

REFERENCE TITLE: automated external defibrillators; requirements

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2038

Introduced by
Representative Bliss

AN ACT

AMENDING SECTIONS 32-1213, 32-1236 AND 32-1297.06, 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 32-1213, Arizona Revised Statutes, is amended to
3 read:
4 32-1213. Business entities; registration; renewal; civil
5 penalty; exceptions
6 A. A business entity may not offer dental services pursuant to this
7 chapter unless:
8 1. The entity is registered with the board pursuant to this
9 section.
10 2. The services are conducted by a licensee pursuant to this
11 chapter.
12 3. EACH PLACE OF PRACTICE CONTAINS AT LEAST ONE AUTOMATED EXTERNAL
13 DEFIBRILLATOR.
14 B. The business entity must file a registration application on a
15 form provided by the board. The application must include:
16 1. A description of the entity's services offered to the public.
17 2. The name of any dentist who is authorized to provide and who is
18 responsible for providing the dental services offered at each office.
19 3. The names and addresses of the officers and directors of the
20 business entity.
21 4. A registration fee prescribed by the board in rule.
22 C. A business entity must file a separate registration application
23 and pay a fee for each branch office in this state.
24 D. A registration expires three years after the date the board
25 issues the registration. A business entity that wishes to renew a
26 registration must submit an application for renewal as prescribed by the
27 board on a triennial basis on a form provided by the board before the
28 expiration date. An entity that fails to renew the registration before
29 the expiration date is subject to a late fee as prescribed by the board by
30 rule. The board may stagger the dates for renewal applications.
31 E. The business entity must notify the board in writing within
32 thirty days after any change:
33 1. In the entity's name, address or telephone number.
34 2. In the officers or directors of the business entity.
35 3. In the name of any dentist who is authorized to provide and who
36 is responsible for providing the dental services in any facility.
37 F. The business entity shall establish a written protocol for the
38 secure storage, transfer and access of the dental records of the business
39 entity's patients. This protocol must include, at a minimum, procedures
40 for:
41 1. Notifying patients of the future locations of their records if
42 the business entity terminates or sells the practice.
43 2. Disposing of unclaimed dental records.
44 3. The timely response to requests by patients for copies of their
45 records.

1 G. The business entity must notify the board within thirty days
2 after the dissolution of any registered business entity or the closing or
3 relocation of any facility and must disclose to the board the entity's
4 procedure by which its patients may obtain their records.

5 H. The board may do any of the following pursuant to its
6 disciplinary procedures if an entity violates the board's statutes or
7 rules:

- 8 1. Refuse to issue a registration.
- 9 2. Suspend or revoke a registration.
- 10 3. Impose a civil penalty of not more than \$2,000 for each
11 violation.
- 12 4. Enter a decree of censure.
- 13 5. Issue an order prescribing a period and terms of probation that
14 are best adapted to protect the public welfare and that may include a
15 requirement for restitution to a patient for a violation of this chapter
16 or rules adopted pursuant to this chapter.
- 17 6. Issue a letter of concern if a business entity's actions may
18 cause the board to take disciplinary action.

19 I. The board shall deposit, pursuant to sections 35-146 and 35-147,
20 civil penalties collected pursuant to this section in the state general
21 fund.

22 J. This section does not apply to:

- 23 1. A sole proprietorship or partnership that consists exclusively
24 of dentists who are licensed pursuant to this chapter.
- 25 2. Any of the following entities licensed under title 20:
 - 26 (a) A service corporation.
 - 27 (b) An insurer authorized to transact disability insurance.
 - 28 (c) A prepaid dental plan organization that does not provide
29 directly for prepaid dental services.
 - 30 (d) A health care services organization that does not provide
31 directly for dental services.
- 32 3. A professional corporation or professional limited liability
33 company, the shares of which are exclusively owned by dentists who are
34 licensed pursuant to this chapter and that is formed to engage in the
35 practice of dentistry pursuant to title 10, chapter 20 or title 29
36 relating to professional limited liability companies.
- 37 4. A facility regulated by the federal government or a state,
38 district or territory of the United States.
- 39 5. An administrator or executor of the estate of a deceased dentist
40 or a person who is legally authorized to act for a dentist who has been
41 adjudicated to be mentally incompetent for not more than one year after
42 the date the board receives notice of the dentist's death or
43 incapacitation pursuant to section 32-1270.

1 K. A facility that offers dental services to the public by persons
2 licensed under this chapter shall be registered by the board unless the
3 facility is any of the following:

- 4 1. Owned by a dentist who is licensed pursuant to this chapter.
- 5 2. Regulated by the federal government or a state, district or
6 territory of the United States.

7 L. Except for issues relating to insurance coding and billing that
8 require the name, signature and license number of the dentist providing
9 treatment, this section does not:

10 1. Authorize a licensee in the course of providing dental services
11 for an entity registered pursuant to this section to disregard or
12 interfere with a policy or practice established by the entity for the
13 operation and management of the business.

14 2. Authorize an entity registered pursuant to this section to
15 establish or enforce a business policy or practice that may interfere with
16 the clinical judgment of the licensee in providing dental services for the
17 entity or may compromise a licensee's ability to comply with this chapter.

18 M. The board shall adopt rules that provide a method for the board
19 to receive the assistance and advice of business entities licensed
20 pursuant to this chapter in all matters relating to the regulation of
21 business entities.

22 N. An individual currently holding a surrendered or revoked license
23 to practice dentistry or dental hygiene in any state or jurisdiction in
24 the United States may not have a majority ownership interest in the
25 business entity registered pursuant to this section. Revocation and
26 surrender of licensure shall be limited to disciplinary actions resulting
27 in loss of license or surrender of license instead of disciplinary
28 action. Dentists or dental hygienists affected by this subsection shall
29 have one year after the surrender or revocation to divest themselves of
30 their ownership interest. This subsection does not apply to publicly held
31 companies. For the purposes of this subsection, "majority ownership
32 interest" means an ownership interest greater than fifty percent.

33 Sec. 2. Section 32-1236, Arizona Revised Statutes, is amended to
34 read:

35 32-1236. Dentist triennial licensure; continuing education;
36 license reinstatement; license for each place of
37 practice; notice of change of address or place of
38 practice; retired and disabled license status;
39 penalties

40 A. Except as provided in section 32-4301, a license expires thirty
41 days after the licensee's birth month every third year. On or before the
42 last day of the licensee's birth month every third year, every licensed
43 dentist shall submit to the board a complete renewal application and pay a
44 license renewal fee of not more than \$650, established by a formal vote of
45 the board. At least once every three years, before establishing the fee,

1 the board shall review the amount of the fee in a public meeting. Any
2 change in the amount of the fee shall be applied prospectively to a
3 licensee at the time of licensure renewal. The fee prescribed by this
4 subsection does not apply to a retired dentist or to a dentist with a
5 disability.

6 B. A licensee shall include a written affidavit with the renewal
7 application that affirms that the licensee complies with board rules
8 relating to continuing education requirements. A licensee is not required
9 to complete the written affidavit if the licensee received an initial
10 license within the year immediately preceding the expiration date of the
11 license or the licensee is in disabled status. If the licensee is not in
12 compliance with board rules relating to continuing education, the board
13 may grant an extension of time to complete these requirements if the
14 licensee includes a written request for an extension with the renewal
15 application instead of the written affidavit and the renewal application
16 is received on or before the last day of the licensee's birth month of the
17 expiration year. The board shall consider the extension request based on
18 criteria prescribed by the board by rule. If the board denies an
19 extension request, the license expires thirty days after the licensee's
20 birth month.

21 C. A person applying for licensure for the first time in this state
22 shall pay a prorated fee for the period remaining until the licensee's
23 next birth month. This fee shall not exceed one-third of the fee
24 established pursuant to subsection A of this section. Subsequent
25 licensure renewal shall be conducted pursuant to this section.

26 D. An expired license may be reinstated by submitting a complete
27 renewal application within the twenty-four-month period immediately
28 following the expiration of the license with payment of the renewal fee
29 and a \$100 penalty. Whenever issued, reinstatement is as of the date of
30 application and entitles the applicant to licensure only for the remainder
31 of the applicable three-year period. If a person does not reinstate a
32 license pursuant to this subsection, the person must reapply for licensure
33 pursuant to this chapter.

34 E. Each licensee must provide to the board in writing ~~both~~ ALL of
35 the following:

- 36 1. A primary mailing address.
- 37 2. The address for each place of practice.
- 38 3. ACKNOWLEDGEMENT THAT EACH PLACE OF PRACTICE CONTAINS AT LEAST
39 ONE AUTOMATED EXTERNAL DEFIBRILLATOR.

40 F. A licensee maintaining more than one place of practice shall
41 obtain from the board a duplicate license for each office. A fee set by
42 the board shall be charged for each duplicate license. The licensee shall
43 notify the board in writing within ten days after opening the additional
44 place or places of practice. The board shall impose a penalty of \$50 for
45 failure to notify the board.

1 G. A licensee who is fully retired and a licensee who has a
2 permanent disability may contribute services to a recognized charitable
3 institution and still retain that classification for triennial
4 registration purposes on payment of a reduced renewal fee as prescribed by
5 the board by rule.

6 H. A licensee applying for retired or disabled status shall:

7 1. Relinquish any prescribing privileges and shall attest by
8 affidavit that the licensee has surrendered to the United States drug
9 enforcement administration any registration issued pursuant to the federal
10 controlled substances act and has surrendered to the board any
11 registration issued pursuant to section 36-2606.

12 2. If the licensee holds a permit to dispense drugs and devices
13 pursuant to section 32-1298, surrender that permit to the board.

14 3. Attest by affidavit that the licensee is not currently engaged
15 in the practice of dentistry.

16 I. A licensee who changes the licensee's primary mailing address or
17 place of practice address shall notify the board of that change in writing
18 within ten days. The board shall impose a penalty of \$50 if a licensee
19 fails to notify the board of the change within that time. The board shall
20 increase the penalty imposed to \$100 if a licensee fails to notify it of
21 the change within thirty days.

22 Sec. 3. Section 32-1297.06, Arizona Revised Statutes, is amended to
23 read:

24 32-1297.06. Denturist certification; continuing education;
25 certificate reinstatement; certificate for each
26 place of practice; notice of change of address
27 or place of practice; penalties

28 A. Except as provided in section 32-4301, a certification expires
29 thirty days after the certificate holder's birth month every third
30 year. On or before the last day of the certificate holder's birth month
31 every third year, every certified denturist shall submit to the board a
32 complete renewal application and shall pay a certificate renewal fee of
33 not more than \$300, established by a formal vote of the board. At least
34 once every three years, before establishing the fee, the board shall
35 review the amount of the fee in a public meeting. Any change in the
36 amount of the fee shall be applied prospectively to a certificate holder
37 at the time of certification renewal. This requirement does not apply to
38 a retired denturist or to a denturist with a disability.

39 B. A certificate holder shall include a written affidavit with the
40 renewal application that affirms that the certificate holder complies with
41 board rules relating to continuing education requirements. A certificate
42 holder is not required to complete the written affidavit if the
43 certificate holder received an initial certification within the year
44 immediately preceding the expiration date of the certificate or the
45 certificate holder is in disabled status. If the certificate holder is

1 not in compliance with board rules relating to continuing education, the
2 board may grant an extension of time to complete these requirements if the
3 certificate holder includes a written request for an extension with the
4 renewal application instead of the written affidavit and the renewal
5 application is received on or before the last day of the certificate
6 holder's birth month of the expiration year. The board shall consider the
7 extension request based on criteria prescribed by the board by rule. If
8 the board denies an extension request, the certificate expires thirty days
9 after the certificate holder's birth month of the expiration year.

10 C. A person applying for a certificate for the first time in this
11 state shall pay a prorated fee for the period remaining until the
12 certificate holder's next birth month. This fee shall not exceed
13 one-third of the fee established pursuant to subsection A of this section.
14 Subsequent certifications shall be conducted pursuant to this section.

15 D. An expired certificate may be reinstated by submitting a
16 complete renewal application within the twenty-four-month period
17 immediately following the expiration of the certificate with payment of
18 the renewal fee and a \$100 penalty. Whenever issued, reinstatement is as
19 of the date of application and entitles the applicant to certification
20 only for the remainder of the applicable three-year period. If a person
21 does not reinstate a certificate pursuant to this subsection, the person
22 must reapply for certification pursuant to this chapter.

23 E. Each certificate holder must provide to the board in writing
24 ~~both~~ ALL of the following:

- 25 1. A primary mailing address.
- 26 2. The address for each place of practice.

27 3. **ACKNOWLEDGEMENT THAT EACH PLACE OF PRACTICE CONTAINS AT LEAST**
28 **ONE AUTOMATED EXTERNAL DEFIBRILLATOR.**

29 F. A certificate holder maintaining more than one place of practice
30 shall obtain from the board a duplicate certificate for each office. The
31 board shall set and charge a fee for each duplicate certificate. A
32 certificate holder shall notify the board in writing within ten days after
33 opening an additional place of practice.

34 G. A certificate holder shall notify the board in writing within
35 ten days after changing a primary mailing address or place of practice
36 address listed with the board. The board shall impose a \$50 penalty if a
37 certificate holder fails to notify the board of the change within that
38 time. The board shall increase the penalty imposed to \$100 if a
39 certificate holder fails to notify it of the change within thirty days.