

REFERENCE TITLE: dental hygienists; botox; continuing education

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1269

Introduced by
Senator Shope

AN ACT

AMENDING SECTIONS 32-1207 AND 32-1281, 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 32-1207, Arizona Revised Statutes, is amended to
3 read:

4 32-1207. Powers and duties; executive director; immunity;
5 fees; definitions

6 A. The board shall:

7 1. Adopt rules that are not inconsistent with this chapter for
8 regulating its own conduct, for holding examinations and for regulating
9 the practice of dentists and supervised personnel and registered business
10 entities, provided that:

11 (a) Regulation of supervised personnel is based on the degree of
12 education and training of the supervised personnel, the state of
13 scientific technology available and the necessary degree of supervision of
14 the supervised personnel by dentists.

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

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

24 2. Adopt a seal.

25 3. Maintain a record that is available to the board at all times of
26 its acts and proceedings, including the issuance, denial, renewal,
27 suspension or revocation of licenses and the disposition of complaints.
28 The existence of a pending complaint or investigation shall not be
29 disclosed to the public. Records of complaints shall be available to the
30 public, except only as follows:

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

33 (b) If the board has issued a nondisciplinary letter of concern,
34 the record of the complaint shall be available to the public only for a
35 period of five years after the date the board issued the letter of
36 concern.

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

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

1 4. Establish a uniform and reasonable standard of minimum
2 educational requirements consistent with the accreditation standards of
3 the American dental association commission on dental accreditation to be
4 observed by dental schools, dental therapy schools and dental hygiene
5 schools in order to be classified as recognized dental schools, dental
6 therapy schools or dental hygiene schools.

7 5. Establish a uniform and reasonable standard of minimum
8 educational requirements that are consistent with the accreditation
9 standards of the United States department of education or the council on
10 higher education accreditation and that must be observed by denture
11 technology schools in order to be classified as recognized denture
12 technology schools.

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

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

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

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

24 10. Issue a letter of concern, which is not a disciplinary action
25 but refers to practices that may lead to a violation and to disciplinary
26 action.

27 11. Issue decrees of censure, fix periods and terms of probation,
28 suspend or revoke licenses, certificates and restricted permits, as the
29 facts may warrant, and reinstate licenses, certificates and restricted
30 permits in proper cases.

31 12. Collect and disburse monies.

32 13. Perform all other duties that are necessary to enforce this
33 chapter and that are not specifically or by necessary implication
34 delegated to another person.

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

37 B. The board may:

38 1. Sue and be sued.

39 2. Issue subpoenas, including subpoenas to the custodian of patient
40 records, compel attendance of witnesses, administer oaths and take
41 testimony concerning all matters within the board's jurisdiction. If a
42 person refuses to obey a subpoena issued by the board, the refusal shall
43 be certified to the superior court and proceedings shall be instituted for
44 contempt of court.

1 3. Adopt rules:

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

4 (b) Prescribing educational and experience prerequisites for
5 administering intravenous or intramuscular drugs for the purpose of
6 sedation or for using general anesthetics in conjunction with a dental
7 treatment procedure.

8 (c) Prescribing requirements for obtaining licenses for retired
9 licensees or licensees who have a disability, including the triennial
10 license renewal fee.

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

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

16 6. If determined by the board, order physical, psychological,
17 psychiatric and competency evaluations of licensed dentists, dental
18 therapists and dental hygienists, certified denturists and applicants for
19 licensure and certification at the expense of those individuals.

20 7. Establish an investigation committee consisting of not more than
21 eleven licensees who are in good standing, who are appointed by the board
22 and who serve at the pleasure of the board to investigate any complaint
23 submitted to the board, initiated by the board or delegated by the board
24 to the investigation committee pursuant to this chapter.

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

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

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

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

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

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

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

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

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

1 E. The board by rule shall require that a licensee obtain a permit
2 for applying general anesthesia and sedation, shall establish and collect
3 a fee of not more than \$300 to cover administrative costs connected with
4 issuing the permit and shall conduct inspections to ensure compliance.

5 F. The board by rule may establish and collect fees for license
6 verification, board meeting agendas and minutes, published lists and
7 mailing labels.

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

10 H. THE BOARD BY RULE SHALL ESTABLISH CONTINUING EDUCATION
11 REQUIREMENTS FOR DENTISTS AND DENTAL HYGIENISTS WHO ADMINISTER BOTULINUM
12 TOXIN TYPE A OR DERMAL FILLERS TO THE ORAL MAXILLOFACIAL COMPLEX FOR
13 THERAPEUTIC OR COSMETIC PURPOSES.

14 ~~H.~~ I. For the purposes of this section:

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

18 2. "Record of complaint" means the document reflecting the final
19 disposition of a complaint or investigation.

20 Sec. 2. Section 32-1281, Arizona Revised Statutes, is amended to
21 read:

22 32-1281. Practicing as dental hygienist; supervision
23 requirements; definitions

24 A. A person is deemed to be practicing as a dental hygienist if the
25 person does any of the acts or performs any of the operations included in
26 the general practice of dental hygienists, dental hygiene and all related
27 and associated duties.

28 B. A licensed dental hygienist may perform the following:

29 1. Prophylaxis.

30 2. Scaling.

31 3. Closed subgingival curettage.

32 4. Root planing.

33 5. Administering local anesthetics and nitrous oxide.

34 6. Inspecting the oral cavity and surrounding structures for the
35 purposes of gathering clinical data to facilitate a diagnosis.

36 7. Periodontal screening or assessment.

37 8. Recording clinical findings.

38 9. Compiling case histories.

39 10. Exposing and processing dental radiographs.

40 11. Dental hygiene assessment and dental hygiene treatment planning
41 as components of a diagnosis and treatment plan developed by a dentist.

42 12. All functions authorized and deemed appropriate for dental
43 assistants.

1 13. Except as provided in paragraph 14 of this subsection, those
2 restorative functions permissible for an expanded function dental
3 assistant if qualified pursuant to section 32-1291.01.

4 14. Placing interim therapeutic restorations after successfully
5 completing a course at an institution accredited by the commission on
6 dental accreditation of the American dental association.

7 15. ADMINISTERING BOTULINUM TOXIN TYPE A TO THE ORAL MAXILLOFACIAL
8 COMPLEX FOR THERAPEUTIC OR COSMETIC PURPOSES AFTER MEETING THE CRITERIA
9 AND CONDITIONS PRESCRIBED IN SUBSECTION F OF THIS SECTION. ONLY
10 HIGH-QUALITY INJECTABLE PRODUCTS OBTAINED FROM A REPUTABLE VENDOR MAY BE
11 USED.

12 16. ADMINISTERING DERMAL FILLERS TO THE ORAL MAXILLOFACIAL COMPLEX
13 FOR THERAPEUTIC OR COSMETIC PURPOSES AFTER MEETING THE CRITERIA AND
14 CONDITIONS PRESCRIBED IN SUBSECTION F OF THIS SECTION. ONLY HIGH-QUALITY
15 INJECTABLE PRODUCTS OBTAINED FROM A REPUTABLE VENDOR MAY BE USED.

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

18 1. Apply preventive and therapeutic agents to the hard and soft
19 tissues.

20 2. Use emerging scientific technology and prescribe the necessary
21 training, experience and supervision to operate newly developed scientific
22 technology. A dentist who supervises a dental hygienist whose duties
23 include the use of emerging scientific technology must have training on
24 using the emerging technology that is equal to or greater than the
25 training the dental hygienist is required to obtain.

26 3. Perform other procedures not specifically authorized by this
27 section.

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

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

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

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

38 (a) The dental hygienist successfully completes a course in
39 administering local anesthetics that includes didactic and clinical
40 components in both block and infiltration techniques offered by a dental
41 or dental hygiene program accredited by the commission on dental
42 accreditation of the American dental association.

43 (b) The dental hygienist successfully completes an examination in
44 local anesthesia given by the western regional examining board or a
45 written and clinical examination of another state or regional examination

1 that is substantially equivalent to the requirements of this state, as
2 determined by the board.

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

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

8 (a) The dental hygienist holds a local anesthesia certificate
9 issued by the board.

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

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

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

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

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

23 (a) The dental hygienist successfully completes a course in
24 administering nitrous oxide analgesia that includes didactic and clinical
25 components offered by a dental or dental hygiene program accredited by the
26 commission on dental accreditation of the American dental association.

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

30 4. ADMINISTERING BOTULINUM TOXINS OR DERMAL FILLERS UNDER THE
31 DIRECT SUPERVISION OF A DENTIST WHO IS LICENSED PURSUANT TO THIS CHAPTER
32 AFTER BOTH:

33 (a) THE DENTAL HYGIENIST SUCCESSFULLY COMPLETES THE REQUIRED
34 CONTINUING EDUCATION AS DETERMINED BY THE BOARD.

35 (b) THE BOARD ISSUES TO THE DENTAL HYGIENIST A NEUROMODULATOR OR
36 DERMAL FILLER CERTIFICATE AFTER RECEIVING PROOF THAT THE REQUIREMENTS OF
37 SUBDIVISION (a) OF THIS PARAGRAPH HAVE BEEN MET.

38 5. ADMINISTERING BOTULINUM TOXINS OR DERMAL FILLERS UNDER THE
39 GENERAL SUPERVISION OF A DENTIST WHO IS LICENSED PURSUANT TO THIS CHAPTER
40 IF THE DENTAL HYGIENIST DOCUMENTS TO THE SATISFACTION OF THE BOARD THAT
41 THE DENTAL HYGIENIST MEETS ALL OF THE FOLLOWING:

42 (a) HOLDS A NEUROMODULATOR OR DERMAL FILLER CERTIFICATE ISSUED BY
43 THE BOARD.

44 (b) HAS ADMINISTERED BOTULINUM TOXINS OR DERMAL FILLERS UNDER THE
45 DIRECT SUPERVISION OF A DENTIST FOR AT LEAST SIX MONTHS.

1 (c) HAS SUCCESSFULLY COMPLETED AT LEAST SEVENTY-FIVE INJECTIONS
2 UNDER THE DIRECT SUPERVISION OF A DENTIST WITHIN A TWO-YEAR PERIOD.

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

8 H. A dental hygienist may perform dental hygiene procedures in the
9 following settings:

10 1. On a patient of record of a dentist within that dentist's
11 office.

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

16 3. In an inpatient hospital setting pursuant to subsection E of
17 this section.

18 I. A dental hygienist may provide dental hygiene services under an
19 affiliated practice relationship with a dentist as prescribed in section
20 32-1289.01.

21 J. For the purposes of this article:

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

27 2. "Dental hygiene assessment" means identifying an existing or
28 potential oral health problem that dental hygienists are educationally
29 qualified and licensed to treat.

30 3. "Dental hygiene treatment planning" means performing a
31 prioritized sequence of dental hygiene interventions that is predicated on
32 the dental hygiene assessment and that is limited to those services
33 included in the scope of practice for dental hygienists.

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

38 5. "General supervision" means:

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

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

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

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