

REFERENCE TITLE: dental board; dentists; dental hygienists

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1362

Introduced by
Senator Brophy McGee

AN ACT

AMENDING SECTION 32-1201, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1211, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-1233, 32-1240, 32-1281, 32-1285, 32-1289.01, 32-1291.01, 32-1292.01 AND 36-3611, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 32-1201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "AFFILIATED PRACTICE DENTAL HYGIENIST" MEANS ANY LICENSED DENTAL
7 HYGIENIST WHO IS ABLE, PURSUANT TO SECTION 32-1289.01, TO INITIATE
8 TREATMENT BASED ON THE DENTAL HYGIENIST'S ASSESSMENT OF A PATIENT'S NEEDS
9 ACCORDING TO THE TERMS OF A WRITTEN AFFILIATED PRACTICE AGREEMENT WITH A
10 DENTIST, TO TREAT THE PATIENT WITHOUT THE PRESENCE OF A DENTIST AND TO
11 MAINTAIN A PROVIDER-PATIENT RELATIONSHIP.

12 ~~1.~~ 2. "Auxiliary personnel" means all dental assistants, dental
13 technicians, dental x-ray technicians and other persons employed by
14 dentists or firms and businesses providing dental services to dentists.

15 ~~2.~~ 3. "Board" means the state board of dental examiners.

16 ~~3.~~ 4. "Business entity" means a business organization that has an
17 ownership that includes any persons who are not licensed or certified to
18 provide dental services in this state, that offers to the public
19 professional services regulated by the board and that is established
20 pursuant to the laws of any state or foreign country.

21 ~~4.~~ 5. "Dental assistant" means any person who acts as an assistant
22 to a dentist or a dental hygienist by rendering personal services to a
23 patient that involve close proximity to the patient while the patient is
24 under treatment or observation or undergoing diagnostic procedures.

25 ~~5.~~ 6. "Dental hygienist" means any person licensed and engaged in
26 the general practice of dental hygiene and all related and associated
27 duties, including educational, clinical and therapeutic dental hygiene
28 procedures.

29 ~~6.~~ 7. "Dental incompetence" means lacking in sufficient dentistry
30 knowledge or skills, or both, in that field of dentistry in which the
31 dentist, denturist or dental hygienist concerned engages, to a degree
32 likely to endanger the health of that person's patients.

33 ~~7.~~ 8. "Dental laboratory technician" means any person, other than
34 a licensed dentist, who, pursuant to a written work order of a dentist,
35 fabricates artificial teeth, prosthetic appliances or other mechanical and
36 artificial contrivances designed to correct or alleviate injuries or
37 defects, both developmental and acquired, disorders or deficiencies of the
38 human oral cavity, teeth, investing tissues, maxilla or mandible or
39 adjacent associated structures.

40 ~~8.~~ 9. "Dental x-ray laboratory technician" means any person, other
41 than a licensed dentist, who, pursuant to a written work order of a
42 dentist, performs dental and maxillofacial radiography, including
43 cephalometrics, panoramic and maxillofacial tomography and other dental
44 related non-fluoroscopic diagnostic imaging modalities.

1 ~~9.~~ 10. "Dentistry", "dentist" and "dental" means the general
2 practice of dentistry and all specialties or restricted practices of
3 dentistry.

4 ~~10.~~ 11. "Denturist" means a person practicing denture technology
5 pursuant to article 5 of this chapter.

6 ~~11.~~ 12. "Disciplinary action" means regulatory sanctions that are
7 imposed by the board in combination with, or as an alternative to,
8 revocation or suspension of a license and that may include:

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

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

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

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

19 ~~12.~~ 13. "Irregularities in billing" means submitting any claim,
20 bill or government assistance claim to any patient, responsible party or
21 third-party payor for dental services rendered that is materially false
22 with the intent to receive unearned income as evidenced by any of the
23 following:

24 (a) Charges for services not rendered.

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

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

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

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

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

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

42 ~~13.~~ 14. "Letter of concern" means an advisory letter to notify a
43 licensee or a registered business entity that, while the evidence does not
44 warrant disciplinary action, the board believes that the licensee or
45 registered business entity should modify or eliminate certain practices

1 and that continuation of the activities that led to the information being
2 submitted to the board may result in board action against the
3 practitioner's license or the business entity's registration. A letter of
4 concern is not a disciplinary action. A letter of concern is a public
5 document and may be used in a future disciplinary action.

6 ~~14.~~ 15. "Licensed" means licensed pursuant to this chapter.

7 ~~15.~~ 16. "Place of practice" means each physical location at which
8 a person licensed pursuant to this chapter performs services subject to
9 this chapter.

10 ~~16.~~ 17. "Primary mailing address" means the address on file with
11 the board and to which official board correspondence, notices or documents
12 are delivered in a manner determined by the board.

13 ~~17.~~ 18. "Recognized dental hygiene school" means a school that has
14 a dental hygiene program with a minimum two academic year curriculum, or
15 the equivalent of four semesters, and that is approved by the board and
16 accredited by the American dental association commission on dental
17 accreditation.

18 ~~18.~~ 19. "Recognized dental school" means a dental school
19 accredited by the American dental association commission on dental
20 accreditation.

21 ~~19.~~ 20. "Recognized denturist school" means a denturist school
22 that maintains standards of entrance, study and graduation and that is
23 accredited by the United States department of education or the council on
24 higher education accreditation.

25 ~~20.~~ 21. "Supervised personnel" means all dental hygienists, dental
26 assistants, dental laboratory technicians, denturists, dental x-ray
27 laboratory technicians and other persons supervised by licensed dentists.

28 ~~21.~~ 22. "Teledentistry" means the use of data transmitted through
29 interactive audio, video or data communications for the purposes of
30 EXAMINATION, diagnosis, treatment planning, consultation and directing the
31 delivery of treatment by dentists and dental providers in settings
32 permissible under this chapter or specified in rules adopted by the board.

33 Sec. 2. Repeal

34 Section 32-1211, Arizona Revised Statutes, is repealed.

35 Sec. 3. Section 32-1233, Arizona Revised Statutes, is amended to
36 read:

37 32-1233. Applicants for licensure; examination requirements

38 An applicant for licensure shall have passed all of the following:

39 1. The written national dental board examinations.

40 2. The western regional examining board examination OR A CLINICAL
41 EXAMINATION OFFERED BY ANOTHER STATE OR REGION IN THE UNITED STATES within
42 five years preceding filing the application.

43 3. The Arizona dental jurisprudence examination.

1 Sec. 4. Section 32-1240, Arizona Revised Statutes, is amended to
2 read:

3 32-1240. Licensure by credential; examinations; waiver; fee

4 A. The board by rule may waive the examination requirements of this
5 article on receipt of evidence satisfactory to the board that the
6 applicant has passed the clinical examination of another state or testing
7 agency **MORE THAN FIVE YEARS BEFORE SUBMITTING AN APPLICATION FOR LICENSURE**
8 **PURSUANT TO THIS CHAPTER** and ~~either:~~

9 ~~1.~~ the other state or testing agency maintains a standard of
10 licensure that is substantially equivalent to that of this state as
11 determined by the board. The board by rule shall require:

12 ~~(a)~~ 1. A minimum number of active practice hours within a specific
13 time period before the applicant submits the application. The board shall
14 define what constitutes active practice.

15 ~~(b)~~ 2. An affirmation that the applicant has completed the
16 continuing education requirements of the jurisdiction where the applicant
17 is licensed.

18 ~~2. The applicant has acquired a certificate or other evidence of~~
19 ~~successful completion of a board approved examination not more than five~~
20 ~~years before submitting an application for licensure pursuant to this~~
21 ~~chapter.~~

22 B. The applicant shall pay a licensure by credential fee of **NOT**
23 **MORE THAN** two thousand dollars **AS PRESCRIBED BY THE BOARD**.

24 Sec. 5. Section 32-1281, Arizona Revised Statutes, is amended to
25 read:

26 32-1281. Practicing as dental hygienist; supervision
27 requirements; definitions

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

32 B. A licensed dental hygienist may perform the following:

- 33 1. Prophylaxis.
- 34 2. Scaling.
- 35 3. Closed subgingival curettage.
- 36 4. Root planing.
- 37 5. Administering local anesthetics and nitrous oxide.
- 38 6. Inspecting the oral cavity and surrounding structures for the
39 purposes of gathering clinical data to facilitate a diagnosis.
- 40 7. Periodontal screening or assessment.
- 41 8. Recording of clinical findings.
- 42 9. Compiling case histories.
- 43 10. Exposing and processing dental radiographs.
- 44 11. All functions authorized and deemed appropriate for dental
45 assistants.

1 12. EXCEPT AS PROVIDED IN PARAGRAPH 13 OF THIS SUBSECTION, those
2 restorative functions permissible for an expanded function dental
3 assistant if qualified pursuant to section 32-1291.01.

4 13. PLACING INTERIM THERAPEUTIC RESTORATIONS AFTER SUCCESSFUL
5 COMPLETION OF A COURSE COMPLETED AT AN INSTITUTION ACCREDITED BY THE
6 COMMISSION ON DENTAL ACCREDITATION OF THE AMERICAN DENTAL ASSOCIATION.

7 C. The board by rule shall prescribe the circumstances under which
8 a licensed dental hygienist may:

9 1. Apply preventive and therapeutic agents, used in relation to
10 dental 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
14 include the use of emerging scientific technology must have training on
15 the use of the emerging technology that is equal to or greater than the
16 training the dental hygienist is required to obtain.

17 3. Perform other procedures not specifically authorized by this
18 section.

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

22 ~~E. Dental hygienists shall practice under the direct supervision of~~
23 ~~a 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. A dental hygienist may~~
26 ~~administer local anesthetics to a patient of record under general~~
27 ~~supervision if all of the following are true:~~

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

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

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

35 ~~(d) The supervising dentist who performed the examination has~~
36 ~~approved the patient for the administration of local anesthetics by a~~
37 ~~dental hygienist under general supervision and documented this approval in~~
38 ~~the patient's record.~~

39 ~~2. Administering nitrous oxide analgesia.~~

40 E. A DENTAL HYGIENIST MAY PERFORM THE FOLLOWING PROCEDURES ON
41 MEETING THE FOLLOWING CRITERIA AND UNDER THE FOLLOWING CONDITIONS:

42 1. THE ADMINISTRATION OF LOCAL ANESTHETICS UNDER THE DIRECT
43 SUPERVISION OF A DENTIST LICENSED PURSUANT TO THIS CHAPTER AFTER:

44 (a) THE DENTAL HYGIENIST SUCCESSFULLY COMPLETES A COURSE IN THE
45 ADMINISTRATION OF LOCAL ANESTHETICS THAT INCLUDES DIDACTIC AND CLINICAL

1 COMPONENTS IN BOTH BLOCK AND INFILTRATION TECHNIQUES OFFERED BY A DENTAL
2 OR DENTAL HYGIENE PROGRAM ACCREDITED BY THE COMMISSION ON DENTAL
3 ACCREDITATION OF THE AMERICAN DENTAL ASSOCIATION.

4 (b) THE DENTAL HYGIENIST SUCCESSFULLY COMPLETES AN EXAMINATION IN
5 LOCAL ANESTHESIA GIVEN BY THE WESTERN REGIONAL EXAMINING BOARD OR A
6 WRITTEN AND CLINICAL EXAMINATION OF ANOTHER STATE OR REGIONAL EXAMINATION
7 THAT IS SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS STATE, AS
8 DETERMINED BY THE BOARD.

9 (c) THE BOARD ISSUES TO THE DENTAL HYGIENIST A LOCAL ANESTHESIA
10 CERTIFICATE ON RECEIPT OF PROOF THAT THE REQUIREMENTS OF SUBDIVISIONS (a)
11 AND (b) OF THIS PARAGRAPH HAVE BEEN MET.

12 2. THE ADMINISTRATION OF LOCAL ANESTHETICS UNDER GENERAL
13 SUPERVISION TO A PATIENT OF RECORD IF ALL OF THE FOLLOWING ARE TRUE:

14 (a) THE DENTAL HYGIENIST HOLDS A LOCAL ANESTHESIA CERTIFICATE
15 ISSUED BY THE BOARD.

16 (b) THE PATIENT IS AT LEAST EIGHTEEN YEARS OF AGE.

17 (c) THE PATIENT HAS BEEN EXAMINED BY A DENTIST LICENSED PURSUANT TO
18 THIS CHAPTER WITHIN THE PREVIOUS TWELVE MONTHS.

19 (d) THERE HAS BEEN NO CHANGE IN THE PATIENT'S MEDICAL HISTORY SINCE
20 THE LAST EXAMINATION. IF THERE HAS BEEN A CHANGE IN THE PATIENT'S MEDICAL
21 HISTORY WITHIN THAT TIME, THE DENTAL HYGIENIST MUST CONSULT WITH THE
22 DENTIST BEFORE ADMINISTERING LOCAL ANESTHETICS.

23 (e) THE SUPERVISING DENTIST WHO PERFORMED THE EXAMINATION HAS
24 APPROVED THE PATIENT FOR THE ADMINISTRATION OF LOCAL ANESTHETICS BY THE
25 DENTAL HYGIENIST UNDER GENERAL SUPERVISION AND HAS DOCUMENTED THIS
26 APPROVAL IN THE PATIENT'S RECORD.

27 3. THE ADMINISTRATION OF NITROUS OXIDE ANALGESIA UNDER THE DIRECT
28 SUPERVISION OF A DENTIST LICENSED PURSUANT TO THIS CHAPTER AFTER:

29 (a) THE DENTAL HYGIENIST SUCCESSFULLY COMPLETES A COURSE IN THE
30 ADMINISTRATION OF NITROUS OXIDE ANALGESIA THAT INCLUDES DIDACTIC AND
31 CLINICAL COMPONENTS OFFERED BY A DENTAL OR DENTAL HYGIENE PROGRAM
32 ACCREDITED BY THE COMMISSION ON DENTAL ACCREDITATION OF THE AMERICAN
33 DENTAL ASSOCIATION.

34 (b) THE BOARD ISSUES TO THE DENTAL HYGIENIST A NITROUS OXIDE
35 ANALGESIA CERTIFICATE ON RECEIPT OF PROOF THAT THE REQUIREMENTS OF
36 SUBDIVISION (a) OF THIS PARAGRAPH HAS BEEN MET.

37 F. THE BOARD MAY ISSUE LOCAL ANESTHESIA AND NITROUS OXIDE ANALGESIA
38 CERTIFICATES TO A LICENSED DENTAL HYGIENIST ON RECEIPT OF EVIDENCE
39 SATISFACTORY TO THE BOARD THAT THE DENTAL HYGIENIST HOLDS A VALID
40 CERTIFICATE OR CREDENTIAL IN GOOD STANDING IN THE RESPECTIVE PROCEDURE
41 ISSUED BY A LICENSING BOARD OF ANOTHER JURISDICTION OF THE UNITED STATES
42 THAT MAINTAINS A STANDARD OF CERTIFICATION THAT IS SUBSTANTIALLY
43 EQUIVALENT TO THAT OF THIS STATE AS DETERMINED BY THE BOARD.

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

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

5 2. Except as prescribed in section ~~32-1289~~ 32-1289.01, in a health
6 care facility, long-term care facility, public health agency or
7 institution, public or private school or homebound setting on patients who
8 have been examined by a dentist within the previous year.

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

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

13 1. "Assessment" means a limited, clinical inspection that is
14 performed to identify possible signs of oral or systemic disease,
15 malformation or injury and the potential need for referral for diagnosis
16 and treatment, **AND MAY INCLUDE THE COLLECTION OF CLINICAL INFORMATION TO
17 FACILITATE AN EXAMINATION, DIAGNOSIS AND TREATMENT PLAN BY A DENTIST.**

18 2. "Direct supervision" means that the dentist is present in the
19 office while the dental hygienist is treating a patient and is available
20 for consultation regarding procedures that the dentist authorizes and for
21 which the dentist is responsible.

22 3. "General supervision" means that the dentist is available for
23 consultation, whether or not the dentist is in the dentist's office, over
24 procedures that the dentist has authorized and for which the dentist
25 remains responsible.

26 4. "Screening" means the determination of an individual's need to
27 be seen by a dentist for diagnosis and does not include an examination,
28 diagnosis or treatment planning.

29 Sec. 6. Section 32-1285, Arizona Revised Statutes, is amended to
30 read:

31 ~~32-1285.~~ Applicants for licensure; examination requirements

32 An applicant for licensure shall have passed all of the following:

33 1. The national dental hygiene board examination.

34 2. A clinical examination that is completed within five years
35 preceding filing the application and that is either of the following:

36 (a) The western regional examining board examination.

37 (b) An examination administered by another state or testing agency
38 that is substantially equivalent to the requirements of this state, as
39 determined by the board. For the purposes of this subdivision, a clinical
40 examination administered by another state or testing agency is deemed to
41 meet the requirements of this subdivision if the clinical examination
42 satisfies the requirements of section 32-1292.01, subsection

43 ~~A, paragraph 1.~~

44 3. The Arizona dental jurisprudence examination.

1 Sec. 7. Section 32-1289.01, Arizona Revised Statutes, is amended to
2 read:

3 32-1289.01. Dental hygienists; affiliated practice
4 relationships; rules; definition

5 A. A dentist who holds an active license pursuant to this chapter
6 and a dental hygienist who holds an active license pursuant to this
7 article may enter into an affiliated practice relationship for the
8 delivery of dental hygiene services.

9 B. A dental hygienist shall satisfy all of the following to be
10 eligible to enter into an affiliated practice relationship with a dentist
11 pursuant to this section for the delivery of dental hygiene services in an
12 affiliated practice relationship:

13 1. Hold an active license **IN GOOD STANDING** pursuant to this
14 article.

15 2. Enter into an affiliated practice relationship with a dentist
16 who holds an active license pursuant to this chapter.

17 3. ~~Meet one of the following:~~

18 ~~(a) Have held an active license as a dental hygienist for at least~~
19 ~~five years and~~ Be actively engaged in dental hygiene practice for at least
20 five hundred hours in each of the two years immediately preceding the
21 affiliated practice relationship.

22 ~~(b) Hold a bachelor's degree in dental hygiene, have held an active~~
23 ~~license for at least three years and be actively engaged in dental hygiene~~
24 ~~practice for at least five hundred hours in each of the two years~~
25 ~~preceding the affiliated practice relationship.~~

26 C. An affiliated practice agreement between a dental hygienist and
27 a dentist shall be in writing and shall include at least the following:

28 1. An identification of the affiliated practice settings in which
29 the dental hygienist may deliver services pursuant to the affiliated
30 practice relationship.

31 2. An identification of the services to be provided and any
32 procedures and standing orders the dental hygienist must follow. The
33 standing orders shall include the circumstances in which a patient may be
34 seen by the dental hygienist.

35 D. The following requirements apply to all dental hygiene services
36 provided through an affiliated practice relationship:

37 1. Patients who have been assessed by the dental hygienist shall be
38 directed to the affiliated dentist for diagnosis, treatment or planning
39 that is outside the dental hygienist's scope of practice, and the
40 affiliated dentist may make any necessary referrals to other dentists.

41 2. The affiliated practice dental hygienist shall consult with the
42 affiliated practice dentist if the proposed treatment is outside the scope
43 of the agreement.

44 3. The affiliated practice dental hygienist shall consult with the
45 affiliated practice dentist before initiating further treatment on

1 patients who have not been seen by a dentist within twelve months of the
2 initial treatment by the dental hygienist.

3 4. The affiliated practice dental hygienist shall consult with the
4 affiliated practice dentist before initiating treatment on patients
5 presenting with a complex medical history or medication regimen.

6 5. The patient shall be informed in writing that the dental
7 hygienist providing the care is a licensed dental hygienist and that the
8 care does not take the place of a diagnosis or treatment plan by a
9 dentist.

10 E. A contract for dental hygiene services with licensees who have
11 entered into an affiliated practice relationship pursuant to this section
12 may be entered into only by:

- 13 1. A health care organization or facility.
- 14 2. A long-term care facility.
- 15 3. A public health agency or institution.
- 16 4. A public or private school authority.
- 17 5. A government-sponsored program.
- 18 6. A private nonprofit or charitable organization.
- 19 7. A social service organization or program.

20 F. An affiliated practice dental hygienist may not provide dental
21 hygiene services in a setting not listed in subsection E of this section.

22 G. Each dentist in an affiliated practice relationship shall:

23 1. Be available to provide an appropriate level of contact,
24 communication and consultation with the affiliated dental hygienist during
25 the business hours of the affiliated practice dental hygienist.

26 2. Adopt standing orders applicable to dental hygiene procedures
27 that may be performed and populations that may be treated by the dental
28 hygienist under the terms of the applicable affiliated practice agreement
29 and to be followed by the dental hygienist in each affiliated practice
30 setting in which the dental hygienist performs dental hygiene services
31 under the affiliated practice relationship.

32 3. Adopt procedures to provide timely referral of patients referred
33 by the affiliated practice dental hygienist to a licensed dentist for
34 examination and treatment planning. If the examination and treatment
35 planning is to be provided by the dentist, that treatment shall be
36 scheduled in an appropriate time frame. The affiliated practice dentist
37 or the dentist to whom the patient is referred shall be geographically
38 available to see the patient.

39 4. Not permit the provision of dental hygiene services by more than
40 three affiliated practice dental hygienists at any one time.

41 H. Each affiliated dental hygienist, when practicing under an
42 affiliated practice relationship:

43 1. May perform only those duties within the terms of the affiliated
44 practice relationship.

1 2. Shall maintain an appropriate level of contact, communication
2 and consultation with the affiliated dentist.

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

5 I. The dental hygienist and the affiliated dentist shall notify the
6 board of the beginning of the affiliated practice relationship and provide
7 the board with a copy of the agreement and any amendments to the agreement
8 within thirty days after the effective date of the agreement or amendment.
9 The dental hygienist and the affiliated dentist shall also notify the
10 board within thirty days after the termination date of the affiliated
11 practice relationship if this date is different than the contract
12 termination date.

13 J. Subject to the terms of the written affiliated practice
14 agreement entered into between a dentist and a dental hygienist, a dental
15 hygienist may perform all dental hygiene procedures authorized by this
16 chapter except for any diagnostic procedures that are required to be
17 performed by a dentist. **THE DENTIST'S PRESENCE AND AN EXAMINATION,
18 DIAGNOSIS AND TREATMENT PLAN ARE NOT REQUIRED UNLESS SPECIFIED BY THE
19 AFFILIATED PRACTICE AGREEMENT.** Procedures identified in section 32-1281,
20 subsection B, paragraphs 4 and 5 are subject to the conditions prescribed
21 in section 32-1281, subsection E, ~~paragraph 1~~.

22 K. The board shall adopt rules regarding participation in
23 affiliated practice relationships by dentists and dental hygienists that
24 specify the following:

25 1. Additional continuing education requirements that must be
26 satisfied by a dental hygienist.

27 2. Additional standards and conditions that may apply to affiliated
28 practice relationships.

29 3. Compliance with the dental practice act and rules adopted by the
30 board.

31 L. For the purposes of this section, "affiliated practice
32 relationship" means the delivery of dental hygiene services, pursuant to
33 an agreement, by a dental hygienist who is licensed pursuant to this
34 article and who refers the patient to a dentist licensed pursuant to this
35 chapter for any necessary further diagnosis, treatment and restorative
36 care.

37 Sec. 8. Section 32-1291.01, Arizona Revised Statutes, is amended to
38 read:

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~~ **AFTER MEETING ONE OF THE FOLLOWING:**

43 1. **SUCCESSFULLY COMPLETING** a board-approved expanded function
44 dental assistant training program ~~completed~~ at an institution accredited
45 by the commission on dental accreditation of the American dental

1 association and on ~~successful completion of~~ SUCCESSFULLY COMPLETING an
2 examination in dental assistant expanded functions that is approved by the
3 board.

4 2. PROVIDING EVIDENCE OF CURRENTLY HOLDING OR HAVING HELD WITHIN
5 THE PRECEDING TEN YEARS A LICENSE, REGISTRATION, PERMIT OR CERTIFICATE
6 ISSUED BY ANOTHER STATE OR JURISDICTION IN THE UNITED STATES AUTHORIZING
7 THE PERFORMANCE OF THE EXPANDED FUNCTIONS SPECIFIED IN SUBSECTIONS B AND D
8 OF THIS SECTION.

9 3. PROVIDING BOTH:

10 (a) EVIDENCE OF CURRENTLY HOLDING OR HAVING HELD WITHIN THE
11 PRECEDING TEN YEARS A LICENSE, REGISTRATION, PERMIT OR CERTIFICATE ISSUED
12 BY ANOTHER STATE OR JURISDICTION IN THE UNITED STATES AUTHORIZING THE
13 PERFORMANCE OF THE EXPANDED FUNCTIONS SPECIFIED IN SUBSECTION B OF THIS
14 SECTION.

15 (b) PROOF OF SUCCESSFULLY COMPLETING BOARD-APPROVED COURSES OR
16 EXAMINATIONS IN THE EXPANDED FUNCTIONS SPECIFIED IN SUBSECTION D OF THIS
17 SECTION.

18 B. Expanded functions include the placement, contouring and
19 finishing of direct restorations or the placement and cementation of
20 prefabricated crowns following the preparation of the tooth by a licensed
21 dentist. The restorative materials used shall be determined by the
22 dentist.

23 C. An expanded function dental assistant may place interim
24 therapeutic restorations under the general supervision and direction of a
25 licensed dentist following a consultation conducted through teledentistry.

26 D. An expanded function dental assistant may apply sealants and
27 fluoride varnish under the general supervision and direction of a licensed
28 dentist.

29 E. A licensed dental hygienist may engage in expanded functions
30 pursuant to section 32-1281, subsection B, paragraph 12 following a course
31 of study and examination equivalent to that required for an expanded
32 function dental assistant as specified by the board.

33 Sec. 9. Section 32-1292.01, Arizona Revised Statutes, is amended to
34 read:

35 32-1292.01. Licensure by credential; examinations; waiver;
36 fee

37 A. The board by rule may waive the examination requirements of this
38 article on receipt of evidence satisfactory to the board that the
39 applicant has passed the clinical examination of another state or testing
40 agency MORE THAN FIVE YEARS BEFORE SUBMITTING AN APPLICATION FOR LICENSURE
41 PURSUANT TO THIS CHAPTER and ~~either:~~

42 ~~i.~~ the other state or testing agency maintains a standard of
43 licensure that is substantially equivalent to that of this state as
44 determined by the board. The board by rule shall require:

1 ~~(a)~~ 1. A minimum number of active practice hours within a specific
2 time period before the applicant submits the application. The board shall
3 define what constitutes active practice.

4 ~~(b)~~ 2. An affirmation that the applicant has completed the
5 continuing education requirements of the jurisdiction where the applicant
6 is licensed.

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

11 B. The applicant shall pay a licensure by credential fee of **NOT**
12 **MORE THAN** one thousand dollars **AS PRESCRIBED BY THE BOARD**.

13 Sec. 10. Section 36-3611, Arizona Revised Statutes, is amended to
14 read:

15 **36-3611. Definitions**

16 In this article, unless the context otherwise requires:

17 1. "Board" means the state board of dental examiners.

18 2. "Dental provider" means a dental hygienist, affiliated practice
19 dental hygienist or dental assistant who is licensed pursuant to title 32,
20 chapter 11.

21 3. "Dentist" means a person who is licensed in the general practice
22 of dentistry pursuant to title 32, chapter 11.

23 4. "Health care decision maker" has the same meaning prescribed in
24 section 12-2801.

25 5. "Teledentistry" means the use of data transmitted through
26 interactive audio, video or data communications for the purposes of
27 **EXAMINATION**, diagnosis, treatment planning, consultation and directing the
28 delivery of treatment by dentists and dental providers in settings
29 permissible under title 32, chapter 11 or specified in rules adopted by
30 the board.

31 Sec. 11. State board of dental examiners; renewal fee waiver;
32 delayed repeal

33 A. The state board of dental examiners shall provide a one-time
34 waiver from license or certificate renewal fees for dentists, denturists
35 and dental hygienists who are licensed in this state before July 1, 2017.

36 B. This section is repealed from and after July 1, 2022.