

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

# SENATE BILL 1377

## 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)

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  
25 accredited by the American dental association commission on dental  
26 accreditation.

27 ~~20.~~ 21. "Recognized denturist school" means a denturist school  
28 that maintains standards of entrance, study and graduation and that is  
29 accredited by the United States department of education or the council on  
30 higher education accreditation.

31 ~~21.~~ 22. "Supervised personnel" means all dental hygienists, dental  
32 assistants, dental laboratory technicians, denturists, dental x-ray  
33 laboratory technicians and other persons supervised by licensed dentists.

34 ~~22.~~ 23. "Teledentistry" means the use of data transmitted through  
35 interactive audio, video or data communications for the purposes of  
36 examination, diagnosis, treatment planning, consultation and directing the  
37 delivery of treatment by dentists and dental providers in settings  
38 permissible under this chapter or specified in rules adopted by the board.

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

42 32-1201.01. Definition of unprofessional conduct

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

- 1           1. Intentionally betraying a professional confidence or  
2 intentionally violating a privileged communication except as either of  
3 these may otherwise be required by law. This paragraph does not prevent  
4 members of the board from the full and free exchange of information with  
5 the licensing and disciplinary boards of other states, territories or  
6 districts of the United States or foreign countries, with the Arizona  
7 state dental association or any of its component societies or with the  
8 dental societies of other states, counties, districts, territories or  
9 foreign countries.
- 10           2. Using controlled substances as defined in section 36-2501,  
11 narcotic drugs, dangerous drugs or marijuana as defined in section  
12 13-3401, or hypnotic drugs, including acetylurea derivatives, barbituric  
13 acid derivatives, chloral, paraldehyde, phenylhydantoin derivatives,  
14 sulfonmethane derivatives or any compounds, mixtures or preparations that  
15 may be used for producing hypnotic effects, or alcohol to the extent that  
16 it affects the ability of the dentist, DENTAL THERAPIST, denturist or  
17 dental hygienist to practice that person's profession.
- 18           3. Prescribing, dispensing or using drugs for other than accepted  
19 dental therapeutic purposes or for other than medically indicated  
20 supportive therapy in conjunction with managing a patient's dental needs.
- 21           4. Committing gross malpractice or repeated acts constituting  
22 malpractice.
- 23           5. Acting or assuming to act as a member of the board if this is  
24 not true.
- 25           6. Procuring or attempting to procure a certificate of the national  
26 board dental hygiene by fraud or misrepresentation or by knowingly taking  
27 advantage of the mistake of another.
- 28           7. Having professional connection with or lending one's name to an  
29 illegal practitioner of dentistry or any of the other healing arts.
- 30           8. Representing that a manifestly not correctable condition,  
31 disease, injury, ailment or infirmity can be permanently corrected, or  
32 that a correctable condition, disease, injury, ailment or infirmity can be  
33 corrected within a stated time, if this is not true.
- 34           9. Offering, undertaking or agreeing to correct, cure or treat a  
35 condition, disease, injury, ailment or infirmity by a secret means,  
36 method, device or instrumentality.
- 37           10. Refusing to divulge to the board, on reasonable notice and  
38 demand, the means, method, device or instrumentality used in the treatment  
39 of a condition, disease, injury, ailment or infirmity.
- 40           11. Dividing a professional fee or offering, providing or receiving  
41 any consideration for patient referrals among or between dental care  
42 providers or dental care institutions or entities. This paragraph does  
43 not prohibit the division of fees among licensees who are engaged in a  
44 bona fide employment, partnership, corporate or contractual relationship  
45 for the delivery of professional services.

- 1           12. Knowingly making any false or fraudulent statement, written or  
2 oral, in connection with the practice of dentistry.
- 3           13. Having a license refused, revoked or suspended or any other  
4 disciplinary action taken against a dentist by, or voluntarily  
5 surrendering a license in lieu of disciplinary action to, any other state,  
6 territory, district or country, unless the board finds that this action  
7 was not taken for reasons that relate to the person's ability to safely  
8 and skillfully practice dentistry or to any act of unprofessional conduct.
- 9           14. Committing any conduct or practice that constitutes a danger to  
10 the health, welfare or safety of the patient or the public.
- 11           15. Obtaining a fee by fraud or misrepresentation, or wilfully or  
12 intentionally filing a fraudulent claim with a third party for services  
13 rendered or to be rendered to a patient.
- 14           16. Committing repeated irregularities in billing.
- 15           17. Employing unlicensed persons to perform or aiding and abetting  
16 unlicensed persons in the performance of work that can be done legally  
17 only by licensed persons.
- 18           18. Practicing dentistry under a false or assumed name in this  
19 state, other than as allowed by section 32-1262.
- 20           19. Wilfully or intentionally causing or permitting supervised  
21 personnel or auxiliary personnel operating under the licensee's  
22 supervision to commit illegal acts or perform an act or operation other  
23 than that permitted under article 4 of this chapter and rules adopted by  
24 the board pursuant to section 32-1282.
- 25           20. Committing the following advertising practices:  
26           (a) Publishing or circulating, directly or indirectly, any false,  
27 fraudulent or misleading statements concerning the skill, methods or  
28 practices of the licensee or of any other person.  
29           (b) Advertising in any manner that tends to deceive or defraud the  
30 public.
- 31           21. Failing to dispense drugs and devices in compliance with  
32 article 6 of this chapter.
- 33           22. Failing to comply with a board order, including an order of  
34 censure or probation.
- 35           23. Failing to comply with a board subpoena in a timely manner.
- 36           24. Failing or refusing to maintain adequate patient records.
- 37           25. Failing to allow properly authorized board personnel, on  
38 demand, to inspect the place of practice and examine and have access to  
39 documents, books, reports and records maintained by the licensee or  
40 certificate holder that relate to the dental practice or dental-related  
41 activity.
- 42           26. Refusing to submit to a body fluid examination as required  
43 through a monitored treatment program or pursuant to a board investigation  
44 into a licensee's or certificate holder's alleged substance abuse.

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

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

6           (a) Professionally incompetent.

7           (b) Engaging in unprofessional conduct.

8           (c) Impaired by drugs or alcohol.

9           (d) Mentally or physically unable to safely engage in the  
10 activities of a dentist, DENTAL THERAPIST, denturist or dental hygienist  
11 pursuant to this chapter.

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

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

16           31. Dispensing a schedule II controlled substance that is an  
17 opioid.

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

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

22           32-1207. Powers and duties; executive director; immunity;  
23 fees; definition

24           A. The board shall:

25           1. Adopt rules THAT ARE not inconsistent with this chapter for ~~the~~  
26 ~~regulation of~~ REGULATING its own conduct, for holding examinations and for  
27 regulating the practice of dentists and supervised personnel and  
28 registered business entities, provided:

29           (a) Regulation of supervised personnel is based on the degree of  
30 education and training of the supervised personnel, the state of  
31 scientific technology available and the necessary degree of supervision of  
32 the supervised personnel by dentists.

33           (b) Except as provided pursuant to ~~section~~ SECTIONS 32-1276.02 AND  
34 32-1281, only licensed dentists may perform diagnosis and treatment  
35 planning, prescribe medication and perform surgical procedures on hard and  
36 soft tissues.

37           (c) Only a licensed dentist, A DENTAL THERAPIST PURSUANT TO A  
38 WRITTEN COLLABORATIVE PRACTICE AGREEMENT or A dental hygienist in  
39 consultation with a dentist, ~~may~~ may perform examinations, oral health  
40 assessments and treatment sequencing for dental hygiene procedures.

41           2. Adopt a seal.

42           3. Maintain a record that ~~shall remain~~ IS available to the board at  
43 all times of its acts and proceedings, including the issuance, denial,  
44 renewal, suspension or revocation of licenses and the disposition of  
45 complaints. The existence of a pending complaint or investigation shall

1 not be disclosed to the public. Records of complaints shall be available  
2 to the public, except only as follows:

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

5 (b) If the board has issued a nondisciplinary letter of concern,  
6 the record of the complaint shall be available to the public only for a  
7 period of five years after the date the board issued the letter of  
8 concern.

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

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

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

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

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

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

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

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

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

43 11. Issue decrees of censure, fix periods and terms of probation,  
44 suspend or revoke licenses, certificates and restricted permits, as the



1 facts may warrant, and reinstate licenses, certificates and restricted  
2 permits in proper cases.

3 12. Collect and disburse monies.

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

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

9 B. The board may:

10 1. Sue and be sued.

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

17 3. Adopt rules:

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

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

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

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

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

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

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

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

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

43 3. Initiate an investigation if evidence appears to demonstrate  
44 that a business entity may be engaged in unethical conduct.

1           4. Subject to board approval, enter into a consent agreement with a  
2 dentist, **DENTAL THERAPIST**, denturist, dental hygienist or restricted  
3 permit holder if there is evidence of unprofessional conduct.

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

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

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

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

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

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

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

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

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

28          **32-1231. Persons not required to be licensed**

29          This chapter does not prohibit:

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

36          2. **A PERSON FROM PRACTICING DENTAL THERAPY IN THE DISCHARGE OF  
37 OFFICIAL DUTIES ON BEHALF OF THE UNITED STATES GOVERNMENT, INCLUDING THE  
38 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, THE UNITED STATES PUBLIC  
39 HEALTH SERVICE AND THE INDIAN HEALTH SERVICE AND TRIBAL HEALTH PROGRAMS  
40 AUTHORIZED PURSUANT TO PUBLIC LAW 93-638.**

41          ~~2.~~ 3. An intern or student of dentistry, **DENTAL THERAPY** or dental  
42 hygiene from operating in the clinical departments or laboratories of a  
43 recognized dental school, **DENTAL THERAPY SCHOOL**, dental hygiene school or  
44 hospital under **THE** supervision of a dentist.



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

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

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

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

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

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

19 32-1263. Grounds for disciplinary action; definition

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

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

23 2. Conviction of a felony or of a misdemeanor involving moral  
24 turpitude, in which case the record of conviction or a certified copy is  
25 conclusive evidence.

26 3. Physical or mental incompetence to practice pursuant to this  
27 chapter.

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

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

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

35 C. The board may take disciplinary action against a business entity  
36 **THAT IS** registered pursuant to this chapter for unethical conduct.

37 D. For the purposes of this section, "unethical conduct" means the  
38 following acts occurring in this state or elsewhere:

39 1. Failing to report in writing to the board any evidence that a  
40 dentist, **DENTAL THERAPIST**, denturist or dental hygienist is or may be  
41 professionally incompetent, is or may be guilty of unprofessional conduct,  
42 is or may be impaired by drugs or alcohol or is or may be mentally or  
43 physically unable to safely engage in the permissible activities of a  
44 dentist, **DENTAL THERAPIST**, denturist or dental hygienist.

- 1           2. Falsely reporting to the board that a dentist, DENTAL THERAPIST,  
2 denturist or dental hygienist is or may be guilty of unprofessional  
3 conduct, is or may be impaired by drugs or alcohol or is or may be  
4 mentally or physically unable to safely engage in the permissible  
5 activities of a dentist, DENTAL THERAPIST, denturist or dental hygienist.
- 6           3. Obtaining or attempting to obtain a registration or registration  
7 renewal by fraud or by misrepresentation.
- 8           4. Knowingly filing with the board any application, renewal or  
9 other document that contains false information.
- 10          5. Failing to register or failing to submit a renewal registration  
11 with the board pursuant to section 32-1213.
- 12          6. Failing to provide the following persons with access to any  
13 place for which a registration has been issued or for which an application  
14 for a registration has been submitted in order to conduct a site  
15 investigation, inspection or audit:
  - 16           (a) The board or its employees or agents.
  - 17           (b) An authorized federal or state official.
- 18          7. Failing to notify the board of a change in officers and  
19 directors, a change of address or a change in the dentists providing  
20 services pursuant to section 32-1213, subsection E.
- 21          8. Failing to provide patient records pursuant to section 32-1264.
- 22          9. Obtaining a fee by fraud or misrepresentation or wilfully or  
23 intentionally filing a fraudulent claim with a third party for services  
24 rendered or to be rendered to a patient.
- 25          10. Engaging in repeated irregularities in billing.
- 26          11. Engaging in the following advertising practices:
  - 27           (a) ~~The publication~~ PUBLISHING or ~~circulation~~ CIRCULATING, directly  
28 or indirectly, ~~of~~ any false or fraudulent or misleading statements  
29 concerning the skill, methods or practices of a registered business  
30 entity, a licensee or any other person.
  - 31           (b) Advertising in any manner that tends to deceive or defraud the  
32 public.
- 33          12. Failing to comply with a board subpoena in a timely manner.
- 34          13. Failing to comply with a final board order, including a decree  
35 of censure, a period or term of probation, a consent agreement or a  
36 stipulation.
- 37          14. Employing or aiding and abetting unlicensed persons to perform  
38 work that must be done by a person licensed pursuant to this chapter.
- 39          15. Engaging in any conduct or practice that constitutes a danger  
40 to the health, welfare or safety of the patient or the public.
- 41          16. Engaging in a policy or practice that interferes with the  
42 clinical judgment of a licensee providing dental services for a business  
43 entity or compromising a licensee's ability to comply with this chapter.

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

3           32-1263.02. Investigation and adjudication of complaints;  
4                                   disciplinary action; civil penalty; immunity;  
5                                   subpoena authority; definitions

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

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

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

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

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

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

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

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

- 45           1. Dismiss the complaint.

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

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

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

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

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

25           1. Dismiss the complaint.

26           2. Order disciplinary action pursuant to section 32-1263.01,  
27 subsection A.

28           3. Enter into a consent agreement with the licensee for  
29 disciplinary action.

30           4. Order nondisciplinary continuing education pursuant to section  
31 32-1263.01, subsection B.

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

33           I. A copy of the board's order issued pursuant to this section  
34 shall be given to the complainant and to the licensee. Pursuant to title  
35 41, chapter 6, article 10, the licensee may petition for rehearing or  
36 review.

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

41           K. The board, through its president or the president's designee,  
42 may issue subpoenas to compel the attendance of witnesses and the  
43 production of documents and may administer oaths, take testimony and  
44 receive exhibits in evidence in connection with an investigation initiated  
45 by the board or a complaint filed with the board. In case of disobedience

1 to a subpoena, the board may invoke the aid of any court of this state in  
2 requiring the attendance and testimony of witnesses and the production of  
3 documentary evidence.

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

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

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

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

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

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

28 1. Notify the registered business entity in writing that the  
29 licensee believes that the registered business entity has engaged in a  
30 policy or practice that interferes with the clinical judgment of the  
31 licensee or that compromises the licensee's ability to comply with the  
32 requirements of this chapter. The licensee shall specify in the notice  
33 the reasons for this belief.

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

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

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

43 S. For the purposes of this section:

44 1. "License" includes a certificate issued pursuant to this  
45 chapter.



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

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

6           32-1264. Maintenance of records

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

13           1. All treatment notes, including current health history and  
14 clinical examinations.

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

17           3. Diagnosis and treatment planning.

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

22           5. All radiographs.

23           B. Records are available for review and for treatment purposes to  
24 the dentist, DENTAL THERAPIST, dental hygienist or denturist providing  
25 care.

26           C. On request, the licensee or certificate holder shall allow  
27 properly authorized board personnel to have access to the licensee's or  
28 certificate holder's place of practice to conduct an inspection and must  
29 make the licensee's or certificate holder's records, books and documents  
30 available to the board as part of an investigation process.

31           D. Within fifteen business days ~~of~~ AFTER a patient's written  
32 request, that patient's dentist, DENTAL THERAPIST, dental hygienist or  
33 denturist or a registered business entity shall transfer legible and  
34 diagnostic quality copies of that patient's records to another licensee or  
35 certificate holder or that patient. The patient may be charged for the  
36 reasonable costs of copying and forwarding these records. A dentist,  
37 DENTAL THERAPIST, dental hygienist, denturist or registered business  
38 entity may require that payment of reproduction costs be made in advance,  
39 unless the records are necessary for continuity of care, in which case the  
40 records shall not be withheld. Copies of records shall not be withheld  
41 because of an unpaid balance for dental services.

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



1 C. AFTER SUCCESSFULLY COMPLETING THE REQUIREMENTS IN SUBSECTION B,  
2 PARAGRAPHS 2 AND 3 OF THIS SECTION AND BEFORE ENTERING INTO A WRITTEN  
3 COLLABORATIVE PRACTICE AGREEMENT TO PROVIDE DENTAL THERAPY SERVICES, A  
4 LICENSED DENTAL THERAPIST SHALL COMPLETE ONE THOUSAND HOURS OF DENTAL  
5 THERAPY CLINICAL PRACTICE UNDER THE DIRECT SUPERVISION OF A DENTIST.

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

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

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

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

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

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

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

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

30 32-1276.01. Dental therapist triennial licensure; continuing  
31 education; license renewal and reinstatement;  
32 fees; civil penalties; retired licensees and  
33 licensees with a disability; definition

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

44 B. A LICENSEE SHALL INCLUDE A WRITTEN AFFIDAVIT WITH THE RENEWAL  
45 APPLICATION THAT AFFIRMS THAT THE LICENSEE COMPLIES WITH BOARD RULES

1 RELATING TO CONTINUING EDUCATION REQUIREMENTS. A LICENSEE IS NOT REQUIRED  
2 TO COMPLETE THE WRITTEN AFFIDAVIT IF THE LICENSEE RECEIVED AN INITIAL  
3 LICENSE WITHIN THE YEAR IMMEDIATELY PRECEDING THE EXPIRATION DATE OF THE  
4 LICENSE OR THE LICENSEE IS IN DISABLED STATUS. IF THE LICENSEE IS NOT IN  
5 COMPLIANCE WITH BOARD RULES RELATING TO CONTINUING EDUCATION, THE BOARD  
6 MAY GRANT AN EXTENSION OF TIME TO COMPLETE THESE REQUIREMENTS IF THE  
7 LICENSEE INCLUDES A WRITTEN REQUEST FOR AN EXTENSION WITH THE RENEWAL  
8 APPLICATION INSTEAD OF THE WRITTEN AFFIDAVIT AND THE RENEWAL APPLICATION  
9 IS RECEIVED ON OR BEFORE JUNE 30 OF THE EXPIRATION YEAR. THE BOARD SHALL  
10 CONSIDER THE EXTENSION REQUEST BASED ON CRITERIA PRESCRIBED BY THE BOARD  
11 BY RULE. IF THE BOARD DENIES AN EXTENSION REQUEST, THE LICENSE EXPIRES ON  
12 AUGUST 30 OF THE EXPIRATION YEAR.

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

18 D. AN EXPIRED LICENSE MAY BE REINSTATED BY SUBMITTING A COMPLETE  
19 RENEWAL APPLICATION WITHIN THE TWENTY-FOUR-MONTH PERIOD IMMEDIATELY  
20 FOLLOWING THE EXPIRATION OF THE LICENSE WITH PAYMENT OF THE RENEWAL FEE  
21 AND A ONE HUNDRED DOLLAR PENALTY. WHEN THE LICENSE IS ISSUED,  
22 REINSTATEMENT IS AS OF THE DATE OF APPLICATION AND ENTITLES THE APPLICANT  
23 TO LICENSURE ONLY FOR THE REMAINDER OF THE APPLICABLE THREE-YEAR PERIOD.  
24 IF A PERSON DOES NOT REINSTATE A LICENSE PURSUANT TO THIS SUBSECTION, THE  
25 PERSON MUST REAPPLY FOR LICENSURE PURSUANT TO THIS ARTICLE.

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

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

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

39 32-1276.02. Practice of dental therapy; authorized  
40 procedures; supervision requirements;  
41 restrictions

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

- 1           B. PURSUANT TO A WRITTEN COLLABORATIVE PRACTICE AGREEMENT, A  
2 LICENSED DENTAL THERAPIST MAY DO ANY OF THE FOLLOWING:  
3           1. PERFORM ORAL EVALUATIONS AND ASSESSMENTS OF DENTAL DISEASE AND  
4 FORMULATE INDIVIDUALIZED TREATMENT PLANS.  
5           2. PERFORM COMPREHENSIVE CHARTING OF THE ORAL CAVITY.  
6           3. PROVIDE ORAL HEALTH INSTRUCTION AND DISEASE PREVENTION  
7 EDUCATION, INCLUDING MOTIVATIONAL INTERVIEWING, NUTRITIONAL COUNSELING AND  
8 DIETARY ANALYSIS.  
9           4. EXPOSE AND PROCESS DENTAL RADIOGRAPHIC IMAGES.  
10          5. PERFORM DENTAL PROPHYLAXIS, INCLUDING SUBGINGIVAL SCALING AND  
11 POLISHING PROCEDURES, BUT NOT INCLUDING ROOT PLANING.  
12          6. DISPENSE AND ADMINISTER ORAL AND TOPICAL NONNARCOTIC ANALGESICS  
13 AND ANTI-INFLAMMATORY AND ANTIBIOTIC MEDICATIONS AS PRESCRIBED BY A  
14 LICENSED HEALTH CARE PROVIDER.  
15          7. APPLY TOPICAL PREVENTIVE AND PROPHYLACTIC AGENTS, INCLUDING  
16 FLUORIDE VARNISHES, ANTIMICROBIAL AGENTS, SILVER DIAMINE FLUORIDE AND PIT  
17 AND FISSURE SEALANTS.  
18          8. PERFORM PULP VITALITY TESTING.  
19          9. APPLY DESENSITIZING MEDICAMENTS OR RESINS.  
20          10. FABRICATE ATHLETIC MOUTH GUARDS AND SOFT OCCLUSAL GUARDS.  
21          11. CHANGE PERIODONTAL DRESSINGS.  
22          12. ADMINISTER NITROUS OXIDE ANALGESICS AND LOCAL ANESTHETICS.  
23          13. EXTRACT ERUPTED PRIMARY TEETH.  
24          14. PERFORM NONSURGICAL EXTRACTIONS OF PERIODONTALLY DISEASED  
25 PERMANENT TEETH THAT EXHIBIT PLUS THREE OR GRADE THREE MOBILITY AND THAT  
26 ARE NOT IMPACTED, FRACTURED, UNERUPTED OR IN NEED OF SECTIONING FOR  
27 REMOVAL.  
28          15. PERFORM EMERGENCY PALLIATIVE TREATMENTS OF DENTAL PAIN RELATED  
29 TO A CARE OR SERVICE DESCRIBED IN THIS SECTION.  
30          16. PREPARE AND PLACE DIRECT RESTORATIONS IN PRIMARY AND PERMANENT  
31 TEETH.  
32          17. FABRICATE AND PLACE SINGLE-TOOTH TEMPORARY CROWNS.  
33          18. PREPARE AND PLACE PREFORMED CROWNS ON PRIMARY TEETH.  
34          19. PERFORM INDIRECT AND DIRECT PULP CAPPING ON PERMANENT TEETH.  
35          20. PERFORM INDIRECT PULP CAPPING ON PRIMARY TEETH.  
36          21. PERFORM SUTURING AND SUTURE REMOVAL.  
37          22. PROVIDE MINOR ADJUSTMENTS AND REPAIRS ON MOVABLE PROSTHESES.  
38          23. PLACE AND REMOVE SPACE MAINTAINERS.  
39          24. PERFORM ALL FUNCTIONS OF A DENTAL ASSISTANT AND EXPANDED  
40 FUNCTION DENTAL ASSISTANT.  
41          25. PERFORM OTHER RELATED SERVICES AND FUNCTIONS THAT ARE  
42 AUTHORIZED BY THE SUPERVISING DENTIST WITHIN THE DENTAL THERAPIST'S SCOPE  
43 OF PRACTICE AND FOR WHICH THE DENTAL THERAPIST IS TRAINED.  
44          26. PROVIDE REFERRALS.

1           27. PERFORM ANY OTHER DUTIES OF A DENTAL THERAPIST THAT ARE  
2 AUTHORIZED BY THE BOARD BY RULE.

3           C. A DENTAL THERAPIST MAY NOT DISPENSE OR ADMINISTER A NARCOTIC  
4 DRUG.

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

7           32-1276.03. Dental therapists; clinical practice; supervising  
8                                   dentists; written collaborative practice  
9                                   agreements

10           A. A DENTAL THERAPIST SHALL NOT ENTER INTO A WRITTEN COLLABORATIVE  
11 PRACTICE AGREEMENT UNLESS THE DENTAL THERAPIST HAS COMPLETED ONE THOUSAND  
12 HOURS OF DENTAL THERAPY CLINICAL PRACTICE UNDER THE DIRECT SUPERVISION OF  
13 A DENTIST.

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

20           C. A PRACTICING DENTIST WHO HOLDS AN ACTIVE LICENSE PURSUANT TO  
21 THIS CHAPTER AND A LICENSED DENTAL THERAPIST WHO HOLDS AN ACTIVE LICENSE  
22 PURSUANT TO THIS ARTICLE MAY ENTER INTO A WRITTEN COLLABORATIVE PRACTICE  
23 AGREEMENT FOR THE DELIVERY OF DENTAL THERAPY SERVICES. A DENTIST  
24 PRACTICING IN A PRIVATE PRACTICE MAY NOT ENTER INTO MORE THAN FIVE  
25 SEPARATE COLLABORATIVE PRACTICE AGREEMENTS FOR THE DELIVERY OF DENTAL  
26 THERAPY SERVICES.

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

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

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

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

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

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

1 E. TO THE EXTENT AUTHORIZED BY THE SUPERVISING DENTIST IN THE  
2 WRITTEN COLLABORATIVE PRACTICE AGREEMENT, A DENTAL THERAPIST MAY PRACTICE  
3 DENTAL THERAPY PROCEDURES AUTHORIZED UNDER THIS ARTICLE IN A PRACTICE  
4 SETTING IN WHICH THE SUPERVISING DENTIST IS NOT ON-SITE AND HAS NOT  
5 PREVIOUSLY EXAMINED THE PATIENT OR RENDERED A DIAGNOSIS.

6 F. THE WRITTEN COLLABORATIVE PRACTICE AGREEMENT MUST BE SIGNED AND  
7 MAINTAINED BY BOTH THE SUPERVISING DENTIST AND THE DENTAL THERAPIST AND  
8 MAY BE UPDATED AND AMENDED AS NECESSARY BY BOTH THE SUPERVISING DENTIST  
9 AND DENTAL THERAPIST. THE SUPERVISING DENTIST AND DENTAL THERAPIST SHALL  
10 SUBMIT THE AGREEMENT AND ANY AMENDMENT TO THE AGREEMENT TO THE BOARD.

11 32-1276.04. Dental therapists; dentists; collaborative  
12 practice relationships

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

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

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

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

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

27 D. EACH DENTAL THERAPIST IN A COLLABORATIVE PRACTICE RELATIONSHIP  
28 SHALL:

29 1. PERFORM ONLY THOSE DUTIES WITHIN THE TERMS OF THE WRITTEN  
30 COLLABORATIVE PRACTICE AGREEMENT.

31 2. SHALL MAINTAIN AN APPROPRIATE LEVEL OF CONTACT WITH THE DENTIST.

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

40 F. SUBJECT TO THE TERMS OF THE WRITTEN COLLABORATIVE PRACTICE  
41 AGREEMENT, A DENTAL THERAPIST MAY PERFORM ALL DENTAL THERAPY PROCEDURES  
42 AUTHORIZED IN SECTION 32-1276.02. THE DENTIST'S PRESENCE, EXAMINATION,  
43 DIAGNOSIS AND TREATMENT PLAN ARE NOT REQUIRED UNLESS SPECIFIED BY THE  
44 WRITTEN COLLABORATIVE PRACTICE AGREEMENT.

1 32-1276.05. 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 32-1276.06. Licensure by credential; examination waiver; fee;  
7 definition

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

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

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

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

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

26 32-1276.07. 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 COURSEWORK THAT THE SCHOOL DETERMINES IS  
31 EQUIVALENT TO DIDACTIC AND CLINICAL EDUCATION IN ITS ACCREDITED PROGRAM.

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

34 32-1299. Substance abuse treatment and rehabilitation  
35 program: private contract; funding; confidential  
36 stipulation agreement

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

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



1           1. Periodic reports to the board regarding treatment program  
2 activity.

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

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

7           4. Immediate reporting to the board of the name of an impaired  
8 practitioner whom the treating organization believes to be a danger to  
9 self or others.

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

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

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

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

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

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

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

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

39           **41-619.51. Definitions**

40           In this article, unless the context otherwise requires:

41           1. "Agency" means the supreme court, the department of economic  
42 security, the department of child safety, the department of education, the  
43 department of health services, the department of juvenile corrections, the  
44 department of emergency and military affairs, the department of public  
45 safety, the department of transportation, the state real estate

1 department, the department of financial institutions, the Arizona game and  
2 fish department, the board of examiners of nursing care institution  
3 administrators and assisted living facility managers, the state board of  
4 dental examiners, the Arizona state board of pharmacy or the board of  
5 physical therapy or the state board of technical registration.

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

7 3. "Central registry exception" means notification to the  
8 department of economic security, the department of child safety or the  
9 department of health services, as appropriate, pursuant to section  
10 41-619.57 that the person is not disqualified because of a central  
11 registry check conducted pursuant to section 8-804.

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

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

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

- 20 (a) Section 8-105.
- 21 (b) Section 8-322.
- 22 (c) Section 8-463.
- 23 (d) Section 8-509.
- 24 (e) Section 8-802.
- 25 (f) Section 8-804.
- 26 (g) Section 15-183.
- 27 (h) Section 15-503.
- 28 (i) Section 15-512.
- 29 (j) Section 15-534.
- 30 (k) Section 15-763.01.
- 31 (l) Section 15-782.02.
- 32 (m) Section 15-1330.
- 33 (n) Section 15-1881.
- 34 (o) Section 17-215.
- 35 (p) Section 28-3228.
- 36 (q) Section 28-3413.
- 37 (r) Section 32-122.05.
- 38 (s) Section 32-122.06.
- 39 (t) Section 32-1232.
- 40 (u) SECTION 32-1276.
- 41 ~~(u)~~ (v) Section 32-1284.
- 42 ~~(v)~~ (w) Section 32-1297.01.
- 43 ~~(w)~~ (x) Section 32-1904.
- 44 ~~(x)~~ (y) Section 32-1941.
- 45 ~~(y)~~ (z) Section 32-2022.

- 1           ~~(z)~~ (aa) Section 32-2108.01.
- 2           ~~(aa)~~ (bb) Section 32-2123.
- 3           ~~(bb)~~ (cc) Section 32-2371.
- 4           ~~(cc)~~ (dd) Section 32-3620.
- 5           ~~(dd)~~ (ee) Section 32-3668.
- 6           ~~(ee)~~ (ff) Section 32-3669.
- 7           ~~(ff)~~ (gg) Section 36-207.
- 8           ~~(gg)~~ (hh) Section 36-411.
- 9           ~~(hh)~~ (ii) Section 36-425.03.
- 10          ~~(ii)~~ (jj) Section 36-446.04.
- 11          ~~(jj)~~ (kk) Section 36-594.01.
- 12          ~~(kk)~~ (ll) Section 36-594.02.
- 13          ~~(ll)~~ (mm) Section 36-882.
- 14          ~~(mm)~~ (nn) Section 36-883.02.
- 15          ~~(nn)~~ (oo) Section 36-897.01.
- 16          ~~(oo)~~ (pp) Section 36-897.03.
- 17          ~~(pp)~~ (qq) Section 36-3008.
- 18          ~~(qq)~~ (rr) Section 41-619.53.
- 19          ~~(rr)~~ (ss) Section 41-1964.
- 20          ~~(ss)~~ (tt) Section 41-1967.01.
- 21          ~~(tt)~~ (uu) Section 41-1968.
- 22          ~~(uu)~~ (vv) Section 41-1969.
- 23          ~~(vv)~~ (ww) Section 41-2814.
- 24          ~~(ww)~~ (xx) Section 46-141, subsection A.
- 25          ~~(xx)~~ (yy) Section 46-321.

26           Sec. 12. Section 41-1758, Arizona Revised Statutes, is amended to  
27 read:

28           41-1758. Definitions

29           In this article, unless the context otherwise requires:

- 30           1. "Agency" means the supreme court, the department of economic  
31 security, the department of child safety, the department of education, the  
32 department of health services, the department of juvenile corrections, the  
33 department of emergency and military affairs, the department of public  
34 safety, the department of transportation, the state real estate  
35 department, the department of financial institutions, the board of  
36 fingerprinting, the Arizona game and fish department, the board of  
37 examiners of nursing care institution administrators and assisted living  
38 facility managers, the state board of dental examiners, the Arizona state  
39 board of pharmacy or the board of physical therapy or the state board of  
40 technical registration.
- 41           2. "Division" means the fingerprinting division in the department  
42 of public safety.
- 43           3. "Electronic or internet-based fingerprinting services" means a  
44 secure system for digitizing applicant fingerprints and transmitting the  
45 applicant data and fingerprints of a person or entity submitting

1 fingerprints to the department of public safety for any authorized purpose  
2 under this title. For the purposes of this paragraph, "secure system"  
3 means a system that complies with the information technology security  
4 policy approved by the department of public safety.

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

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

- 9 (a) Section 8-105.
- 10 (b) Section 8-322.
- 11 (c) Section 8-463.
- 12 (d) Section 8-509.
- 13 (e) Section 8-802.
- 14 (f) Section 15-183.
- 15 (g) Section 15-503.
- 16 (h) Section 15-512.
- 17 (i) Section 15-534.
- 18 (j) Section 15-763.01.
- 19 (k) Section 15-782.02.
- 20 (l) Section 15-1330.
- 21 (m) Section 15-1881.
- 22 (n) Section 17-215.
- 23 (o) Section 28-3228.
- 24 (p) Section 28-3413.
- 25 (q) Section 32-122.05.
- 26 (r) Section 32-122.06.
- 27 (s) Section 32-1232.
- 28 (t) SECTION 32-1276.
- 29 ~~(t)~~ (u) Section 32-1284.
- 30 ~~(u)~~ (v) Section 32-1297.01.
- 31 ~~(v)~~ (w) Section 32-1904.
- 32 ~~(w)~~ (x) Section 32-1941.
- 33 ~~(x)~~ (y) Section 32-2022.
- 34 ~~(y)~~ (z) Section 32-2108.01.
- 35 ~~(z)~~ (aa) Section 32-2123.
- 36 ~~(aa)~~ (bb) Section 32-2371.
- 37 ~~(bb)~~ (cc) Section 32-3620.
- 38 ~~(cc)~~ (dd) Section 32-3668.
- 39 ~~(dd)~~ (ee) Section 32-3669.
- 40 ~~(ee)~~ (ff) Section 36-207.
- 41 ~~(ff)~~ (gg) Section 36-411.
- 42 ~~(gg)~~ (hh) Section 36-425.03.
- 43 ~~(hh)~~ (ii) Section 36-446.04.
- 44 ~~(ii)~~ (jj) Section 36-594.01.
- 45 ~~(jj)~~ (kk) Section 36-594.02.

- 1       ~~(kk)~~ (ll) Section 36-882.
- 2       ~~(jj)~~ (mm) Section 36-883.02.
- 3       ~~(mm)~~ (nn) Section 36-897.01.
- 4       ~~(nn)~~ (oo) Section 36-897.03.
- 5       ~~(oo)~~ (pp) Section 36-3008.
- 6       ~~(pp)~~ (qq) Section 41-619.52.
- 7       ~~(qq)~~ (rr) Section 41-619.53.
- 8       ~~(rr)~~ (ss) Section 41-1964.
- 9       ~~(ss)~~ (tt) Section 41-1967.01.
- 10       ~~(tt)~~ (uu) Section 41-1968.
- 11       ~~(uu)~~ (vv) Section 41-1969.
- 12       ~~(vv)~~ (ww) Section 41-2814.
- 13       ~~(ww)~~ (xx) Section 46-141, subsection A.
- 14       ~~(xx)~~ (yy) Section 46-321.

15       6. "Vulnerable adult" has the same meaning prescribed in section  
16 13-3623.

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

19       41-1758.01. Fingerprinting division; powers and duties

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

22       1. Conduct fingerprint background checks for persons and applicants  
23 who are seeking licenses from state agencies, employment with licensees,  
24 contract providers and state agencies or employment or educational  
25 opportunities with agencies that require fingerprint background checks  
26 pursuant to sections 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503,  
27 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3228,  
28 28-3413, 32-122.05, 32-122.06, 32-1232, 32-1276, 32-1284, 32-1297.01,  
29 32-1904, 32-1941, 32-2022, 32-2108.01, 32-2123, 32-2371, 32-3620, 32-3668,  
30 32-3669, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02,  
31 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53,  
32 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141,  
33 subsection A and section 46-321.

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

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

41       4. Inform in writing each person who submits fingerprints for a  
42 fingerprint background check of the right to petition the board of  
43 fingerprinting for a good cause exception pursuant to section 41-1758.03,  
44 41-1758.04 or 41-1758.07.

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

8           6. Notify the person in writing if the division suspends, revokes  
9 or places a driving restriction notation on a fingerprint clearance card  
10 pursuant to section 41-1758.04. The notice shall include the criminal  
11 history information on which the suspension, revocation or placement of  
12 the driving restriction notation was based. This criminal history  
13 information is subject to dissemination restrictions pursuant to section  
14 41-1750 and Public Law 92-544.

15           7. Administer and enforce this article.

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

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

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