

REFERENCE TITLE: dental board; sedation

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1372

Introduced by
Senator Barto

AN ACT

AMENDING SECTION 32-1207, 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 32-1207, 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
9 the 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
13 scientific technology available and the necessary degree of supervision of
14 the 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
22 may perform examinations, oral health assessments and treatment sequencing
23 for dental hygiene procedures.

24 2. Adopt a seal.

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

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

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

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

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

1 4. Establish a uniform and reasonable standard of minimum
2 educational requirements consistent with the accreditation standards of
3 the American dental association commission on dental accreditation to be
4 observed by dental schools, dental therapy schools and dental hygiene
5 schools in order to be classified as recognized dental schools, dental
6 therapy schools or dental hygiene schools.

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

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

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

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

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

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

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

31 12. Collect and disburse monies.

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

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

37 B. The board may:

38 1. Sue and be sued.

39 2. Issue subpoenas, including subpoenas to the custodian of patient
40 records, compel attendance of witnesses, administer oaths and take
41 testimony concerning all matters within the board's jurisdiction. If a
42 person refuses to obey a subpoena issued by the board, the refusal shall
43 be certified to the superior court and proceedings shall be instituted for
44 contempt of court.

1 3. Adopt rules:

2 (a) Prescribing requirements for continuing education for renewal
3 of 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
24 that a dentist, dental therapist, dental hygienist, denturist or
25 restricted permit holder may be engaged in unprofessional conduct or may
26 be unable to safely practice dentistry.

27 3. Initiate an investigation if evidence appears to demonstrate
28 that 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
31 permit holder if there is evidence of unprofessional conduct.

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

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

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

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

41 E. The board by rule shall require that a licensee obtain a permit
42 for ~~the application of~~ APPLYING general anesthesia, ~~semiconscious sedation~~
43 ~~or conscious sedation~~, shall establish and collect a fee of not more than
44 ~~three hundred dollars~~ \$300 to cover administrative costs connected with
45 issuing the permit and shall conduct inspections to ensure compliance.

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

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