

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2235

AN ACT

AMENDING SECTION 32-1201, ARIZONA REVISED STATUTES; AMENDING SECTION 32-1201.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 12; AMENDING SECTIONS 32-1207, 32-1231, 32-1235, 32-1263, 32-1263.02 AND 32-1264, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1; AMENDING SECTIONS 32-1291.01, 32-1299, 41-619.51, 41-1758 AND 41-1758.01, 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 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 3. "Board" means the state board of dental examiners.

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

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

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

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

42 9. "DENTAL THERAPIST" MEANS ANY PERSON WHO IS LICENSED AND ENGAGED
43 IN THE GENERAL PRACTICE OF DENTAL THERAPY AND ALL RELATED AND ASSOCIATED
44 DUTIES, INCLUDING EDUCATIONAL, CLINICAL AND THERAPEUTIC DENTAL THERAPY
45 PROCEDURES.

1 ~~9.~~ 10. "Dental x-ray laboratory technician" means any person,
2 other than a licensed dentist, who, pursuant to a written work order of a
3 dentist, performs dental and maxillofacial radiography, including
4 cephalometrics, panoramic and maxillofacial tomography and other dental
5 related ~~non-fluoroscopic~~ NONFLUOROSCOPIC diagnostic imaging modalities.

6 ~~10.~~ 11. "Dentistry", "dentist" and "dental" ~~means~~ MEAN the general
7 practice of dentistry and all specialties or restricted practices of
8 dentistry.

9 ~~11.~~ 12. "Denturist" means a person practicing denture technology
10 pursuant to article 5 of this chapter.

11 ~~12.~~ 13. "Disciplinary action" means regulatory sanctions that are
12 imposed by the board in combination with, or as an alternative to,
13 revocation or suspension of a license and that may include:

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

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

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

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

24 ~~13.~~ 14. "Irregularities in billing" means submitting any claim,
25 bill or government assistance claim to any patient, responsible party or
26 third-party payor for dental services rendered that is materially false
27 with the intent to receive unearned income as evidenced by any of the
28 following:

29 (a) Charges for services not rendered.

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

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

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

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

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

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

3 ~~14.~~ 15. "Letter of concern" means an advisory letter to notify a
4 licensee or a registered business entity that, while the evidence does not
5 warrant disciplinary action, the board believes that the licensee or
6 registered business entity should modify or eliminate certain practices
7 and that continuation of the activities that led to the information being
8 submitted to the board may result in board action against the
9 practitioner's license or the business entity's registration. A letter of
10 concern is not a disciplinary action. A letter of concern is a public
11 document and may be used in a future disciplinary action.

12 ~~15.~~ 16. "Licensed" means licensed pursuant to this chapter.

13 ~~16.~~ 17. "Place of practice" means each physical location at which
14 a person WHO IS licensed pursuant to this chapter performs services
15 subject to this chapter.

16 ~~17.~~ 18. "Primary mailing address" means the address on file with
17 the board and to which official board correspondence, notices or documents
18 are delivered in a manner determined by the board.

19 ~~18.~~ 19. "Recognized dental hygiene school" means a school that has
20 a dental hygiene program with a minimum two academic year curriculum, or
21 the equivalent of four semesters, and that is approved by the board and
22 accredited by the American dental association commission on dental
23 accreditation.

24 ~~19.~~ 20. "Recognized dental school" means a dental school THAT IS
25 accredited by the American dental association commission on dental
26 accreditation.

27 21. "RECOGNIZED DENTAL THERAPY SCHOOL" MEANS A SCHOOL THAT IS
28 ACCREDITED OR THAT HAS RECEIVED INITIAL ACCREDITATION BY THE AMERICAN
29 DENTAL ASSOCIATION COMMISSION ON DENTAL ACCREDITATION.

30 ~~20.~~ 22. "Recognized denturist school" means a denturist school
31 that maintains standards of entrance, study and graduation and that is
32 accredited by the United States department of education or the council on
33 higher education accreditation.

34 ~~21.~~ 23. "Supervised personnel" means all dental hygienists, dental
35 assistants, dental laboratory technicians, DENTAL THERAPISTS, denturists,
36 dental x-ray laboratory technicians and other persons supervised by
37 licensed dentists.

38 ~~22.~~ 24. "Teledentistry" means the use of data transmitted through
39 interactive audio, video or data communications for the purposes of
40 examination, diagnosis, treatment planning, consultation and directing the
41 delivery of treatment by dentists and dental providers in settings
42 permissible under this chapter or specified in rules adopted by the board.

1 Sec. 2. Section 32-1201.01, Arizona Revised Statutes, as amended by
2 Laws 2018, first special session, chapter 1, section 12, is amended to
3 read:

4 32-1201.01. Definition of unprofessional conduct

5 For the purposes of this chapter, "unprofessional conduct" means the
6 following acts, whether occurring in this state or elsewhere:

7 1. Intentionally betraying a professional confidence or
8 intentionally violating a privileged communication except as either of
9 these may otherwise be required by law. This paragraph does not prevent
10 members of the board from the full and free exchange of information with
11 the licensing and disciplinary boards of other states, territories or
12 districts of the United States or foreign countries, with the Arizona
13 state dental association or any of its component societies or with the
14 dental societies of other states, counties, districts, territories or
15 foreign countries.

16 2. Using controlled substances as defined in section 36-2501,
17 narcotic drugs, dangerous drugs or marijuana as defined in section
18 13-3401, or hypnotic drugs, including acetylurea derivatives, barbituric
19 acid derivatives, chloral, paraldehyde, phenylhydantoin derivatives,
20 sulfonmethane derivatives or any compounds, mixtures or preparations that
21 may be used for producing hypnotic effects, or alcohol to the extent that
22 it affects the ability of the dentist, **DENTAL THERAPIST**, denturist or
23 dental hygienist to practice that person's profession.

24 3. Prescribing, dispensing or using drugs for other than accepted
25 dental therapeutic purposes or for other than medically indicated
26 supportive therapy in conjunction with managing a patient's dental needs.

27 4. Committing gross malpractice or repeated acts constituting
28 malpractice.

29 5. Acting or assuming to act as a member of the board if this is
30 not true.

31 6. Procuring or attempting to procure a certificate of the national
32 board of dental examiners or a license to practice dentistry or dental
33 hygiene by fraud or misrepresentation or by knowingly taking advantage of
34 the mistake of another.

35 7. Having professional connection with or lending one's name to an
36 illegal practitioner of dentistry or any of the other healing arts.

37 8. Representing that a manifestly not correctable condition,
38 disease, injury, ailment or infirmity can be permanently corrected, or
39 that a correctable condition, disease, injury, ailment or infirmity can be
40 corrected within a stated time, if this is not true.

41 9. Offering, undertaking or agreeing to correct, cure or treat a
42 condition, disease, injury, ailment or infirmity by a secret means,
43 method, device or instrumentality.

- 1 10. Refusing to divulge to the board, on reasonable notice and
2 demand, the means, method, device or instrumentality used in the treatment
3 of a condition, disease, injury, ailment or infirmity.
- 4 11. Dividing a professional fee or offering, providing or receiving
5 any consideration for patient referrals among or between dental care
6 providers or dental care institutions or entities. This paragraph does
7 not prohibit the division of fees among licensees who are engaged in a
8 bona fide employment, partnership, corporate or contractual relationship
9 for the delivery of professional services.
- 10 12. Knowingly making any false or fraudulent statement, written or
11 oral, in connection with the practice of dentistry.
- 12 13. Having a license refused, revoked or suspended or any other
13 disciplinary action taken against a dentist by, or voluntarily
14 surrendering a license in lieu of disciplinary action to, any other state,
15 territory, district or country, unless the board finds that this action
16 was not taken for reasons that relate to the person's ability to safely
17 and skillfully practice dentistry or to any act of unprofessional conduct.
- 18 14. Committing any conduct or practice that constitutes a danger to
19 the health, welfare or safety of the patient or the public.
- 20 15. Obtaining a fee by fraud or misrepresentation, or wilfully or
21 intentionally filing a fraudulent claim with a third party for services
22 rendered or to be rendered to a patient.
- 23 16. Committing repeated irregularities in billing.
- 24 17. Employing unlicensed persons to perform or aiding and abetting
25 unlicensed persons in the performance of work that can be done legally
26 only by licensed persons.
- 27 18. Practicing dentistry under a false or assumed name in this
28 state, other than as allowed by section 32-1262.
- 29 19. Wilfully or intentionally causing or permitting supervised
30 personnel or auxiliary personnel operating under the licensee's
31 supervision to commit illegal acts or perform an act or operation other
32 than that permitted under article 4 of this chapter and rules adopted by
33 the board pursuant to section 32-1282.
- 34 20. Committing the following advertising practices:
35 (a) Publishing or circulating, directly or indirectly, any false,
36 fraudulent or misleading statements concerning the skill, methods or
37 practices of the licensee or of any other person.
- 38 (b) Advertising in any manner that tends to deceive or defraud the
39 public.
- 40 21. Failing to dispense drugs and devices in compliance with
41 article 6 of this chapter.
- 42 22. Failing to comply with a board order, including an order of
43 censure or probation.
- 44 23. Failing to comply with a board subpoena in a timely manner.
- 45 24. Failing or refusing to maintain adequate patient records.

1 25. Failing to allow properly authorized board personnel, on
2 demand, to inspect the place of practice and examine and have access to
3 documents, books, reports and records maintained by the licensee or
4 certificate holder that relate to the dental practice or dental-related
5 activity.

6 26. Refusing to submit to a body fluid examination as required
7 through a monitored treatment program or pursuant to a board investigation
8 into a licensee's or certificate holder's alleged substance abuse.

9 27. Failing to inform a patient of the type of material the dentist
10 will use in the patient's dental filling and the reason why the dentist is
11 using that particular filling.

12 28. Failing to report in writing to the board any evidence that a
13 dentist, **DENTAL THERAPIST**, denturist or dental hygienist is or may be:

14 (a) Professionally incompetent.

15 (b) Engaging in unprofessional conduct.

16 (c) Impaired by drugs or alcohol.

17 (d) Mentally or physically unable to safely engage in the
18 activities of a dentist, **DENTAL THERAPIST**, denturist or dental hygienist
19 pursuant to this chapter.

20 29. Filing a false report pursuant to paragraph 28 of this section.

21 30. Practicing dentistry, **DENTAL THERAPY**, dental hygiene or
22 denturism in a business entity that is not registered with the board as
23 required by section 32-1213.

24 31. Dispensing a schedule II controlled substance that is an
25 opioid.

26 **32. PROVIDING SERVICES OR PROCEDURES AS A DENTAL THERAPIST THAT**
27 **EXCEED THE SCOPE OF PRACTICE OR EXCEED THE SERVICES OR PROCEDURES**
28 **AUTHORIZED IN THE WRITTEN COLLABORATIVE PRACTICE AGREEMENT.**

29 Sec. 3. Section 32-1207, Arizona Revised Statutes, is amended to
30 read:

31 **32-1207. Powers and duties; executive director; immunity;**
32 **fees; definition**

33 A. The board shall:

34 1. Adopt rules **THAT ARE** not inconsistent with this chapter for **the**
35 **regulation-of** **REGULATING** its own conduct, for holding examinations and for
36 regulating the practice of dentists and supervised personnel and
37 registered business entities, provided:

38 (a) Regulation of supervised personnel is based on the degree of
39 education and training of the supervised personnel, the state of
40 scientific technology available and the necessary degree of supervision of
41 the supervised personnel by dentists.

42 (b) Except as provided pursuant to **section** **SECTIONS 32-1276.03 AND**
43 **32-1281**, only licensed dentists may perform diagnosis and treatment
44 planning, prescribe medication and perform surgical procedures on hard and
45 soft tissues.

1 (c) Only a licensed dentist, A DENTAL THERAPIST EITHER UNDER THE
2 DIRECT SUPERVISION OF A DENTIST OR PURSUANT TO A WRITTEN COLLABORATIVE
3 PRACTICE AGREEMENT or A dental hygienist in consultation with a
4 dentist, may perform examinations, oral health assessments and treatment
5 sequencing for dental hygiene procedures.

6 2. Adopt a seal.

7 3. Maintain a record that ~~shall remain~~ IS available to the board at
8 all times of its acts and proceedings, including the issuance, denial,
9 renewal, suspension or revocation of licenses and the disposition of
10 complaints. The existence of a pending complaint or investigation shall
11 not be disclosed to the public. Records of complaints shall be available
12 to the public, except only as follows:

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

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

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

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

27 4. Establish a uniform and reasonable standard of minimum
28 educational requirements consistent with the accreditation standards of
29 the American dental association commission on dental accreditation to be
30 observed by dental schools, DENTAL THERAPY SCHOOLS and dental hygiene
31 schools in order to be classified as recognized dental schools, DENTAL
32 THERAPY SCHOOLS or dental hygiene schools.

33 5. Establish a uniform and reasonable standard of minimum
34 educational requirements that are consistent with the accreditation
35 standards of the United States department of education or the council on
36 higher education accreditation and that must be observed by denture
37 technology schools in order to be classified as recognized denture
38 technology schools.

39 6. Determine the reputability and classification of dental schools,
40 DENTAL THERAPY SCHOOLS, dental hygiene schools and denture technology
41 schools in accordance with their compliance with the standard set forth in
42 paragraph 4 or 5 of this subsection, whichever is applicable.

43 7. Issue licenses to ~~those it~~ PERSONS WHO THE BOARD determines are
44 eligible for licensure pursuant to this chapter.

- 1 8. Determine the eligibility of applicants for restricted permits
2 and issue restricted permits to those found eligible.
- 3 9. Pursuant to section 32-1263.02, investigate charges of
4 misconduct on the part of licensees and persons to whom restricted permits
5 have been issued.
- 6 10. Issue a letter of concern, which is not a disciplinary action
7 but refers to practices that may lead to a violation and to disciplinary
8 action.
- 9 11. Issue decrees of censure, fix periods and terms of probation,
10 suspend or revoke licenses, certificates and restricted permits, as the
11 facts may warrant, and reinstate licenses, certificates and restricted
12 permits in proper cases.
- 13 12. Collect and disburse monies.
- 14 13. Perform all other duties that are necessary to enforce this
15 chapter and that are not specifically or by necessary implication
16 delegated to another person.
- 17 14. Establish criteria for the renewal of permits issued pursuant
18 to board rules relating to general anesthesia and sedation.
- 19 B. The board may:
- 20 1. Sue and be sued.
- 21 2. Issue subpoenas, including subpoenas to the custodian of patient
22 records, compel attendance of witnesses, administer oaths and take
23 testimony concerning all matters within ~~its~~ THE BOARD'S jurisdiction. If
24 a person refuses to obey a subpoena issued by the board, the refusal shall
25 be certified to the superior court and proceedings shall be instituted for
26 contempt of court.
- 27 3. Adopt rules:
- 28 (a) Prescribing requirements for continuing education for renewal
29 of all licenses issued pursuant to this chapter.
- 30 (b) Prescribing educational and experience prerequisites for the
31 administration of intravenous or intramuscular drugs for the purpose of
32 sedation or for use of general anesthetics in conjunction with a dental
33 treatment procedure.
- 34 (c) Prescribing requirements for obtaining licenses for ~~disabled or~~
35 retired licensees OR LICENSEES WHO HAVE A DISABILITY, including the
36 triennial license renewal fee.
- 37 4. Hire consultants to assist the board in the performance of its
38 duties and employ persons to provide investigative, professional and
39 clerical assistance as ~~it~~ THE BOARD deems necessary.
- 40 5. Contract with other state or federal agencies as required to
41 carry out the purposes of this chapter.
- 42 6. If determined by the board, order physical, psychological,
43 psychiatric and competency evaluations of licensed dentists, DENTAL
44 THERAPISTS and dental hygienists, certified denturists and applicants for
45 licensure and certification at the expense of those individuals.

1 C. The executive director or the executive director's designee may:
2 1. Issue and renew licenses, certificates and permits to applicants
3 who meet the requirements of this chapter.
4 2. Initiate an investigation if evidence appears to demonstrate
5 that a dentist, DENTAL THERAPIST, dental hygienist, denturist or
6 restricted permit holder may be engaged in unprofessional conduct or may
7 be unable to safely practice dentistry.
8 3. Initiate an investigation if evidence appears to demonstrate
9 that a business entity may be engaged in unethical conduct.
10 4. Subject to board approval, enter into a consent agreement with a
11 dentist, DENTAL THERAPIST, denturist, dental hygienist or restricted
12 permit holder if there is evidence of unprofessional conduct.
13 5. Subject to board approval, enter into a consent agreement with a
14 business entity if there is evidence of unethical conduct.
15 6. Refer cases to the board for a formal interview.
16 7. If delegated by the board, enter into a stipulation agreement
17 with a person under the board's jurisdiction for the treatment,
18 rehabilitation and monitoring of chemical substance abuse or misuse.
19 D. Members of the board are personally immune from liability with
20 respect to all acts done and actions taken in good faith and within the
21 scope of their authority.
22 E. The board by rule shall require that a licensee obtain a permit
23 for the application of general anesthesia, semiconscious sedation or
24 conscious sedation, shall establish and collect a fee of not more than
25 three hundred dollars to cover administrative costs connected with issuing
26 the permit and shall conduct inspections to ~~assure~~ ENSURE compliance.
27 F. The board by rule may establish and collect fees for license
28 verification, board meeting agendas and minutes, published lists and
29 mailing labels.
30 G. This section does not prohibit the board from conducting its
31 authorized duties in a public meeting.
32 H. For the purposes of this section, "record of complaint" means
33 the document reflecting the final disposition of a complaint or
34 investigation.
35 Sec. 4. Section 32-1231, Arizona Revised Statutes, is amended to
36 read:
37 32-1231. Persons not required to be licensed
38 This chapter does not prohibit:
39 1. A dentist, DENTAL THERAPIST or dental hygienist who is
40 officially employed in the service of the United States from practicing
41 dentistry in the dentist's, DENTAL THERAPIST'S or dental hygienist's
42 official capacity, within the scope of that person's authority, on persons
43 WHO ARE enlisted in, directly connected with or under the immediate
44 control of some branch of service of the United States.

1 2. A PERSON, WHETHER OR NOT LICENSED BY THIS STATE, FROM PRACTICING
2 DENTAL THERAPY EITHER:

3 (a) IN THE DISCHARGE OF OFFICIAL DUTIES ON BEHALF OF THE UNITED
4 STATES GOVERNMENT, INCLUDING THE UNITED STATES DEPARTMENT OF VETERANS
5 AFFAIRS, THE UNITED STATES PUBLIC HEALTH SERVICE AND THE INDIAN HEALTH
6 SERVICE.

7 (b) WHILE EMPLOYED BY TRIBAL HEALTH PROGRAMS AUTHORIZED PURSUANT TO
8 PUBLIC LAW 93-638 OR URBAN INDIAN HEALTH PROGRAMS.

9 ~~2.~~ 3. An intern or student of dentistry, DENTAL THERAPY or dental
10 hygiene from operating in the clinical departments or laboratories of a
11 recognized dental school, DENTAL THERAPY SCHOOL, dental hygiene school or
12 hospital under THE supervision of a dentist.

13 ~~3.~~ 4. An unlicensed person from performing for a licensed dentist
14 merely mechanical work on inert matter not within the oral cavity in the
15 construction, making, alteration or repairing of any artificial dental
16 substitute or any dental restorative or corrective appliance, if the casts
17 or impressions for that work have been furnished by a licensed dentist and
18 the work is directly supervised by the dentist for whom done or under a
19 written authorization signed by the dentist, but the burden of proving
20 that written authorization or direct supervision is on the person charged
21 with having violated this provision.

22 ~~4.~~ 5. A clinician WHO IS not licensed in this state from giving
23 demonstrations, before bona fide dental societies, study clubs and groups
24 of professional students, that are free to the persons on whom made.

25 ~~5.~~ 6. The state director of dental public health from performing
26 the director's administrative duties as prescribed by law.

27 ~~6.~~ 7. A dentist or dental hygienist to whom a restricted permit
28 has been issued from practicing dentistry or dental hygiene in this state
29 as provided in sections 32-1237 and 32-1292.

30 ~~7.~~ 8. A dentist, DENTAL THERAPIST or dental hygienist who is not
31 practicing on the public at large from practicing in a recognized dental
32 school, RECOGNIZED DENTAL THERAPY SCHOOL or ~~a~~ recognized dental hygiene
33 school.

34 Sec. 5. Section 32-1235, Arizona Revised Statutes, is amended to
35 read:

36 32-1235. Reinstatement of license or certificate; application
37 for previously denied license or certificate

38 A. On written application the board may issue a new license or
39 certificate to a dentist, DENTAL THERAPIST, dental hygienist or denturist
40 whose license or certificate was previously suspended or revoked by the
41 board or surrendered by the applicant if the applicant demonstrates to the
42 board's satisfaction that the applicant is completely rehabilitated with
43 respect to the conduct that was the basis for the suspension, revocation
44 or surrender. In making its decision, the board shall determine:

1 1. That the applicant has not engaged in any conduct during the
2 suspension, revocation or surrender period that would have constituted a
3 basis for revocation pursuant to section 32-1263.

4 2. If a criminal conviction was a basis for the suspension,
5 revocation or surrender, that the applicant's civil rights have been fully
6 restored pursuant to statute or any other applicable recognized judicial
7 or gubernatorial order.

8 3. That the applicant has made restitution to any aggrieved person
9 as ordered by a court of competent jurisdiction.

10 4. That the applicant demonstrates any other standard of
11 rehabilitation the board determines is appropriate.

12 B. Except as provided in subsection C of this section, a person may
13 not submit an application for reinstatement less than five years after the
14 date of suspension, revocation or surrender.

15 C. The board shall vacate its previous order to suspend or revoke a
16 license or certificate if that suspension or revocation was based on a
17 conviction of a felony or an offense involving moral turpitude and that
18 conviction has been reversed on appeal. The person may submit an
19 application for reinstatement as soon as the court enters the reversal.

20 D. An applicant for reinstatement must comply with all initial
21 licensing or certification requirements prescribed by this chapter.

22 E. A person whose application for a license or certificate has been
23 denied for failure to meet academic requirements may apply for licensure
24 or certification not less than two years after the denial.

25 F. A person whose application for a license has been denied
26 pursuant to section 32-1232, subsection C may apply for licensure not less
27 than five years after the denial.

28 Sec. 6. Section 32-1263, Arizona Revised Statutes, is amended to
29 read:

30 32-1263. Grounds for disciplinary action; definition

31 A. The board may invoke disciplinary action against any person WHO
32 IS licensed under this chapter for any of the following reasons:

33 1. Unprofessional conduct, as defined in section 32-1201.01.

34 2. Conviction of a felony or of a misdemeanor involving moral
35 turpitude, in which case the record of conviction or a certified copy is
36 conclusive evidence.

37 3. Physical or mental incompetence to practice pursuant to this
38 chapter.

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

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

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

- 1 C. The board may take disciplinary action against a business entity
2 THAT IS registered pursuant to this chapter for unethical conduct.
- 3 D. For the purposes of this section, "unethical conduct" means the
4 following acts occurring in this state or elsewhere:
- 5 1. Failing to report in writing to the board any evidence that a
6 dentist, DENTAL THERAPIST, denturist or dental hygienist is or may be
7 professionally incompetent, is or may be guilty of unprofessional conduct,
8 is or may be impaired by drugs or alcohol or is or may be mentally or
9 physically unable to safely engage in the permissible activities of a
10 dentist, DENTAL THERAPIST, denturist or dental hygienist.
- 11 2. Falsely reporting to the board that a dentist, DENTAL THERAPIST,
12 denturist or dental hygienist is or may be guilty of unprofessional
13 conduct, is or may be impaired by drugs or alcohol or is or may be
14 mentally or physically unable to safely engage in the permissible
15 activities of a dentist, DENTAL THERAPIST, denturist or dental hygienist.
- 16 3. Obtaining or attempting to obtain a registration or registration
17 renewal by fraud or by misrepresentation.
- 18 4. Knowingly filing with the board any application, renewal or
19 other document that contains false information.
- 20 5. Failing to register or failing to submit a renewal registration
21 with the board pursuant to section 32-1213.
- 22 6. Failing to provide the following persons with access to any
23 place for which a registration has been issued or for which an application
24 for a registration has been submitted in order to conduct a site
25 investigation, inspection or audit:
- 26 (a) The board or its employees or agents.
- 27 (b) An authorized federal or state official.
- 28 7. Failing to notify the board of a change in officers and
29 directors, a change of address or a change in the dentists providing
30 services pursuant to section 32-1213, subsection E.
- 31 8. Failing to provide patient records pursuant to section 32-1264.
- 32 9. Obtaining a fee by fraud or misrepresentation or wilfully or
33 intentionally filing a fraudulent claim with a third party for services
34 rendered or to be rendered to a patient.
- 35 10. Engaging in repeated irregularities in billing.
- 36 11. Engaging in the following advertising practices:
- 37 (a) ~~The publication~~ PUBLISHING or ~~circulation~~ CIRCULATING, directly
38 or indirectly, ~~of~~ any false or fraudulent or misleading statements
39 concerning the skill, methods or practices of a registered business
40 entity, a licensee or any other person.
- 41 (b) Advertising in any manner that tends to deceive or defraud the
42 public.
- 43 12. Failing to comply with a board subpoena in a timely manner.

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

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

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

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

11 17. ~~ENGAGING IN A PRACTICE BY WHICH A DENTAL HYGIENIST, DENTAL~~
12 ~~THERAPIST OR DENTAL ASSISTANT EXCEEDS THE SCOPE OF PRACTICE OR~~
13 ~~RESTRICTIONS INCLUDED IN A WRITTEN COLLABORATIVE PRACTICE AGREEMENT.~~

14 Sec. 7. Section 32-1263.02, Arizona Revised Statutes, is amended to
15 read:

16 32-1263.02. Investigation and adjudication of complaints;
17 disciplinary action; civil penalty; immunity;
18 subpoena authority; definitions

19 A. The board on its motion, or the executive director if delegated
20 by the board, may investigate any evidence that appears to show the
21 existence of any of the causes or grounds for disciplinary action as
22 provided in section 32-1263. The board may investigate any complaint that
23 alleges the existence of any of the causes or grounds for disciplinary
24 action as provided in section 32-1263. The board shall not act on its own
25 motion or on a complaint received by the board if the allegation of
26 unprofessional conduct, unethical conduct or any other violation of this
27 chapter against a professional who holds an Arizona license occurred more
28 than four years before the complaint is received by the board. The
29 four-year time limitation does not apply to:

30 1. Medical malpractice settlements or judgments, ~~or~~ allegations of
31 sexual misconduct or ~~if~~ an incident or occurrence ~~THAT~~ involved a felony,
32 diversion of a controlled substance or impairment while practicing by the
33 licensee.

34 2. ~~A~~ ~~THE~~ board's consideration of the specific unprofessional
35 conduct related to ~~a~~ ~~THE~~ licensee's failure to disclose conduct or a
36 violation as required by law.

37 B. At the request of the complainant, the board shall not disclose
38 to the respondent the complainant name unless the information is essential
39 to proceedings conducted pursuant to this article.

40 C. The board or its designees shall conduct necessary
41 investigations, including interviews between representatives of the board
42 and the licensee with respect to any information obtained by or filed with
43 the board under subsection A of this section. The results of the
44 investigation conducted by a designee shall be forwarded to the board for
45 its review.

1 D. If, based on the information it receives under subsection A of
2 this section, the board finds that the public health, safety or welfare
3 imperatively requires emergency action and incorporates a finding to that
4 effect in its order, the board may order a summary suspension of the
5 respondent's license pursuant to section 41-1092.11 pending proceedings
6 for revocation or other action.

7 E. If a complaint refers to quality of care, the patient may be
8 referred for a clinical evaluation at the discretion of the board.

9 F. If, after completing its investigation, the board finds that the
10 information provided pursuant to subsection A of this section is
11 insufficient to merit disciplinary action against the licensee, the board
12 may take any of the following actions:

13 1. Dismiss the complaint.

14 2. Issue a nondisciplinary letter of concern to the licensee.

15 3. Issue a nondisciplinary order requiring the licensee to complete
16 a prescribed number of hours of continuing education in an area or areas
17 prescribed by the board to provide the licensee with the necessary
18 understanding of current developments, skills, procedures or treatment.

19 4. Assess a nondisciplinary civil penalty in an amount not to
20 exceed five hundred dollars if the complaint involves the licensee's
21 failure to respond to a board subpoena.

22 G. If, after completing its investigation, the board finds that the
23 information provided pursuant to subsection A of this section is
24 sufficient to merit disciplinary action against the licensee, the board
25 may request that the licensee participate in a formal interview before the
26 board. If the licensee refuses or accepts the invitation for a formal
27 interview and the results indicate that grounds may exist for revocation
28 or suspension, the board shall issue a formal complaint and order that a
29 hearing be held pursuant to title 41, chapter 6, article 10. If, after
30 completing a formal interview, the board finds that the protection of the
31 public requires emergency action, it may order a summary suspension of the
32 license pursuant to section 41-1092.11 pending formal revocation
33 proceedings or other action authorized by this section.

34 H. If, after completing a formal interview, the board finds that
35 the information provided under subsection A of this section is
36 insufficient to merit suspension or revocation of the license, it may take
37 any of the following actions:

38 1. Dismiss the complaint.

39 2. Order disciplinary action pursuant to section 32-1263.01,
40 subsection A.

41 3. Enter into a consent agreement with the licensee for
42 disciplinary action.

43 4. Order nondisciplinary continuing education pursuant to section
44 32-1263.01, subsection B.

45 5. Issue a nondisciplinary letter of concern to the licensee.

1 I. A copy of the board's order issued pursuant to this section
2 shall be given to the complainant and to the licensee. Pursuant to title
3 41, chapter 6, article 10, the licensee may petition for rehearing or
4 review.

5 J. Any person who in good faith makes a report or complaint as
6 provided in this section to the board or to any person or committee acting
7 on behalf of the board is not subject to liability for civil damages as a
8 result of the report.

9 K. The board, through its president or the president's designee,
10 may issue subpoenas to compel the attendance of witnesses and the
11 production of documents and may administer oaths, take testimony and
12 receive exhibits in evidence in connection with an investigation initiated
13 by the board or a complaint filed with the board. In case of disobedience
14 to a subpoena, the board may invoke the aid of any court of this state in
15 requiring the attendance and testimony of witnesses and the production of
16 documentary evidence.

17 L. Patient records, including clinical records, medical reports,
18 laboratory statements and reports, files, films, reports or oral
19 statements relating to diagnostic findings or treatment of patients, any
20 information from which a patient or a patient's family may be identified
21 or information received and records kept by the board as a result of the
22 investigation procedures taken pursuant to this chapter, are not available
23 to the public.

24 M. The board may charge the costs of formal hearings conducted
25 pursuant to title 41, chapter 6, article 10 to a licensee it finds to be
26 in violation of this chapter.

27 N. The board may accept the surrender of an active license from a
28 licensee who is subject to a board investigation and who admits in writing
29 to any of the following:

- 30 1. Being unable to safely engage in the practice of dentistry.
- 31 2. Having committed an act of unprofessional conduct.
- 32 3. Having violated this chapter or a board rule.

33 O. In determining the appropriate disciplinary action under this
34 section, the board may consider any previous nondisciplinary and
35 disciplinary actions against a licensee.

36 P. If a licensee who is currently providing dental services for a
37 registered business entity believes that the registered business entity
38 has engaged in unethical conduct as defined pursuant to section 32-1263,
39 subsection D, paragraph 16, the licensee must do both of the following
40 before filing a complaint with the board:

- 41 1. Notify the registered business entity in writing that the
42 licensee believes that the registered business entity has engaged in a
43 policy or practice that interferes with the clinical judgment of the
44 licensee or that compromises the licensee's ability to comply with the

1 requirements of this chapter. The licensee shall specify in the notice
2 the reasons for this belief.

3 2. Provide the registered business entity with at least ten
4 calendar days to respond in writing to the assertions made pursuant to
5 paragraph 1 of this subsection.

6 Q. A licensee who files a complaint pursuant to subsection ~~P~~ P of
7 this section shall provide the board with a copy of the licensee's
8 notification and the registered business entity's response, if any.

9 R. A registered business entity may not take any adverse employment
10 action against a licensee because the licensee complies with the
11 requirements of subsection ~~P~~ P of this section.

12 S. For the purposes of this section:

13 1. "License" includes a certificate issued pursuant to this
14 chapter.

15 2. "Licensee" means a dentist, DENTAL THERAPIST, dental hygienist,
16 denturist, dental consultant, restricted permit holder or business entity
17 regulated pursuant to this chapter.

18 Sec. 8. Section 32-1264, Arizona Revised Statutes, is amended to
19 read:

20 32-1264. Maintenance of records

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

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

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

31 3. Diagnosis and treatment planning.

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

36 5. All radiographs.

37 B. Records are available for review and for treatment purposes to
38 the dentist, DENTAL THERAPIST, dental hygienist or denturist providing
39 care.

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

1 D. Within fifteen business days ~~of~~ AFTER a patient's written
2 request, that patient's dentist, DENTAL THERAPIST, dental hygienist or
3 denturist or a registered business entity shall transfer legible and
4 diagnostic quality copies of that patient's records to another licensee or
5 certificate holder or that patient. The patient may be charged for the
6 reasonable costs of copying and forwarding these records. A dentist,
7 DENTAL THERAPIST, dental hygienist, denturist or registered business
8 entity may require that payment of reproduction costs be made in advance,
9 unless the records are necessary for continuity of care, in which case the
10 records shall not be withheld. Copies of records shall not be withheld
11 because of an unpaid balance for dental services.

12 E. Unless otherwise required by law, a person who is licensed or
13 certified pursuant to this chapter or a business entity that is registered
14 pursuant to this chapter must retain the original or a copy of a patient's
15 dental records as follows:

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

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

22 Sec. 9. Title 32, chapter 11, Arizona Revised Statutes, is amended
23 by adding article 3.1, to read:

24 ARTICLE 3.1. LICENSING AND REGULATION OF DENTAL THERAPISTS

25 32-1276. Definitions

26 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 1. "APPLICANT" MEANS A PERSON WHO IS APPLYING FOR LICENSURE TO
28 PRACTICE DENTAL THERAPY IN THIS STATE.

29 2. "DIRECT SUPERVISION" MEANS THAT A LICENSED DENTIST IS PRESENT IN
30 THE OFFICE AND AVAILABLE TO PROVIDE TREATMENT OR CARE TO A PATIENT AND
31 OBSERVE A DENTAL THERAPIST'S WORK.

32 3. "LICENSEE" MEANS A PERSON WHO HOLDS A LICENSE TO PRACTICE DENTAL
33 THERAPY IN THIS STATE.

34 32-1276.01. Application for licensure; requirements;
35 fingerprint clearance card; denial or
36 suspension of application

37 A. AN APPLICANT FOR LICENSURE AS A DENTAL THERAPIST IN THIS STATE
38 SHALL DO ALL OF THE FOLLOWING:

39 1. APPLY TO THE BOARD ON A FORM PRESCRIBED BY THE BOARD.

40 2. VERIFY UNDER OATH THAT ALL STATEMENTS IN THE APPLICATION ARE
41 TRUE TO THE APPLICANT'S KNOWLEDGE.

42 3. ENCLOSE WITH THE APPLICATION:

43 (a) A RECENT PHOTOGRAPH OF THE APPLICANT.

44 (b) THE APPLICATION FEE ESTABLISHED BY THE BOARD BY RULE.

1 B. THE BOARD MAY GRANT A LICENSE TO PRACTICE DENTAL THERAPY TO AN
2 APPLICANT WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

3 1. IS LICENSED AS A DENTAL HYGIENIST PURSUANT TO ARTICLE 4 OF THIS
4 CHAPTER.

5 2. GRADUATES FROM A DENTAL THERAPY EDUCATION PROGRAM THAT IS
6 ACCREDITED BY OR HOLDS AN INITIAL ACCREDITATION FROM THE AMERICAN DENTAL
7 ASSOCIATION COMMISSION ON DENTAL ACCREDITATION AND THAT IS OFFERED THROUGH
8 AN ACCREDITED HIGHER EDUCATION INSTITUTION RECOGNIZED BY THE UNITED STATES
9 DEPARTMENT OF EDUCATION.

10 3. SUCCESSFULLY PASSES BOTH OF THE FOLLOWING:

11 (a) WITHIN FIVE YEARS BEFORE FILING THE APPLICATION, A CLINICAL
12 EXAMINATION THAT IS EITHER:

13 (i) THE WESTERN REGIONAL EXAMINING BOARD EXAMINATION.

14 (ii) AN EXAMINATION IN DENTAL THERAPY ADMINISTERED BY ANOTHER STATE
15 OR TESTING AGENCY THAT IS SUBSTANTIALLY EQUIVALENT TO THE WESTERN REGIONAL
16 EXAMINING BOARD EXAMINATION, AS DETERMINED BY THE STATE BOARD OF DENTAL
17 EXAMINERS.

18 (b) THE ARIZONA DENTAL JURISPRUDENCE EXAMINATION.

19 4. IS NOT SUBJECT TO ANY GROUNDS FOR DENIAL OF THE APPLICATION
20 UNDER THIS CHAPTER.

21 5. OBTAINS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO
22 TITLE 41, CHAPTER 12, ARTICLE 3.1.

23 6. MEETS ALL REQUIREMENTS FOR LICENSURE ESTABLISHED BY THE BOARD BY
24 RULE.

25 C. THE BOARD MAY DENY AN APPLICATION FOR LICENSURE OR LICENSE
26 RENEWAL IF THE APPLICANT:

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

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

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

32 4. HAS HAD A LICENSE TO PRACTICE DENTAL THERAPY REVOKED BY A
33 REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT
34 THAT OCCURRED IN THAT JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL
35 CONDUCT PURSUANT TO THIS CHAPTER.

36 5. IS CURRENTLY SUSPENDED OR RESTRICTED BY A REGULATORY BOARD IN
37 ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT
38 JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
39 CHAPTER.

40 6. HAS SURRENDERED, RELINQUISHED OR GIVEN UP A LICENSE TO PRACTICE
41 DENTAL THERAPY INSTEAD OF HAVING DISCIPLINARY ACTION TAKEN AGAINST THE
42 APPLICANT BY A REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED
43 STATES FOR AN ACT THAT OCCURRED IN THAT JURISDICTION AND THAT CONSTITUTES
44 UNPROFESSIONAL CONDUCT PURSUANT TO THIS CHAPTER.

1 D. THE BOARD SHALL SUSPEND AN APPLICATION FOR LICENSURE IF THE
2 APPLICANT IS CURRENTLY UNDER INVESTIGATION BY A DENTAL REGULATORY BOARD IN
3 ANOTHER JURISDICTION. THE BOARD SHALL NOT ISSUE A LICENSE OR DENY AN
4 APPLICATION FOR LICENSURE UNTIL THE INVESTIGATION IS COMPLETED.

5 32-1276.02. Dental therapist triennial licensure; continuing
6 education; license renewal and reinstatement;
7 fees; civil penalties; retired licensees and
8 licensees with a disability

9 A. EXCEPT AS PROVIDED IN SECTION 32-4301, A LICENSE ISSUED UNDER
10 THIS ARTICLE EXPIRES ON JUNE 30 OF EVERY THIRD YEAR. ON OR BEFORE JUNE 30
11 OF EVERY THIRD YEAR, EACH LICENSED DENTAL THERAPIST SHALL SUBMIT TO THE
12 BOARD A COMPLETE RENEWAL APPLICATION AND PAY A LICENSE RENEWAL FEE
13 ESTABLISHED BY A FORMAL VOTE OF THE BOARD. AT LEAST ONCE EVERY THREE
14 YEARS, BEFORE ESTABLISHING THE FEE, THE BOARD SHALL REVIEW THE AMOUNT OF
15 THE FEE IN A PUBLIC MEETING. ANY CHANGE IN THE AMOUNT OF THE FEE SHALL BE
16 APPLIED PROSPECTIVELY TO A LICENSEE AT THE TIME OF LICENSURE RENEWAL. THE
17 FEE PRESCRIBED BY THIS SUBSECTION DOES NOT APPLY TO A RETIRED DENTAL
18 THERAPIST OR TO A DENTAL THERAPIST WITH A DISABILITY.

19 B. A LICENSEE SHALL INCLUDE A WRITTEN AFFIDAVIT WITH THE RENEWAL
20 APPLICATION THAT AFFIRMS THAT THE LICENSEE COMPLIES WITH BOARD RULES
21 RELATING TO CONTINUING EDUCATION REQUIREMENTS. A LICENSEE IS NOT REQUIRED
22 TO COMPLETE THE WRITTEN AFFIDAVIT IF THE LICENSEE RECEIVED AN INITIAL
23 LICENSE WITHIN THE YEAR IMMEDIATELY PRECEDING THE EXPIRATION DATE OF THE
24 LICENSE OR THE LICENSEE IS IN DISABLED STATUS. IF THE LICENSEE IS NOT IN
25 COMPLIANCE WITH BOARD RULES RELATING TO CONTINUING EDUCATION, THE BOARD
26 MAY GRANT AN EXTENSION OF TIME TO COMPLETE THESE REQUIREMENTS IF THE
27 LICENSEE INCLUDES A WRITTEN REQUEST FOR AN EXTENSION WITH THE RENEWAL
28 APPLICATION INSTEAD OF THE WRITTEN AFFIDAVIT AND THE RENEWAL APPLICATION
29 IS RECEIVED ON OR BEFORE JUNE 30 OF THE EXPIRATION YEAR. THE BOARD SHALL
30 CONSIDER THE EXTENSION REQUEST BASED ON CRITERIA PRESCRIBED BY THE BOARD
31 BY RULE. IF THE BOARD DENIES AN EXTENSION REQUEST, THE LICENSE EXPIRES ON
32 AUGUST 30 OF THE EXPIRATION YEAR.

33 C. AN APPLICANT FOR A DENTAL THERAPY LICENSE FOR THE FIRST TIME IN
34 THIS STATE SHALL PAY A PRORATED FEE FOR THE PERIOD REMAINING UNTIL THE
35 NEXT JUNE 30. THIS FEE MAY NOT EXCEED ONE-THIRD OF THE FEE PRESCRIBED
36 PURSUANT TO SUBSECTION A OF THIS SECTION. SUBSEQUENT APPLICATIONS SHALL
37 BE CONDUCTED PURSUANT TO THIS SECTION.

38 D. AN EXPIRED LICENSE MAY BE REINSTATED BY SUBMITTING A COMPLETE
39 RENEWAL APPLICATION WITHIN THE TWENTY-FOUR-MONTH PERIOD IMMEDIATELY
40 FOLLOWING THE EXPIRATION OF THE LICENSE WITH PAYMENT OF THE RENEWAL FEE
41 AND A ONE HUNDRED DOLLAR PENALTY. WHEN THE LICENSE IS ISSUED,
42 REINSTATEMENT IS AS OF THE DATE OF APPLICATION AND ENTITLES THE APPLICANT
43 TO LICENSURE ONLY FOR THE REMAINDER OF THE APPLICABLE THREE-YEAR PERIOD.
44 IF A PERSON DOES NOT REINSTATE A LICENSE PURSUANT TO THIS SUBSECTION, THE
45 PERSON MUST REAPPLY FOR LICENSURE PURSUANT TO THIS ARTICLE.

1 E. A LICENSEE SHALL NOTIFY THE BOARD IN WRITING WITHIN TEN DAYS
2 AFTER THE LICENSEE CHANGES THE PRIMARY MAILING ADDRESS LISTED WITH THE
3 BOARD. THE BOARD SHALL IMPOSE A CIVIL PENALTY OF FIFTY DOLLARS IF A
4 LICENSEE FAILS TO NOTIFY THE BOARD OF THE CHANGE WITHIN THAT TIME. THE
5 BOARD SHALL INCREASE THE CIVIL PENALTY TO ONE HUNDRED DOLLARS IF A
6 LICENSEE FAILS TO NOTIFY THE BOARD OF THE CHANGE WITHIN THIRTY DAYS.

7 F. A LICENSEE WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE AND WHO IS
8 FULLY RETIRED AND A LICENSEE WHO HAS A PERMANENT DISABILITY MAY CONTRIBUTE
9 SERVICES TO A RECOGNIZED CHARITABLE INSTITUTION AND STILL RETAIN THAT
10 CLASSIFICATION FOR TRIENNIAL REGISTRATION PURPOSES BY PAYING A REDUCED
11 RENEWAL FEE AS PRESCRIBED BY THE BOARD BY RULE.

12 G. A LICENSEE IS NOT REQUIRED TO MAINTAIN A DENTAL HYGIENIST
13 LICENSE.

14 32-1276.03. Practice of dental therapy; authorized
15 procedures; supervision requirements;
16 restrictions

17 A. A PERSON IS DEEMED TO BE A PRACTICING DENTAL THERAPIST IF THE
18 PERSON DOES ANY OF THE ACTS OR PERFORMS ANY OPERATIONS INCLUDED IN THE
19 GENERAL PRACTICE OF DENTAL THERAPISTS OR DENTAL THERAPY OR ANY RELATED AND
20 ASSOCIATED DUTIES.

21 B. EITHER UNDER THE DIRECT SUPERVISION OF A DENTIST OR PURSUANT TO
22 A WRITTEN COLLABORATIVE PRACTICE AGREEMENT, A LICENSED DENTAL THERAPIST
23 MAY DO ANY OF THE FOLLOWING:

24 1. PERFORM ORAL EVALUATIONS AND ASSESSMENTS OF DENTAL DISEASE AND
25 FORMULATE INDIVIDUALIZED TREATMENT PLANS.

26 2. PERFORM COMPREHENSIVE CHARTING OF THE ORAL CAVITY.

27 3. PROVIDE ORAL HEALTH INSTRUCTION AND DISEASE PREVENTION
28 EDUCATION, INCLUDING MOTIVATIONAL INTERVIEWING, NUTRITIONAL COUNSELING AND
29 DIETARY ANALYSIS.

30 4. EXPOSE AND PROCESS DENTAL RADIOGRAPHIC IMAGES.

31 5. PERFORM DENTAL PROPHYLAXIS, SCALING, ROOT PLANING AND POLISHING
32 PROCEDURES.

33 6. DISPENSE AND ADMINISTER ORAL AND TOPICAL NONNARCOTIC ANALGESICS
34 AND ANTI-INFLAMMATORY AND ANTIBIOTIC MEDICATIONS AS PRESCRIBED BY A
35 LICENSED HEALTH CARE PROVIDER.

36 7. APPLY TOPICAL PREVENTIVE AND PROPHYLACTIC AGENTS, INCLUDING
37 FLUORIDE VARNISHES, ANTIMICROBIAL AGENTS, SILVER DIAMINE FLUORIDE AND PIT
38 AND FISSURE SEALANTS.

39 8. PERFORM PULP VITALITY TESTING.

40 9. APPLY DESENSITIZING MEDICAMENTS OR RESINS.

41 10. FABRICATE ATHLETIC MOUTH GUARDS AND SOFT OCCLUSAL GUARDS.

42 11. CHANGE PERIODONTAL DRESSINGS.

43 12. ADMINISTER NITROUS OXIDE ANALGESICS AND LOCAL ANESTHETICS.

44 13. PERFORM SIMPLE EXTRACTION OF ERUPTED PRIMARY TEETH.

- 1 14. PERFORM NONSURGICAL EXTRACTIONS OF PERIODONTALLY DISEASED
2 PERMANENT TEETH THAT EXHIBIT PLUS THREE OR GRADE THREE MOBILITY AND THAT
3 ARE NOT IMPACTED, FRACTURED, UNERUPTED OR IN NEED OF SECTIONING FOR
4 REMOVAL.
- 5 15. PERFORM EMERGENCY PALLIATIVE TREATMENTS OF DENTAL PAIN THAT IS
6 RELATED TO CARE OR A SERVICE DESCRIBED IN THIS SECTION.
- 7 16. PREPARE AND PLACE DIRECT RESTORATIONS IN PRIMARY AND PERMANENT
8 TEETH.
- 9 17. FABRICATE AND PLACE SINGLE-TOOTH TEMPORARY CROWNS.
- 10 18. PREPARE AND PLACE PREFORMED CROWNS ON PRIMARY TEETH.
- 11 19. PERFORM INDIRECT AND DIRECT PULP CAPPING ON PERMANENT TEETH.
- 12 20. PERFORM INDIRECT PULP CAPPING ON PRIMARY TEETH.
- 13 21. PERFORM SUTURING AND SUTURE REMOVAL.
- 14 22. PROVIDE MINOR ADJUSTMENTS AND REPAIRS ON REMOVABLE PROSTHESES.
- 15 23. PLACE AND REMOVE SPACE MAINTAINERS.
- 16 24. PERFORM ALL FUNCTIONS OF A DENTAL ASSISTANT AND EXPANDED
17 FUNCTION DENTAL ASSISTANT.
- 18 25. PERFORM OTHER RELATED SERVICES AND FUNCTIONS THAT ARE
19 AUTHORIZED BY THE SUPERVISING DENTIST WITHIN THE DENTAL THERAPIST'S SCOPE
20 OF PRACTICE AND FOR WHICH THE DENTAL THERAPIST IS TRAINED.
- 21 26. PROVIDE REFERRALS.
- 22 27. PERFORM ANY OTHER DUTIES OF A DENTAL THERAPIST THAT ARE
23 AUTHORIZED BY THE BOARD BY RULE.
- 24 C. A DENTAL THERAPIST MAY NOT:
- 25 1. DISPENSE OR ADMINISTER A NARCOTIC DRUG.
- 26 2. INDEPENDENTLY BILL FOR SERVICES TO ANY INDIVIDUAL OR THIRD-PARTY
27 PAYOR.
- 28 D. A PERSON MAY NOT CLAIM TO BE A DENTAL THERAPIST UNLESS THAT
29 PERSON IS LICENSED AS A DENTAL THERAPIST UNDER THIS ARTICLE.
- 30 32-1276.04. Dental therapists; clinical practice; supervising
31 dentists; written collaborative practice
32 agreements
- 33 A. A DENTAL THERAPIST MAY PRACTICE ONLY IN THE FOLLOWING PRACTICE
34 SETTINGS OR LOCATIONS, INCLUDING MOBILE DENTAL UNITS, THAT ARE OPERATED OR
35 SERVED BY ANY OF THE FOLLOWING:
- 36 1. A FEDERALLY QUALIFIED COMMUNITY HEALTH CENTER.
- 37 2. A HEALTH CENTER PROGRAM THAT HAS RECEIVED A FEDERAL LOOK-ALIKE
38 DESIGNATION.
- 39 3. A COMMUNITY HEALTH CENTER.
- 40 4. A NONPROFIT DENTAL PRACTICE OR A NONPROFIT ORGANIZATION THAT
41 PROVIDES DENTAL CARE TO LOW-INCOME AND UNDERSERVED INDIVIDUALS.
- 42 5. A PRIVATE DENTAL PRACTICE THAT PROVIDES DENTAL CARE FOR
43 COMMUNITY HEALTH CENTER PATIENTS OF RECORD WHO ARE REFERRED BY THE
44 COMMUNITY HEALTH CENTER.

1 B. A DENTAL THERAPIST MAY PRACTICE IN THIS STATE EITHER UNDER THE
2 DIRECT SUPERVISION OF A DENTIST OR PURSUANT TO A WRITTEN COLLABORATIVE
3 PRACTICE AGREEMENT. BEFORE A DENTAL THERAPIST MAY ENTER INTO A WRITTEN
4 COLLABORATIVE PRACTICE AGREEMENT, THE DENTAL THERAPIST SHALL COMPLETE ONE
5 THOUSAND HOURS OF DENTAL THERAPY CLINICAL PRACTICE UNDER THE DIRECT
6 SUPERVISION OF A DENTIST WHO IS LICENSED IN THIS STATE AND SHALL PROVIDE
7 DOCUMENTATION SATISFACTORY TO THE BOARD OF HAVING COMPLETED THIS
8 REQUIREMENT.

9 C. A PRACTICING DENTIST WHO HOLDS AN ACTIVE LICENSE PURSUANT TO
10 THIS CHAPTER AND A LICENSED DENTAL THERAPIST WHO HOLDS AN ACTIVE LICENSE
11 PURSUANT TO THIS ARTICLE MAY ENTER INTO A WRITTEN COLLABORATIVE PRACTICE
12 AGREEMENT FOR THE DELIVERY OF DENTAL THERAPY SERVICES. THE SUPERVISING
13 DENTIST SHALL PROVIDE OR ARRANGE FOR ANOTHER DENTIST OR SPECIALIST TO
14 PROVIDE ANY SERVICE NEEDED BY THE DENTAL THERAPIST'S PATIENT THAT EXCEEDS
15 THE DENTAL THERAPIST'S AUTHORIZED SCOPE OF PRACTICE.

16 D. A DENTIST MAY NOT ENTER INTO MORE THAN FOUR SEPARATE WRITTEN
17 COLLABORATIVE PRACTICE AGREEMENTS FOR THE DELIVERY OF DENTAL THERAPY
18 SERVICES.

19 E. A WRITTEN COLLABORATIVE PRACTICE AGREEMENT BETWEEN A DENTIST AND
20 A DENTAL THERAPIST SHALL DO ALL OF THE FOLLOWING:

21 1. ADDRESS ANY LIMIT ON SERVICES AND PROCEDURES TO BE PERFORMED BY
22 THE DENTAL THERAPIST, INCLUDING TYPES OF POPULATIONS AND ANY AGE-SPECIFIC
23 OR PROCEDURE-SPECIFIC PRACTICE PROTOCOL, INCLUDING CASE SELECTION
24 CRITERIA, ASSESSMENT GUIDELINES AND IMAGING FREQUENCY.

25 2. ADDRESS ANY LIMIT ON PRACTICE SETTINGS ESTABLISHED BY THE
26 SUPERVISING DENTIST AND THE LEVEL OF SUPERVISION REQUIRED FOR VARIOUS
27 SERVICES OR TREATMENT SETTINGS.

28 3. ESTABLISH PRACTICE PROTOCOLS, INCLUDING PROTOCOLS FOR INFORMED
29 CONSENT, RECORDKEEPING, MANAGING MEDICAL EMERGENCIES AND PROVIDING CARE TO
30 PATIENTS WITH COMPLEX MEDICAL CONDITIONS, INCLUDING REQUIREMENTS FOR
31 CONSULTATION BEFORE INITIATING CARE.

32 4. ESTABLISH PROTOCOLS FOR QUALITY ASSURANCE, ADMINISTERING AND
33 DISPENSING MEDICATIONS AND SUPERVISING DENTAL ASSISTANTS.

34 5. INCLUDE SPECIFIC PROTOCOLS TO GOVERN SITUATIONS IN WHICH THE
35 DENTAL THERAPIST ENCOUNTERS A PATIENT REQUIRING TREATMENT THAT EXCEEDS THE
36 DENTAL THERAPIST'S AUTHORIZED SCOPE OF PRACTICE OR THE LIMITS IMPOSED BY
37 THE COLLABORATIVE PRACTICE AGREEMENT.

38 6. SPECIFY THAT THE EXTRACTION OF PERMANENT TEETH MAY BE PERFORMED
39 ONLY UNDER THE DIRECT SUPERVISION OF A DENTIST AND CONSISTENT WITH SECTION
40 32-1276.03, SUBSECTION B, PARAGRAPH 14.

41 F. EXCEPT AS PROVIDED IN SECTION 32-1276.03, SUBSECTION B,
42 PARAGRAPH 14, TO THE EXTENT AUTHORIZED BY THE SUPERVISING DENTIST IN THE
43 WRITTEN COLLABORATIVE PRACTICE AGREEMENT, A DENTAL THERAPIST MAY PRACTICE
44 DENTAL THERAPY PROCEDURES AUTHORIZED UNDER THIS ARTICLE IN A PRACTICE

1 SETTING IN WHICH THE SUPERVISING DENTIST IS NOT ON-SITE AND HAS NOT
2 PREVIOUSLY EXAMINED THE PATIENT OR RENDERED A DIAGNOSIS.

3 G. THE WRITTEN COLLABORATIVE PRACTICE AGREEMENT MUST BE SIGNED AND
4 MAINTAINED BY BOTH THE SUPERVISING DENTIST AND THE DENTAL THERAPIST AND
5 MAY BE UPDATED AND AMENDED AS NECESSARY BY BOTH THE SUPERVISING DENTIST
6 AND DENTAL THERAPIST. THE SUPERVISING DENTIST AND DENTAL THERAPIST SHALL
7 SUBMIT A COPY OF THE AGREEMENT AND ANY AMENDMENT TO THE AGREEMENT TO THE
8 BOARD.

9 32-1276.05. Dental therapists; supervising dentists;
10 collaborative practice relationships

11 A. A DENTIST WHO HOLDS AN ACTIVE LICENSE PURSUANT TO THIS CHAPTER
12 AND A DENTAL THERAPIST WHO HOLDS AN ACTIVE LICENSE PURSUANT TO THIS
13 ARTICLE MAY ENTER INTO A COLLABORATIVE PRACTICE RELATIONSHIP THROUGH A
14 WRITTEN COLLABORATIVE PRACTICE AGREEMENT FOR THE DELIVERY OF DENTAL
15 THERAPY SERVICES.

16 B. EACH DENTAL PRACTICE SHALL DISCLOSE TO A PATIENT WHETHER THE
17 PATIENT IS SCHEDULED TO SEE THE DENTIST OR DENTAL THERAPIST.

18 C. EACH DENTIST IN A COLLABORATIVE PRACTICE RELATIONSHIP SHALL:

19 1. BE AVAILABLE TO PROVIDE APPROPRIATE CONTACT, COMMUNICATION AND
20 CONSULTATION WITH THE DENTAL THERAPIST.

21 2. ADOPT PROCEDURES TO PROVIDE TIMELY REFERRAL OF PATIENTS WHOM THE
22 DENTAL THERAPIST REFERS TO A LICENSED DENTIST FOR EXAMINATION. THE
23 DENTIST TO WHOM THE PATIENT IS REFERRED SHALL BE GEOGRAPHICALLY AVAILABLE
24 TO SEE THE PATIENT.

25 D. EACH DENTAL THERAPIST IN A COLLABORATIVE PRACTICE RELATIONSHIP
26 SHALL:

27 1. PERFORM ONLY THOSE DUTIES WITHIN THE TERMS OF THE WRITTEN
28 COLLABORATIVE PRACTICE AGREEMENT.

29 2. MAINTAIN AN APPROPRIATE LEVEL OF CONTACT WITH THE SUPERVISING
30 DENTIST.

31 E. THE DENTAL THERAPIST AND THE SUPERVISING DENTIST SHALL NOTIFY
32 THE BOARD OF THE BEGINNING OF THE COLLABORATIVE PRACTICE RELATIONSHIP AND
33 PROVIDE THE BOARD WITH A COPY OF THE WRITTEN COLLABORATIVE PRACTICE
34 AGREEMENT AND ANY AMENDMENTS TO THE AGREEMENT WITHIN THIRTY DAYS AFTER THE
35 EFFECTIVE DATE OF THE AGREEMENT OR AMENDMENT. THE DENTAL THERAPIST AND
36 SUPERVISING DENTIST SHALL ALSO NOTIFY THE BOARD WITHIN THIRTY DAYS AFTER
37 THE TERMINATION DATE OF THE WRITTEN COLLABORATIVE PRACTICE AGREEMENT IF
38 THE DATE IS DIFFERENT THAN THE TERMINATION DATE PROVIDED IN THE AGREEMENT.

39 F. SUBJECT TO THE TERMS OF THE WRITTEN COLLABORATIVE PRACTICE
40 AGREEMENT, A DENTAL THERAPIST MAY PERFORM ALL DENTAL THERAPY PROCEDURES
41 AUTHORIZED IN SECTION 32-1276.03. THE DENTIST'S PRESENCE, EXAMINATION,
42 DIAGNOSIS AND TREATMENT PLAN ARE NOT REQUIRED UNLESS SPECIFIED BY THE
43 WRITTEN COLLABORATIVE PRACTICE AGREEMENT.

1 32-1276.06. Practicing without a license; violation;
2 classification

3 IT IS A CLASS 6 FELONY FOR A PERSON TO PRACTICE DENTAL THERAPY IN
4 THIS STATE UNLESS THE PERSON HAS OBTAINED A LICENSE FROM THE BOARD AS
5 PROVIDED IN THIS ARTICLE.

6 32-1276.07. Licensure by credential; examination waiver; fee

7 A. THE BOARD BY RULE MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS
8 ARTICLE ON RECEIPT OF EVIDENCE SATISFACTORY TO THE BOARD THAT THE
9 APPLICANT HAS PASSED THE CLINICAL EXAMINATION OF ANOTHER STATE OR TESTING
10 AGENCY MORE THAN FIVE YEARS BEFORE SUBMITTING THE APPLICATION FOR
11 LICENSURE PURSUANT TO THIS ARTICLE AND THE OTHER STATE OR TESTING AGENCY
12 MAINTAINS A STANDARD OF LICENSURE OR CERTIFICATION THAT IS SUBSTANTIALLY
13 EQUIVALENT TO THAT OF THIS STATE AS DETERMINED BY THE BOARD. THE BOARD BY
14 RULE SHALL REQUIRE:

15 1. A MINIMUM NUMBER OF ACTIVE PRACTICE HOURS WITHIN A SPECIFIC TIME
16 PERIOD BEFORE THE APPLICANT SUBMITS THE APPLICATION. THE BOARD SHALL
17 PRESCRIBE WHAT CONSTITUTES ACTIVE PRACTICE.

18 2. AN AFFIRMATION THAT THE APPLICANT HAS COMPLETED THE CONTINUING
19 EDUCATION REQUIREMENTS OF THE JURISDICTION WHERE THE APPLICANT IS LICENSED
20 OR CERTIFIED.

21 B. THE APPLICANT SHALL PAY A LICENSURE BY CREDENTIAL FEE AS
22 ESTABLISHED BY THE BOARD IN RULE.

23 C. AN APPLICANT UNDER THIS SECTION IS NOT REQUIRED TO OBTAIN A
24 DENTAL HYGIENIST LICENSE IN THIS STATE IF THE BOARD DETERMINES THAT THE
25 APPLICANT OTHERWISE MEETS THE REQUIREMENTS FOR DENTAL THERAPIST LICENSURE.

26 32-1276.08. Dental therapy schools; credit for prior
27 experience or coursework

28 NOTWITHSTANDING ANY OTHER LAW, A RECOGNIZED DENTAL THERAPY SCHOOL
29 MAY GRANT ADVANCED STANDING OR CREDIT FOR PRIOR LEARNING TO A STUDENT WHO
30 HAS PRIOR EXPERIENCE OR HAS COMPLETED COURSEWORK THAT THE SCHOOL
31 DETERMINES IS EQUIVALENT TO DIDACTIC AND CLINICAL EDUCATION IN ITS
32 ACCREDITED PROGRAM.

33 Sec. 10. Section 32-1291.01, Arizona Revised Statutes, is amended
34 to read:

35 32-1291.01. Expanded function dental assistants; training and
36 examination requirements; duties

37 A. A dental assistant may perform expanded functions after meeting
38 one of the following:

39 1. Successfully completing a board-approved expanded function
40 dental assistant training program at an institution accredited by ~~the~~
41 ~~commission on dental accreditation of~~ the American dental association
42 COMMISSION ON DENTAL ACCREDITATION and on successfully completing
43 examinations in dental assistant expanded functions approved by the board.

1 2. Providing both:

2 (a) Evidence of currently holding or having held within the
3 preceding ten years a license, registration, permit or certificate IN
4 EXPANDED FUNCTIONS IN RESTORATIVE PROCEDURES issued by another state or
5 jurisdiction in the United States ~~authorizing the performance of the~~
6 ~~expanded functions specified in subsection B of this section.~~

7 (b) Proof acceptable to the board of clinical experience in the
8 expanded functions listed in subsection B of this section.

9 B. Expanded functions include the placement, contouring and
10 finishing of direct restorations or the placement and cementation of
11 prefabricated crowns following the preparation of the tooth by a licensed
12 dentist. The restorative materials used shall be determined by the
13 dentist.

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

17 D. An expanded function dental assistant may apply sealants and
18 fluoride varnish under the general supervision and direction of a licensed
19 dentist.

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

24 Sec. 11. Section 32-1299, Arizona Revised Statutes, is amended to
25 read:

26 32-1299. Substance abuse treatment and rehabilitation
27 program; private contract; funding; confidential
28 stipulation agreement

29 A. The board may establish a confidential program for the treatment
30 and rehabilitation of dentists, DENTAL THERAPISTS, denturists and dental
31 hygienists who are impaired by alcohol or drug abuse. This program shall
32 include education, intervention, therapeutic treatment and posttreatment
33 monitoring and support.

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

37 1. Periodic reports to the board regarding treatment program
38 activity.

39 2. Release to the board on demand of all treatment records.

40 3. Periodic reports to the board regarding each dentist's, DENTAL
41 THERAPIST'S, denturist's or dental hygienist's diagnosis and prognosis and
42 recommendations for continuing care, treatment and supervision.

43 4. Immediate reporting to the board of the name of an impaired
44 practitioner whom the treating organization believes to be a danger to
45 self or others.

1 5. Immediate reporting to the board of the name of a practitioner
2 who refuses to submit to treatment or whose impairment is not
3 substantially alleviated through treatment.

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

8 D. A dentist, **DENTAL THERAPIST**, denturist or hygienist who, in the
9 opinion of the board, is impaired by alcohol or drug abuse shall agree to
10 enter into a confidential nondisciplinary stipulation agreement with the
11 board. The board shall place a licensee or certificate holder on
12 probation if the licensee or certificate holder refuses to enter into a
13 stipulation agreement with the board and may take other action as provided
14 by law. The board may also refuse to issue a license or certificate to an
15 applicant if the applicant refuses to enter into a stipulation agreement
16 with the board.

17 E. In the case of a licensee or certificate holder who is impaired
18 by alcohol or drug abuse after completing a second monitoring program
19 pursuant to a stipulation agreement under subsection D of this section,
20 the board shall determine whether:

21 1. To refer the matter for a formal hearing for the purpose of
22 suspending or revoking the license or certificate.

23 2. The licensee or certificate holder should be placed on probation
24 for a minimum of one year with restrictions necessary to ensure public
25 safety.

26 3. To enter into another stipulation agreement under subsection D
27 of this section with the licensee or certificate holder.

28 Sec. 12. Section 41-619.51, Arizona Revised Statutes, is amended to
29 read:

30 **41-619.51. Definitions**

31 In this article, unless the context otherwise requires:

32 1. "Agency" means the supreme court, the department of economic
33 security, the department of child safety, the department of education, the
34 department of health services, the department of juvenile corrections, the
35 department of emergency and military affairs, the department of public
36 safety, the department of transportation, the state real estate
37 department, the department of financial institutions, the Arizona game and
38 fish department, the board of examiners of nursing care institution
39 administrators and assisted living facility managers, the state board of
40 dental examiners, the Arizona state board of pharmacy or the board of
41 physical therapy or the state board of technical registration.

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

43 3. "Central registry exception" means notification to the
44 department of economic security, the department of child safety or the
45 department of health services, as appropriate, pursuant to section

1 41-619.57 that the person is not disqualified because of a central
2 registry check conducted pursuant to section 8-804.

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

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

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

- 11 (a) Section 8-105.
- 12 (b) Section 8-322.
- 13 (c) Section 8-463.
- 14 (d) Section 8-509.
- 15 (e) Section 8-802.
- 16 (f) Section 8-804.
- 17 (g) Section 15-183.
- 18 (h) Section 15-503.
- 19 (i) Section 15-512.
- 20 (j) Section 15-534.
- 21 (k) Section 15-763.01.
- 22 (l) Section 15-782.02.
- 23 (m) Section 15-1330.
- 24 (n) Section 15-1881.
- 25 (o) Section 17-215.
- 26 (p) Section 28-3228.
- 27 (q) Section 28-3413.
- 28 (r) Section 32-122.05.
- 29 (s) Section 32-122.06.
- 30 (t) Section 32-1232.
- 31 (u) SECTION 32-1276.01.
- 32 ~~(v)~~ (v) Section 32-1284.
- 33 ~~(v)~~ (w) Section 32-1297.01.
- 34 ~~(w)~~ (x) Section 32-1904.
- 35 ~~(x)~~ (y) Section 32-1941.
- 36 ~~(y)~~ (z) Section 32-2022.
- 37 ~~(z)~~ (aa) Section 32-2108.01.
- 38 ~~(aa)~~ (bb) Section 32-2123.
- 39 ~~(bb)~~ (cc) Section 32-2371.
- 40 ~~(cc)~~ (dd) Section 32-3620.
- 41 ~~(dd)~~ (ee) Section 32-3668.
- 42 ~~(ee)~~ (ff) Section 32-3669.
- 43 ~~(ff)~~ (gg) Section 36-207.
- 44 ~~(gg)~~ (hh) Section 36-411.
- 45 ~~(hh)~~ (ii) Section 36-425.03.

- 1 ~~(ii)~~ (jj) Section 36-446.04.
- 2 ~~(jj)~~ (kk) Section 36-594.01.
- 3 ~~(kk)~~ (ll) Section 36-594.02.
- 4 ~~(ii)~~ (mm) Section 36-882.
- 5 ~~(mm)~~ (nn) Section 36-883.02.
- 6 ~~(mm)~~ (oo) Section 36-897.01.
- 7 ~~(oo)~~ (pp) Section 36-897.03.
- 8 ~~(pp)~~ (qq) Section 36-3008.
- 9 ~~(qq)~~ (rr) Section 41-619.53.
- 10 ~~(rr)~~ (ss) Section 41-1964.
- 11 ~~(ss)~~ (tt) Section 41-1967.01.
- 12 ~~(tt)~~ (uu) Section 41-1968.
- 13 ~~(uu)~~ (vv) Section 41-1969.
- 14 ~~(vv)~~ (ww) Section 41-2814.
- 15 ~~(ww)~~ (xx) Section 46-141, subsection A.
- 16 ~~(xx)~~ (yy) Section 46-321.

17 Sec. 13. Section 41-1758, Arizona Revised Statutes, is amended to
18 read:

19 41-1758. Definitions

20 In this article, unless the context otherwise requires:

21 1. "Agency" means the supreme court, the department of economic
22 security, the department of child safety, the department of education, the
23 department of health services, the department of juvenile corrections, the
24 department of emergency and military affairs, the department of public
25 safety, the department of transportation, the state real estate
26 department, the department of financial institutions, the board of
27 fingerprinting, the Arizona game and fish department, the board of
28 examiners of nursing care institution administrators and assisted living
29 facility managers, the state board of dental examiners, the Arizona state
30 board of pharmacy or the board of physical therapy or the state board of
31 technical registration.

32 2. "Division" means the fingerprinting division in the department
33 of public safety.

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

41 4. "Good cause exception" means the issuance of a fingerprint
42 clearance card to an applicant pursuant to section 41-619.55.

43 5. "Person" means a person who is required to be fingerprinted
44 pursuant to any of the following:

- 1 (a) Section 8-105.
- 2 (b) Section 8-322.
- 3 (c) Section 8-463.
- 4 (d) Section 8-509.
- 5 (e) Section 8-802.
- 6 (f) Section 15-183.
- 7 (g) Section 15-503.
- 8 (h) Section 15-512.
- 9 (i) Section 15-534.
- 10 (j) Section 15-763.01.
- 11 (k) Section 15-782.02.
- 12 (l) Section 15-1330.
- 13 (m) Section 15-1881.
- 14 (n) Section 17-215.
- 15 (o) Section 28-3228.
- 16 (p) Section 28-3413.
- 17 (q) Section 32-122.05.
- 18 (r) Section 32-122.06.
- 19 (s) Section 32-1232.
- 20 (t) SECTION 32-1276.01.
- 21 ~~(t)~~ (u) Section 32-1284.
- 22 ~~(u)~~ (v) Section 32-1297.01.
- 23 ~~(v)~~ (w) Section 32-1904.
- 24 ~~(w)~~ (x) Section 32-1941.
- 25 ~~(x)~~ (y) Section 32-2022.
- 26 ~~(y)~~ (z) Section 32-2108.01.
- 27 ~~(z)~~ (aa) Section 32-2123.
- 28 ~~(aa)~~ (bb) Section 32-2371.
- 29 ~~(bb)~~ (cc) Section 32-3620.
- 30 ~~(cc)~~ (dd) Section 32-3668.
- 31 ~~(dd)~~ (ee) Section 32-3669.
- 32 ~~(ee)~~ (ff) Section 36-207.
- 33 ~~(ff)~~ (gg) Section 36-411.
- 34 ~~(gg)~~ (hh) Section 36-425.03.
- 35 ~~(hh)~~ (ii) Section 36-446.04.
- 36 ~~(ii)~~ (jj) Section 36-594.01.
- 37 ~~(jj)~~ (kk) Section 36-594.02.
- 38 ~~(kk)~~ (ll) Section 36-882.
- 39 ~~(ll)~~ (mm) Section 36-883.02.
- 40 ~~(mm)~~ (nn) Section 36-897.01.
- 41 ~~(nn)~~ (oo) Section 36-897.03.
- 42 ~~(oo)~~ (pp) Section 36-3008.
- 43 ~~(pp)~~ (qq) Section 41-619.52.
- 44 ~~(qq)~~ (rr) Section 41-619.53.
- 45 ~~(rr)~~ (ss) Section 41-1964.

- 1 ~~(ss)~~ (tt) Section 41-1967.01.
- 2 ~~(tt)~~ (uu) Section 41-1968.
- 3 ~~(uu)~~ (vv) Section 41-1969.
- 4 ~~(vv)~~ (ww) Section 41-2814.
- 5 ~~(ww)~~ (xx) Section 46-141, subsection A.
- 6 ~~(xx)~~ (yy) Section 46-321.

7 6. "Vulnerable adult" has the same meaning prescribed in section
8 13-3623.

9 Sec. 14. Section 41-1758.01, Arizona Revised Statutes, is amended
10 to read:

11 41-1758.01. Fingerprinting division; powers and duties

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

14 1. Conduct fingerprint background checks for persons and applicants
15 who are seeking licenses from state agencies, employment with licensees,
16 contract providers and state agencies or employment or educational
17 opportunities with agencies that require fingerprint background checks
18 pursuant to sections 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503,
19 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3228,
20 28-3413, 32-122.05, 32-122.06, 32-1232, 32-1276.01, 32-1284, 32-1297.01,
21 32-1904, 32-1941, 32-2022, 32-2108.01, 32-2123, 32-2371, 32-3620, 32-3668,
22 32-3669, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02,
23 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53,
24 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141,
25 subsection A and section 46-321.

26 2. Issue fingerprint clearance cards. On issuance, a fingerprint
27 clearance card becomes the personal property of the cardholder and the
28 cardholder shall retain possession of the fingerprint clearance card.

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

33 4. Inform in writing each person who submits fingerprints for a
34 fingerprint background check of the right to petition the board of
35 fingerprinting for a good cause exception pursuant to section 41-1758.03,
36 41-1758.04 or 41-1758.07.

37 5. If after conducting a state and federal criminal history records
38 check the division determines that it is not authorized to issue a
39 fingerprint clearance card to a person, inform the person in writing that
40 the division is not authorized to issue a fingerprint clearance card. The
41 notice shall include the criminal history information on which the denial
42 was based. This criminal history information is subject to dissemination
43 restrictions pursuant to section 41-1750 and Public Law 92-544.

44 6. Notify the person in writing if the division suspends, revokes
45 or places a driving restriction notation on a fingerprint clearance card

1 pursuant to section 41-1758.04. The notice shall include the criminal
2 history information on which the suspension, revocation or placement of
3 the driving restriction notation was based. This criminal history
4 information is subject to dissemination restrictions pursuant to section
5 41-1750 and Public Law 92-544.

6 7. Administer and enforce this article.

7 B. The fingerprinting division may contract for electronic or
8 internet-based fingerprinting services through an entity or entities for
9 the acquisition and transmission of applicant fingerprint and data
10 submissions to the department, including identity verified fingerprints
11 pursuant to section 15-106. The entity or entities contracted by the
12 department of public safety may charge the applicant a fee for services
13 provided pursuant to this article. The entity or entities contracted by
14 the department of public safety shall comply with:

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

17 2. The information technology security policy approved by the
18 department of public safety.

19 Sec. 15. Department of health services; dental therapists;
20 study; report; delayed repeal

21 A. Within three years after the state board of dental examiners
22 begins licensing dental therapists, the department of health services, in
23 consultation with the state board of dental examiners, shall conduct a
24 study on the impact of licensing dental therapists on patient safety, cost
25 effectiveness and access to dental services in this state. The study
26 shall include the following outcome measures:

27 1. The number of dental therapists who are licensed and working in
28 this state.

29 2. The distribution of dental therapists within the allowable
30 practice settings.

31 3. The number of new patients served, including data showing how
32 many new patients are members of the Arizona health care cost containment
33 system pursuant to title 36, chapter 29, article 1, Arizona Revised
34 Statutes.

35 4. Any effect on patient waiting time for appointments.

36 5. Any effect on travel time for patients.

37 6. The costs or savings to the health care system through the use
38 of dental therapy.

39 7. Records of complaints and malpractice claims against licensed
40 dental therapists in this state and the resolution of those complaints and
41 claims.

1 B. Within thirty days after completing the study prescribed in
2 subsection A of this section, the director of the department of health
3 services shall report the findings to the chairperson of the senate health
4 and human services committee and the chairperson of the house of
5 representatives health committee, or their respective successor
6 committees.

7 C. This section is repealed from and after June 30, 2024.