AN ACT

AMENDING SECTIONS 32-1201, 32-1201.01, 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 32-1299, 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)
Be it enacted by the Legislature of the State of Arizona:

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

32-1201. Definitions
In this chapter, unless the context otherwise requires:

1. "Affiliated practice dental hygienist" means any licensed dental hygienist who is able, pursuant to section 32-1289.01, to initiate treatment based on the dental hygienist's assessment of a patient's needs according to the terms of a written affiliated practice agreement with a dentist, to treat the patient without the presence of a dentist and to maintain a provider-patient relationship.

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

3. "Board" means the state board of dental examiners.

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

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

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

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

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

9. "DENTAL THERAPIST" MEANS ANY PERSON WHO IS LICENSED AND ENGAGED IN THE GENERAL PRACTICE OF DENTAL THERAPY AND ALL RELATED AND ASSOCIATED DUTIES, INCLUDING EDUCATIONAL, CLINICAL AND THERAPEUTIC DENTAL THERAPY PROCEDURES.
9. "Dental x-ray laboratory technician" means any person, other than a licensed dentist, who, pursuant to a written work order of a dentist, performs dental and maxillofacial radiography, including cephalometrics, panoramic and maxillofacial tomography and other dental related non-fluoroscopic diagnostic imaging modalities.

10. "Dentistry", "dentist" and "dental" mean the general practice of dentistry and all specialties or restricted practices of dentistry.

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

12. "Disciplinary action" means regulatory sanctions that are imposed by the board in combination with, or as an alternative to, revocation or suspension of a license and that may include:
   (a) Imposition of an administrative penalty in an amount not to exceed two thousand dollars for each violation of this chapter or rules adopted under this chapter.
   (b) Imposition of restrictions on the scope of practice.
   (c) Imposition of peer review and professional education requirements.
   (d) Imposition of censure or probation requirements best adapted to protect the public welfare, which may include a requirement for restitution to the patient resulting from violations of this chapter or rules adopted under this chapter.

13. "Irregularities in billing" means submitting any claim, bill or government assistance claim to any patient, responsible party or third-party payor for dental services rendered that is materially false with the intent to receive unearned income as evidenced by any of the following:
   (a) Charges for services not rendered.
   (b) Any treatment date that does not accurately reflect the date when the service and procedures were actually completed.
   (c) Any description of a dental service or procedure that does not accurately reflect the actual work completed.
   (d) Any charge for a service or procedure that cannot be clinically justified or determined to be necessary.
   (e) Any statement that is material to the claim and that the licensee knows is false or misleading.
   (f) An abrogation of the copayment provisions of a dental insurance contract by a waiver of all or a part of the copayment from the patient if this results in an excessive or fraudulent charge to a third party or if the waiver is used as an enticement to receive dental services from that provider. This subdivision does not interfere with a contractual relationship between a third-party payor and a licensee or business entity registered with the board.
(g) Any other practice in billing that results in excessive or fraudulent charges to the patient.

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

16. "Licensed" means licensed pursuant to this chapter.

17. "Place of practice" means each physical location at which a person who is licensed pursuant to this chapter performs services subject to this chapter.

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

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

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

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

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

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

Sec. 2. Section 32-1201.01, Arizona Revised Statutes, is amended to read:

32-1201.01. Definition of unprofessional conduct

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

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

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

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

4. COMMITTING gross malpractice or repeated acts constituting malpractice.

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

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

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

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

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

10. Refusing to divulge to the board, on reasonable notice and demand, the means, method, device or instrumentality used in the treatment of a condition, disease, injury, ailment or infirmity.

11. Dividing a professional fee or offering, providing or receiving any consideration for patient referrals among or between dental care providers or dental care institutions or entities. This paragraph does not prohibit the division of fees among licensees who are engaged in a bona fide employment, partnership, corporate or contractual relationship for the delivery of professional services.
12. Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of dentistry.

13. Refusal, revocation or suspension of having a license refused, revoked or suspended or any other disciplinary action taken against a dentist by, or the voluntary surrender of voluntarily surrendering a license in lieu of disciplinary action to, any other state, territory, district or country, unless the board finds that this action was not taken for reasons that relate to the person's ability to safely and skillfully practice dentistry or to any act of unprofessional conduct.

14. Committing any conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public.

15. Obtaining a fee by fraud or misrepresentation, or wilfully or intentionally filing a fraudulent claim with a third party for services rendered or to be rendered to a patient.


17. Employing unlicensed persons to perform or aiding and abetting unlicensed persons in the performance of work that can be done legally only by licensed persons.

18. Practicing dentistry under a false or assumed name in this state, other than as allowed by section 32-1262.

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

20. Committing the following advertising practices:
   (a) The publication publishing or circulation circulating, directly or indirectly, of any false, fraudulent or misleading statements concerning the skill, methods or practices of the licensee or of any other person.
   (b) Advertising in any manner that tends to deceive or defraud the public.

21. Failing to dispense drugs and devices in compliance with article 6 of this chapter.

22. Failing to comply with a board order, including an order of censure or probation.

23. Failing to comply with a board subpoena in a timely manner.

24. Failing or refusing to maintain adequate patient records.

25. Failing to allow properly authorized board personnel, on demand, to inspect the place of practice and examine and have access to documents, books, reports and records maintained by the licensee or certificate holder that relate to the dental practice or dental-related activity.
26. Refusing to submit to a body fluid examination as required through a monitored treatment program or pursuant to a board investigation into a licensee's or certificate holder's alleged substance abuse.

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

28. Failing to report in writing to the board any evidence that a dentist, DENTAL THERAPIST, denturist or dental hygienist is or may be:
   (a) Professionally incompetent.
   (b) Engaging in unprofessional conduct.
   (c) Impaired by drugs or alcohol.
   (d) Mentally or physically unable to safely engage in the activities of a dentist, DENTAL THERAPIST, denturist or dental hygienist pursuant to this chapter.

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

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

31. PROVIDING SERVICES OR PROCEDURES AS A DENTAL THERAPIST BEYOND THOSE AUTHORIZED IN THE WRITTEN COLLABORATIVE PRACTICE AGREEMENT.

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

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

A. The board shall:
   1. Adopt rules THAT ARE not inconsistent with this chapter for the regulation of its own conduct, for holding examinations and for regulating the practice of dentists and supervised personnel and registered business entities, provided:
      (a) Regulation of supervised personnel is based on the degree of education and training of the supervised personnel, the state of scientific technology available and the necessary degree of supervision of the supervised personnel by dentists.
      (b) Except as provided pursuant to sections 32-1276.02 AND 32-1281, only licensed dentists may perform diagnosis and treatment planning, prescribe medication and perform surgical procedures on hard and soft tissues.
      (c) Only a licensed dentist, A DENTAL THERAPIST PURSUANT TO A WRITTEN COLLABORATIVE PRACTICE AGREEMENT or A dental hygienist in consultation with a dentist, ma y perform examinations, oral health assessments and treatment sequencing for dental hygiene procedures.
   2. Adopt a seal.
   3. Maintain a record that shall remain available to the board at all times of its acts and proceedings, including the issuance, denial, renewal, suspension or revocation of licenses and the disposition of
complaints. The existence of a pending complaint or investigation shall not be disclosed to the public. Records of complaints shall be available to the public, except only as follows:

(a) If the board dismisses or terminates a complaint, the record of the complaint shall not be available to the public.  
(b) If the board has issued a nondisciplinary letter of concern, the record of the complaint shall be available to the public only for a period of five years after the date the board issued the letter of concern.  
(c) If the board has required additional nondisciplinary continuing education pursuant to section 32-1263.01 but has not taken further action, the record of the complaint shall be available to the public only for a period of five years after the licensee satisfies this requirement.  
(d) If the board has assessed a nondisciplinary civil penalty pursuant to section 32-1208 but has not taken further action, the record of the complaint shall be available to the public only for a period of five years after the licensee satisfies this requirement.

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

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

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

7. Issue licenses to those PERSONS WHOM THE BOARD determines are eligible for licensure pursuant to this chapter.

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

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

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

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

12. Collect and disburse monies.

13. Perform all other duties that are necessary to enforce this
chapter and that are not specifically or by necessary implication
deleagted to another person.

14. Establish criteria for the renewal of permits issued pursuant
to board rules relating to general anesthesia and sedation.

B. The board may:

1. Sue and be sued.

2. Issue subpoenas, including subpoenas to the custodian of patient
records, compel attendance of witnesses, administer oaths and take
 testimony concerning all matters within **its** THE BOARD'S jurisdiction. If
a person refuses to obey a subpoena issued by the board, the refusal shall
be certified to the superior court and proceedings shall be instituted for
contempt of court.

3. Adopt rules:

   (a) Prescribing requirements for continuing education for renewal
of all licenses issued pursuant to this chapter.

   (b) Prescribing educational and experience prerequisites for the
administration of intravenous or intramuscular drugs for the purpose of
sedation or for use of general anesthetics in conjunction with a dental
 treatment procedure.

   (c) Prescribing requirements for obtaining licenses for **disabled or**
retired licensees OR LICENSEES WHO HAVE A DISABILITY, including the
triennial license renewal fee.

4. Hire consultants to assist the board in the performance of its
duties and employ persons to provide investigative, professional and
clerical assistance as **it** THE BOARD deems necessary.

5. Contract with other state or federal agencies as required to
carry out the purposes of this chapter.

6. If determined by the board, order physical, psychological,
psychiatric and competency evaluations of licensed dentists, DENTAL
THERAPISTS and dental hygienists, certified denturists and applicants for
licensure and certification at the expense of those individuals.

C. The executive director or the executive director's designee may:

1. Issue and renew licenses, certificates and permits to applicants
who meet the requirements of this chapter.

2. Initiate an investigation if evidence appears to demonstrate
that a dentist, DENTAL THERAPIST, dental hygienist, denturist or
restricted permit holder may be engaged in unprofessional conduct or may
be unable to safely practice dentistry.

3. Initiate an investigation if evidence appears to demonstrate
that a business entity may be engaged in unethical conduct.
4. Subject to board approval, enter into a consent agreement with a dentist, DENTAL THERAPIST, denturist, dental hygienist or restricted permit holder if there is evidence of unprofessional conduct.

5. Subject to board approval, enter into a consent agreement with a business entity if there is evidence of unethical conduct.

6. Refer cases to the board for a formal interview.

7. If delegated by the board, enter into a stipulation agreement with a person under the board's jurisdiction for the treatment, rehabilitation and monitoring of chemical substance abuse or misuse.

D. Members of the board are personally immune from liability with respect to all acts done and actions taken in good faith and within the scope of their authority.

E. The board by rule shall require that a licensee obtain a permit for the application of general anesthesia, semiconscious sedation or conscious sedation, shall establish and collect a fee of not more than three hundred dollars to cover administrative costs connected with issuing the permit and shall conduct inspections to assure ENSURE compliance.

F. The board by rule may establish and collect fees for license verification, board meeting agendas and minutes, published lists and mailing labels.

G. This section does not prohibit the board from conducting its authorized duties in a public meeting.

H. For the purposes of this section, "record of complaint" means the document reflecting the final disposition of a complaint or investigation.

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

32-1231. Persons not required to be licensed

This chapter does not prohibit:

1. A dentist, DENTAL THERAPIST or dental hygienist who is officially employed in the service of the United States from practicing dentistry in the dentist's, DENTAL THERAPIST'S or dental hygienist's official capacity, within the scope of that person's authority, on persons WHO ARE enlisted in, directly connected with or under the immediate control of some branch of service of the United States.


3. An intern or student of dentistry, DENTAL THERAPY or dental hygiene from operating in the clinical departments or laboratories of a recognized dental school, DENTAL THERAPY SCHOOL, dental hygiene school or hospital under THE supervision of a dentist.
4. An unlicensed person from performing for a licensed dentist merely mechanical work on inert matter not within the oral cavity in the construction, making, alteration or repairing of any artificial dental substitute or any dental restorative or corrective appliance, if the casts or impressions for that work have been furnished by a licensed dentist and the work is directly supervised by the dentist for whom done or under a written authorization signed by the dentist, but the burden of proving that written authorization or direct supervision is on the person charged with having violated this provision.

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

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

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

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

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

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

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

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

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

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

4. That the applicant demonstrates any other standard of rehabilitation the board determines is appropriate.
B. Except as provided in subsection C of this section, a person may not submit an application for reinstatement less than five years after the date of suspension, revocation or surrender.

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

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

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

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

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

32-1263. Grounds for disciplinary action; definition
A. The board may invoke disciplinary action against any person WHO IS licensed under this chapter for any of the following reasons:
1. Unprofessional conduct, as defined in section 32-1201.01.
2. Conviction of a felony or of a misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy is conclusive evidence.
3. Physical or mental incompetence to practice pursuant to this chapter.
4. Committing or aiding, directly or indirectly, a violation of or noncompliance with any provision of this chapter or of any rules adopted by the board pursuant to this chapter.
5. Dental incompetence, as defined in section 32-1201.
B. This section does not establish a cause of action against a licensee or a registered business entity that makes a report of unprofessional conduct or unethical conduct in good faith.
C. The board may take disciplinary action against a business entity THAT IS registered pursuant to this chapter for unethical conduct.
D. For the purposes of this section, "unethical conduct" means the following acts occurring in this state or elsewhere:
1. Failing to report in writing to the board any evidence that a dentist, DENTAL THERAPIST, denturist or dental hygienist is or may be professionally incompetent, is or may be guilty of unprofessional conduct, is or may be impaired by drugs or alcohol or is or may be mentally or physically unable to safely engage in the permissible activities of a dentist, DENTAL THERAPIST, denturist or dental hygienist.
2. Falsely reporting to the board that a dentist, DENTAL THERAPIST, denturist or dental hygienist is or may be guilty of unprofessional conduct, is or may be impaired by drugs or alcohol or is or may be mentally or physically unable to safely engage in the permissible activities of a dentist, DENTAL THERAPIST, denturist or dental hygienist.

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

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

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

6. Failing to provide the following persons with access to any place for which a registration has been issued or for which an application for a registration has been submitted in order to conduct a site investigation, inspection or audit:
   (a) The board or its employees or agents.
   (b) An authorized federal or state official.

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

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

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

10. Engaging in repeated irregularities in billing.

11. Engaging in the following advertising practices:
   (a) Publishing or circulating, directly or indirectly, of any false or fraudulent or misleading statements concerning the skill, methods or practices of a registered business entity, a licensee or any other person.
   (b) Advertising in any manner that tends to deceive or defraud the public.

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

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

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

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

16. Engaging in a policy or practice that interferes with the clinical judgment of a licensee providing dental services for a business entity or compromising a licensee’s ability to comply with this chapter.
Sec. 7. Section 32-1263.02, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

1. Dismiss the complaint.
2. Issue a nondisciplinary letter of concern to the licensee.

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

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

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

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

1. Dismiss the complaint.
2. Order disciplinary action pursuant to section 32-1263.01, subsection A.
3. Enter into a consent agreement with the licensee for disciplinary action.
4. Order nondisciplinary continuing education pursuant to section 32-1263.01, subsection B.
5. Issue a nondisciplinary letter of concern to the licensee.

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

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

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

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

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

N. The board may accept the surrender of an active license from a licensee who is subject to a board investigation and who admits in writing to any of the following:
   1. Being unable to safely engage in the practice of dentistry.
   2. Having committed an act of unprofessional conduct.
   3. Having violated this chapter or a board rule.

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

P. If a licensee who is currently providing dental services for a registered business entity believes that the registered business entity has engaged in unethical conduct as defined pursuant to section 32-1263, subsection D, paragraph 16, the licensee must do both of the following before filing a complaint with the board:
   1. Notify the registered business entity in writing that the licensee believes that the registered business entity has engaged in a policy or practice that interferes with the clinical judgment of the licensee or that compromises the licensee's ability to comply with the requirements of this chapter. The licensee shall specify in the notice the reasons for this belief.
   2. Provide the registered business entity with at least ten calendar days to respond in writing to the assertions made pursuant to paragraph 1 of this subsection.

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

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

S. For the purposes of this section:
   1. "License" includes a certificate issued pursuant to this chapter.
2. "Licensee" means a dentist, DENTAL THERAPIST, dental hygienist, denturist, dental consultant, restricted permit holder or business entity regulated pursuant to this chapter.

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

32-1264. Maintenance of records
A. A person who is licensed or certified pursuant to this chapter shall make and maintain legible written records concerning all diagnosis, evaluation and treatment of each patient of record. A licensee or certificate holder shall maintain records that are stored or produced electronically in retrievable paper form. These records shall include:
1. All treatment notes, including current health history and clinical examinations.
2. Prescription and dispensing information, including all drugs, medicaments and dental materials used for patient care.
3. Diagnosis and treatment planning.
4. Dental and periodontal charting. Specialist charting must include areas of requested care and notation of visual oral examination describing any areas of potential pathology or radiographic irregularities.
5. All radiographs.
B. Records are available for review and for treatment purposes to the dentist, DENTAL THERAPIST, dental hygienist or denturist providing care.
C. On request, the licensee or certificate holder shall allow properly authorized board personnel to have access to the licensee's or certificate holder's place of practice to conduct an inspection and must make the licensee's or certificate holder's records, books and documents available to the board as part of an investigation process.
D. Within fifteen business days after a patient's written request, that patient's dentist, DENTAL THERAPIST, dental hygienist or denturist or a registered business entity shall transfer legible and diagnostic quality copies of that patient's records to another licensee or certificate holder or that patient. The patient may be charged for the reasonable costs of copying and forwarding these records. A dentist, DENTAL THERAPIST, dental hygienist, denturist or registered business entity may require that payment of reproduction costs be made in advance, unless the records are necessary for continuity of care, in which case the records shall not be withheld. Copies of records shall not be withheld because of an unpaid balance for dental services.
E. Unless otherwise required by law, a person who is licensed or certified pursuant to this chapter or a business entity that is registered pursuant to this chapter must retain the original or a copy of a patient's dental records as follows:
1. If the patient is an adult, for at least six years after the last date the adult patient received dental services from that provider.

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

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

ARTICLE 3.1. LICENSING AND REGULATION OF DENTAL THERAPISTS

32-1276. Application for licensure; requirements; fingerprint clearance card; denial or suspension of application

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

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

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

3. ENCLOSE WITH THE APPLICATION:
   (a) A RECENT PHOTOGRAPH OF THE APPLICANT.
   (b) THE APPLICATION FEE ESTABLISHED BY THE BOARD BY RULE.

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

1. GRADUATES FROM A DENTAL THERAPY EDUCATION PROGRAM THAT IS ACCREDITED BY OR IS IN THE PROCESS OF BECOMING ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION COMMISSION ON DENTAL ACCREDITATION AND THAT IS OFFERED THROUGH AN ACCREDITED HIGHER EDUCATION INSTITUTION RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

2. SUCCESSFULLY PASSES BOTH OF THE FOLLOWING:
   (a) WITHIN FIVE YEARS BEFORE FILING THE APPLICATION, A CLINICAL EXAMINATION THAT IS EITHER:
       (i) THE WESTERN REGIONAL EXAMINING BOARD EXAMINATION.
       (ii) AN EXAMINATION ADMINISTERED BY ANOTHER STATE OR TESTING AGENCY THAT IS SUBSTANTIALLY EQUIVALENT TO THE WESTERN REGIONAL EXAMINING BOARD EXAMINATION, AS DETERMINED BY THE STATE BOARD OF DENTAL EXAMINERS.
       (b) THE ARIZONA DENTAL JURISPRUDENCE EXAMINATION.
   3. IS NOT SUBJECT TO ANY GROUNDS FOR DENIAL OF THE APPLICATION UNDER THIS CHAPTER.

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

5. MEETS ALL REQUIREMENTS FOR LICENSURE ESTABLISHED BY THE BOARD BY RULE.

C. AFTER SUCCESSFULLY COMPLETING THE REQUIREMENTS IN SUBSECTION B, PARAGRAPHS 1 AND 2 OF THIS SECTION AND BEFORE ENTERING INTO A WRITTEN COLLABORATIVE PRACTICE AGREEMENT TO PROVIDE DENTAL THERAPY SERVICES, A
LICENSED DENTAL THERAPIST SHALL COMPLETE FOUR HUNDRED HOURS OF DENTAL THERAPY CLINICAL PRACTICE UNDER THE DIRECT SUPERVISION OF A DENTIST.

D. THE BOARD MAY DENY AN APPLICATION FOR LICENSURE OR LICENSE RENEWAL IF THE APPLICANT:

1. HAS COMMITTED AN ACT THAT WOULD BE CAUSE FOR CENSURE, PROBATION OR SUSPENSION OR REVOCATION OF A LICENSE UNDER THIS CHAPTER.
2. WHILE UNLICENSED, COMMITTED OR AIDED AND ABETTED THE COMMISSION OF AN ACT FOR WHICH A LICENSE IS REQUIRED BY THIS CHAPTER.
3. KNOWINGLY MADE ANY FALSE STATEMENT IN THE APPLICATION.
4. HAS HAD A LICENSE TO PRACTICE DENTAL THERAPY REVOKED BY A REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS CHAPTER.
5. IS CURRENTLY SUSPENDED OR RESTRICTED BY A REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS CHAPTER.
6. HAS SURRENDERED, RELINQUISHED OR GIVEN UP A LICENSE TO PRACTICE DENTAL THERAPY INSTEAD OF DISCIPLINARY ACTION BY A REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS CHAPTER.

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

32-1276.01. Dental therapist triennial licensure; continuing education; license renewal and reinstatement; fees; civil penalties; retired licensees and licensees with a disability; definition

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

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

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


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

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

G. FOR THE PURPOSES OF THIS SECTION, "LICENSEE" MEANS A PERSON WHO HOLDS A LICENSE TO PRACTICE DENTAL THERAPY IN THIS STATE.

32-1276.02. Practice of dental therapy; authorized procedures; supervision requirements; restrictions

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

B. PURSUANT TO A WRITTEN COLLABORATIVE PRACTICE AGREEMENT, A LICENSED DENTAL THERAPIST MAY DO ANY OF THE FOLLOWING:
1. Perform oral evaluations and assessments of dental disease and formulate individualized treatment plans.

2. Perform comprehensive charting of the oral cavity.

3. Provide oral health instruction and disease prevention education, including motivational interviewing, nutritional counseling and dietary analysis.

4. Expose and process dental radiographic images.

5. Perform dental prophylaxis, including subgingival scaling and polishing procedures, but not including root planing.

6. Dispense and administer oral and topical nonnarcotic analgesics and anti-inflammatory and antibiotic medications as prescribed by a licensed health care provider.

7. Apply topical preventive and prophylactic agents, including fluoride varnishes, antimicrobial agents, silver diamine fluoride and pit and fissure sealants.

8. Perform pulp vitality testing.

9. Apply desensitizing medicaments or resins.

10. Fabricate athletic mouth guards and soft occlusal guards.


12. Administer nitrous oxide analgesics and local anesthetics.

13. Extract erupted primary teeth.

14. Perform nonsurgical extractions of periodontally diseased permanent teeth that exhibit Plus Three or Grade Three mobility and that are not impacted, fractured, unerupted or in need of sectioning for removal.

15. Perform emergency palliative treatments of dental pain related to a care or service described in this section.

16. Prepare and place direct restorations in primary and permanent teeth.

17. Fabricate and place single-tooth temporary crowns.

18. Prepare and place preformed crowns on primary teeth.

19. Perform indirect and direct pulp capping on permanent teeth.

20. Perform indirect pulp capping on primary teeth.


22. Provide minor adjustments and repairs on movable prostheses.

23. Place and remove space maintainers.

24. Perform all functions of a dental assistant and expanded function dental assistant.

25. Perform other related services and functions that are authorized by the supervising dentist within the dental therapist's scope of practice and for which the dental therapist is trained.


27. Perform any other duties of a dental therapist that are authorized by the board by rule.
C. A DENTAL THERAPIST MAY NOT DISPENSE OR ADMINISTER A NARCOTIC DRUG.

D. A PERSON MAY NOT CLAIM TO BE A DENTAL THERAPIST UNLESS THAT PERSON IS LICENSED AS A DENTAL THERAPIST UNDER THIS ARTICLE.

32-1276.03. Dental therapists; clinical practice; supervising dentists; written collaborative practice agreements

A. A DENTAL THERAPIST SHALL NOT ENTER INTO A WRITTEN COLLABORATIVE PRACTICE AGREEMENT UNLESS THE DENTAL THERAPIST HAS COMPLETED FOUR HUNDRED HOURS OF DENTAL THERAPY CLINICAL PRACTICE UNDER THE DIRECT SUPERVISION OF A DENTIST.

B. A DENTAL THERAPIST SHALL NOT PRACTICE DENTAL THERAPY EXCEPT UNDER AND PURSUANT TO A WRITTEN COLLABORATIVE PRACTICE AGREEMENT WITH A SUPERVISING DENTIST. THE SUPERVISING DENTIST SHALL PROVIDE OR ARRANGE FOR ANOTHER DENTIST OR SPECIALIST TO PROVIDE ANY SERVICE NEEDED BY THE DENTAL THERAPIST'S PATIENT THAT EXCEEDS THE DENTAL THERAPIST'S AUTHORIZED SCOPE OF PRACTICE.

C. A PRACTICING DENTIST WHO HOLDS AN ACTIVE LICENSE PURSUANT TO THIS CHAPTER AND A LICENSED DENTAL THERAPIST WHO HOLDS AN ACTIVE LICENSE PURSUANT TO THIS ARTICLE MAY ENTER INTO A WRITTEN COLLABORATIVE PRACTICE AGREEMENT FOR THE DELIVERY OF DENTAL THERAPY SERVICES.

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

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

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

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

4. ESTABLISH PROTOCOLS FOR QUALITY ASSURANCE, ADMINISTERING AND DISPENSING MEDICATIONS AND SUPERVISION OF DENTAL ASSISTANTS.

5. INCLUDE SPECIFIC PROTOCOLS TO GOVERN SITUATIONS IN WHICH THE DENTAL THERAPIST ENCOUNTERS A PATIENT REQUIRING TREATMENT THAT EXCEEDS THE DENTAL THERAPIST'S AUTHORIZED SCOPE OF PRACTICE.

E. TO THE EXTENT AUTHORIZED BY THE SUPERVISING DENTIST IN THE WRITTEN COLLABORATIVE PRACTICE AGREEMENT, A DENTAL THERAPIST MAY PRACTICE DENTAL THERAPY PROCEDURES AUTHORIZED UNDER THIS ARTICLE IN A PRACTICE SETTING IN WHICH THE SUPERVISING DENTIST IS NOT ON-SITE AND HAS NOT PREVIOUSLY EXAMINED THE PATIENT OR RENDERED A DIAGNOSIS.
F. The written collaborative practice agreement must be signed and maintained by both the supervising dentist and the dental therapist and may be updated and amended as necessary by both the supervising dentist and dental therapist. The supervising dentist and dental therapist shall submit the agreement and any amendment to the agreement to the board.

32-1276.04. Dental therapists; dentists; collaborative practice relationships

A. A dentist who holds an active license pursuant to this chapter and a dental therapist who holds an active license pursuant to this article may enter into a collaborative practice relationship through a written collaborative practice agreement for the delivery of dental therapy services.

B. Each dentist in a collaborative practice relationship shall:

1. Be available to provide appropriate contact, communication and consultation with the dental therapist.
2. Adopt procedures to provide timely referral of patients whom the dental therapist refers to a licensed dentist for examination. The dentist to whom the patient is referred shall be geographically available to see the patient.

C. Each dental therapist in a collaborative practice relationship shall:

1. Perform only those duties within the terms of the written collaborative practice agreement.
2. Shall maintain an appropriate level of contact with the dentist.

D. The dental therapist and the dentist shall notify the board of the beginning of the collaborative practice relationship and provide the board with a copy of the written collaborative practice agreement and any amendments to the agreement within thirty days after the effective date of the agreement or amendment. The dental therapist and dentist shall also notify the board within thirty days after the termination date of the written collaborative practice agreement if the date is different than the termination date provided in the agreement.

E. Subject to the terms of the written collaborative practice agreement, a dental therapist may perform all dental therapy procedures authorized in section 32-1276.02. The dentist's presence, examination, diagnosis and treatment plan are not required unless specified by the written collaborative practice agreement.

32-1276.05. Practicing without a license; violation; classification

It is a class 6 felony for a person to practice dental therapy in this state unless the person has obtained a license from the board as provided in this article.
32-1276.06. **Licensure by credential; examination waiver; fee; definition**

A. THE BOARD BY RULE MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS ARTICLE ON RECEIPT OF EVIDENCE SATISFACTORY TO THE BOARD THAT THE APPLICANT HAS PASSED THE CLINICAL EXAMINATION OF ANOTHER STATE OR TESTING AGENCY NOT MORE THAN FIVE YEARS BEFORE SUBMITTING THE APPLICATION FOR LICENSURE PURSUANT TO THIS ARTICLE AND THE OTHER STATE OR TESTING AGENCY MAINTAINS A STANDARD OF LICENSURE OR CERTIFICATION THAT IS SUBSTANTIALLY EQUIVALENT TO THAT OF THIS STATE AS DETERMINED BY THE BOARD. THE BOARD BY RULE SHALL REQUIRE:

1. A MINIMUM NUMBER OF ACTIVE PRACTICE HOURS WITHIN A SPECIFIC TIME PERIOD BEFORE THE APPLICANT SUBMITS THE APPLICATION. THE BOARD SHALL PRESCRIBE WHAT CONSTITUTES ACTIVE PRACTICE.
2. AN AFFIRMATION THAT THE APPLICANT HAS COMPLETED THE CONTINUING EDUCATION REQUIREMENTS OF THE JURISDICTION WHERE THE APPLICANT IS LICENSED OR CERTIFIED.

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

C. FOR THE PURPOSES OF THIS SECTION, "APPLICANT" MEANS A PERSON WHO IS APPLYING FOR LICENSURE TO PRACTICE DENTAL THERAPY IN THIS STATE.

32-1276.07. **Dental therapy schools; credit for prior experience or coursework**

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

Sec. 10. Section 32-1299, Arizona Revised Statutes, is amended to read:

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

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

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

1. Periodic reports to the board regarding treatment program activity.
2. Release to the board on demand of all treatment records.
3. Periodic reports to the board regarding each dentist's, DENTAL THERAPIST'S, denturist's or dental hygienist's diagnosis and prognosis and recommendations for continuing care, treatment and supervision.
4. Immediate reporting to the board of the name of an impaired practitioner whom the treating organization believes to be a danger to self or others.

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

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

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

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

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

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

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

Sec. 11. Section 41-619.51, Arizona Revised Statutes, is amended to read:

41-619.51. Definitions

In this article, unless the context otherwise requires:

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

2. "Board" means the board of fingerprinting.
3. "Central registry exception" means notification to the department of economic security, the department of child safety or the department of health services, as appropriate, pursuant to section 41-619.57 that the person is not disqualified because of a central registry check conducted pursuant to section 8-804.

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

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

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

   (a) Section 8-105.
   (b) Section 8-322.
   (c) Section 8-463.
   (d) Section 8-509.
   (e) Section 8-802.
   (f) Section 8-804.
   (g) Section 15-183.
   (h) Section 15-503.
   (i) Section 15-512.
   (j) Section 15-534.
   (k) Section 15-763.01.
   (l) Section 15-782.02.
   (m) Section 15-1330.
   (n) Section 15-1881.
   (o) Section 17-215.
   (p) Section 28-3228.
   (q) Section 28-3413.
   (r) Section 32-122.05.
   (s) Section 32-122.06.
   (t) Section 32-1232.
   (u) SECTION 32-1276.
   (v) Section 32-1284.
   (w) Section 32-1297.01.
   (x) Section 32-1904.
   (y) Section 32-1941.
   (z) Section 32-2022.
   (aa) Section 32-2108.01.
   (bb) Section 32-2123.
   (cc) Section 32-2371.
   (dd) Section 32-3620.
   (ee) Section 32-3668.
   (ff) Section 32-3669.
Sec. 12. Section 41-1758, Arizona Revised Statutes, is amended to read:

41-1758. Definitions

In this article, unless the context otherwise requires:

1. “Agency” means the supreme court, the department of economic security, the department of child safety, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of public safety, the department of transportation, the state real estate department, the department of financial institutions, the board of fingerprinting, the Arizona game and fish department, the board of examiners of nursing care institution administrators and assisted living facility managers, the state board of dental examiners, the Arizona state board of pharmacy or the board of physical therapy or the state board of technical registration.

2. “Division” means the fingerprinting division in the department of public safety.

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

4. “Good cause exception” means the issuance of a fingerprint clearance card to an applicant pursuant to section 41-619.55.
5. "Person" means a person who is required to be fingerprinted pursuant to any of the following:

(a) Section 8-105.
(b) Section 8-322.
(c) Section 8-463.
(d) Section 8-509.
(e) Section 8-802.
(f) Section 15-183.
(g) Section 15-503.
(h) Section 15-512.
(i) Section 15-534.
(j) Section 15-763.01.
(k) Section 15-782.02.
(l) Section 15-1330.
(m) Section 15-1881.
(n) Section 17-215.
(o) Section 28-3228.
p) Section 28-3413.
(q) Section 32-122.05.
(r) Section 32-122.06.
s) Section 32-1232.
t) SECTION 32-1276.
u) Section 32-1284.
v) Section 32-1297.01.
w) Section 32-1904.
x) Section 32-1941.
y) Section 32-2022.
z) Section 32-2108.01.
(aa) Section 32-2123.
(bb) Section 32-2371.
(cc) Section 32-3620.
(dd) Section 32-3668.
(ee) Section 32-3669.
(ff) Section 36-207.
(gg) Section 36-411.
hh) Section 36-425.03.
(ii) Section 36-446.04.
(jj) Section 36-594.01.
(kk) Section 36-594.02.
(ll) Section 36-882.
(mm) Section 36-883.02.
nn) Section 36-897.01.
oo) Section 36-897.03.
pp) Section 36-3008.
qq) Section 41-619.52.
6. "Vulnerable adult" has the same meaning prescribed in section 13-3623.

Sec. 13. Section 41-1758.01, Arizona Revised Statutes, is amended to read:

41-1758.01. Fingerprinting division; powers and duties

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

1. Conduct fingerprint background checks for persons and applicants who are seeking licenses from state agencies, employment with licensees, contract providers and state agencies or employment or educational opportunities with agencies that require fingerprint background checks pursuant to sections 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3228, 28-3413, 32-122.05, 32-122.06, 32-1232, 32-1276, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-2022, 32-2108.01, 32-2123, 32-2371, 32-3620, 32-3668, 32-3669, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A and section 46-321.

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

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

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

5. If after conducting a state and federal criminal history records check the division determines that it is not authorized to issue a fingerprint clearance card to a person, inform the person in writing that the division is not authorized to issue a fingerprint clearance card. The notice shall include the criminal history information on which the denial was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.
6. Notify the person in writing if the division suspends, revokes or places a driving restriction notation on a fingerprint clearance card pursuant to section 41-1758.04. The notice shall include the criminal history information on which the suspension, revocation or placement of the driving restriction notation was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

7. Administer and enforce this article.

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

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

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