance" has the meaning given in AS 11.71.900;

(2) repealed 12/9/2018;

(3) shall record sedation and anesthesia records in a timely manner; the records must include

(A) blood pressure;

(B) heart rate;

(C) respiration;

(D) blood oxygen saturation;

(E) drugs administered, including dosages, the time that drugs were administered, and the route of administration;

(F) the length of the procedure;

(G) the patient's temperature; if depolarizing medications or volatile anesthetics are administered, temperature must be monitored constantly; and

(H) any complications from anesthesia or sedation;

(4) shall stop the dental procedure if a patient enters a deeper level of sedation than the dentist is permitted to provide until the patient returns to, and is stable at, the intended level of sedation; while returning the patient to the intended level of sedation, the patient's pulse, respiration, blood pressure, and pulse oximetry must be monitored and recorded at least every five minutes;

(5) may not discharge a patient until the person who administered the sedation or anesthesia, or another practitioner qualified to administer the same level of sedation or anesthesia, determines that the patient's level of consciousness, oxygenation, ventilation, and circulation are satisfactory for discharge and vital signs have been taken and recorded;

(6) shall give postoperative instructions verbally and in writing; the written instructions must include a 24-hour emergency telephone number that directly calls the dental provider;

(7) shall discharge the patient to a responsible individual who has been instructed with regard to the patient's care; and

(8) shall make a discharge entry in the patient's record describing the patient's condition upon discharge and the responsible party to whom the patient was discharged.

(e) When deep sedation, general anesthesia, moderate sedation, or minimal sedation to a patient younger than 13 years of age is administered, the dentist's facility shall

(1) have an operating table or chair that permits the patient to be positioned so the operating team can maintain the airway, quickly alter patient position in an emergency, and provide a firm platform for the administration of basic life support;

- (2) have a lighting system that is adequate to permit evaluation of the patient's skin and mucosal color, and a backup lighting system of sufficient intensity to permit conclusion of the operation when power fails;
- (3) have suction equipment capable of aspirating gastric contents from the mouth and pharyngeal cavities, and a backup suction device that does not depend on power supply from the facility;
- (4) have an oxygen delivery system with adequate full face masks and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, and an adequate portable backup system;
- (5) have a recovery area that has available oxygen, adequate lighting, suction, and electrical outlets, though the recovery area can be the operating area;
- (6) have a defibrillator or automated external defibrillator (AED) available and in reach within 60 seconds from any area where anesthesia or sedation is administered;
- (7) have written basic emergency procedures established and maintain a staff of supervised personnel capable of handling procedures, complications, and emergency incidents; all personnel involved in patient care must hold a certification in healthcare professional cardiopulmonary resuscitation (CPR);
- (8) conduct a training exercise at least two times each calendar year and log each exercise; the log must be signed and dated and must include
 - (A) the names and positions of facility personnel or practitioners present;
 - (B) proof of current certification in cardiopulmonary resuscitation (CPR), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS) for each person involved in patient care; and
 - (C) a completed checklist provided by the board, or an equivalent, to establish competency in handling procedures, complications, and emergency incidents;
- (9) maintain the following equipment and drugs in the facility and available for immediate use:
 - (A) oral and nasal airways of various sizes;
 - (B) a supra-glottic airway device;
 - (C) a blood pressure cuff of appropriate size and stethoscope, or equivalent monitoring devices;
 - (D) a pulse oximeter;
 - (E) a respiratory monitoring device;
 - (F) adequate equipment to establish an intravenous infusion, including hardware and fluids;
 - (G) a narcotic antagonist;
 - (H) a corticosteroid;
 - (I) a bronchodilator;
 - (J) an anticholinergic;
 - (K) an antiarrhythmic;
 - (L) an antihistamine;
 - (M) a coronary artery vasodilator;
 - (N) a benzodiazepine antagonist;
 - (O) sterile needles, syringes, tourniquets, and tape;
 - (P) epinephrine;
 - (Q) an antiemetic; and
 - (R) 50 percent dextrose or other anti-hypoglycemic; and
- (10) display a permit for moderate sedation, deep sedation, or general anesthesia and current dental license in a conspicuous place where the dentist practices.

Authority: AS 08.36.070

Editor's note: A copy of the *Guidelines for the Use of Sedation and General Anesthesia by Dentists*, adopted by reference in 12 AAC 28.060, or an electronic equivalent may be obtained by contacting the American Dental Association, 211 East Chicago Ave., Chicago, Illinois 60611-2678; Internet address: http://www.ada.org/~media/ADA/Education%20and%20Careers/Files/anesthesia_use_guidelines.pdf.

An electronic copy of the *Guideline for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures*, adopted by reference in 12 AAC 28.060, may be obtained from the American Academy of Pediatric Dentistry; Internet address: http://www.aapd.org/media/Policies_Guidelines/G_Sedation.pdf.

12 AAC 28.061. ADDITIONAL REQUIREMENTS FOR ADMINISTERING DEEP SEDATION OR GENERAL ANESTHESIA. In addition to meeting the requirements of 12 AAC 28.060, when deep sedation or general anesthesia is administered,

- (1) the dentist's facility must have an operating area large enough to adequately accommodate the patient on a table or in an operating chair and permit an operating team consisting of at least three individuals to freely move about the patient;
- (2) the dentist's facility must have a laryngoscope complete with an adequate selection of blades, spare batteries, and bulbs;
- (3) the dentist's facility must have endotracheal tubes and appropriate connectors, a supra-glottic airway device, and other appropriate equipment necessary to do an intubation;

- (4) the dentist's facility must have a tonsillar or pharyngeal suction tip adaptable to all outlets;
- (5) the dentist's facility must have endotracheal tube forceps;
- (6) the dentist's facility must have an electrocardiographic monitor;
- (7) the dentist shall use an end-tidal carbon dioxide monitor to monitor respiration;
- (8) the dentist's facility must have the following emergency equipment and drugs in the facility and available for immediate use:
 - (A) a vasopressor;
 - (B) a muscle relaxant;
 - (C) intravenous medications for treatment of cardiac arrest;
 - (D) an antihypertensive;
 - (E) an anticonvulsant; and
 - (F) dantrolene sodium or its equivalent if administering general anesthesia by means of inhalation;
- (9) the provider administering deep sedation or general anesthesia shall establish and maintain a secured intravenous line throughout the procedure, unless poor patient cooperation prevents placement or the ability to maintain the line;
- (10) the provider administering deep sedation or general anesthesia shall remain in the operator room to monitor the patient continuously until the patient is responsive and recovery care can be transferred to a staff member capable of handling procedures, complications, and emergency incidents related to the type of sedation or anesthesia used;
- (11) the provider who administered deep sedation or general anesthesia, or another licensed practitioner qualified to administer the same level of sedation or anesthesia, shall remain on the premises of the dentist's facility until the patient has regained consciousness and is discharged;
- (12) if the deep sedation or general anesthesia provider is the treating dentist, the treatment team shall include a second trained person to monitor and observe the patient at all times during the procedure, and a third person to assist the dentist; and
- (13) the provider must continually monitor a patient's heart rate, blood pressure, and respiration using electrocardiographic monitoring, pulse oximetry, a blood pressure monitoring device, and a respiration monitoring device.

Authority: AS 08.36.070

12 AAC 28.062. ADDITIONAL REQUIREMENTS FOR ADMINISTERING MODERATE SEDATION, OR MINIMAL SEDATION FOR A PATIENT YOUNGER THAN 13 YEARS OF AGE. In addition to meeting the requirements of 12 AAC 28.060, when moderate sedation is administered to a patient of any age, or minimal sedation is administered to a patient younger than 13 years of age,

- (1) the dentist's facility must have an operating area of size and design to permit access of emergency equipment and personnel and to permit effective emergency management;
- (2) the dentist shall use an end-tidal carbon dioxide monitor or a pre-cordial stethoscope to monitor respiration;
- (3) the treatment team shall consist of the treating dentist and a second person to assist, monitor, and observe the patient; both the treating dentist and the second person shall be in the operating area with the patient throughout the dental procedure; and
- (4) the dentist shall continually monitor the patient's heart rate, blood pressure, and respiration using electrocardiographic monitoring, pulse oximetry, a blood pressure monitoring device, and a respiration monitoring device, unless the patient's behavior prevents it and is documented in the patient record.

Authority: AS 08.36.070

12 AAC 28.065. EXCEPTIONS TO PERMIT REQUIREMENTS UNDER 12 AAC 28.010 - 12 AAC 28.080. The requirement to obtain a permit under 12 AAC 28.010 or 12 AAC 28.015 does not apply to

- (1) the administration of local anesthesia;
- (2) the administration of nitrous oxide sedation to patients of any age if the delivery system for the nitrous oxide-oxygen contains a mechanism that guarantees that an oxygen concentration of at least 25 percent will be administered to the patient at all times during the administration of the nitrous oxide;
- (3) the administration of an oral medication to achieve minimal sedation if
 - (A) the patient is 13 years of age or older;
 - (B) the dose of the administered drug is within the United States Food and Drug Administration's (FDA) recommended dose as printed in that agency's approved labeling for unmonitored home use; the dentist may not use a second drug without obtaining a permit under 12 AAC 28.010 or 12 AAC 28.015, as applicable;
 - (C) the dose of the administered drug is used in combination with nitrous oxide or oxygen and does not exceed minimal sedation; and
 - (D) the patient is re-appointed if the intended level of minimal sedation is not achieved; or
- (4) the administration of deep sedation, general anesthesia, moderate sedation, or minimal sedation in a licensed hospital, a state-operated hospital, or a facility directly maintained or operated by the federal government.

Authority: AS 08.36.070 AS 08.36.315 AS 08.36.360

12 AAC 28.068. INSPECTIONS. (a) A licensed dentist who holds a permit for deep sedation or general anesthesia under 12 AAC 28.010, or holds a permit for moderate sedation or minimal sedation for patients younger than 13 years of age under 12 AAC 28.015, must obtain at least once every four years an on-site inspection where sedation or anesthesia is provided. The inspection must be conducted by an organization approved by the board under (b) of this section. If the permit holder provides anesthesia or sedation in more than one office, the permit holder must choose one office for the inspection and provide an attestation that all the same inspection standards have been met in each office where anesthesia or sedation is provided.

(b) Organizations approved by the board to perform an on-site inspection of a dental office where anesthesia or sedation is provided include

- (1) the Accreditation Association for Dental Offices (AAFDO);
- (2) the American Association of Oral and Maxillofacial Surgeons (AAOMS);
- (3) the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF);
- (4) the Accreditation Association for Ambulatory Health Care (AAAHC); or
- (5) other substantially equivalent organizations approved by the board that conduct inspections in accordance with applicable guidelines provided in the *Office Anesthesia Evaluation Manual*, Ninth Edition, 2019, adopted by reference.

(c) For anesthesia or sedation permits issued before August 8, 2020, an on-site inspection required under this section must be completed before the end of the first full licensing period after August 8, 2020.

(d) For initial anesthesia or sedation permits issued on or after August 8, 2020, an on-site inspection must be completed not later than two years after issuance.

(e) Unless otherwise provided under (c) or (d) of this section, a licensed dentist who seeks to renew a permit to administer deep sedation or general anesthesia under 12 AAC 28.010, or moderate sedation or minimal sedation for patients younger than 13 years of age under 12 AAC 28.015, must submit documentation of an on-site inspection by an organization approved by the board under (b) of this section within the four years preceding the end of the licensing period.

(f) If the inspection report submitted to the board finds that the equipment, facilities, or personnel training are inadequate to assure safe use of anesthesia or sedation, the board will allow for a follow-up inspection not later than 90 days after the date of the submitted report. If after review of the follow-up inspection the board finds that the equipment, facilities, or trained personnel are still inadequate to assure safe use of sedation or anesthesia, the board may deny issuance or renewal of a permit under 12 AAC 28.010 or 12 AAC 28.015, or order the dentist to immediately cease sedation or anesthesia services if provided under 12 AAC 28.030 by a certified registered nurse anesthetist or a physician.

Authority: AS 08.01.075 AS 08.01.087 AS 08.36.070

Editor's note: A copy of the *Office Anesthesia Evaluation Manual*, adopted by reference in 12 AAC 28.068, can be obtained by contacting the American Association of Oral and Maxillofacial Surgeons, 9700 West Bryn Mawr Avenue, Rosemont, Illinois 60018-5701.

12 AAC 28.070. SUSPENSION OR REVOCATION OF PERMIT. The board will automatically suspend or revoke a permit under 12 AAC 28.010 or 12 AAC 28.015 upon the suspension or revocation of the holder's license to practice dentistry in the state.

Authority: AS 08.36.070 AS 08.36.315 AS 08.36.320

12 AAC 28.080. MANDATORY REPORTING. (a) If a dental patient dies or experiences sedation or anesthesia complications that require hospitalization or emergency room care during or immediately after receiving sedation or general anesthesia, the dentist who treated the patient shall submit a written or electronic report of the incident to the board not later than 48 hours after learning of the death or hospitalization. The report must include

- (1) the name, age, and address of the patient;
- (2) the names of the dentist and of other personnel or providers present during the treatment;
- (3) the address of the facility where the treatment took place;
- (4) the medical history of the patient;
- (5) a description of the type of sedation or anesthetic that was used and the dosages of drugs administered to the patient;
- (6) a narrative description of the incident including approximate times and evolution of symptoms; and
- (7) as requested by the board, a designee of the board, or the board's investigator, additional information that is relevant to investigating the incident.

(b) Not later than 30 days after the receipt of a report required under (a) of this section, the board investigator may review the report, consult with a member of the board who is a dentist licensed under AS 08.36, and make a recommendation in writing as to whether further investigation by the board or the board's investigator should be made. The department will make a report of recommendations under this subsection at the next board meeting. If a recommendation by the department is that further investigation is not warranted, the department will make only a summary report. The board may accept the recommendation or request the department to make further investigations.

Authority: AS 08.01.087 AS 08.36.070 AS 08.36.315

12 AAC 28.090. DEFINITION. Repealed 4/13/91.

**ARTICLE 2.
EXAMINATIONS FOR DENTAL LICENSURE.**

Section

- 100. (Repealed)**
- 105. (Repealed)**
- 110. (Repealed)**
- 120. (Repealed)**
- 130. (Repealed)**
- 140. (Repealed)**
- 150. (Repealed)**
- 160. (Repealed)**
- 170. (Repealed)**
- 180. (Repealed)**
- 190. (Repealed)**
- 200. (Repealed)**
- 210. (Repealed)**
- 220. (Repealed)**
- 230. (Repealed)**
- 240. (Repealed)**
- 250. (Repealed)**
- 260. (Repealed)**
- 270. (Repealed)**
- 280. (Repealed)**
- 290. (Repealed)**
- 300. (Deleted)**

12 AAC 28.100. EXAMINERS APPOINTED. Repealed 5/29/98.

12 AAC 28.105. EXAMINATIONS. Repealed 10/19/2008.

12 AAC 28.110. IDENTIFICATION OF APPLICANT. Repealed 5/29/98.

12 AAC 28.120. OPERATORY ASSIGNED TO APPLICANT. Repealed 5/29/98.

12 AAC 28.130. EQUIPMENT. Repealed 5/29/98.

12 AAC 28.140. PATIENTS. Repealed 5/29/98.

12 AAC 28.150. ASSISTANTS. Repealed 5/29/98.

12 AAC 28.160. SECTIONS OF EXAMINATION. Repealed 5/29/98.

12 AAC 28.170. TIME ALLOWED FOR CLINICAL EXAMINATION. Repealed 5/29/98.

12 AAC 28.180. CRITERIA FOR TEETH TO BE RESTORED. Repealed 5/29/98.

12 AAC 28.190. LOCAL ANESTHESIA; RUBBER DAM. Repealed 5/29/98.

12 AAC 28.200. ITEMS TO BE TURNED IN TO THE BOARD. Repealed 5/29/98.

12 AAC 28.210. ALL WORK PERFORMED IN CLINIC BY APPLICANT. Repealed 5/29/98.

12 AAC 28.220. LABORATORY PROCEDURES. Repealed 5/29/98.

12 AAC 28.230. EXAMINERS MAY CONTACT PATIENT, TAKE PHOTOGRAPHS AND MODELS.
Repealed 5/29/98.

12 AAC 28.240. STEPS OF OPERATIONS CHECKED BY EXAMINERS. Repealed 5/29/98.

12 AAC 28.250. ERRORS OR OMISSIONS REQUIRING FAILING GRADE. Repealed 5/29/98.

12 AAC 28.260. GRADING OF A BOARD CONDUCTED CLINICAL EXAMINATION. Repealed 5/29/98.

12 AAC 28.270. COMPUTATION OF GRADE. Repealed 5/29/98.

12 AAC 28.280. NOTIFICATION OF GRADES. Repealed 5/29/98.

12 AAC 28.290. REEXAMINATION. Repealed 5/29/98.

12 AAC 28.300. DENIAL OF LICENSURE. Deleted 1/28/2000.

**ARTICLE 3.
ADMINISTRATION OF LOCAL ANESTHETIC AGENTS AND
NITROUS OXIDE SEDATION BY DENTAL HYGIENISTS.**

Section

310. (Deleted)

320. Application for certification to administer local anesthetic agents

325. Application for certification to administer nitrous oxide sedation

330. Approval of course of instruction

340. Requirements for course of instruction in local anesthetics

345. Requirements for course of instruction for administering nitrous oxide

350. Expiration of certification

360. Registry

12 AAC 28.310. ADMINISTRATION OF LOCAL ANESTHETIC AGENTS. Deleted 5/6/88.

12 AAC 28.320. APPLICATION FOR CERTIFICATION TO ADMINISTER LOCAL ANESTHETIC AGENTS. (a) The board will issue, to a dental hygienist licensed in this state, a certification to administer local anesthetic agents if the licensed hygienist submits

- (1) a completed, notarized application on the form provided by the department;
- (2) the applicable fees required in 12 AAC 02.190;
- (3) written verification of successful completion of an accredited college or university course of instruction in the administration of local anesthetics, approved by the board under 12 AAC 28.330 - 12 AAC 28.340; and
- (4) evidence of having passed the local anesthetic written and patient or mannequin based clinical components of the Western Regional Examining Board (WREB) dental hygienist examination or an equivalent examination, within the five years immediately preceding the date of application.

(b) Instead of meeting the requirements of (a)(4) of this section, an applicant who is currently licensed or certified in another licensing jurisdiction to administer local anesthetic agents may submit evidence showing that the

- (1) applicant's license or certification in that licensing jurisdiction is current and in good standing;
- (2) applicant has actively, as part of routine dental hygiene procedure, administered local anesthetic agents at least an average of once per week during the two years immediately preceding the date of application.

Authority: AS 08.32.110 AS 08.36.070

12 AAC 28.325. APPLICATION FOR CERTIFICATION TO ADMINISTER NITROUS OXIDE SEDATION. The board will issue a certification to administer nitrous oxide sedation under direct or indirect supervision to a dental hygienist licensed in this state if the hygienist

- (1) submits a completed, notarized application on the form provided by the department;
- (2) pays the applicable fee required in 12 AAC 02.190; and
- (3) provides written verification of successful completion of an accredited college or university course of instruction in the administration of nitrous oxide, approved by the board under 12 AAC 28.345.

Authority: AS 08.01.065 AS 08.32.110 AS 08.36.070

12 AAC 28.330. APPROVAL OF COURSE OF INSTRUCTION. The board may, upon its own motion or upon the request of any interested person, approve a course of instruction upon receipt of

- (1) the name of the college or university sponsoring the course;
- (2) the name of the accredited program and faculty member presenting the course;
- (3) a course outline that verifies inclusion of the subjects and procedures required under
 - (A) 12 AAC 28.340 if certification to administer local anesthesia is sought; or
 - (B) 12 AAC 28.345, if certification to administer nitrous oxide sedation is sought; and
- (4) an explanation of the evaluation procedures used to determine successful completion of the course.

Authority: AS 08.32.110 AS 08.36.070

12 AAC 28.340. REQUIREMENTS FOR COURSE OF INSTRUCTION IN LOCAL ANESTHETICS. A course of instruction in local anesthetics must include

- (1) at least 16 clock hours of didactic instruction;
- (2) at least eight clock hours of laboratory instruction during which time three injections each of the anterior palatine, incisive palatine, anterior and middle superior alveolar, posterior superior alveolar, inferior alveolar, mental, long buccal, and infiltration injections are administered;
- (3) clinical experience sufficient to establish the hygienist's ability to adequately anesthetize the entire dentition and supporting structures in a clinical setting, requiring not less than six clock hours, under the direct supervision of course faculty;
- (4) instruction in
 - (A) medical history evaluation procedures;
 - (B) anatomy of the head, neck and oral cavity as it relates to administering local anesthetic agents;
 - (C) pharmacology of local anesthetic agents, vasoconstrictors and preservatives, including physiologic actions, types of anesthetics, and maximum dose per weight;
 - (D) systemic conditions which influence selection and administration of anesthetic agents;
 - (E) signs and symptoms of reactions to local anesthetic agents, including monitoring of vital signs;
 - (F) management of reactions to, or complications associated with, the administration of local anesthetic agents to include
 - (i) a currently valid cardiopulmonary resuscitation certification card from either the American Heart Association or the American Red Cross; or
 - (ii) a provision for instruction and certification in cardiopulmonary resuscitation from an instructor certified in cardiopulmonary resuscitation by the American Heart Association or the American Red Cross as part of the course curriculum;
 - (G) selection and preparation of the armamentaria for administering various local anesthetic agents;
 - (H) methods of administering local anesthetic agents with emphasis on
 - (i) technique;
 - (ii) aspiration;
 - (iii) slow injection;
 - (iv) minimum effective dosage;
- (5) instruction by a faculty member of the college or university presenting the course; and
- (6) procedures for determining whether the hygienist has acquired the necessary knowledge and proficiency to administer local anesthetic agents.

Authority: AS 08.32.110

12 AAC 28.345. REQUIREMENTS FOR COURSE OF INSTRUCTION FOR ADMINISTERING NITROUS OXIDE. (a) To satisfy the requirements for a certification under 12 AAC 28.325, a course of instruction for administering nitrous oxide must be provided by an organization accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association or approved by the board.

(b) To satisfy the requirements for certification under 12 AAC 28.325, a course of instruction for administering nitrous oxide must include

- (1) a minimum of three hours of clinical instruction sufficient to establish the ability to
 - (A) inspect, operate, and decontaminate nitrous oxide delivery and scavenging systems;
 - (B) properly induce nitrous oxide sedation; and
 - (C) recognize and counteract complications;
- (2) a minimum of three hours of didactic instruction, including
 - (A) sedation techniques;
 - (B) physiology of respiration and pharmacology of nitrous oxide;
 - (C) nitrous oxide machines;
 - (D) induction techniques; and
 - (E) complications and their management; and

(3) procedures for determining whether the dental hygienist has acquired the necessary knowledge and proficiency to administer nitrous oxide sedation.

Authority: AS 08.32.110 AS 08.36.070

12 AAC 28.350. EXPIRATION OF CERTIFICATION. (a) A certification to administer local anesthetic agents or nitrous oxide sedation expires on the date the dental hygienist's license expires or is revoked or suspended.

(b) A certification to administer local anesthesia or nitrous oxide sedation remains active as long as the holder's dental hygiene license is active and in good standing.

(c) The board will notify a dental hygienist of initial certification to provide local anesthesia or nitrous oxide sedation and thereafter certification will be listed on the dental hygiene license.

Authority: AS 08.32.110 AS 08.36.070 AS 08.36.315

12 AAC 28.360. REGISTRY. The board will maintain a registry of all dental hygienists certified to administer local anesthetic agents or nitrous oxide sedation.

Authority: AS 08.32.110 AS 08.36.070

ARTICLE 4. CONTINUING PROFESSIONAL COMPETENCE REQUIREMENTS.

Section

- 400. Continuing education requirements for dentistry and dental hygienists licensees**
- 405. Continuing education requirements for first time renewal of a license**
- 410. Approved continuing education courses**
- 420. Report of continuing education**

12 AAC 28.400. CONTINUING EDUCATION REQUIREMENTS FOR DENTISTRY AND DENTAL HYGIENISTS LICENSEES. (a) Except as provided in 12 AAC 28.405(a), an applicant for renewal of a dentistry license shall submit evidence of continued professional competence by documenting

- (1) completion of at least 32 contact hours of continuing education;
- (2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of 12 AAC 28.920; and
- (3) if the applicant holds a valid federal Drug Enforcement Administration registration number, verification that the applicant has completed not less than two hours of continuing education in pain management and opioid use and addiction.

(b) Except as provided in 12 AAC 28.405(b), an applicant for renewal of a dental hygienist license shall submit evidence of continued professional competence by documenting

- (1) completion of at least 20 contact hours of continuing education; and
- (2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of 12 AAC 28.920.

(c) An applicant for renewal of a dental hygienist restorative function endorsement under 12 AAC 28.780 shall submit evidence of continued competence by documenting an additional two hours of continuing education relating to materials or techniques used for the restoration of teeth.

(d) For the purpose of this section,

- (1) one "contact hour" equals a minimum of 50 minutes of instruction;
- (2) one academic semester credit hour equals 15 contact hours;
- (3) one academic quarter credit hour equals 10 contact hours;
- (4) one continuing education unit equals one contact hour;
- (5) one continuing education credit equals one contact hour.

(e) Credit is given only for class hours and not hours devoted to class preparation.

(f) Except as provided under 12 AAC 02.965, the continuing education requirements of 12 AAC 28.010, 12 AAC 28.015, and 12 AAC 28.400 – 12 AAC 28.410 must be completed during the concluding licensing period.

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.344
AS 08.32.085 AS 08.36.250

12 AAC 28.405. CONTINUING EDUCATION REQUIREMENTS FOR FIRST TIME RENEWAL OF A LICENSE. (a) An applicant applying for renewal of a dentistry license for the first time shall submit evidence of continued professional competence by documenting

(1) completion of at least one-half of the number of contact hours of continuing education required by 12 AAC 28.400(a)(1) and (c) for each complete year that the applicant was licensed during the concluding licensing period; and

- (2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of 12 AAC 28.920.
- (b) An applicant applying for renewal of a dental hygienist license for the first time shall submit evidence of continued professional competence by documenting
 - (1) completion of at least one-half of the number of contact hours of continuing education required by 12 AAC 28.400(b)(1) and (c) for each complete year that the applicant was licensed during the concluding licensing period; and
 - (2) cardiopulmonary resuscitation (CPR) certification that meets the requirements of 12 AAC 28.920.

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.344
 AS 08.32.085 AS 08.36.250

12 AAC 28.410. APPROVED CONTINUING EDUCATION COURSES. (a) Except as provided in (c) of this section, and subject to the limits set out in (g) and (h) of this section, only the following courses will be accepted as continuing education under 12 AAC 28.400 — 12 AAC 28.420 and 12 AAC 28.880(b), and only if participation in those courses is verifiable and the subject matter contributes to the professional knowledge and development of the practitioner or enhances the ability to provide services to the patient:

- (1) courses, workshops, or symposiums approved, provided, or sponsored by the American Dental Hygienist’s Association (ADHA), Academy of General Dentistry (AGD), or American Dental Association (ADA);
- (2) other courses, workshops, or symposiums approved by the board that are offered by dental or dental hygiene colleges or universities, or similar dental or dental hygiene organizations or associations;
- (3) organized study club courses approved by the board;
- (4) self-study programs offered by a dental or dental hygiene college or university, the AGD, or the ADA that have been approved by the board.

(b) Repealed 1/15/2003.

(c) The continuing education contact hours required by 12 AAC 28.400 or 12 AAC 28.405 for renewal of a dentistry license or a dental hygienist license may include no more than four hours of CPR training for the entire renewal period.

(d) An applicant for renewal of a dentistry or dental hygienist license may receive contact hours of continuing education for the applicant’s presentation of a lecture or course that meets the requirements of (a) of this section. For the purpose of this section, contact hours for the presentation of a lecture or course will be awarded as follows:

- (1) three contact hours for each 50 minutes of an initial presentation; and
- (2) one contact hour for each 50 minutes of a repeat presentation.

(e) Acceptance or approval by the board under this section of a course, workshop, or symposium is valid for two years, if a change is not made to its content.

(f) If a change is made to the content of a course, workshop, or symposium or more than two years have passed since its acceptance or approval by the board, the course, workshop, or symposium must be resubmitted to the board for acceptance or approval under this section.

(g) Courses in practice management and risk management are limited to three hours per licensing period.

(h) Not more than two credit hours of continuing education may apply for at least two hours of volunteer service in a dental related setting.

(i) Not more than eight hours of continuing education taken through the Internet in a 24-hour period may apply to meet the continuing education hours required by 12 AAC 28.400 or 12 AAC 28.405.

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.344
 AS 08.32.085 AS 08.36.250

12 AAC 28.420. REPORT OF CONTINUING EDUCATION. (a) An applicant for renewal of a dentistry license or a dental hygienist license shall submit, on a renewal form provided by the department, a signed statement of compliance with the continuing education requirements under 12 AAC 28.400 – 12 AAC 28.410, as described in 12 AAC 02.960.

(b) An applicant for renewal is responsible for maintaining adequate and detailed records of continuing education courses taken, as described in 12 AAC 02.960(f), and shall make them available to the board upon request.

(c) Falsification of any written evidence submitted to the board under this section is grounds for license revocation or suspension under AS 08.32.160(1) and (5) and AS 08.36.315(1) and (7).

Authority: AS 08.32.071 AS 08.36.070 AS 08.36.315
 AS 08.32.160 AS 08.36.250

**ARTICLE 5.
 DENTAL HYGIENIST EXAMINATION.**

**Section
 500. (Repealed)**

12 AAC 28.500. DENTAL HYGIENIST EXAMINATION. Repealed 10/19/2008.

**ARTICLE 6.
PARENTERAL SEDATION.**

Section

- 600. (Repealed)**
- 610. (Repealed)**
- 620. (Repealed)**
- 630. (Repealed)**
- 640. (Repealed)**

12 AAC 28.600. ADMINISTRATION OF PARENTERAL SEDATION. Repealed 4/14/2018.

12 AAC 28.610. PARENTERAL SEDATION PERMIT. Repealed 4/14/2018.

12 AAC 28.620. EDUCATION, TRAINING, AND CERTIFICATION REQUIREMENTS. Repealed 4/14/2018.

12 AAC 28.630. EQUIPMENT, FACILITIES, AND STAFF STANDARDS. Repealed 4/14/2018.

12 AAC 28.640. MANDATORY REPORTING. Repealed 4/14/2018.

**ARTICLE 7.
PROFESSIONAL PRACTICES.**

Section

- 700. Identification of dental prosthesis**
- 710. (Repealed)**
- 720. (Repealed)**
- 730. Control over professional dental matters and operation of dental equipment**

12 AAC 28.700. IDENTIFICATION OF DENTAL PROSTHESIS. All non-metal full base dentures shall be permanently identified with the first initial and last name of the owner at the time of processing of the dentures.

Authority: AS 08.36.070

12 AAC 28.710. USE OF LASER DEVICES. Repealed 11/15/2005.

12 AAC 28.720. ADMINISTRATION OF NITROUS OXIDE. Repealed 4/14/2018.

12 AAC 28.730. CONTROL OVER PROFESSIONAL DENTAL MATTERS AND OPERATION OF DENTAL EQUIPMENT. In evaluating whether a person has engaged in the practice of dentistry under AS 08.36.360, the board will consider that a person "exercises control over professional dental matters or the operation of dental equipment" if the person determines, interprets, specifies, limits, prescribes, regulates, or otherwise controls by policy, lease, or other arrangement

(1) the use of dental equipment or material while the equipment or material is being used for the provision of dental treatment, whether the treatment is provided by the dentist, a dental hygienist, or a dental assistant;

(2) the selection of a course of treatment for the patient, the procedures, or materials to be used as part of the course of treatment and the manner in which the course of treatment is carried out by the dentist;

(3) the patient records of a dentist;

(4) policies and decisions relating to fees, rebates, billing, and advertising if the practice would result in the violation of AS 08.36 or this chapter, including the Principles of Ethics and Code of Professional Conduct adopted by reference under 12 AAC 28.905;

(5) decisions relating to the use of auxiliary personnel for the delivery of patient care in the dentist's practice and the hours of practice if the hours would impair the dentist's ability to safely and professionally deliver care for patients.

Authority: AS 08.36.070

AS 08.36.360

AS 08.36.367

ARTICLE 8.
RESTORATIVE FUNCTIONS BY DENTAL HYGIENISTS.

Section

750. Restorative functions by dental hygienists

760. Approval of restorative function courses for dental hygienists

770. Requirements for restorative function courses for dental hygienists

780. Renewal of dental hygienist's restorative function license endorsement

12 AAC 28.750. RESTORATIVE FUNCTIONS BY DENTAL HYGIENISTS. (a) The board will issue an endorsement to perform restorative functions to a dental hygienist licensed in this state who meets the requirements of AS 08.32.085 and this section.

(b) An applicant for an endorsement under this section must submit to the department

(1) a complete notarized application on a form provided by the department;

(2) the applicable fees under 12 AAC 02;

(3) verification that the applicant has successfully completed either

(A) a restorative function program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(B) another course of instruction approved by the board under 12 AAC 28.760; and

(4) verification that the applicant either

(A) is licensed in another state or United States territory to perform restorative functions; or

(B) within the five years immediately before the date of application for an endorsement under this section, the applicant has passed either the restorative function examination of the Western Regional Examining Board or a restorative function examination approved by the board as equivalent to the restorative function examination of the Western Regional Examining Board.

Authority: AS 08.32.085 AS 08.32.187 AS 08.36.070

12 AAC 28.760. APPROVAL OF RESTORATIVE FUNCTION COURSES FOR DENTAL HYGIENISTS. The board may, upon its own motion or upon request of any interested person, approve a course of instruction upon receipt of an application that includes

(1) the name of the course sponsor;

(2) the name and credentials of the course presenter; and

(3) a course outline showing that the course content meets the requirements of 12 AAC 28.770.

Authority: AS 08.32.085 AS 08.32.187 AS 08.36.070

12 AAC 28.770. REQUIREMENTS FOR RESTORATIVE FUNCTION COURSES FOR DENTAL HYGIENISTS. A course of instruction for restorative functions for dental hygienists must include

(1) the physical, chemical, and biological properties of dental materials, including amalgam and composite materials;

(2) the limitations and acceptability of a dental material based on the physical, chemical, and biological properties of the material;

(3) proper safety when using dental materials, including appropriate infection control and mercury hygiene;

(4) dental anatomy and occlusion;

(5) isolation procedures;

(6) proper placement and finishing of restorative materials;

(7) assessment outcomes that measure the stated goals and objectives;

(8) didactic course hours sufficient to meet the restorative course requirements of this section;

(9) laboratory experience to be able to place and finish all classes of restorations; and

(10) a required clinical proficiency to establish a demonstrated ability to place and finish all classes of restorations.

Authority: AS 08.32.085 AS 08.32.187 AS 08.36.070

12 AAC 28.780. RENEWAL OF DENTAL HYGIENIST'S RESTORATIVE FUNCTION LICENSE ENDORSEMENT. (a) A dental hygienist's endorsement to perform restorative functions lapses or expires on the date the dental hygienist's license lapses or expires.

(b) A dental hygienist's endorsement to perform restorative functions will be renewed when the dental hygienist's license to practice is renewed.

(c) The board will maintain a registry of dental hygienists who have an endorsement under AS 08.32.085 and 12 AAC 28.750 to perform restorative functions.

(d) An applicant for renewal of a dental hygienist endorsement to perform restorative functions must submit

(1) a completed application for renewal on a form provided by the department;

- (2) the applicable renewal fee established in 12 AAC 02.190;
- (3) documentation of successful completion of two hours of continuing education required under 12 AAC 28.400(c).

Authority: AS 08.32.071 AS 08.32.187 AS 08.36.070
AS 08.32.085

**ARTICLE 9.
CORONAL POLISHING AND RESTORATIVE FUNCTIONS
BY DENTAL ASSISTANTS.**

Section

- 810. Coronal polishing by dental assistants**
- 820. Approval of coronal polishing courses**
- 830. Requirements for coronal polishing courses**
- 840. Renewal of coronal polishing certificate**
- 850. Restorative functions by dental assistants**
- 860. Approval of restorative function courses for dental assistants**
- 870. Requirements for restorative function courses for dental assistants**
- 880. Renewal of dental assistant's restorative function certificate**

12 AAC 28.810. CORONAL POLISHING BY DENTAL ASSISTANTS. (a) The board will issue a certificate to perform coronal polishing to a dental assistant who meets the requirements of AS 08.36.342 and this section.

(b) An applicant for certification under this section must submit to the department

- (1) a complete, notarized application on a form provided by the department;
- (2) the following fees:
 - (A) \$60 nonrefundable application fee;
 - (B) \$60 certification fee;
- (3) either

(A) verification of successful completion of a course of instruction approved by the board under 12 AAC 28.820; or

(B) if the applicant is currently licensed or certified in another licensing jurisdiction to perform coronal polishing, evidence showing that the applicant's license or certificate to perform coronal polishing is current and in good standing in that licensing jurisdiction and a list of course of instruction for coronal polishing; the board will only approve the course of instruction under this subparagraph if it substantially complies with the requirements set out in 12 AAC 28.830.

Authority: AS 08.36.070 AS 08.36.342 AS 08.36.346

12 AAC 28.820. APPROVAL OF CORONAL POLISHING COURSES. The board may, upon its own motion or upon request of any interested person, approve a course of instruction upon receipt of an application that includes

- (1) the name of the course sponsor;
- (2) the name of the instructor presenting the course;
- (3) a course outline showing that the course content meets the requirements of 12 AAC 28.830;
- (4) an explanation of the evaluation procedures used to determine successful completion of the course.

Authority: AS 08.36.070 AS 08.36.342

12 AAC 28.830. REQUIREMENTS FOR CORONAL POLISHING COURSES. A course of instruction in coronal polishing must include didactic and clinical instruction in

- (1) characteristics of abrasives used for polishing;
- (2) aerosol production during polishing;
- (3) effects of heat production during polishing;
- (4) removal of tooth structure by polishing;
- (5) indications and contraindications of polishing;
- (6) selective polishing techniques;
- (7) coronal polishing by removing soft plaque and stain from exposed enamel utilizing appropriate rotary instrument and suitable polishing agent; and
- (8) proper infection control techniques while performing rotary coronal polishing.

Authority: AS 08.36.070 AS 08.36.342

12 AAC 28.840. RENEWAL OF CORONAL POLISHING CERTIFICATE. (a) A dental assistant certificate to perform coronal polishing must be renewed biennially on or before February 28 of odd-numbered years. In order to renew a certificate to perform coronal polishing, a dental assistant must submit to the department a

- (1) completed application for renewal on a form provided by the department; and
- (2) \$60 certificate renewal fee.

(b) The board will maintain a registry of dental assistants certified to perform coronal polishing under AS 08.36.342.

Authority: AS 08.36.070 AS 08.36.342

12 AAC 28.850. RESTORATIVE FUNCTIONS BY DENTAL ASSISTANTS. (a) The board will issue a certificate to perform restorative functions to a dental assistant in this state who meets the requirements of AS 08.36.344 and this section.

(b) An applicant for certification under this section must submit to the department

- (1) a complete, notarized application on a form provided by the department;
- (2) the following fees:
 - (A) \$60 nonrefundable application fee;
 - (B) \$60 certification fee;

(3) verification that the applicant has successfully completed either

(A) a restorative function program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(B) another course of instruction approved by the board under 12 AAC 28.860; and

(4) verification that the applicant either

(A) has legal authorization from another state or jurisdiction to perform restorative functions; or

(B) within the five years immediately before the date of application for a certificate under this section, the applicant has passed either the restorative function examination of the Western Regional Examining Board or a restorative function examination approved by the board as equivalent to the restorative function examination of the Western Regional Examining Board.

Authority: AS 08.36.070 AS 08.36.344

12 AAC 28.860. APPROVAL OF RESTORATIVE FUNCTION COURSES FOR DENTAL ASSISTANTS. The board may, upon its own motion or upon request of any interested person, approve a course of instruction upon receipt of an application that includes

- (1) the name of the course sponsor;
- (2) the name and credentials of the course presenter; and
- (3) a course outline showing that the course content meets the requirements of 12 AAC 28.870.

Authority: AS 08.36.070 AS 08.36.344

12 AAC 28.870. REQUIREMENTS FOR RESTORATIVE FUNCTION COURSES FOR DENTAL ASSISTANTS. (a) A course of instruction for restorative functions for dental assistants must include

(1) the physical, chemical, and biological properties of dental materials, including amalgam and composite materials;

(2) the limitations and acceptability of a dental material based on the physical, chemical, and biological properties of the material;

(3) proper safety when using dental materials, including appropriate infection control and mercury hygiene;

(4) dental anatomy and occlusion;

(5) isolation procedures;

(6) proper placement and finishing of restorative materials;

(7) assessment outcomes that measure the stated goals and objectives;

(8) classroom hours sufficient to meet the restorative course requirements of this section;

(9) laboratory experience to be able to place and finish all classes of restorations; and

(10) a required clinical proficiency to establish a demonstrated ability to place and finish all classes of restorations.

Authority: AS 08.36.070 AS 08.36.344

12 AAC 28.880. RENEWAL OF DENTAL ASSISTANT'S RESTORATIVE FUNCTION CERTIFICATE. (a) A dental assistant's restorative function certificate must be renewed biennially on or before February 28 of odd-numbered years. In order to renew a certificate to perform restorative function, a dental assistant must submit to the department

- (1) a completed application for renewal on a form provided by the department;
- (2) the \$60 certificate renewal fee; and

- (3) documentation of completion of two hours of continuing education required under (b) of this section.
- (b) An applicant for renewal of a dental assistant restorative function certificate shall complete two hours of continuing education approved under 12 AAC 28.410(a) relating to materials or techniques used for restoration of teeth.
- (c) The board will maintain a registry of dental assistants certified under AS 08.36.344 and 12 AAC 28.850 to perform restorative functions.
- (d) A dental assistant restorative function certificate may not be renewed if the certificate has lapsed for two years or more.

Authority: AS 08.36.070 AS 08.36.344

**ARTICLE 10.
GENERAL PROVISIONS.**

Section

- 900. Current address**
- 905. Ethical standards**
- 906. Disciplinary sanctions**
- 908. Additional qualifications for licensure**
- 910. Denial of dental license**
- 912. Denial of dental hygiene license**
- 915. (Repealed)**
- 920. CPR certification**
- 925. Lapsed licenses**
- 930. (Repealed)**
- 935. Dental hygienist licensure by examination**
- 936. Advanced practice permits**
- 937. Dental hygienist licensure by credentials**
- 938. Dental educational requirements**
- 940. Dental licensure by examination**
- 950. (Repealed)**
- 951. Dental licensure by credentials**
- 952. (Repealed)**
- 953. Registration with the prescription drug monitoring program controlled substance prescription database**
- 954. Temporary permit**
- 955. Courtesy license**
- 956. Collaborative agreement requirements**
- 957. Maximum dosage of an opioid for acute pain**
- 958. Temporary military courtesy license**
- 959. Dental specialist license**
- 960. (Repealed)**
- 965. (Repealed)**
- 970. (Repealed)**
- 990. Definitions**

12 AAC 28.900. CURRENT ADDRESS. A licensee shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file for an active, inactive or lapsed license is the address of the licensee for official communications, notifications and service of legal process.

Authority: AS 08.36.070(a) AS 08.36.080

12 AAC 28.905. ETHICAL STANDARDS. (a) The "Code of Ethics for Dental Hygienists", as set out in the American Dental Hygienists' Association document titled *Bylaws – Code of Ethics*, dated June 2018, is adopted by reference as the ethical standards for dental hygienists, and applies to all dental hygienists in the state.

(b) The American Dental Association's *Principles of Ethics and Code of Professional Conduct*, with official advisory opinions revised to November 2018, is adopted by reference as the ethical standards for dentists, and applies to all dentists in the state.

Authority: AS 08.01.070 AS 08.36.070 AS 08.36.110
AS 08.32.160

Editor's note: A copy of the "Code of Ethics for Dental Hygienists," adopted by reference in 12 AAC 28.905, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska, or may be obtained from the American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611-3980; Internet <https://www.adha.org>. A copy of the *Principles of Ethics and Code of Professional Conduct*, adopted by reference in 12 AAC 28.905, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska, or may be obtained from the American Dental Association, Council on Ethics, Bylaws and Judicial Affairs, 211 East Chicago Avenue, Chicago, IL 60611; Internet <https://www.ada.org>.

12 AAC 28.906. DISCIPLINARY SANCTIONS. The following acts, in addition to those specified in AS 08.36.315, constitute grounds for disciplinary sanctions:

- (1) failing to prepare and maintain accurate, complete, and legible records in accordance with generally accepted standards of practice for each patient or to make those records available to the board or the board's representatives for inspection for investigation purposes;
- (2) failing to provide copies of complete patient records in the licensee's custody and control within 30 days after receipt of a written request from the patient or the patient's guardian;
- (3) failing to cooperate with an official investigation by the board or the board's representatives, including failing to timely provide requested information;
- (4) failing to allow the board or the board's representative, upon written request, to examine and have access to records maintained by the licensee that relate to the licensee's practice under AS 08.36;
- (5) failing to report to the board, not later than 30 days after the effective date of the action, any disciplinary action against the licensee taken by another licensing jurisdiction, health care entity, or law enforcement agency.

Authority: AS 08.36.070 AS 08.36.315

12 AAC 28.908. ADDITIONAL QUALIFICATIONS FOR LICENSURE. (a) In addition to the requirements of AS 08.32 and the other requirements of this chapter, to be eligible for licensure as a dental hygienist an applicant shall provide, with the application, on a form provided by the department and signed by the applicant,

- (1) a statement that the applicant understands that a licensed dental hygienist shall adhere to the ethical standards for dental hygienists that are established by the board, and that failure to adhere to the ethical standards may result in the imposition of a sanction that is described in AS 08.32.160; and
- (2) a certification that the applicant, if licensed as a dental hygienist, will adhere to the ethical standards.

(b) In addition to the requirements of AS 08.36 and the other requirements of this chapter, to be eligible for licensure as a dentist, an applicant shall provide, with the application, on a form provided by the department and signed by the applicant,

- (1) a statement that the applicant understands that a licensed dentist shall adhere to the ethical standards for dentists that are established by the board, and that failure to adhere to the ethical standards may result in the imposition of a sanction that is described in AS 08.36.315; and
- (2) a certification that the applicant, if licensed as a dentist, will adhere to the ethical standards.

Authority: AS 08.01.070 AS 08.36.070 AS 08.36.110
AS 08.32.160

12 AAC 28.910. DENIAL OF DENTAL LICENSE. (a) The board will deny an application for a dental license by examination if the applicant does not meet the requirements of AS 08.36.110 and the applicable requirements of this chapter.

(b) The board will deny an application for a dental license by credentials if the applicant does not meet the requirements of AS 08.36.234 and the applicable requirements of this chapter.

(c) The board may deny an application for a dental license for the same reasons that the board may impose disciplinary sanctions upon a licensee under AS 08.36.315.

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.315
AS 08.36.100 AS 08.36.234

12 AAC 28.912. DENIAL OF DENTAL HYGIENE LICENSE. (a) The board will deny an application for a dental hygiene license by examination if the applicant does not meet the requirements of AS 08.32.014 and the applicable requirements of this chapter.

(b) The board will deny an application for a dental hygiene license by credentials if the applicant does not meet the requirements of AS 08.32.030 and the applicable requirements of this chapter.

(c) The board may deny an application for a dental hygiene license for the same reasons that the board may impose disciplinary sanctions upon a licensee under AS 08.32.160.

Authority: AS 08.32.014 AS 08.32.160 AS 08.36.070

12 AAC 28.915. APPLICATION DEADLINE FOR PERSONAL INTERVIEW. Repealed 3/5/2023.

12 AAC 28.920. CPR CERTIFICATION. (a) Certification in cardiopulmonary resuscitation (CPR) techniques required under this chapter for a license or license renewal must be based upon training equivalent to that required for completion of a cardiopulmonary resuscitation course certified by the American Heart Association or American Red Cross. Online courses are not acceptable, unless there is a hands-on component.

(b) The board may approve a waiver of the cardiopulmonary resuscitation requirements upon submission of documentation of a physical disability prohibiting the person from performing cardiopulmonary resuscitation. A person with a waiver must work in close proximity to a staff person with current certification in cardiopulmonary resuscitation.

Authority: AS 08.32.014 AS 08.36.070 AS 08.36.110
AS 08.32.110

12 AAC 28.925. LAPSED LICENSES. (a) A dental license or dental hygienist license that has been lapsed for at least 60 days but less than one year will be reinstated if the applicant

(1) submits a completed application for renewal;
(2) pays the renewal fee established in 12 AAC 02.190(a)(4) and (10) and (b)(6), (10), and (13), as applicable;
and

(3) submits satisfactory documentation to verify the completion of the continuing education requirements in 12 AAC 28.400.

(b) Except as provided in (c) of this section, a dental license or a dental hygiene license that has been lapsed at least one year but no more than two years will be reinstated if the applicant

(1) meets the requirements of (a) of this section;
(2) arranges for reports to be sent directly to the department from the National Practitioner Data Bank and the American Association of Dental Examiners Clearinghouse for Board Actions;
(3) arranges for verification of licensure to be sent directly to the division from each state where the applicant holds or has held a license as a dentist or dental hygienist during the period the license issued under this chapter was lapsed; and
(4) is qualified for a license under AS 08.32 or AS 08.36.

(c) After notice and hearing, the board may refuse to reinstate a dental license or dental hygienist license for the same reasons that the board may impose disciplinary sanctions against a licensee under AS 08.32 or AS 08.36, and under this chapter.

Authority: AS 08.32.081 AS 08.36.070 AS 08.36.250

12 AAC 28.930. INACTIVE LICENSE RENEWAL. Repealed 12/5/2009.

12 AAC 28.935. DENTAL HYGIENIST LICENSURE BY EXAMINATION. (a) The board will issue a license by examination to practice dental hygiene to an applicant who meets the requirements of AS 08.32.014 and this section.

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

- (1) a complete, notarized application on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.190;
- (3) as required under 12 AAC 28.908(a), a signed statement from the applicant certifying the applicant will adhere to the ethical standards specified in 12 AAC 28.905(a);
- (4) an authorization from the applicant for release of the applicant's records to the department;
- (5) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental hygiene licenses that the applicant holds or has ever held in any jurisdiction;
- (6) a copy of a current certification in cardiopulmonary resuscitation (CPR) techniques that meets the requirements of 12 AAC 28.920;
- (7) a copy of the applicant's certificate of examination showing that the applicant has passed, within the five years immediately preceding the date of application, a patient or mannequin based clinical examination approved by the board that requires calibration of examiners, requires anonymity between candidates and grading examiners, and tests the ability of the applicant to practice dental hygiene and utilize professional judgement; the clinical examination must include the following:
 - (A) extraoral and intraoral assessment;
 - (B) radiographic evaluation;
 - (C) periodontal assessment;
 - (D) subgingival calculus detection and removal; and
 - (E) tissue management; and
- (8) a copy of the applicant's certificate of examination that meets the requirements of AS 08.32.014(a)(1)(B);

(9) an official transcript sent directly to the department from the educational institution verifying graduation from a 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.

(c) In addition to the requirements of (b) of this section, an applicant for licensure by examination must pass the written Alaska jurisprudence examination authorized under AS 08.32.014 and conducted by the board with a passing score of at least 70 percent.

(d) Repealed 2/19/2021.

(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 verification of the applicant's status and complete information sent directly to the department from the licensing jurisdiction, 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.

Authority: AS 08.32.014 AS 08.32.070 AS 08.36.070

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 is 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; the form must include the name and license number of the applicant and the name and location of the applicant's hygiene practice facility or business;

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

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

(4) a copy of the applicant's current certification in cardiopulmonary resuscitation (CPR) techniques 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) A dental hygienist holding an advanced practice permit shall

(1) maintain dental charts and other records when treating the dental hygienist's 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 who meets the requirements of AS 08.36.342 and has a current permit issued by the board under 12 AAC 28.810

(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.

(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, AS 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 each biennial licensing 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.

Authority: AS 08.32.014 AS 08.32.110 AS 08.36.346
AS 08.32.030 AS 08.32.125
AS 08.32.070 AS 08.32.070

12 AAC 28.937. DENTAL HYGIENIST LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice dental hygiene under this section to an applicant who meets the requirements of AS 08.32.014, 08.32.030, and this section.

- (b) An applicant for a license under this section shall submit to the department
- (1) a complete, notarized application on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.190;
 - (3) an authorization from the applicant for release of the applicant's records to the department;
 - (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;
 - (5) repealed 3/5/2023;
 - (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
 - (A) the dates and locations where the applicant has practiced dental hygiene during the five years immediately preceding the date of application;
 - (B) repealed 3/5/2023.

(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

- (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) 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) repealed 3/5/2023; and
- (4) an official transcript sent directly to the department from the educational institution verifying graduation from a dental hygiene program that meets the requirements of AS 08.32.014(a)(1)(A).

(d) In addition to the requirements of this section, an applicant for a dental hygiene license must document completion of the jurisprudence examination prepared by the board, covering the provisions of AS 08.32, AS 08.36, and this chapter relating to the practice of dental hygiene, with a passing score of at least 70 percent.

Authority: AS 08.32.014 AS 08.32.070 AS 08.36.070
AS 08.32.030

12 AAC 28.938. DENTAL EDUCATIONAL REQUIREMENTS. An applicant for a license to practice dentistry must be a graduate of a dental school that, at the time of graduation, is accredited by the Commission on Dental Accreditation of the American Dental Association.

Authority: AS 08.36.070 AS 08.36.110

12 AAC 28.940. DENTAL LICENSURE BY EXAMINATION. (a) The board will issue a license by examination to practice dentistry to an applicant who meets the requirements of AS 08.36.110 and this section.

- (b) An applicant for a license under this section shall submit
- (1) a complete, notarized application on a form provided by the department;
 - (2) the applicable fees established in 12 AAC 02.190;
 - (3) an affidavit by the applicant stating the applicant is not impaired to an extent that affects the applicant's ability to practice dentistry;
 - (4) 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);
 - (5) an authorization from the applicant for release of the applicant's records to the department;

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

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

(8) a copy of the applicant's certificate

(A) of examination from the Western Regional Examining Board (WREB) showing that the applicant has passed the clinical examination conducted by WREB before February 1, 2019 and within the five years immediately preceding the date of application;

(B) of examination showing that the applicant has passed the clinical examination conducted by WREB on or after February 1, 2019 or an equivalent examination; an applicant must have passed an examination under this subparagraph within the five years immediately preceding the date of application; and the examination must include the following subject areas, components, or characteristics:

(i) standardization and calibration of the examiners and anonymity between candidates and grading examiners;

(ii) repealed 10/4/2020;

(iii) constructive response or objective structured clinical examination testing that includes diagnosis and treatment planning, periodontics, restorative dentistry, oral pathology, medical considerations, prescription writing and prosthodontics;

(iv) endodontics testing, on a mannequin or live patient, to include access and obturation of an anterior tooth and access of a multi-canalled posterior tooth;

(v) prosthetics testing, on a mannequin or live patient, to include a crown prep or a bridge prep;

(vi) a patient based or 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;

(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; or

(D) showing satisfactory completion of a clinically-based postdoctoral general practice residency (GPR) or advanced education in general dentistry program (AEGD), of at least one year's duration, in a hospital or dental facility accredited for teaching purposes by the Commission on Dental Accreditation of the American Dental Association; the residency program must include a formal evaluation of the resident's competence to practice dentistry;

(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;

(10) 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 the date of application; and

(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.

(c) In addition to the requirements of (a) and (b) of this section, an applicant for licensure by examination must pass the written Alaska jurisprudence examination authorized under AS 08.36.110 and conducted by the board with a passing score of at least 70 percent.

(d) Repealed 2/19/2021.

(e) In addition to the requirements of (a) – (c) of this section, an applicant who has ever been licensed in a jurisdiction before the 90 days immediately preceding the date of application or has ever been licensed to practice dentistry in a foreign country shall submit

(1) repealed 2/19/2021;

(2) 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

(3) 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.

(f) Notwithstanding other provisions of this section, the board will issue a license to practice dentistry to an applicant who

(1) held an active Alaska dental specialty license from this state in 2012;

(2) meets the requirements of AS 08.36.110 and (b)(1) – (7) and (11) of this section; and

(3) provides a copy of the applicant's certificate of examination from the American Dental Association Joint Commission on National Dental Examinations that the applicant has successfully passed the written examinations given by the commission.

Authority: AS 08.36.070 AS 08.36.110

Editor's note: 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 28.950. CESSATION OF LICENSING BY CREDENTIALS. Repealed 2/18/93.

12 AAC 28.951. DENTAL LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice dentistry to an applicant who meets the requirements of AS 08.36.110, 08.36.234, and this section.

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

(1) a complete, notarized application on a form provided by the department;
(2) the applicable fees established in 12 AAC 02.190;
(3) an authorization from the applicant for release of the applicant's records to the department;
(4) an affidavit from the applicant that lists the license number and name of the jurisdiction for all dental licenses that the applicant holds or has ever held in any jurisdiction;

(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;

(6) repealed 3/5/2023;

(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 the date of application;

(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) repealed 3/5/2023.

(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

(1) 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) repealed 3/5/2023;

(3) 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) repealed 3/5/2023;

(5) repealed 3/5/2023; 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.

(d) In addition to the requirements of this section, an applicant for a dental license must document completion of the jurisprudence examination prepared by the board, covering the provisions of AS 08.32, AS 08.36, and this chapter relating to the practice of dentistry, with a passing score of at least 70 percent.

(e) Repealed 5/14/2022.

(f) Repealed 5/14/2022.

(g) The personal interview of the applicant required in AS 08.36.234(d) must be completed.

(h) Repealed 5/14/2022.

Authority: AS 08.36.070 AS 08.36.110 AS 08.36.234

12 AAC 28.952. DENTAL SPECIALTY LICENSE. Repealed 12/15/2013.

12 AAC 28.953. REGISTRATION WITH THE PRESCRIPTION DRUG MONITORING PROGRAM CONTROLLED SUBSTANCE PRESCRIPTION DATABASE. A licensed dentist under this chapter who holds a federal Drug Enforcement Administration registration number must

(1) register with the prescription drug monitoring program (PDMP) controlled substance prescription database not later than 30 days after initial licensure or registration with the Drug Enforcement Administration (DEA), whichever is later; and

(2) comply with the requirements of AS 17.30.200 and 12 AAC 52.865.

Authority: AS 08.36.070 AS 08.36.234 AS 17.30.200
AS 08.36.110

12 AAC 28.954. TEMPORARY PERMIT. (a) The board may issue a temporary permit to practice dentistry to a dentist who meets the requirements of this section for the purpose of substituting for a dentist the board has determined to be “incapacitated” as defined under AS 08.36.254.

(b) An applicant for a temporary permit under this section must submit to the department

(1) a complete, notarized application on a form provided by the department;

(2) the applicable fees in 12 AAC 02.190;

(3) a form completed by the incapacitated dentist or authorized representative of the incapacitated dentist providing information regarding the reason for the incapacitation and documentation of reasonable effort to find a substitute dentist licensed under this chapter;

(4) a form completed by the incapacitated dentist’s healthcare provider verifying the dentist is incapacitated and unable to practice;

(5) verification of the applicant’s current license to practice dentistry from a board of dental examiners of a state or territory of the United States; the verification must include the applicant’s status and complete information regarding any disciplinary action or investigation taken or pending on behalf of the applicant;

(6) verification of the applicant’s graduation from a dental school that at the time of graduation was accredited by the Commission on Dental Accreditation of the American Dental Association by submitting

(A) a certified true copy of the applicant’s dental school diploma showing credentials similar or equivalent to the incapacitated dentist credentials; or

(B) transcripts sent directly from the issuing educational institution showing credentials similar or equivalent to the incapacitated dentist credentials;

(c) The department shall request a report from the National Practitioner Data Bank on behalf of the applicant. The board will review the report as part of the application process and may deny a temporary permit application based on report content.

(d) An applicant for a temporary permit may not have had a license to practice dentistry revoked, suspended, or voluntarily surrendered in this state or another state or territory of the United States.

(e) The temporary permit issued will be authorized only for the practice locations of the incapacitated dentist. The name, license number, and practice locations of the incapacitated dentist will be printed on the license.

(f) The temporary permit will be extended past the initial 90 days if the applicant meets the requirements of AS 08.36.254(f) or (g) and pays the fee required in 12 AAC 02.190.

Authority: AS 08.36.070 AS 08.36.254

12 AAC 28.955. COURTESY LICENSE. (a) The board will issue a courtesy license to practice dentistry or dental hygiene to a nonresident for only a limited purpose that is approved by the board under (b) of this section to an applicant who meets the requirements of this section. The board will specify the limitations on scope of the approved practice and duration of the courtesy license. A courtesy license does not authorize the licensee to practice dentistry or dental hygiene outside the limited purpose that is specified on the courtesy license.

(b) The board will consider a limited purpose for a courtesy license to be the practice of dentistry or dental hygiene to underserved persons by a dentist or dental hygienist who has entered a written contract with a non-profit organization, charitable organization, or governmental agency.

(c) An applicant for a courtesy license under this section shall submit to the department a completed, notarized application on a form provided by the department. An application must include

(1) the applicable application and license fees established in 12 AAC 02.190;

(2) a description of the scope of practice of dentistry or dental hygiene required to perform the duties for which the courtesy license is to be issued; the description must include the practice location, duration of practice, and patient population to be seen; the applicant must demonstrate to the board’s satisfaction that the scope of practice of dentistry or dental hygiene is for a limited purpose set out in this section;

(3) a verification of a current license to practice dentistry or dental hygiene in good standing in another state or other jurisdiction with requirements at least equivalent to those of this state at the time of application under this section and that the licensee is not under investigation in the state or other jurisdiction in which the applicant is licensed; and

(4) a description in sufficient detail for the board to evaluate the circumstances under which the applicant will be practicing under any courtesy license issued, including the name and license number of the supervising dentist licensed to practice in this state if the applicant is working in a supervised clinic.

(d) A courtesy license issued under this section is nonrenewable and is valid for a period not to exceed either a total of 40 days of practice during a 12-consecutive-month period or the duration of the limited purpose approved under this section for the courtesy license holder, whichever is less. A person will not be issued more than one courtesy license under this section in a 12-month period.

(e) A courtesy license holder may not use a courtesy license

(1) for the purposes of locum tenens coverage;

(2) to serve in place of a license under AS 08.32 or AS 08.36;

(3) for the purposes of employment consideration, if licensure is required under AS 08.32 or AS 08.36; or

(4) for receipt of remuneration directly or indirectly for practicing dentistry or dental hygiene requiring licensure under this chapter.

(f) A holder of a courtesy license for dental hygiene may practice only under this section and under the general supervision of a dentist licensed in Alaska.

(g) While practicing under a courtesy license issued under this section, the holder of the courtesy license is obligated to uphold the standards of practice identified in AS 08.32, AS 08.36, and in this title for the relevant provisions, and is subject to the relevant disciplinary provisions in AS 08.32, AS 08.36 and this title for actions taken or omitted while practicing under the courtesy license.

(h) The board may refuse to issue a courtesy license for the same reasons that it may impose disciplinary sanctions against a licensee under AS 08.32.160, 08.32.165, and AS 08.36.315.

(i) In this section,

(1) “remuneration” does not include reimbursement for actual reasonable expenses incurred for travel, food, and lodging;

(2) “underserved persons” means individuals and groups of individuals whose access to dental health care in this state is limited or nonexistent due to geographic or economic factors, including low income and rural residence.

Authority:	AS 08.01.062	AS 08.32.165	AS 08.36.234
	AS 08.32.160	AS 08.36.110	AS 08.36.315

12 AAC 28.956. COLLABORATIVE AGREEMENT REQUIREMENTS. (a) The board may approve a collaborative agreement between a dental hygienist licensed under AS 08.32 and a dentist licensed under AS 08.36 and who is affiliated with an active dental practice in this state, if the collaborative agreement meets the requirements of AS 08.32.115 and that the dental hygiene and the dental licenses are in good standing. The applicant must submit

(1) a completed, notarized application on the form provided by the department, which includes the names and license numbers of the collaborating dentist and dental hygienist, and the name and location of the dentist’s affiliated practice;

(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 and the collaborating dentist’s current professional liability policy or declaration page that includes the policy number and expiration date;

(6) an evidence of continuing educational courses meeting the requirements of the collaborative agreement;

(7) a written agreement including

(A) identification of each affiliated practice setting in which the dental hygienist may engage in dental hygiene practice under the collaborative agreement relationship;

(B) identification of the procedures that can be performed in accordance with AS 08.32.115 and standing orders that the dental hygienist must follow;

(C) a requirement that the dental hygienist refer patients who have been assessed by the dental hygienist to the affiliated dentist for treatment or planning that is outside of the dental hygienist’s scope of practice;

(D) starting and ending dates of the collaboration;

(E) patient record location;

(F) patient billing process.

(b) The dental hygienist and the affiliated dentist must notify the board of any amendments to the agreement.

(c) The board may not approve a collaborative agreement to a dental hygienist if

(1) the affiliated dentist has five current collaborative agreements under this section;

(2) the applicant or affiliated dentist is under unresolved investigation under AS 08.32 – 08.36 or this chapter or a similar provision of another jurisdiction;

(3) during the five years immediately preceding the date of application, the applicant or affiliated dentist is the subject of adverse disciplinary action under AS 08.32 – 08.36 or this chapter, or a similar provision of another jurisdiction.

(d) In addition to the continuing education requirements in 12 AAC 28.400 – 12 AAC 28.420, a dental hygienist who wishes to practice under a collaborative agreement 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;

(8) jurisprudence relating to unsupervised practice.

(e) An affiliated dentist in a collaborative agreement must

(1) be available to provide contact, communication, and consultation with the affiliated dental hygienist;

(2) adopt standing orders applicable to dental hygiene procedures that may be performed by the dental hygienist.

- (f) A dental hygienist authorized in a collaborative agreement
 - (1) may perform any dental operations or other services the dental hygienist is authorized to perform under AS 08.32.110 and this chapter, and those dental operations and other services authorized under the collaborative agreement, if approved by the board;
 - (2) must maintain contact, communication, and consultation with the affiliated dentist; and
 - (3) before performing any dental hygiene services, shall assess the patient, gather data, interpret the data, determine the patient's dental hygiene treatment needs, and formulate a patient care plan.
- (g) A dental hygienist authorized in a collaborative agreement shall
 - (1) maintain dental charts and other records for the patients who are treated by the dental hygienist; the collaborative agreement must specify where these records are to be secured;
 - (2) document in the patient's official chart the name of the affiliated dentist;
 - (3) document all referrals.
- (h) A collaborative agreement
 - (1) expires immediately on date agreed upon by the collaborating dental hygienist and dentist and approved by the board;
 - (2) may not have a term exceeding two years.
- (i) If a dental hygienist and affiliated dentist in a collaborative agreement end their affiliation before the expiration date of the collaborative agreement, each shall notify the board within 30 days of the end of the affiliation.
- (j) Before or upon the expiration of the collaborative agreement, the board may renew a collaborative agreement if the applicant submits a new completed application under this section.
- (k) The board shall maintain a registry of all current collaborative agreements.

Authority: AS 08.32.115 AS 08.32.187 AS 08.36.070

12 AAC 28.957. MAXIMUM DOSAGE OF AN OPIOID FOR ACUTE PAIN. A dentist prescribing or dispensing an opioid for acute dental pain under AS 08.36.355 may not exceed 60 morphine milligram equivalents (MME) a day.

Authority: AS 08.36.070 AS 08.36.355

12 AAC 28.958. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice dentistry or dental hygiene who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

- (b) An applicant for a temporary military courtesy license under this section
 - (1) must submit a completed notarized application on a form provided by the department;
 - (2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;
 - (3) must submit a copy of
 - (A) the applicant's current active duty military orders showing assignment to a duty station in this state; or
 - (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
 - (4) must submit verification of the applicant's current license to practice dentistry or dental hygiene from a board of dental examiners of a state or territory of the United States; the verification must include the applicant's status and complete information regarding any disciplinary action or investigation taken or pending relating to the applicant;
 - (5) must submit verification of the applicant's graduation from a dental program that at the time of graduation was accredited by the Commission on Dental Accreditation of the American Dental Association by submitting
 - (A) a certified true copy of the applicant's dental school diploma; or
 - (B) transcripts sent directly from the issuing educational institution; and
 - (6) may not have been convicted of a crime that affects the applicant's ability to practice dentistry or dental hygiene competently and safely, as determined by the board.
- (c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.
- (d) The department will request a report from the National Practitioner Data Bank on behalf of the applicant. The board will review the report as part of the application process and may deny a temporary military courtesy application based on the report.
- (e) An applicant for a temporary military courtesy license may not have had a license to practice dentistry or dental hygiene revoked, suspended, or voluntarily surrendered in this state or another state or territory of the United States.
- (f) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.32.160, AS 08.32.165, and AS 08.36.315.

Authority: AS 08.01.062 AS 08.32.160 AS 08.36.110
 AS 08.01.063 AS 08.32.165 AS 08.36.315

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.

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

12 AAC 28.960. REGISTRATION OF DENTAL RADIOLOGICAL EQUIPMENT. Repealed 4/12/2024.

12 AAC 28.965. INSPECTION OF DENTAL RADIOLOGICAL EQUIPMENT. Repealed 4/12/2024.

12 AAC 28.970. REGISTRATION AND INSPECTION FORMS; REVIEW OF COMPLETED FORMS. Repealed 4/12/2024.

12 AAC 28.990. DEFINITIONS. (a) In this chapter,

(1) "administer local anesthetic agents" means to administer an agent that induces local anesthesia and to administer that agent by injection, both infiltration and block, limited to the oral cavity, for the purposes of pain control;

(2) "American Association of Dental Examiners Clearinghouse for Board Actions" means the American Association of Dental Examiners information source described in AS 08.36.110(a)(1)(F);

(3) "board" means the Board of Dental Examiners;

(4) "coronal polishing," within the meaning given in AS 08.36.370, means removal of supragingival plaque and stains from teeth without calculus, including the removal of soft deposits, such as materia alba, plaque, and stains from the anatomical crowns of the teeth;

(5) "deep sedation" means a drug-induced depression of consciousness during which

(A) patients cannot be easily aroused but respond purposefully following repeated or painful stimulation;

(B) the ability to independently maintain ventilatory function may be impaired;

(C) patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate; and

(D) cardiovascular function is usually maintained;

(6) "department" means the Department of Commerce, Community, and Economic Development;

(7) "facility" means a dental practice, office, or clinic that is subject to the requirements of AS 08.36.367;

- (8) "general anesthesia" means a drug-induced loss of consciousness during which
- (A) patients are not arousable, even by painful stimulation;
 - (B) the ability to independently maintain ventilatory function is often impaired;
 - (C) patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function; and
 - (D) cardiovascular function may be impaired;
- (9) "local anesthesia" means the elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug;
- (10) "minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, in which
- (A) the patient retains the ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command; and
 - (B) although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected;
- (11) "moderate sedation" means a drug-induced depression of consciousness, during which
- (A) a patient responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation;
 - (B) no interventions are required to maintain a patent airway, and spontaneous ventilation is adequate; and
 - (C) cardiovascular function is usually maintained;
- (12) "nitrous oxide sedation" means an induced, controlled state of minimal sedation, produced solely by the inhalation of a combination of nitrous oxide and oxygen in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;
- (13) repealed 4/12/2024;
- (14) "restorative function" means under the direct supervision of a licensed dentist, to place restorations into a cavity prepared by the licensed dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration;
- (15) "dental specialty" means an area of dentistry that has been formally recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards.
- (b) In AS 08.32, AS 08.36, and this chapter, unless the context requires otherwise, "jurisdiction" means a state or territory of the United States.

Authority:	AS 08.32.085	AS 08.36.342	AS 08.36.346
	AS 08.36.070	AS 08.36.344	

APPENDIX A

CHAPTER 30. CONTROLLED SUBSTANCES

Sec. 17.30.200. Controlled substance prescription database. (a) The controlled substance prescription database is established in the Board of Pharmacy. The purpose of the database is to contain data as described in this section regarding every prescription for a schedule II, III, or IV controlled substance under federal law dispensed in the state to a person other than under the circumstances described in (t) of this section.

(b) The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule II, III, or IV controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule II, III, or IV controlled substance under federal law other than those dispensed or administered under the circumstances described in (t) of this section, shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database on at least a daily basis:

- (1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;
- (2) the date of the prescription;
- (3) the date the prescription was filled and the method of payment; this paragraph does not authorize the board to include individual credit card or other account numbers in the database;
- (4) the name, address, and date of birth of the person for whom the prescription was written;
- (5) the name and national drug code of the controlled substance;
- (6) the quantity and strength of the controlled substance dispensed;
- (7) the name of the drug outlet dispensing the controlled substance; and
- (8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

(c) The board shall maintain the database in an electronic file or by other means established by the board to facilitate use of the database for identification of

- (1) prescribing practices and patterns of prescribing and dispensing controlled substances;
- (2) practitioners who prescribe controlled substances in an unprofessional or unlawful manner;
- (3) individuals who receive prescriptions for controlled substances from licensed practitioners and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance; and
- (4) individuals who present forged or otherwise false or altered prescriptions for controlled substances to a pharmacy.

(d) The database and the information contained within the database are confidential, are not public records, are not subject to public disclosure, and may not be shared with the federal government. The board shall undertake to ensure the security and confidentiality of the database and the information contained within the database. The board may allow access to the database only to the following persons, and in accordance with the limitations provided and regulations of the board:

- (1) personnel of the board regarding inquiries concerning licensees or registrants of the board or personnel of another board or agency concerning a practitioner under a search warrant, subpoena, or order issued by an administrative law judge or a court;
- (2) authorized board personnel or contractors as required for operational and review purposes;
- (3) a licensed practitioner having authority to prescribe controlled substances or an agent or employee of the practitioner whom the practitioner has authorized to access the database on the practitioner's behalf, to the extent the information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing a controlled substance; the agent or employee must be licensed or registered under AS 08;
- (4) a licensed or registered pharmacist having authority to dispense controlled substances or an agent or employee of the pharmacist whom the pharmacist has authorized to access the database on the pharmacist's behalf, to the extent the information relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance; the agent or employee must be licensed or registered under AS 08;
- (5) federal, state, and local law enforcement authorities may receive printouts of information contained in the database under a search warrant or order issued by a court establishing probable cause for the access and use of the information;
- (6) an individual who is the recipient of a controlled substance prescription entered into the database may receive information contained in the database concerning the individual on providing evidence satisfactory to the board that the individual requesting the information is in fact the person about whom the data entry was made and on payment of a fee set by the board under AS 37.10.050 that does not exceed \$10;
- (7) a licensed pharmacist employed by the Department of Health who is responsible for administering prescription drug coverage for the medical assistance program under AS 47.07, to the extent that the information relates specifically to prescription drug coverage under the program;

(8) a licensed pharmacist, licensed practitioner, or authorized employee of the Department of Health responsible for utilization review of prescription drugs for the medical assistance program under AS 47.07, to the extent that the information relates specifically to utilization review of prescription drugs provided to recipients of medical assistance;

(9) the state medical examiner, to the extent that the information relates specifically to investigating the cause and manner of a person's death;

(10) an authorized employee of the Department of Health may receive information from the database that does not disclose the identity of a patient, prescriber, dispenser, or dispenser location, for the purpose of identifying and monitoring public health issues in the state; however, the information provided under this paragraph may include the region of the state in which a patient, prescriber, and dispenser are located and the specialty of the prescriber; and

(11) a practitioner, pharmacist, or clinical staff employed by an Alaska tribal health organization, including commissioned corps officers of the United States Public Health Service employed under a memorandum of agreement; in this paragraph, "Alaska tribal health organization" has the meaning given to "tribal health program" in 25 U.S.C. 1603.

(e) The failure of a pharmacist-in-charge or a pharmacist to register or submit information to the database as required under this section is grounds for the board to take disciplinary action against the license or registration of the pharmacy or pharmacist. The failure of a practitioner to register or review the database as required under this section is grounds for the practitioner's licensing board to take disciplinary action against the practitioner.

(f) The board may enter into agreements with (1) dispensers in this state that are not regulated by the state to submit information to and access information in the database, and (2) practitioners in this state to access information in the database, subject to this section and the regulations of the board. The board shall prohibit a dispenser that is not regulated by the state from accessing the database if the dispenser has accessed information in the database contrary to the limitations of this section, discloses information in the database contrary to the limitations of this section, or allows unauthorized persons access to the database.

(g) The board shall promptly notify the president of the senate and the speaker of the house of representatives if, at any time after September 7, 2008, the federal government fails to pay all or part of the costs of the controlled substance prescription database.

(h) An individual who has submitted information to the database in accordance with this section may not be held civilly liable for having submitted the information. Dispensers or practitioners may not be held civilly liable for damages for accessing or failing to access the information in the database.

(i) A person who has reason to believe that prescription information from the database has been illegally or improperly accessed shall notify an appropriate law enforcement agency.

(j) The board shall notify any person whose prescription information from the database is illegally or improperly accessed.

(k) In the regulations adopted under this section, the board shall provide

(1) that prescription information in the database shall be purged from the database after two years have elapsed from the date the prescription was dispensed;

(2) a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser;

(3) a procedure and time frame for registration with the database;

(4) that a practitioner review the information in the database to check a patient's prescription records before dispensing, prescribing, or administering a schedule II or III controlled substance under federal law to the patient; the regulations must provide that a practitioner is not required to review the information in the database before dispensing, prescribing, or administering

(A) a controlled substance to a person who is receiving treatment

(i) in an inpatient setting;

(ii) at the scene of an emergency or in an ambulance; in this sub-subparagraph, "ambulance" has the meaning given in AS 18.08.200;

(iii) in an emergency room;

(iv) immediately before, during, or within the first 48 hours after surgery or a medical procedure;

(v) in a hospice or nursing home that has an in-house pharmacy; or

(B) a nonrefillable prescription of a controlled substance in a quantity intended to last for not more than three days.

(l) A person

(1) with authority to access the database under (d) of this section who knowingly

(A) accesses information in the database beyond the scope of the person's authority commits a class A misdemeanor;

(B) accesses information in the database and recklessly discloses that information to a person not entitled to access or to receive the information commits a class C felony;

(C) allows another person who is not authorized to access the database to access the database commits a class C felony;

(2) without authority to access the database under (d) of this section who knowingly accesses the database or knowingly receives information that the person is not authorized to receive under (d) of this section from another person commits a class C felony.

(m) To assist in fulfilling the program responsibilities, performance measures shall be reported to the legislature annually. Performance measures

(1) may include outcomes detailed in the federal prescription drug monitoring program grant regarding efforts to

(A) reduce the rate of inappropriate use of prescription drugs by reporting education efforts conducted by the Board of Pharmacy;

(B) reduce the quantity of pharmaceutical controlled substances obtained by individuals attempting to engage in fraud and deceit;

(C) increase coordination among prescription drug monitoring program partners;

(D) involve stakeholders in the planning process;

(2) shall include information related to the

(A) security of the database; and

(B) reductions, if any, in the inappropriate use or prescription of controlled substances resulting from the use of the database.

(n) A pharmacist who dispenses or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law shall register with the database by a procedure and in a format established by the board.

(o) The board shall promptly notify the State Medical Board, the Board of Nursing, the Board of Dental Examiners, and the Board of Examiners in Optometry when a practitioner registers with the database under (n) of this section.

(p) The board is authorized to provide unsolicited notification to a pharmacist, practitioner's licensing board, or practitioner if a patient has received one or more prescriptions for controlled substances in quantities or with a frequency inconsistent with generally recognized standards of safe practice. An unsolicited notification to a practitioner's licensing board under this section

(1) must be provided to the practitioner;

(2) is confidential;

(3) may not disclose information that is confidential under this section;

(4) may be in a summary form sufficient to provide notice of the basis for the unsolicited notification.

(q) The board shall update the database on at least a daily basis with the information submitted to the board under (b) of this section.

(r) The Department of Commerce, Community, and Economic Development shall

(1) assist the board and provide necessary staff and equipment to implement this section; and

(2) establish fees for registration with the database by a pharmacist or practitioner required to register under (n) of this section so that the total amount of fees collected by the department equals the total operational costs of the database minus all federal funds acquired for the operational costs of the database; in setting the fee levels, the department shall

(A) set the fees for registration with the database so that the fees are the same for all practitioners and pharmacists required to register; and

(B) consult with the board to establish the fees under this paragraph.

(s) Notwithstanding (p) of this section, the board may issue to a practitioner periodic unsolicited reports that detail and compare the practitioner's opioid prescribing practice with other practitioners of the same occupation and similar specialty. A report issued under this subsection is confidential and the board shall issue the report only to a practitioner. The board may adopt regulations to implement this subsection. The regulations may address the types of controlled substances to be included in an unsolicited report, the quantities dispensed, the medication strength, and other factors determined by the board.

(t) A practitioner or a pharmacist is not required to comply with the requirements of (a) and (b) of this section if a controlled substance is

(1) administered to a patient at

(A) a health care facility; or

(B) a correctional facility;

(2) dispensed to a patient for an outpatient supply of 24 hours or less at a hospital

(A) inpatient pharmacy; or

(B) emergency department.

(u) In this section,

(1) "board" means the Board of Pharmacy;

(2) "database" means the controlled substance prescription database established in this section;

(3) "knowingly" has the meaning given in AS 11.81.900;

(4) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160;

(5) "pharmacist-in-charge" has the meaning given in AS 08.80.480.

(v) This section does not apply to a schedule II, III, or IV controlled substance prescribed or dispensed by a veterinarian licensed under AS 08.98 to treat an animal.