

ADA sues to halt Alaska dental aide program

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ANCHORAGE, Alaska - Alaska dental health aides who perform extractions, surgeries and other irreversible procedures in rural communities without proper credentials are in violation of state licensing laws, the American Dental Association said in a lawsuit filed Tuesday.

The lawsuit, filed in state Superior Court in Anchorage, seeks to halt the unique program run by Alaska Native organizations that allows dental health aides to perform services usually done by licensed dentists.

Much of the work is done in rural villages, where there are no dentists and the rate of tooth decay for Alaska Natives is 2 1/2 times that of the rest of the nation.

But the ADA claims in its 29-page lawsuit that allowing such intricate work without the intensive training required by state law puts patients at risk.

Bob Brandjord, president of the association, told The Associated Press that the lawsuit was about "bringing quality care to all Alaskans."

The Alaska Dental Society and several dentists in private practice joined the ADA as plaintiffs. They said they would drop the lawsuit if the Alaska Native Tribal Health Consortium stops allowing dental health aide therapists to practice dentistry without the proper state license.

Brandjord, a dentist from Burnsville, Minn., said he's tried for more than two years to resolve the issue with the consortium, to no avail. "It's very, very regrettable to see the situation deteriorate to the point of litigation," he said.

The consortium, however, claims the practice is legal under federal law and has been sanctioned by the Alaska attorney general's office. The ADA says the dental aides are performing services that exceed the intention of the federal law.

"In this particular case, they can't touch it," said Paul Sherry, the consortium's chief executive officer. "I think it's extremely frustrating to the ADA to not have jurisdiction."

"Many tribes in the lower 48 are watching this," Sherry said. "Many other places in rural America would like to access some kind of midlevel providers."

Consortium managers said they also disagree with the ADA's contention that quality care can only be attained only through licensed dentists.

None of the work done by seven dental therapists based in several rural communities has resulted in health complications for patients who otherwise have little, if any access to dental care, they said.

Mary Williard, a licensed dentist in the western Alaska town of Bethel, supervises two dental aides and said they have done excellent work on fillings, extractions, baby tooth crowns and cleanings. The lawsuit is based on unfounded fears, she said.

"You would expect more from a professional organization than scaring the public with these theatrical movements," she said. "What it all boils down to is, dentists are afraid of someone taking a piece of the pie."

The program is a local solution to a local problem, said consortium attorney Valerie Davidson. "It's a way to provide quality, culturally competent care," she said.

Alaska tribal governments have had the legal authority to employ medical and dental health therapists through the federal Community Health Aide Program implemented in the state three decades ago.

Tribal leaders, however, first identified the need for dental services five years ago and paid for two years of training for a handful of village residents. Alaska's attorney general approved the practice last year.

The program is funded by private and federal grants and students must go through a rigorous assessment before they are selected to attend the Otago University School of Dentistry in Dunedin, New Zealand.

Aides are certified through the federal Indian Health Service and then are hired by local providers, working under the general supervision of a dentist. They must be recertified every two years.

That's not enough, the ADA contends. Dental aides are required only to have a high school diploma before their training and yet they provide services that professional dentists spend years studying.

The aides, who are not under the direct supervision of a dentist, "do not meet the qualifications or undertake the training required to obtain a dental license in the state of Alaska," according to the lawsuit, which names the consortium and unnamed aides. The aides should focus their work on prevention, it states.

Plaintiffs also support placing volunteer dentists in villages while creating programs to help Alaska Natives attend dental schools and receive full licensing from the state.

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