

# NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

## NOTICE OF FINAL RULEMAKING

### TITLE 4. PROFESSIONS AND OCCUPATIONS

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

[R05-57]

#### PREAMBLE

#### 1. Sections Affected

#### Rulemaking Action

R4-11-101	Amend
R4-11-301	Amend
R4-11-303	Amend
R4-11-305	Amend
R4-11-401	Amend
R4-11-402	Repeal
R4-11-402	New Section
R4-11-403	Repeal
R4-11-404	Repeal
R4-11-501	Amend
R4-11-801	Amend
R4-11-802	Amend
R4-11-901	Amend
R4-11-902	Amend
R4-11-904	Amend
R4-11-905	Amend
R4-11-1101	Amend
R4-11-1102	New Section
Article 12	Amend
R4-11-1201	Amend
R4-11-1202	Amend
R4-11-1203	Amend
R4-11-1204	Amend
R4-11-1205	Amend
R4-11-1206	Amend
R4-11-1207	Repeal
R4-11-1207	New Section
R4-11-1208	New Section
R4-11-1209	New Section
Article 14	Amend
R4-11-1401	Repeal
R4-11-1401	New Section
R4-11-1402	Repeal
R4-11-1402	New Section
R4-11-1403	Repeal
R4-11-1403	New Section
R4-11-1404	Repeal
R4-11-1404	New Section
R4-11-1405	Repeal
R4-11-1405	New Section
R4-11-1406	Repeal
R4-11-1406	New Section
Article 15	Amend
R4-11-1501	Amend

Notices of Final Rulemaking

R4-11-1503	Amend
R4-11-1504	New Section
Article 18	New Article
R4-11-1801	New Section
R4-11-1802	New Section

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. § 32-1207(A)(1), and (4) through (12) and (B) (3)

Implementing statutes: A.R.S. §§ 32-1202, 32-1213, 32-1231, 32-1232, 32-1233, 32-1234, 32-1236, 32-1237, 32-1238, 32-1239, 32-1240, 32-1263, 32-1263.01, 32-1263.02, 32-1264, 32-1284, 32-1285, 32-1287, 32-1292, 32-1295, 32-1297.01, 32-1297.02, 32-1297.03, 32-1297.06, and 32-1298

**3. The effective date of the rules:**

April 2, 2005

**4. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 10 A.A.R. 977, March 12, 2004

Notice of Proposed Rulemaking: 10 A.A.R. 3237, August 20, 2004

**5. The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: Julie N. Chapko, Executive Director

Address: State Board of Dental Examiners  
5060 N. 19th Ave., Suite 406  
Phoenix, AZ 85015

Telephone: (602) 242-1492

Fax: (602) 242-1445

E-mail: jnchapko@azbodex.com

**6. An explanation of the rules, including the agency's reasons for initiating the rules:**

The Board is proposing amendments to Article 1 (Definitions), Article 3 (Examinations, Licensing Qualifications, Application and Renewal, Time-frames), Article 4 (Fees), Article 5 (Dentists), Article 8 (Denturists), Article 9 (Restricted Permits), Article 11 (Advertising), Article 12 (Continuing Dental Education), Article 14 (Dispensing Drugs and Devices for Profit and Not for Profit), and Article 15 (Complaints, Investigations, Disciplinary Action, Reinstatement of Revoked Licenses), and a new Article 18 (Business Entities). The proposed amendments to Articles 3, 4, 8, 9, and 12 involve new statutory requirements for denturists, dental consultants, restricted permits, and business entities made during the 2003 legislative session. A new Article 18 is necessary because of statutory changes made during the 2003 legislative session prescribing the registration requirements for business entities. The Board is proposing amendments to Articles 12 and 14 specifying the requirements for continuing education and dentists dispensing drugs based on changes identified in the Board's five-year rule review report approved by the Governor's Regulatory Review Council on September 9, 2003. The Board determined it is necessary to amend Articles 5, 11, and 15 involving dentist of record, advertising, and complaints to improve clarity, conciseness, and understandability of the rules. The rules include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

**7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Board did not review any study relevant to the rules.

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

Not applicable

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

The rules will impact the Board, dentists, dental hygienists, denturists, regulated business entities, and the public. The rules' impact on the Board will be the usual rulemaking-related costs which are moderate. The rules will have little or no economic impact on the majority of dentists, dental hygienists or denturists. The majority of the changes to the rules are simply to improve the clarity, conciseness, and understandability of the rules. The rules have no economic impact on the public.

A major economic impact of the rules will be on retired licensees who will now be required to maintain continuing education. As of July 26, 2004, the Board licensed 3,573 dentists, 2,764 dental hygienists, and 11 denturists. Of these, the number of retired licensees is 139 dentists, 21 dental hygienists, and zero denturists. The Board estimates the

Notices of Final Rulemaking

additional cost to retired licensees to be approximately \$55 per credit hour of continuing education. Under the rules, the number of credit hours of continuing education required for a retired licensee is 24 hours for dentists, 18 hours for dental hygienists, and 6 hours for denturists. The economic impact on a retired licensee will be spread over the three-year renewal period. The approximate impact will be for a retired dentist, \$1320, for a retired dental hygienist, \$990, and for a retired denturist, \$330.

The other major economic impact of the rules will be on regulated business entities. A statutory change made by the 2003 Legislature requires the Board to register business entities. The rules include language prescribing the registration process and fee for business entities. The new business entity registration fee is \$100 per year. The Board estimates the administrative cost to register a business entity is approximately \$25 per business entity. The Board estimates that there are 93 business entities affected by this rule. The economic impact on a business entity is considered minimal.

The Board will see an increase in revenue of approximately \$8,370 annually with an increase in the general fund of approximately \$930 annually from registering 93 business entities. The Board will see a total increase in administrative costs of approximately \$2,325 annually. The Board's total net increase in revenue will be approximately \$6,045 annually from registering 93 business entities.

The Board, dentists, dental hygienists, denturists, and the public benefit from rules that are clear, concise, and understandable. The rules benefit the public health and safety by clearly establishing the Board's regulatory processes for licensing, certifying, registering, and continually monitoring the practice of dentists and supervised personnel.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Minor technical and grammatical changes were made at the suggestion of G.R.R.C. staff. There are no substantive changes between the final rule and the proposed rule.

**11. A summary of the comments made regarding the rules and the agency response to them:**

No one attended the public hearing and the Board received no oral or written comments on the proposed rules.

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

Not applicable

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

None

**14. Were the rules previously approved as emergency rules?**

No

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

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

**ARTICLE 1. DEFINITIONS**

Section

R4-11-101. Definitions

**ARTICLE 3. EXAMINATIONS, LICENSING QUALIFICATIONS, APPLICATION AND RENEWAL, TIME-FRAMES**

Section

R4-11-301. Application

R4-11-303. Application Processing Procedures: Issuance, Denial, and Renewal of Dental Licenses, Restricted Permits, Dental Hygiene Licenses, Dental Consultant Licenses, Denturist Certificates, ~~and~~ Drug or Device Dispensing Registrations, and Business Entity Registrations

R4-11-305. Application Processing Procedures: Issuance, Denial, and Renewal of General Anesthesia and Semi-conscious Sedation Permits, ~~and~~ Conscious Sedation Permits, and Oral Conscious Sedation Permits

**ARTICLE 4. FEES**

Section

R4-11-401. Retired or Disabled Licensure Fees

R4-11-402. ~~Denturist Certification Fees~~ Business Entity Fees

R4-11-403. ~~Examination Fees~~ Repealed

Notices of Final Rulemaking

R4-11-404. ~~Penalty Fees for Late Renewal~~ Repealed

**ARTICLE 5. DENTISTS**

Section

R4-11-501. Dentist of Record

**ARTICLE 8. DENTURISTS**

Section

R4-11-801. ~~Denturist Consultants to the Board~~

R4-11-802. ~~Recognition of Schools of Denture Technology Curriculum~~

**ARTICLE 9. RESTRICTED PERMITS**

Section

R4-11-901. Application for Restricted Permit

R4-11-902. Issuance of a Restricted Permit

R4-11-904. Determination of Minimum Rate

R4-11-905. Restricted Permit Denial

**ARTICLE 11. ADVERTISING**

Section

R4-11-1101. Advertising

R4-11-1102. ~~Renumbered~~ Advertising as a Recognized Specialist

**ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS**

Section

R4-11-1201. Continuing Dental Education

R4-11-1202. Continuing Education Compliance and Renewal Requirements

R4-11-1203. Dentists, Dental Consultants

R4-11-1204. Dental Hygienists

R4-11-1205. Denturists

R4-11-1206. Restricted Permit Holders Dental

R4-11-1207. ~~Types of Courses~~ Restricted Permit Holders - Dental Hygiene

R4-11-1208. Retired Licensees or Certificate Holders

R4-11-1209. Types of Courses

**~~ARTICLE 14. DISPENSING DRUGS AND DEVICES FOR PROFIT AND NOT FOR PROFIT~~**

Section

R4-11-1401. ~~Registration and Renewal~~ Prescribing

R4-11-1402. ~~Prescribing~~ Labeling and Dispensing

R4-11-1403. ~~Labeling and Dispensing~~ Storage and Packaging

R4-11-1404. ~~Storage and Packaging~~ Recordkeeping

R4-11-1405. ~~Recordkeeping~~ Compliance

R4-11-1406. ~~Compliance~~ Dispensing for Profit Registration and Renewal

**~~ARTICLE 15. COMPLAINTS, INVESTIGATIONS, DISCIPLINARY ACTION, REINSTATEMENT  
OF REVOKED LICENSES~~**

Section

R4-11-1501. Ex-parte Communication

R4-11-1503. Initial Complaint Review

R4-11-1504. ~~Expired~~ Postponement of Investigative or Informal Interview

**ARTICLE 18. BUSINESS ENTITIES**

Section

R4-11-1801. Application

R4-11-1802. Display of Registration

**ARTICLE 1. DEFINITIONS**

**R4-11-101. Definitions**

The following definitions, and definitions in A.R.S. § 32-1201, apply to this Chapter:

Notices of Final Rulemaking

“Analgesia” means a state of decreased sensibility to pain produced by using nitrous oxide (N<sub>2</sub>O) and oxygen (O<sub>2</sub>) with or without local anesthesia.

“Anxiolysis” means the reduction or elimination of anxiety.

“Application” means, for purposes of Article 3 only, forms designated as applications and all documents and additional information the Board requires to be submitted with an application.

“Business Entity” means a business organization that offers to the public professional services regulated by the Board and is established under the laws of any state or foreign country, including a sole practitioner, partnership, limited liability partnership, corporation, and limited liability company, unless specifically exempted by A.R.S. § 32-1213(H).

“Calculus” means a hard mineralized deposit attached to the teeth.

“Certificate holder” means a denturist who practices denture technology under A.R.S. Title 32, Chapter 11, Article 5.

“Charitable Dental Clinic or Organization” means a non-profit organization meeting the requirements of 26 U.S.C. 501(c)(3) and providing dental or dental hygiene services.

“Clinical evaluation” means a dental examination of ~~the a~~ patient named in a complaint regarding the patient’s dental condition as it exists at the time the examination is performed.

“Closed subgingival curettage” means the removal of the inner surface of the soft tissue wall of a periodontal pocket in a situation where a flap of tissue has not been intentionally or surgically opened.

“Combined inhalation and enteral conscious sedation” is conscious sedation induced by the administration of nitrous oxide and oxygen in combination with one or more enteral drugs or non-drug substances.

“Conscious sedation” is a minimally depressed level of consciousness that allows the patient to retain the ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command and is induced by a drug or non-drug method or a combination of both methods.

“Controlled substance” has the meaning prescribed in A.R.S. § 36-2501(A)(3).

“Credit hour” means one clock hour of participation in a recognized continuing dental education program.

“Deep sedation” has the same meaning as “semi-conscious sedation”.

“Dental laboratory technician” or “dental technician” has the meaning prescribed in A.R.S. § 32-1201(6).

“Dentist of record” means a dentist who examines, diagnoses, and formulates treatment plans for a patient and may provide treatment to the patient.

“Designee” means a person to whom the Board delegates authority to act on the Board’s behalf regarding a particular task specific by this Chapter.

“Direct supervision” means, for purposes of Article 7 only, that a licensed dentist is present in the office and available to provide immediate treatment or care to a patient and observe a dental assistant’s work.

“Direct supervision” means, for purposes of Article 13 only, that a licensed dentist is physically present in the operatory and actually performing dental procedures.

“Disabled” means a dentist, dental hygienist, or denturist has totally withdrawn from the active practice of dentistry, dental hygiene, or denturism due to a permanent medical disability and based on a physician’s order.

“Dispense for profit” means selling a drug or device for any amount above the administrative overhead costs to inventory.

“Documentation of attendance” means ~~a document~~ documents that ~~contains~~ contain the following information:

Name of sponsoring entity;

Course title ~~and synopsis~~;

Number of credit hours;

Name of speaker; ~~and~~

Date, time, and location of the course; ~~and~~

~~Signature of person authorized to verify registration.~~

“Drug” means:

Articles recognized, or for which standards or specifications are prescribed, in the official compendium;

Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in the human body;

Articles other than food intended to affect the structure or any function of the human body; or

Articles intended for use as a component of any articles specified in this definition but does not include devices or components, parts, or accessories of devices.

“Enteral” means an administration technique in which a drug or non-drug substance is absorbed through the oral, rectal, sublingual, or nasal mucosa.

“Epithelial attachment” means the layer of cells that extends apically from the depth of the gingival (gum) sulcus (crevice) along the tooth forming an organic attachment.

“Ex-parte communication” means a written or oral communication between a decision maker, fact finder, or Board member and one party to the proceeding, in the absence of other parties.

~~“Fully retired” means a dentist, dental hygienist, or denturist is at least 65 years old and has totally withdrawn from the active practice of dentistry, dental hygiene, or denturism.~~

“General anesthesia” is a state of unconsciousness accompanied by partial or complete loss of protective reflexes, including the inability to continually maintain an airway and to respond appropriately to physical stimulation or verbal com-

mand, that is induced by a drug or non-drug method or a combination of both methods.

“General supervision” means for purposes of Article 7 only, a licensed dentist is available for consultation, whether or not the dentist is in the office, regarding procedures or treatment that the dentist authorizes and for which the dentist remains responsible.

“Homebound patient” means a person who is unable to receive dental care in a dental office as a result of a medically diagnosed disabling physical or mental condition.

“Informal interview” means a proceeding conducted under A.R.S. § 32-1263.02, during which a Board member, acting as an informal interviewing officer, and other investigators, hear testimony from a complainant, licensee, or certificate holder, and any witnesses, and receive and review evidence relating to a complaint to form findings of fact, conclusions of law, and a recommended disposition for presentation to the full Board.

“Intravenous or intramuscular sedation” is the parenteral use of a drug or non-drug substance to induce general anesthesia, semi-conscious sedation, or conscious sedation.

“Investigative interview” means a proceeding conducted under A.R.S. § 32-1263.02, during which an investigator or investigative panel hears testimony from a complainant, licensee, or certificate holder, and any witnesses, and receives and reviews evidence relating to a complaint to form findings of fact, conclusions of law, and a recommended disposition for presentation to the full Board.

“Irreversible procedure” means a single treatment, or a step in a series of treatments, that causes change in the affected hard or soft tissues and is permanent or ~~requires~~ may require reconstructive or corrective procedures to correct the changes.

“Jurisdiction” means the Board’s power to investigate and rule on complaints that allege grounds for disciplinary action under A.R.S. Title 32, Chapter 11 or this Chapter.

~~“Lay person” means a person who is not a dentist, dental hygienist, dental assistant, denturist, or dental technician.~~

“Licensee” means a dentist, dental hygienist, dental consultant, retired licensee, or person who holds a restricted permit under A.R.S. §§ 32-1237 or 32-1292.

“Local anesthesia” is the elimination of sensations, such as pain, in one part of the body by the injection of an anesthetic drug.

“Nitrous oxide analgesia” means nitrous oxide (N<sub>2</sub>O/O<sub>2</sub>) used as an inhalation analgesic. “Nonsurgical periodontal treatment” means plaque removal, plaque control, supragingival and subgingival scaling, root planing, and the adjunctive use of chemical agents.

“Nurse anesthetist” means a licensed nurse with special training in all phases of anesthesia.

“Official compendium” means the latest revision of the United States Pharmacopeia and the National Formulary and any current supplement.

“Outpatient” means an individual who receives treatment in a dental office or clinic.

“Oral conscious sedation” is conscious sedation induced by an enterally administered drug or non-drug substance or combination inhalation and enterally administered drug or non-drug substance on an outpatient basis.

“Patient of record” means a patient who has undergone a complete dental evaluation performed by a licensed dentist.

“Periodontal examination and assessment” means to collect and correlate clinical signs and patient symptoms that point to either the presence of or the potential for periodontal disease.

“Periodontal pocket” means a pathologic fissure bordered on one side by the tooth and on the opposite side by crevicular epithelium and limited in its depth by the epithelial attachment.

~~“Permanently disabled” means a dentist, dental hygienist, or denturist has totally withdrawn from the active practice of dentistry, dental hygiene, or denturism due to a physician’s order because of a medical reason.~~

“Plaque” means a film-like sticky substance composed of mucoidal secretions containing bacteria and toxic products, dead tissue cells, and debris.

“Prescription-only device” means:

Any device that is restricted by the federal act, as defined in A.R.S. § 32-1901, to use only under the supervision of a medical practitioner; or

Any device required by the federal act, as defined in A.R.S. § 32-1901, to bear on its label the legend “Rx Only.”

“Prescription-only drug” means:

~~A drug that, because of its toxicity or other potential for harmful effect, the method of its use, or the collateral measures necessary to its use, is not generally recognized by experts who are qualified by scientific training and experience to evaluate the drug’s safety and efficacy, as safe for use, except by or under the supervision of a medical practitioner;~~

~~A drug that is limited by an approved new drug application under the federal act or A.R.S. § 32-1962 to use under the supervision of a medical practitioner;~~

~~A potentially harmful drug, the labeling of which does not contain full and adequate directions for use by the consumer; or~~

~~A drug, other than a controlled substance, required by the federal act to contain on its label the legend “Rx Only.” does not include a controlled substance but does include:~~

Any drug that, because of its toxicity or other potentiality for harmful effect, the method of its use, or the collateral measures necessary to its use, is not generally recognized among experts, qualified by scientific training and experience to evaluate its safety and efficacy, as safe for use, except by or under the supervision of a medical practitioner; Any drug that is limited by an approved new drug application under the federal act or A.R.S. § 32-1962 to use under the supervision of a medical practitioner;

Every potentially harmful drug, the labeling of which does not bear or contain full and adequate directions for use by the consumer; or

Any drug, other than a controlled substance, required by the federal act to bear on its label the legend "Rx Only."

"President's designee" means the Board's executive director, an investigator, or a Board member acting on behalf of the Board president.

"Preventative and therapeutic agents" means substances used in relation to dental hygiene procedures that affect the hard or soft oral tissues to aid in preventing or treating oral disease.

"Prophylaxis" means a scaling and polishing procedure performed on patients with healthy tissues to remove coronal plaque, calculus, and stains.

"Public member" means a person who is not a dentist, dental hygienist, dental assistant, denturist, or dental technician.

"Recognized continuing dental education" means a program whose content directly relates to the art and science of oral health and treatment, provided by a recognized dental school as defined in A.R.S. § 32-1201(15), recognized dental hygiene school as defined in A.R.S. § 32-1201(14), or recognized ~~school of denture technology~~ denturist school as defined in A.R.S. § 32-1201(6), or sponsored by a national or state dental, dental hygiene, or denturist association, dental, dental hygiene, or denturist study club, governmental agency, or commercial dental supplier.

"Representative" means, for purposes of Article 15 only, a person recognized by the Board as authorized to act on behalf of a complainant or a party in proceedings governed by this Chapter.

"Restricted permit holder" means a dentist who meets the requirements of A.R.S. § 32-1237 or a dental hygienist who meets the requirements of A.R.S. § 32-1292 and is issued a restricted permit by the Board.

"Retired" means a dentist, dental hygienist, or denturist is at least 65 years old and has totally withdrawn from the active practice of dentistry, dental hygiene, or denturism.

"Root planing" means a definitive treatment procedure designed to remove cementum or surface dentin that is rough, impregnated with calculus, or contaminated with toxins or microorganisms.

"Scaling" means use of instruments on the crown and root surfaces of the teeth to remove plaque, calculus, and stains from these surfaces.

"Section 1301 permit" means a permit to administer general anesthesia and semi-conscious sedation under Article 13.

"Section 1302 permit" means a permit to administer conscious sedation under Article 13.

"Section 1303 permit" means a permit to administer oral conscious sedation under Article 13.

"Semi-conscious sedation" means use of drug or non-drug methods, or a combination of the two methods, to induce a state of depressed consciousness accompanied by partial loss of protective reflexes, and the inability to continually maintain an airway independently or respond appropriately to physical stimulation or verbal command.

~~"Specialist" means, for purposes of Article 15 only, a licensee whose practice is limited to one of the following eight specialty categories recognized by the American Dental Association; endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, oral pathology, or dental public health.~~

"Study club" means a group of at least five Arizona licensed dentists, dental hygienists, or denturists who provide written course materials or a written outline for a continuing education presentation that meets the requirements of Article 12.

"Treatment records" means all documentation related directly or indirectly to the dental treatment of a patient.

"Triage" means a review during which investigators examine a complaint, the licensee's response, and dental records to form a recommended disposition for presentation to the full Board.

### ARTICLE 3. EXAMINATIONS, LICENSING QUALIFICATIONS, APPLICATION AND RENEWAL, TIME-FRAMES

#### R4-11-301. Application

A. An applicant for licensure or certification shall provide the following information and documentation on a form provided by the Board:

1. A sworn statement of the applicant's qualifications for the license or certificate;
2. A photograph of the applicant that is no more than six months old;
3. An official, sealed transcript sent directly from the applicant's dental, dental hygiene, or ~~denture technology~~ denturist school to the Board;
4. ~~A~~ Except for a dental consultant license applicant, proof of successfully completing a clinical examination by submitting:

- a. If applying for licensure by examination, a copy of the certificate or score card from the Western Regional Examining Board, indicating that the applicant passed the Western Regional Examining Board examination within the five years immediately ~~preceding~~ before the date the application ~~was~~ is filed with the Board; or

Notices of Final Rulemaking

- b. If applying for licensure by credential, certified documentation sent directly from the applicable testing agency or state to the Board containing the name of the applicant, date of examination or examinations, total score for each examination, name of any separately-scored component of the examination, and scores for each component;
  5. ~~An~~ Except for a dental consultant license applicant as provided in A.R.S. § 32-1234(A)(7), an official score card sent directly from the National Board examination to the Board;
  6. A copy showing the expiration date of the applicant's current cardiopulmonary resuscitation certification certificate from the American Red Cross, the American Heart Association, or another certifying agency that follows the same procedures, standards, and techniques for CPR training and certification as the American Red Cross or American Heart Association, indicating the expiration date;
  7. A letter of endorsement license verification from any other jurisdiction in which an applicant is licensed, sent directly from that jurisdiction to the Board;
  8. ~~A~~ If the applicant has been licensed in another jurisdiction for more than six months, a copy of the self-inquiry from the National Practitioner Data Bank that is no more than six months old;
  9. ~~A~~ If the applicant has never been licensed to practice in any jurisdiction or has been practicing for less than six months, a letter of endorsement from the dental, dental hygiene, or dental technology denturist school from which the applicant graduated if the applicant is a new graduate or has been practicing less than six months that confirms the applicant's graduation;
  10. ~~A~~ If the applicant is in the military or employed by the United States government, a letter of endorsement from the applicant's commanding officer or superior if the applicant is in the military or employed by the United States government supervisor that confirms the applicant's military service or United States government employment record; and
  11. The jurisprudence examination fee.
- B. The Board may request that an applicant provide:
1. An official copy of the applicant's dental, dental hygiene, or dental technology denturist school diploma,
  2. A copy of a certified document ~~which that~~ indicates the reason for a name change if the applicant's application contains different names,
  3. Written verification of the applicant's work history, and
  4. A copy of a high school diploma or equivalent certificate.
- C. An applicant shall pass the Arizona jurisprudence examination.

**R4-11-303. Application Processing Procedures: Issuance, Denial, and Renewal of Dental Licenses, Restricted Permits, Dental Hygiene Licenses, Dental Consultant Licenses, Denturist Certificates, and Drug or Device Dispensing Registrations, and Business Entity Registrations**

- A. The Board office shall complete an administrative completeness review within 24 days of the date of receipt of an application for a license, certificate, permit, or registration.
1. Within 14 calendar days of receiving an initial or renewal application for a dental license, restricted permit, dental hygiene license, dental consultant license, denturist certificate, or drug dispensing registration, or business entity registration, the Board office shall notify the applicant, in writing, that whether the application package is complete or incomplete.
  2. If the application package is incomplete, the notice shall specify what information is missing. Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The 24-day time-frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.
  3. If the Board office does not provide the applicant with notice regarding administrative completeness, the application package shall be deemed complete 24 days after receipt by the Board office.
- B. An applicant with an incomplete application package shall ~~supply the~~ submit all missing information within 60 calendar days ~~from the date of service of the notice of incompleteness. If the applicant fails to do so, an applicant shall begin the application process a new.~~
- C. Upon receipt of the missing information, the Board office shall notify the applicant, in writing, within 10 calendar days, that the application package is complete. If an applicant fails to submit a complete application package within the time allowed in subsection (B), the Board office shall close the applicant's file. An applicant whose file is closed and who later wishes to obtain a license, certificate, permit, or registration shall apply again as required in R4-11-301.
- D. The Board shall not ~~process~~ approve or deny an application until the applicant has fully complied with the requirements of ~~this A.A.C. Title 4, Chapter 11, Article 3.~~
- E. The Board shall ~~notify an applicant, in writing, whether an initial license or renewal governed by this Section is granted or denied, complete a substantive review of the applicant's qualifications in no later more than 90 calendar days after from the date of the notice advising the applicant that the~~ on which the administrative completeness review of an application package is complete.
1. If the Board finds an applicant to be eligible for a license, certificate, permit, or registration and grants the license, certificate, permit, or registration, the Board office shall notify the applicant in writing.

Notices of Final Rulemaking

2. If the Board finds an applicant to be ineligible for a license, certificate, permit, or registration, the Board office shall issue a written notice of denial to the applicant that includes:
    - a. Each reason for the denial, with citations to the statutes or rules on which the denial is based;
    - b. The applicant's right to request a hearing on the denial, including the number of days the applicant has to file the request;
    - c. The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06; and
    - d. The name and telephone number of an agency contact person who can answer questions regarding the application process.
  3. If the Board finds deficiencies during the substantive review of an application package, the Board office may issue a comprehensive written request to the applicant for additional documentation. An additional supplemental written request for information may be issued upon mutual agreement between the Board or Board office and the applicant.
  4. The 90-day time-frame for a substantive review of an applicant's qualifications is suspended from the date of a written request for additional documentation until the date that all documentation is received. The applicant shall submit the additional documentation before the next regularly scheduled Board meeting.
  5. If the applicant and the Board office mutually agree in writing, the 90-day substantive review time-frame may be extended once for no more than 45 days.
- F.** The Board may deny a license or renewal governed by this Section for any of the reasons stated in A.R.S. Title 32, Chapter 11, or if the applicant:
1. Fails to provide complete documentation;
  2. Provides false or misleading information; or
  3. Fails to meet the requirements of A.R.S. Title 32, Chapter 11, or this Chapter.
- G.** The notice of denial shall inform the applicant of the following:
1. Each reason for the denial, with citations to the statutes or rules on which the denial is based;
  2. The applicant's right to request a hearing on the denial, including the number of days the applicant has to file the request;
  3. The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06; and
  4. The name and telephone number of an agency contact person who can answer questions regarding the application process.
- H-F.** The following time-frames apply for an initial or renewal application governed by this Section:
1. Administrative completeness review time-frame: 24 calendar days.
  2. Substantive review time-frame: 90 calendar days.
  3. Overall time-frame: 114 calendar days.
- I-G.** An applicant whose license is denied has a right to a hearing, an opportunity for rehearing, and if the denial is upheld, may seek judicial review pursuant to A.R.S. Title 41, Chapter 6, Article 10, and A.R.S. Title 12, Chapter 7, Article 6.

**R4-11-305. Application Processing Procedures: Issuance, Denial, and Renewal of General Anesthesia and Semi-conscious Sedation Permits, ~~and~~ Conscious Sedation Permits, and Oral Conscious Sedation Permits**

- A. The Board office shall complete an administrative completeness review within 24 days from the date of receipt of an application for a permit
  1. Within 14 calendar days of receiving an initial or renewal application for a general anesthesia and semi-conscious sedation permit, ~~or a conscious sedation permit, or oral conscious sedation permit~~ the Board office shall notify the applicant, in writing, ~~that whether~~ the application package is complete or incomplete.
  2. If the application package is incomplete, the notice shall specify what information is missing. Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The 24-day time-frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.
  3. If the Board office does not provide the applicant with notice regarding administrative completeness, the application package shall be deemed complete 24 days after receipt by the Board office.
- B. An applicant with an incomplete application package shall ~~supply the~~ submit all missing information within 60 calendar days from the date of service of the notice of incompleteness. If the applicant fails to do so, an applicant shall begin the application process anew.
- C. Upon receipt of all missing information, the Board office shall notify the applicant, in writing, within 10 calendar days, that the application package is complete. If an applicant fails to submit a complete application package within the time allowed in subsection (B), the Board office shall close the applicant's file. An applicant whose file is closed and who later wishes to obtain a permit shall apply again as required in A.A.C. Title 4, Chapter 11, Article 13.
- D. The Board shall not ~~process~~ approve or deny an application until the applicant has fully complied with the requirements of this Article Section and A.A.C. Title 4, Chapter 11, Article 13.
- E. The Board shall notify an applicant, in writing, whether the initial permit or renewal governed by this Section is granted or denied, complete a substantive review of the applicant's qualifications in no later more than 120 calendar days after from the date of the notice advising the applicant that the ~~on which~~ administrative completeness review of an application

Notices of Final Rulemaking

package is complete.

1. If the Board finds an applicant to be eligible for a permit and grants the permit, the Board office shall notify the applicant in writing.
  2. If the Board finds an applicant to be ineligible for a permit, the Board office shall issue a written notice of denial to the applicant that includes:
    - a. Each reason for the denial, with citations to the statutes or rules on which the denial is based;
    - b. The applicant's right to request a hearing on the denial, including the number of days the applicant has to file the request;
    - c. The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06; and
    - d. The name and telephone number of an agency contact person who can answer questions regarding the application process.
  3. If the Board finds deficiencies during the substantive review of an application package, the Board office shall issue a comprehensive written request to the applicant for additional documentation.
  4. The 120-day time-frame for a substantive review of an applicant's qualifications is suspended from the date of a written request for additional documentation until the date that all documentation is received.
  5. If the applicant and the Board office mutually agree in writing, the 120-day substantive review time-frame may be extended once for no more than 60 days. The applicant shall submit the additional documentation before the next regularly scheduled Board meeting.
- F.** ~~The Board may deny a permit or renewal governed by this Section for any of the reasons stated in A.R.S. Title 32, Chapter 11, or if the applicant:~~
1. ~~Fails to provide complete documentation;~~
  2. ~~Provides false or misleading information; or~~
  3. ~~Fails to meet the requirements of A.R.S. Title 32, Chapter 11 of this Chapter.~~
- G.** ~~The notice of denial shall inform the applicant of the following:~~
1. ~~Each reason for the denial, with citations to the statutes or rules on which the denial is based;~~
  2. ~~The applicant's right to request a hearing on the denial, including the number of days the applicant has to file the request;~~
  3. ~~The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06; and~~
  4. ~~The name and telephone number of an agency contact person who can answer questions regarding the application process.~~
- H.** The following time-frames apply for an initial or renewal application governed by this Section:
1. Administrative completeness review time-frame: 24 calendar days.
  2. Substantive review time-frame: 120 calendar days.
  3. Overall time-frame: 144 calendar days.

ARTICLE 4. FEES

**R4-11-401. Retired or Disabled Licensure Fees**

- A.** Dentist:
1. ~~Initial licensure (prorated according to A.R.S. § 32-1236(B)): \$450.00.~~
  2. ~~Licensure renewal: \$450.00.~~
  3. Retired or disabled licensure renewal: \$15.00.
- B.** Dental Hygienist:
1. ~~Initial licensure (prorated according to A.R.S. § 32-1287(B)): \$225.00.~~
  2. ~~Licensure renewal: \$225.00.~~
  3. Retired or disabled licensure renewal: \$15.00.

**R4-11-402. Denturist Certification Fees Business Entity Fees**

- A.** ~~Initial certification (prorated according to A.R.S. § 32-1297.06(B)): \$225.00. Under A.R.S. § 32-1213(B)(3), the fee for a Business Entity registration is \$100 per year, per location.~~
- B.** ~~Certification renewal: \$225.00. The civil penalty fee for failure to notify the Board of a change in either business entity name, address, telephone number, location of any office, or licensee responsible for dental services within 30 days after the change is \$50. The civil penalty fee increases to \$100 if a business entity fails to notify the Board of the change within 60 days.~~

**R4-11-403. Examination Fees Repealed**

- A.** ~~Arizona Dental Jurisprudence examination:~~
1. ~~Dentist: \$200.00.~~
  2. ~~Dental Hygienist: \$50.00.~~
- B.** ~~Denturist Certification examination: \$150.00.~~

**R4-11-404. Penalty Fees for Late Renewal Repealed**

Notices of Final Rulemaking

- ~~A. License: \$25.00.~~
- ~~B. Certificate: \$25.00.~~

ARTICLE 5. DENTISTS

**R4-11-501. Dentist of Record**

- A. A dentist of record shall ensure that each patient record ~~card~~ has the treatment records for a patient treated in any dental office, clinic, hospital dental clinic, or charitable ~~institution dental clinic~~ organization that offers dental services, and the full name of a dentist ~~in the office, clinic, hospital dental clinic, or charitable dental clinic~~ who is responsible for all of the patient's treatment.
- B. A dentist of record shall obtain a patient's consent to change the treatment plan before changing the treatment plan that the patient originally agreed to ~~and incur, including any additional costs the patient may incur because of the change.~~
- C. ~~A~~ When a dentist who is a dentist of record ~~who leaves~~ decides to leave the practice of dentistry; or a particular place of practice in which the dentist is the dentist of record ~~on specific patient records~~, the dentist shall ensure before leaving the practice that a new dentist of record is entered on each patient record ~~card~~.
- D. A dentist of record ~~remains~~ is responsible for the care given to ~~the~~ a patient while the dentist was the dentist of record even after being replaced ~~as the dentist of record~~ by another dentist.
- E. A dentist of record shall:
  - 1. ~~remain~~ Remain responsible for the care of a patient during the course of treatment; and
  - 2. ~~shall be~~ Be available to the patient through the dentist's office, an emergency number, an answering service, or a substituting dentist. ~~Lack of availability to the patient on an emergency basis constitutes abandonment, and the dentist is subject to disciplinary action for such unprofessional conduct pursuant to A.R.S. Title 32, Chapter 11, Article 3.~~
- F. A dentist's failure to comply with subsection (E) constitutes patient abandonment, and the Board may impose discipline under A.R.S. Title 32, Chapter 11, Article 3.

ARTICLE 8. DENTURISTS

**R4-11-801. Denturist Consultants to the Board**

- A. The Board shall ~~not~~ appoint ~~five certified denturists~~ a denturist to assist and advise the Board regarding complaints; and disciplinary actions, ~~and examinations~~ concerning denturists unless the denturist meets the requirements of R4-11-1502.
- B. The Board of Dental Examiners shall appoint ~~an examining team for~~ denturist consultants as designees of the Board to participate in each denturist certification examination pursuant to as specified in A.R.S. § 32-1297.02.
- ~~C. The examining team shall administer and grade the examination as required by A.R.S. § 32-1297.02 and shall make recommendations to the Board for certification of those who successfully completed the examination.~~

**R4-11-802. Recognition of Schools of Denture Technology Curriculum**

- ~~A. The Board shall use the criteria in Article 2 to determine whether to recognize a denture technology school.~~
- ~~B. The basic curriculum to recognize~~ In addition to the requirements in A.R.S. § 32-1297(A), the 60 hours of a program in denture technology shall contain those courses and number of course hours delineated in A.R.S. § 32-1297(C) and may include the following subjects: partial denture techniques, cardiopulmonary resuscitation, x-ray interpretation, jurisprudence, and practice management.

ARTICLE 9. RESTRICTED PERMITS

**R4-11-901. Application for Restricted Permit**

- A. An applicant for a restricted permit shall provide the following information and documentation on a form provided by the Board:
  - 1. A sworn statement of the applicant's qualifications for a restricted permit;
  - 2. A photograph of the applicant that is no more than six months old;
  - 3. A letter of endorsement from any other jurisdiction in which an applicant is licensed, sent directly from that jurisdiction to the Board;
  - 4. A letter of endorsement from the applicant's commanding officer or superior if the applicant is in the military or employed by the United States government;
  - 5. A copy of the applicant's current cardiopulmonary resuscitation certification, ~~indicating the expiration date that meets the requirements of R4-11-301(A)(6);~~ and
  - 6. A copy of the applicant's pending contract with a charitable dental clinic or organization offering dental or dental hygiene services.
- B. The Board may request that an applicant provide a copy of a certified document that indicates the reason for a name change if the applicant's application contains different names.

**R4-11-902. Issuance of a Restricted Permit**

Before issuing a restricted permit under A.R.S. §§ 32-1237 through 32-1239 or 32-1292, the Board shall investigate the ~~professional and~~ statutory qualifications of the charitable dental clinic or organization. ~~For the~~ The Board to ~~shall not~~ recognize a

Notices of Final Rulemaking

dental clinic or organization under A.R.S. §§ 32-1237 through 32-1239 or 32-1292 as a charitable dental clinic or organization permitted to employ dentists or dental hygienists not licensed in Arizona who hold restricted permits ~~unless~~, the Board ~~shall make~~ makes the following findings of fact:

1. That the entity is a dental clinic or organization offering professional dental or dental hygiene services in a manner consistent with the public health;
2. That the dental clinic or organization offering dental or dental hygiene services is operated for charitable purposes only, offering dental or dental hygiene services either without compensation to the clinic or organization or with compensation at a the minimum rate to provide only reimbursement for dental supplies and overhead costs;
3. That the persons performing dental or dental hygiene services for the dental clinic or organization do so without compensation; and
4. That the charitable dental clinic or organization operates in accordance with applicable provisions of the law.

**R4-11-904. Determination of Minimum Rate**

In determining whether professional services are provided at a the minimum rate to provide reimbursement for dental supplies and overhead costs, ~~pursuant to~~ under A.R.S. §§ 32-1237(1) or 32-1292(A)(1), the Board shall obtain and review information relating to the actual cost of dental supplies to the dental clinic or organization, the actual overhead costs of the dental clinic or organization, the amount of charges for the dental or dental hygiene services offered, and any other information relevant to its inquiry.

**R4-11-905. Restricted Permit Denial**

If ~~the~~ an applicant for a restricted permit or the dental clinic or organization with whom the applicant has a pending contract refuses or fails to furnish information requested by the Board with the result that the Board is unable to perform its duties under A.R.S. §§ 32-1237 through 32-1239 or 32-1292, the Board shall not issue a restricted permit to the applicant.

**ARTICLE 11. ADVERTISING**

**R4-11-1101. Advertising**

- ~~A.~~ A dentist may advertise as a specialist or use the terms “specialty” or “specialist” to describe professional services only if the dentist practices in one of the specialty areas listed below, is recognized by the specialty board which certifies specialists for that area, and is accredited by the Commission on Dental Accreditation of the American Dental Association:
1. Endodontics;
  2. Oral and maxillofacial surgery;
  3. Orthodontics and dentofacial orthopedics;
  4. Pediatric dentistry;
  5. Periodontics;
  6. Prosthodontics;
  7. Dental Public Health, or
  8. Oral Pathology.
- ~~B.~~ For purposes of this Article, a dentist who wishes to advertise as a specialist in a recognized field shall meet the criteria in one or more of the following categories:
1. Grandfathered: A dentist who declared a specialty area before December 31, 1964, according to requirements established by the American Dental Association, and has a practice limited to a dentistry area approved by the American Dental Association.
  2. Educationally qualified: A dentist who has successfully completed an educational program, two or more years long, in a specialty area accredited by the Commission on Dental Accreditation of the American Dental Association, as specified by the Council on Dental Education of the American Dental Association.
  3. Board eligible: A dentist who has met the guidelines of an established specialty board in a recognized specialty area that operates in accordance with the requirements established by the American Dental Association. The specialty board shall have established examination requirements and standards, appraised an applicant’s qualifications, administered comprehensive examinations, and upon completion issued a certificate to a dentist who has achieved diplomate status.
  4. Board certified: A dentist who has met the requirements of a specialty board referenced in subsection (B)(3) and who has received a certificate from the specialty board, indicating the dentist has achieved diplomate status.
- ~~C.~~ A dentist, dental hygienist, or denturist whose advertising implies that services rendered in a dental office are of a specialty area other than those listed in subsection (A), and recognized by a specialty board which has been accredited by the Commission on Dental Accreditation of the American Dental Association, has violated this Article and A.R.S. § 32-1201(18)(u), and is subject to discipline pursuant to A.R.S. Title 32, Chapter 11.
- ~~D.~~ A dentist may advertise specific dental services or certification in a non-specialty area only if the advertisement includes the phrase “Services provided by an Arizona licensed general dentist.” A dental hygienist may advertise specific dental hygiene services only if the advertisement includes the phrase “Services provided by an Arizona licensed dental hygienist.” A denturist may advertise specific denture services only if the advertisement includes the phrase “Services provided

Notices of Final Rulemaking

by an Arizona certified dentist.”

**R4-23-1102. Renumbered Advertising as a Recognized Specialist**

- A.** A dentist may advertise as a specialist or use the terms “specialty” or “specialist” to describe professional services only if the dentist limits the dentist’s practice exclusively to one or more specialty area that are:
1. Recognized by a board that certifies specialists for the area of specialty; and
  2. Accredited by the Commission on Dental Accreditation of the American Dental Association.
- B.** The following specialty areas meet the requirements of subsection (A):
1. Endodontics,
  2. Oral and maxillofacial surgery,
  3. Orthodontics and dentofacial orthopedics,
  4. Pediatric dentistry,
  5. Periodontics,
  6. Prosthodontics,
  7. Dental Public Health,
  8. Oral and Maxillofacial Pathology, and
  9. Oral and Maxillofacial Radiology.
- C.** For purposes of this Article, a dentist who wishes to advertise as a specialist or a multiple-specialist in a recognized field under subsection (B) shall meet the criteria in one or more of the following categories:
1. Grandfathered: A dentist who declared a specialty area before December 31, 1964, according to requirements established by the American Dental Association, and has a practice limited to a dentistry area approved by the American Dental Association;
  2. Educationally qualified: A dentist who has successfully completed an educational program of two or more years in a specialty area accredited by the Commission on Dental Accreditation of the American Dental Association, as specified by the Council on Dental Education of the American Dental Association;
  3. Board eligible: A dentist who has met the guidelines of a specialty board that operates in accordance with the requirements established by the American Dental Association in a specialty area recognized by the Board, if the specialty board:
    - a. Has established examination requirements and standards,
    - b. Appraised an applicant’s qualifications,
    - c. Administered comprehensive examinations, and
    - d. Upon completion issues a certificate to a dentist who has achieved diplomate status; or
  4. Board certified: A dentist who has met the requirements of a specialty board referenced in subsection (C)(3), and who has received a certificate from the specialty board, indicating the dentist has achieved diplomate status.
- D.** A dentist, dental hygienist, or dentist whose advertising implies that services rendered in a dental office are of a specialty area other than those listed in subsection (B) and recognized by a specialty board that has been accredited by the Commission on Dental Accreditation of the American Dental Association violates this Article and A.R.S. § 32-1201(18)(u), and is subject to discipline under A.R.S. Title 32, Chapter 11.

**ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS**

**R4-11-1201. Continuing Dental Education**

- A.** ~~A licensee, or certificate holder, or restricted permit holder shall:~~
- ~~1. satisfy Satisfy a continuing dental education requirement which that is designed to provide an understanding of current developments, skills, procedures, or treatment related to the licensee, licensee’s or certificate holder, or restricted permit holder’s practice; and~~
  - ~~2. Complete the recognized continuing dental education required by this Article each renewal period.~~
- ~~**B.** A licensee, certificate holder, or restricted permit holder shall complete the recognized continuing dental education required by Article 12 each triennial period.~~
- ~~**C.**~~**B.** A licensee or certificate holder receiving an initial license or certificate shall complete the prescribed credit hours of recognized continuing dental education by the end of the first full renewal period.

**R4-11-1202. Continuing Education Compliance and Renewal Requirements**

- A.** ~~When applying for a renewal license, or certificate, or restricted permit pursuant to A.R.S. § 32-1236 for a dentist, A.R.S. § 32-1287 for a dental hygienist, and A.R.S. § 32-1297.06 for a dentist, the dentist, dental hygienist, or dentist, a licensee, certificate holder, restricted permit holder shall certify to the Board completion of the prescribed credit hours of recognized continuing dental education triennially complete a renewal application provided by the Board.~~
- B.** ~~Each Before receiving a renewal license or certificate, each licensee or certificate holder shall possess, before receiving an original or renewal license or certificate,~~ a current cardiopulmonary resuscitation (CPR) certificate from the American Red Cross, the American Heart Association, or another certifying agency that follows the same procedures, standards, and techniques for CPR training and certification as the American Red Cross or American Heart Association.

Notices of Final Rulemaking

- C. A licensee or certificate holder shall include a written affidavit affirming the licensee's or certificate holder's completion of the prescribed credit hours of recognized continuing dental education with a renewal application. A licensee or certificate holder shall include on the affidavit the licensee's or certificate holder's name, license or certificate number, ~~name of sponsor, program title and description, date, time, and location of the program, and dates of attendance~~ and the number of hours completed in each category.
- D. ~~A licensee or certificate holder shall submit a written request for an extension before the June 30 deadline.~~ If a licensee or certificate holder fails to meet the credit hour requirement because of ~~illness, military service, dental or religious missionary activity, residence in a foreign country, or other extenuating circumstances,~~ as determined by the Board, the Board, upon written request, may grant an extension of time to complete the recognized continuing dental education credit hour requirement. ~~The licensee or certificate holder shall request an extension before the time of renewal.~~
- E. The Board shall:
  - 1. ~~only~~ Only accept recognized continuing dental education credits accrued during the ~~triennial prescribed~~ period immediately before ~~renewal for~~ license or certificate renewal, and
  - 2. Not allow recognized continuing dental education credit accrued in a renewal period in excess of the amount required in this Article to be carried forward to the next renewal period.
- F. ~~A licensee or certificate holder shall not carry forward recognized continuing dental education credit to a succeeding triennial renewal period.~~
- G.F. A licensee or certificate holder shall ~~preserve~~ maintain documentation of attendance for each program for which credit is claimed. ~~The documentation shall verify that verifies~~ the recognized continuing dental education credit hours ~~for the licensee or certificate holder participated in during~~ the preceding two ~~triennial~~ renewal periods.
- H.G. Each year, the Board shall audit continuing education affidavits on a random basis or when the documentation submitted by the licensee or certificate holder does not appear to comply with this ~~Section~~ Article. A licensee or certificate holder whose affidavit is selected for audit shall provide the Board with documentation of attendance in support of the affidavit within 60 days from the date the licensee or certificate holder received notice, by certified mail, of the audit.
- I.H. ~~Any~~ If a licensee or certificate holder makes a false statement in an affidavit, the Board shall be grounds for suspension, revocation, refusal to renew suspend, revoke, or deny renewal of a license or certificate, or take any other disciplinary action authorized by A.R.S. Title 32, Chapter 11.

**R4-11-1203. Dentists and Dental Consultants**

~~A dentist~~ Dentists and dental consultants shall complete 72 hours of recognized continuing dental education in a ~~triennial~~ each renewal period as follows:

- 1. At least 45 credit hours of recognized continuing dental education ~~shall be~~ in one or more of the following areas: Dental and medical health, cardiopulmonary resuscitation, preventative services, dental diagnosis and treatment planning, dental clinical procedures, administration of oral sedation, managing medical emergencies in addition to CPR, including and courses in corrective and restorative oral health and basic dental sciences, which may include current research, new concepts in dentistry, and behavioral and biological sciences ~~which that~~ are oriented to dentistry. A licensee who holds a permit to administer general anesthesia, semi-conscious sedation, ~~or~~ conscious sedation, or oral conscious sedation, who is required to obtain continuing education pursuant to Article 13 may apply those credit hours to ~~this requirement~~ the requirements of this Section;
- 2. No more than 18 credit hours of recognized continuing dental education ~~shall be~~ in the following areas: Dental practice organization and management, patient management skills, and methods of health care delivery;
- 3. At least three credit hours of recognized continuing dental education ~~shall be~~ in the area of chemical dependency, which may include tobacco cessation; and
- 4. At least six credit hours of recognized continuing dental education ~~shall be~~ in the area of infectious diseases and infectious disease control.
- 5. ~~The Board may apply credit hours earned by a licensee in continuing education ordered by the Board pursuant to A.R.S. Title 32, Chapter 11 toward a licensee's 72 hour requirement~~

**R4-11-1204. Dental Hygienists**

A dental hygienist shall complete 54 credit hours of recognized continuing dental education in a ~~triennial~~ each renewal period as follows:

- 1. At least 34 credit hours of recognized continuing dental education ~~shall be~~ in one or more of the following areas: Dental and medical health, cardiopulmonary resuscitation, and dental hygiene services, ~~which may include~~ periodontal disease, care of implants, maintenance of cosmetic restorations and sealants, radiology safety and techniques, managing medical emergencies in addition to CPR, and new concepts in dental hygiene;
- 2. No more than 14 credit hours of recognized continuing dental education ~~shall be~~ in one or more of the following areas: Dental hygiene practice organization and management, patient management skills, and methods of health care delivery;
- 3. At least two credit hours of recognized continuing dental education ~~shall be~~ in the area of one or more of the following areas: chemical dependency, tobacco cessation, ethics, risk management, and jurisprudence; and

Notices of Final Rulemaking

4. At least four credit hours of recognized continuing dental education shall be in the area of infectious diseases and infectious disease control.
5. The Board may apply credit hours earned by a licensee in continuing education ordered by the Board pursuant to A.R.S. Title 32, Chapter 11 toward a licensee's 54-hour requirement.

**R4-11-1205. Denturists**

Denturists shall complete 24 credit hours of recognized continuing dental education in a ~~triennial~~ each renewal period as follows:

1. At least 15 credit hours of recognized continuing dental education shall be in one or more of the following areas: Medical and dental health, cardiopulmonary resuscitation, laboratory procedures, and clinical procedures;
2. No more than six credit hours of recognized continuing dental education may be in one or more of the following areas: Denturist practice organization and management, patient management skills, and methods of health care delivery;
3. At least one credit hour of recognized continuing dental education shall be in the area of chemical dependency, which may include tobacco cessation; and
4. At least two credit hours of recognized continuing dental education shall be in the area of infectious diseases and infectious disease control.
5. The Board may apply credit hours earned by a certificate holder in continuing education ordered by the Board pursuant to A.R.S. Title 32, Chapter 11 toward a certificate holder's 24-hour requirement.

**R4-11-1206. Restricted Permit Holders Dental**

~~A~~ In addition to the requirements in R4-23-1202, a dental restricted permit holder shall comply with the following requirements ~~in R4-11-1202~~ except as indicated below:

1. When applying for renewal pursuant to under A.R.S. § 32-1238, the restricted permit holder shall provide information to the Board that the licensee restricted permit holder has completed 24 credit hours of recognized continuing dental education yearly.
2. ~~Each renewal application shall include a written affidavit affirming the licensee's completion of 24 credit hours of recognized continuing dental education. The affidavit shall include a licensee's name, license number, name of sponsor, program title and description, date, time, and location of the program, and dates of attendance.~~
3. ~~To determine whether to grant the renewal, the Board shall only consider recognized continuing dental education credits accrued between July 1 and June 30 immediately before the licensee restricted permit holder submits the renewal application.~~
4. ~~A restricted permit holder shall maintain documentation of attendance for each program for which credit is claimed. The documentation shall verify the recognized continuing dental education credits in which the licensee has participated during the preceding two renewal periods.~~
5. ~~A dental restricted permit holder shall complete the 24 hours of recognized continuing dental education prior to before renewal as follows:~~
  - a. At least 15 credit hours of recognized continuing dental education shall be in one or more of the subjects enumerated in R4-11-1203(1);
  - b. No more than six credit hours of recognized continuing dental education may be in one or more of the subjects enumerated in R4-11-1203(2);
  - c. At least one credit hour of recognized continuing dental education shall be in the subjects enumerated in R4-11-1203(3); and
  - d. At least two credit hours of recognized continuing dental education shall be in the subjects enumerated in R4-11-1203(4).
  - e. The Board may apply credit hours earned by a licensee in continuing education ordered by the Board pursuant to A.R.S. Title 32, Chapter 11 toward a licensee's 24-hour requirement.

**R4-11-1207. Types of Courses Restricted Permit Holders - Dental Hygiene**

~~A licensee or certificate holder shall obtain recognized continuing dental education from one or more of the following types of curricula:~~

1. ~~Seminars, symposiums, lectures, or programs designed to provide an understanding of current developments, skills, procedures, or treatment related to the practice of dentistry, or~~
2. ~~Curricula designed to prepare for specialty board certification as a specialist or recertification examinations or advanced training at an accredited institution as defined in A.R.S. Title 32, Chapter 11.~~
3. ~~No more than 18 credit hours for dentists, 14 credit hours for dental hygienists, or six credit hours for denturists per triennial period shall be earned for any of the following activities which provide an understanding of current developments, skills, procedures, or treatment related to the practice of dentistry:~~
  - a. ~~A dental education program based on self-instruction which utilizes videotapes, audiotapes, films, filmstrips, slides, radio broadcasts, computers, or independent reading with examination;~~
  - b. ~~Participation on the Board or in Board complaint investigations including clinical evaluations and investigative~~

Notices of Final Rulemaking

- ~~e. interviews, peer review, or quality of care or utilization review in a hospital, institution, or governmental agency;~~
- ~~e. Providing dental-related instruction to dental, dental hygiene, or denturist students, or allied health professionals in a recognized dental school, recognized dental hygiene school, or recognized denturist school or providing dental-related instruction sponsored by a national or state dental, dental hygiene, or denturist association;~~
- ~~d. Publication or presentation of a dental paper, report, or book that the licensee or certificate holder has authored and published, which provides information on current developments, skills, procedures, or treatment related to the practice of dentistry. Credit hours shall be claimed only once for materials presented. Credits shall be claimed as of the date of publication or original presentation. One credit hour may be reported per hour of preparation, writing or presentation.~~

In addition to the requirements in R4-11-1202, a dental hygiene restricted permit holder shall comply with the following:

1. When applying for renewal under A.R.S. § 32-1292, the restricted permit holder shall provide information to the Board that the restricted permit holder has completed 18 credit hours of recognized continuing dental education yearly.
2. To determine whether to grant renewal, the Board shall only consider recognized continuing dental education credits accrued between July 1 and June 30 immediately before the restricted permit holder submits the renewal application.
3. A dental hygiene restricted permit holder shall complete the 18 hours of recognized continuing dental education before renewal as follows:
  - a. At least 12 credit hours of recognized continuing dental education in one or more of the subjects enumerated in R4-11-1204(1);
  - b. No more than three credit hours of recognized continuing dental education in one or more of the subjects enumerated in R4-11-1204(2);
  - c. At least one credit hour of recognized continuing education in the subjects enumerated in R4-11-1204(3); and
  - d. At least two credit hours of continuing dental education in the subjects enumerated in R4-11-1204(4).

**R4-11-1208. Retired Licensees or Certificate Holders**

A retired licensee or certificate holder shall:

1. Except for the number of credit hours required, comply with the requirements in R4-11-1202; and
2. When applying for renewal under A.R.S. § 32-1236 for a dentist, A.R.S. § 32-1287 for a dental hygienist, and A.R.S. § 32-1297.06 for a denturist, provide information to the Board that the retired licensee or certificate holder has completed the following credit hours of recognized continuing dental education per renewal period:
  - a. Dentist - 27 credit hours of which no less than three credit hours shall be for CPR;
  - b. Dental hygienist - 21 credit hours of which no less than three credit hours shall be for CPR; and
  - c. Denturist - 9 credit hours of which no less than three credit hours shall be for CPR.

**R4-11-1209. Types of Courses**

**A.** A licensee or certificate holder shall obtain recognized continuing dental education from one or more of the following activities:

1. Seminars, symposiums, lectures, or programs designed to provide an understanding of current developments, skills, procedures, or treatment related to the practice of dentistry; or
2. Curricula designed to prepare for specialty board certification as a specialist or recertification examinations or advanced training at an accredited institution as defined in A.R.S. Title 32, Chapter 11; and
3. Subject to the limitations in subsection (B), any of the following activities that provide an understanding of current developments, skills, procedures, or treatment related to the practice of dentistry:
  - a. A correspondence course, videotape, distance learning course, internet or similar self-study course, if the course includes an examination and the licensee or certificate holder passes the examination;
  - b. Participation on the Board or in Board complaint investigations including clinical evaluations and investigative interviews, peer review, or quality of care or utilization review in a hospital, institution, or governmental agency;
  - c. Providing dental-related instruction to dental, dental hygiene, or denturist students, or allied health professionals in a recognized dental school, recognized dental hygiene school, or recognized denturist school or providing dental-related instruction sponsored by a national or state dental, dental hygiene, or denturist association;
  - d. Publication or presentation of a dental paper, report, or book authored by the licensee or certificate holder that provides information on current developments, skills, procedures, or treatment related to the practice of dentistry. A licensee or certificate holder may claim credit hours:
    - i. Only once for materials presented;
    - ii. Only if the date of publication or original presentation was during the applicable renewal period; and
    - iii. One credit hour for each hour of preparation, writing, and presentation; or
  - e. Providing dental, dental hygiene, or denturist services in a Board-recognized charitable dental clinical or organization.

**B.** The following limitations apply to the total number of credit hours earned per renewal period in any combination of the activities listed in subsection (A)(3):

Notices of Final Rulemaking

1. Dentists and Dental Hygienists, no more than 24 hours;
2. Denturists, no more than 12 hours;
3. Retired or Restricted Permit Holder Dentists or Dental Hygienists, no more than nine hours; and
4. Retired Denturists, no more than three hours.

**ARTICLE 14. DISPENSING DRUGS AND DEVICES ~~FOR PROFIT AND NOT FOR PROFIT~~**

**R4-11-1401. ~~Registration and Renewal Prescribing~~**

- ~~A. A dentist who is currently licensed to practice dentistry in Arizona may dispense controlled substances, prescription-only drugs, and prescription-only devices for profit after providing the Board the following information:~~
- ~~1. A complete registration form which includes the following information:
    - a. The dentist's name and dental license number;
    - b. A list of the types of drugs and devices to be dispensed for profit, including controlled substances; and
    - c. Locations where the dentist desires to dispense the drugs and devices for profit; and~~
  - ~~2. A copy of the dentist's current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the dentist desires to dispense the drugs and devices for profit.~~
- ~~B. The Board shall issue a numbered certificate indicating the dentist is registered with the Board to dispense drugs and devices for profit.~~
- ~~C. A dentist shall renew a registration to dispense drugs and devices for profit by complying with the requirements in subsection (A) before the dentist's June 30 triennial license expiration date. When a dentist has made timely and complete application for the renewal of a registration, the dentist may continue to dispense until the Board approves or denies the application. Failure to renew a registration shall result in immediate loss of dispensing for profit privileges.~~
- ~~A. In addition to the requirements of A.R.S. § 32-1298(C), a dentist shall ensure that a prescription order contains the following information:~~
- ~~1. Date of issuance;~~
  - ~~2. Name and address of the patient to whom the prescription is issued;~~
  - ~~3. Name, strength, dosage form, and quantity of the drug or name and quantity of the device prescribed;~~
  - ~~4. Name and address of the dentist prescribing the drug; and~~
  - ~~5. Drug Enforcement Administration registration number of the dentist, if prescribing a controlled substance.~~
- ~~B. Before dispensing a drug or device, a dentist shall present to the patient a written prescription for the drug or device being dispensed that includes on the prescription the following statement in bold type: "This prescription may be filled by the prescribing dentist or by a pharmacy of your choice."~~

**R4-11-1402. ~~Prescribing Labeling and Dispensing~~**

- ~~A. A prescription order shall contain, in addition to the requirements of A.R.S. § 32-1298(C), the following information:~~
- ~~1. Date of issuance;~~
  - ~~2. Name and address of the patient to whom the prescription has been issued;~~
  - ~~3. Name, strength, and quantity of the drug prescribed;~~
  - ~~4. Name and address of the dentist prescribing the medication; and~~
  - ~~5. Drug Enforcement Administration registration number of the dentist prescribing for controlled substances.~~
- ~~B. Before dispensing for profit, a dentist shall write a prescription for the drug or device being dispensed, and include on the prescription the following statement in bold type: "This prescription may be filled by the prescribing dentist or by a pharmacy of your choice." If a dentist is not dispensing for profit, a prescription does not need to be written.~~
- ~~A. A dentist shall include the following information on the label of all drugs and devices dispensed:~~
- ~~1. The dentist's name, address, and telephone number;~~
  - ~~2. The serial number;~~
  - ~~3. The date the drug or device is dispensed;~~
  - ~~4. The patient's name;~~
  - ~~5. Name, strength, and quantity of drug or name and quantity of device dispensed;~~
  - ~~6. The name of the drug or device manufacturer or distributor;~~
  - ~~7. Directions for use and cautionary statement necessary for safe and effective use of the drug or device; and~~
  - ~~8. If a controlled substance is prescribed, the cautionary statement "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."~~
- ~~B. Before delivery to the patient, the dentist shall prepare and package the drug or device to ensure compliance with the prescription and personally inform the patient of the name of the drug or device, directions for its use, precautions, and storage requirements.~~
- ~~C. A dentist shall purchase all dispensed drugs and devices from a manufacturer, distributor, or pharmacy that is properly licensed in this state or one of the other 49 states, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States of America.~~
- ~~D. When dispensing a prescription drug or device from a prescription order, a dentist shall perform the following professional practices:~~

Notices of Final Rulemaking

1. Verify the legality and pharmaceutical feasibility of dispensing a drug based upon:
  - a. A patient's allergies;
  - b. Incompatibilities with a patient's currently-taken medications;
  - c. A patient's use of unusual quantities of dangerous drugs or narcotics, and
  - d. The frequency of refills;
2. Verify that the dosage is within proper limits;
3. Interpret the prescription order;
4. Prepare, package, and label, or assume responsibility for preparing, packaging, and labeling, the drug or device dispensed under each prescription order;
5. Check the label to verify that the label precisely communicates the prescriber's directions and hand-initial each label;
6. Record, or assume responsibility for recording, the serial number and date dispensed on the front of the original prescription order; and
7. Record on the original prescription order the name or initials of the dentist who dispensed the order.

**R4-11-1403. Labeling and Dispensing Storage and Packaging**

**A.** A dentist shall include the following information on the label of all drugs and devices dispensed:

1. The dentist's name, address, and telephone number;
2. The serial number;
3. The date the drug or device is dispensed;
4. The patient's name;
5. Name, strength, and quantity of drug dispensed;
6. The name of the drug manufacturer or distributor;
7. Directions for use and cautionary statement necessary for safe and effective use of the drug or device; and
8. If a controlled substance is prescribed, the cautionary statement "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."

**B.** A dentist shall perform the following professional practices, in directly dispensing for profit a prescription medication or device from a prescription order:

1. ~~Verify the legalities and pharmaceutical feasibility of dispensing, including allergies, incompatibilities, unusual quantities of dangerous drugs or narcotics, and signature of the prescribing dentist;~~
2. ~~Verify that the dosage is within proper limits;~~
3. ~~Interpret the prescription order;~~
4. ~~Prepare the package and label, or assume responsibility for preparing, packaging, and labeling the medication or device, dispensed under an individual prescription order;~~
5. ~~Check the label to verify it precisely communicates the prescriber's directions and hand initial every label;~~
6. ~~Record, or assume responsibility for recording the serial number and the date dispensed on the front of the original prescription order; and~~
7. ~~Record on the original prescription order the name or initials of the dentist who dispensed the order.~~

**C.** ~~Before delivery, the dentist shall prepare the drug or device to ensure compliance with the prescription and personally inform the patient of the name of the drug or device, directions for its use, precautions, and storage requirements.~~

**D.** A dentist shall purchase all dispensed drugs and devices from a licensed manufacturer, distributor, or pharmacy.

A dentist shall:

1. Keep all prescription-only drugs and devices in a secured area and control access to the secured area by written procedure. The dentist shall make the written procedure available to the Board or its authorized agents on demand for inspection or copying;
2. Keep all controlled substances secured in a locked cabinet or room, control access to the cabinet or room by written procedure, and maintain an ongoing inventory of the contents. The dentist shall make the written procedure available to the Board or its authorized agents on demand for inspection or copying;
3. Maintain drug storage areas so that the temperature in the drug storage areas does not exceed 85° F;
4. Not dispense a drug or device that has expired or is improperly labeled;
5. Not redispense a drug or device that has been returned;
6. Dispense a drug or device:
  - a. In a prepackaged container or light-resistant container with a consumer safety cap, unless the patient or patient's representative requests a non-safety cap; and
  - b. With a label that is mechanically or electronically printed;
7. Destroy an outdated, deteriorated, or defective controlled substance according to Drug Enforcement Administration regulations or by using a reverse distributor. A list of reverse distributors may be obtained from the Drug Enforcement Administration; and
8. Destroy an outdated, deteriorated, or defective non-controlled substance drug or device by returning it to the supplier or by using a reverse distributor. A list of reverse distributors may be obtained from the Drug Enforcement Administration.

Notices of Final Rulemaking

**R4-11-1404. Storage and Packaging Recordkeeping**

- ~~A.~~ A dentist shall keep all drugs and devices secured in a locked cabinet or room, control access to the cabinet or room by written procedure, and maintain an ongoing inventory of the contents. The written procedure shall be made available to the Board or its authorized agents on demand for inspection or copying.
- ~~B.~~ A dentist shall maintain storage rooms so that the temperature in the storage rooms does not exceed 85° F.
- ~~C.~~ A dentist shall not dispense a drug or device that has expired or is improperly labeled.
- ~~D.~~ A dentist shall not redispense a drug or device that has been returned.
- ~~E.~~ A dentist shall dispense a drug or device:
  - 1. In a prepackaged container or light resistant container with a consumer safety cap, unless the patient or patient's representative requests a non-safety cap; and
  - 2. With a label that is mechanically or electronically printed.
- ~~F.~~ A dentist shall destroy controlled substances pursuant to the Drug Enforcement Administration regulations or by using a reverse distributor. A list of reverse distributors may be obtained from the Drug Enforcement Administration.
- ~~G.~~ A dentist shall destroy an outdated, deteriorated, or defective non-controlled substance drug or device by returning it to the supplier or using a reverse distributor. A list of reverse distributors may be obtained from the Drug Enforcement Administration.
- A.** A dentist shall:
  - 1. Chronologically date and sequentially number prescription orders in the order that the drugs or devices are originally dispensed;
  - 2. Sequentially file orders separately from patient records, as follows:
    - a. File Schedule II drug orders separately from all other prescription orders;
    - b. File Schedule III, IV, and V drug orders separately from all other prescription orders; and
    - c. File all other prescription orders separately from orders specified in subsections (A)(2)(a) and (b);
  - 3. Record the name of the manufacturer or distributor of the drug or device dispensed on each prescription order and label;
  - 4. Record the name or initials of the dentist dispensing the drug or device on each prescription order and label; and
  - 5. Record the date the drug or device is dispensed on each prescription order and label.
- B.** A dentist shall record in the patient's dental record the name, dosage form, and strength of the drug or device dispensed, the quantity or volume dispensed, the date the drug or device is dispensed, and the dental therapeutic reasons for dispensing the drug or device.
- C.** A dentist shall maintain:
  - 1. Purchase records of all drugs and devices for three years from the date purchased; and
  - 2. Dispensing records of all drugs and devices for three years from the date dispensed.
- D.** A dentist who dispenses controlled substances:
  - 1. Shall inventory Schedule II, III, IV, and V controlled substances as prescribed by A.R.S. § 36-2523;
  - 2. Shall perform a controlled substance inventory on March 1 annually, if directed by the Board, and at the opening or closing of a dental practice;
  - 3. Shall maintain the inventory for three years from the inventory date;
  - 4. May use one inventory book for all controlled substances;
  - 5. When conducting an inventory of Schedule II controlled substances, shall take an exact count;
  - 6. When conducting an inventory of Schedule III, IV, and V controlled substances, shall take an exact count or may take an estimated count if the stock container contains fewer than 1001 units.
- E.** A dentist shall maintain invoices for drugs and devices dispensed for three years from the date of the invoices, filed as follows:
  - 1. File Schedule II controlled substance invoices separately from records that are not Schedule II controlled substance invoices;
  - 2. File Schedule III, IV, and V controlled substance invoices separately from records that are not Schedule III, IV, and V controlled substance invoices; and
  - 3. File all non-controlled substance invoices separately from the invoices referenced in subsections (E)(1) and (2).
- F.** A dentist shall file Drug Enforcement Administration order form (DEA Form 222) for a controlled substance sequentially and separately from every other record.

**R4-11-1405. Recordkeeping Compliance**

- A.** A dentist shall:
  - 1. Chronologically date and sequentially number prescription orders in the order that the drugs or devices were originally dispensed;
  - 2. Sequentially file orders separately from patient records, as follows:
    - a. Schedule II drug orders shall be filed separately from all other prescription orders;
    - b. Schedule III, IV, and V drug orders shall be filed separately from all other prescription orders; and
    - c. All other prescription orders shall be filed separately from those stated in subsections (A)(2)(a) and (b).

Notices of Final Rulemaking

3. ~~Record the name of the manufacturer or distributor of the drug or device dispensed on each prescription order and label, and~~
4. ~~Record the name or initials of the dentist dispensing the drug or device on each prescription order and label.~~
- B.** ~~A dentist shall record in the patient's dental record the name, form, and strength of the drug or device dispensed, the quantity or volume dispensed, the date the drug or device is dispensed, and the dental therapeutic reasons for dispensing the drug or device, with respect to dispensing for profit and not for profit.~~
- C.** ~~A dentist shall maintain purchase and dispensing records of all drugs and devices, for profit and not for profit, for three years from the date dispensed.~~
- D.** ~~A dentist who dispenses drugs and devices, for profit and not for profit, shall inventory schedule II, III, IV, and V drugs as prescribed by federal law. A dentist shall perform a controlled substance inventory on March 1 annually, as directed by the Board, and at the opening or closing of a dental practice. A dentist shall maintain the inventory for three years from the inventory date. One inventory book may be used for all controlled substances. When recording Schedule II drugs, an exact count shall be done. When doing an inventory on bottles of 1,000 or less of Schedule III, IV, and V drugs, an estimate may be made.~~
- E.** ~~A dentist shall maintain invoices, for drugs and devices dispensed for profit and not for profit, for three years from the date of the invoices, filed as follows:~~
  1. ~~Schedule II drug invoices shall be filed separately from all other records;~~
  2. ~~Schedule III, IV, and V drugs shall be filed separately from all other records; and~~
  3. ~~All other invoices shall be filed separately from those referenced in subsections (E)(1) and (2).~~
- F.** ~~A dentist shall file Drug Enforcement Administration order forms, No. DEA 222, for controlled substances sequentially and separately from every other record.~~
- A.** A dentist who determines that there has been a theft or loss of drugs or controlled substances from the dentist's office shall immediately notify a local law enforcement agency and the Board and provide written notice of the theft or loss in the following manner:
  1. For non-controlled substance drug theft or loss, provide the law enforcement agency and the Board with a written report explaining the theft or loss; or
  2. For controlled substance theft or loss, complete a DEA 106 form; and
  3. Provide copies of the DEA 106 form to the Drug Enforcement Administration and the Board within seven days of the discovery.
- B.** A dentist who dispenses drugs or devices in a manner inconsistent with this Article is subject to discipline under A.R.S. Title 32, Chapter 11, Article 3.

**R4-11-1406. Compliance Dispensing for Profit Registration and Renewal**

- A.** ~~A dentist who determines that drugs have been illegally removed from the dentist's office, or that there is a drug shortage of controlled substances, shall immediately notify a local law enforcement agency and the Board. The dentists also shall provide the law enforcement agency with a written report, using a DEA 106 form, and provide copies to the Drug Enforcement Administration and the Board within seven days of the discovery.~~
- B.** ~~A dentist who dispenses drugs or devices in a manner inconsistent with Article 14 is subject to discipline pursuant to A.R.S. Title 32, Chapter 11, Article 3.~~
- A.** A dentist who is currently licensed to practice dentistry in Arizona may dispense controlled substances, prescription-only drugs, and prescription-only devices for profit only after providing the Board the following information:
  1. A completed registration form that includes the following information:
    - a. The dentist's name and dental license number;
    - b. A list of the types of drugs and devices to be dispensed for profit, including controlled substances; and
    - c. Locations where the dentist desires to dispense the drugs and devices for profit; and
  2. A copy of the dentist's current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the dentist desires to dispense the drugs and devices for profit.
- B.** The Board shall issue a numbered certificate indicating the dentist is registered with the Board to dispense drugs and devices for profit.
- C.** A dentist shall renew a registration to dispense drugs and devices for profit by complying with the requirements in subsection (A) before the dentist's license renewal date. When a dentist has made timely and complete application for the renewal of a registration, the dentist may continue to dispense until the Board approves or denies the application. Failure to renew a registration shall result in immediate loss of dispensing for profit privileges.

**ARTICLE 15. COMPLAINTS, INVESTIGATIONS, DISCIPLINARY ACTION, REINSTATEMENT OF REVOKED LICENSES**

**R4-11-1501. Ex-parte Communication**

A complainant, ~~and licensee, or~~ certificate holder, or business entity against whom a complaint ~~has been~~ is filed, shall not engage in ex-parte communication.

Notices of Final Rulemaking

**R4-11-1503. Initial Complaint Review**

- A. The president's designee shall initially review a complaint. If the designee determines that the Board has no jurisdiction, the designee shall forward the complaint ~~shall be forwarded~~ to the Board for termination.
- B. If the designee determines that the Board has jurisdiction:
1. Board personnel shall notify the complainant and licensee, ~~or certificate holder,~~ of the investigative and adjudicative process or business entity as follows:
    - a. By regular U.S. Mail that the complaint has been ~~filed~~ received and whether a clinical evaluation will be scheduled; and
    - b. By certified U.S. Mail of an informal interview, investigative interview, or mediation, if the complaint has been tabled or remanded, of a postponement or continuance, and a subpoena, notice, or order.
  2. The president's designee shall refer the complaint to an informal interview, investigative interview, triage, or mediation. Where the allegations, if proven, may result in suspension or revocation of license or certificate, the complaint shall be referred to an informal interview. All other complaints shall be referred to investigative interview, triage, or mediation.
  3. The Board may subpoena a patient's treatment records from the licensee, certificate holder, business entity, or any other health care provider.
  4. Board personnel shall provide the licensee, ~~or certificate holder,~~ or business entity with a copy of the complaint upon receipt of the treatment records.
  5. If a complaint alleges a violation of the state or federal criminal code, the Board shall refer the complaint to the proper law enforcement agency.
  6. If during the course of investigating a complaint, but before ~~an~~ triage, investigative interview, or informal interview, it appears the evidence does not support the allegations contained in the complaint, the president's designee shall forward the complaint to the Board for termination.
- C. The Board's procedures for complaints referred to clinical evaluation are:
1. Except as provided in subsection (C)(1)(a), the president's designee shall appoint one or more dentists to perform a clinical evaluation. If there is more than one clinical ~~evaluation~~ evaluator, the clinical evaluators do not need to be present at the same time. The Board shall approve each clinical evaluator.
    - a. If the complaint involves a dental hygienist, dentist, or dentist who is a recognized specialist in one of the areas listed in R4-11-1101(B), the president's designee shall appoint a clinical evaluator from that area of practice or specialty.
    - b. The Board shall not disclose the identity of the licensee to a clinical evaluator before the Board receives the clinical evaluator's report.
  2. The ~~president's designee or~~ clinical evaluator shall prepare a clinical evaluation report for the informal or investigative interview or Board meeting. The president's designee shall provide a copy of the clinical evaluation report to the licensee or certificate holder. The licensee or certificate holder may submit a written response to the clinical evaluation report before the informal or investigative interview or Board meeting.
- D. The Board's procedures for investigative and informal interviews are as follows:
1. Board personnel shall provide the complainant and licensee, ~~or certificate holder,~~ or business entity with written notice of the time and date of the investigative interview or informal interview. The notice shall include all allegations contained in the complaint and any allegation ~~which that~~ arose during the Board's investigation before the notice date.
  2. The Board's president or the president's designee may ~~request~~ schedule an informal interview with a licensee, certificate holder, or business entity. The Board president or president's designee:
    - a. May appoint one or more Board members to act as ~~the~~ an informal interviewing officer; or
    - b. May appoint a Board approved investigator to assist the informal interviewing officer; and
    - c. ~~Shall~~ If the licensee or certificate holder is a dental hygienist, dentist, or recognized dental specialist in one of the areas listed in R4-11-1102(B), shall appoint one investigator or Board member from the relevant area of practice or specialty, if the licensee or certificate holder is a dental hygienist, dentist, or recognized dental specialist to assist the informal interviewing officer.
  3. If a complaint is referred for an investigative interview, the president's designee shall appoint an investigator or an investigative panel, consisting of at least ~~two~~ one ~~dentists~~ dentist and one ~~lay person~~ public member to conduct the investigative interview. One panel member, who is not a ~~lay person~~ public member, shall serve as the chairperson. If the licensee or certificate holder is a dental hygienist, dentist, or a recognized dental specialist in one of the areas listed in R4-11-1102(B), at least one investigator shall be from that area of practice or specialty.
  4. The ~~complainant and~~ licensee or certificate holder may agree to waive the requirements in this Section regarding appointment of a licensee or certificate holder from a specific practice area or specialty, ~~or a lay person~~. The complainant, licensee, certificate holder, or business entity may agree to waive the requirements in this Section regarding the appointment of a public member.
  5. The complainant, ~~and~~ licensee, ~~or~~ certificate holder or business entity and any witness present at the informal inter-

Notices of Final Rulemaking

view or investigative interview may be questioned by the informal interviewing officer, investigators, or investigative interview panel. ~~The Counsel~~ counsel representing the complainant, licensee, ~~or~~ certificate holder, or business entity or the complainant, licensee, ~~or~~ certificate holder, or business entity ~~may~~ shall direct questions to any other participant in the informal interview or investigative interview through the chairperson of the investigative interview panel or informal interviewing officer. Following the presentation of all testimony and evidence, the complainant, ~~and~~ licensee, ~~or~~ certificate holder, or business entity, or ~~their respective~~ a representative may make a closing statement.

6. The informal interviewing officer, investigator, or investigative interview panel shall develop findings of fact, conclusions of law, and a recommendation for disposition of the complaint based on the treatment records, ~~the~~ clinical evaluation observations and documentation, testimony of the complainant and licensee, ~~or~~ certificate holder, or business entity, and any other witnesses or relevant documents.
7. Board personnel shall prepare a written report of the investigative or informal interview from the recording of the interview and the informal interviewing officer's or investigator's or investigative interview panel's written findings of fact, conclusions of law, and recommendation.
8. Board personnel shall record all informal and investigative interviews mechanically or stenographically.

**E.** The Board's procedures for triage are as follows:

1. Board personnel shall provide the licensee, certificate holder, or business entity an opportunity to respond to the complaint in writing.
2. If a complaint is forwarded for triage, the president's designee shall appoint investigators for triage consisting of at least one dentist and either one licensee or certificate holder to conduct a review of the complaint, written response from the licensee, certificate holder, or business entity, and records.
3. The triage panel may develop recommendations for termination for lack of supporting evidence, issuance of a letter of concern, further investigation, or discipline, in cases involving non-compliance with a subpoena or Board order.
4. Board personnel shall prepare a written report of the triage panel findings and recommendations and forward to the Board for action. A Board shall provide a copy by certified mail to the licensee, certificate holder, or business entity.

**R4-11-1504. ~~Expired~~ Postponement of Investigative or Informal Interview**

**A.** The complainant, licensee, certificate holder, or business entity may request a postponement of an investigative or informal interview. The Board or its designee shall grant a postponement if:

1. The complainant, licensee, certificate holder, or business entity makes an initial postponement request and the request:
  - a. Is made in writing.
  - b. States the reason for the postponement, and
  - c. Is received by the Board at least ten calendar days before the date of the investigative or informal interview not including the day of the interview; and
2. A subsequent postponement request:
  - a. Complies with subsection (1)(a), (b), and (c); and
  - b. Demonstrates good cause for the postponement.

**B.** Within 24 hours of receipt of a request for postponement of an investigative or informal interview, the Board or its designee shall:

1. Review and either deny or approve the request for postponement; and
2. Notify in writing the complainant and licensee, certificate holder, or business entity of the decision to either deny or approve the request for postponement.

ARTICLE 18. BUSINESS ENTITIES

**R4-11-1801. Application**

Before offering dental services, a business entity required to be registered under A.R.S. § 32-1213 shall apply for registration on an application form supplied by the Board. In addition to the requirements of A.R.S. § 32-1213(B) and the fee under R4-11-402, the registration application shall include a sworn statement from the applicant that:

1. The information provided by the business entity is true and correct, and
2. No information is omitted from the application.

**R4-11-1802. Display of Registration**

**A.** A business entity shall ensure that the receipt for the current registration period is:

1. Conspicuously displayed in the dental practice in a manner that is always readily observable by patients and visitors, and
2. Exhibited to members of the Board or to duly authorized agents of the Board on request.

**B.** A business entity's receipt for the licensure period immediately preceding shall be kept on display until replaced by the receipt for the current period.