

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2496

AN ACT

AMENDING SECTIONS 32-1205, 32-1207, 32-1232, 32-1236, 32-1240, 32-1263.01, 32-1264, 32-1284, 32-1287, 32-1292.01, 32-1297.01, 32-1297.06, 32-1299, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3015.03, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3023.02; RELATING TO THE STATE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1205, Arizona Revised Statutes, is amended to
3 read:

4 32-1205. Organization; meetings; quorum; staff

5 A. The board shall elect from its membership a president and a
6 vice-president who shall act also as secretary-treasurer.

7 B. Board meetings shall be conducted pursuant to title 38, chapter 3,
8 article 3.1. A majority of the board constitutes a quorum. **BEGINNING**
9 **SEPTEMBER 1, 2015, MEETINGS HELD PURSUANT TO THIS SUBSECTION SHALL BE AUDIO**
10 **RECORDED AND THE AUDIO RECORDING SHALL BE POSTED TO THE BOARD'S WEBSITE**
11 **WITHIN FIVE BUSINESS DAYS AFTER THE MEETING.**

12 C. The board may employ an executive director, subject to title 41,
13 chapter 4, article 4 and legislative appropriation.

14 D. The board or the executive director may employ personnel, as
15 necessary, subject to title 41, chapter 4, article 4 and legislative
16 appropriation.

17 Sec. 2. Section 32-1207, Arizona Revised Statutes, is amended to read:

18 32-1207. Powers and duties; executive director; immunity; fees;
19 definition

20 A. The board shall:

21 1. Adopt rules not inconsistent with this chapter for the regulation
22 of its own conduct, for holding examinations and for regulating the practice
23 of dentists and supervised personnel and registered business entities,
24 provided:

25 (a) Regulation of supervised personnel is based on the degree of
26 education and training of the supervised personnel, the state of scientific
27 technology available and the necessary degree of supervision of the
28 supervised personnel by dentists.

29 (b) Except as provided pursuant to section 32-1281, only licensed
30 dentists may perform diagnosis and treatment planning, prescribe medication
31 and perform surgical procedures on hard and soft tissues.

32 (c) Only a licensed dentist, or dental hygienist in consultation with
33 a dentist, may perform examinations, oral health assessments and treatment
34 sequencing for dental hygiene procedures.

35 2. Adopt a seal.

36 3. Maintain a record that shall remain available to the board at all
37 times of its acts and proceedings, including the issuance, denial, renewal,
38 suspension or revocation of licenses and the disposition of complaints. The
39 existence of a pending complaint or investigation shall not be disclosed to
40 the public. Records of complaints shall be available to the public, except
41 only as follows:

42 (a) If the board dismisses or terminates a complaint, the record of
43 the complaint shall not be available to the public.

1 (b) If the board has issued a nondisciplinary letter of concern, the
2 record of the complaint shall be available to the public only for a period of
3 five years after the date the board issued the letter of concern.

4 (c) If the board has required additional nondisciplinary continuing
5 education pursuant to section 32-1263.01 but has not taken further action,
6 the record of the complaint shall be available to the public only for a
7 period of five years after the licensee satisfies this requirement.

8 (d) If the board has assessed a nondisciplinary civil penalty pursuant
9 to section 32-1208 but has not taken further action, the record of the
10 complaint shall be available to the public only for a period of five years
11 after the licensee satisfies this requirement.

12 4. Establish a uniform and reasonable standard of minimum educational
13 requirements consistent with the accreditation standards of the American
14 dental association commission on dental accreditation to be observed by
15 dental schools and dental hygiene schools in order to be classified as
16 recognized dental schools or dental hygiene schools.

17 5. Establish a uniform and reasonable standard of minimum educational
18 requirements that are consistent with the accreditation standards of the
19 United States department of education or the council on higher education
20 accreditation and that must be observed by denture technology schools in
21 order to be classified as recognized denture technology schools.

22 6. Determine the reputability and classification of dental schools,
23 dental hygiene schools and denture technology schools in accordance with
24 their compliance with the standard set forth in paragraph 4 or 5 of this
25 subsection, whichever is applicable.

26 7. Issue licenses to those it determines are eligible for licensure
27 pursuant to this chapter.

28 8. Determine the eligibility of applicants for restricted permits and
29 issue restricted permits to those found eligible.

30 9. Pursuant to section 32-1263.02, investigate charges of misconduct
31 on the part of licensees and persons to whom restricted permits have been
32 issued.

33 10. Issue a letter of concern, which is not a disciplinary action, ~~but~~
34 refers to practices that may lead to a violation and to disciplinary action.

35 11. Issue decrees of censure, fix periods and terms of probation,
36 suspend or revoke licenses, certificates and restricted permits, as the facts
37 may warrant, and reinstate licenses, certificates and restricted permits in
38 proper cases.

39 12. Collect and disburse monies.

40 13. Perform all other duties that are necessary to enforce this chapter
41 and that are not specifically or by necessary implication delegated to
42 another person.

43 14. Establish criteria for the renewal of permits issued pursuant to
44 board rules relating to general anesthesia and sedation.

- 1 B. The board may:
- 2 1. Sue and be sued.
- 3 2. Issue subpoenas, including subpoenas to the custodian of patient
- 4 records, compel attendance of witnesses, administer oaths and take testimony
- 5 concerning all matters within its jurisdiction. If a person refuses to obey
- 6 a subpoena issued by the board, the refusal shall be certified to the
- 7 superior court and proceedings shall be instituted for contempt of court.
- 8 3. Adopt rules:
- 9 (a) Prescribing requirements for continuing education for renewal of
- 10 all licenses issued pursuant to this chapter.
- 11 (b) Prescribing educational and experience prerequisites for the
- 12 administration of intravenous or intramuscular drugs for the purpose of
- 13 sedation or for use of general anesthetics in conjunction with a dental
- 14 treatment procedure.
- 15 (c) Prescribing requirements for obtaining licenses for disabled or
- 16 retired licensees, including the triennial license renewal fee.
- 17 4. Hire consultants to assist the board in the performance of its
- 18 duties and employ persons to provide investigative, professional and clerical
- 19 assistance as it deems necessary.
- 20 5. Contract with other state or federal agencies as required to carry
- 21 out the purposes of this chapter.
- 22 6. If ~~it determines necessary~~ DETERMINED BY THE BOARD, order physical,
- 23 psychological, psychiatric and competency evaluations of licensed dentists
- 24 and dental hygienists, certified denturists and applicants for licensure and
- 25 certification AT THE EXPENSE OF THOSE INDIVIDUALS.
- 26 C. The executive director or the executive director's designee may:
- 27 1. Issue and renew licenses, certificates and permits to applicants
- 28 who meet the requirements of this chapter.
- 29 2. Initiate an investigation if evidence appears to demonstrate that a
- 30 dentist, dental hygienist, denturist or restricted permit holder may be
- 31 engaged in unprofessional conduct or may be unable to safely practice
- 32 dentistry.
- 33 3. Initiate an investigation if evidence appears to demonstrate that a
- 34 business entity may be engaged in unethical conduct.
- 35 4. Subject to board approval, enter into a consent agreement with a
- 36 dentist, denturist, dental hygienist or restricted permit holder if there is
- 37 evidence of unprofessional conduct.
- 38 5. Subject to board approval, enter into a consent agreement with a
- 39 business entity if there is evidence of unethical conduct.
- 40 6. Refer cases to the board for a formal interview.
- 41 7. If delegated by the board, enter into a stipulation agreement with
- 42 a person under the board's jurisdiction for the treatment, rehabilitation and
- 43 monitoring of chemical substance abuse or misuse.

1 D. Members of the board are personally immune from liability with
2 respect to all acts done and actions taken in good faith and within the scope
3 of their authority.

4 E. The board by rule shall require that a licensee obtain a permit for
5 the application of general anesthesia, semiconscious sedation or conscious
6 sedation, shall establish and collect a fee of not more than three hundred
7 dollars to cover administrative costs connected with issuing the permit and
8 shall conduct inspections to assure compliance.

9 F. The board by rule may establish and collect fees for license
10 verification, board meeting agendas and minutes, published lists and mailing
11 labels.

12 G. This section does not prohibit the board from conducting its
13 authorized duties in a public meeting.

14 H. For the purposes of this section, "record of complaint" means the
15 document reflecting the final disposition of a complaint or investigation.

16 Sec. 3. Section 32-1232, Arizona Revised Statutes, is amended to read:
17 32-1232. Qualifications of applicant; application; fee;
18 fingerprint clearance card

19 A. An applicant for licensure shall be of good moral character, shall
20 meet the requirements of section 32-1233 and shall hold a diploma conferring
21 a degree of doctor of dental medicine or doctor of dental surgery from a
22 recognized dental school.

23 B. Each candidate shall submit a written application to the board
24 accompanied by a nonrefundable Arizona dental jurisprudence examination fee
25 of three hundred dollars. The board shall waive this fee for candidates who
26 are holders of valid restricted permits. **EACH CANDIDATE SHALL ALSO OBTAIN A**
27 **VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.03.**

28 C. The board may deny an application for a license, for license
29 renewal or for a restricted permit if the applicant:

30 1. Has committed any act that would be cause for censure, probation or
31 suspension or revocation of a license under this chapter.

32 2. While unlicensed, committed or aided and abetted the commission of
33 any act for which a license is required by this chapter.

34 3. Knowingly made any false statement in the application.

35 4. Has had a license to practice dentistry revoked by a dental
36 regulatory board in another jurisdiction in the United States for an act that
37 occurred in that jurisdiction and that constitutes unprofessional conduct
38 pursuant to this chapter.

39 5. Is currently under suspension or restriction by a dental regulatory
40 board in another jurisdiction in the United States for an act that occurred
41 in that jurisdiction and that constitutes unprofessional conduct pursuant to
42 this chapter.

43 6. Has surrendered, relinquished or given up a license to practice
44 dentistry in lieu of disciplinary action by a dental regulatory board in
45 another jurisdiction in the United States for an act that occurred in that

1 jurisdiction and that constitutes unprofessional conduct pursuant to this
2 chapter.

3 D. The board shall suspend an application for a license, for license
4 renewal or for a restricted permit if the applicant is currently under
5 investigation by a dental regulatory board in another jurisdiction. The
6 board shall not issue or deny a license to the applicant until the
7 investigation is resolved.

8 Sec. 4. Section 32-1236, Arizona Revised Statutes, is amended to read:

9 32-1236. Dentist triennial licensure; continuing education;
10 license reinstatement; license for each place of
11 practice; notice of change of address or place of
12 practice; retired and disabled licensees; penalties

13 A. Except as provided in section 32-4301, a license expires on June 30
14 of every third year. On or before June 30 of every third year, every
15 licensed dentist shall submit to the board a complete renewal application and
16 pay a license renewal fee of not more than six hundred fifty dollars,
17 established by a formal vote of the board. At least once every three years,
18 before establishing the fee ~~for the subsequent three fiscal years~~, the board
19 shall review the amount of the fee in a public meeting. Any change in the
20 amount of the fee shall be applied prospectively to a licensee at the time of
21 licensure renewal ~~for the subsequent three fiscal years~~. The fee prescribed
22 by this subsection does not apply to a licensee in disabled or retired
23 status.

24 B. A licensee shall include a written affidavit with the renewal
25 application that affirms that the licensee complies with board rules relating
26 to continuing education requirements. A licensee is not required to complete
27 the written affidavit if the licensee received an initial license within the
28 year immediately preceding the expiration date of the license or the licensee
29 is in disabled status. If the licensee is not in compliance with board rules
30 relating to continuing education, the board may grant an extension of time to
31 complete these requirements if the licensee includes a written request for an
32 extension with the renewal application instead of the written affidavit and
33 the renewal application is received on or before June 30 of the expiration
34 year. The board shall consider the extension request based on criteria
35 prescribed by the board by rule. If the board denies an extension request,
36 the license expires on August 30.

37 C. A person applying for licensure for the first time in this state
38 shall pay a prorated fee for the period remaining until the next June 30.
39 This fee shall not exceed one-third of the fee established pursuant to
40 subsection A of this section. Subsequent licensure renewal shall be
41 conducted pursuant to this section.

42 D. An expired license may be reinstated by submitting a complete
43 renewal application within the twenty-four-month period immediately following
44 the expiration of the license with payment of the renewal fee and a one
45 hundred dollar penalty. Whenever issued, reinstatement is as of the date of

1 application and entitles the applicant to licensure only for the remainder of
2 the applicable three-year period. If a person does not reinstate a license
3 pursuant to this subsection, the person must reapply for licensure pursuant
4 to this chapter.

5 E. Each licensee must provide to the board in writing both of the
6 following:

- 7 1. A primary mailing address.
- 8 2. The address for each place of practice.

9 F. A licensee maintaining more than one place of practice shall obtain
10 from the board a duplicate license for each office. A fee set by the board
11 shall be charged for each duplicate license. The licensee shall notify the
12 board in writing within ten days of opening the additional place or places of
13 practice. The board shall impose a penalty of fifty dollars for failure to
14 notify the board.

15 G. A licensee who is fully retired and a licensee who is permanently
16 disabled may contribute services to a recognized charitable institution and
17 still retain that classification for triennial registration purposes on
18 payment of a reduced renewal fee as prescribed by the board by rule.

19 H. A licensee applying for retired or disabled status shall:

20 1. Relinquish any prescribing privileges and shall attest by affidavit
21 that the licensee has surrendered to the United States drug enforcement
22 administration any registration issued pursuant to the federal controlled
23 substances act and has surrendered to the board any registration issued
24 pursuant to section 36-2606.

25 2. If the licensee holds a permit to dispense drugs and devices
26 pursuant to section 32-1298, ~~the licensee shall~~ surrender that permit to the
27 board.

28 3. Attest by affidavit that the licensee is not currently engaged in
29 the practice of dentistry.

30 I. A licensee who changes the licensee's primary mailing address or
31 place of practice address shall notify the board of that change in writing
32 within ten days. The board shall impose a penalty of fifty dollars if a
33 licensee fails to notify the board of the change within that time. The board
34 shall increase the penalty imposed to one hundred dollars if a licensee fails
35 to notify it of the change within thirty days.

36 Sec. 5. Section 32-1240, Arizona Revised Statutes, is amended to read:
37 32-1240. Licensure by credential; examinations; waiver; fee

38 A. The board by rule may waive the examination requirements of this
39 article on receipt of evidence satisfactory to the board that the applicant
40 has passed the clinical examination of another state or testing agency and
41 either:

42 1. The other state or testing agency maintains a standard of licensure
43 that is substantially equivalent to that of this state as determined by the
44 board. **THE BOARD BY RULE SHALL REQUIRE:**

1 (a) A MINIMUM NUMBER OF ACTIVE PRACTICE HOURS WITHIN A SPECIFIC TIME
2 PERIOD BEFORE THE APPLICANT SUBMITS THE APPLICATION. THE BOARD SHALL DEFINE
3 WHAT CONSTITUTES ACTIVE PRACTICE.

4 (b) AN AFFIRMATION THAT THE APPLICANT HAS COMPLETED THE CONTINUING
5 EDUCATION REQUIREMENTS OF THE JURISDICTION WHERE THE APPLICANT IS LICENSED.

6 2. The applicant has acquired a certificate or other evidence of
7 successful completion of a board approved examination not more than five
8 years before submitting an application for licensure pursuant to this
9 chapter.

10 B. The applicant shall pay a licensure by credential fee of two
11 thousand dollars.

12 Sec. 6. Section 32-1263.01, Arizona Revised Statutes, is amended to
13 read:

14 32-1263.01. Types of disciplinary action; letter of concern;
15 judicial review; notice; removal of notice;
16 violation; classification

17 A. The board may take any one or a combination of the following
18 disciplinary actions against any person licensed under this chapter:

19 1. Revocation of license to practice.

20 2. Suspension of license to practice.

21 3. Entering a decree of censure, which may require that restitution be
22 made to an aggrieved party.

23 4. Issuance of an order fixing a period and terms of probation best
24 adapted to protect the public health and safety and to rehabilitate the
25 licensed person. The order fixing a period and terms of probation may
26 require that restitution be made to the aggrieved party.

27 5. Imposition of an administrative penalty in an amount not to exceed
28 two thousand dollars for each violation of this chapter or rules adopted
29 under this chapter.

30 6. Imposition of a requirement for restitution of fees to the
31 aggrieved party.

32 7. Imposition of restrictions on the scope of practice.

33 8. Imposition of peer review and professional education requirements.

34 9. Imposition of community service.

35 B. The board may issue a letter of concern if a licensee's continuing
36 practices may cause the board to take disciplinary action. The board may
37 also issue a nondisciplinary order requiring the licensee to complete a
38 prescribed number of hours of continuing education in an area or areas
39 prescribed by the board to provide the licensee with the necessary
40 understanding of current developments, skills, procedures or treatment.

41 C. Failure to comply with any ~~final~~ order of the board, including an
42 order of censure or probation, is cause for suspension or revocation of a
43 license.

44 D. NOTWITHSTANDING SECTION 32-3214, SUBSECTION B, BEGINNING SEPTEMBER
45 1, 2015, ALL DISCIPLINARY AND NONDISCIPLINARY ACTIONS OR ORDERS ISSUED BY THE

1 BOARD AGAINST A LICENSEE OR CERTIFICATE HOLDER SHALL BE POSTED TO THAT
2 LICENSEE OR CERTIFICATE HOLDER'S PROFILE ON THE BOARD'S WEBSITE.

3 ~~D.~~ E. Except as provided in section 41-1092.08, subsection H, final
4 decisions of the board are subject to judicial review pursuant to title 12,
5 chapter 7, article 6.

6 ~~E.~~ F. If the board acts to modify any dentist's prescription writing
7 privileges, it shall immediately notify the state board of pharmacy of the
8 modification.

9 ~~F.~~ G. The board may post a notice of its suspension or revocation of
10 a license at the licensee's place of business. This notice shall remain
11 posted for sixty days. A person who removes this notice without board or
12 court authority before that time is guilty of a class 3 misdemeanor.

13 ~~G.~~ H. A licensee or certificate holder shall respond in writing to
14 the board within twenty days after notice of hearing is served. A licensee
15 who fails to answer the charges in a complaint and notice of hearing issued
16 pursuant to this article and title 41, chapter 6, article 10 is deemed to
17 admit the acts charged in the complaint and the board may revoke or suspend
18 the license without a hearing.

19 Sec. 7. Section 32-1264, Arizona Revised Statutes, is amended to read:

20 32-1264. Maintenance of records

21 A. A person WHO IS licensed or certified pursuant to this chapter
22 shall make and maintain legible written records concerning all diagnosis,
23 evaluation and treatment of each patient of record. A licensee or
24 certificate holder shall maintain records stored or produced electronically
25 in retrievable paper form. These records shall include:

26 1. All treatment notes, including current health history and clinical
27 examinations.

28 2. Prescription and dispensing information, including all drugs,
29 medicaments and dental materials used for patient care.

30 3. Diagnosis and treatment planning.

31 4. Dental and periodontal charting. Specialist charting must include
32 areas of requested care and notation of visual oral examination describing
33 any areas of potential pathology or radiographic irregularities.

34 5. All radiographs.

35 B. Records are available for review and for treatment purposes to the
36 dentist, dental hygienist or denturist providing care.

37 C. On request, the licensee or certificate holder shall allow properly
38 authorized board personnel to have access to the licensee's or certificate
39 holder's place of practice to conduct an inspection and must make the
40 licensee's or certificate holder's records, books and documents available to
41 the board as part of an investigation process.

42 D. Within fifteen business days of a patient's written request, that
43 patient's dentist, dental hygienist or denturist or a registered business
44 entity shall transfer legible and diagnostic quality copies of that patient's
45 records to another licensee or certificate holder or that patient. The

1 patient may be charged for the reasonable costs of copying and forwarding
2 these records. ~~The board by rule shall prescribe the reasonable costs of~~
3 ~~reproduction.~~ A dentist, dental hygienist, denturist or registered business
4 entity may require that payment of reproduction costs be made in advance,
5 unless the records are necessary for continuity of care, in which case the
6 records shall not be withheld. Copies of records shall not be withheld
7 because of an unpaid balance for dental services.

8 E. Unless otherwise required by law, a person WHO IS licensed or
9 certified pursuant to this chapter or a business entity THAT IS registered
10 pursuant to this chapter must retain the original or a copy of a patient's
11 dental records as follows:

12 1. If the patient is an adult, for at least six years after the last
13 date the adult patient received dental services from that provider.

14 2. If the patient is a child, for at least three years after the
15 child's eighteenth birthday or for at least six years after the last date the
16 child received dental services from the provider, whichever occurs later.

17 Sec. 8. Section 32-1284, Arizona Revised Statutes, is amended to read:
18 32-1284. Qualifications of applicant; application; fee;
19 fingerprint clearance card; rules; denial or
20 suspension of application

21 A. An applicant for licensure as a dental hygienist shall be at least
22 eighteen years of age, shall be of good moral character, shall meet the
23 requirements of section 32-1285 and shall present to the board evidence of
24 graduation or a certificate of satisfactory completion in a course or
25 curriculum in dental hygiene from a recognized dental hygiene school. A
26 candidate shall make written application to the board accompanied by a
27 nonrefundable Arizona dental jurisprudence examination fee of one hundred
28 dollars. The board shall waive this fee for candidates who are holders of
29 valid restricted permits. EACH CANDIDATE SHALL ALSO OBTAIN A VALID
30 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.03.

31 B. The board shall adopt rules that govern the practice of dental
32 hygienists and that are not inconsistent with this chapter.

33 C. The board may deny an application for licensure or an application
34 for license renewal if the applicant:

35 1. Has committed an act that would be cause for censure, probation or
36 suspension or revocation of a license under this chapter.

37 2. While unlicensed, committed or aided and abetted the commission of
38 an act for which a license is required by this chapter.

39 3. Knowingly made any false statement in the application.

40 4. Has had a license to practice dental hygiene revoked by a
41 regulatory board in another jurisdiction in the United States for an act that
42 occurred in that jurisdiction and that constitutes unprofessional conduct
43 pursuant to this chapter.

1 5. Is currently under suspension or restriction by a regulatory board
2 in another jurisdiction in the United States for an act that occurred in that
3 jurisdiction and that constitutes unprofessional conduct pursuant to this
4 chapter.

5 6. Has surrendered, relinquished or given up a license to practice
6 dental hygiene instead of disciplinary action by a regulatory board in
7 another jurisdiction in the United States for an act that occurred in that
8 jurisdiction and that constitutes unprofessional conduct pursuant to this
9 chapter.

10 D. The board shall suspend an application for a license if the
11 applicant is currently under investigation by a dental regulatory board in
12 another jurisdiction. The board shall not issue or deny a license to the
13 applicant until the investigation is resolved.

14 Sec. 9. Section 32-1287, Arizona Revised Statutes, is amended to read:
15 32-1287. Dental hygienist triennial licensure; continuing
16 education; license reinstatement; notice of change
17 of address; penalties; retired and disabled
18 licensees

19 A. Except as provided in section 32-4301, a license expires on June 30
20 of every third year. On or before June 30 of every third year, every
21 licensed dental hygienist shall submit to the board a complete renewal
22 application and pay a license renewal fee of not more than three hundred
23 twenty-five dollars, established by a formal vote of the board. At least
24 once every three years, before establishing the fee ~~for the subsequent three~~
25 ~~fiscal years~~, the board shall review the amount of the fee in a public
26 meeting. Any change in the amount of the fee shall be applied prospectively
27 to a licensee at the time of licensure renewal ~~for the subsequent three~~
28 ~~fiscal years~~. The fee prescribed by this section does not apply to a retired
29 or disabled hygienist.

30 B. A licensee shall include a written affidavit with the renewal
31 application that affirms that the licensee complies with board rules relating
32 to continuing education requirements. A licensee is not required to complete
33 the written affidavit if the licensee received an initial license within the
34 year immediately preceding the expiration date of the license or the licensee
35 is in disabled status. If the licensee is not in compliance with board rules
36 relating to continuing education, the board may grant an extension of time to
37 complete these requirements if the licensee includes a written request for an
38 extension with the renewal application instead of the written affidavit and
39 the renewal application is received on or before June 30 of the expiration
40 year. The board shall consider the extension request based on criteria
41 prescribed by the board by rule. If the board denies an extension request,
42 the license expires on August 30 of the expiration year.

43 C. A person applying for a license for the first time in this state
44 shall pay a prorated fee for the period remaining until the next
45 June 30. This fee shall not exceed one-third of the fee established pursuant

1 to subsection A. Subsequent registrations shall be conducted pursuant to
2 this section.

3 D. An expired license may be reinstated by submitting a complete
4 renewal application within the twenty-four-month period immediately following
5 the expiration of the license with payment of the renewal fee and a one
6 hundred dollar penalty. Whenever issued, reinstatement is as of the date of
7 application and entitles the applicant to licensure only for the remainder of
8 the applicable three-year period. If a person does not reinstate a license
9 pursuant to this subsection, the person must reapply for licensure pursuant
10 to this chapter.

11 E. A licensee shall notify the board in writing within ten days after
12 the licensee changes the primary mailing address listed with the board. The
13 board shall impose a penalty of fifty dollars if a licensee fails to notify
14 the board of the change within that time. The board shall increase the
15 penalty imposed to one hundred dollars if a licensee fails to notify it of
16 the change within thirty days.

17 F. A licensee who is over sixty-five years of age and who is fully
18 retired and a licensee who is permanently disabled may contribute services to
19 a recognized charitable institution and still retain that classification for
20 triennial registration purposes on payment of a reduced renewal fee as
21 prescribed by the board by rule.

22 Sec. 10. Section 32-1292.01, Arizona Revised Statutes, is amended to
23 read:

24 32-1292.01. Licensure by credential; examinations; waiver; fee

25 A. The board by rule may waive the examination requirements of this
26 article on receipt of evidence satisfactory to the board that the applicant
27 has passed the clinical examination of another state or testing agency and
28 either:

29 1. The other state or testing agency maintains a standard of licensure
30 that is substantially equivalent to that of this state as determined by the
31 board. THE BOARD BY RULE SHALL REQUIRE:

32 (a) A MINIMUM NUMBER OF ACTIVE PRACTICE HOURS WITHIN A SPECIFIC TIME
33 PERIOD BEFORE THE APPLICANT SUBMITS THE APPLICATION. THE BOARD SHALL DEFINE
34 WHAT CONSTITUTES ACTIVE PRACTICE.

35 (b) AN AFFIRMATION THAT THE APPLICANT HAS COMPLETED THE CONTINUING
36 EDUCATION REQUIREMENTS OF THE JURISDICTION WHERE THE APPLICANT IS LICENSED.

37 2. The applicant has acquired a certificate or other evidence of
38 successful completion of a board-approved examination not more than five
39 years before submitting an application for licensure pursuant to this
40 chapter.

41 B. The applicant shall pay a licensure by credential fee of one
42 thousand dollars.

1 Sec. 11. Section 32-1297.01, Arizona Revised Statutes, is amended to
2 read:

3 32-1297.01. Application for certification; fingerprint
4 clearance card; denial; suspension

5 A. Each applicant for certification shall submit a written application
6 to the board accompanied by a nonrefundable jurisprudence examination fee **AND**
7 **OBTAIN A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION**
8 **41-1758.03.**

9 B. The board may deny an application for certification or for
10 certification renewal if the applicant:

11 1. Has committed any act that would be cause for censure, probation,
12 suspension or revocation of a certificate under this chapter.

13 2. Has knowingly made any false statement in the application.

14 3. While uncertified, has committed or aided and abetted the
15 commission of any act for which a certificate is required under this chapter.

16 4. Has had a certificate to practice denture technology revoked by a
17 regulatory board in another jurisdiction in the United States or Canada for
18 an act that occurred in that jurisdiction and that constitutes unprofessional
19 conduct pursuant to this chapter.

20 5. Is currently under investigation, suspension or restriction by a
21 regulatory board in another jurisdiction in the United States or Canada for
22 an act that occurred in that jurisdiction and that constitutes unprofessional
23 conduct pursuant to this chapter.

24 6. Has surrendered, relinquished or given up a certificate to practice
25 denture technology in lieu of disciplinary action by a regulatory board in
26 another jurisdiction in the United States or Canada for an act that occurred
27 in that jurisdiction and that constitutes unprofessional conduct pursuant to
28 this chapter.

29 C. The board shall suspend an application for certification if the
30 applicant is currently under investigation by a denturist regulatory board in
31 another jurisdiction. The board shall not issue or deny certification to the
32 applicant until the investigation is resolved.

33 Sec. 12. Section 32-1297.06, Arizona Revised Statutes, is amended to
34 read:

35 32-1297.06. Denturist certification; continuing education;
36 certificate reinstatement; certificate for each
37 place of practice; notice of change of address or
38 place of practice; penalties

39 A. Except as provided in section 32-4301, a certification expires on
40 June 30 of every third year. On or before June 30 of every third year, every
41 certified denturist shall submit to the board a complete renewal application
42 and shall pay a certificate renewal fee of not more than three hundred
43 dollars, established by a formal vote of the board. At least once every
44 three years, before establishing the fee ~~for the subsequent three fiscal~~
45 ~~years~~, the board shall review the amount of the fee in a public meeting. Any

1 change in the amount of the fee shall be applied prospectively to a ~~licensee~~
2 ~~CERTIFICATE HOLDER~~ at the time of ~~licensure~~ ~~CERTIFICATION~~ renewal ~~for the~~
3 ~~subsequent three fiscal years~~. This requirement does not apply to a disabled
4 or retired status.

5 B. A certificate holder shall include a written affidavit with the
6 renewal application that affirms that the certificate holder complies with
7 board rules relating to continuing education requirements. A certificate
8 holder is not required to complete the written affidavit if the certificate
9 holder received an initial certification within the year immediately
10 preceding the expiration date of the certificate or the certificate holder is
11 in disabled status. If the certificate holder is not in compliance with
12 board rules relating to continuing education, the board may grant an
13 extension of time to complete these requirements if the certificate holder
14 includes a written request for an extension with the renewal application
15 instead of the written affidavit and the renewal application is received on
16 or before June 30 of the expiration year. The board shall consider the
17 extension request based on criteria prescribed by the board by rule. If the
18 board denies an extension request, the certificate expires on August 30 of
19 the expiration year.

20 C. A person applying for a certificate for the first time in this
21 state shall pay a prorated fee for the period remaining until the next
22 June 30. This fee shall not exceed one-third of the fee established pursuant
23 to subsection A. Subsequent certifications shall be conducted pursuant to
24 this section.

25 D. An expired certificate may be reinstated by submitting a complete
26 renewal application within the twenty-four-month period immediately following
27 the expiration of the certificate with payment of the renewal fee and a one
28 hundred dollar penalty. Whenever issued, reinstatement is as of the date of
29 application and entitles the applicant to certification only for the
30 remainder of the applicable three-year period. If a person does not
31 reinstate a certificate pursuant to this subsection, the person must reapply
32 for certification pursuant to this chapter.

33 E. Each certificate holder must provide to the board in writing both
34 of the following:

- 35 1. A primary mailing address.
- 36 2. The address for each place of practice.

37 F. A certificate holder maintaining more than one place of practice
38 shall obtain from the board a duplicate certificate for each office. The
39 board shall set and charge a fee for each duplicate certificate. A
40 certificate holder shall notify the board in writing within ten days of
41 opening an additional place of practice.

42 G. A certificate holder shall notify the board in writing within ten
43 days after changing a primary mailing address or place of practice address
44 listed with the board. The board shall impose a fifty dollar penalty if a
45 certificate holder fails to notify the board of the change within that time.

1 The board shall increase the penalty imposed to one hundred dollars if a
2 certificate holder fails to notify it of the change within thirty days.

3 Sec. 13. Section 32-1299, Arizona Revised Statutes, is amended to
4 read:

5 32-1299. Substance abuse treatment and rehabilitation program;
6 private contract; funding; confidential stipulation
7 agreement

8 A. The board may establish a confidential program for the treatment
9 and rehabilitation of dentists, denturists and dental hygienists who are
10 impaired by alcohol or drug abuse. This program shall include education,
11 intervention, therapeutic treatment and posttreatment monitoring and support.

12 B. The board may contract with other organizations to operate the
13 program established pursuant to this section. A contract with a private
14 organization shall include the following requirements:

- 15 1. Periodic reports to the board regarding treatment program activity.
- 16 2. Release to the board on demand of all treatment records.
- 17 3. Periodic reports to the board regarding each dentist's, denturist's
18 or dental hygienist's diagnosis and prognosis and recommendations for
19 continuing care, treatment and supervision.

20 4. Immediate reporting to the board of the name of an impaired
21 practitioner whom the treating organization believes to be a danger to self
22 or others.

23 5. Immediate reporting to the board of the name of a practitioner who
24 refuses to submit to treatment or whose impairment is not substantially
25 alleviated through treatment.

26 C. The board may allocate an amount of not more than twenty dollars
27 annually or sixty dollars triennially from each fee it collects from the
28 renewal of active licenses for the operation of the program established by
29 this section.

30 D. A dentist, denturist or hygienist who, in the opinion of the board,
31 is impaired by alcohol or drug abuse shall agree to enter into a confidential
32 nondisciplinary stipulation agreement with the board. The board shall place
33 a licensee or certificate holder on probation if the licensee or certificate
34 holder refuses to enter into a stipulation agreement with the board and may
35 take other action as provided by law. The board may also refuse to issue a
36 license or certificate to an applicant if the applicant refuses to enter into
37 a stipulation agreement with the board.

38 E. IN THE CASE OF A LICENSEE OR CERTIFICATE HOLDER WHO IS IMPAIRED BY
39 ALCOHOL OR DRUG ABUSE AFTER COMPLETING A SECOND MONITORING PROGRAM PURSUANT
40 TO A STIPULATION AGREEMENT UNDER SUBSECTION D OF THIS SECTION, THE BOARD
41 SHALL DETERMINE WHETHER:

- 42 1. TO REFER THE MATTER FOR A FORMAL HEARING FOR THE PURPOSE OF
43 SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE.

1 2. THE LICENSEE OR CERTIFICATE HOLDER SHOULD BE PLACED ON PROBATION
2 FOR A MINIMUM OF ONE YEAR WITH RESTRICTIONS NECESSARY TO ENSURE PUBLIC
3 SAFETY.

4 3. TO ENTER INTO ANOTHER STIPULATION AGREEMENT UNDER SUBSECTION D OF
5 THIS SECTION WITH THE LICENSEE OR CERTIFICATE HOLDER.

6 Sec. 14. Section 41-619.51, Arizona Revised Statutes, is amended to
7 read:

8 41-619.51. Definitions

9 In this article, unless the context otherwise requires:

10 1. "Agency" means the supreme court, the department of economic
11 security, the department of child safety, the department of education, the
12 department of health services, the department of juvenile corrections, the
13 department of emergency and military affairs, the department of
14 transportation, the state real estate department, the state board of
15 appraisal or the board of examiners of nursing care institution
16 administrators and assisted living facility managers.

17 2. "Board" means the board of fingerprinting.

18 3. "Central registry exception" means notification to the department
19 of economic security or the department of health services, as appropriate,
20 pursuant to section 41-619.57 that the person is not disqualified because of
21 a central registry check conducted pursuant to section 8-804.

22 4. "Expedited review" means an examination, in accordance with board
23 rule, of the documents an applicant submits by the board or its hearing
24 officer without the applicant being present.

25 5. "Good cause exception" means the issuance of a fingerprint
26 clearance card to an employee pursuant to section 41-619.55.

27 6. "Person" means a person who is required to be fingerprinted
28 pursuant to this article or who is subject to a central registry check and
29 any of the following:

- 30 (a) Section 8-105.
- 31 (b) Section 8-322.
- 32 (c) Section 8-509.
- 33 (d) Section 8-802.
- 34 (e) Section 8-804.
- 35 (f) Section 8-804.01.
- 36 (g) Section 15-183.
- 37 (h) Section 15-534.
- 38 (i) Section 15-782.02.
- 39 (j) Section 15-1330.
- 40 (k) Section 15-1881.
- 41 (l) Section 17-215.
- 42 (m) Section 26-103.
- 43 (n) Section 28-3413.
- 44 (o) SECTION 32-1232.
- 45 ~~(o)~~ (p) Section 32-2108.01.

- 1 ~~(p)~~ (q) Section 32-2123.
- 2 ~~(q)~~ (r) Section 32-2371.
- 3 ~~(r)~~ (s) Section 32-2372.
- 4 ~~(s)~~ (t) Section 32-3620.
- 5 ~~(t)~~ (u) Section 32-3668.
- 6 ~~(u)~~ (v) Section 32-3669.
- 7 ~~(v)~~ (w) Section 36-207.
- 8 ~~(w)~~ (x) Section 36-411.
- 9 ~~(x)~~ (y) Section 36-425.03.
- 10 ~~(y)~~ (z) Section 36-446.04.
- 11 ~~(z)~~ (aa) Section 36-594.01.
- 12 ~~(aa)~~ (bb) Section 36-594.02.
- 13 ~~(bb)~~ (cc) Section 36-882.
- 14 ~~(cc)~~ (dd) Section 36-883.02.
- 15 ~~(dd)~~ (ee) Section 36-897.01.
- 16 ~~(ee)~~ (ff) Section 36-897.03.
- 17 ~~(ff)~~ (gg) Section 36-3008.
- 18 ~~(gg)~~ (hh) Section 41-619.53.
- 19 ~~(hh)~~ (ii) Section 41-1964.
- 20 ~~(ii)~~ (jj) Section 41-1967.01.
- 21 ~~(jj)~~ (kk) Section 41-1968.
- 22 ~~(kk)~~ (ll) Section 41-1969.
- 23 ~~(ll)~~ (mm) Section 41-2814.
- 24 ~~(mm)~~ (nn) Section 46-141, subsection A.
- 25 ~~(nn)~~ (oo) Section 46-321.

26 Sec. 15. Section 41-1758, Arizona Revised Statutes, is amended to
27 read:

28 41-1758. Definitions

29 In this article, unless the context otherwise requires:

30 1. "Agency" means the supreme court, the department of economic
31 security, the department of child safety, the department of education, the
32 department of health services, the department of juvenile corrections, the
33 department of emergency and military affairs, the department of
34 transportation, the state real estate department, the state board of
35 appraisal, the board of fingerprinting or the board of examiners of nursing
36 care institution administrators and assisted living facility managers.

37 2. "Division" means the fingerprinting division in the department of
38 public safety.

39 3. "Electronic or internet-based fingerprinting services" means a
40 secure system for digitizing applicant fingerprints and transmitting the
41 applicant data and fingerprints of a person or entity submitting fingerprints
42 to the department of public safety for any authorized purpose under this
43 title. For the purposes of this paragraph, "secure system" means a system
44 that complies with the information technology security policy approved by the
45 department of public safety.

- 1 4. "Good cause exception" means the issuance of a fingerprint
2 clearance card to an employee pursuant to section 41-619.55.
- 3 5. "Person" means a person who is required to be fingerprinted
4 pursuant to any of the following:
- 5 (a) Section 8-105.
 - 6 (b) Section 8-322.
 - 7 (c) Section 8-509.
 - 8 (d) Section 8-802.
 - 9 (e) Section 15-183.
 - 10 (f) Section 15-503.
 - 11 (g) Section 15-512.
 - 12 (h) Section 15-534.
 - 13 (i) Section 15-782.02.
 - 14 (j) Section 15-1330.
 - 15 (k) Section 15-1881.
 - 16 (l) Section 17-215.
 - 17 (m) Section 26-103.
 - 18 (n) Section 28-3413.
 - 19 (o) SECTION 32-1232.
 - 20 ~~(p)~~ (p) Section 32-2108.01.
 - 21 ~~(q)~~ (q) Section 32-2123.
 - 22 ~~(r)~~ (r) Section 32-2371.
 - 23 ~~(s)~~ (s) Section 32-2372.
 - 24 ~~(t)~~ (t) Section 32-3620.
 - 25 ~~(u)~~ (u) Section 32-3668.
 - 26 ~~(v)~~ (v) Section 32-3669.
 - 27 ~~(w)~~ (w) Section 36-207.
 - 28 ~~(x)~~ (x) Section 36-411.
 - 29 ~~(y)~~ (y) Section 36-425.03.
 - 30 ~~(z)~~ (z) Section 36-446.04.
 - 31 ~~(aa)~~ (aa) Section 36-594.01.
 - 32 ~~(bb)~~ (bb) Section 36-594.02.
 - 33 ~~(cc)~~ (cc) Section 36-882.
 - 34 ~~(dd)~~ (dd) Section 36-883.02.
 - 35 ~~(ee)~~ (ee) Section 36-897.01.
 - 36 ~~(ff)~~ (ff) Section 36-897.03.
 - 37 ~~(gg)~~ (gg) Section 36-3008.
 - 38 ~~(hh)~~ (hh) Section 41-619.52.
 - 39 ~~(ii)~~ (ii) Section 41-619.53.
 - 40 ~~(jj)~~ (jj) Section 41-1964.
 - 41 ~~(kk)~~ (kk) Section 41-1967.01.
 - 42 ~~(ll)~~ (ll) Section 41-1968.
 - 43 ~~(mm)~~ (mm) Section 41-1969.
 - 44 ~~(nn)~~ (nn) Section 41-2814.

1 ~~(nn)~~ (oo) Section 46-141, subsection A.

2 ~~(oo)~~ (pp) Section 46-321.

3 6. "Vulnerable adult" has the same meaning prescribed in section
4 13-3623.

5 Sec. 16. Section 41-1758.01, Arizona Revised Statutes, is amended to
6 read:

7 41-1758.01. Fingerprinting division: powers and duties

8 A. The fingerprinting division is established in the department of
9 public safety and shall:

10 1. Conduct fingerprint background checks for persons and applicants
11 who are seeking licenses from state agencies, employment with licensees,
12 contract providers and state agencies or employment or educational
13 opportunities with agencies that require fingerprint background checks
14 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,
15 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 28-3413, 32-1232,
16 32-2108.01, 32-2123, 32-2371, 32-2372, 32-3620, 32-3668, 32-3669, 36-207,
17 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02,
18 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
19 41-1968, 41-1969 and 41-2814, section 46-141, subsection A and section
20 46-321.

21 2. Issue fingerprint clearance cards. On issuance, a fingerprint
22 clearance card becomes the personal property of the cardholder and the
23 cardholder shall retain possession of the fingerprint clearance card.

24 3. On submission of an application for a fingerprint clearance card,
25 collect the fees established by the board of fingerprinting pursuant to
26 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
27 monies collected in the board of fingerprinting fund.

28 4. Inform in writing each person who submits fingerprints for a
29 fingerprint background check of the person's right to petition the board of
30 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and
31 41-1758.07.

32 5. Administer and enforce this article.

33 B. The fingerprinting division may contract for electronic or
34 internet-based fingerprinting services through an entity or entities for the
35 acquisition and transmission of applicant fingerprint and data submissions to
36 the department, including identity verified fingerprints pursuant to section
37 15-106. The entity or entities contracted by the department of public safety
38 may charge the applicant a fee for services provided pursuant to this
39 article. The entity or entities contracted by the department of public
40 safety shall comply with:

41 1. All information privacy and security measures and submission
42 standards established by the department of public safety.

43 2. The information technology security policy approved by the
44 department of public safety.

