

REFERENCE TITLE: dental hygienists; scope of practice

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

# SB 1112

Introduced by  
Senator Barto

AN ACT

AMENDING SECTIONS 32-1281, 32-1289.01 AND 32-1291.01, 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. ESTABLISHING A DENTAL HYGIENE DIAGNOSIS AND FORMULATING A  
23 DENTAL HYGIENE TREATMENT PLAN.

24 ~~11.~~ 12. All functions authorized and deemed appropriate for dental  
25 assistants.

26 ~~12.~~ 13. Except as provided in paragraph ~~13~~ 14 of this subsection,  
27 those restorative functions permissible for an expanded function dental  
28 assistant if qualified pursuant to section 32-1291.01.

29 ~~13.~~ 14. Placing interim therapeutic restorations after  
30 successfully completing a course at an institution accredited by the  
31 commission on dental accreditation of the American dental association.

32 15. PRESCRIBING, ADMINISTERING AND DISPENSING FLUORIDE SUPPLEMENTS,  
33 TOPICALLY APPLIED FLUORIDES AND NONSYSTEMIC ORAL ANTIMICROBIAL AGENTS THAT  
34 ARE NOT CONTROLLED SUBSTANCES OR DO NOT REQUIRE A LICENSE BY THE UNITED  
35 STATES DRUG ENFORCEMENT ADMINISTRATION.

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

- 38 1. Apply preventive and therapeutic agents to the hard and soft  
39 tissues.
- 40 2. Use emerging scientific technology and prescribe the necessary  
41 training, experience and supervision to operate newly developed scientific  
42 technology. A dentist who supervises a dental hygienist whose duties  
43 include the use of emerging scientific technology must have training on  
44 using the emerging technology that is equal to or greater than the  
45 training the dental hygienist is required to obtain.

1           3. Perform other procedures not specifically authorized by this  
2 section.

3           D. Except as provided in subsections E, F and I of this section, a  
4 dental hygienist shall practice under the general supervision of a dentist  
5 who is licensed pursuant to this chapter.

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

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

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

13           (a) The dental hygienist successfully completes a course in  
14 administering local anesthetics that includes didactic and clinical  
15 components in both block and infiltration techniques offered by a dental  
16 or dental hygiene program accredited by the commission on dental  
17 accreditation of the American dental association.

18           (b) The dental hygienist successfully completes an examination in  
19 local anesthesia given by the western regional examining board or a  
20 written and clinical examination of another state or regional examination  
21 that is substantially equivalent to the requirements of this state, as  
22 determined by the board.

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

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

28           (a) The dental hygienist holds a local anesthesia certificate  
29 issued by the board.

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

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

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

37           (e) The supervising dentist who performed the examination has  
38 approved the patient for being administered local anesthetics by the  
39 dental hygienist under general supervision and has documented this  
40 approval in the patient's record.

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

43           (a) The dental hygienist successfully completes a course in  
44 administering nitrous oxide analgesia that includes didactic and clinical

1 components offered by a dental or dental hygiene program accredited by the  
2 commission on dental accreditation of the American dental association.

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

6 G. The board may issue local anesthesia and nitrous oxide analgesia  
7 certificates to a licensed dental hygienist on receipt of evidence  
8 satisfactory to the board that the dental hygienist holds a valid  
9 certificate or credential in good standing in the respective procedure  
10 issued by a licensing board of another jurisdiction of the United States.

11 H. A dental hygienist may perform dental hygiene procedures in the  
12 following settings:

13 1. On a patient of record of a dentist within that dentist's  
14 office.

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

19 3. In an inpatient hospital setting pursuant to subsection E of  
20 this section.

21 I. A dental hygienist may provide dental hygiene services under an  
22 affiliated practice relationship with a dentist as prescribed in section  
23 32-1289.01.

24 J. For the purposes of this article:

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

30 2. "DENTAL HYGIENE DIAGNOSIS" MEANS IDENTIFYING AN EXISTING OR  
31 POTENTIAL ORAL HEALTH PROBLEM THAT DENTAL HYGIENISTS ARE EDUCATIONALLY  
32 QUALIFIED AND LICENSED TO TREAT.

33 3. "DENTAL HYGIENE TREATMENT PLAN" MEANS A PRIORITIZED SEQUENCE OF  
34 DENTAL HYGIENE INTERVENTIONS THAT IS PREDICATED ON THE DENTAL HYGIENE  
35 DIAGNOSIS AND THAT IS LIMITED TO THOSE SERVICES INCLUDED IN THE SCOPE OF  
36 PRACTICE FOR DENTAL HYGIENISTS.

37 ~~4.~~ 4. "Direct supervision" means that the dentist is present in  
38 the office while the dental hygienist is treating a patient and is  
39 available for consultation regarding procedures that the dentist  
40 authorizes and for which the dentist is responsible.

41 ~~5.~~ 5. "General supervision" means:

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

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

5 ~~4.~~ 6. "Interim therapeutic restoration" means a provisional  
6 restoration that is placed to stabilize a primary or permanent tooth and  
7 that consists of removing soft material from the tooth using only hand  
8 instrumentation, without using rotary instrumentation, and subsequently  
9 placing an adhesive restorative material.

10 ~~5.~~ 7. "Screening" means determining an individual's need to be  
11 seen by a dentist for diagnosis and does not include an examination,  
12 diagnosis or treatment planning.

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

15 32-1289.01. Dental hygienists; affiliated practice  
16 relationships; rules; definition

17 A. A dentist who holds an active license pursuant to this chapter  
18 and a dental hygienist who holds an active license pursuant to this  
19 article may enter into an affiliated practice relationship to deliver  
20 dental hygiene services.

21 B. A dental hygienist shall satisfy all of the following to be  
22 eligible to enter into an affiliated practice relationship with a dentist  
23 pursuant to this section to deliver dental hygiene services in an  
24 affiliated practice relationship:

25 1. Hold an active license in good standing pursuant to this  
26 article.

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

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

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

34 1. Shall identify at least the following:

35 (a) The affiliated practice settings in which the dental hygienist  
36 may deliver services pursuant to the affiliated practice relationship.

37 (b) The services to be provided and any procedures and standing  
38 orders the dental hygienist must follow. The standing orders shall  
39 include the circumstances in which a patient may be seen by the dental  
40 hygienist.

41 (c) The conditions under which the dental hygienist may administer  
42 local anesthesia and provide root planing.

43 (d) Circumstances under which the affiliated practice dental  
44 hygienist must consult with the affiliated practice dentist before  
45 initiating further treatment on patients who have not been seen by a

1 dentist within twelve months after the initial treatment by the affiliated  
2 practice dental hygienist.

3 (e) PROTOCOLS FOR PRESCRIBING, ADMINISTERING AND DISPENSING  
4 FLUORIDE SUPPLEMENTS, TOPICALLY APPLIED FLUORIDES AND NONSYSTEMIC ORAL  
5 ANTIMICROBIAL AGENTS.

6 2. May include protocols for supervising dental assistants.

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

9 1. Patients who have been assessed by the affiliated practice  
10 dental hygienist shall be directed to the affiliated practice dentist for  
11 diagnosis, treatment or planning that is outside the dental hygienist's  
12 scope of practice, and the affiliated practice dentist may make any  
13 necessary referrals to other dentists.

14 2. The affiliated practice dental hygienist shall consult with the  
15 affiliated practice dentist if the proposed treatment is outside the scope  
16 of the agreement.

17 3. The affiliated practice dental hygienist shall consult with the  
18 affiliated practice dentist before initiating treatment on patients  
19 presenting with a complex medical history or medication regimen.

20 4. The patient shall be informed in writing that the AFFILIATED  
21 PRACTICE dental hygienist providing the care is a licensed dental  
22 hygienist and that the care does not take the place of a diagnosis or  
23 treatment plan by a dentist.

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

- 27 1. A health care organization or facility.
- 28 2. A long-term care facility.
- 29 3. A public health agency or institution.
- 30 4. A public or private school authority.
- 31 5. A government-sponsored program.
- 32 6. A private nonprofit or charitable organization.
- 33 7. A social service organization or program.

34 F. An affiliated practice dental hygienist may not provide dental  
35 hygiene services in a setting that is not listed in subsection E of this  
36 section.

37 G. Each dentist in an affiliated practice relationship shall:

38 1. Be available to provide an appropriate level of contact,  
39 communication and consultation with the affiliated practice dental  
40 hygienist during the business hours of the affiliated practice dental  
41 hygienist.

42 2. Adopt standing orders applicable to dental hygiene procedures  
43 that may be performed and populations that may be treated by the  
44 affiliated practice dental hygienist under the terms of the applicable  
45 affiliated practice agreement and to be followed by the affiliated

1 practice dental hygienist in each affiliated practice setting in which the  
2 affiliated practice dental hygienist performs dental hygiene services  
3 under the affiliated practice relationship.

4 3. Adopt procedures to provide timely referral of patients referred  
5 by the affiliated practice dental hygienist to a licensed dentist for  
6 examination and treatment planning. If the examination and treatment  
7 planning is to be provided by the dentist, that treatment shall be  
8 scheduled in an appropriate time frame. The affiliated practice dentist  
9 or the dentist to whom the patient is referred shall be geographically  
10 available to see the patient.

11 4. Not permit the provision of dental hygiene services by more than  
12 six affiliated practice dental hygienists at any one time.

13 H. Each affiliated practice dental hygienist, when practicing under  
14 an affiliated practice relationship:

15 1. May perform only those duties within the terms of the affiliated  
16 practice relationship.

17 2. Shall maintain an appropriate level of contact, communication  
18 and consultation with the affiliated practice dentist.

19 3. Is responsible and liable for all services rendered by the  
20 affiliated practice dental hygienist under the affiliated practice  
21 relationship.

22 I. The affiliated practice dental hygienist and the affiliated  
23 practice dentist shall notify the board of the beginning of the affiliated  
24 practice relationship and provide the board with a copy of the agreement  
25 and any amendments to the agreement within thirty days after the effective  
26 date of the agreement or amendment. The affiliated practice dental  
27 hygienist and the affiliated practice dentist shall also notify the board  
28 within thirty days after the termination date of the affiliated practice  
29 relationship if this date is different than the agreement termination  
30 date.

31 J. Subject to the terms of the written affiliated practice  
32 agreement entered into between a dentist and a dental hygienist, a dental  
33 hygienist may:

34 1. Perform all dental hygiene procedures authorized by this  
35 chapter, except for performing any diagnostic procedures that are required  
36 to be performed by a dentist and administering nitrous oxide. The  
37 dentist's presence and an examination, diagnosis and treatment plan are  
38 not required unless specified by the affiliated practice agreement.

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

41 K. The board shall adopt rules regarding participation in  
42 affiliated practice relationships by dentists and dental hygienists that  
43 specify the following:

44 1. Additional continuing education requirements that must be  
45 satisfied by a dental hygienist.

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

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

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

11           Sec. 3. Section 32-1291.01, Arizona Revised Statutes, is amended to  
12 read:

13           32-1291.01. Expanded function dental assistants; training and  
14 examination requirements; duties

15           A. A dental assistant may perform expanded functions after meeting  
16 one of the following:

17           1. Successfully completing a board-approved expanded function  
18 dental assistant training program at an institution accredited by the  
19 American dental association commission on dental accreditation and on  
20 successfully completing examinations in dental assistant expanded  
21 functions approved by the board.

22           2. Providing both:

23           (a) Evidence of currently holding or having held within the  
24 preceding ten years a license, registration, permit or certificate in  
25 expanded functions in restorative procedures issued by another state or  
26 jurisdiction in the United States.

27           (b) Proof acceptable to the board of clinical experience in the  
28 expanded functions listed in subsection B of this section.

29           B. Expanded functions include the placement, contouring and  
30 finishing of direct restorations or the placement and cementation of  
31 prefabricated crowns following the preparation of the tooth by a licensed  
32 dentist. The restorative materials used shall be determined by the  
33 dentist.

34           C. An expanded function dental assistant may place interim  
35 therapeutic restorations under the general supervision and direction of a  
36 licensed dentist following a consultation conducted through teledentistry.

37           D. An expanded function dental assistant may apply sealants and  
38 fluoride varnish under the general supervision and direction of a licensed  
39 dentist.

40           E. A licensed dental hygienist may engage in expanded functions  
41 pursuant to section 32-1281, subsection B, paragraph ~~12~~ 13 following a  
42 course of study and examination equivalent to that required for an  
43 expanded function dental assistant as specified by the board.