

PROPOSED
SENATE AMENDMENTS TO S.B. 1372
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 32-1207, Arizona Revised Statutes, is amended to
3 read:

4 32-1207. Powers and duties; executive director; immunity;
5 fees; definition

6 A. The board shall:

7 1. Adopt rules that are not inconsistent with this chapter for
8 regulating its own conduct, for holding examinations and for regulating the
9 practice of dentists and supervised personnel and registered business
10 entities, provided THAT:

11 (a) Regulation of supervised personnel is based on the degree of
12 education and training of the supervised personnel, the state of scientific
13 technology available and the necessary degree of supervision of the
14 supervised personnel by dentists.

15 (b) Except as provided pursuant to sections 32-1276.03 and 32-1281,
16 only licensed dentists may perform diagnosis and treatment planning,
17 prescribe medication and perform surgical procedures on hard and soft
18 tissues.

19 (c) Only a licensed dentist, a dental therapist either under the
20 direct supervision of a dentist or pursuant to a written collaborative
21 practice agreement or a dental hygienist in consultation with a dentist may
22 perform examinations, oral health assessments and treatment sequencing for
23 dental hygiene procedures.

24 2. Adopt a seal.

1 3. Maintain a record that is available to the board at all times of
2 its acts and proceedings, including the issuance, denial, renewal,
3 suspension or revocation of licenses and the disposition of complaints.
4 The existence of a pending complaint or investigation shall not be
5 disclosed to the public. Records of complaints shall be available to the
6 public, except only as follows:

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

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

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

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

20 4. Establish a uniform and reasonable standard of minimum
21 educational requirements consistent with the accreditation standards of the
22 American dental association commission on dental accreditation to be
23 observed by dental schools, dental therapy schools and dental hygiene
24 schools in order to be classified as recognized dental schools, dental
25 therapy schools or dental hygiene schools.

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

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

5 7. Issue licenses to persons who the board determines are eligible
6 for licensure pursuant to this chapter.

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

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

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

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

19 12. Collect and disburse monies.

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

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

25 B. The board may:

26 1. Sue and be sued.

27 2. Issue subpoenas, including subpoenas to the custodian of patient
28 records, compel attendance of witnesses, administer oaths and take
29 testimony concerning all matters within the board's jurisdiction. If a
30 person refuses to obey a subpoena issued by the board, the refusal shall be
31 certified to the superior court and proceedings shall be instituted for
32 contempt of court.

1 3. Adopt rules:

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

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

8 (c) Prescribing requirements for obtaining licenses for retired
9 licensees or licensees who have a disability, including the triennial
10 license renewal fee.

11 4. Hire consultants to assist the board in the performance of its
12 duties and employ persons to provide investigative, professional and
13 clerical assistance as the board deems necessary.

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

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

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

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

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

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

29 4. Subject to board approval, enter into a consent agreement with a
30 dentist, dental therapist, denturist, dental hygienist or restricted permit
31 holder if there is evidence of unprofessional conduct.

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

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

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

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

10 E. The board by rule shall require that a licensee obtain a permit
11 for ~~the application of~~ APPLYING general anesthesia, semiconscious sedation
12 or conscious sedation, shall establish and collect a fee of not more than
13 ~~three hundred dollars~~ \$300 to cover administrative costs connected with
14 issuing the permit and shall conduct inspections to ensure compliance. A
15 LICENSEE WHO HAS NOT OBTAINED A PERMIT PURSUANT TO THIS SUBSECTION MAY
16 PERFORM DENTAL PROCEDURES ON A PATIENT WHO RECEIVES AN ANESTHETIC
17 ADMINISTERED BY A QUALIFIED ANESTHESIA PROVIDER WHO IS EXCLUSIVELY
18 RESPONSIBLE FOR THE PREOPERATIVE, INTRAOPERATIVE AND POSTOPERATIVE
19 ANESTHETIC MANAGEMENT OF THE PATIENT. A QUALIFIED ANESTHESIA PROVIDER
20 INCLUDES A PHYSICIAN WHO HAS COMPLETED RESIDENCY TRAINING IN ANESTHESIOLOGY
21 AND WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE OR A
22 CERTIFIED REGISTERED NURSE ANESTHETIST WHO HAS A NATIONAL BOARD
23 CERTIFICATION IN ANESTHESIOLOGY AND WHO IS LICENSED PURSUANT TO CHAPTER 15
24 OF THIS TITLE. A PHYSICIAN OR CERTIFIED REGISTERED NURSE ANESTHETIST WHO
25 PROVIDES ANESTHESIA SERVICES IN A DENTAL OFFICE SHALL SATISFY EQUIPMENT,
26 FACILITY AND MONITORING REQUIREMENTS CONSISTENT WITH NATIONAL STANDARDS FOR
27 DENTAL ANESTHESIA ADOPTED BY THE BOARD.

28 F. IF AN ADVERSE ANESTHESIA OCCURRENCE INVOLVES AN ANESTHESIA
29 PROVIDER WHO IS NOT LICENSED BY THE BOARD, THE BOARD SHALL REPORT THE
30 ADVERSE ANESTHESIA OUTCOME TO THE HEALTH PROFESSION REGULATORY BOARD THAT
31 REGULATES THE ANESTHESIA PROVIDER.

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

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

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

9 Amend title to conform

NANCY BARTO

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02/05/2021
11:00 AM
C: MH