



ARIZONA STATE SENATE
Fifty-Second Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1282

teledentistry; dental hygienists; dental assistants

Purpose

Creates Expanded Function Dental Assistants (EFDA), institutes various requirements concerning teledentistry and modifies the dental affiliated practice statute.

Background

The State Board of Dental Examiners (Board) was established in 1935 to regulate the practice of dentistry. It is charged with protecting the health, safety and welfare of the state through examination, licensure and complaint adjudication and enforcement processes. The Board oversees dentists and supervised personnel including dental hygienists (hygienists) and dental assistants. According to the Auditor General's report, there are roughly 8,800 licensed dentists and hygienists in the state.

Statute allows hygienists and dentists to enter into an affiliated practice relationship (APR) to provide dental hygiene services in an affiliated practice setting. An APR is a written agreement between the hygienist and the dentist that allows, subject to the terms of the agreement, the hygienist to perform all dental hygiene procedures within his or her authorized scope of practice in an affiliated practice setting (A.R.S. § 32-1289).

Statute outlines the scope of practice for hygienists and dental assistants. In addition to the functions a dental assistant may perform, a hygienist may administer local anesthetics, examine the oral cavity, remove plaque and apply sealant and topical fluoride. Qualified dental assistants may perform x-rays, polish teeth and provide patient care. Any expansion in this scope requires a review through the sunrise process (A.R.S. § § 32-1281; 32-1291).

On December 17, 2014, the Senate Health and Human Services and the House of Representatives Health Committee of Reference (COR) held a public hearing to review a sunrise application that had been submitted by the Arizona Dental Association to increase the scope of practice for dental assistants by creating the EFDA position. The COR recommended forwarding the sunrise application to the full Legislature for consideration.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Teledentistry

1. Requires the dentist or dental provider to obtain verbal or written informed consent from the patient or patient's health care decision maker prior to delivery of care through teledentistry.
2. Requires documentation of the consent if it is obtained verbally.
3. Entitles the patient to confidentiality protections outlined in statute and prohibits the dissemination of images or individually identifiable information for research or educational purposes without consent, unless authorized by state or federal law.
4. States all reports resulting from a teledentistry consultation are part of a patient's dental record.
5. Exempts the transmission of diagnostic images to another health care provider or dental specialist or the reporting of diagnostic test results by that specialist from consent requirements.
6. Limits the procedures and requirements concerning teledentistry to within this state and stipulates the procedures and requirements do not expand, reduce or otherwise amend statutory licensing requirements for dentists or dental providers.
7. Requires the Arizona Health Care Cost Containment System to implement teledentistry services for enrolled members under 21 years of age.

Expanded Function Dental Assistants (EFDAs)

8. Expands a dental assistant's functions if the following are successfully completed:
 - a) a Board-approved expanded function dental assistant training program completed at an institution accredited by the Commission on Dental Accreditation of the American Dental Association; and
 - b) an examination in expanded functions that is approved by the Board.
9. States an EFDA's functions include the following:
 - a) placement, contouring and finishing of direct restorations;
 - b) placement and cementation of prefabricated crowns following preparation of the tooth by a licensed dentist;
 - c) placement of interim therapeutic restorations under the general supervision and direction of a licensed dentist following a consultation conducted through teledentistry; and
 - d) application of sealants and fluoride varnish under the general supervision and direction of a licensed dentist.
10. Requires the restorative materials used for the placement of direct restorations and prefabricated crowns to be determined by the dentist.

11. Allows a hygienist to engage in expanded restorative functions with study and examination equivalent to an EFDA.

Affiliated Practice

12. Requires hygienists, in order to be eligible to enter into an APR, to meet one of the following:
 - a) be actively engaged in dental hygiene practice at least 500 hours in each of the 2 years immediately preceding the APR, instead of at least 2,000 hours in the 5 years immediately preceding the relationship APR; or
 - b) hold a bachelor degree in dental hygiene, have held an active license for at least 3 years and be actively engaged in dental hygiene practice for at least 500 hours in each of the 2 years preceding the APR.
13. Requires the hygienist to consult with the dentist if the proposed treatment is outside the scope of the agreement.
14. Prohibits an affiliated practice hygienist from entering into a contract with, or providing dental hygiene services in, any entity or setting other than the following:
 - a) health care organization or facility;
 - b) long-term care facility;
 - c) public health agency or institution;
 - d) public or private school authority;
 - e) government-sponsored program;
 - f) private nonprofit or charitable organization; and
 - g) social service organization or program.
15. Prohibits a dentist in an APR from permitting the provision of services of more than three affiliated practice hygienists at any one time.
16. Removes certain existing requirements included in the APR agreement and applies those requirements to all dental hygiene services provided through an APR.

Miscellaneous

17. Specifies a hygienist may inspect the oral cavity and surrounding structures for the purposes of gathering clinical data to facilitate a diagnosis.
18. Allows a hygienist to perform periodontal screenings or assessments rather than examinations.
19. Defines *teledentistry, assessment, screening, affiliated practice relationship, board, dental provider, dentist and health care decision maker.*
20. Relocates the definition of unprofessional conduct and statute concerning affiliated practice relationships.

21. Makes technical and conforming changes.

22. Becomes effective on the general effective date.

Amendments Adopted by Health and Human Services Committee

1. Removes requirement for health care insurance entities to cover teledentistry services.
2. Modifies the definition of *teledentistry*.
3. Requires AHCCCS to implement teledentistry services for enrolled members under 21 years of age.
4. Makes technical changes.

Amendments Adopted by Committee of the Whole

- Removes an exception to the consent requirements concerning services provided through teledentistry.

Senate Action

FI	2/4/15	DP	6-0-1
HHS	2/18/15	DPA	7-0-0

Prepared by Senate Research

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