



NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

[R15-52]

PREAMBLE

- 1. Articles, Parts, or Sections Affected (as applicable) Rulemaking Action
R4-11-1202 Amend
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 32-1207(A)(1) and (B)(3)
Implementing statute: A.R.S. §§ 32-1236, 32-1287 and 32-1297.06
3. The effective date of the rule:
August 3, 2015
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
Notice of Rulemaking Docket Opening: 20 A.A.R. 3374, December 5, 2014
Notice of Proposed Rulemaking: 20 A.A.R. 3408, December 12, 2014
5. The agency's contact person who can answer questions about the rulemaking:
Name: Elaine Hugunin, Executive Director
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Phoenix, AZ 85013
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6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

In response to the recommendations of the Auditor General's Performance Report and Sunset Review, the Board has determined that it is necessary to amend the continuing education affidavit requirements in A.A.C. R4-11-1202 to include the total number of continuing education hours in activities defined in A.A.C. R4-11-1209(A)(4). This action will also allow the Board more options when considering non-compliance with the continuing education renewal requirements.

The rulemaking will also update language emphasizing compliance with continuing dental education requirements.

The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State. The Board believes that approval of the rule will benefit the public health and safety by clearly establishing the requirements for continuing education for dentists, dental hygienists, denturists, dental consultants, restricted permit holders, and retired licensees and certificate holders.



7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, 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 agency did not review or rely on any study relevant to the rule.

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 amended rule will impact the Board, dentists, dental hygienists, denturists, dental consultants, restricted permit holders, and retired licensees and certificate holders, and the public.

The amended rule's impact on established Board of Dental Examiners' procedures and office related costs will realize a one-time expense to reconfigure business rules of the online renewal process to include a new continuing education category. All continuing education affidavit forms must be updated. The rule's net economic impact for the Board is minimal.

The Board estimates the amended rule will have no economic impact on licensees.

The amended rule has no economic impact on the public.

The Board, dentists, dental hygienists, denturists, dental consultants, restricted permit holders, and retired licensees and certificate holders, and the public benefit from rules that are clear, concise, and understandable. The rule benefits the public health and safety by clearly establishing the requirements for continuing education for dentists, dental hygienists, denturists, and dental consultants, restricted permit holders, and retired licensees and certificate holders.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

There are no substantial changes in the final rules from the proposed rules. Minor changes to style, format, grammar, and punctuation were made as requested by GRRC staff.

11. An agency's summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:

A public hearing was held January 12, 2015. No one attended the hearing and no written comments were received.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The agency has determined that there is no corresponding federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

No

15. The full text of the rules follows:



TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS

Section

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

ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS

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

- A. When applying for a renewal license, certificate, or restricted permit, a licensee, certificate holder, or restricted permit holder shall complete a renewal application provided by the Board.
- B. Before receiving a renewal license or certificate, each licensee or certificate holder shall possess a current form of one of the following:
 1. A current cardiopulmonary resuscitation (CPR) healthcare provider certificate from the American Red Cross, the American Heart Association, or another certifying agency;
 2. Advanced cardiac life support (ACLS) course completion confirmation from the American Heart Association or another agency. The confirmation must indicate that the course was completed within two years immediately before submitting a renewal application; or
 3. Pediatric advanced life support (PALS) course completion confirmation from the American Heart Association or another agency. The confirmation must indicate that the course was completed within two years immediately before submitting a renewal application.
- C. A licensee or certificate holder shall include ~~a written~~ an 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, ~~and~~ the number of hours completed in each category, and the total number of hours completed for activities defined in R4-11-1209(A)(4).
- 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 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.
- E. The Board shall:
 1. Only accept recognized continuing dental education credits accrued during the prescribed period immediately before 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 maintain documentation of attendance for each program for which credit is claimed that verifies the recognized continuing dental education credit hours the licensee or certificate holder participated in during the most recently completed renewal period.
- G. Each year, the Board shall audit continuing dental education ~~affidavits~~ requirement compliance on a random basis or when information is obtained which indicates a licensee or certificate holder may not be in compliance with this Article. A licensee or certificate holder ~~whose affidavits~~ selected for audit shall provide the Board with documentation of attendance ~~in support of the affidavit that shows compliance with the continuing dental education requirements~~ within 60 days from the date the licensee or certificate holder received notice of the audit by certified mail.
- H. If a licensee or certificate holder ~~makes a false statement in an affidavit~~ is found to not be in compliance with the continuing dental education requirements, the Board ~~shall may suspend, revoke, or deny renewal of a license or certificate,~~ or take any other disciplinary or non-disciplinary action authorized by A.R.S. Title 32, Chapter 11.