

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 196
SENATE BILL 1282

AN ACT

AMENDING SECTION 32-1201, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1201.01; AMENDING SECTIONS 32-1263, 32-1281 AND 32-1289, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1289.01 AND 32-1291.01; AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 36.1; RELATING TO DENTAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1201, Arizona Revised Statutes, is amended to
3 read:

4 32-1201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Auxiliary personnel" means all dental assistants, dental
7 technicians, dental x-ray technicians and other persons employed by dentists
8 or firms and businesses providing dental services to dentists.

9 2. "Board" means the state board of dental examiners.

10 3. "Business entity" means a business organization that has an
11 ownership that includes any persons who are not licensed or certified to
12 provide dental services in this state, that offers to the public professional
13 services regulated by the board and that is established pursuant to the laws
14 of any state or foreign country.

15 4. "Dental assistant" means any person who acts as an assistant to a
16 dentist or a dental hygienist by rendering personal services to a patient
17 that involve close proximity to the patient while the patient is under
18 treatment or observation or undergoing diagnostic procedures.

19 5. "Dental hygienist" means any person licensed and engaged in the
20 general practice of dental hygiene and all related and associated duties,
21 including educational, clinical and therapeutic dental hygiene procedures.

22 6. "Dental incompetence" means lacking in sufficient dentistry
23 knowledge or skills, or both, in that field of dentistry in which the
24 dentist, denturist or dental hygienist concerned engages, to a degree likely
25 to endanger the health of that person's patients.

26 7. "Dental laboratory technician" means any person, other than a
27 licensed dentist, who, pursuant to a written work order of a dentist,
28 fabricates artificial teeth, prosthetic appliances or other mechanical and
29 artificial contrivances designed to correct or alleviate injuries or defects,
30 both developmental and acquired, disorders or deficiencies of the human oral
31 cavity, teeth, investing tissues, maxilla or mandible or adjacent associated
32 structures.

33 8. "Dental x-ray laboratory technician" means any person, other than a
34 licensed dentist, who, pursuant to a written work order of a dentist,
35 performs dental and maxillofacial radiography, including cephalometrics,
36 panoramic and maxillofacial tomography and other dental related
37 non-fluoroscopic diagnostic imaging modalities.

38 9. "Dentistry", "dentist" and "dental" means the general practice of
39 dentistry and all specialties or restricted practices of dentistry.

40 10. "Denturist" means a person practicing denture technology pursuant
41 to article 5 of this chapter.

42 11. "Disciplinary action" means regulatory sanctions that are imposed
43 by the board in combination with, or as an alternative to, revocation or
44 suspension of a license and that may include:

1 (a) Imposition of an administrative penalty in an amount not to exceed
2 two thousand dollars for each violation of this chapter or rules adopted
3 under this chapter.

4 (b) Imposition of restrictions on the scope of practice.

5 (c) Imposition of peer review and professional education requirements.

6 (d) Imposition of censure or probation requirements best adapted to
7 protect the public welfare, which may include a requirement for restitution
8 to the patient resulting from violations of this chapter or rules adopted
9 under this chapter.

10 12. "Irregularities in billing" means submitting any claim, bill or
11 government assistance claim to any patient, responsible party or third-party
12 payor for dental services rendered that is materially false with the intent
13 to receive unearned income as evidenced by any of the following:

14 (a) Charges for services not rendered.

15 (b) Any treatment date that does not accurately reflect the date when
16 the service and procedures were actually completed.

17 (c) Any description of a dental service or procedure that does not
18 accurately reflect the actual work completed.

19 (d) Any charge for a service or procedure that cannot be clinically
20 justified or determined to be necessary.

21 (e) Any statement that is material to the claim and that the licensee
22 knows is false or misleading.

23 (f) An abrogation of the copayment provisions of a dental insurance
24 contract by a waiver of all or a part of the copayment from the patient if
25 this results in an excessive or fraudulent charge to a third party or if the
26 waiver is used as an enticement to receive dental services from that
27 provider. This subdivision does not interfere with a contractual
28 relationship between a third-party payor and a licensee or business entity
29 registered with the board.

30 (g) Any other practice in billing that results in excessive or
31 fraudulent charges to the patient.

32 13. "Letter of concern" means an advisory letter to notify a licensee
33 or a registered business entity that, while the evidence does not warrant
34 disciplinary action, the board believes that the licensee or registered
35 business entity should modify or eliminate certain practices and that
36 continuation of the activities that led to the information being submitted to
37 the board may result in board action against the practitioner's license or
38 the business entity's registration. A letter of concern is not a
39 disciplinary action. A letter of concern is a public document and may be
40 used in a future disciplinary action.

41 14. "Licensed" means licensed pursuant to this chapter.

42 15. "Place of practice" means each physical location at which a person
43 licensed pursuant to this chapter performs services subject to this chapter.

44 16. "Primary mailing address" means the address on file with the board
45 and to which official board correspondence, notices or documents are
46 delivered in a manner determined by the board.

1 17. "Recognized dental hygiene school" means a school that has a
2 dental hygiene program with a minimum two academic year curriculum, or the
3 equivalent of four semesters, and that is approved by the board and
4 accredited by the American dental association commission on dental
5 accreditation.

6 18. "Recognized dental school" means a dental school accredited by the
7 American dental association commission on dental accreditation.

8 19. "Recognized denturist school" means a denturist school that
9 maintains standards of entrance, study and graduation and that is accredited
10 by the United States department of education or the council on higher
11 education accreditation.

12 20. "Supervised personnel" means all dental hygienists, dental
13 assistants, dental laboratory technicians, denturists, dental x-ray
14 laboratory technicians and other persons supervised by licensed dentists.

15 ~~21. "Unprofessional conduct" means the following acts, whether~~
16 ~~occurring in this state or elsewhere:~~

17 ~~(a) Intentional betrayal of a professional confidence or intentional~~
18 ~~violation of a privileged communication except as either of these may~~
19 ~~otherwise be required by law. This subdivision does not prevent members of~~
20 ~~the board from the full and free exchange of information with the licensing~~
21 ~~and disciplinary boards of other states, territories or districts of the~~
22 ~~United States or foreign countries, with the Arizona state dental association~~
23 ~~or any of its component societies or with the dental societies of other~~
24 ~~states, counties, districts, territories or foreign countries.~~

25 ~~(b) Using controlled substances as defined in section 36-2501,~~
26 ~~narcotic drugs, dangerous drugs or marijuana as defined in section 13-3401,~~
27 ~~or hypnotic drugs, including acetylurea derivatives, barbituric acid~~
28 ~~derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane~~
29 ~~derivatives or any compounds, mixtures or preparations that may be used for~~
30 ~~producing hypnotic effects, or alcohol to the extent that it affects the~~
31 ~~ability of the dentist, denturist or dental hygienist to practice that~~
32 ~~person's profession.~~

33 ~~(c) Prescribing, dispensing or using drugs for other than accepted~~
34 ~~dental therapeutic purposes or for other than medically indicated supportive~~
35 ~~therapy in conjunction with managing a patient's dental needs.~~

36 ~~(d) Gross malpractice, or repeated acts constituting malpractice.~~

37 ~~(e) Acting or assuming to act as a member of the board if this is not~~
38 ~~true.~~

39 ~~(f) Procuring or attempting to procure a certificate of the national~~
40 ~~board of dental examiners or a license to practice dentistry or dental~~
41 ~~hygiene by fraud or misrepresentation or by knowingly taking advantage of the~~
42 ~~mistake of another.~~

43 ~~(g) Having professional connection with or lending one's name to an~~
44 ~~illegal practitioner of dentistry or any of the other healing arts.~~

45 ~~(h) Representing that a manifestly not correctable condition, disease,~~
46 ~~injury, ailment or infirmity can be permanently corrected, or that a~~

1 ~~correctable condition, disease, injury, ailment or infirmity can be corrected~~
2 ~~within a stated time, if this is not true.~~

3 ~~(i) Offering, undertaking or agreeing to correct, cure or treat a~~
4 ~~condition, disease, injury, ailment or infirmity by a secret means, method,~~
5 ~~device or instrumentality.~~

6 ~~(j) Refusing to divulge to the board, on reasonable notice and demand,~~
7 ~~the means, method, device or instrumentality used in the treatment of a~~
8 ~~condition, disease, injury, ailment or infirmity.~~

9 ~~(k) Dividing a professional fee or receiving any consideration for~~
10 ~~patient referrals among or between dental care providers or dental care~~
11 ~~institutions or entities. This subdivision does not prohibit the division of~~
12 ~~fees among licensees who are engaged in a bona fide employment, partnership,~~
13 ~~corporate or contractual relationship for the delivery of professional~~
14 ~~services.~~

15 ~~(l) Knowingly making any false or fraudulent statement, written or~~
16 ~~oral, in connection with the practice of dentistry.~~

17 ~~(m) Refusal, revocation or suspension of a license or any other~~
18 ~~disciplinary action taken against a dentist by, or the voluntary surrender of~~
19 ~~a license in lieu of disciplinary action to, any other state, territory,~~
20 ~~district or country, unless the board finds that this action was not taken~~
21 ~~for reasons that relate to the person's ability to safely and skillfully~~
22 ~~practice dentistry or to any act of unprofessional conduct.~~

23 ~~(n) Any conduct or practice that constitutes a danger to the health,~~
24 ~~welfare or safety of the patient or the public.~~

25 ~~(o) Obtaining a fee by fraud or misrepresentation, or wilfully or~~
26 ~~intentionally filing a fraudulent claim with a third party for services~~
27 ~~rendered or to be rendered to a patient.~~

28 ~~(p) Repeated irregularities in billing.~~

29 ~~(q) Employing unlicensed persons to perform or aiding and abetting~~
30 ~~unlicensed persons in the performance of work that can be done legally only~~
31 ~~by licensed persons.~~

32 ~~(r) Practicing dentistry under a false or assumed name in this state,~~
33 ~~other than as allowed by section 32-1262.~~

34 ~~(s) Wilfully or intentionally causing or permitting supervised~~
35 ~~personnel or auxiliary personnel operating under the licensee's supervision~~
36 ~~to commit illegal acts or perform an act or operation other than that~~
37 ~~permitted under article 4 of this chapter and rules adopted by the board~~
38 ~~pursuant to section 32-1282.~~

39 ~~(t) The following advertising practices:~~

40 ~~(i) The publication or circulation, directly or indirectly, of any~~
41 ~~false, fraudulent or misleading statements concerning the skill, methods or~~
42 ~~practices of the licensee or of any other person.~~

43 ~~(ii) Advertising in any manner that tends to deceive or defraud the~~
44 ~~public.~~

45 ~~(u) Failing to dispense drugs and devices in compliance with article 6~~
46 ~~of this chapter.~~

1 ~~(v) Failing to comply with a final board order, including an order of~~
2 ~~censure or probation.~~

3 ~~(w) Failing to comply with a board subpoena in a timely manner.~~

4 ~~(x) Failing or refusing to maintain adequate patient records.~~

5 ~~(y) Failing to allow properly authorized board personnel, on demand,~~
6 ~~to inspect the place of practice and examine and have access to documents,~~
7 ~~books, reports and records maintained by the licensee or certificate holder~~
8 ~~that relate to the dental practice or dentally related activity.~~

9 ~~(z) Refusing to submit to a body fluid examination as required through~~
10 ~~a monitored treatment program or pursuant to a board investigation into a~~
11 ~~licensee's or certificate holder's alleged substance abuse.~~

12 ~~(aa) Failing to inform a patient of the type of material the dentist~~
13 ~~will use in the patient's dental filling and the reason why the dentist is~~
14 ~~using that particular filling.~~

15 ~~(bb) Failing to report in writing to the board any evidence that a~~
16 ~~dentist, denturist or dental hygienist is or may be:~~

17 ~~(i) Professionally incompetent.~~

18 ~~(ii) Engaging in unprofessional conduct.~~

19 ~~(iii) Impaired by drugs or alcohol.~~

20 ~~(iv) Mentally or physically unable to safely engage in the activities~~
21 ~~of a dentist, denturist or dental hygienist pursuant to this chapter.~~

22 ~~(cc) Filing a false report pursuant to subdivision (bb) of this~~
23 ~~paragraph.~~

24 ~~(dd) Practicing dentistry, dental hygiene or denturism in a business~~
25 ~~entity that is not registered with the board as required by section 32-1213.~~

26 21. "TELEDENTISTRY" MEANS THE USE OF DATA TRANSMITTED THROUGH
27 INTERACTIVE AUDIO, VIDEO OR DATA COMMUNICATIONS FOR THE PURPOSES OF
28 DIAGNOSIS, TREATMENT PLANNING, CONSULTATION AND DIRECTING THE DELIVERY OF
29 TREATMENT BY DENTISTS AND DENTAL PROVIDERS IN SETTINGS PERMISSIBLE UNDER THIS
30 CHAPTER OR SPECIFIED IN RULES ADOPTED BY THE BOARD.

31 Sec. 2. Title 32, chapter 11, article 1, Arizona Revised Statutes, is
32 amended by adding section 32-1201.01, to read:

33 32-1201.01. Definition of unprofessional conduct

34 FOR THE PURPOSES OF THIS CHAPTER, "UNPROFESSIONAL CONDUCT" MEANS THE
35 FOLLOWING ACTS, WHETHER OCCURRING IN THIS STATE OR ELSEWHERE:

36 1. INTENTIONAL BETRAYAL OF A PROFESSIONAL CONFIDENCE OR INTENTIONAL
37 VIOLATION OF A PRIVILEGED COMMUNICATION EXCEPT AS EITHER OF THESE MAY
38 OTHERWISE BE REQUIRED BY LAW. THIS PARAGRAPH DOES NOT PREVENT MEMBERS OF THE
39 BOARD FROM THE FULL AND FREE EXCHANGE OF INFORMATION WITH THE LICENSING AND
40 DISCIPLINARY BOARDS OF OTHER STATES, TERRITORIES OR DISTRICTS OF THE UNITED
41 STATES OR FOREIGN COUNTRIES, WITH THE ARIZONA STATE DENTAL ASSOCIATION OR ANY
42 OF ITS COMPONENT SOCIETIES OR WITH THE DENTAL SOCIETIES OF OTHER STATES,
43 COUNTIES, DISTRICTS, TERRITORIES OR FOREIGN COUNTRIES.

44 2. USING CONTROLLED SUBSTANCES AS DEFINED IN SECTION 36-2501, NARCOTIC
45 DRUGS, DANGEROUS DRUGS OR MARIJUANA AS DEFINED IN SECTION 13-3401, OR
46 HYPNOTIC DRUGS, INCLUDING ACETYLUREA DERIVATIVES, BARBITURIC ACID

1 DERIVATIVES, CHLORAL, PARALDEHYDE, PHENYLHYDANTOIN DERIVATIVES, SULFONMETHANE
2 DERIVATIVES OR ANY COMPOUNDS, MIXTURES OR PREPARATIONS THAT MAY BE USED FOR
3 PRODUCING HYPNOTIC EFFECTS, OR ALCOHOL TO THE EXTENT THAT IT AFFECTS THE
4 ABILITY OF THE DENTIST, DENTURIST OR DENTAL HYGIENIST TO PRACTICE THAT
5 PERSON'S PROFESSION.

6 3. PRESCRIBING, DISPENSING OR USING DRUGS FOR OTHER THAN ACCEPTED
7 DENTAL THERAPEUTIC PURPOSES OR FOR OTHER THAN MEDICALLY INDICATED SUPPORTIVE
8 THERAPY IN CONJUNCTION WITH MANAGING A PATIENT'S DENTAL NEEDS.

9 4. GROSS MALPRACTICE OR REPEATED ACTS CONSTITUTING MALPRACTICE.

10 5. ACTING OR ASSUMING TO ACT AS A MEMBER OF THE BOARD IF THIS IS NOT
11 TRUE.

12 6. PROCURING OR ATTEMPTING TO PROCURE A CERTIFICATE OF THE NATIONAL
13 BOARD OF DENTAL EXAMINERS OR A LICENSE TO PRACTICE DENTISTRY OR DENTAL
14 HYGIENE BY FRAUD OR MISREPRESENTATION OR BY KNOWINGLY TAKING ADVANTAGE OF THE
15 MISTAKE OF ANOTHER.

16 7. HAVING PROFESSIONAL CONNECTION WITH OR LENDING ONE'S NAME TO AN
17 ILLEGAL PRACTITIONER OF DENTISTRY OR ANY OF THE OTHER HEALING ARTS.

18 8. REPRESENTING THAT A MANIFESTLY NOT CORRECTABLE CONDITION, DISEASE,
19 INJURY, AILMENT OR INFIRMITY CAN BE PERMANENTLY CORRECTED, OR THAT A
20 CORRECTABLE CONDITION, DISEASE, INJURY, AILMENT OR INFIRMITY CAN BE CORRECTED
21 WITHIN A STATED TIME, IF THIS IS NOT TRUE.

22 9. OFFERING, UNDERTAKING OR AGREEING TO CORRECT, CURE OR TREAT A
23 CONDITION, DISEASE, INJURY, AILMENT OR INFIRMITY BY A SECRET MEANS, METHOD,
24 DEVICE OR INSTRUMENTALITY.

25 10. REFUSING TO DIVULGE TO THE BOARD, ON REASONABLE NOTICE AND DEMAND,
26 THE MEANS, METHOD, DEVICE OR INSTRUMENTALITY USED IN THE TREATMENT OF A
27 CONDITION, DISEASE, INJURY, AILMENT OR INFIRMITY.

28 11. DIVIDING A PROFESSIONAL FEE OR OFFERING, PROVIDING OR RECEIVING
29 ANY CONSIDERATION FOR PATIENT REFERRALS AMONG OR BETWEEN DENTAL CARE
30 PROVIDERS OR DENTAL CARE INSTITUTIONS OR ENTITIES. THIS PARAGRAPH DOES NOT
31 PROHIBIT THE DIVISION OF FEES AMONG LICENSEES WHO ARE ENGAGED IN A BONA FIDE
32 EMPLOYMENT, PARTNERSHIP, CORPORATE OR CONTRACTUAL RELATIONSHIP FOR THE
33 DELIVERY OF PROFESSIONAL SERVICES.

34 12. KNOWINGLY MAKING ANY FALSE OR FRAUDULENT STATEMENT, WRITTEN OR
35 ORAL, IN CONNECTION WITH THE PRACTICE OF DENTISTRY.

36 13. REFUSAL, REVOCATION OR SUSPENSION OF A LICENSE OR ANY OTHER
37 DISCIPLINARY ACTION TAKEN AGAINST A DENTIST BY, OR THE VOLUNTARY SURRENDER OF
38 A LICENSE IN LIEU OF DISCIPLINARY ACTION TO, ANY OTHER STATE, TERRITORY,
39 DISTRICT OR COUNTRY, UNLESS THE BOARD FINDS THAT THIS ACTION WAS NOT TAKEN
40 FOR REASONS THAT RELATE TO THE PERSON'S ABILITY TO SAFELY AND SKILLFULLY
41 PRACTICE DENTISTRY OR TO ANY ACT OF UNPROFESSIONAL CONDUCT.

42 14. ANY CONDUCT OR PRACTICE THAT CONSTITUTES A DANGER TO THE HEALTH,
43 WELFARE OR SAFETY OF THE PATIENT OR THE PUBLIC.

44 15. OBTAINING A FEE BY FRAUD OR MISREPRESENTATION, OR WILFULLY OR
45 INTENTIONALLY FILING A FRAUDULENT CLAIM WITH A THIRD PARTY FOR SERVICES
46 RENDERED OR TO BE RENDERED TO A PATIENT.

- 1 16. REPEATED IRREGULARITIES IN BILLING.
- 2 17. EMPLOYING UNLICENSED PERSONS TO PERFORM OR AIDING AND ABETTING
3 UNLICENSED PERSONS IN THE PERFORMANCE OF WORK THAT CAN BE DONE LEGALLY ONLY
4 BY LICENSED PERSONS.
- 5 18. PRACTICING DENTISTRY UNDER A FALSE OR ASSUMED NAME IN THIS STATE,
6 OTHER THAN AS ALLOWED BY SECTION 32-1262.
- 7 19. WILFULLY OR INTENTIONALLY CAUSING OR PERMITTING SUPERVISED
8 PERSONNEL OR AUXILIARY PERSONNEL OPERATING UNDER THE LICENSEE'S SUPERVISION
9 TO COMMIT ILLEGAL ACTS OR PERFORM AN ACT OR OPERATION OTHER THAN THAT
10 PERMITTED UNDER ARTICLE 4 OF THIS CHAPTER AND RULES ADOPTED BY THE BOARD
11 PURSUANT TO SECTION 32-1282.
- 12 20. THE FOLLOWING ADVERTISING PRACTICES:
- 13 (a) THE PUBLICATION OR CIRCULATION, DIRECTLY OR INDIRECTLY, OF ANY
14 FALSE, FRAUDULENT OR MISLEADING STATEMENTS CONCERNING THE SKILL, METHODS OR
15 PRACTICES OF THE LICENSEE OR OF ANY OTHER PERSON.
- 16 (b) ADVERTISING IN ANY MANNER THAT TENDS TO DECEIVE OR DEFRAUD THE
17 PUBLIC.
- 18 21. FAILING TO DISPENSE DRUGS AND DEVICES IN COMPLIANCE WITH ARTICLE 6
19 OF THIS CHAPTER.
- 20 22. FAILING TO COMPLY WITH A BOARD ORDER, INCLUDING AN ORDER OF
21 CENSURE OR PROBATION.
- 22 23. FAILING TO COMPLY WITH A BOARD SUBPOENA IN A TIMELY MANNER.
- 23 24. FAILING OR REFUSING TO MAINTAIN ADEQUATE PATIENT RECORDS.
- 24 25. FAILING TO ALLOW PROPERLY AUTHORIZED BOARD PERSONNEL, ON DEMAND,
25 TO INSPECT THE PLACE OF PRACTICE AND EXAMINE AND HAVE ACCESS TO DOCUMENTS,
26 BOOKS, REPORTS AND RECORDS MAINTAINED BY THE LICENSEE OR CERTIFICATE HOLDER
27 THAT RELATE TO THE DENTAL PRACTICE OR DENTAL-RELATED ACTIVITY.
- 28 26. REFUSING TO SUBMIT TO A BODY FLUID EXAMINATION AS REQUIRED THROUGH
29 A MONITORED TREATMENT PROGRAM OR PURSUANT TO A BOARD INVESTIGATION INTO A
30 LICENSEE'S OR CERTIFICATE HOLDER'S ALLEGED SUBSTANCE ABUSE.
- 31 27. FAILING TO INFORM A PATIENT OF THE TYPE OF MATERIAL THE DENTIST
32 WILL USE IN THE PATIENT'S DENTAL FILLING AND THE REASON WHY THE DENTIST IS
33 USING THAT PARTICULAR FILLING.
- 34 28. FAILING TO REPORT IN WRITING TO THE BOARD ANY EVIDENCE THAT A
35 DENTIST, DENTURIST OR DENTAL HYGIENIST IS OR MAY BE:
- 36 (a) PROFESSIONALLY INCOMPETENT.
- 37 (b) ENGAGING IN UNPROFESSIONAL CONDUCT.
- 38 (c) IMPAIRED BY DRUGS OR ALCOHOL.
- 39 (d) MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE ACTIVITIES
40 OF A DENTIST, DENTURIST OR DENTAL HYGIENIST PURSUANT TO THIS CHAPTER.
- 41 29. FILING A FALSE REPORT PURSUANT TO PARAGRAPH 28 OF THIS SECTION.
- 42 30. PRACTICING DENTISTRY, DENTAL HYGIENE OR DENTURISM IN A BUSINESS
43 ENTITY THAT IS NOT REGISTERED WITH THE BOARD AS REQUIRED BY SECTION 32-1213.
- 44 Sec. 3. Section 32-1263, Arizona Revised Statutes, is amended to read:
45 32-1263. Grounds for disciplinary action; definition

1 A. The board may invoke disciplinary action against any person
2 licensed under this chapter for any of the following reasons:

3 1. Unprofessional conduct, as defined in section ~~32-1201~~ 32-1201.01.

4 2. Conviction of a felony or of a misdemeanor involving moral
5 turpitude, in which case the record of conviction or a certified copy is
6 conclusive evidence.

7 3. Physical or mental incompetence to practice pursuant to this
8 chapter.

9 4. Committing or aiding, directly or indirectly, a violation of or
10 noncompliance with any provision of this chapter or of any rules adopted by
11 the board pursuant to this chapter.

12 5. Dental incompetence, as defined in section 32-1201.

13 B. This section does not establish a cause of action against a
14 licensee or a registered business entity that makes a report of
15 unprofessional conduct or unethical conduct in good faith.

16 C. The board may take disciplinary action against a business entity
17 registered pursuant to this chapter for unethical conduct.

18 D. For the purposes of this section, "unethical conduct" means the
19 following acts occurring in this state or elsewhere:

20 1. Failing to report in writing to the board any evidence that a
21 dentist, denturist or dental hygienist is or may be professionally
22 incompetent, is or may be guilty of unprofessional conduct, is or may be
23 impaired by drugs or alcohol or is or may be mentally or physically unable to
24 safely engage in the permissible activities of a dentist, denturist or dental
25 hygienist.

26 2. Falsely reporting to the board that a dentist, denturist or dental
27 hygienist is or may be guilty of unprofessional conduct, is or may be
28 impaired by drugs or alcohol or is or may be mentally or physically unable to
29 safely engage in the permissible activities of a dentist, denturist or dental
30 hygienist.

31 3. Obtaining or attempting to obtain a registration or registration
32 renewal by fraud or by misrepresentation.

33 4. Knowingly filing with the board any application, renewal or other
34 document that contains false information.

35 5. Failing to register or failing to submit a renewal registration
36 with the board pursuant to section 32-1213.

37 6. Failing to provide the following persons with access to any place
38 for which a registration has been issued or for which an application for a
39 registration has been submitted in order to conduct a site investigation,
40 inspection or audit:

41 (a) The board or its employees or agents.

42 (b) An authorized federal or state official.

43 7. Failing to notify the board of a change in officers and directors,
44 a change of address or a change in the dentists providing services pursuant
45 to section 32-1213, subsection E.

46 8. Failing to provide patient records pursuant to section 32-1264.

1 9. Obtaining a fee by fraud or misrepresentation or wilfully or
2 intentionally filing a fraudulent claim with a third party for services
3 rendered or to be rendered to a patient.

4 10. Engaging in repeated irregularities in billing.

5 11. Engaging in the following advertising practices:

6 (a) The publication or circulation, directly or indirectly, of any
7 false or fraudulent or misleading statements concerning the skill, methods or
8 practices of a registered business entity, a licensee or any other person.

9 (b) Advertising in any manner that tends to deceive or defraud the
10 public.

11 12. Failing to comply with a board subpoena in a timely manner.

12 13. Failing to comply with a final board order, including a decree of
13 censure, a period or term of probation, a consent agreement or a stipulation.

14 14. Employing or aiding and abetting unlicensed persons to perform
15 work that must be done by a person licensed pursuant to this chapter.

16 15. Engaging in any conduct or practice that constitutes a danger to
17 the health, welfare or safety of the patient or the public.

18 16. Engaging in a policy or practice that interferes with the clinical
19 judgment of a licensee providing dental services for a business entity or
20 compromising a licensee's ability to comply with this chapter.

21 Sec. 4. Section 32-1281, Arizona Revised Statutes, is amended to read:

22 32-1281. Practicing as dental hygienist; supervision
23 requirements; definitions

24 A. A person is deemed to be practicing as a dental hygienist if the
25 person does any of the acts or performs any of the operations included in the
26 general practice of dental hygienists, dental hygiene and all related and
27 associated duties.

28 B. ~~Only~~ A licensed dental hygienist ~~or dentist~~ may perform the
29 following:

30 1. Prophylaxis.

31 2. Scaling.

32 3. Closed subgingival curettage.

33 4. Root planing.

34 5. Administering local anesthetics and nitrous oxide.

35 ~~6. Placing of periodontal sutures as prescribed in subsection F of~~
36 ~~this section.~~

37 ~~7.~~ 6. ~~Examining~~ INSPECTING the oral cavity and surrounding structures
38 FOR THE PURPOSES OF GATHERING CLINICAL DATA TO FACILITATE A DIAGNOSIS.

39 ~~8.~~ 7. Periodontal ~~examination~~ SCREENING OR ASSESSMENT.

40 ~~9.~~ 8. Recording of clinical findings.

41 ~~10.~~ 9. Compiling case histories.

42 ~~C. A licensed dental hygienist may:~~

43 ~~1.~~ 10. ~~Expose~~ EXPOSING and ~~process~~ PROCESSING dental radiographs.

44 ~~2.~~ 11. ~~Perform~~ All functions authorized and deemed appropriate for
45 dental assistants.

1 12. THOSE RESTORATIVE FUNCTIONS PERMISSIBLE FOR AN EXPANDED FUNCTION
2 DENTAL ASSISTANT IF QUALIFIED PURSUANT TO SECTION 32-1291.01.

3 ~~D.~~ C. The board by rule shall prescribe the circumstances under which
4 a licensed dental hygienist may:

5 1. Apply preventive and therapeutic agents, used in relation to dental
6 hygiene procedures, to the hard and soft tissues.

7 2. Use emerging scientific technology and prescribe the necessary
8 training, experience and supervision to operate newly developed scientific
9 technology. A dentist who supervises a dental hygienist whose duties include
10 the use of emerging scientific technology must have training on the use of
11 the emerging technology that is equal to or greater than the training the
12 dental hygienist is required to obtain.

13 3. Perform other procedures not specifically authorized by this
14 section.

15 ~~E.~~ D. Except as provided in subsections ~~F~~ E and ~~H~~ G of this
16 section, a dental hygienist shall practice under the general supervision of a
17 dentist licensed pursuant to this chapter.

18 ~~F.~~ E. Dental hygienists shall practice under the direct supervision
19 of a dentist licensed pursuant to this chapter when performing the following
20 procedures and after completing a course of study recognized by the board:

21 1. Administering local anesthetics. A dental hygienist may administer
22 local anesthetics to a patient of record under general supervision if all of
23 the following are true:

24 (a) The patient is at least eighteen years of age.

25 (b) The patient has been examined by a dentist licensed pursuant to
26 this chapter within the previous twelve months.

27 (c) There has been no change in the patient's medical history since
28 the last examination. If there has been a change in the patient's medical
29 history within that time, the dental hygienist must consult with the dentist
30 before administering local anesthetics.

31 (d) The supervising dentist who performed the examination has approved
32 the patient for the administration of local anesthetics by a dental hygienist
33 under general supervision and documented this approval in the patient's
34 record.

35 2. Administering nitrous oxide analgesia.

36 ~~3. Placing an interrupted suture interdentially to secure soft tissue~~
37 ~~papillae that may have inadvertently become displaced during root planing or~~
38 ~~closed curettage procedures performed by the dental hygienist, except that a~~
39 ~~dental hygienist may not position and suture soft tissue flaps that are~~
40 ~~reflected for surgical access and treatment. This procedure applies only to~~
41 ~~a dental hygienist who is permitted to perform periodontal suturing on or~~
42 ~~before July 31, 2004.~~

43 ~~G.~~ F. A dental hygienist may perform dental hygiene procedures in the
44 following settings:

45 1. On a patient of record of a dentist within that dentist's office.

1 2. Except as prescribed in section 32-1289, in a health care facility,
2 ~~nursing home~~ LONG-TERM CARE FACILITY, public health agency or institution, ~~or~~
3 public, ~~OR~~ private ~~or charter~~ school OR HOMEBOUND SETTING on patients who
4 have been examined by a dentist within the previous year.

5 ~~3. In a homebound setting on patients who have been examined by a~~
6 ~~dentist within the previous year.~~

7 ~~H.~~ G. A dental hygienist may provide dental hygiene services under an
8 affiliated practice relationship with a dentist as prescribed in section
9 ~~32-1289~~ 32-1289.01.

10 ~~I.~~ H. For the purposes of this article:

11 1. "ASSESSMENT" MEANS A LIMITED, CLINICAL INSPECTION THAT IS PERFORMED
12 TO IDENTIFY POSSIBLE SIGNS OF ORAL OR SYSTEMIC DISEASE, MALFORMATION OR
13 INJURY AND THE POTENTIAL NEED FOR REFERRAL FOR DIAGNOSIS AND TREATMENT.

14 ~~I.~~ 2. "Direct supervision" means that the dentist is present in the
15 office while the dental hygienist is treating a patient and is available for
16 consultation regarding procedures that the dentist authorizes and for which
17 the dentist is responsible.

18 ~~2.~~ 3. "General supervision" means that the dentist is available for
19 consultation, whether or not the dentist is in the dentist's office, over
20 procedures that the dentist has authorized and for which the dentist remains
21 responsible.

22 4. "SCREENING" MEANS THE DETERMINATION OF AN INDIVIDUAL'S NEED TO BE
23 SEEN BY A DENTIST FOR DIAGNOSIS AND DOES NOT INCLUDE AN EXAMINATION,
24 DIAGNOSIS OR TREATMENT PLANNING.

25 Sec. 5. Section 32-1289, Arizona Revised Statutes, is amended to read:
26 ~~32-1289.~~ Employment of dental hygienist by public agency,
27 institution or school

28 A. A public health agency or institution or a public or private school
29 authority may employ dental hygienists to perform necessary dental hygiene
30 procedures under either direct or general supervision pursuant to section
31 32-1281.

32 B. A dental hygienist employed by or working under contract or as a
33 volunteer for a public health agency or institution or a public or private
34 school authority before an examination by a dentist may ~~screen patients and~~
35 ~~apply topical fluoride without entering into an affiliated practice~~
36 ~~relationship pursuant to this section~~ PERFORM A SCREENING OR ASSESSMENT AND
37 APPLY SEALANTS AND TOPICAL FLUORIDE.

38 ~~C. A public health agency or institution, a public or private school~~
39 ~~authority or a government sponsored program that provides dental services may~~
40 ~~enter into a contract for dental hygiene services with licensees who have~~
41 ~~entered into an affiliated practice relationship pursuant to this section.~~

42 ~~D. The dental hygienist and the affiliated dentist must notify the~~
43 ~~board of the beginning of the affiliated practice relationship and provide~~
44 ~~the board with a copy of the agreement and any amendments to the agreement~~
45 ~~within thirty days after the effective date of the agreement or amendment.~~
46 ~~The dental hygienist and the affiliated dentist must also notify the board~~

1 ~~within thirty days after the termination date of the affiliated practice~~
2 ~~relationship if this date is different than the contract termination date.~~

3 ~~E. A dental hygienist must satisfy all of the following to be eligible~~
4 ~~to enter into an affiliated practice relationship with a dentist to perform~~
5 ~~dental hygiene procedures in affiliated practice settings:~~

6 ~~1. Hold an active license pursuant to this article.~~

7 ~~2. Enter into an affiliated practice relationship with a specific~~
8 ~~dentist who is licensed pursuant to this chapter.~~

9 ~~3. Have held a license as a dental hygienist for at least five years~~
10 ~~and actively engaged in dental hygiene practice for at least two thousand~~
11 ~~hours in the five years immediately preceding the affiliated practice~~
12 ~~relationship.~~

13 ~~F. An affiliated practice relationship between a dental hygienist and~~
14 ~~a dentist must be in writing and must include at least the following:~~

15 ~~1. An identification of the affiliated practice settings in which the~~
16 ~~dental hygienist may engage in dental hygiene practice pursuant to an~~
17 ~~affiliated practice relationship.~~

18 ~~2. An identification of the procedures and standing orders the dental~~
19 ~~hygienist must follow. The standing orders must include the circumstances in~~
20 ~~which a patient may be seen by a dental hygienist.~~

21 ~~3. A requirement that the patients who have been assessed by the~~
22 ~~dental hygienist be directed to the affiliated dentist for treatment or~~
23 ~~planning that is outside of the dental hygienist's scope of practice and that~~
24 ~~the affiliated dentist make any necessary referrals to other dentists.~~

25 ~~4. A requirement that a patient be seen by a licensed dentist within~~
26 ~~twelve months of initial treatment by the dental hygienist. If the patient~~
27 ~~has not received an examination and a treatment plan by a licensed dentist,~~
28 ~~the dental hygienist shall not provide further treatment.~~

29 ~~5. A requirement that a patient sixty five years of age or older be~~
30 ~~seen by a licensed dentist after treatment by the dental hygienist. If the~~
31 ~~patient has not received an examination and a treatment plan by a licensed~~
32 ~~dentist, the dental hygienist shall not provide further treatment.~~

33 ~~6. A requirement that if a patient presents with a complex medical~~
34 ~~history or medication regimen, the affiliated dental hygienist shall consult~~
35 ~~with the affiliated dentist prior to any treatment by the affiliated dental~~
36 ~~hygienist. The patient shall be directed to the affiliated dentist and the~~
37 ~~affiliated dentist shall make any necessary referrals to other licensed~~
38 ~~dentists.~~

39 ~~7. A requirement that the patient be informed that the dental~~
40 ~~hygienist providing the care is a licensed dental hygienist and that the care~~
41 ~~does not take the place of a diagnosis or treatment plan by a dentist.~~

42 ~~8. Pursuant to paragraph 3, 4 or 5 of this subsection, a requirement~~
43 ~~that the patient be informed that further dental hygiene services may not be~~
44 ~~provided unless the patient has been seen by a licensed dentist.~~

1 ~~G. The board shall adopt rules regarding participation in affiliated~~
2 ~~practice relationships by dentists and dental hygienists that specify the~~
3 ~~following:~~

4 ~~1. Additional continuing education requirements that must be satisfied~~
5 ~~by a dental hygienist.~~

6 ~~2. Additional standards and conditions that may apply to affiliated~~
7 ~~practice relationships.~~

8 ~~3. Compliance with the dental practice act and rules adopted by the~~
9 ~~board.~~

10 ~~H. Each dentist in an affiliated practice relationship must:~~

11 ~~1. Be available to provide an appropriate level of contact,~~
12 ~~communication and consultation with the affiliated dental hygienist.~~

13 ~~2. Adopt standing orders applicable to dental hygiene procedures that~~
14 ~~may be performed and populations that may be treated by the dental hygienist~~
15 ~~under the terms of the applicable affiliated practice agreement and to be~~
16 ~~followed by the dental hygienist in each affiliated practice setting in which~~
17 ~~the dental hygienist performs dental hygiene services under the affiliated~~
18 ~~practice relationship.~~

19 ~~3. Adopt procedures to provide timely referral of patients referred by~~
20 ~~the affiliated dental hygienist to a licensed dentist for examination and~~
21 ~~treatment planning. If the examination and treatment planning is to be~~
22 ~~provided by the dentist, that treatment shall be scheduled in an appropriate~~
23 ~~time frame. The dentist or the dentist to whom the patient is referred must~~
24 ~~be geographically available to see the patient.~~

25 ~~I. Each affiliated dental hygienist when practicing under an~~
26 ~~affiliated practice relationship:~~

27 ~~1. May perform only those duties within the terms of the affiliated~~
28 ~~practice relationship.~~

29 ~~2. Must maintain an appropriate level of contact, communication and~~
30 ~~consultation with the affiliated dentist.~~

31 ~~3. Is responsible and liable for all services rendered by the dental~~
32 ~~hygienist under the affiliated practice relationship.~~

33 ~~J. Subject to the terms of the written affiliated practice agreement~~
34 ~~entered into between a dentist and a dental hygienist, a dental hygienist may~~
35 ~~perform all dental hygiene procedures authorized by this chapter except for~~
36 ~~the procedures identified in section 32-1281, subsection B, paragraphs 4, 5~~
37 ~~and 6 or any diagnostic procedures that are required to be performed by a~~
38 ~~dentist.~~

39 ~~K. Subject to the terms of the written affiliated practice agreement~~
40 ~~entered into between a dentist and a dental hygienist, a dental hygienist may~~
41 ~~perform dental hygiene procedures in affiliated practice settings only on a~~
42 ~~person who is any of the following:~~

43 ~~1. Enrolled in a federal, state, county or local health care program.~~

44 ~~2. Participating in the national school meal program.~~

45 ~~3. From a family with a household income that is less than two hundred~~
46 ~~per cent of the federal poverty guidelines.~~

1 ~~L. This section does not require any dentist or dental hygienist to~~
2 ~~enter into an affiliated practice relationship.~~

3 ~~M. For the purposes of this section:~~

4 ~~1. "Affiliated practice setting" means the delivery of dental hygiene~~
5 ~~services by a dental hygienist under an affiliated practice relationship~~
6 ~~through a public health agency or institution, a public or private school~~
7 ~~authority or a government sponsored program that provides dental services.~~

8 ~~2. "Screen" means visually examining the teeth and hard or soft tissue~~
9 ~~of the mouth for obvious oral health problems for the purpose of advising the~~
10 ~~patient of the need for dental care, and shall not include an examination~~
11 ~~diagnosis or treatment planning.~~

12 Sec. 6. Title 32, chapter 11, article 4, Arizona Revised Statutes, is
13 amended by adding sections 32-1289.01 and 32-1291.01, to read:

14 32-1289.01. Dental hygienists; affiliated practice
15 relationships; rules; definition

16 A. A DENTIST WHO HOLDS AN ACTIVE LICENSE PURSUANT TO THIS CHAPTER AND
17 A DENTAL HYGIENIST WHO HOLDS AN ACTIVE LICENSE PURSUANT TO THIS ARTICLE MAY
18 ENTER INTO AN AFFILIATED PRACTICE RELATIONSHIP FOR THE DELIVERY OF DENTAL
19 HYGIENE SERVICES.

20 B. A DENTAL HYGIENIST SHALL SATISFY ALL OF THE FOLLOWING TO BE
21 ELIGIBLE TO ENTER INTO AN AFFILIATED PRACTICE RELATIONSHIP WITH A DENTIST
22 PURSUANT TO THIS SECTION FOR THE DELIVERY OF DENTAL HYGIENE SERVICES IN AN
23 AFFILIATED PRACTICE RELATIONSHIP:

24 1. HOLD AN ACTIVE LICENSE PURSUANT TO THIS ARTICLE.

25 2. ENTER INTO AN AFFILIATED PRACTICE RELATIONSHIP WITH A DENTIST WHO
26 HOLDS AN ACTIVE LICENSE PURSUANT TO THIS CHAPTER.

27 3. MEET ONE OF THE FOLLOWING:

28 (a) HAVE HELD AN ACTIVE LICENSE AS A DENTAL HYGIENIST FOR AT LEAST
29 FIVE YEARS AND BE ACTIVELY ENGAGED IN DENTAL HYGIENE PRACTICE FOR AT LEAST
30 FIVE HUNDRED HOURS IN EACH OF THE TWO YEARS IMMEDIATELY PRECEDING THE
31 AFFILIATED PRACTICE RELATIONSHIP.

32 (b) HOLD A BACHELOR'S DEGREE IN DENTAL HYGIENE, HAVE HELD AN ACTIVE
33 LICENSE FOR AT LEAST THREE YEARS AND BE ACTIVELY ENGAGED IN DENTAL HYGIENE
34 PRACTICE FOR AT LEAST FIVE HUNDRED HOURS IN EACH OF THE TWO YEARS PRECEDING
35 THE AFFILIATED PRACTICE RELATIONSHIP.

36 C. AN AFFILIATED PRACTICE AGREEMENT BETWEEN A DENTAL HYGIENIST AND A
37 DENTIST SHALL BE IN WRITING AND SHALL INCLUDE AT LEAST THE FOLLOWING:

38 1. AN IDENTIFICATION OF THE AFFILIATED PRACTICE SETTINGS IN WHICH THE
39 DENTAL HYGIENIST MAY DELIVER SERVICES PURSUANT TO THE AFFILIATED PRACTICE
40 RELATIONSHIP.

41 2. AN IDENTIFICATION OF THE SERVICES TO BE PROVIDED AND ANY PROCEDURES
42 AND STANDING ORDERS THE DENTAL HYGIENIST MUST FOLLOW. THE STANDING ORDERS
43 SHALL INCLUDE THE CIRCUMSTANCES IN WHICH A PATIENT MAY BE SEEN BY THE DENTAL
44 HYGIENIST.

45 D. THE FOLLOWING REQUIREMENTS APPLY TO ALL DENTAL HYGIENE SERVICES
46 PROVIDED THROUGH AN AFFILIATED PRACTICE RELATIONSHIP:

1 1. PATIENTS WHO HAVE BEEN ASSESSED BY THE DENTAL HYGIENIST SHALL BE
2 DIRECTED TO THE AFFILIATED DENTIST FOR DIAGNOSIS, TREATMENT OR PLANNING THAT
3 IS OUTSIDE THE DENTAL HYGIENIST'S SCOPE OF PRACTICE, AND THE AFFILIATED
4 DENTIST MAY MAKE ANY NECESSARY REFERRALS TO OTHER DENTISTS.

5 2. THE AFFILIATED PRACTICE DENTAL HYGIENIST SHALL CONSULT WITH THE
6 AFFILIATED PRACTICE DENTIST IF THE PROPOSED TREATMENT IS OUTSIDE THE SCOPE OF
7 THE AGREEMENT.

8 3. THE AFFILIATED PRACTICE DENTAL HYGIENIST SHALL CONSULT WITH THE
9 AFFILIATED PRACTICE DENTIST BEFORE INITIATING FURTHER TREATMENT ON PATIENTS
10 WHO HAVE NOT BEEN SEEN BY A DENTIST WITHIN TWELVE MONTHS OF THE INITIAL
11 TREATMENT BY THE DENTAL HYGIENIST.

12 4. THE AFFILIATED PRACTICE DENTAL HYGIENIST SHALL CONSULT WITH THE
13 AFFILIATED PRACTICE DENTIST BEFORE INITIATING TREATMENT ON PATIENTS
14 PRESENTING WITH A COMPLEX MEDICAL HISTORY OR MEDICATION REGIMEN.

15 5. THE PATIENT SHALL BE INFORMED IN WRITING THAT THE DENTAL HYGIENIST
16 PROVIDING THE CARE IS A LICENSED DENTAL HYGIENIST AND THAT THE CARE DOES NOT
17 TAKE THE PLACE OF A DIAGNOSIS OR TREATMENT PLAN BY A DENTIST.

18 E. A CONTRACT FOR DENTAL HYGIENE SERVICES WITH LICENSEES WHO HAVE
19 ENTERED INTO AN AFFILIATED PRACTICE RELATIONSHIP PURSUANT TO THIS SECTION MAY
20 BE ENTERED INTO ONLY BY:

- 21 1. A HEALTH CARE ORGANIZATION OR FACILITY.
- 22 2. A LONG-TERM CARE FACILITY.
- 23 3. A PUBLIC HEALTH AGENCY OR INSTITUTION.
- 24 4. A PUBLIC OR PRIVATE SCHOOL AUTHORITY.
- 25 5. A GOVERNMENT-SPONSORED PROGRAM.
- 26 6. A PRIVATE NONPROFIT OR CHARITABLE ORGANIZATION.
- 27 7. A SOCIAL SERVICE ORGANIZATION OR PROGRAM.

28 F. AN AFFILIATED PRACTICE DENTAL HYGIENIST MAY NOT PROVIDE DENTAL
29 HYGIENE SERVICES IN A SETTING NOT LISTED IN SUBSECTION E OF THIS SECTION.

30 G. EACH DENTIST IN AN AFFILIATED PRACTICE RELATIONSHIP SHALL:

31 1. BE AVAILABLE TO PROVIDE AN APPROPRIATE LEVEL OF CONTACT,
32 COMMUNICATION AND CONSULTATION WITH THE AFFILIATED DENTAL HYGIENIST DURING
33 THE BUSINESS HOURS OF THE AFFILIATED PRACTICE DENTAL HYGIENIST.

34 2. ADOPT STANDING ORDERS APPLICABLE TO DENTAL HYGIENE PROCEDURES THAT
35 MAY BE PERFORMED AND POPULATIONS THAT MAY BE TREATED BY THE DENTAL HYGIENIST
36 UNDER THE TERMS OF THE APPLICABLE AFFILIATED PRACTICE AGREEMENT AND TO BE
37 FOLLOWED BY THE DENTAL HYGIENIST IN EACH AFFILIATED PRACTICE SETTING IN WHICH
38 THE DENTAL HYGIENIST PERFORMS DENTAL HYGIENE SERVICES UNDER THE AFFILIATED
39 PRACTICE RELATIONSHIP.

40 3. ADOPT PROCEDURES TO PROVIDE TIMELY REFERRAL OF PATIENTS REFERRED BY
41 THE AFFILIATED PRACTICE DENTAL HYGIENIST TO A LICENSED DENTIST FOR
42 EXAMINATION AND TREATMENT PLANNING. IF THE EXAMINATION AND TREATMENT
43 PLANNING IS TO BE PROVIDED BY THE DENTIST, THAT TREATMENT SHALL BE SCHEDULED
44 IN AN APPROPRIATE TIME FRAME. THE AFFILIATED PRACTICE DENTIST OR THE DENTIST
45 TO WHOM THE PATIENT IS REFERRED SHALL BE GEOGRAPHICALLY AVAILABLE TO SEE THE
46 PATIENT.

1 4. NOT PERMIT THE PROVISION OF DENTAL HYGIENE SERVICES BY MORE THAN
2 THREE AFFILIATED PRACTICE DENTAL HYGIENISTS AT ANY ONE TIME.

3 H. EACH AFFILIATED DENTAL HYGIENIST, WHEN PRACTICING UNDER AN
4 AFFILIATED PRACTICE RELATIONSHIP:

5 1. MAY PERFORM ONLY THOSE DUTIES WITHIN THE TERMS OF THE AFFILIATED
6 PRACTICE RELATIONSHIP.

7 2. SHALL MAINTAIN AN APPROPRIATE LEVEL OF CONTACT, COMMUNICATION AND
8 CONSULTATION WITH THE AFFILIATED DENTIST.

9 3. IS RESPONSIBLE AND LIABLE FOR ALL SERVICES RENDERED BY THE DENTAL
10 HYGIENIST UNDER THE AFFILIATED PRACTICE RELATIONSHIP.

11 I. THE DENTAL HYGIENIST AND THE AFFILIATED DENTIST SHALL NOTIFY THE
12 BOARD OF THE BEGINNING OF THE AFFILIATED PRACTICE RELATIONSHIP AND PROVIDE
13 THE BOARD WITH A COPY OF THE AGREEMENT AND ANY AMENDMENTS TO THE AGREEMENT
14 WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THE AGREEMENT OR AMENDMENT.
15 THE DENTAL HYGIENIST AND THE AFFILIATED DENTIST SHALL ALSO NOTIFY THE BOARD
16 WITHIN THIRTY DAYS AFTER THE TERMINATION DATE OF THE AFFILIATED PRACTICE
17 RELATIONSHIP IF THIS DATE IS DIFFERENT THAN THE CONTRACT TERMINATION DATE.

18 J. SUBJECT TO THE TERMS OF THE WRITTEN AFFILIATED PRACTICE AGREEMENT
19 ENTERED INTO BETWEEN A DENTIST AND A DENTAL HYGIENIST, A DENTAL HYGIENIST MAY
20 PERFORM ALL DENTAL HYGIENE PROCEDURES AUTHORIZED BY THIS CHAPTER EXCEPT FOR
21 ANY DIAGNOSTIC PROCEDURES THAT ARE REQUIRED TO BE PERFORMED BY A DENTIST.
22 PROCEDURES IDENTIFIED IN SECTION 32-1281, SUBSECTION B, PARAGRAPHS 4 AND 5
23 ARE SUBJECT TO THE CONDITIONS PRESCRIBED IN SECTION 32-1281, SUBSECTION E,
24 PARAGRAPH 1.

25 K. THE BOARD SHALL ADOPT RULES REGARDING PARTICIPATION IN AFFILIATED
26 PRACTICE RELATIONSHIPS BY DENTISTS AND DENTAL HYGIENISTS THAT SPECIFY THE
27 FOLLOWING:

28 1. ADDITIONAL CONTINUING EDUCATION REQUIREMENTS THAT MUST BE SATISFIED
29 BY A DENTAL HYGIENIST.

30 2. ADDITIONAL STANDARDS AND CONDITIONS THAT MAY APPLY TO AFFILIATED
31 PRACTICE RELATIONSHIPS.

32 3. COMPLIANCE WITH THE DENTAL PRACTICE ACT AND RULES ADOPTED BY THE
33 BOARD.

34 L. FOR THE PURPOSES OF THIS SECTION, "AFFILIATED PRACTICE
35 RELATIONSHIP" MEANS THE DELIVERY OF DENTAL HYGIENE SERVICES, PURSUANT TO AN
36 AGREEMENT, BY A DENTAL HYGIENIST WHO IS LICENSED PURSUANT TO THIS ARTICLE AND
37 WHO REFERS THE PATIENT TO A DENTIST LICENSED PURSUANT TO THIS CHAPTER FOR ANY
38 NECESSARY FURTHER DIAGNOSIS, TREATMENT AND RESTORATIVE CARE.

39 32-1291.01. Expanded function dental assistants; training and
40 examination requirements; duties

41 A. A DENTAL ASSISTANT MAY PERFORM EXPANDED FUNCTIONS ON SUCCESSFUL
42 COMPLETION OF A BOARD-APPROVED EXPANDED FUNCTION DENTAL ASSISTANT TRAINING
43 PROGRAM COMPLETED AT AN INSTITUTION ACCREDITED BY THE COMMISSION ON DENTAL
44 ACCREDITATION OF THE AMERICAN DENTAL ASSOCIATION AND ON SUCCESSFUL COMPLETION
45 OF AN EXAMINATION IN DENTAL ASSISTANT EXPANDED FUNCTIONS THAT IS APPROVED BY
46 THE BOARD.

1 B. EXPANDED FUNCTIONS INCLUDE THE PLACEMENT, CONTOURING AND FINISHING
2 OF DIRECT RESTORATIONS OR THE PLACEMENT AND CEMENTATION OF PREFABRICATED
3 CROWNS FOLLOWING THE PREPARATION OF THE TOOTH BY A LICENSED DENTIST. THE
4 RESTORATIVE MATERIALS USED SHALL BE DETERMINED BY THE DENTIST.

5 C. AN EXPANDED FUNCTION DENTAL ASSISTANT MAY PLACE INTERIM THERAPEUTIC
6 RESTORATIONS UNDER THE GENERAL SUPERVISION AND DIRECTION OF A LICENSED
7 DENTIST FOLLOWING A CONSULTATION CONDUCTED THROUGH TELEDENTISTRY.

8 D. AN EXPANDED FUNCTION DENTAL ASSISTANT MAY APPLY SEALANTS AND
9 FLUORIDE VARNISH UNDER THE GENERAL SUPERVISION AND DIRECTION OF A LICENSED
10 DENTIST.

11 E. A LICENSED DENTAL HYGIENIST MAY ENGAGE IN EXPANDED FUNCTIONS
12 PURSUANT TO SECTION 32-1281, SUBSECTION B, PARAGRAPH 12 FOLLOWING A COURSE OF
13 STUDY AND EXAMINATION EQUIVALENT TO THAT REQUIRED FOR AN EXPANDED FUNCTION
14 DENTAL ASSISTANT AS SPECIFIED BY THE BOARD.

15 Sec. 7. Title 36, Arizona Revised Statutes, is amended by adding
16 chapter 36.1, to read:

17 CHAPTER 36.1

18 TELEDENTISTRY

19 ARTICLE 1. GENERAL PROVISIONS

20 36-3611. Definitions

21 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 1. "BOARD" MEANS THE STATE BOARD OF DENTAL EXAMINERS.

23 2. "DENTAL PROVIDER" MEANS A DENTAL HYGIENIST, AFFILIATED PRACTICE
24 DENTAL HYGIENIST OR DENTAL ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32,
25 CHAPTER 11.

26 3. "DENTIST" MEANS A PERSON WHO IS LICENSED IN THE GENERAL PRACTICE OF
27 DENTISTRY PURSUANT TO TITLE 32, CHAPTER 11.

28 4. "HEALTH CARE DECISION MAKER" HAS THE SAME MEANING PRESCRIBED IN
29 SECTION 12-2801.

30 5. "TELEDENTISTRY" MEANS THE USE OF DATA TRANSMITTED THROUGH
31 INTERACTIVE AUDIO, VIDEO OR DATA COMMUNICATIONS FOR THE PURPOSES OF
32 DIAGNOSIS, TREATMENT PLANNING, CONSULTATION AND DIRECTING THE DELIVERY OF
33 TREATMENT BY DENTISTS AND DENTAL PROVIDERS IN SETTINGS PERMISSIBLE UNDER
34 TITLE 32, CHAPTER 11 OR SPECIFIED IN RULES ADOPTED BY THE BOARD.

35 36-3612. Delivery of care through teledentistry; requirements;
36 exceptions

37 A. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, BEFORE A
38 DENTIST OR DENTAL PROVIDER DELIVERS CARE THROUGH TELEDENTISTRY, THE DENTIST
39 OR DENTAL PROVIDER SHALL OBTAIN VERBAL OR WRITTEN INFORMED CONSENT FROM THE
40 PATIENT OR THE PATIENT'S HEALTH CARE DECISION MAKER. IF THE INFORMED CONSENT
41 IS OBTAINED VERBALLY, THE DENTIST OR DENTAL PROVIDER SHALL DOCUMENT THE
42 CONSENT ON THE PATIENT'S RECORD.

43 B. IN ANY TELEDENTISTRY INTERACTION, THE PATIENT IS ENTITLED TO ALL
44 EXISTING CONFIDENTIALITY PROTECTIONS PURSUANT TO SECTION 12-2292.

45 C. ALL REPORTS RESULTING FROM A TELEDENTISTRY CONSULTATION ARE PART OF
46 A PATIENT'S DENTAL RECORD AS PRESCRIBED IN SECTION 32-1264.

1 D. IN ANY TELEDENTISTRY INTERACTION, THE DISSEMINATION OF ANY IMAGES
2 OR INFORMATION IDENTIFIABLE TO A SPECIFIC PATIENT FOR RESEARCH OR EDUCATIONAL
3 PURPOSES MAY NOT OCCUR WITHOUT THE PATIENT'S CONSENT, UNLESS AUTHORIZED BY
4 STATE OR FEDERAL LAW.

5 E. THE CONSENT REQUIREMENTS OF THIS SECTION DO NOT APPLY TO THE
6 TRANSMISSION OF DIAGNOSTIC IMAGES TO ANOTHER HEALTH CARE PROVIDER OR DENTAL
7 SPECIALIST OR THE REPORTING OF DIAGNOSTIC TEST RESULTS BY THAT SPECIALIST.

8 36-3613. Scope of article

9 THIS ARTICLE APPLIES TO THE PRACTICE OF TELEDENTISTRY WITHIN THIS
10 STATE. THIS ARTICLE DOES NOT EXPAND, REDUCE OR OTHERWISE AMEND THE LICENSING
11 REQUIREMENTS OF TITLE 32, CHAPTER 11 FOR DENTISTS OR DENTAL PROVIDERS.

12 Sec. 8. Arizona health care cost containment system;
13 teledentistry

14 In addition to services provided pursuant to section 36-2907,
15 subsection A, paragraph 7, Arizona Revised Statutes, the Arizona health care
16 cost containment system administration shall implement teledentistry services
17 for enrolled members who are under twenty-one years of age.

APPROVED BY THE GOVERNOR APRIL 6, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2015.