

House Engrossed Senate Bill  
dental anesthesia; requirements

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

**CHAPTER 200**  
**SENATE BILL 1602**

AN ACT

AMENDING SECTIONS 32-1201 AND 32-1207, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 11, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1272; AMENDING SECTION 32-1403, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 13, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1459; AMENDING SECTIONS 32-1606, 32-1664 AND 32-1803, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 17, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1855.02; 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, Arizona Revised Statutes, is amended to  
3 read:

4 32-1201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Affiliated practice dental hygienist" means any licensed dental  
7 hygienist who is able, pursuant to section 32-1289.01, to initiate  
8 treatment based on the dental hygienist's assessment of a patient's needs  
9 according to the terms of a written affiliated practice agreement with a  
10 dentist, to treat the patient without the presence of a dentist and to  
11 maintain a provider-patient relationship.

12 2. "Auxiliary personnel" means all dental assistants, dental  
13 technicians, dental x-ray technicians and other persons employed by  
14 dentists or firms and businesses providing dental services to dentists.

15 3. "Board" means the state board of dental examiners.

16 4. "Business entity" means a business organization that has an  
17 ownership that includes any persons who are not licensed or certified to  
18 provide dental services in this state, that offers to the public  
19 professional services regulated by the board and that is established  
20 pursuant to the laws of any state or foreign country.

21 5. "Dental assistant" means any person who acts as an assistant to  
22 a dentist, dental therapist or dental hygienist by rendering personal  
23 services to a patient that involve close proximity to the patient while  
24 the patient is under treatment or observation or undergoing diagnostic  
25 procedures.

26 6. "Dental hygienist" means any person who is licensed and engaged  
27 in the general practice of dental hygiene and all related and associated  
28 duties, including educational, clinical and therapeutic dental hygiene  
29 procedures.

30 7. "Dental incompetence" means lacking in sufficient dentistry  
31 knowledge or skills, or both, in that field of dentistry in which the  
32 dentist, dental therapist, denturist or dental hygienist concerned  
33 engages, to a degree likely to endanger the health of that person's  
34 patients.

35 8. "Dental laboratory technician" means any person, other than a  
36 licensed dentist, who, pursuant to a written work order of a dentist,  
37 fabricates artificial teeth, prosthetic appliances or other mechanical and  
38 artificial contrivances designed to correct or alleviate injuries or  
39 defects, both developmental and acquired, disorders or deficiencies of the  
40 human oral cavity, teeth, investing tissues, maxilla or mandible or  
41 adjacent associated structures.

42 9. "Dental therapist" means any person who is licensed and engaged  
43 in the general practice of dental therapy and all related and associated  
44 duties, including educational, clinical and therapeutic dental therapy  
45 procedures.

1           10. "Dental x-ray laboratory technician" means any person, other  
2 than a licensed dentist, who, pursuant to a written work order of a  
3 dentist, performs dental and maxillofacial radiography, including  
4 cephalometrics, panoramic and maxillofacial tomography and other dental  
5 related nonfluoroscopic diagnostic imaging modalities.

6           11. "Dentistry", "dentist" and "dental" mean the general practice  
7 of dentistry and all specialties or restricted practices of dentistry.

8           12. "Denturist" means a person practicing denture technology  
9 pursuant to article 5 of this chapter.

10           13. "Disciplinary action" means regulatory sanctions that are  
11 imposed by the board in combination with, or as an alternative to,  
12 revocation or suspension of a license and that may include:

13           (a) Imposition of an administrative penalty in an amount not to  
14 exceed two thousand dollars for each violation of this chapter or rules  
15 adopted under this chapter.

16           (b) Imposition of restrictions on the scope of practice.

17           (c) Imposition of peer review and professional education  
18 requirements.

19           (d) Imposition of censure or probation requirements best adapted to  
20 protect the public welfare, which may include a requirement for  
21 restitution to the patient resulting from violations of this chapter or  
22 rules adopted under this chapter.

23           14. "Irregularities in billing" means submitting any claim, bill or  
24 government assistance claim to any patient, responsible party or  
25 third-party payor for dental services rendered that is materially false  
26 with the intent to receive unearned income as evidenced by any of the  
27 following:

28           (a) Charges for services not rendered.

29           (b) Any treatment date that does not accurately reflect the date  
30 when the service and procedures were actually completed.

31           (c) Any description of a dental service or procedure that does not  
32 accurately reflect the actual work completed.

33           (d) Any charge for a service or procedure that cannot be clinically  
34 justified or determined to be necessary.

35           (e) Any statement that is material to the claim and that the  
36 licensee knows is false or misleading.

37           (f) An abrogation of the copayment provisions of a dental insurance  
38 contract by a waiver of all or a part of the copayment from the patient if  
39 this results in an excessive or fraudulent charge to a third party or if  
40 the waiver is used as an enticement to receive dental services from that  
41 provider. This subdivision does not interfere with a contractual  
42 relationship between a third-party payor and a licensee or business entity  
43 registered with the board.

44           (g) Any other practice in billing that results in excessive or  
45 fraudulent charges to the patient.

1           15. "Letter of concern" means an advisory letter to notify a  
2 licensee or a registered business entity that, while the evidence does not  
3 warrant disciplinary action, the board believes that the licensee or  
4 registered business entity should modify or eliminate certain practices  
5 and that continuation of the activities that led to the information being  
6 submitted to the board may result in board action against the  
7 practitioner's license or the business entity's registration. A letter of  
8 concern is not a disciplinary action. A letter of concern is a public  
9 document and may be used in a future disciplinary action.

10           16. "Licensed" means licensed pursuant to this chapter.

11           17. "Place of practice" means each physical location at which a  
12 person who is licensed pursuant to this chapter performs services subject  
13 to this chapter.

14           18. "Primary mailing address" means the address on file with the  
15 board and to which official board correspondence, notices or documents are  
16 delivered in a manner determined by the board.

17           19. "QUALIFIED ANESTHESIA PROVIDER" MEANS ANY OF THE FOLLOWING:

18           (a) A LICENSEE WHO HOLDS A PERMIT TO ADMINISTER ANESTHESIA AND  
19 SEDATION FROM THE BOARD PURSUANT TO SECTION 32-1207.

20           (b) A PHYSICIAN WHO HAS COMPLETED RESIDENCY TRAINING IN  
21 ANESTHESIOLOGY, WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE  
22 AND WHO IS REGISTERED WITH THE ARIZONA MEDICAL BOARD OR THE ARIZONA BOARD  
23 OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY TO ADMINISTER ANESTHESIA  
24 IN DENTAL OFFICES AND DENTAL CLINICS PURSUANT TO SECTION 32-1403 OR  
25 32-1803.

26           (c) A CERTIFIED REGISTERED NURSE ANESTHETIST WHO HAS A NATIONAL  
27 BOARD CERTIFICATION IN ANESTHESIOLOGY, WHO IS LICENSED PURSUANT TO CHAPTER  
28 15 OF THIS TITLE AND WHO IS REGISTERED WITH THE ARIZONA STATE BOARD OF  
29 NURSING TO ADMINISTER ANESTHESIA IN DENTAL OFFICES AND DENTAL CLINICS  
30 PURSUANT TO SECTION 32-1606.

31           ~~19.~~ 20. "Recognized dental hygiene school" means a school that has  
32 a dental hygiene program with a minimum two academic year curriculum, or  
33 the equivalent of four semesters, and that is approved by the board and  
34 accredited by the American dental association commission on dental  
35 accreditation.

36           ~~20.~~ 21. "Recognized dental school" means a dental school that is  
37 accredited by the American dental association commission on dental  
38 accreditation.

39           ~~21.~~ 22. "Recognized dental therapy school" means a school that is  
40 accredited or that has received initial accreditation by the American  
41 dental association commission on dental accreditation.

42           ~~22.~~ 23. "Recognized denturist school" means a denturist school  
43 that maintains standards of entrance, study and graduation and that is  
44 accredited by the United States department of education or the council on  
45 higher education accreditation.

1           ~~23.~~ 24. "Supervised personnel" means all dental hygienists, dental  
2 assistants, dental laboratory technicians, dental therapists, denturists,  
3 dental x-ray laboratory technicians and other persons supervised by  
4 licensed dentists.

5           ~~24.~~ 25. "Teledentistry" means the use of data transmitted through  
6 interactive audio, video or data communications for the purposes of  
7 examination, diagnosis, treatment planning, consultation and directing the  
8 delivery of treatment by dentists and dental providers in settings  
9 permissible under this chapter or specified in rules adopted by the board.

10           Sec. 2. Section 32-1207, Arizona Revised Statutes, is amended to  
11 read:

12           32-1207. Powers and duties; executive director; immunity;  
13                               fees; definitions

14           A. The board shall:

15           1. Adopt rules that are not inconsistent with this chapter for  
16 regulating its own conduct, for holding examinations and for regulating  
17 the practice of dentists and supervised personnel and registered business  
18 entities, provided that:

19           (a) Regulation of supervised personnel is based on the degree of  
20 education and training of the supervised personnel, the state of  
21 scientific technology available and the necessary degree of supervision of  
22 the supervised personnel by dentists.

23           (b) Except as provided pursuant to sections 32-1276.03 and 32-1281,  
24 only licensed dentists may perform diagnosis and treatment planning,  
25 prescribe medication and perform surgical procedures on hard and soft  
26 tissues.

27           (c) Only a licensed dentist, a dental therapist either under the  
28 direct supervision of a dentist or pursuant to a written collaborative  
29 practice agreement or a dental hygienist in consultation with a dentist  
30 may perform examinations, oral health assessments and treatment sequencing  
31 for dental hygiene procedures.

32           2. Adopt a seal.

33           3. Maintain a record that is available to the board at all times of  
34 its acts and proceedings, including the issuance, denial, renewal,  
35 suspension or revocation of licenses and the disposition of complaints.  
36 The existence of a pending complaint or investigation shall not be  
37 disclosed to the public. Records of complaints shall be available to the  
38 public, except only as follows:

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

41           (b) If the board has issued a nondisciplinary letter of concern,  
42 the record of the complaint shall be available to the public only for a  
43 period of five years after the date the board issued the letter of  
44 concern.

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

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

9 4. Establish a uniform and reasonable standard of minimum  
10 educational requirements consistent with the accreditation standards of  
11 the American dental association commission on dental accreditation to be  
12 observed by dental schools, dental therapy schools and dental hygiene  
13 schools in order to be classified as recognized dental schools, dental  
14 therapy schools or dental hygiene schools.

15 5. Establish a uniform and reasonable standard of minimum  
16 educational requirements that are consistent with the accreditation  
17 standards of the United States department of education or the council on  
18 higher education accreditation and that must be observed by denture  
19 technology schools in order to be classified as recognized denture  
20 technology schools.

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

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

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

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

32 10. Issue a letter of concern, which is not a disciplinary action  
33 but refers to practices that may lead to a violation and to disciplinary  
34 action.

35 11. Issue decrees of censure, fix periods and terms of probation,  
36 suspend or revoke licenses, certificates and restricted permits, as the  
37 facts may warrant, and reinstate licenses, certificates and restricted  
38 permits in proper cases.

39 12. Collect and disburse monies.

40 13. Perform all other duties that are necessary to enforce this  
41 chapter and that are not specifically or by necessary implication  
42 delegated to another person.

43 14. Establish criteria for the renewal of permits issued pursuant  
44 to board rules relating to general anesthesia and sedation.

1 B. The board may:

2 1. Sue and be sued.

3 2. Issue subpoenas, including subpoenas to the custodian of patient  
4 records, compel attendance of witnesses, administer oaths and take  
5 testimony concerning all matters within the board's jurisdiction. If a  
6 person refuses to obey a subpoena issued by the board, the refusal shall  
7 be certified to the superior court and proceedings shall be instituted for  
8 contempt of court.

9 3. Adopt rules:

10 (a) Prescribing requirements for continuing education for renewal  
11 of all licenses issued pursuant to this chapter.

12 (b) Prescribing educational and experience prerequisites for  
13 administering intravenous or intramuscular drugs for the purpose of  
14 sedation or for using general anesthetics in conjunction with a dental  
15 treatment procedure.

16 (c) Prescribing requirements for obtaining licenses for retired  
17 licensees or licensees who have a disability, including the triennial  
18 license renewal fee.

19 4. Hire consultants to assist the board in the performance of its  
20 duties and employ persons to provide investigative, professional and  
21 clerical assistance as the board deems necessary.

22 5. Contract with other state or federal agencies as required to  
23 carry out the purposes of this chapter.

24 6. If determined by the board, order physical, psychological,  
25 psychiatric and competency evaluations of licensed dentists, dental  
26 therapists and dental hygienists, certified denturists and applicants for  
27 licensure and certification at the expense of those individuals.

28 7. Establish an investigation committee consisting of not more than  
29 eleven licensees who are in good standing, who are appointed by the board  
30 and who serve at the pleasure of the board to investigate any complaint  
31 submitted to the board, initiated by the board or delegated by the board  
32 to the investigation committee pursuant to this chapter.

33 C. The executive director or the executive director's designee may:

34 1. Issue and renew licenses, certificates and permits to applicants  
35 who meet the requirements of this chapter.

36 2. Initiate an investigation if evidence appears to demonstrate  
37 that a dentist, dental therapist, dental hygienist, denturist or  
38 restricted permit holder may be engaged in unprofessional conduct or may  
39 be unable to safely practice dentistry.

40 3. Initiate an investigation if evidence appears to demonstrate  
41 that a business entity may be engaged in unethical conduct.

42 4. Subject to board approval, enter into a consent agreement with a  
43 dentist, dental therapist, denturist, dental hygienist or restricted  
44 permit holder if there is evidence of unprofessional conduct.

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

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

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

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

10          E. The board by rule shall require that a licensee obtain a permit  
11 for applying general anesthesia, ~~semiconscious sedation or conscious~~ AND  
12 sedation, shall establish and collect a fee of not more than \$300 to cover  
13 administrative costs connected with issuing the permit and shall conduct  
14 inspections to ensure compliance.

15          F. The board by rule may establish and collect fees for license  
16 verification, board meeting agendas and minutes, published lists and  
17 mailing labels.

18          G. This section does not prohibit the board from conducting its  
19 authorized duties in a public meeting.

20          H. For the purposes of this section:

21           1. "Good standing" means that a person holds an unrestricted and  
22 unencumbered license that has not been suspended or revoked pursuant to  
23 this chapter.

24           2. "Record of complaint" means the document reflecting the final  
25 disposition of a complaint or investigation.

26          Sec. 3. Title 32, chapter 11, article 3, Arizona Revised Statutes,  
27 is amended by adding section 32-1272, to read:

28           32-1272. Dental anesthesia; requirements

29           A. A DENTAL OFFICE OR DENTAL CLINIC AT WHICH GENERAL ANESTHESIA OR  
30 SEDATION IS ADMINISTERED MUST CONTAIN PROPERLY OPERATING EQUIPMENT AND  
31 SUPPLIES AS PRESCRIBED BY THE BOARD IN RULE AND HAVE PROPER EMERGENCY  
32 RESPONSE PROTOCOLS IN PLACE, INCLUDING ADVANCED CARDIAC LIFE SUPPORT AND  
33 AIRWAY MANAGEMENT AND PEDIATRIC ADVANCED LIFE SUPPORT, AS APPLICABLE, WHEN  
34 ADMINISTERING GENERAL ANESTHESIA OR SEDATION AS PRESCRIBED BY THE BOARD IN  
35 RULE THAT IS CONSISTENT WITH THE STANDARDS AND PRACTICES RECOMMENDED BY  
36 THE AMERICAN HEART ASSOCIATION.

37           B. A QUALIFIED ANESTHESIA PROVIDER WHO IS LICENSED BY THE BOARD AND  
38 WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION OR APPLICABLE  
39 BOARD RULES COMMITS AN ACT THAT CONSTITUTES A DANGER TO THE HEALTH,  
40 WELFARE OR SAFETY OF THE PUBLIC PURSUANT TO SECTION 32-1201.01.

41           C. IF A QUALIFIED ANESTHESIA PROVIDER WHO IS NOT LICENSED BY THE  
42 STATE BOARD OF DENTAL EXAMINERS FAILS TO COMPLY WITH THE REQUIREMENTS OF  
43 THIS SECTION OR APPLICABLE BOARD RULES, THE STATE BOARD OF DENTAL  
44 EXAMINERS SHALL PROMPTLY REPORT THE QUALIFIED ANESTHESIA PROVIDER'S  
45 CONDUCT TO THE REGULATORY BOARD THAT LICENSES THE QUALIFIED ANESTHESIA



1 PROVIDER. IF AN ADVERSE ANESTHESIA OUTCOME INVOLVES A QUALIFIED  
2 ANESTHESIA PROVIDER WHO IS NOT LICENSED BY THE STATE BOARD OF DENTAL  
3 EXAMINERS, THE STATE BOARD OF DENTAL EXAMINERS SHALL PROMPTLY REPORT THE  
4 ADVERSE ANESTHESIA OUTCOME TO THE REGULATORY BOARD THAT LICENSES THE  
5 QUALIFIED ANESTHESIA PROVIDER.

6 D. IF A DEATH OR AN INCIDENT REQUIRING EMERGENCY MEDICAL RESPONSE  
7 OCCURS IN A DENTAL OFFICE OR DENTAL CLINIC DURING THE ADMINISTRATION OF OR  
8 RECOVERY FROM GENERAL ANESTHESIA OR SEDATION BY A QUALIFIED ANESTHESIA  
9 PROVIDER, THE TREATING DENTIST SHALL SUBMIT A REPORT OF THE INCIDENT TO  
10 THE STATE BOARD OF DENTAL EXAMINERS WITHIN SEVEN BUSINESS DAYS AFTER THE  
11 OCCURRENCE. IF THE INCIDENT INVOLVES A QUALIFIED ANESTHESIA PROVIDER WHO  
12 IS NOT LICENSED BY THE STATE BOARD OF DENTAL EXAMINERS, THE STATE BOARD OF  
13 DENTAL EXAMINERS SHALL IMMEDIATELY FORWARD A COPY OF THE INCIDENT REPORT  
14 TO THE REGULATORY BOARD THAT LICENSES THE QUALIFIED ANESTHESIA PROVIDER.

15 Sec. 4. Section 32-1403, Arizona Revised Statutes, is amended to  
16 read:

17 32-1403. Powers and duties of the board; compensation;  
18 immunity; committee on executive director  
19 selection and retention

20 A. The primary duty of the board is to protect the public from  
21 unlawful, incompetent, unqualified, impaired or unprofessional  
22 practitioners of allopathic medicine through licensure, regulation and  
23 rehabilitation of the profession in this state. The powers and duties of  
24 the board include:

25 1. Ordering and evaluating physical, psychological, psychiatric and  
26 competency testing of licensed physicians and candidates for licensure as  
27 may be determined necessary by the board.

28 2. Initiating investigations and determining on ~~its~~ THE BOARD'S own  
29 motion whether a doctor of medicine has engaged in unprofessional conduct  
30 or provided incompetent medical care or is mentally or physically unable  
31 to engage in the practice of medicine.

32 3. Developing and recommending standards governing the profession.

33 4. Reviewing the credentials and the abilities of applicants whose  
34 professional records or physical or mental capabilities may not meet the  
35 requirements for licensure or registration as prescribed in article 2 of  
36 this chapter in order for the board to make a final determination whether  
37 the applicant meets the requirements for licensure pursuant to this  
38 chapter.

39 5. Disciplining and rehabilitating physicians.

40 6. Engaging in a full exchange of information with the licensing  
41 and disciplinary boards and medical associations of other states and  
42 jurisdictions of the United States and foreign countries and the Arizona  
43 medical association and its components.

44 7. Directing the preparation and circulation of educational  
45 material the board determines is helpful and proper for licensees.

1           8. Adopting rules regarding the regulation and the qualifications  
2 of doctors of medicine.

3           9. Establishing fees and penalties as provided pursuant to section  
4 32-1436.

5           10. Delegating to the executive director the board's authority  
6 pursuant to section 32-1405 or 32-1451. The board shall adopt substantive  
7 policy statements pursuant to section 41-1091 for each specific licensing  
8 and regulatory authority the board delegates to the executive director.

9           11. Determining whether a prospective or current Arizona licensed  
10 physician has the training or experience to demonstrate the physician's  
11 ability to treat and manage opiate-dependent patients as a qualifying  
12 physician pursuant to 21 United States Code section 823(g)(2)(G)(ii).

13           12. ISSUING REGISTRATIONS TO ADMINISTER GENERAL ANESTHESIA AND  
14 SEDATION IN DENTAL OFFICES AND DENTAL CLINICS PURSUANT TO SECTION 32-1272  
15 TO DOCTORS OF MEDICINE WHO HAVE COMPLETED RESIDENCY TRAINING IN  
16 ANESTHESIOLOGY.

17           B. The board may appoint one of its members to the jurisdiction  
18 arbitration panel pursuant to section 32-2907, subsection B.

19           C. There shall be no monetary liability on the part of and no cause  
20 of action shall arise against the executive director or such other  
21 permanent or temporary personnel or professional medical investigators for  
22 any act done or proceeding undertaken or performed in good faith and in  
23 furtherance of the purposes of this chapter.

24           D. In conducting its investigations pursuant to subsection A,  
25 paragraph 2 of this section, the board may receive and review staff  
26 reports relating to complaints and malpractice claims.

27           E. The board shall establish a program that is reasonable and  
28 necessary to educate doctors of medicine regarding the uses and advantages  
29 of autologous blood transfusions.

30           F. The board may make statistical information on doctors of  
31 medicine and applicants for licensure under this article available to  
32 academic and research organizations.

33           G. The committee on executive director selection and retention is  
34 established consisting of the Arizona medical board and the chairperson  
35 and vice chairperson of the Arizona regulatory board of physician  
36 assistants. The committee is a public body and is subject to the  
37 requirements of title 38, chapter 3, article 3.1. The committee is  
38 responsible for appointing the executive director pursuant to section  
39 32-1405. All members of the committee are voting members of the  
40 committee. The committee shall elect a chairperson and a vice chairperson  
41 when the committee meets but ~~not~~ NOT more frequently than once a year. The  
42 chairperson shall call meetings of the committee as necessary, and the  
43 vice chairperson may call meetings of the committee that are necessary if  
44 the chairperson is not available. The presence of eight members of the  
45 committee at a meeting constitutes a quorum. The committee meetings may

1 be held using communications equipment that allows all members who are  
2 participating in the meeting to hear each other. If any discussions occur  
3 in an executive session of the committee, notwithstanding the requirement  
4 that discussions made at an executive session be kept confidential as  
5 specified in section 38-431.03, the chairperson and vice chairperson of  
6 the Arizona regulatory board of physician assistants may discuss this  
7 information with the Arizona regulatory board of physician assistants in  
8 executive session. This disclosure of executive session information to  
9 the Arizona regulatory board of physician assistants does not constitute a  
10 waiver of confidentiality or any privilege, including the attorney-client  
11 privilege.

12 H. The officers of the Arizona medical board and the Arizona  
13 regulatory board of physician assistants shall meet twice a year to  
14 discuss matters of mutual concern and interest.

15 I. The board may accept and expend grants, gifts, devises and other  
16 contributions from any public or private source, including the federal  
17 government. Monies received under this subsection do not revert to the  
18 state general fund at the end of a fiscal year.

19 Sec. 5. Title 32, chapter 13, article 3, Arizona Revised Statutes,  
20 is amended by adding section 32-1459, to read:

21 32-1459. Duty to report

22 IF A DEATH OR AN INCIDENT REQUIRING EMERGENCY MEDICAL RESPONSE  
23 OCCURS IN A DENTAL OFFICE OR DENTAL CLINIC DURING THE ADMINISTRATION OF OR  
24 RECOVERY FROM GENERAL ANESTHESIA OR SEDATION BY A DOCTOR OF MEDICINE, THE  
25 DOCTOR OF MEDICINE SHALL, AND ANY OTHER PERSON MAY, REPORT THE DEATH OR  
26 INCIDENT TO THE BOARD WITHIN SEVEN BUSINESS DAYS AFTER THE OCCURRENCE.

27 Sec. 6. Section 32-1606, Arizona Revised Statutes, is amended to  
28 read:

29 32-1606. Powers and duties of board

30 A. The board may:

31 1. Adopt and revise rules necessary to carry into effect this  
32 chapter.

33 2. Publish advisory opinions regarding registered and practical  
34 nursing practice and nursing education.

35 3. Issue limited licenses or certificates if it determines that an  
36 applicant or licensee cannot function safely in a specific setting or  
37 within the full scope of practice.

38 4. Refer criminal violations of this chapter to the appropriate law  
39 enforcement agency.

40 5. Establish a confidential program for monitoring licensees who  
41 are chemically dependent and who enroll in rehabilitation programs that  
42 meet the criteria established by the board. The board may take further  
43 action if the licensee refuses to enter into a stipulated agreement or  
44 fails to comply with its terms. In order to protect the public health and

1 safety, the confidentiality requirements of this paragraph do not apply if  
2 the licensee does not comply with the stipulated agreement.

3 6. On the applicant's or regulated party's request, establish a  
4 payment schedule with the applicant or regulated party.

5 7. Provide education regarding board functions.

6 8. Collect or assist in collecting workforce data.

7 9. Adopt rules to conduct pilot programs consistent with public  
8 safety for innovative applications in nursing practice, education and  
9 regulation.

10 10. Grant retirement status on request to retired nurses who are or  
11 were licensed under this chapter, who have no open complaint or  
12 investigation pending against them and who are not subject to discipline.

13 11. Accept and spend federal monies and private grants, gifts,  
14 contributions and devises to assist in carrying out the purposes of this  
15 chapter. These monies do not revert to the state general fund at the end  
16 of the fiscal year.

17 B. The board shall:

18 1. Approve regulated training and educational programs that meet  
19 the requirements of this chapter and rules adopted by the board.

20 2. By rule, establish approval and reapproval processes for nursing  
21 and nursing assistant training programs that meet the requirements of this  
22 chapter and board rules.

23 3. Prepare and maintain a list of approved nursing programs to  
24 prepare registered **NURSES** and practical nurses whose graduates are  
25 eligible for licensing under this chapter as registered nurses or as  
26 practical nurses if they satisfy the other requirements of this chapter  
27 and board rules.

28 4. Examine qualified registered **NURSE** and practical nurse  
29 applicants.

30 5. License and renew the licenses of qualified registered **NURSE** and  
31 practical nurse applicants and licensed nursing assistants who are not  
32 qualified to be licensed by the executive director.

33 6. Adopt a seal, which the executive director shall keep.

34 7. Keep a record of all proceedings.

35 8. For proper cause, deny or rescind approval of a regulated  
36 training or educational program for failure to comply with this chapter or  
37 the rules of the board.

38 9. Adopt rules to approve credential evaluation services that  
39 evaluate the qualifications of applicants who graduated from an  
40 international nursing program.

41 10. Determine and administer appropriate disciplinary action  
42 against all regulated parties who are found guilty of violating this  
43 chapter or rules adopted by the board.

1           11. Perform functions necessary to carry out the requirements of  
2 **THE** nursing assistant and nurse aide training and competency evaluation  
3 program as set forth in the omnibus budget reconciliation act of 1987  
4 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic  
5 coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall  
6 include:

- 7           (a) Testing and registering certified nursing assistants.
- 8           (b) Testing and licensing licensed nursing assistants.
- 9           (c) Maintaining a list of board-approved training programs.
- 10          (d) Maintaining a registry of nursing assistants for all certified  
11 nursing assistants and licensed nursing assistants.
- 12          (e) Assessing fees.

13           12. Adopt rules establishing ~~those~~ acts that may be performed by a  
14 registered nurse practitioner or certified nurse midwife, except that the  
15 board does not have authority to decide scope of practice relating to  
16 abortion as defined in section 36-2151.

17           13. Adopt rules that prohibit registered nurse practitioners,  
18 clinical nurse specialists or certified nurse midwives from dispensing a  
19 schedule II controlled substance that is an opioid, except for an  
20 implantable device or an opioid that is for medication-assisted treatment  
21 for substance use disorders.

22           14. Adopt rules establishing educational requirements to certify  
23 school nurses.

24           15. Publish copies of board rules and distribute these copies on  
25 request.

26           16. Require each applicant for initial licensure or certification  
27 to submit a full set of fingerprints to the board for the purpose of  
28 obtaining a state and federal criminal records check pursuant to section  
29 41-1750 and Public Law 92-544. The department of public safety may  
30 exchange this fingerprint data with the federal bureau of investigation.

31           17. Except for a licensee who has been convicted of a felony that  
32 has been designated a misdemeanor pursuant to section 13-604, revoke a  
33 license of a person, revoke the multistate licensure privilege of a person  
34 pursuant to section 32-1669 or not issue a license or renewal to an  
35 applicant who has one or more felony convictions and who has not received  
36 an absolute discharge from the sentences for all felony convictions three  
37 or more years before the date of filing an application pursuant to this  
38 chapter.

39           18. Establish standards to approve and reapprove **REGISTERED** nurse  
40 practitioner and clinical nurse specialist programs and provide for  
41 surveys of **REGISTERED** nurse practitioner and clinical nurse specialist  
42 programs as ~~+~~ **THE BOARD** deems necessary.

43           19. Provide the licensing authorities of health care institutions,  
44 facilities and homes with any information the board receives regarding  
45 practices that place a patient's health at risk.

1           20. Limit the multistate licensure privilege of any person who  
2 holds or applies for a license in this state pursuant to section 32-1668.

3           21. Adopt rules to establish competency standards for obtaining and  
4 maintaining a license.

5           22. Adopt rules to qualify and certify clinical nurse specialists.

6           23. Adopt rules to approve and reapprove refresher courses for  
7 nurses who are not currently practicing.

8           24. Maintain a list of approved medication assistant training  
9 programs.

10          25. Test and certify medication assistants.

11          26. Maintain a registry and disciplinary record of medication  
12 assistants who are certified pursuant to this chapter.

13          27. Adopt rules to establish the requirements for a clinical nurse  
14 specialist to prescribe and dispense drugs and devices consistent with  
15 section 32-1651 and within the clinical nurse specialist's population or  
16 disease focus.

17          28. **ISSUE REGISTRATIONS TO ADMINISTER GENERAL ANESTHESIA AND  
18 SEDATION IN DENTAL OFFICES AND DENTAL CLINICS PURSUANT TO SECTION 32-1272  
19 TO CERTIFIED REGISTERED NURSE ANESTHETISTS WHO HAVE NATIONAL BOARD  
20 CERTIFICATION IN ANESTHESIOLOGY.**

21          C. The board may conduct an investigation on receipt of information  
22 that indicates that a person or regulated party may have violated this  
23 chapter or a rule adopted pursuant to this chapter. Following the  
24 investigation, the board may take disciplinary action pursuant to this  
25 chapter.

26          D. The board may limit, revoke or suspend the privilege of a nurse  
27 to practice in this state granted pursuant to section 32-1668.

28          E. Failure to comply with any final order of the board, including  
29 an order of censure or probation, is cause for suspension or revocation of  
30 a license or a certificate.

31          F. The president or a member of the board designated by the  
32 president may administer oaths in transacting the business of the board.

33          Sec. 7. Section 32-1664, Arizona Revised Statutes, is amended to  
34 read:

35           32-1664. Investigation; hearing; notice

36          A. In connection with an investigation, the board or its duly  
37 authorized agents or employees may obtain any documents, reports, records,  
38 papers, books and materials, including hospital records, medical staff  
39 records and medical staff review committee records, or any other physical  
40 evidence that indicates that a person or regulated party may have violated  
41 this chapter or a rule adopted pursuant to this chapter:

42           1. By entering the premises, at any reasonable time, and inspecting  
43 and copying materials in the possession of a regulated party that relate  
44 to nursing competence, unprofessional conduct or **THE** mental or physical  
45 ability of a licensee to safely practice nursing.

1           2. By issuing a subpoena under the board's seal to require the  
2 attendance and testimony of witnesses or to demand the production for  
3 examination or copying of documents or any other physical evidence.  
4 Within five days after a person is served with a subpoena, that person may  
5 petition the board to revoke, limit or modify the subpoena. The board  
6 shall do so if in its opinion the evidence required does not relate to  
7 unlawful practices covered by this chapter, is not relevant to the charge  
8 that is the subject matter of the hearing or investigation or does not  
9 describe with sufficient particularity the physical evidence whose  
10 production is required.

11           3. By submitting a written request for the information.

12           4. In the case of an applicant's or a regulated party's personal  
13 medical records, as defined in section 12-2291, by any means ~~permitted~~  
14 **ALLOWED** by this section if the board either:

15           (a) Obtains from the applicant or regulated party, or the health  
16 care decision maker of the applicant or regulated party, a written  
17 authorization that satisfies the requirements of title 12, chapter 13,  
18 article 7.1.

19           (b) Reasonably believes that the records relate to information  
20 already in the board's possession regarding the competence, unprofessional  
21 conduct or mental or physical ability of the applicant or regulated party  
22 as it pertains to safe practice. If the board adopts a substantive policy  
23 statement pursuant to section 41-1091, it may authorize the executive  
24 director, or a designee in the absence of the executive director, to make  
25 the determination of reasonable belief.

26           B. A regulated party and a health care institution as defined in  
27 section 36-401 shall, and any other person may, report to the board any  
28 information the licensee, certificate holder, health care institution or  
29 individual may have that appears to show that a regulated party or  
30 applicant is, was or may be a threat to the public health or safety.

31           **C. IF A DEATH OR AN INCIDENT REQUIRING EMERGENCY MEDICAL RESPONSE**  
32 **OCCURS IN A DENTAL OFFICE OR DENTAL CLINIC DURING THE ADMINISTRATION OF OR**  
33 **RECOVERY FROM GENERAL ANESTHESIA OR SEDATION BY A CERTIFIED REGISTERED**  
34 **NURSE ANESTHETIST, THE CERTIFIED REGISTERED NURSE ANESTHETIST SHALL, AND**  
35 **ANY OTHER PERSON MAY, REPORT THE DEATH OR INCIDENT TO THE BOARD WITHIN**  
36 **SEVEN BUSINESS DAYS AFTER THE OCCURRENCE.**

37           ~~C.~~ D. The board retains jurisdiction to proceed with an  
38 investigation or a disciplinary proceeding against a regulated party whose  
39 license or certificate expired not more than five years before the board  
40 initiates the investigation.

41           ~~D.~~ E. Any regulated party, health care institution or other person  
42 that reports or provides information to the board in good faith is not  
43 subject to civil liability. If requested the board shall not disclose the  
44 name of the reporter unless the information is essential to proceedings  
45 conducted pursuant to this section.

1           ~~F.~~ F. Any regulated party or person who is subject to an  
2 investigation may obtain representation by counsel.

3           ~~F.~~ G. On determination of reasonable cause, the board, or if  
4 delegated by the board the executive director, may require a licensee,  
5 certificate holder or applicant to undergo at the expense of the licensee,  
6 certificate holder or applicant any combination of mental, physical or  
7 psychological examinations, assessments or skills evaluations necessary to  
8 determine the person's competence or ability to practice safely. These  
9 examinations may include bodily fluid testing and other examinations known  
10 to detect the presence of alcohol or drugs. If the executive director  
11 orders the licensee, applicant or certificate holder to undertake an  
12 examination, assessment or evaluation pursuant to this subsection, and the  
13 licensee, certificate holder or applicant fails to affirm to the board in  
14 writing within fifteen days after receipt of the notice of the order that  
15 the licensee, certificate holder or applicant intends to comply with the  
16 order, the executive director shall refer the matter to the board to  
17 ~~permit~~ ALLOW the board to determine whether to issue an order pursuant to  
18 this subsection. At each regular meeting of the board the executive  
19 director shall report to the board data concerning orders issued by the  
20 executive director pursuant to this subsection since the last regular  
21 meeting of the board and any other data requested by the board.

22           ~~G.~~ H. The board shall provide the investigative report if  
23 requested pursuant to section 32-3206.

24           ~~H.~~ I. If after completing its investigation the board finds that  
25 the information provided pursuant to this section is not of sufficient  
26 seriousness to merit disciplinary action against the regulated party or  
27 applicant, it may take either of the following actions:

28           1. Dismiss if in the opinion of the board the information is  
29 without merit.

30           2. File a letter of concern if in the opinion of the board there is  
31 insufficient evidence to support disciplinary action against the regulated  
32 party or applicant but sufficient evidence for the board to notify the  
33 regulated party or applicant of its concern.

34           ~~I.~~ J. Except as provided pursuant to section 32-1663, subsection F  
35 and subsection ~~J.~~ K of this section, if the investigation in the opinion  
36 of the board reveals reasonable grounds to support the charge, the  
37 regulated party is entitled to an administrative hearing pursuant to title  
38 41, chapter 6, article 10. If notice of the hearing is served by  
39 certified mail, service is complete on the date the notice is placed in  
40 the mail.

41           ~~J.~~ K. A regulated party shall respond in writing to the board  
42 within thirty days after notice of the hearing is served as prescribed in  
43 subsection ~~I.~~ J of this section. The board may consider a regulated  
44 party's failure to respond within this time as an admission by default to



1 the allegations stated in the complaint. The board may then take  
2 disciplinary actions allowed by this chapter without conducting a hearing.

3 ~~K.~~ L. An administrative law judge or a panel of board members may  
4 conduct hearings pursuant to this section.

5 ~~L.~~ M. In any matters pending before it, the board may issue  
6 subpoenas under its seal to compel the attendance of witnesses.

7 ~~M.~~ N. Patient records, including clinical records, medical  
8 reports, laboratory statements and reports, any file, film, other report  
9 or oral statement relating to diagnostic findings or treatment of  
10 patients, any information from which a patient or a patient's family might  
11 be identified or information received and records kept by the board as a  
12 result of the investigation procedure outlined in this chapter are not  
13 available to the public and are not subject to discovery in civil or  
14 criminal proceedings.

15 ~~N.~~ O. Hospital records, medical staff records, medical staff  
16 review committee records, testimony concerning these records and  
17 proceedings related to the creation of these records shall not be  
18 available to the public. They shall be kept confidential by the board and  
19 shall be subject to the same provisions concerning discovery and use in  
20 legal actions as are the original records in the possession and control of  
21 hospitals, their medical staffs and their medical staff review committees.  
22 The board shall use these records and testimony during the course of  
23 investigations and proceedings pursuant to this chapter.

24 ~~O.~~ P. If the regulated party is found to have committed an act of  
25 unprofessional conduct or to have violated this chapter or a rule adopted  
26 pursuant to this chapter, the board may take disciplinary action.

27 ~~P.~~ Q. The board may subsequently issue a denied license or  
28 certificate and may reissue a revoked or voluntarily surrendered license  
29 or certificate.

30 ~~Q.~~ R. On application by the board to any superior court judge, a  
31 person who without just cause fails to comply with a subpoena issued  
32 pursuant to this section may be ordered by the judge to comply with the  
33 subpoena and punished by the court for failing to comply. Subpoenas shall  
34 be served by regular or certified mail or in the manner required by the  
35 Arizona rules of civil procedure.

36 ~~R.~~ S. The board may share investigative information that is  
37 confidential under subsections ~~M.~~ N and ~~N.~~ O of this section with other  
38 state, federal and international health care agencies and with state,  
39 federal and international law enforcement authorities if the recipient is  
40 subject to confidentiality requirements similar to those established by  
41 this section. A disclosure made by the board pursuant to this subsection  
42 is not a waiver of the confidentiality requirements established by this  
43 section.

1           Sec. 8. Section 32-1803, Arizona Revised Statutes, is amended to  
2 read:

3           32-1803. Powers and duties

4           A. The board shall:

5           1. Protect the public from unlawful, incompetent, unqualified,  
6 impaired and unprofessional practitioners of osteopathic medicine.

7           2. Issue licenses, conduct hearings, place physicians on probation,  
8 revoke or suspend licenses, enter into stipulated orders, issue letters of  
9 concern or decrees of censure and administer and enforce this chapter.

10          3. Maintain a record of its acts and proceedings, including the  
11 issuance, denial, renewal, suspension or revocation of licenses to  
12 practice according to this chapter. The board shall delete records of  
13 complaints only as follows:

14           (a) If the board dismisses a complaint, the board shall delete the  
15 public record of the complaint five years after ~~it~~ THE BOARD dismissed the  
16 complaint.

17           (b) If the board has issued a letter of concern but has taken no  
18 further action on the complaint, the board shall delete the public record  
19 of the complaint five years after ~~it~~ THE BOARD issued the letter of  
20 concern.

21           (c) If the board has required additional continuing medical  
22 education pursuant to section 32-1855 but has not taken further action,  
23 the board shall delete the public record of the complaint five years after  
24 the person satisfies this requirement.

25          4. Maintain a public directory of all ~~osteopathic~~ physicians and  
26 surgeons who are or were licensed pursuant to this chapter that includes:

27           (a) The name of the physician.

28           (b) The physician's current or last known address of record.

29           (c) The date and number of the license issued to the physician  
30 pursuant to this chapter.

31           (d) The date the license is scheduled to expire if not renewed or  
32 the date the license expired or was revoked, suspended or canceled.

33           (e) Any disciplinary actions taken against the physician by the  
34 board.

35           (f) Letters of concern, remedial continuing medical education  
36 ordered and dismissals of complaints against the physician until deleted  
37 from the public record pursuant to paragraph 3 of this subsection.

38          5. Adopt rules regarding the regulation, qualifications and  
39 training of medical assistants. The training requirements for a medical  
40 assistant may be satisfied through a training program that meets all of  
41 the following:

42           (a) Is designed and offered by a physician.

43           (b) Meets or exceeds any of the approved training program  
44 requirements specified in rule.

1 (c) Verifies the entry-level competencies of a medical assistant as  
2 prescribed by rule.

3 (d) Provides written verification to the individual of successful  
4 completion of the program.

5 6. Discipline and rehabilitate osteopathic physicians.

6 7. Determine whether a prospective or current Arizona licensed  
7 physician has the training or experience to demonstrate the physician's  
8 ability to treat and manage opiate-dependent patients as a qualifying  
9 physician pursuant to 21 United States Code section 823(g)(2)(G)(ii).

10 8. ISSUE REGISTRATIONS TO ADMINISTER GENERAL ANESTHESIA AND  
11 SEDATION IN DENTAL OFFICES AND DENTAL CLINICS PURSUANT TO SECTION 32-1272  
12 TO PHYSICIANS WHO HAVE COMPLETED RESIDENCY TRAINING IN ANESTHESIOLOGY.

13 B. The public records of the board are open to inspection at all  
14 times during office hours.

15 C. The board may:

16 1. Adopt rules necessary or proper to administer this chapter.

17 2. Appoint one of its members to the jurisdiction arbitration panel  
18 pursuant to section 32-2907, subsection B.

19 3. Accept and spend federal monies and private grants, gifts,  
20 contributions and devises. These monies do not revert to the state  
21 general fund at the end of a fiscal year.

22 4. Develop and publish advisory opinions and standards governing  
23 the profession.

24 D. The board shall adopt and use a seal, the imprint of which,  
25 together with the signature of either the president, vice president or  
26 executive director, is evidence of its official acts.

27 E. In conducting investigations pursuant to this chapter, the board  
28 may receive and review confidential internal staff reports relating to  
29 complaints and malpractice claims.

30 F. The board may make available to academic and research  
31 organizations public records regarding statistical information on doctors  
32 of osteopathic medicine and applicants for licensure.

33 Sec. 9. Title 32, chapter 17, article 3, Arizona Revised Statutes,  
34 is amended by adding section 32-1855.02, to read:

35 32-1855.02. Physicians; duty to report

36 IF A DEATH OR AN INCIDENT REQUIRING EMERGENCY MEDICAL RESPONSE  
37 OCCURS IN A DENTAL OFFICE OR DENTAL CLINIC DURING THE ADMINISTRATION OF OR  
38 RECOVERY FROM GENERAL ANESTHESIA OR SEDATION BY A PHYSICIAN, THE PHYSICIAN  
39 SHALL, AND ANY OTHER PERSON MAY, REPORT THE DEATH OR INCIDENT TO THE BOARD  
40 WITHIN SEVEN BUSINESS DAYS AFTER THE OCCURRENCE.

41 Sec. 10. State board of dental examiners; anesthesia and  
42 sedation committee; recommendations; rulemaking  
43 exemption; delayed repeal

44 A. On or before September 1, 2023, the state board of dental  
45 examiners' anesthesia and sedation committee shall submit to the state

1 board of dental examiners its final recommendations to improve the general  
2 anesthesia and sedation permit requirements as provided in the state board  
3 of dental examiners' existing administrative rules for the purpose of  
4 increasing patient safety when general anesthesia or sedation is being  
5 administered by an anesthesia provider within a dental practice or a  
6 similar setting that is under the jurisdiction of the state board of  
7 dental examiners. The committee shall consider ways to create equitable  
8 access for all qualified anesthesia providers and improve access to dental  
9 anesthesia services for patients. Within sixty days after receipt of the  
10 anesthesia and sedation committee's final recommendations, the state board  
11 of dental examiners shall approve, modify or reject the recommendations.

12 B. Notwithstanding any other law, for the purposes of this act and  
13 to address general anesthesia and sedation permit requirements, the state  
14 board of dental examiners is exempt from the rulemaking requirements of  
15 title 41, chapter 6, Arizona Revised Statutes, for one year after the  
16 effective date of this act.

17 C. This section is repealed from and after December 31, 2024.

18 Sec. 11. Emergency

19 This act is an emergency measure that is necessary to preserve the  
20 public peace, health or safety and is operative immediately as provided by  
21 law.

APPROVED BY THE GOVERNOR JUNE 20, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 20, 2023.