

Senate Engrossed

dental hygienists; botox; continuing education

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

# SENATE BILL 1269

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 THE DENTAL HYGIENIST SUCCESSFULLY COMPLETES THE REQUIRED CONTINUING  
33 EDUCATION AS DETERMINED BY THE BOARD.

34 5. ADMINISTERING BOTULINUM TOXINS OR DERMAL FILLERS UNDER THE  
35 GENERAL SUPERVISION OF A DENTIST WHO IS LICENSED PURSUANT TO THIS CHAPTER  
36 IF THE DENTAL HYGIENIST DOCUMENTS TO THE SATISFACTION OF THE BOARD THAT  
37 THE DENTAL HYGIENIST MEETS BOTH OF THE FOLLOWING:

38 (a) HAS ADMINISTERED BOTULINUM TOXINS OR DERMAL FILLERS UNDER THE  
39 DIRECT SUPERVISION OF A DENTIST FOR AT LEAST SIX MONTHS.

40 (b) HAS SUCCESSFULLY COMPLETED AT LEAST SEVENTY-FIVE INJECTIONS  
41 UNDER THE DIRECT SUPERVISION OF A DENTIST WITHIN A TWO-YEAR PERIOD.

42 G. The board may issue local anesthesia and nitrous oxide analgesia  
43 certificates to a licensed dental hygienist on receipt of evidence  
44 satisfactory to the board that the dental hygienist holds a valid

1 certificate or credential in good standing in the respective procedure  
2 issued by a licensing board of another jurisdiction of the United States.

3 H. A dental hygienist may perform dental hygiene procedures in the  
4 following settings:

5 1. On a patient of record of a dentist within that dentist's  
6 office.

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

11 3. In an inpatient hospital setting pursuant to subsection E of  
12 this section.

13 I. A dental hygienist may provide dental hygiene services under an  
14 affiliated practice relationship with a dentist as prescribed in section  
15 32-1289.01.

16 J. For the purposes of this article:

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

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

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

29 4. "Direct supervision" means that the dentist is present in the  
30 office while the dental hygienist is treating a patient and is available  
31 for consultation regarding procedures that the dentist authorizes and for  
32 which the dentist is responsible.

33 5. "General supervision" means:

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

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

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



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

4           Sec. 3. Rulemaking

5           On or before July 1, 2025, the state board of dental examiners shall  
6 adopt rules pursuant to title 41, chapter 6, Arizona Revised Statutes, for  
7 the purposes of section 32-1207, subsection H, Arizona Revised Statutes,  
8 as added by this act.