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10
11 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

12
13 AT ANCHORAGE, THIRD JUDICIAL DISTRICT

14
15 THE ALASKA DENTAL SOCIETY, THE)
AMERICAN DENTAL ASSOCIATION,)
16 DR. T. HOWARD JONES, DR.)
MICHALE BOOTHE, DR. PETE HIGGINS)
17 and DR. GEORGE SHAFFER,)

18)
19 Plaintiffs,)
20)

21 vs.)
22)

23 THE ALASKA NATIVE TRIBAL HEALTH)
24 CONSORTIUM and DOES 1 through 8,)
25)
26 Defendants.)

Case No. 3AN-06-__

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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, the Alaska Dental Society, the American Dental Association, Dr. T. Howard Jones, Dr. Michale Boothe, Dr. Pete Higgins and Dr. George Shaffer, through counsel, for their Complaint against Defendants, Does one through eight (Dental Health Aide Therapists) and the Alaska Native Tribal Health Consortium, state and allege as follows:

THE PARTIES

1. Plaintiff, the Alaska Dental Society ("ADS"), is a non-profit professional corporation formed in 1956 to address the dental interests of the citizens of Alaska and the interests of dental professionals within the State of Alaska. The Alaska Dental Society promotes dentistry's objectives on a state-wide and local community level. Membership is open to any Alaska dentist. The Alaska Dental Society is a state-wide constituent member of the American Dental Association.

1 2. Plaintiff, the American Dental Association
2 ("ADA"), is an Illinois not-for-profit corporation
3 founded in 1859. The object of the ADA shall be to
4 encourage the improvement of the health of the public
5 and to promote the health and science of dentistry.
6

7 3. Plaintiff, Dr. T. Howard Jones, an ADA
8 member, is a former president and officer of the ADA,
9 and is a resident of Carrollton, Georgia.
10

11 4. Plaintiffs Dr. Michale Boothe, Dr. Pete
12 Higgins and Dr. George Shaffer are members of the
13 ADS, and are residents of Anchorage, Fairbanks and
14 Ketchikan, Alaska, respectively.
15

16 5. Defendant, the Alaska Native Tribal Health
17 Consortium ("ANTHC"), is an Alaska non-profit
18 corporation comprised of several Alaska Native local
19 and regional organizations formed to provide health
20 services to Alaska Natives, and typically uses
21 federal grants and money to pay for such services.
22
23

24 6. Defendants, DOES one through eight, are
25 Dental Health Aide Therapists ("DHATs"), and upon

1 information and belief, are residents of Alaska and
2 employees of the ANTHC who provide particular dental
3 services to Alaska natives. The Complaint will be
4 amended once the true identity of these Doe
5 defendants is learned.
6

7 JURISDICTION AND VENUE

8 7. This court has jurisdiction pursuant to AS
9 22.10.020(g), which provides, in relevant part:
10

11 In case of an actual controversy in
12 the state, the superior court, upon
13 the filing of an appropriate pleading,
14 may declare the rights and legal
15 relations of an interested party
16 seeking the declaration, whether or
17 not further relief is or could be
18 sought. The declaration has the force
19 and effect of a final judgment or
20 decree and is reviewable as such.
21 Further necessary or proper relief
22 based on a declaratory judgment or
23 decree may be granted, after
24 reasonable notice and hearing, against
25 an adverse party whose rights have
26 been determined by the judgment.

22 In accord with this grant of jurisdiction, the
23 plaintiffs are seeking a declaration of rights.
24 Further, pursuant to AS 22.10.020(c), "[t]he superior
25

1 court and its judges may issue injunctions."
2 Plaintiffs are seeking an injunction prohibiting the
3 Defendants from practicing dentistry without a
4 license.

6 THE DENTAL HEALTH AIDE PROGRAM

7 8. The ANTHC, along with others, has developed
8 and implemented the Dental Health Aide Program
9 ("DHAP") which is purportedly part of the Community
10 Health Aide Program ("CHAP"), pursuant to 25 U.S.C.
11 Sec. 16161. The stated purpose of the DHAP is to
12 provide particular dental services to Alaska Natives
13 through the use of four different types of dental
14 health aides, including DHATs.
15

17 9. As noted in greater detail below, pursuant
18 to the DHAP, Defendant ANTHC permits and directs
19 Defendant DHATs, inadequately trained high school
20 graduates, to engage in the practice of dentistry,
21 including the performing of irreversible dental
22 surgeries, under no direct supervision by a licensed
23 dentist, in direct violation of state law.
24
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1 10. Defendant ANTHC also administers the
2 Community Health Aide Program Certification Board
3 ("Certification Board"), which has promulgated
4 "standards" for training and certification of the
5 DHATs. In addition, the DHATs perform dental
6 services decreed by the Certification Board, services
7 which can only be performed by a licensed dentist
8 under Alaska law. The Certification Board was
9 purportedly established pursuant to 25 U.S.C. Sec.
10 16161.
11

12
13 **ALASKA PROFESSIONAL LICENSING LAW AND VIOLATIONS BY**
14 **THE ANTHC AND DHATS**

15 11. Defendant DHATs are not licensed by the
16 State of Alaska as dentists. Nonetheless, Defendant
17 DHATs are providing dental services that require a
18 license under the Alaska Dental Practice Act.
19 Licensure is necessary to protect the public health
20 by ensuring those who practice dentistry have
21 achieved the requisite level of skill and training.
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1 12. Alaska law declares that a person engages in
2 the practice of dentistry, who:

3 a. performs or holds out to the public as
4 being able to perform dental operations;

5 b. diagnoses, treats, operates on,
6 corrects, attempts to correct, or
7 prescribes for a disease, lesion, pain,
8 injury, deficiency, deformity, or
9 physical condition, malocclusion or
10 malposition of the human teeth, alveolar
11 process, gingiva, maxilla, mandible, or
12 adjacent tissues;

13 c. performs or attempts to perform an
14 operation incident to the replacement of
15 teeth;

16 d. furnishes, supplies, constructs,
17 reproduces, or repairs dentures,
18 bridges, appliances or other structures
19 to be used and worn as substitutes for
20 natural teeth, except on prescription of
21 a duly licensed and registered dentist
22 and by the use of impressions or casts
23 made by a duly licensed and registered
24 dentist;

25 e. uses the words "dentist" or "dental
26 surgeon" or the letters "D.D.S." or
27 "D.M.D." or other letter or title that
28 represents the dentist as engaging in
29 the practice of dentistry;

30 f. extracts or attempts to extract human
31 teeth;

1 g. exercises control over professional
2 dental matters or the operation of
3 dental equipment in a facility where the
4 acts and things described in this
5 section are performed or done;

6 h. evaluates, diagnoses, treats, or
7 performs preventive procedures related
8 to diseases, disorders, or conditions of
9 the oral cavity, maxillofacial area, or
10 adjacent and associated structures; a
11 dentist whose practice includes the
12 services described in this paragraph may
13 only perform the services if they are
14 within the scope of the dentist's
15 education, training, and experience and
16 in accord with the generally recognized
17 ethical precepts of the dental
18 profession.

19 AS 08.36.360.

20 13. Further, in evaluating whether a person has
21 engaged in the practice of dentistry under [AS](#)
22 [08.36.360](#)(g), a person "exercises control over
23 professional dental matters or the operation of
24 dental equipment" if the person determines,
25 interprets, specifies, limits, prescribes, regulates,
26 or otherwise controls by policy, lease, or other
arrangement decisions relating to the use of

1 auxiliary personnel for the delivery of patient care
2 in the dentist's practice. 12 AAC 28.730(5).
3 Pursuant to this regulation, the ANTHC has assisted
4 in and conducted the unlicensed practice of dentistry
5 by exercising control over the DHATs relating to the
6 use of auxiliary personnel for the delivery of
7 patient care.
8

9
10 14. Alaska law, AS 08.36.100, provides that "a
11 person may not practice, or attempt to practice,
12 dentistry without a license and a current certificate
13 of registration." The only exception, limited to
14 dental students, is inapplicable here.
15

16 **Specific Conduct of the DHATS and ANTHC**

17 15. The unlicensed Defendant DHATs are
18 practicing dentistry by engaging in numerous of these
19 dental functions, including 1) performing, and
20 holding themselves out to the public as being able to
21 perform, dental operations, 2) performing diagnoses,
22 and 3) performing operations, including 4) extracting
23 or attempting to extract human teeth.
24
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1 16. Plaintiffs are informed and believe that the
2 eight Defendant DHATs have been, or soon will be,
3 employed to provide dental services. Plaintiffs are
4 informed and believe that four DHATs have already
5 started to practice dentistry in Alaska, with two in
6 Bethel and two in Kotzebue.

8 17. Plaintiffs are informed and believe, and on
9 that basis allege, that DHATs have been and intend to
10 continue to diagnose and treat caries; perform
11 pulpotomies on deciduous teeth; perform extractions
12 of primary and permanent teeth; respond to dental
13 emergencies to alleviate pain and infection; and
14 administer local anesthetic.

17 18. The plaintiffs are informed and believe, and
18 on that basis allege, that as of March 31 , 2005, two
19 DHATs in Bethel have completed 92 patient exams, 106
20 preventative services, 52 restorations, 4
21 pulpotomies, 4 stainless steel crowns and **85**
22 **extractions** (13 were permanent teeth).
23
24

1 19. Plaintiffs are informed and believe, and on
2 that basis allege, that as of March 31, 2005, two
3 DHATs in Kotzebue have treated 340 patients including
4 144 exams, 181 preventative services, 234
5 restorations, and 46 extractions.
6

7 20. Similarly, the ANTHC is violating the Dental
8 Practice Act by "exercise[ing] control over
9 professional dental matters or the operation of
10 dental equipment in a facility where the acts and
11 things described in [the Dental Practice Act] are
12 performed or done."
13

14 21. In particular, on information and belief,
15 the ANTHC not only employs, supervises and directs
16 the DHATs, but determines which persons are to be
17 trained as DHATs and supervises the DHATs once they
18 are "certified" to perform dental procedures. The
19 ANTHC, on information and belief, controls patient
20 scheduling, patient facilities, dental and medical
21 supplies, equipment, and administrative support for
22 the dental services being provided.
23
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1 22. The conduct of the DHATs and the ANTHC
2 constitutes a Class B misdemeanor. See AS 08.36.340
3 ("A person who violates any provision of this chapter
4 or regulations adopted under this chapter for which
5 no specific penalty is provided is guilty of a class
6 B misdemeanor").

8 THE ALASKA STATE DENTAL BOARD AND ITS FINDINGS THAT
9 DHATS ARE PRACTICING DENTISTRY
10 IN VIOLATION OF STATE LAW

11
12 23. The Alaska State Dental Board has the sole
13 jurisdiction to control the manner of licensing
14 dentists, dental hygienists and the use of dental
15 auxiliaries. Under state law, the dental board shall
16 "provide for the examination of applicants and issue
17 licenses **to those applicants it finds qualified.**" AS
18 08.36.070(a)(1) (emphasis added). See also 12 AAC
19 28.940(a) ("The board will issue a license by
20 examination to practice dentistry to an applicant who
21 meets the requirements of AS 08.36.110 and this
22 section"). Further, the State Dental Board requires
23 everyone, as a precondition to practicing dentistry,
24 to submit proof of (among other items):

1 (1) the results of a level II
2 Professional Background Information
3 Services (PBIS) credentials review
4 conducted by PBIS, sent directly to the
5 department from PBIS;

6 (2) a certified copy of a current
7 certification in cardiopulmonary
8 resuscitation (CPR) techniques that
9 meets the requirements of [12 AAC](#)
10 [28.920](#), or a waiver agreement that
11 meets the requirements of AS [08.36.070](#)
12 (a)(12);

13 (3) a copy of the applicant's
14 certificate from the Western Regional
15 Examining Board (WREB) showing that the
16 applicant has passed the clinical
17 examination required under [12 AAC](#)
18 [28.105](#)(b);

19 (4) a certified copy of a certificate
20 of examination that meets the
21 requirements of AS [08.36.110](#) (1)(B);

22 (5) verification of the status of the
23 applicant's registration with the
24 federal Drug Enforcement Administration
25 (DEA) sent directly to the department
26 from DEA, even if the applicant is not
currently registered with DEA;

12 AAC 28.940(c)(1)-(5).

24. In April 2005, the Alaska State Dental Board
determined that DHATs and the services they intended
to provide constituted the unlawful practice of

1 dentistry in Alaska and violated the state Dental
2 Practice Act.

3 **EDUCATIONAL AND TRAINING REQUIREMENTS OF**
4 **LICENSED DENTISTS AND DHATS**

5 25. Not only are the DHATs practicing dentistry
6 in violation of Alaska law, they are not trained or
7 qualified to provide dental treatment in a safe and
8 effective manner. This is especially evident in a
9 comparison of the training and qualifications of
10 licensed dentists and DHATs.
11

12 **Educational Standards to Practice Dentistry**
13 **In the State of Alaska**

14 26. The Alaska Dental Practice Act sets forth
15 the minimum educational and training standards to
16 practice dentistry in Alaska. These standards are
17 necessary to protect the public health. However,
18 these standards are not met by the DHATs.
19

20 27. In order to qualify for a state dental
21 license, an applicant must have graduated from a
22 dental school accredited by the Commission on Dental
23 Accreditation ("CODA").
24
25

1 28. CODA, which operates under the auspices of
2 the ADA, is recognized by the U.S. Department of
3 Education as the national accrediting body for dental
4 education programs at the post secondary level in the
5 United States.

6
7 29. CODA serves the public by establishing,
8 maintaining, and applying standards that ensure the
9 quality and continuous improvement of dental and
10 dental-related education, and which reflect the
11 evolving practice of dentistry. Accordingly, CODA's
12 accreditation review process provides evidence that
13 education programs are capable of producing dental
14 graduates who will be educationally qualified to
15 achieve professional licensure or board
16 certification, as well as being prepared to provide
17 quality patient care.

18
19
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21 30. New or developing education programs must
22 demonstrate their potential for compliance with
23 accreditation standards through a detailed process
24

1 that includes an application, self-analysis and site
2 visits.

3 31. To maintain an accreditation status, all
4 programs must be re-evaluated with an on-site review
5 at regular intervals. Programs must also report to
6 CODA annually through CODA's survey of educational
7 programs.
8

9 32. Not only must an applicant for a state
10 dental license in Alaska graduate from a dental
11 school accredited by CODA, the applicant must
12 typically undergo four years of training in dental
13 school after completing his/her undergraduate work,
14 for a general total of eight years of higher
15 education.
16
17

18 33. According to CODA, graduates of CODA-
19 accredited dental schools are expected to
20 demonstrate:
21

- 22 • Knowledge of biomedical, behavioral and clinical
23 science of sufficient depth, scope, timeliness,
24 quality and emphasis to ensure achievement of
25 the curriculum's defined competencies;

- 1 • An in-depth understanding of basic biological
2 principles, consisting of a core of information
3 on the fundamental structures, functions and
4 interrelationships of the body systems, in which
5 the mouth and face are a critical anatomical
6 area existing in a complex biological
7 interrelationship with the entire body;
- 8 • A high level of understanding of the
9 development, spread, diagnosis, treatment and
10 prognosis of oral and oral-related disease; and
- 11 • Biomedical science knowledge of sufficient depth
12 and scope for graduates to apply advances in
13 modern biology to clinical practice and to
14 integrate new medical knowledge and therapies
15 relevant to oral health care.

16 34. CODA clinical science requirements are
17 equally rigorous, with required competencies caring
18 for pediatric, adult and geriatric patients including,
19 but not limited to:

- 20 • Fillings, using the full range of safe and
21 effective materials;
- 22 • Replacement of teeth;
- 23 • Periodontal (gum disease) therapy;
- 24 • Pulpal (root canal) therapy;
- 25 • Hard and soft tissue surgery;

- 1 • Dental emergencies, such as those resulting from
2 blows to the face or other traumatic injury;
- 3 • Malformed bite; and
- 4 • Evaluation of the outcomes of treatment.

5 35. In addition to this broad range of scientific
6 knowledge and clinical skills, dental graduates must
7 be competent in providing appropriate life support
8 measures for medical emergencies that may be
9 encountered in dental practice.
10

11 36. Moreover, an applicant for dental licensure
12 must also pass a written and clinical examination,
13 which is administered independently from the dental
14 schools themselves.
15

16 **"Training" of the DHATs**

17 37. In contrast, the DHATs do not meet the
18 qualifications or undertake the training required to
19 obtain a dental license in the state of Alaska.
20 Indeed, the qualifications and training required of a
21 DHAT practicing in Alaska are far less than those
22 required of Alaska dentists.
23
24
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1 38. First, a DHAT candidate need not have
2 graduated from an accredited college or university
3 and, on information and belief, none of the defendant
4 DHATs has done so.

5
6 39. Second, a DHAT candidate is not required to
7 have a degree beyond high school.

8 40. The only known prerequisite to be a DHAT
9 candidate, prior to being "trained" in New Zealand, is
10 that the candidate need only possess "no less than
11 sixth grade math and reading skills." Community
12 Health Aide Program Certification Board Standards and
13 Procedures, sec.5.10.040 (Trainees Selection Process).
14
15

16 41. Even this minimal qualification is subject
17 to exceptions for "individual hardship cases." *Id.*

18 42. A DHAT candidate is only required to attend
19 school for 18 months in New Zealand for DHAT training.
20 The New Zealand program is not certified or accredited
21 by any body or entity recognized in Alaska or the
22 United States.
23
24
25

1 43. Indeed, the entire course listing for the New
2 Zealand Program is follows:

3 First Year:

- 4 • General Health Science
- 5
- 6 • Oral Health Science
- 7
- 8 • Clinical Dentistry

9 Second Year:

- 10 • Society and Health
- 11
- 12 • Advanced Clinical Dentistry
- 13
- 14 • Dental Therapy Practice

15 44. The adequacy of the New Zealand program is
16 judged not by American accreditation standards, but by
17 comparison to foreign standards.

18 45. In addition, a DHAT candidate does not take
19 an examination administered independently from the
20 DHAT program itself. Rather, a "Certification Board"
21 under the very auspices of the DHAT program judges the
22 adequacy of its own program's candidates.
23

1 46. Once working in the field, none of the
2 DHATs, plaintiffs are informed, will have any direct
3 supervision by licensed dentists.

4
5 COUNT I

6 (DECLARATORY RELIEF)

7 47. Plaintiffs incorporate the allegations set
8 forth in paragraphs 1 through 46 as if fully set forth
9 herein.

10
11 48. The DHATs pose a risk of physical harm to
12 patients as they are inadequately trained to perform
13 dentistry and lack the essential licensing
14 prerequisites.

15
16 49. DHATs are not even required to have a degree
17 beyond high school. The DHATS are thus placing
18 patients at risk by performing dental procedures,
19 including those that are irreversible, that clearly
20 only properly trained and licensed dentists can safely
21 perform.

22
23 50. No person providing dental services within
24 the state, as defined by state law, including the

1 DHATs purportedly certified under the Alaska Community
2 Health Aide Program, can do so unless properly
3 qualified and licensed as dentists under Alaska
4 licensing laws.

5
6 51. Accordingly, Plaintiffs request a
7 declaration that by engaging in the unlicensed
8 practice of dentistry, the DHATs and ANTHC are
9 violating Alaska's Dental Practice Act pursuant to AS
10 08.36.100.
11

12 **COUNT II**

13 **(INJUNCTIVE RELIEF)**

14
15 52. Plaintiffs incorporate the allegations set
16 forth in paragraphs 1 through 51 as if fully set forth
17 herein.

18
19 53. The DHATS should be enjoined from engaging in
20 the unlicensed practice of dentistry until and unless
21 they meet the qualifications established under state
22 law and are granted a license by the State Dental
23 Board.
24

1 54. The ANTHC should be enjoined from engaging in
2 the unlicensed practice of dentistry, to the extent
3 that it is exercising control over professional dental
4 matters or the operation of dental equipment in a
5 facility where the acts and things described in the
6 Dental Practice Act are performed or done.
7

8 **COUNT III**

9 **(DECLARATORY RELIEF IN THE ALTERNATIVE)**
10

11 55. In the alternative, Plaintiffs incorporate
12 the allegations set forth in paragraphs 1 through 54
13 as if fully set forth herein.
14

15 56. At a minimum, the DHATs are subject to state
16 licensure if they perform dental services or treatment
17 that does not reasonably fall within the scope of
18 Congress' dental health objectives as enumerated in
19 the Indian Health Care Improvement Act, 25 U.S.C. Sec.
20 1602(b). These objectives are:
21

- 22 • reducing dental caries (cavities) so that the
23 proportion of children with one or more caries
24 (in permanent or primary teeth) is no more than
25 45 percent among children aged 6 through 8 and no
more than 60 percent among adolescents aged 15,

- 1 • reducing untreated dental caries so that the
2 proportion of children with untreated caries (in
3 permanent or primary teeth) is no more than 20
4 percent among children aged 6 through 8 and no
5 more than 40 percent among adolescents aged 15,
6
7
- 8 • reducing to no more than 20 percent the
9 proportion of individuals aged 65 and older who
10 have lost all of their natural teeth,
11
- 12 • increasing to at least 45 percent the proportion
13 of individuals aged 35 to 44 who have never lost
14 a permanent tooth due to dental caries or
15 periodontal disease,
16
- 17 • reducing destructive periodontal disease to a
18 prevalence of no more than 15% among persons aged
19 35 to 44,
20
- 21 • reducing the prevalence of gingivitis among
22 person aged 35 to 44 to no more than 50%, and
23
- 24 • increasing to at least 50% the proportion of
25 children who have received protective sealants on
26 the occlusal (chewing) surfaces of permanent
molar teeth.

57. Plaintiffs plead that the DHATs are engaging
in the unlicensed practice of dentistry, pursuant to
AS 08.36.100, by performing dental services and
practices, including but not limited to pulpotomies,
as well as extracting primary and permanent teeth,

1 which fall outside the scope of the Congressional
2 objectives enumerated in Paragraph 56 above.

3 58. Accordingly, as alternative relief,
4 Plaintiffs request a declaration that 1) the DHATs are
5 violating Alaska state law by engaging in the
6 unlicensed practice of dentistry by performing dental
7 services and practices which fall outside the scope of
8 Congressional objectives enumerated in 25 U.S.C. Sec.
9 1602(b), and 2) the ANTHC is violating Alaska state
10 law by engaging in the unlicensed practice of
11 dentistry by exercising control over professional
12 dental matters or the operation of dental equipment in
13 a facility where the acts and things described in the
14 Dental Practice Act are performed or done.
15
16
17

18 **COUNT IV**

19 **(INJUNCTIVE RELIEF IN THE ALTERNATIVE)**

20
21 59. Plaintiffs incorporate the allegations set
22 forth in paragraphs 1 through 58 as if fully set forth
23 herein.
24
25

1 60. As alternative relief, at a minimum, the
2 DHATs should be enjoined from engaging in the
3 unlicensed practice of dentistry, to the extent that
4 they are performing dental services and practices
5 which fall outside the scope of Congressional
6 objectives enumerated in 25 U.S.C. Sec. 1602(b), until
7 and unless the DHATs meet the qualifications
8 established under state law and are granted a license
9 by the State Dental Board.
10

11
12 61. The ANTHC should be enjoined from engaging
13 in the unlicensed practice of dentistry, to the extent
14 that it is exercising control over professional dental
15 matters or the operation of dental equipment in a
16 facility where the acts and things described in the
17 Dental Practice Act are performed or done.
18
19
20

21 **PRAYER**

22 WHEREFORE, Plaintiffs request a declaration that
23 the Dental Health Aide Therapists and the Alaska
24 Native Tribal Health Consortium are violating Alaska
25

1 state law by engaging in the unlicensed practice of
2 dentistry. Plaintiffs also request an injunction
3 from the Court prohibiting the Defendants from
4 engaging in the unlicensed practice of dentistry.

5
6 In the alternative, Plaintiffs request a
7 declaration that 1) the Dental Health Aide Therapists
8 are violating Alaska state law by engaging in the
9 unlicensed practice of dentistry by performing dental
10 services and practices which fall outside the scope
11 of Congressional objectives enumerated in 25 U.S.C.
12 Sec. 1602(b), and 2) the Alaska Native Tribal Health
13 Consortium is violating Alaska state law by engaging
14 in the unlicensed practice of dentistry by exercising
15 control over professional dental matters or the
16 operation of dental equipment in a facility where the
17 acts and things described in the Dental Practice Act
18 are performed or done. Plaintiffs also request an
19 injunction from the Court prohibiting the Defendants
20 from engaging in these specific practices.

21 Plaintiffs further request an award of their fees and

1 costs as allowed under Alaska law and all such other
2 legal or equitable relief as the court deems proper.

3 DATED at Anchorage, Alaska, this 31st day of
4 January, 2006.

5
6 **CLAPP, PETERSON, VAN FLEIN,**
7 **TIEMESSEN & THORSNESS, LLC**
8 Attorneys for Plaintiffs
9 Alaska Dental Society,
10 Dr. Michale Boothe, Dr.
11 Pete Higgins, and Dr.
12 George Shaffer

13
14 By: _____
15 Thomas Van Flein
16 ABA No. 9011119

17
18 **AMERICAN DENTAL ASSOCIATION**
19 Attorneys for Plaintiffs
20 American Dental Association
21 and T. Howard Jones

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23 Peter M. Sfikas, Esq.
24 Jerome K. Bowman, Esq.
25 Brent D. Hanfling, Esq.

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DEMAND FOR JURY TRIAL

To the extent permissible by law, Plaintiffs demand a jury trial.

**CLAPP, PETERSON, VAN FLEIN,
TIEMESSEN & THORSNESS, LLC**
Attorneys for Plaintiffs
Alaska Dental Society,
Dr. Michale Boothe, Dr.
Pete Higgins, and Dr.
George Shaffer

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