

REFERENCE TITLE: dentists; scope of practice

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

SB 1074

Introduced by
Senator Barto

AN ACT

AMENDING SECTIONS 32-1201.01 AND 32-1202, 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 32-1201.01, Arizona Revised Statutes, is amended
3 to read:

4 32-1201.01. Definition of unprofessional conduct

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

7 1. Intentionally betraying a professional confidence or
8 intentionally violating a privileged communication except as either of
9 these may otherwise be required by law. This paragraph does not prevent
10 members of the board from the full and free exchange of information with
11 the licensing and disciplinary boards of other states, territories or
12 districts of the United States or foreign countries, with the Arizona
13 state dental association or any of its component societies or with the
14 dental societies of other states, counties, districts, territories or
15 foreign countries.

16 2. Using controlled substances as defined in section 36-2501,
17 narcotic drugs, dangerous drugs or marijuana as defined in section
18 13-3401, or hypnotic drugs, including acetylurea derivatives, barbituric
19 acid derivatives, chloral, paraldehyde, phenylhydantoin derivatives,
20 sulfonmethane derivatives or any compounds, mixtures or preparations that
21 may be used for producing hypnotic effects, or alcohol to the extent that
22 it affects the ability of the dentist, dental therapist, denturist or
23 dental hygienist to practice that person's profession.

24 3. Prescribing, dispensing or using drugs for other than accepted
25 dental therapeutic purposes or for other than medically indicated
26 supportive therapy in conjunction with managing a patient's ~~dental~~ needs
27 **AND IN CONJUNCTION WITH THE SCOPE OF PRACTICE PRESCRIBED IN SECTION**
28 **32-1202.**

29 4. Committing gross malpractice or repeated acts constituting
30 malpractice.

31 5. Acting or assuming to act as a member of the board if this is
32 not true.

33 6. Procuring or attempting to procure a certificate of the national
34 board of dental examiners or a license to practice dentistry or dental
35 hygiene by fraud or misrepresentation or by knowingly taking advantage of
36 the mistake of another.

37 7. Having professional connection with or lending one's name to an
38 illegal practitioner of dentistry or any of the other healing arts.

39 8. Representing that a manifestly not correctable condition,
40 disease, injury, ailment or infirmity can be permanently corrected, or
41 that a correctable condition, disease, injury, ailment or infirmity can be
42 corrected within a stated time, if this is not true.

43 9. Offering, undertaking or agreeing to correct, cure or treat a
44 condition, disease, injury, ailment or infirmity by a secret means,
45 method, device or instrumentality.

1 10. Refusing to divulge to the board, on reasonable notice and
2 demand, the means, method, device or instrumentality used in ~~the treatment~~
3 ~~of~~ TREATING a condition, disease, injury, ailment or infirmity.

4 11. Dividing a professional fee or offering, providing or receiving
5 any consideration for patient referrals among or between dental care
6 providers or dental care institutions or entities. This paragraph does
7 not prohibit the division of fees among licensees who are engaged in a
8 bona fide employment, partnership, corporate or contractual relationship
9 for the delivery of professional services.

10 12. Knowingly making any false or fraudulent statement, written or
11 oral, in connection with the practice of dentistry.

12 13. Having a license refused, revoked or suspended or any other
13 disciplinary action taken against a dentist by, or voluntarily
14 surrendering a license in lieu of disciplinary action to, any other state,
15 territory, district or country, unless the board finds that this action
16 was not taken for reasons that relate to the person's ability to safely
17 and skillfully practice dentistry or to any act of unprofessional conduct.

18 14. Committing any conduct or practice that constitutes a danger to
19 the health, welfare or safety of the patient or the public.

20 15. Obtaining a fee by fraud or misrepresentation, or wilfully or
21 intentionally filing a fraudulent claim with a third party for services
22 rendered or to be rendered to a patient.

23 16. Committing repeated irregularities in billing.

24 17. Employing unlicensed persons to perform or aiding and abetting
25 unlicensed persons in ~~the performance of~~ PERFORMING work that can be done
26 legally only by licensed persons.

27 18. Practicing dentistry under a false or assumed name in this
28 state, other than as allowed by section 32-1262.

29 19. Wilfully or intentionally causing or ~~permitting~~ ALLOWING
30 supervised personnel or auxiliary personnel operating under the licensee's
31 supervision to commit illegal acts or perform an act or operation other
32 than that ~~permitted~~ ALLOWED under article 4 of this chapter and rules
33 adopted by the board pursuant to section 32-1282.

34 20. Committing the following advertising practices:

35 (a) Publishing or circulating, directly or indirectly, any false,
36 fraudulent or misleading statements concerning the skill, methods or
37 practices of the licensee or of any other person.

38 (b) Advertising in any manner that tends to deceive or defraud the
39 public.

40 21. Failing to dispense drugs and devices in compliance with
41 article 6 of this chapter.

42 22. Failing to comply with a board order, including an order of
43 censure or probation.

44 23. Failing to comply with a board subpoena in a timely manner.

45 24. Failing or refusing to maintain adequate patient records.

1 25. Failing to allow properly authorized board personnel, on
2 demand, to inspect the place of practice and examine and have access to
3 documents, books, reports and records maintained by the licensee or
4 certificate holder that relate to the dental practice or dental-related
5 activity.

6 26. Refusing to submit to a body fluid examination as required
7 through a monitored treatment program or pursuant to a board investigation
8 into a licensee's or certificate holder's alleged substance abuse.

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

12 28. Failing to report in writing to the board any evidence that a
13 dentist, dental therapist, denturist or dental hygienist is or may be:

14 (a) Professionally incompetent.

15 (b) Engaging in unprofessional conduct.

16 (c) Impaired by drugs or alcohol.

17 (d) Mentally or physically unable to safely engage in the
18 activities of a dentist, dental therapist, denturist or dental hygienist
19 pursuant to this chapter.

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

21 30. Practicing dentistry, dental therapy, dental hygiene or
22 denturism in a business entity that is not registered with the board as
23 required by section 32-1213.

24 31. Dispensing a schedule II controlled substance that is an
25 opioid.

26 32. Providing services or procedures as a dental therapist that
27 exceed the scope of practice or exceed the services or procedures
28 authorized in the written collaborative practice agreement.

29 Sec. 2. Section 32-1202, Arizona Revised Statutes, is amended to
30 read:

31 32-1202. Scope of practice; practice of dentistry

32 For the purposes of this chapter, the practice of dentistry is the
33 diagnosis, surgical or nonsurgical treatment and performance of related
34 adjunctive procedures for any disease, pain, deformity, deficiency, injury
35 or physical condition of the human tooth or teeth, alveolar process, gums,
36 lips, cheek, jaws, oral cavity and associated tissues **OF THE ORAL**
37 **MAXILLOFACIAL FACIAL COMPLEX**, including ~~the removal of~~ **REMOVING** stains,
38 discolorations and concretions **AND ADMINISTERING BOTULINUM TOXIN TYPE A**
39 **AND DERMAL FILLERS TO THE ORAL MAXILLOFACIAL COMPLEX FOR THERAPEUTIC OR**
40 **COSMETIC PURPOSES.**