

House Engrossed

~~dental board; business entities; enforcement~~
(now: dental board; unauthorized practice)

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

HOUSE BILL 2306

AN ACT

AMENDING TITLE 32, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-1207.01; REPEALING SECTIONS 32-1297.08 AND 32-1297.09,
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. Title 32, chapter 11, article 1, Arizona Revised
3 Statutes, is amended by adding section 32-1207.01, to read:

4 32-1207.01. Cease and desist orders; injunctive relief; civil
5 penalty; definition

6 A. IN ADDITION TO ALL OTHER REMEDIES AVAILABLE BY LAW, IF IT
7 APPEARS TO THE BOARD OR ITS DESIGNATED AUTHORITY, EITHER ON THE RECEIPT OF
8 A COMPLAINT OR OTHERWISE, THAT A PERSON IS ENGAGED IN THE UNAUTHORIZED
9 PRACTICE OF DENTISTRY, THE BOARD MAY EITHER:

10 1. ISSUE A CEASE AND DESIST ORDER TO THE PERSON, BY CERTIFIED MAIL
11 OR PERSONAL SERVICE, STATING THE REASONS FOR THE ISSUANCE AND REQUIRE THE
12 PERSON TO IMMEDIATELY CEASE AND DESIST FROM FURTHER ENGAGING IN THE
13 UNAUTHORIZED PRACTICE OF DENTISTRY.

14 2. APPLY TO THE APPROPRIATE COURT FOR AN ORDER ENJOINING THE
15 UNAUTHORIZED PRACTICE OF DENTISTRY AND, ON PROPER SHOWING BY THE BOARD
16 THAT THE PERSON HAS ENGAGED IN THE UNAUTHORIZED PRACTICE OF DENTISTRY, THE
17 COURT SHALL GRANT AN INJUNCTION, RESTRAINING ORDER OR OTHER ORDER AS MAY
18 BE APPROPRIATE WITHOUT BOND.

19 B. A PERSON WHO RECEIVES A CEASE AND DESIST ORDER ISSUED BY THE
20 BOARD UNDER THIS SECTION MAY REQUEST A HEARING PURSUANT TO TITLE 41,
21 CHAPTER 6, ARTICLE 10 WITHIN THIRTY DAYS AFTER THE DATE OF THE ORDER.

22 C. IF A PERSON FAILS TO COMPLY WITH AN ORDER ISSUED BY THE BOARD
23 PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF THIS SECTION, THE BOARD SHALL
24 FILE AN ACTION PURSUANT TO SUBSECTION A, PARAGRAPH 2 OF THIS SECTION TO
25 RESTRAIN AND ENJOIN THE PERSON FROM ENGAGING IN THE UNAUTHORIZED PRACTICE
26 OF DENTISTRY. THE COURT IN THE ACTION SHALL PROCEED AS IN OTHER ACTIONS
27 FOR INJUNCTION. IF THE COURT FINDS THAT THE PERSON FAILED TO COMPLY WITH
28 THE CEASE AND DESIST ORDER, THE COURT SHALL IMPOSE A CIVIL PENALTY OF AT
29 LEAST \$500 AND NOT MORE THAN \$2,000 PER VIOLATION.

30 D. FOR PURPOSES OF THIS SECTION, "UNAUTHORIZED PRACTICE OF
31 DENTISTRY" MEANS TO ENGAGE IN ANY PROCEDURE THAT WOULD OTHERWISE BE
32 PERFORMED BY A LICENSED DENTIST, DENTAL THERAPIST OR DENTAL HYGIENIST OR A
33 CERTIFIED DENTURIST WITHOUT HAVING THE LICENSURE OR CERTIFICATION REQUIRED
34 UNDER THIS CHAPTER.

35 Sec. 2. Repeal

36 Sections 32-1297.08 and 32-1297.09, Arizona Revised Statutes, are
37 repealed.