State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 135

SENATE BILL 1240

AN ACT

AMENDING SECTIONS 32-1206, 32-1207, 32-1231, 32-1233, 32-1234, 32-1236, 32-1263.02, 32-1263.03, 32-1264, 32-1276.01, 32-1276.02, 32-1285, 32-1287, 32-1296 AND 32-1297.06, 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 32-1206, Arizona Revised Statutes, is amended to read:

32-1206. Compensation of board members; investigation committee members

A. Members of the board are entitled to receive compensation in the amount of two hundred fifty dollars ($250) for each day actually spent in performing necessary work authorized by the board and all expenses necessarily and properly incurred while performing this work.

B. Members of an investigation committee established by the board may receive compensation in the amount of $100 for each committee meeting.

Sec. 2. Section 32-1207, Arizona Revised Statutes, is amended to read:

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

A. The board shall:

1. Adopt rules that are not inconsistent with this chapter for regulating its own conduct, for holding examinations and for regulating the practice of dentists and supervised personnel and registered business entities, provided THAT:
   (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 32-1276.03 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 either under the direct supervision of a dentist or pursuant to a written collaborative practice agreement or a dental hygienist in consultation with a dentist may perform examinations, oral health assessments and treatment sequencing for dental hygiene procedures.

2. Adopt a seal.

3. Maintain a record that is 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 persons who 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 delegated to another person.
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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 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 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 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.

7. Establish an Investigation Committee consisting of not more than eleven licensees who are in good standing, who are appointed by the board and who serve at the pleasure of the board to investigate any complaint submitted to the board, initiated by the board or delegated by the board to the Investigation Committee pursuant to this chapter.

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 APPLYING general anesthesia, semiconscious sedation
or conscious sedation, shall establish and collect a fee of not more than
three hundred dollars $300 to cover administrative costs connected with
issuing the permit and shall conduct inspections to 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:

1. "GOOD STANDING" MEANS THAT A PERSON HOLDS AN UNRESTRICTED AND
UNENCUMBERED LICENSE THAT HAS NOT BEEN SUSPENDED OR REVOKED PURSUANT TO
THIS CHAPTER.
2. "Record of complaint" means the document reflecting the final
disposition of a complaint or investigation.

Sec. 3. 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.
2. A person, whether or not licensed by this state, from practicing
dental therapy either:
   (a) In the discharge of official duties on behalf of the United
States government, including the United States department of veterans
affairs, the United States public health service and the Indian health
service.
(b) While employed by tribal health programs authorized pursuant to Public Law 93-638 or urban Indian health programs.

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 FOR EDUCATIONAL PURPOSES ON BEHALF OF a recognized dental school, recognized dental therapy school or recognized dental hygiene school.

Sec. 4. Section 32-1233, Arizona Revised Statutes, is amended to read:

32-1233. Applicants for licensure; examination requirements

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

1. The written national dental board examinations.

2. The western regional examining board examination or A clinical examination administered by another A state or regional testing agency in the United States within five years preceding filing the application.

3. The Arizona dental jurisprudence examination.

Sec. 5. Section 32-1234, Arizona Revised Statutes, is amended to read:

32-1234. Dental consultant license

A. A person may apply for a dental consultant license if the applicant demonstrates to the board’s satisfaction that the applicant:

1. Has continuously held a license to practice dentistry for at least twenty-five years issued by one or more states or territories of the
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United States or the District of Columbia, but is not currently licensed to practice dentistry in Arizona.

2. Is of good moral character.

3. Has not had a license to practice dentistry revoked by a dental 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.

4. Is not currently under suspension or restriction by a dental 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. Has not surrendered, relinquished or given up a license to practice dentistry in lieu of disciplinary action by a dental 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. Meets the applicable requirements of section 32-1232.

7. Meets the requirements of section 32-1233, paragraphs 1 and 3. If an applicant has taken a state written theory examination instead of the written national dental board examinations, the applicant must provide the board with official documentation of passing the written theory examinations in the state where the applicant holds a current license. The board shall then determine the applicant's eligibility for a license pursuant to this section.

8. Meets the application requirements as prescribed in rule by the board.

B. The board shall suspend an application for a dental consultant license if the applicant is currently under investigation by a dental regulatory board in another jurisdiction in the United States. The board shall not issue or deny a license to the applicant until the investigation is resolved.

C. A person to whom a dental consultant license is issued shall practice dentistry only in the course of the person's employment or on behalf of an entity licensed under title 20 with the practice limited to supervising or conducting utilization review or other claims or case management activity on behalf of the entity licensed pursuant to title 20. A person who holds a dental consultant license is prohibited from providing direct patient care.

D. This section shall not be deemed to require a person to apply for or hold a dental consultant license in order for that person to serve as a consultant to or engage in claims review activity for an entity licensed pursuant to title 20.

E. Except as provided in subsection B of this section, a dental consultant licensee is subject to all of the provisions of this chapter that are applicable to licensed dentists.
Sec. 6. Section 32-1236, Arizona Revised Statutes, is amended to read:

32-1236. Dentist triennial licensure; continuing education; license reinstatement; license for each place of practice; notice of change of address or place of practice; retired and disabled license status; penalties

A. Except as provided in section 32-4301, a license expires thirty days after the licensee's birthday every third year. On or before the last day of the licensee's birthday every third year, every licensed dentist shall submit to the board a complete renewal application and pay a license renewal fee of not more than $650, 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 dentist or to a dentist 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 the last day of the licensee's birthday 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 thirty days after the licensee's birthday.

C. A person applying for licensure for the first time in this state shall pay a prorated fee for the period remaining until the licensee's next birthday. This fee shall not exceed one-third of the fee established pursuant to subsection A of this section. Subsequent licensure renewal shall be conducted pursuant to this section.

D. An expired license may be reinstated by submitting a complete renewal application within the twenty-four-month period immediately following the expiration of the license with payment of the renewal fee and a $100 penalty. Whenever issued, reinstatement is as of the date of application and entitles the applicant to licensure only for the remainder of the applicable three-year period. If a person does not reinstate
license pursuant to this subsection, the person must reapply for licensure pursuant to this chapter.

E. Each licensee must provide to the board in writing both of the following:

1. A primary mailing address.
2. The address for each place of practice.

F. A licensee maintaining more than one place of practice shall obtain from the board a duplicate license for each office. A fee set by the board shall be charged for each duplicate license. The licensee shall notify the board in writing within ten days after opening the additional place or places of practice. The board shall impose a penalty of $50 for failure to notify the board.

G. A licensee 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 on payment of a reduced renewal fee as prescribed by the board by rule.

H. A licensee applying for retired or disabled status shall:

1. Relinquish any prescribing privileges and shall attest by affidavit that the licensee has surrendered to the United States drug enforcement administration any registration issued pursuant to the federal controlled substances act and has surrendered to the board any registration issued pursuant to section 36-2606.
2. If the licensee holds a permit to dispense drugs and devices pursuant to section 32-1298, surrender that permit to the board.
3. Attest by affidavit that the licensee is not currently engaged in the practice of dentistry.

I. A licensee who changes the licensee's primary mailing address or place of practice address shall notify the board of that change in writing within ten days. The board shall impose a penalty of $50 if a licensee fails to notify the board of the change within that time. The board shall increase the penalty imposed to $100 if a licensee fails to notify it of the change within thirty days.

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 OWN motion, or the executive director INVESTIGATION COMMITTEE if delegated ESTABLISHED 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 OR INVESTIGATION COMMITTEE 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, allegations of sexual misconduct or an incident or occurrence that involved a felony, diversion of a controlled substance or impairment while practicing by the licensee.

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

B. At the request of the complainant, the board OR INVESTIGATION COMMITTEE 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 INVESTIGATION COMMITTEE shall conduct necessary investigations, including interviews between representatives of the board OR INVESTIGATION COMMITTEE and the licensee with respect to any information obtained by or filed with the board under subsection A of this section OR OBTAINED BY THE BOARD OR INVESTIGATION COMMITTEE DURING THE COURSE OF AN INVESTIGATION. The results of the investigation conducted by a designee THE INVESTIGATION COMMITTEE, INCLUDING ANY RECOMMENDATIONS FROM THE INVESTIGATION COMMITTEE FOR DISCIPLINARY ACTION AGAINST ANY LICENSEE, shall be forwarded to the board for its review.

D. THE BOARD OR INVESTIGATION COMMITTEE MAY DESIGNATE ONE OR MORE PERSONS OF APPROPRIATE COMPETENCE TO ASSIST THE BOARD OR INVESTIGATION COMMITTEE WITH ANY ASPECT OF AN INVESTIGATION.

E. If, based on the information THE BOARD receives under subsection A OR C 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.

F. If a complaint refers to quality of care, the patient may be referred for a clinical evaluation at the discretion of the board OR THE INVESTIGATION COMMITTEE.

G. If, after completing its investigation OR REVIEW PURSUANT TO THIS SECTION, the board finds that the information provided pursuant to subsection A OR C 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 ($500) if the complaint involves the licensee's failure to respond to a board subpoena.

G. If, after completing its investigation OR REVIEW PURSUANT TO THIS SECTION, the board finds that the information provided pursuant to subsection A OR C 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 OR C 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.

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.

K. 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.

L. 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.

\(\text{M.}\) 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.

\(\text{N.}\) 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.

\(\text{O.}\) 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.

\(\text{P.}\) In determining the appropriate disciplinary action under this section, the board may consider any previous nondisciplinary and disciplinary actions against a licensee.

\(\text{Q.}\) 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.

\(\text{R.}\) A licensee who files a complaint pursuant to subsection \(\text{Q}\) of this section shall provide the board with a copy of the licensee's notification and the registered business entity's response, if any.

\(\text{S.}\) A registered business entity may not take any adverse employment action against a licensee because the licensee complies with the requirements of subsection \(\text{Q}\) of this section.

\(\text{T.}\) 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 32-1263.03, Arizona Revised Statutes, is amended to read:

32-1263.03. Investigation committees; complaints; termination; review

A. If delegated ESTABLISHED by the board, the executive director, with the concurrence of the board's investigative staff, INVESTIGATION COMMITTEE may terminate a complaint if the investigative staff's INVESTIGATION COMMITTEE'S review indicates THAT the complaint is without merit and that termination is appropriate.

B. The executive director INVESTIGATION COMMITTEE may not terminate a complaint if a court has entered a medical malpractice judgment against a person licensed under this chapter LICENSEE.

C. At each regularly scheduled board meeting, the executive director INVESTIGATION COMMITTEE shall provide to the board a list of each complaint the executive director INVESTIGATION COMMITTEE terminated pursuant to subsection A OF THIS SECTION since the preceding board meeting. ON REVIEW, THE BOARD SHALL APPROVE, MODIFY OR REJECT THE INVESTIGATION COMMITTEE'S ACTION.

D. A person who is aggrieved by an action taken by the executive director INVESTIGATION COMMITTEE pursuant to subsection A OF THIS SECTION may file a written request that the board review that action. The request must be filed within thirty days after that person is notified of the executive director's INVESTIGATION COMMITTEE'S action by personal delivery or, if the notification is mailed to that person's last known residence or place of business, within thirty-five days after the date on the notification. At the next regular board meeting, the board shall review the executive director's INVESTIGATION COMMITTEE'S action. On review, the board shall approve, modify or reject the executive director's INVESTIGATION COMMITTEE'S action.

Sec. 9. 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 diagnoses, evaluations and treatments 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, medications 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 FREE OF CHARGE 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. 10. Section 32-1276.01, Arizona Revised Statutes, is amended to read:

32-1276.01. 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. Is licensed as a dental hygienist pursuant to article 4 of this chapter.
   2. Graduates from a dental therapy education program that is accredited by or holds an initial accreditation from 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.
   3. 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 in dental therapy administered by another A state or testing agency that is substantially equivalent to the western regional examining board examination, as determined by the state board of dental examiners IN THE UNITED STATES.
      (b) The Arizona dental jurisprudence examination.
   4. Is not subject to any grounds for denial of the application under this chapter.
   5. Obtains a valid fingerprint clearance card issued pursuant to title 41, chapter 12, article 3.1.
   6. Meets all requirements for licensure established by the board by rule.

C. 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 having disciplinary action taken against the applicant by a regulatory board in another jurisdiction in the United States.
Dental therapist triennial licensure; continuing education; license renewal and reinstatement; fees; civil penalties; retired and disabled license status

A. Except as provided in section 32-4301, a license issued under this article expires thirty days after the licensee's birthday every third year. On or before the last day of the licensee's birthday 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 the last day of the licensee's birthday 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 thirty days after the licensee's birthday 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 licensee's next birthday. This fee may not exceed one-third of the fee prescribed pursuant to subsection A of this section. Subsequent applications shall be conducted pursuant to this section.
D. An expired license may be reinstated by submitting a complete renewal application within the twenty-four-month period immediately following the expiration of the license with payment of the renewal fee and a $100 penalty. When the license is issued, reinstatement is as of the date of application and entitles the applicant to licensure only for the remainder of the applicable three-year period. If a person does not reinstate a license pursuant to this subsection, the person must reapply for licensure pursuant to this article.

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 $50 if a licensee fails to notify the board of the change within that time. The board shall increase the civil penalty to $100 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. A licensee is not required to maintain a dental hygienist license.

Sec. 12. Section 32-1285, Arizona Revised Statutes, is amended to read:

32-1285. Applicants for licensure; examination requirements
An applicant for licensure shall have passed all of the following:
1. The national dental hygiene board examination.
2. A clinical examination that is completed ADMINISTERED BY A STATE OR REGIONAL TESTING AGENCY IN THE UNITED STATES within five years preceding filing the application. and that is either of the following:
   (a) The western regional examining board examination.
   (b) An examination administered by another state or testing agency that is substantially equivalent to the requirements of this state, as determined by the board.
3. The Arizona dental jurisprudence examination.

Sec. 13. Section 32-1287, Arizona Revised Statutes, is amended to read:

32-1287. Dental hygienist triennial licensure; continuing education; license reinstatement; notice of change of address; penalties; retired and disabled license status
A. Except as provided in section 32-4301, a license expires thirty days after the licensee's birthday BIRTH MONTH every third year. On or before THE LAST DAY OF the licensee's birthday BIRTH MONTH every third year, every licensed dental hygienist shall submit to the board a complete renewal application and pay a license renewal fee of not more than $325,
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 section does not apply to a retired hygienist or a hygienist 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 THE LAST DAY OF the licensee's birthday BIRTH MONTH 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 thirty days after the licensee's birthday BIRTH MONTH of the expiration year.

C. A person applying for a license for the first time in this state shall pay a prorated fee for the period remaining until the licensee's next birthday BIRTH MONTH. This fee shall not exceed one-third of the fee established pursuant to subsection A of this section. Subsequent registrations shall be conducted pursuant to this section.

D. An expired license may be reinstated by submitting a complete renewal application within the twenty-four-month period immediately following the expiration of the license with payment of the renewal fee and a $100 penalty. Whenever issued, reinstatement is as of the date of application and entitles the applicant to licensure only for the remainder of the applicable three-year period. If a person does not reinstate a license pursuant to this subsection, the person must reapply for licensure pursuant to this chapter.

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 penalty of $50 if a licensee fails to notify the board of the change within that time. The board shall increase the penalty imposed to $100 if a licensee fails to notify it of the change within thirty days.

F. A licensee who is over 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 on payment of a reduced renewal fee as prescribed by the board by rule.
Sec. 14. Section 32-1296, Arizona Revised Statutes, is amended to read:

32-1296. Qualifications of applicant
A. To be eligible for certification to practice denture technology an applicant shall:
1. Be of good moral character.
2. Hold a high school diploma or its equivalent.
3. Present to the board evidence of graduation from a recognized denturist school or a certificate of satisfactory completion of a course or curriculum in denture technology from a recognized denturist school.
4. Pass a board-approved examination.
B. A candidate for certification shall submit a written application to the board that includes a nonrefundable Arizona dental jurisprudence examination fee as prescribed by the board.

Sec. 15. Section 32-1297.06, Arizona Revised Statutes, is amended to read:

32-1297.06. Denturist certification; continuing education; certificate reinstatement; certificate for each place of practice; notice of change of address or place of practice; penalties
A. Except as provided in section 32-4301, a certification expires thirty days after the certificate holder’s birthday every third year. On or before THE LAST DAY OF the certificate holder’s birthday every third year, every certified denturist shall submit to the board a complete renewal application and shall pay a certificate renewal fee of not more than $300, 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 certificate holder at the time of certification renewal. This requirement does not apply to a retired denturist or to a denturist with a disability.
B. A certificate holder shall include a written affidavit with the renewal application that affirms that the certificate holder complies with board rules relating to continuing education requirements. A certificate holder is not required to complete the written affidavit if the certificate holder received an initial certification within the year immediately preceding the expiration date of the certificate or the certificate holder is in disabled status. If the certificate holder 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 certificate holder 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 THE LAST DAY OF the certificate holder’s birthday 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 certificate expires thirty days after the certificate holder's birthday BIRTH MONTH of the expiration year.

C. A person applying for a certificate for the first time in this state shall pay a prorated fee for the period remaining until the certificate holder's next birthday BIRTH MONTH. This fee shall not exceed one-third of the fee established pursuant to subsection A of this section. Subsequent certifications shall be conducted pursuant to this section.

D. An expired certificate may be reinstated by submitting a complete renewal application within the twenty-four-month period immediately following the expiration of the certificate with payment of the renewal fee and a $100 penalty. Whenever issued, reinstatement is as of the date of application and entitles the applicant to certification only for the remainder of the applicable three-year period. If a person does not reinstate a certificate pursuant to this subsection, the person must reapply for certification pursuant to this chapter.

E. Each certificate holder must provide to the board in writing both of the following:
   1. A primary mailing address.
   2. The address for each place of practice.

F. A certificate holder maintaining more than one place of practice shall obtain from the board a duplicate certificate for each office. The board shall set and charge a fee for each duplicate certificate. A certificate holder shall notify the board in writing within ten days after opening an additional place of practice.

G. A certificate holder shall notify the board in writing within ten days after changing a primary mailing address or place of practice address listed with the board. The board shall impose a $50 penalty if a certificate holder fails to notify the board of the change within that time. The board shall increase the penalty imposed to $100 if a certificate holder fails to notify it of the change within thirty days.

APPROVED BY THE GOVERNOR APRIL 13, 2022.