

Senate Engrossed House Bill

dental hygienists; affiliated practice.

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 198
HOUSE BILL 2547

AN ACT

AMENDING SECTIONS 32-1281 AND 32-1289.01, 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 32-1281, Arizona Revised Statutes, is amended to
3 read:

4 32-1281. Practicing as dental hygienist; supervision
5 requirements; definitions

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

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

11 1. Prophylaxis.

12 2. Scaling.

13 3. Closed subgingival curettage.

14 4. Root planing.

15 5. Administering local anesthetics and nitrous oxide.

16 6. Inspecting the oral cavity and surrounding structures for the
17 purposes of gathering clinical data to facilitate a diagnosis.

18 7. Periodontal screening or assessment.

19 8. Recording clinical findings.

20 9. Compiling case histories.

21 10. Exposing and processing dental radiographs.

22 11. All functions authorized and deemed appropriate for dental
23 assistants.

24 12. Except as provided in paragraph 13 of this subsection, those
25 restorative functions permissible for an expanded function dental
26 assistant if qualified pursuant to section 32-1291.01.

27 13. Placing interim therapeutic restorations after successfully
28 completing a course at an institution accredited by the commission on
29 dental accreditation of the American dental association.

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

32 1. Apply preventive and therapeutic agents, ~~used in relation to~~
33 ~~dental hygiene procedures~~, to the hard and soft tissues.

34 2. Use emerging scientific technology and prescribe the necessary
35 training, experience and supervision to operate newly developed scientific
36 technology. A dentist who supervises a dental hygienist whose duties
37 include the use of emerging scientific technology must have training on
38 ~~the use of~~ USING the emerging technology that is equal to or greater than
39 the training the dental hygienist is required to obtain.

40 3. Perform other procedures not specifically authorized by this
41 section.

42 D. Except as provided in subsections E, F and I of this section, a
43 dental hygienist shall practice under the general supervision of a dentist
44 WHO IS licensed pursuant to this chapter.

1 E. A dental hygienist may practice under the general supervision of
2 a physician who is licensed pursuant to chapter 13 or 17 of this title in
3 an inpatient hospital setting.

4 F. A dental hygienist may perform the following procedures on
5 meeting the following criteria and under the following conditions:

6 1. Administering local anesthetics under the direct supervision of
7 a dentist who is licensed pursuant to this chapter after:

8 (a) The dental hygienist successfully completes a course in ~~the~~
9 ~~administration of~~ **ADMINISTERING** local anesthetics that includes didactic
10 and clinical components in both block and infiltration techniques offered
11 by a dental or dental hygiene program accredited by the commission on
12 dental accreditation of the American dental association.

13 (b) The dental hygienist successfully completes an examination in
14 local anesthesia given by the western regional examining board or a
15 written and clinical examination of another state or regional examination
16 that is substantially equivalent to the requirements of this state, as
17 determined by the board.

18 (c) The board issues to the dental hygienist a local anesthesia
19 certificate on receipt of proof that the requirements of subdivisions (a)
20 and (b) of this paragraph have been met.

21 2. Administering local anesthetics under general supervision to a
22 patient of record if all of the following are true:

23 (a) The dental hygienist holds a local anesthesia certificate
24 issued by the board.

25 (b) The patient is at least eighteen years of age.

26 (c) The patient has been examined by a dentist who is licensed
27 pursuant to this chapter within the previous twelve months.

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

32 (e) The supervising dentist who performed the examination has
33 approved the patient for ~~the administration of~~ **BEING ADMINISTERED** local
34 anesthetics by the dental hygienist under general supervision and has
35 documented this approval in the patient's record.

36 3. Administering nitrous oxide analgesia under the direct
37 supervision of a dentist who is licensed pursuant to this chapter after:

38 (a) The dental hygienist successfully completes a course in
39 administering nitrous oxide analgesia that includes didactic and clinical
40 components offered by a dental or dental hygiene program accredited by the
41 commission on dental accreditation of the American dental association.

42 (b) The board issues to the dental hygienist a nitrous oxide
43 analgesia certificate on receipt of proof that the requirements of
44 subdivision (a) of this paragraph have been met.

1 G. The board may issue local anesthesia and nitrous oxide analgesia
2 certificates to a licensed dental hygienist on receipt of evidence
3 satisfactory to the board that the dental hygienist holds a valid
4 certificate or credential in good standing in the respective procedure
5 issued by a licensing board of another jurisdiction of the United States
6 ~~that maintains a standard of certification that is substantially
7 equivalent to that of this state as determined by the board.~~

8 H. A dental hygienist may perform dental hygiene procedures in the
9 following settings:

10 1. On a patient of record of a dentist within that dentist's
11 office.

12 2. Except as prescribed in section 32-1289.01, in a health care
13 facility, long-term care facility, public health agency or institution,
14 public or private school or homebound setting on patients who have been
15 examined by a dentist within the previous year.

16 3. In an inpatient hospital setting pursuant to subsection E of
17 this section.

18 I. A dental hygienist may provide dental hygiene services under an
19 affiliated practice relationship with a dentist as prescribed in section
20 32-1289.01.

21 J. For the purposes of this article:

22 1. "Assessment" means a limited, clinical inspection that is
23 performed to identify possible signs of oral or systemic disease,
24 malformation or injury and the potential need for referral for diagnosis
25 and treatment, and may include collecting clinical information to
26 facilitate an examination, diagnosis and treatment plan by a dentist.

27 2. "Direct supervision" means that the dentist is present in the
28 office while the dental hygienist is treating a patient and is available
29 for consultation regarding procedures that the dentist authorizes and for
30 which the dentist is responsible.

31 3. "General supervision" means:

32 (a) That the dentist is available for consultation, whether or not
33 the dentist is in the dentist's office, over procedures that the dentist
34 has authorized and for which the dentist remains responsible.

35 (b) With respect to an inpatient hospital setting, that a physician
36 who is licensed pursuant to chapter 13 or 17 of this title is available
37 for consultation, whether or not the physician is physically present at
38 the hospital.

39 4. "INTERIM THERAPEUTIC RESTORATION" MEANS A PROVISIONAL
40 RESTORATION THAT IS PLACED TO STABILIZE A PRIMARY OR PERMANENT TOOTH AND
41 THAT CONSISTS OF REMOVING SOFT MATERIAL FROM THE TOOTH USING ONLY HAND
42 INSTRUMENTATION, WITHOUT USING ROTARY INSTRUMENTATION, AND SUBSEQUENTLY
43 PLACING AN ADHESIVE RESTORATIVE MATERIAL.

1 **4.** 5. "Screening" means determining an individual's need to be
2 seen by a dentist for diagnosis and does not include an examination,
3 diagnosis or treatment planning.

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

6 32-1289.01. Dental hygienists; affiliated practice
7 relationships; rules; definition

8 A. A dentist who holds an active license pursuant to this chapter
9 and a dental hygienist who holds an active license pursuant to this
10 article may enter into an affiliated practice relationship to deliver
11 dental hygiene services.

12 B. A dental hygienist shall satisfy all of the following to be
13 eligible to enter into an affiliated practice relationship with a dentist
14 pursuant to this section to deliver dental hygiene services in an
15 affiliated practice relationship:

16 1. Hold an active license in good standing pursuant to this
17 article.

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

20 3. Be actively engaged in dental hygiene practice for at least five
21 hundred hours in each of the two years immediately preceding the
22 affiliated practice relationship.

23 C. An affiliated practice agreement between a dental hygienist and
24 a dentist shall be in writing and:

25 1. Shall ~~include~~ IDENTIFY at least the following:

26 (a) ~~An identification of~~ The affiliated practice settings in which
27 the dental hygienist may deliver services pursuant to the affiliated
28 practice relationship.

29 (b) ~~An identification of~~ The services to be provided and any
30 procedures and standing orders the dental hygienist must follow. The
31 standing orders shall include the circumstances in which a patient may be
32 seen by the dental hygienist.

33 (c) THE CONDITIONS UNDER WHICH THE DENTAL HYGIENIST MAY ADMINISTER
34 LOCAL ANESTHESIA AND PROVIDE ROOT PLANING.

35 (d) CIRCUMSTANCES UNDER WHICH THE AFFILIATED PRACTICE DENTAL
36 HYGIENIST MUST CONSULT WITH THE AFFILIATED PRACTICE DENTIST BEFORE
37 INITIATING FURTHER TREATMENT ON PATIENTS WHO HAVE NOT BEEN SEEN BY A
38 DENTIST WITHIN TWELVE MONTHS AFTER THE INITIAL TREATMENT BY THE AFFILIATED
39 PRACTICE DENTAL HYGIENIST.

40 2. May include protocols for supervising dental assistants.

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

43 1. Patients who have been assessed by the **AFFILIATED PRACTICE**
44 dental hygienist shall be directed to the affiliated **PRACTICE** dentist for
45 diagnosis, treatment or planning that is outside the dental hygienist's

1 scope of practice, and the affiliated **PRACTICE** dentist may make any
2 necessary referrals to other dentists.

3 2. The affiliated practice dental hygienist shall consult with the
4 affiliated practice dentist if the proposed treatment is outside the scope
5 of the agreement.

6 ~~3. The affiliated practice dental hygienist shall consult with the
7 affiliated practice dentist before initiating further treatment on
8 patients who have not been seen by a dentist within twelve months of the
9 initial treatment by the dental hygienist.~~

10 ~~4.~~ 3. The affiliated practice dental hygienist shall consult with
11 the affiliated practice dentist before initiating treatment on patients
12 presenting with a complex medical history or medication regimen.

13 ~~5.~~ 4. The patient shall be informed in writing that the dental
14 hygienist providing the care is a licensed dental hygienist and that the
15 care does not take the place of a diagnosis or treatment plan by a
16 dentist.

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

- 20 1. A health care organization or facility.
- 21 2. A long-term care facility.
- 22 3. A public health agency or institution.
- 23 4. A public or private school authority.
- 24 5. A government-sponsored program.
- 25 6. A private nonprofit or charitable organization.
- 26 7. A social service organization or program.

27 F. An affiliated practice dental hygienist may not provide dental
28 hygiene services in a setting that is not listed in subsection E of this
29 section.

30 G. Each dentist in an affiliated practice relationship shall:
31 1. Be available to provide an appropriate level of contact,
32 communication and consultation with the affiliated **PRACTICE** dental
33 hygienist during the business hours of the affiliated practice dental
34 hygienist.

35 2. Adopt standing orders applicable to dental hygiene procedures
36 that may be performed and populations that may be treated by the
37 **AFFILIATED PRACTICE** dental hygienist under the terms of the applicable
38 affiliated practice agreement and to be followed by the **AFFILIATED**
39 **PRACTICE** dental hygienist in each affiliated practice setting in which the
40 **AFFILIATED PRACTICE** dental hygienist performs dental hygiene services
41 under the affiliated practice relationship.

42 3. Adopt procedures to provide timely referral of patients referred
43 by the affiliated practice dental hygienist to a licensed dentist for
44 examination and treatment planning. If the examination and treatment
45 planning is to be provided by the dentist, that treatment shall be

1 scheduled in an appropriate time frame. The affiliated practice dentist
2 or the dentist to whom the patient is referred shall be geographically
3 available to see the patient.

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

6 H. Each affiliated **PRACTICE** dental hygienist, when practicing under
7 an affiliated practice relationship:

8 1. May perform only those duties within the terms of the affiliated
9 practice relationship.

10 2. Shall maintain an appropriate level of contact, communication
11 and consultation with the affiliated **PRACTICE** dentist.

12 3. Is responsible and liable for all services rendered by the
13 **AFFILIATED PRACTICE** dental hygienist under the affiliated practice
14 relationship.

15 I. The **AFFILIATED PRACTICE** dental hygienist and the affiliated
16 **PRACTICE** dentist shall notify the board of the beginning of the affiliated
17 practice relationship and provide the board with a copy of the agreement
18 and any amendments to the agreement within thirty days after the effective
19 date of the agreement or amendment. The **AFFILIATED PRACTICE** dental
20 hygienist and the affiliated **PRACTICE** dentist shall also notify the board
21 within thirty days after the termination date of the affiliated practice
22 relationship if this date is different than the agreement termination
23 date.

24 J. Subject to the terms of the written affiliated practice
25 agreement entered into between a dentist and a dental hygienist, a dental
26 hygienist may:

27 1. Perform all dental hygiene procedures authorized by this
28 chapter, except for **PERFORMING** any diagnostic procedures that are required
29 to be performed by a dentist **AND ADMINISTERING NITROUS OXIDE**. The
30 dentist's presence and an examination, diagnosis and treatment plan are
31 not required unless specified by the affiliated practice agreement.
32 ~~Procedures identified in section 32-1281, subsection B, paragraphs 4 and 5
33 are subject to the conditions prescribed in section 32-1281, subsection F.~~

34 2. Supervise dental assistants, including dental assistants who are
35 certified to perform functions pursuant to section 32-1291.

36 K. The board shall adopt rules regarding participation in
37 affiliated practice relationships by dentists and dental hygienists that
38 specify the following:

39 1. Additional continuing education requirements that must be
40 satisfied by a dental hygienist.

41 2. Additional standards and conditions that may apply to affiliated
42 practice relationships.

43 3. Compliance with the dental practice act and rules adopted by the
44 board.

1 L. For the purposes of this section, "affiliated practice
2 relationship" means the delivery of dental hygiene services, pursuant to
3 an agreement, by a dental hygienist who is licensed pursuant to this
4 article and who refers the patient to a dentist **WHO IS** licensed pursuant
5 to this chapter for any necessary further diagnosis, treatment and
6 restorative care.

APPROVED BY THE GOVERNOR APRIL 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2021.