

REFERENCE TITLE: dental board; access to records

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

# **SB 1240**

Introduced by  
Senator Pace

AN ACT

AMENDING SECTION 32-1264, 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 32-1264, Arizona Revised Statutes, is amended to  
3 read:

4 32-1264. Maintenance of records

5 A. A person who is licensed or certified pursuant to this chapter  
6 shall make and maintain legible written records concerning all diagnoses,  
7 evaluations and treatments of each patient of record. A licensee or  
8 certificate holder shall maintain records that are stored or produced  
9 electronically in retrievable paper form. These records shall include:

10 1. All treatment notes, including current health history and  
11 clinical examinations.

12 2. Prescription and dispensing information, including all drugs,  
13 medicaments and dental materials used for patient care.

14 3. Diagnosis and treatment planning.

15 4. Dental and periodontal charting. Specialist charting must  
16 include areas of requested care and notation of visual oral examination  
17 describing any areas of potential pathology or radiographic  
18 irregularities.

19 5. All radiographs.

20 B. Records are available for review and for treatment purposes to  
21 the dentist, dental therapist, dental hygienist or denturist providing  
22 care.

23 C. On request, the licensee or certificate holder shall allow  
24 properly authorized board personnel to have access to the licensee's or  
25 certificate holder's place of practice to conduct an inspection and must  
26 make the licensee's or certificate holder's records, books and documents  
27 available to the board **FREE OF CHARGE** as part of an investigation process.

28 D. Within fifteen business days after a patient's written request,  
29 that patient's dentist, dental therapist, dental hygienist or denturist or  
30 a registered business entity shall transfer legible and diagnostic quality  
31 copies of that patient's records to another licensee or certificate holder  
32 or that patient. The patient may be charged for the reasonable costs of  
33 copying and forwarding these records. A dentist, dental therapist, dental  
34 hygienist, denturist or registered business entity may require that  
35 payment of reproduction costs be made in advance, unless the records are  
36 necessary for continuity of care, in which case the records shall not be  
37 withheld. Copies of records shall not be withheld because of an unpaid  
38 balance for dental services.

39 E. Unless otherwise required by law, a person who is licensed or  
40 certified pursuant to this chapter or a business entity that is registered  
41 pursuant to this chapter must retain the original or a copy of a patient's  
42 dental records as follows:

- 1           1. If the patient is an adult, for at least six years after the  
2 last date the adult patient received dental services from that provider.
- 3           2. If the patient is a child, for at least three years after the  
4 child's eighteenth birthday or for at least six years after the last date  
5 the child received dental services from the provider, whichever occurs  
6 later.