

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1079

AN ACT

AMENDING SECTIONS 32-1201, 32-1207, 32-1231, 32-1236, 32-1264, 32-1281, 32-1287 AND 32-1297.06, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1208; AMENDING TITLE 32, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1292.02; RELATING TO THE STATE DENTAL BOARD.

(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. "Dental assistant" means any person who acts as an assistant to a
11 dentist or a dental hygienist by rendering personal services to a patient
12 that involve close proximity to the patient while the patient is under
13 treatment or observation or undergoing diagnostic procedures.

14 4. "Dental hygienist" means any person licensed and engaged in the
15 general practice of dental hygiene and all related and associated duties
16 including educational, clinical and therapeutic dental hygiene procedures.

17 5. "Dental incompetence" means lacking in sufficient dentistry
18 knowledge or skills, or both, in that field of dentistry in which the
19 dentist, denturist or dental hygienist concerned engages, to a degree likely
20 to endanger the health of that person's patients.

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

28 7. "Dental x-ray laboratory technician" means any person, other than a
29 licensed dentist, who, pursuant to a written work order of a dentist,
30 performs dental and maxillofacial radiography including cephalometrics,
31 panoramic and maxillofacial tomography and other dental related
32 non-fluoroscopic diagnostic imaging modalities.

33 8. "Dentistry", "dentist" and "dental" means the general practice of
34 dentistry and all specialties or restricted practices of dentistry.

35 9. "Denturist" means a person practicing denture technology pursuant
36 to article 5 of this chapter.

37 10. "Disciplinary action" means regulatory sanctions that are imposed
38 by the board in combination with, or as an alternative to, revocation or
39 suspension of a license and that may include:

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

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

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

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

5 11. "Irregularities in billing" means:

6 (a) Reporting excessive charges for the purpose of obtaining payment
7 not earned.

8 (b) Reporting charges for services not rendered.

9 (c) Incorrectly reporting services rendered for the purpose of
10 obtaining payment not earned.

11 (d) Abrogating the copayment provisions of a dental insurance contract
12 by waiving all or a part of the copayment from the patient if this results in
13 an excessive or fraudulent charge to a third party.

14 (e) Any other practice in billing that results in excessive or
15 fraudulent charges to the patient.

16 12. "Letter of concern" means an advisory letter to notify a licensee
17 that, while the evidence does not warrant disciplinary action, the board
18 believes that the licensee should modify or eliminate certain practices and
19 that continuation of the activities that led to the information being
20 submitted to the board may result in board action against the practitioner's
21 license. A letter of concern is not a disciplinary action. A letter of
22 concern is a public document and may be used in a future disciplinary action.

23 13. "Licensed" means licensed pursuant to this chapter.

24 14. "PLACE OF PRACTICE" MEANS EACH PHYSICAL LOCATION AT WHICH A PERSON
25 LICENSED PURSUANT TO THIS CHAPTER PERFORMS SERVICES SUBJECT TO THIS CHAPTER.

26 15. "PRIMARY MAILING ADDRESS" MEANS THE ADDRESS ON FILE WITH THE BOARD
27 AND TO WHICH OFFICIAL BOARD CORRESPONDENCE, NOTICES OR DOCUMENTS ARE
28 DELIVERED IN A MANNER DETERMINED BY THE BOARD.

29 ~~14.~~ 16. "Recognized dental hygiene school" means a school that has a
30 dental hygiene program with a minimum two academic year curriculum, or the
31 equivalent of four semesters, and that is approved by the board and
32 accredited by the American dental association commission on dental
33 accreditation.

34 ~~15.~~ 17. "Recognized dental school" means a dental school accredited by
35 the American dental association commission on dental accreditation.

36 ~~16.~~ 18. "Recognized denturist school" means a denturist school
37 ~~maintaining~~ THAT MAINTAINS standards of entrance, study and graduation AND
38 that is accredited by the United States department of education or the
39 council on higher education accreditation.

40 ~~17.~~ 19. "Supervised personnel" means all dental hygienists, dental
41 assistants, dental laboratory technicians, denturists, dental x-ray
42 laboratory technicians and other persons supervised by licensed dentists.

43 ~~18.~~ 20. "Unprofessional conduct" means the following acts, whether
44 occurring in this state or elsewhere:

1 (a) Intentional betrayal of a professional confidence or intentional
2 violation of a privileged communication except as either of these may
3 otherwise be required by law. This subdivision does not prevent members of
4 the board from the full and free exchange of information with the licensing
5 and disciplinary boards of other states, territories or districts of the
6 United States or foreign countries, with the Arizona state dental association
7 or any of its component societies or with the dental societies of other
8 states, counties, districts, territories or foreign countries.

9 (b) Using controlled substances as defined in section 36-2501,
10 narcotic drugs, dangerous drugs or marijuana as defined in section 13-3401,
11 or hypnotic drugs, including acetylurea derivatives, barbituric acid
12 derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane
13 derivatives or any compounds, mixtures or preparations that may be used for
14 producing hypnotic effects, or alcohol to the extent that it affects the
15 ability of the dentist, denturist or dental hygienist to practice that
16 person's profession.

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

20 (d) Gross malpractice, or repeated acts constituting malpractice.

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

23 (f) Procuring or attempting to procure a certificate of the national
24 board of dental examiners or a license to practice dentistry or dental
25 hygiene by fraud or misrepresentation or by knowingly taking advantage of the
26 mistake of another.

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

29 (h) Representing that a manifestly not correctable condition, disease,
30 injury, ailment or infirmity can be permanently corrected, or that a
31 correctable condition, disease, injury, ailment or infirmity can be corrected
32 within a stated time, if this is not true.

33 (i) Offering, undertaking or agreeing to correct, cure or treat a
34 condition, disease, injury, ailment or infirmity by a secret means, method,
35 device or instrumentality.

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

39 (k) Giving or receiving, or aiding or abetting the giving or
40 receiving, of rebates, either directly or indirectly.

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

43 (m) Refusal, revocation or suspension of a license or any other
44 disciplinary action taken against a dentist by, or the voluntary surrender of
45 a license in lieu of disciplinary action to, any other state, territory,

1 district or country, unless the board finds that this action was not taken
2 for reasons that relate to the person's ability to safely and skillfully
3 practice dentistry or to any act of unprofessional conduct.

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

6 (o) Obtaining a fee by fraud or misrepresentation, or ~~willfully~~
7 **WILFULLY** or intentionally filing a fraudulent claim with a third party for
8 services rendered or to be rendered to a patient.

9 (p) Repeated irregularities in billing.

10 (q) Employing unlicensed persons to perform or aiding and abetting
11 unlicensed persons in the performance of work that can be done legally only
12 by licensed persons.

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

15 (s) ~~Willfully~~ **WILFULLY** or intentionally causing or permitting
16 supervised personnel or auxiliary personnel operating under the licensee's
17 supervision to commit illegal acts or perform an act or operation other than
18 that permitted under article 4 of this chapter and rules adopted by the board
19 pursuant to section 32-1282.

20 (t) Violating or attempting to violate, directly or indirectly, or
21 assisting or abetting the violation of or conspiring to violate any of the
22 provisions of this chapter or any rule adopted by the board.

23 (u) The following advertising practices:

24 (i) The publication or circulation, directly or indirectly, of any
25 false, fraudulent or misleading statements concerning the skill, methods or
26 practices of the licensee or of any other person.

27 (ii) Advertising in any manner that tends to deceive or defraud the
28 public.

29 (v) Failing to dispense drugs and devices in compliance with article 6
30 of this chapter.

31 (w) Failing to comply with a final board order, including an order of
32 censure or probation.

33 (x) Failing to comply with a board subpoena in a timely manner.

34 (y) Failing or refusing to maintain adequate patient records.

35 (z) Failing to allow properly authorized board personnel, on demand,
36 to **INSPECT THE PLACE OF PRACTICE AND** examine and have access to documents,
37 **BOOKS**, reports and records maintained by the licensee or certificate holder
38 that relate to the dental practice or dentally related activity.

39 (aa) Refusing to submit to a body fluid examination as required
40 through a monitored treatment program or pursuant to a board investigation
41 into a licensee's or certificate holder's alleged substance abuse.

42 (bb) Failing to inform a patient of the type of material the dentist
43 will use in the patient's dental filling and the reason why the dentist is
44 using that particular filling.

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

2 32-1207. Powers and duties

3 A. The board shall:

4 1. Adopt rules not inconsistent with this chapter for the regulation
5 of its own conduct, for holding examinations and for regulating the practice
6 of dentists and supervised personnel, provided:

7 (a) Regulation of supervised personnel ~~shall be~~ IS based on the degree
8 of education and training of the supervised personnel, the state of
9 scientific technology available and the necessary degree of supervision of
10 the supervised personnel by dentists.

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

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

17 2. Adopt a seal.

18 3. Keep a record of its proceedings and reports.

19 4. Establish a uniform and reasonable standard of minimum educational
20 requirements consistent with the accreditation standards of the American
21 dental association commission on dental accreditation to be observed by
22 dental schools and dental hygiene schools in order to be classified as
23 recognized dental schools or dental hygiene schools.

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

29 6. Determine the reputability and classification of dental schools,
30 dental hygiene schools and denture technology schools in accordance with
31 their compliance with the standard set forth in paragraph 4 or 5 of this
32 subsection, whichever is applicable.

33 7. Determine the eligibility of applicants for examination, examine
34 those found eligible and issue licenses to those who pass the examination.

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

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

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

42 11. Issue decrees of censure, fix periods and terms of probation,
43 suspend or revoke licenses, certificates and restricted permits, as the facts
44 may warrant, and reinstate licenses, certificates and restricted permits in
45 proper cases.

- 1 12. Collect and disburse monies.
- 2 13. Perform all other duties that are necessary to enforce this chapter
- 3 and that are not specifically or by necessary implication delegated to
- 4 another person.
- 5 ~~14. Issue a license to an applicant who is a graduate of a dental~~
- 6 ~~school that is not recognized by the board but who satisfies the requirements~~
- 7 ~~of section 32-1232.~~
- 8 ~~15.~~ 14. Establish criteria for the renewal of permits issued pursuant
- 9 to board rules relating to general anesthesia and sedation.
- 10 B. The board may:
- 11 1. Sue and be sued.
- 12 2. Issue subpoenas, including subpoenas to the custodian of patient
- 13 records, compel attendance of witnesses, administer oaths and take testimony
- 14 concerning all matters within its jurisdiction. If a person refuses to obey
- 15 a subpoena issued by the board, the refusal shall be certified to the
- 16 superior court and proceedings shall be instituted for contempt of court.
- 17 3. Adopt rules:
- 18 (a) Prescribing requirements for continuing education for renewal of
- 19 all licenses issued pursuant to this chapter.
- 20 (b) Prescribing educational and experience prerequisites for the
- 21 administration of intravenous or intramuscular drugs for the purpose of
- 22 sedation or for use of general anesthetics in conjunction with a dental
- 23 treatment procedure.
- 24 (c) Prescribing requirements for obtaining licenses for disabled or
- 25 retired licensees, **INCLUDING THE TRIENNIAL LICENSE RENEWAL FEE.**
- 26 4. Hire consultants to assist the board in the performance of its
- 27 duties and employ persons to provide investigative, professional and clerical
- 28 assistance as it deems necessary.
- 29 5. Contract with other state or federal agencies as required to carry
- 30 out the purposes of this chapter.
- 31 6. Order and evaluate physical, psychological, psychiatric and
- 32 competency testing of licensed dentists and dental hygienists and certified
- 33 denturists and candidates for licensure and certification as the board
- 34 determines necessary.
- 35 C. Members of the board are personally immune from liability with
- 36 respect to all acts done and actions taken in good faith and within the scope
- 37 of their authority.
- 38 D. The board by rule shall require that a licensee obtain a permit for
- 39 the application of general anesthesia, semiconscious sedation or conscious
- 40 sedation, shall establish and collect a fee of not more than three hundred
- 41 dollars to cover administrative costs connected with issuing the permit and
- 42 shall conduct inspections to assure compliance.
- 43 E. The board by rule may establish and collect fees for license
- 44 verification, board meeting agendas and minutes, published lists and mailing
- 45 labels.

1 Sec. 3. Title 32, chapter 11, article 1, Arizona Revised Statutes, is
2 amended by adding section 32-1208, to read:

3 32-1208. Failure to respond to subpoena; civil penalty

4 IN ADDITION TO ANY DISCIPLINARY ACTION AUTHORIZED BY STATUTE, THE BOARD
5 MAY ASSESS A NONDISCIPLINARY CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FIVE
6 HUNDRED DOLLARS FOR A LICENSEE WHO FAILS TO RESPOND TO A SUBPOENA ISSUED BY
7 THE BOARD PURSUANT TO THIS CHAPTER.

8 Sec. 4. Section 32-1231, Arizona Revised Statutes, is amended to read:

9 32-1231. Persons not required to be licensed

10 ~~Nothing in~~ This chapter ~~shall be construed to~~ DOES NOT prohibit:

11 1. A dentist OR DENTAL HYGIENIST WHO IS officially employed in the
12 service of the United States from practicing dentistry in ~~his~~ THE DENTIST'S
13 OR DENTAL HYGIENIST'S official capacity, within the scope of ~~his~~ THAT
14 PERSON'S authority, ~~upon~~ ON persons enlisted in, directly connected with, ~~or~~
15 under the immediate control of some branch of service of the United States.

16 2. An ~~interne~~ INTERN or student of dentistry OR DENTAL HYGIENE from
17 operating in the clinical departments or laboratories of a recognized dental
18 school, DENTAL HYGIENE SCHOOL or hospital under supervision of a dentist.

19 3. An unlicensed person from performing for a licensed dentist merely
20 mechanical work ~~upon~~ ON inert matter not within the oral cavity in the
21 construction, making, alteration or repairing of any artificial dental
22 substitute or any dental restorative or corrective appliance, ~~when~~ IF the
23 casts or impressions for ~~such~~ THAT work have been furnished by a licensed
24 dentist and the work is directly supervised by the dentist for whom done or
25 under a written authorization signed by ~~him~~ THE DENTIST, but the burden of
26 proving ~~such~~ THAT written authorization or direct supervision ~~shall be upon~~
27 IS ON the person charged with having violated this provision.

28 4. A clinician not licensed in this state from giving demonstrations,
29 before bona fide dental societies, study clubs and groups of professional
30 students, that are free to the persons on whom made.

31 5. The state director of dental public health from performing ~~his~~ THE
32 DIRECTOR'S administrative duties as prescribed by law.

33 6. A dentist OR DENTAL HYGIENIST to whom a restricted permit has been
34 issued from practicing dentistry OR DENTAL HYGIENE in this state as provided
35 in ~~section~~ SECTIONS 32-1237 AND 32-1292.

36 7. A dentist OR DENTAL HYGIENIST WHO IS not practicing on the public
37 at large from practicing in a recognized dental school or a recognized dental
38 hygiene school.

39 Sec. 5. Section 32-1236, Arizona Revised Statutes, is amended to read:

40 32-1236. Dentist triennial licensure; forfeiture of license;
41 reinstatement; license for each place of practice;
42 notice of change of address or place of practice;
43 penalties

44 A. On or before June 30 of every third year, every licensed dentist
45 shall submit to the board a passport size photograph taken of the dentist

1 within the previous six months and pay a fee of six hundred fifty dollars.
2 THIS REQUIREMENT DOES NOT APPLY TO A DISABLED OR RETIRED DENTIST.

3 B. A person applying for licensure for the first time in this state
4 shall pay a prorated fee for the period remaining until the next June 30.
5 This fee shall not exceed one-third of the fee established pursuant to
6 subsection A. Subsequent licensure renewal shall be conducted pursuant to
7 this section.

8 C. A person who fails to pay a fee prescribed by this section forfeits
9 the license. A license may be reinstated in the fiscal year in which it is
10 forfeited by submitting a written application with payment of the fee plus a
11 penalty of one hundred dollars. During the second fiscal year following
12 forfeiture, reinstatement may be effected by submitting a written application
13 and payment of the fees and all accumulated penalty fees. If a person fails
14 to pay the fees for reinstatement before the beginning of the third fiscal
15 year following the forfeiture of the license, the board shall require that
16 person to successfully complete the regular examination before the board
17 reinstates the license. Whenever issued, reinstatement is as of the date of
18 application and entitles the applicant to licensure only for the remainder of
19 the applicable three year period.

20 D. EACH LICENSEE MUST PROVIDE TO THE BOARD IN WRITING BOTH OF THE
21 FOLLOWING:

- 22 1. A PRIMARY MAILING ADDRESS.
- 23 2. THE ADDRESS FOR EACH PLACE OF PRACTICE.

24 ~~D-~~ E. A licensee maintaining more than one place of practice shall
25 obtain from the board a duplicate license for each office. A fee set by the
26 board shall be charged for each duplicate license. The licensee shall notify
27 the board IN WRITING within ten days of opening the additional place or
28 places of practice. The board shall impose a penalty of fifty dollars for
29 failure to notify the board.

30 ~~E-~~ F. A licensee who changes the licensee's PRIMARY MAILING ADDRESS
31 OR ~~office~~ PLACE OF PRACTICE address shall, within ten days, notify the board
32 of that change IN WRITING. The board shall impose a penalty of fifty dollars
33 if a licensee fails to notify the board of the change within that time. The
34 board shall increase the penalty imposed to one hundred dollars if a licensee
35 fails to notify it of the change within thirty days.

36 Sec. 6. Section 32-1264, Arizona Revised Statutes, is amended to read:
37 32-1264. Maintenance of records

38 A. A person licensed or certified pursuant to this chapter shall make
39 and maintain legible written records concerning all diagnosis, evaluation and
40 treatment of each patient of record. A licensee or certificate holder shall
41 maintain records stored or produced electronically in retrievable paper form.
42 These records shall include:

- 43 1. All treatment notes, including current health history and clinical
44 examinations.

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

3 3. Diagnosis and treatment planning.

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

7 5. All radiographs.

8 B. Records shall be available for review and for treatment purposes to
9 the dentist, dental hygienist or denturist providing care.

10 C. On request, the licensee or certificate holder shall ~~make these~~
11 **ALLOW PROPERLY AUTHORIZED BOARD PERSONNEL TO HAVE ACCESS TO THE LICENSEE'S OR**
12 **CERTIFICATE HOLDER'S PLACE OF PRACTICE TO CONDUCT AN INSPECTION AND MUST MAKE**
13 **THE LICENSEE'S OR CERTIFICATE HOLDER'S records, BOOKS AND DOCUMENTS** available
14 to the board as part of an investigation process.

15 D. On a patient's request, that patient's dentist, dental hygienist or
16 denturist shall transfer legible and diagnostic quality copies of that
17 patient's records to another licensee or certificate holder or that patient.
18 The patient may be charged for the reasonable costs of copying and forwarding
19 these records.

20 E. **UNLESS OTHERWISE REQUIRED BY LAW, A PERSON LICENSED OR CERTIFIED**
21 **PURSUANT TO THIS CHAPTER MUST RETAIN THE ORIGINAL OR A COPY OF A PATIENT'S**
22 **DENTAL RECORDS AS FOLLOWS:**

23 1. **IF THE PATIENT IS AN ADULT, FOR AT LEAST SIX YEARS AFTER THE LAST**
24 **DATE THE ADULT PATIENT RECEIVED DENTAL SERVICES FROM THAT PROVIDER.**

25 2. **IF THE PATIENT IS A CHILD, FOR AT LEAST THREE YEARS AFTER THE**
26 **CHILD'S EIGHTEENTH BIRTHDAY OR FOR AT LEAST SIX YEARS AFTER THE LAST DATE THE**
27 **CHILD RECEIVED DENTAL SERVICES FROM THE PROVIDER, WHICHEVER OCCURS LATER.**

28 Sec. 7. Section 32-1281, Arizona Revised Statutes, is amended to read:
29 **32-1281. Practicing as dental hygienist; supervision**
30 **requirements; definitions**

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

35 B. Only a licensed dental hygienist or dentist may perform the
36 following:

37 1. Prophylaxis.

38 2. Scaling.

39 3. Closed subgingival curettage.

40 4. Root planing.

41 5. Administering local anesthetics and nitrous oxide.

42 6. Placing of periodontal sutures as prescribed in subsection F of
43 this section.

44 7. Examining the oral cavity and surrounding structures.

45 8. Periodontal examination.

- 1 9. Recording of clinical findings.
- 2 10. Compiling case histories.
- 3 C. A licensed dental hygienist may:
- 4 1. Expose and process dental radiographs.
- 5 2. Perform all functions authorized and deemed appropriate for dental
- 6 assistants.
- 7 D. The board by rule shall prescribe the circumstances under which a
- 8 licensed dental hygienist may:
- 9 1. Apply preventive and therapeutic agents, used in relation to dental
- 10 hygiene procedures, to the hard and soft tissues.
- 11 2. Use emerging scientific technology and prescribe the necessary
- 12 training, experience and supervision to operate newly developed scientific
- 13 technology. A DENTIST WHO SUPERVISES A DENTAL HYGIENIST WHOSE DUTIES INCLUDE
- 14 THE USE OF EMERGING SCIENTIFIC TECHNOLOGY MUST HAVE TRAINING ON THE USE OF
- 15 THE EMERGING TECHNOLOGY THAT IS EQUAL TO OR GREATER THAN THE TRAINING THE
- 16 DENTAL HYGIENIST IS REQUIRED TO OBTAIN.
- 17 3. Perform other procedures not specifically authorized by this
- 18 section.
- 19 E. Except as provided in subsections F and H of this section, a dental
- 20 hygienist shall practice under the general supervision of a dentist licensed
- 21 pursuant to this chapter.
- 22 F. Dental hygienists shall practice under the direct supervision of a
- 23 dentist licensed pursuant to this chapter when performing the following
- 24 procedures and after completing a course of study recognized by the board:
- 25 1. Administering local anesthetics.
- 26 2. Administering nitrous oxide analgesia.
- 27 3. Placing an interrupted suture interdentially to secure soft tissue
- 28 papillae that may have inadvertently become displaced during root planing or
- 29 closed curettage procedures performed by the dental hygienist, except that a
- 30 dental hygienist may not position and suture soft tissue flaps that are
- 31 reflected for surgical access and treatment. This procedure applies only to
- 32 a dental hygienist who is permitted to perform periodontal suturing on or
- 33 before July 31, 2004.
- 34 G. A dental hygienist may perform dental hygiene procedures in the
- 35 following settings:
- 36 1. On a patient of record of a dentist within that dentist's office.
- 37 2. Except as prescribed in section 32-1289, in a health care facility,
- 38 nursing home, public health agency or institution or public, private or
- 39 charter school on patients who have been examined by a dentist within the
- 40 previous year.
- 41 3. In a homebound setting on patients who have been examined by a
- 42 dentist within the previous year.
- 43 H. A dental hygienist may provide dental hygiene services under an
- 44 affiliated practice relationship with a dentist as prescribed in section
- 45 32-1289.

1 I. For the purposes of this article:

2 1. "Direct supervision" means that the dentist is present in the
3 office while the dental hygienist is treating a patient and is available for
4 consultation regarding procedures that the dentist authorizes and for which
5 ~~he~~ THE DENTIST is responsible.

6 2. "General supervision" means that the dentist is available for
7 consultation, whether or not the dentist is in ~~his~~ THE DENTIST'S office, over
8 procedures ~~which~~ THAT the dentist has authorized and for which the dentist
9 remains responsible.

10 Sec. 8. Section 32-1287, Arizona Revised Statutes, is amended to read:

11 32-1287. Dental hygienist triennial licensure; forfeiture of
12 license; reinstatement; notice of change of address;
13 penalties

14 A. On or before June 30 of every third year, every licensed dental
15 hygienist shall pay a license renewal fee of three hundred twenty-five
16 dollars. THIS REQUIREMENT DOES NOT APPLY TO A DISABLED OR RETIRED DENTAL
17 HYGIENIST.

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

23 C. A person who fails to pay a fee prescribed by this section forfeits
24 the license. A license may be reinstated in the fiscal year in which it is
25 forfeited by submitting a written application with payment of the fee plus a
26 penalty of one hundred dollars. During the second fiscal year following
27 forfeiture, reinstatement may be effected by submitting a written application
28 and payment of the fees and all accumulated penalty fees. If a person fails
29 to pay the fees for reinstatement before the beginning of the third fiscal
30 year following forfeiture of the license, the board shall require that the
31 person successfully complete the regular examination before the board
32 reinstates the license. Whenever issued, reinstatement is as of the date of
33 application and entitles the applicant to licensure only for the remainder of
34 the applicable three year period.

35 D. A licensee shall notify the board in writing within ten days after
36 the licensee changes the PRIMARY MAILING address listed with the board. The
37 board shall impose a penalty of fifty dollars if a licensee fails to notify
38 the board of the change within that time. The board shall increase the
39 penalty imposed to one hundred dollars if a licensee fails to notify it of
40 the change within thirty days.

1 Sec. 9. Title 32, chapter 11, article 4, Arizona Revised Statutes, is
2 amended by adding section 32-1292.02, to read:

3 32-1292.02. Grounds for denial of application

4 A. THE BOARD MAY DENY AN APPLICATION FOR LICENSURE, AN APPLICATION TO
5 TAKE AN EXAMINATION OR AN APPLICATION FOR A RESTRICTED PERMIT IF THE
6 APPLICANT:

7 1. COMMITTED AN ACT THAT WOULD BE CAUSE FOR CENSURE, PROBATION OR
8 SUSPENSION OR REVOCATION OF A LICENSE UNDER THIS CHAPTER.

9 2. WHILE UNLICENSED, COMMITTED OR AIDED AND ABETTED THE COMMISSION OF
10 AN ACT FOR WHICH A LICENSE IS REQUIRED BY THIS CHAPTER.

11 3. KNOWINGLY MADE ANY FALSE STATEMENT IN THE APPLICATION.

12 4. HAD A LICENSE TO PRACTICE DENTAL HYGIENE REVOKED BY A REGULATORY
13 BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED
14 IN THAT JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO
15 THIS CHAPTER.

16 5. IS CURRENTLY UNDER SUSPENSION OR RESTRICTION BY A REGULATORY BOARD
17 IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT
18 JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
19 CHAPTER.

20 6. SURRENDERED, RELINQUISHED OR GAVE UP A LICENSE TO PRACTICE DENTAL
21 HYGIENE IN LIEU OF DISCIPLINARY ACTION BY A REGULATORY BOARD IN ANOTHER
22 JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT
23 JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
24 CHAPTER.

25 B. THE BOARD SHALL SUSPEND AN APPLICATION FOR A LICENSE, AN
26 APPLICATION TO TAKE AN EXAMINATION FOR A LICENSE OR AN APPLICATION FOR A
27 RESTRICTED PERMIT IF THE APPLICANT IS CURRENTLY UNDER INVESTIGATION BY A
28 DENTAL REGULATORY BOARD IN ANOTHER JURISDICTION. THE BOARD SHALL NOT ISSUE
29 OR DENY A LICENSE TO THE APPLICANT UNTIL THE INVESTIGATION IS RESOLVED.

30 Sec. 10. Section 32-1297.06, Arizona Revised Statutes, is amended to
31 read:

32 32-1297.06. Denturist certification; forfeiture of certificate;
33 reinstatement; certificate for each place of
34 practice; notice of change of address or place of
35 practice; penalties

36 A. On or before June 30 of every third year, every certified denturist
37 shall pay a certificate renewal fee of three hundred dollars. THIS
38 REQUIREMENT DOES NOT APPLY TO A DISABLED OR RETIRED DENTURIST.

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

44 C. A person who does not pay a fee as prescribed by this section
45 forfeits the certificate. A certificate may be reinstated in the fiscal year

1 in which it is forfeited by submitting a written application with payment of
2 the renewal fee plus a one hundred dollar penalty. During the second fiscal
3 year following forfeiture, reinstatement may be effected by submitting a
4 written application and payment of the fees and all accumulated penalty fees.
5 If a person fails to pay the fees for reinstatement before the beginning of
6 the third fiscal year following the forfeiture of that person's certificate,
7 the board shall require that the person successfully complete the regular
8 examination before the board reinstates the certificate. Whenever issued,
9 reinstatement is as of the date of application and entitles the applicant to
10 certification only for the remainder of the applicable three year period.

11 D. EACH CERTIFICATE HOLDER MUST PROVIDE TO THE BOARD IN WRITING BOTH
12 OF THE FOLLOWING:

- 13 1. A PRIMARY MAILING ADDRESS.
- 14 2. THE ADDRESS FOR EACH PLACE OF PRACTICE.

15 ~~D.~~ E. A certificate holder maintaining more than one place of
16 practice shall obtain from the board a duplicate certificate for each office.
17 The board shall set and charge a fee for each duplicate certificate. A
18 certificate holder shall notify the board in writing within ten days of
19 opening an additional place of practice.

20 ~~E.~~ F. A certificate holder shall notify the board in writing within
21 ten days after changing ~~an~~ A PRIMARY MAILING ADDRESS OR PLACE OF PRACTICE
22 address listed with the board. The board shall impose a fifty dollar penalty
23 if a certificate holder fails to notify the board of the change within that
24 time. The board shall increase the penalty imposed to one hundred dollars if
25 a certificate holder fails to notify it of the change within thirty days.