

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2306
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 APPEARS
7 TO THE BOARD OR ITS DESIGNATED AUTHORITY, EITHER ON THE RECEIPT OF A
8 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 THAT
16 THE PERSON HAS ENGAGED IN THE UNAUTHORIZED PRACTICE OF DENTISTRY, THE COURT
17 SHALL GRANT AN INJUNCTION, RESTRAINING ORDER OR OTHER ORDER AS MAY BE
18 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 FILE

1 AN ACTION PURSUANT TO SUBSECTION A, PARAGRAPH 2 OF THIS SECTION TO RESTRAIN
2 AND ENJOIN THE PERSON FROM ENGAGING IN THE UNAUTHORIZED PRACTICE OF
3 DENTISTRY. THE COURT IN THE ACTION SHALL PROCEED AS IN OTHER ACTIONS FOR
4 INJUNCTION. IF THE COURT FINDS THAT THE PERSON FAILED TO COMPLY WITH THE
5 CEASE AND DESIST ORDER, THE COURT SHALL IMPOSE A CIVIL PENALTY OF AT LEAST
6 \$500 AND NOT MORE THAN \$2,000 PER VIOLATION.

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

12 Sec. 2. Repeal

13 Sections 32-1297.08 and 32-1297.09, Arizona Revised Statutes, are
14 repealed."

15 Amend title to conform

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01/19/2024
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C: MH