

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for Register publication and filing and the agency decides that prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office. The Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 411001 et seq.) publication of the Notice of Supplemental Proposed Rulemaking in the Register before holding any oral proceedings (A.R.S. § 411022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking: Notice of Proposed Rulemaking: 4 A.A.R. 2336-2360, September 4, 1998.

Table with 2 columns: Sections Affected (R4-11-401 to R4-11-906) and Rulemaking Action (Renumber, Amend).

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific): Authorizing statute: A.R.S. § 32-1207(A)(1) and (B)(3). Implementing statutes: A.R.S. §§ 32-1232, 32-1236, 32-1262, 32-1284, 32-1287, 32-1297.04, and 32-1297.06.

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking: Name: Julie Chapko, Executive Director; Address: 5060 N. 19th Avenue, Suite 406 Phoenix, Arizona 85015; Telephone: (602) 242-1492; Fax: (602) 242-1445

5. An explanation of the rule, including the agency's reasons for initiating the rule: The fee rules are being renumbered from Article 9 to Article 4. The rules stating the licensure fees for dentists, hygienists, and denturists are merely being amended to reflect that these fees are at their statutory maximum, pursuant to the Board's votes at its August 1993 and August 1997 meetings. The Board was planning to repeal these rules, since the fees are in statute; however, the statutory language is written as "not to exceed" fees. Therefore, for clarity, these fees which have been in place since August 1993 for dentists and hygienists, and since August 1997 for denturists, will be restated in the rules. The rules stating the penalty fee for late filing of a license registration fee, and the duplicate license fee, are at there statutory maximums. These rules are also being renumbered and amended for grammatical clarification.

**Notices of Supplemental Proposed Rulemaking**

**6. An explanation of the substantial change which resulted in this supplemental notice:**

The Board initially proposed to repeal the triennial registration fee rules for dentists, hygienists, and denturists; and the penalty and duplicate licensee fees because its believed that the statute provisions regarding these fees eliminated the necessity of having these rules. However, the statutory language states these fees as "not to exceed" fees, rather than a specific fee amount. Therefore, the Board decided to amend these fee rules to be consistent with statute and Board votes regarding fees. Although the statutes and minutes of Board meetings reflected the proper fee amounts, it is possible that someone could have misinterpreted the Board's proposed action of repealing these old fee rules to mean that there would no longer be a fee. As a conservative approach, the Board is issuing this supplemental notice.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**8. The preliminary summary of the economic, small business, and consumer impact:**

There is no economic, small business, or consumer impact by merely amending these rules to reflect the statutory maximum of fees that have been in place for quite some time. The Board's statutes mandated that the Board set fees for the licensure of dentists, hygienists, and denturists, not to exceed \$450.00, \$225.00, \$225.00, respectively. At its August 1993 Board meeting, the Board voted to increase the dentist and hygienist fees to their statutory maximum. At its August 1997 meeting, the Board voted to increase the dentist fee to its statutory maximum. These fees have been in place since those times, and the licensees have gone through one or more license renewals, paying the statutory maximums. With respect to the penalty fee for filing a late license registration fee, and the duplicate license fee, these rules already were at the \$25.00 statutory maximum for both fees.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Julie Chapko, Executive Director  
 Address: 5060 N. 19th Avenue Suite 406  
 Phoenix, Arizona 85015  
 Telephone: (602) 242-1492  
 Fax: (602) 242-1445

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

Date: December 14, 1998  
 Time: 9 a.m.  
 Location: Arizona State Board of Dental Examiners  
 5060 N. 19th Avenue, Suite 406  
 Phoenix, Arizona 85015

Nature: Public comment hearing at which members of the public may appear and make comments regarding the rules and the economic, small business, and consumer impact statement.

The Board will accept comments until the close of record, which will not be before December 14, 1998.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None.

**12. Incorporations by reference and their location in the rules:**

None.

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS**

**ARTICLE 9. 4. FEES**

**ARTICLE 9. 4. FEES**

Section

- R4-11-901R4-11-401.Triennial registration fees -- dentist
- R4-11-902R4-11-402.Triennial registration fees -- hygienist
- R4-11-903R4-11-403.Triennial registration fees -- retired or disabled licensees and certificate holders
- R4-11-904R4-11-404.Penalty fees
- R4-11-905R4-11-405.Duplicate license -- duplicate registration receipt
- R4-11-906R4-11-406.Triennial registration fees -- dentist
- R4-11-909R4-11-407.Fees for Anesthesia and Sedation Permits

- ~~R4-11-901R4-11-401.Triennial registration fees -- dentist~~  
 Pursuant to A.R.S. § 32-1236, the triennial registration fee for hygienists shall be \$360.00. The triennial registration fee for hygienists is \$450.00.
- ~~R4-11-901R4-11-401.Triennial registration fees -- hygienist~~  
 Pursuant to A.R.S. § 32-1287, the triennial registration fee for hygienists shall be \$180.00. The triennial registration fee for hygienists is \$225.00.

Notices of Supplemental Proposed Rulemaking

**R4-11-903R4-11-403.Triennial registration fees -- retired or disabled licensees and certificate holders**

- A. No change.
- B. No change.
- C. No change.
- D. No change.

**R4-11-904R4-11-404.Penalty fees**

Should a licensee fail to pay the annual registration fee on or before June 30, there shall be a penalty fee assessed in the amount of \$25.00. The penalty fee for a licensee who does not pay the annual registration fee on or before June 30 is \$25.00.

**R4-11-905R4-11-405.Duplicate license -- duplicate registration receipt**

There shall be a fee of \$25.00 for each duplicate license and/or duplicate registration receipt. Each duplicate licensee or registration fee is \$25.00.

**R4-11-906R4-11-406.Triennial registration fees -- dentist**

Pursuant to A.R.S. § 32-1297.06, the triennial registration fee for

denturists shall be \$210.00. The triennial registration fee for denturists is \$225.00.

**R4-11-909R4-11-407.Fees for Anesthesia and Sedation Permits**

- A. Pursuant to A.R.S. § 32-1207(D), the application fee for a Section 802 1301 permit to administer general anesthesia and semiconscious sedation or a Section 803 1302 permit to administer conscious sedation shall be \$300.
- B. Upon successful completion of the initial on-site evaluation and upon receipt of appropriate fees the required permit fee as defined in R4-11-909(A), the dentist shall be issued the Board shall issue a separate Section 802 or 803 1301 or 1302 permit to a dentist with an expiration date which falls into the existing anesthesia permit triennial period for each location requested by the dentist. A permit expires on December 31 of every third year.
- C. The renewal fee for each Section 802 or 803 1301 or 1302 permit shall be \$300 per doctor dentist, per location.