

House Engrossed

dental board; licensure; testing

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2072

AN ACT

AMENDING SECTIONS 32-1236, 32-1276.02, 32-1281, 32-1287 AND 32-1297.06,
ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA 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 32-1236, Arizona Revised Statutes, is amended to
3 read:

4 32-1236. Dentist triennial licensure; continuing education;
5 license reinstatement; license for each place of
6 practice; notice of change of address or place of
7 practice; retired and disabled license status;
8 penalties

9 A. Except as provided in section 32-4301, a license expires thirty
10 days after the licensee's birth month every third year. On or before the
11 last day of the licensee's birth month every third year, every licensed
12 dentist shall submit to the board a complete renewal application and pay a
13 license renewal fee of not more than \$650, established by a formal vote of
14 the board. At least once every three years, before establishing the fee,
15 the board shall review the amount of the fee in a public meeting. Any
16 change in the amount of the fee shall be applied prospectively to a
17 licensee at the time of licensure renewal. The fee prescribed by this
18 subsection does not apply to a retired dentist or to a dentist with a
19 disability.

20 B. A licensee shall include a written affidavit with the renewal
21 application that affirms that the licensee complies with board rules
22 relating to continuing education requirements. A licensee is not required
23 to complete the written affidavit if the licensee received an initial
24 license within the year immediately preceding the expiration date of the
25 license or the licensee is in disabled status. If the licensee is not in
26 compliance with board rules relating to continuing education, the board
27 may grant an extension of time to complete these requirements if the
28 licensee includes a written request for an extension with the renewal
29 application instead of the written affidavit and the renewal application
30 is received on or before the last day of the licensee's birth month of the
31 expiration year. The board shall consider the extension request based on
32 criteria prescribed by the board by rule. If the board denies an
33 extension request, the license expires thirty days after the licensee's
34 birth month.

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

40 D. An expired license may be reinstated by submitting a complete
41 renewal application within the ~~twenty-four-month~~ TWELVE-MONTH period
42 immediately following the expiration of the license with payment of the
43 renewal fee and a \$100 penalty. Whenever issued, reinstatement is as of
44 the date of application and entitles the applicant to licensure only for
45 the remainder of the applicable three-year period. If a person does not

1 reinstate a license pursuant to this subsection, the person must reapply
2 for licensure pursuant to this chapter.

3 E. Each licensee must provide to the board in writing both of the
4 following:

- 5 1. A primary mailing address.
- 6 2. The address for each place of practice.

7 F. A licensee maintaining more than one place of practice shall
8 obtain from the board a duplicate license for each office. A fee set by
9 the board shall be charged for each duplicate license. The licensee shall
10 notify the board in writing within ten days after opening the additional
11 place or places of practice. The board shall impose a penalty of \$50 for
12 failure to notify the board.

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

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

19 1. Relinquish any prescribing privileges and shall attest by
20 affidavit that the licensee has surrendered to the United States drug
21 enforcement administration any registration issued pursuant to the federal
22 controlled substances act and has surrendered to the board any
23 registration issued pursuant to section 36-2606.

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

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

28 I. A licensee who changes the licensee's primary mailing address or
29 place of practice address shall notify the board of that change in writing
30 within ten days. The board shall impose a penalty of \$50 if a licensee
31 fails to notify the board of the change within that time. The board shall
32 increase the penalty imposed to \$100 if a licensee fails to notify it of
33 the change within thirty days.

34 Sec. 2. Section 32-1276.02, Arizona Revised Statutes, is amended to
35 read:

36 32-1276.02. Dental therapist triennial licensure; continuing
37 education; license renewal and reinstatement;
38 fees; civil penalties; retired and disabled
39 license status

40 A. Except as provided in section 32-4301, a license issued under
41 this article expires thirty days after the licensee's birth month every
42 third year. On or before the last day of the licensee's birth month every
43 third year, each licensed dental therapist shall submit to the board a
44 complete renewal application and pay a license renewal fee established by
45 a formal vote of the board. At least once every three years, before

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

21 C. An applicant for a dental therapy license for the first time in
22 this state shall pay a prorated fee for the period remaining until the
23 licensee's next birthday. This fee may not exceed one-third of the fee
24 prescribed pursuant to subsection A of this section. Subsequent
25 applications 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~~ TWELVE-MONTH period
28 immediately following the expiration of the license with payment of the
29 renewal fee and a \$100 penalty. When the license is issued, reinstatement
30 is as of the date of application and entitles the applicant to licensure
31 only for the remainder of the applicable three-year period. If a person
32 does not reinstate a license pursuant to this subsection, the person must
33 reapply for licensure pursuant to this article.

34 E. A licensee shall notify the board in writing within ten days
35 after the licensee changes the primary mailing address listed with the
36 board. The board shall impose a civil penalty of \$50 if a licensee fails
37 to notify the board of the change within that time. The board shall
38 increase the civil penalty to \$100 if a licensee fails to notify the board
39 of the change within thirty days.

40 F. A licensee who is at least sixty-five years of age and who is
41 fully retired and a licensee who has a permanent disability may contribute
42 services to a recognized charitable institution and still retain that
43 classification for triennial registration purposes by paying a reduced
44 renewal fee as prescribed by the board by rule.

1 G. A licensee is not required to maintain a dental hygienist
2 license.

3 Sec. 3. Section 32-1281, Arizona Revised Statutes, is amended to
4 read:

5 32-1281. Practicing as dental hygienist; supervision
6 requirements; definitions

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

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

- 12 1. Prophylaxis.
- 13 2. Scaling.
- 14 3. Closed subgingival curettage.
- 15 4. Root planing.
- 16 5. Administering local anesthetics and nitrous oxide.
- 17 6. Inspecting the oral cavity and surrounding structures for the
18 purposes of gathering clinical data to facilitate a diagnosis.
- 19 7. Periodontal screening or assessment.
- 20 8. Recording clinical findings.
- 21 9. Compiling case histories.
- 22 10. Exposing and processing dental radiographs.
- 23 11. Dental hygiene assessment and dental hygiene treatment planning
24 as components of a diagnosis and treatment plan developed by a dentist.
- 25 12. All functions authorized and deemed appropriate for dental
26 assistants.
- 27 13. Except as provided in paragraph 14 of this subsection, those
28 restorative functions permissible for an expanded function dental
29 assistant if qualified pursuant to section 32-1291.01.
- 30 14. Placing interim therapeutic restorations after successfully
31 completing a course at an institution accredited by the commission on
32 dental accreditation of the American dental association.

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

- 35 1. Apply preventive and therapeutic agents to the hard and soft
36 tissues.
- 37 2. Use emerging scientific technology and prescribe the necessary
38 training, experience and supervision to operate newly developed scientific
39 technology. A dentist who supervises a dental hygienist whose duties
40 include the use of emerging scientific technology must have training on
41 using the emerging technology that is equal to or greater than the
42 training the dental hygienist is required to obtain.
- 43 3. Perform other procedures not specifically authorized by this
44 section.

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

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

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

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

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

16 (b) The dental hygienist successfully completes an examination in
17 local anesthesia given by ~~the western regional examining board or a~~
18 ~~written and clinical examination of another~~ A state or regional
19 ~~examination that is substantially equivalent to the requirements of this~~
20 ~~state, as determined by the board~~ TESTING AGENCY IN THE UNITED STATES.

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

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

26 (a) The dental hygienist holds a local anesthesia certificate
27 issued by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 J. For the purposes of this article:

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

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

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

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

39 5. "General supervision" means:

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

43 (b) With respect to an inpatient hospital setting, that a physician
44 who is licensed pursuant to chapter 13 or 17 of this title is available

1 for consultation, whether or not the physician is physically present at
2 the hospital.

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

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

11 Sec. 4. Section 32-1287, Arizona Revised Statutes, is amended to
12 read:

13 32-1287. Dental hygienist triennial licensure; continuing
14 education; license reinstatement; notice of change
15 of address; penalties; retired and disabled
16 license status

17 A. Except as provided in section 32-4301, a license expires thirty
18 days after the licensee's birth month every third year. On or before the
19 last day of the licensee's birth month every third year, every licensed
20 dental hygienist shall submit to the board a complete renewal application
21 and pay a license renewal fee of not more than \$325, established by a
22 formal vote of the board. At least once every three years, before
23 establishing the fee, the board shall review the amount of the fee in a
24 public meeting. Any change in the amount of the fee shall be applied
25 prospectively to a licensee at the time of licensure renewal. The fee
26 prescribed by this section does not apply to a retired hygienist or a
27 hygienist with a disability.

28 B. A licensee shall include a written affidavit with the renewal
29 application that affirms that the licensee complies with board rules
30 relating to continuing education requirements. A licensee is not required
31 to complete the written affidavit if the licensee received an initial
32 license within the year immediately preceding the expiration date of the
33 license or the licensee is in disabled status. If the licensee is not in
34 compliance with board rules relating to continuing education, the board
35 may grant an extension of time to complete these requirements if the
36 licensee includes a written request for an extension with the renewal
37 application instead of the written affidavit and the renewal application
38 is received on or before the last day of the licensee's birth month of the
39 expiration year. The board shall consider the extension request based on
40 criteria prescribed by the board by rule. If the board denies an
41 extension request, the license expires thirty days after the licensee's
42 birth month of the expiration year.

43 C. A person applying for a license for the first time in this state
44 shall pay a prorated fee for the period remaining until the licensee's
45 next birth month. This fee shall not exceed one-third of the fee

1 established pursuant to subsection A of this section. Subsequent
2 registrations shall be conducted pursuant to this section.

3 D. An expired license may be reinstated by submitting a complete
4 renewal application within the ~~twenty-four-month~~ TWELVE-MONTH period
5 immediately following the expiration of the license with payment of the
6 renewal fee and a \$100 penalty. Whenever issued, reinstatement is as of
7 the date of application and entitles the applicant to licensure only for
8 the remainder of the applicable three-year period. If a person does not
9 reinstate a license pursuant to this subsection, the person must reapply
10 for licensure pursuant to this chapter.

11 E. A licensee shall notify the board in writing within ten days
12 after the licensee changes the primary mailing address listed with the
13 board. The board shall impose a penalty of \$50 if a licensee fails to
14 notify the board of the change within that time. The board shall increase
15 the penalty imposed to \$100 if a licensee fails to notify it of the change
16 within thirty days.

17 F. A licensee who is over sixty-five years of age and who is fully
18 retired and a licensee who has a permanent disability may contribute
19 services to a recognized charitable institution and still retain that
20 classification for triennial registration purposes on payment of a reduced
21 renewal fee as prescribed by the board by rule.

22 Sec. 5. 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~~ TWELVE-MONTH
17 period immediately following the expiration of the certificate with
18 payment of the renewal fee and a \$100 penalty. Whenever issued,
19 reinstatement is as of the date of application and entitles the applicant
20 to certification only for the remainder of the applicable three-year
21 period. If a person does not reinstate a certificate pursuant to this
22 subsection, the person must reapply for certification pursuant to this
23 chapter.

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

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

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

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