

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 258

HOUSE BILL 2029

AN ACT

AMENDING SECTIONS 20-1001, 32-1201, 32-1205, 32-1207, 32-1210, 32-1232, 32-1236, 32-1262, 32-1263.01, 32-1263.02, 32-1264, 32-1284, 32-1287, 32-1295, 32-1296, 32-1297, 32-1297.01, 32-1297.02, 32-1297.03, 32-1297.04 AND 32-1297.06, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-1202 AND 32-1286, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-1202; AMENDING TITLE 32, CHAPTER 11, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1234 AND 32-1235; AMENDING TITLE 32, CHAPTER 11, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1240; AMENDING TITLE 32, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1292; AMENDING TITLE 32, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1292.01; RELATING TO THE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 20-1001, Arizona Revised Statutes, is amended to
3 read:

4 20-1001. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Member" means an individual who is enrolled in a group prepaid
7 dental plan as a principal subscriber together with such person's dependents
8 who are entitled to dental care services under the plan solely because of
9 their status as dependents of the principal subscriber.

10 2. "Membership coverage" means any certificate or contract issued to
11 a member setting out the dental coverage to which such member is entitled.

12 3. "Prepaid dental plan" means any contractual arrangement whereby any
13 prepaid dental plan organization undertakes to provide directly or to arrange
14 for prepaid dental services and to pay or make reimbursement for any
15 remaining portion of such prepaid dental services on a prepaid basis through
16 insurance or otherwise.

17 4. "Prepaid dental plan organization" means any person who undertakes
18 to conduct one or more prepaid dental plans providing only dental services.

19 5. "Prepaid dental services" means services included in the practice
20 of dentistry as defined DESCRIBED in section 32-1202.

21 6. "Provider" means any person licensed or otherwise authorized to
22 furnish prepaid dental services in this state.

23 Sec. 2. Section 32-1201, Arizona Revised Statutes, is amended to read:

24 32-1201. Definitions

25 In this chapter, unless the context otherwise requires:

26 1. "Auxiliary personnel" means all dental assistants, dental
27 technicians, dental x-ray technicians and other persons employed by dentists
28 or firms and businesses providing dental services to dentists.

29 2. "Board" means the state board of dental examiners.

30 3. "Dental assistant" means any person who acts as an assistant to a
31 dentist or a dental hygienist by rendering personal services to a patient
32 which THAT involve close proximity to the patient while the patient is under
33 treatment or observation or undergoing diagnostic procedures.

34 4. "Dental hygienist" means ~~anyone~~ ANY PERSON licensed and engaged in
35 the general practice of dental hygiene and all related and associated duties
36 including educational, clinical and therapeutic dental hygiene procedures.

37 5. "Dental incompetence" means lacking in sufficient dentistry
38 knowledge or skills, or both, in that field of dentistry in which the
39 dentist, denturist or dental hygienist concerned engages, to a degree likely
40 to endanger the health of that person's patients.

41 6. "Dental laboratory technician" means any person, other than a
42 licensed dentist, who, pursuant to a written work order of a dentist,
43 fabricates artificial teeth, prosthetic appliances or other mechanical and
44 artificial contrivances designed to correct or alleviate injuries or defects,
45 both developmental and acquired, disorders or deficiencies of the human oral

1 cavity, teeth, investing tissues, maxilla or mandible or adjacent associated
2 structures.

3 7. "Dental x-ray laboratory technician" means any person, other than
4 a licensed dentist, who, pursuant to a written work order of a dentist,
5 performs dental and ~~maxillo-facial~~ MAXILLOFACIAL radiography including
6 cephalometrics, panoramic and ~~maxillo-facial~~ MAXILLOFACIAL tomography and
7 other dental related non-fluoroscopic diagnostic imaging modalities.

8 8. "Dentistry," "dentist" and "dental" means the general practice
9 of dentistry and all specialties or restricted practices of dentistry.

10 9. "Denturist" means a person practicing denture technology pursuant
11 to article 5 of this chapter.

12 10. "Disciplinary action" means regulatory sanctions THAT ARE imposed
13 by the board in combination with, or as an alternative to, revocation or
14 suspension of a license, ~~which~~ AND THAT may include:

15 (a) Imposition of an administrative penalty in an amount not to exceed
16 two thousand dollars for each violation of this chapter or rules adopted
17 under this chapter.

18 (b) Imposition of restrictions on the scope of practice.

19 (c) Imposition of peer review and professional education requirements.

20 (d) Imposition of censure or probation requirements best adapted to
21 protect the public welfare, which may include a requirement for restitution
22 to the patient resulting from violations of this chapter or rules adopted
23 under this chapter.

24 11. "Irregularities in billing" means:

25 (a) Reporting excessive charges for the purpose of obtaining payment
26 not earned.

27 (b) Reporting charges for services not rendered.

28 (c) Incorrectly reporting services rendered for the purpose of
29 obtaining payment not earned.

30 (d) Abrogating the copayment provisions of a dental insurance contract
31 by waiving all or a part of the copayment from the patient if this results
32 in an excessive or fraudulent charge to a third party.

33 (e) Any other practice in billing which THAT results in excessive or
34 fraudulent charges to the patient.

35 12. "Letter of concern" means an advisory letter to notify a licensee
36 that, while the evidence does not warrant disciplinary action, the board
37 believes that the licensee should modify or eliminate certain practices and
38 that continuation of the activities that led to the information being
39 submitted to the board may result in board action against the practitioner's
40 license. A letter of concern is not a disciplinary action. A letter of
41 concern is a public document and may be used in a future disciplinary action.

42 13. "Licensed" means licensed pursuant to this chapter.

43 14. "Recognized dental hygiene school" means a school that has a dental
44 hygiene program with a minimum two academic year curriculum, ~~and that~~
45 ~~maintains standards of entrance, study and graduation~~ OR THE EQUIVALENT OF

1 FOUR SEMESTERS, AND THAT IS approved by the board and accredited by the
2 American dental association commission on dental accreditation or a program
3 accrediting agency approved by the council on postsecondary accreditation.

4 15. "Recognized dental school" means a dental school maintaining
5 standards of entrance, study and graduation approved by the board as
6 satisfactory and accredited by the American dental association commission on
7 dental accreditation or a program accrediting agency approved by the council
8 on postsecondary accreditation.

9 16. "Recognized DENTURIST school of denture technology" means a
10 denturist school maintaining standards of entrance, study and graduation
11 approved by the board as satisfactory THAT IS ACCREDITED BY THE UNITED STATES
12 DEPARTMENT OF EDUCATION OR THE COUNCIL ON HIGHER EDUCATION ACCREDITATION.

13 17. "Supervised personnel" means all dental hygienists, dental
14 assistants, dental laboratory technicians, denturists, dental x-ray
15 laboratory technicians and other persons supervised by licensed dentists.

16 18. "Unprofessional conduct" means the following acts, whether
17 occurring in this state or elsewhere:

18 (a) Intentional betrayal of a professional confidence or intentional
19 violation of a privileged communication except as either of these may
20 otherwise be required by law. This subdivision does not prevent members of
21 the board from the full and free exchange of information with the licensing
22 and disciplinary boards of other states, territories or districts of the
23 United States or foreign countries, with the Arizona state dental association
24 or any of its component societies or with the dental societies of other
25 states, counties, districts, territories or foreign countries.

26 (b) Using controlled substances as defined in section 36-2501,
27 narcotic drugs, dangerous drugs or marijuana as defined in section 13-3401,
28 or hypnotic drugs, including acetylurea derivatives, barbituric acid
29 derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane
30 derivatives or any compounds, mixtures or preparations that may be used for
31 producing hypnotic effects, or alcohol to the extent that it affects the
32 ability of the dentist, denturist or dental hygienist to practice that
33 person's profession.

34 (c) Prescribing, dispensing or using drugs for other than accepted
35 dental therapeutic purposes or for other than medically indicated supportive
36 therapy in conjunction with managing a patient's dental needs.

37 (d) Gross malpractice, or repeated acts constituting malpractice.

38 (e) Acting or assuming to act as a member of the board if this is not
39 true.

40 (f) Procuring or attempting to procure a certificate of the national
41 board of dental examiners or a license to practice dentistry or dental
42 hygiene by fraud or misrepresentation or by knowingly taking advantage of the
43 mistake of another.

44 (g) Having professional connection with or lending one's name to an
45 illegal practitioner of dentistry or any of the other healing arts.

1 (h) Representing that a manifestly not correctable condition, disease,
2 injury, ailment or infirmity can be permanently corrected, or that a
3 correctable condition, disease, injury, ailment or infirmity can be corrected
4 within a stated time, if this is not true.

5 (i) Offering, undertaking or agreeing to correct, cure or treat a
6 condition, disease, injury, ailment or infirmity by a secret means, method,
7 device or instrumentality.

8 (j) Refusing to divulge to the board, on reasonable notice and demand,
9 the means, method, device or instrumentality used in the treatment of a
10 condition, disease, injury, ailment or infirmity.

11 (k) Giving or receiving, or aiding or abetting the giving or
12 receiving, of rebates, either directly or indirectly.

13 (l) Knowingly making any false or fraudulent statement, written or
14 oral, in connection with the practice of dentistry.

15 (m) Refusal, revocation or suspension of a license OR ANY OTHER
16 DISCIPLINARY ACTION TAKEN AGAINST A DENTIST by, OR THE VOLUNTARY SURRENDER
17 OF A LICENSE IN LIEU OF DISCIPLINARY ACTION TO, any other state, territory,
18 district or country, unless the board finds that this action was not taken
19 for reasons which THAT relate to the person's ability to safely and
20 skillfully practice dentistry or to any act of unprofessional conduct.

21 (n) Any conduct or practice which ~~does or would~~ constitute THAT
22 CONSTITUTES a danger to the health, welfare or safety of the patient or the
23 public.

24 (o) Obtaining a fee by fraud or misrepresentation, or willfully or
25 intentionally filing a fraudulent claim with a third party for services
26 rendered or to be rendered to a patient.

27 (p) Repeated irregularities in billing.

28 (q) Employing unlicensed persons to perform or aiding and abetting
29 unlicensed persons in the performance of work which THAT can be done legally
30 only by licensed persons.

31 (r) Practicing dentistry under a false or assumed name in this state,
32 other than as allowed by section 32-1262.

33 (s) Willfully or intentionally causing or permitting supervised
34 personnel or auxiliary personnel operating under the licensee's supervision
35 to commit illegal acts or perform an act or operation other than that
36 permitted under article 4 of this chapter and rules adopted by the board
37 pursuant to section 32-1282.

38 (t) Violating or attempting to violate, directly or indirectly, or
39 assisting or abetting the violation of or conspiring to violate any of the
40 provisions of this chapter or any rule adopted by the board.

41 (u) The following advertising practices:

42 (i) The publication or circulation, directly or indirectly, of any
43 false, fraudulent or misleading statements concerning the skill, methods or
44 practices of the licensee or of any other person.

1 (ii) Advertising in any manner which THAT tends to deceive or defraud
2 the public.

3 (v) Failing to dispense drugs and devices in compliance with article
4 6 of this chapter.

5 (w) Failing to comply with a final board order, including an order of
6 censure or probation.

7 (x) Failing to comply with a board subpoena in a timely manner.

8 (y) Failing or refusing to maintain adequate patient records.

9 (z) Failing to allow properly authorized board personnel, on demand,
10 to examine and have access to documents, reports and records maintained by
11 the licensee or certificate holder that relate to the dental practice or
12 dentally related activity.

13 (aa) Refusing to submit to a body fluid examination as required
14 through a monitored treatment program or pursuant to a board investigation
15 into a licensee's or certificate holder's alleged substance abuse.

16 (bb) Failing to inform a patient of the type of material the dentist
17 will use in the patient's dental filling and the reason why the dentist is
18 using that particular filling.

19 Sec. 3. Repeal

20 Section 32-1202, Arizona Revised Statutes, is repealed.

21 Sec. 4. Title 32, chapter 11, article 1, Arizona Revised Statutes, is
22 amended by adding a new section 32-1202, to read:

23 32-1202. Scope of practice; definition

24 A. THE PRACTICE OF DENTISTRY IS THE EVALUATION, DIAGNOSIS, PREVENTION
25 AND TREATMENT OF HUMAN DISEASES, DISORDERS AND CONDITIONS OF THE ORAL CAVITY,
26 THE MAXILLOFACIAL AREA AND THE ADJACENT AND ASSOCIATED STRUCTURES WITHIN THE
27 DENTIST'S SCOPE OF EDUCATION, TRAINING AND EXPERIENCE AND ACCORDING TO THE
28 ETHICS OF THE PROFESSION AND APPLICABLE LAW.

29 B. FOR THE PURPOSES OF THIS SECTION, "TREATMENT" INCLUDES SURGICAL AND
30 NONSURGICAL TREATMENT AND RELATED PROCEDURES.

31 Sec. 5. Section 32-1205, Arizona Revised Statutes, is amended to read:

32 32-1205. Organization; meetings; quorum; staff

33 A. The board shall elect from its membership a president and a
34 vice-president who shall act also as secretary-treasurer.

35 B. Board meetings shall be conducted pursuant to title 38, chapter 3,
36 article 3.1. A majority of the board constitutes a quorum, ~~except that at~~
37 ~~least one of the lay person board members shall be present for the board to~~
38 ~~take any legal action.~~

39 C. The board may employ an executive director, subject to legislative
40 appropriation.

41 D. The board or the executive director may employ personnel, as
42 necessary, subject to legislative appropriation.

43 Sec. 6. Section 32-1207, Arizona Revised Statutes, is amended to read:

44 32-1207. Powers and duties

45 A. The board shall:

1 1. Make ADOPT rules not inconsistent with this chapter for the
2 regulation of its own conduct, for holding examinations and for regulating
3 the practice of dentists and supervised ~~and auxiliary~~ personnel, provided:

4 (a) Regulation of supervised ~~and auxiliary~~ personnel shall be based
5 upon ON the degree of education and training of such THE SUPERVISED
6 personnel, the state of scientific technology available and the necessary
7 degree of supervision of such THE SUPERVISED personnel by dentists.

8 (b) Except as provided pursuant to section 32-1281, only licensed
9 dentists may perform diagnosis and treatment planning, prescribe medication
10 and perform surgical procedures on hard and soft tissues.

11 (c) Only a licensed dentist, or dental hygienist in consultation with
12 a dentist, may perform examinations, oral health assessments and treatment
13 sequencing for dental hygiene procedures.

14 2. Adopt a seal.

15 3. Keep a record of its proceedings and reports.

16 4. Establish a uniform and reasonable standard of minimum educational
17 requirements consistent with the accreditation standards of the American
18 dental association commission on dental accreditation ~~or a program~~
19 ~~accrediting agency approved by the council on post-secondary accreditation~~
20 to be observed by dental schools and dental hygiene schools in order to be
21 classified as recognized dental schools or dental hygiene schools.

22 5. Establish a uniform and reasonable standard of minimum educational
23 requirements to THAT ARE CONSISTENT WITH THE ACCREDITATION STANDARDS OF THE
24 UNITED STATES DEPARTMENT OF EDUCATION OR THE COUNCIL ON HIGHER EDUCATION
25 ACCREDITATION AND THAT MUST be observed by denture technology schools in
26 order to be classified as recognized denture technology schools.

27 6. ~~Pass upon~~ DETERMINE the reputability and classification of dental
28 schools, dental hygiene schools and denture technology schools in accordance
29 with their compliance with the standard set forth in paragraph 4 or 5 of this
30 subsection, whichever is applicable.

31 7. ~~Pass upon~~ DETERMINE the eligibility of applicants for examination,
32 examine those found eligible and issue licenses to those who pass the
33 examination.

34 8. ~~Pass upon~~ DETERMINE the eligibility of applicants for restricted
35 permits and issue restricted permits to those found eligible.

36 9. Investigate charges of misconduct on the part of licensees and
37 persons to whom restricted permits have been issued.

38 10. Issue a letter of concern, which is not a disciplinary action, but
39 refers to practices that may lead to a violation and to disciplinary action.

40 11. Issue decrees of censure, fix periods and terms of probation,
41 suspend or revoke licenses, certificates and restricted permits, as the facts
42 may warrant, and reinstate licenses, certificates and restricted permits in
43 proper cases.

44 12. Collect and disburse monies.

1 13. Perform all other duties ~~and things which~~ THAT are necessary to
2 enforce the ~~provisions of~~ this chapter and which THAT are not specifically
3 or by necessary implication delegated to another person.

4 14. Issue a license to an applicant who is a graduate of a dental
5 school that is not recognized by the board but who satisfies the requirements
6 of section 32-1232.

7 15. ESTABLISH CRITERIA FOR THE RENEWAL OF PERMITS ISSUED PURSUANT TO
8 BOARD RULES RELATING TO GENERAL ANESTHESIA AND SEDATION.

9 B. The board may:

10 1. Sue and be sued.

11 2. Issue subpoenas, including subpoenas to the custodian of patient
12 records, compel attendance of witnesses, administer oaths and take testimony
13 concerning all matters within its jurisdiction. If a person refuses to obey
14 a subpoena issued by the board, the refusal shall be certified to the
15 superior court and proceedings shall be instituted for contempt of court.

16 3. Make ADOPT rules:

17 (a) Prescribing requirements for continuing education for renewal of
18 all licenses issued pursuant to this chapter.

19 (b) Prescribing educational and experience prerequisites for the
20 administration of intravenous or intramuscular drugs for the purpose of
21 sedation or for use of general anesthetics in conjunction with a dental
22 treatment procedure.

23 (c) PRESCRIBING REQUIREMENTS FOR OBTAINING LICENSES FOR DISABLED OR
24 RETIRED LICENSEES.

25 4. Hire consultants to assist the board in the performance of its
26 duties and employ persons to provide investigative, professional and clerical
27 assistance as it deems necessary.

28 5. Contract with other state or federal agencies as required to carry
29 out the purposes of this chapter.

30 6. ORDER AND EVALUATE PHYSICAL, PSYCHOLOGICAL, PSYCHIATRIC AND
31 COMPETENCY TESTING OF LICENSED DENTISTS AND DENTAL HYGIENISTS AND CERTIFIED
32 DENTURISTS AND CANDIDATES FOR LICENSURE AND CERTIFICATION AS THE BOARD
33 DETERMINES NECESSARY.

34 C. Members of the board are personally immune from liability with
35 respect to all acts done and actions taken in good faith and within the scope
36 of their authority.

37 D. The board by rule shall require that a licensee obtain a permit for
38 the application of general anesthesia, semiconscious sedation or conscious
39 sedation, shall establish and collect a fee of not more than three hundred
40 dollars to cover administrative costs connected with issuing the permit and
41 shall conduct inspections to assure compliance.

42 E. The board by rule may establish and collect fees for license
43 verification, board meeting agendas and minutes, published lists and mailing
44 labels.

1 Sec. 7. Section 32-1210, Arizona Revised Statutes, is amended to read:

2 32-1210. Annual report

3 A. Not later than ~~August~~ OCTOBER 1 OF each year, the board shall make
4 an annual written report to the governor for the preceding year, ~~setting~~
5 ~~forth therein~~ THAT INCLUDES THE FOLLOWING INFORMATION:

6 1. The number of licensed dentists in the state, ~~and~~.

7 2. The number of licenses issued during the preceding year and to whom
8 issued, ~~and~~.

9 3. The number of examinations held and the dates thereof, OF THE
10 EXAMINATIONS.

11 4. The facts with respect to accusations filed with the board, of
12 hearings held in connection therewith WITH THOSE ACCUSATIONS and the results
13 thereof, OF THOSE HEARINGS.

14 5. The facts with respect to prosecution of persons charged with
15 violations of this chapter, ~~and~~.

16 6. A full and complete statement of financial transactions of the
17 board, ~~and~~.

18 7. Any other matters THAT the board ~~sees fit~~ WISHES to include therein
19 IN THE REPORT or ~~as~~ THAT the governor requires.

20 B. ON REQUEST OF the governor ~~may at any time demand~~ THE BOARD SHALL
21 SUBMIT a ~~further or~~ supplemental report, ~~and the board shall furnish such~~
22 report.

23 Sec. 8. Section 32-1232, Arizona Revised Statutes, is amended to read:

24 32-1232. Qualifications of applicant; application; fee

25 A. An applicant for licensure shall be of good moral character, shall
26 meet the requirements of section 32-1233 and shall hold a diploma from a
27 recognized dental school. If the school is not recognized, the candidate
28 shall meet the requirements of subsection B of this section.

29 B. A candidate who is a graduate of a dental school that is not
30 recognized by the board shall meet the examination requirements of this
31 article and shall do all of the following:

32 1. Present evidence of completion of a two year program in clinical
33 dentistry at a dental school accredited by the American dental association
34 commission on accreditation.

35 2. Pass parts I and II of the national dental board examinations.

36 3. Have passed the western regional examining board examination within
37 the last five years.

38 4. Demonstrate to the satisfaction of the board an ability to read,
39 write, speak, understand and be understood in the English language.

40 C. Each candidate shall ~~make~~ SUBMIT A written application to the board
41 accompanied by a nonrefundable Arizona dental jurisprudence examination fee
42 ~~prescribed by the board at its annual August meeting. This fee shall not~~
43 ~~exceed two~~ OF THREE hundred dollars. The board shall waive this fee for
44 candidates who are holders of valid restricted permits.

1 D. The board may deny an application for a license, an application to
2 take an examination for a license or an application for a restricted permit
3 if the applicant ~~has done any of the following:~~

4 1. Committed any act which THAT would be cause for censure, probation
5 or suspension or revocation of a license under this chapter.

6 2. While unlicensed, committed or aided and abetted the commission of
7 any act for which a license is required by this chapter.

8 3. Knowingly made any false statement in the application.

9 4. HAD A LICENSE TO PRACTICE DENTISTRY REVOKED BY A DENTAL REGULATORY
10 BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED
11 IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
12 CHAPTER.

13 5. IS CURRENTLY UNDER SUSPENSION OR RESTRICTION BY A DENTAL REGULATORY
14 BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED
15 IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
16 CHAPTER.

17 6. SURRENDERED, RELINQUISHED OR GAVE UP A LICENSE TO PRACTICE
18 DENTISTRY IN LIEU OF DISCIPLINARY ACTION BY A DENTAL REGULATORY BOARD IN
19 ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT
20 JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
21 CHAPTER.

22 E. THE BOARD SHALL SUSPEND AN APPLICATION FOR A LICENSE, AN
23 APPLICATION TO TAKE AN EXAMINATION FOR A LICENSE OR AN APPLICATION FOR A
24 RESTRICTED PERMIT IF THE APPLICANT IS CURRENTLY UNDER INVESTIGATION BY A
25 DENTAL REGULATORY BOARD IN ANOTHER JURISDICTION. THE BOARD SHALL NOT ISSUE
26 OR DENY A LICENSE TO THE APPLICANT UNTIL THE INVESTIGATION IS RESOLVED.

27 Sec. 9. Title 32, chapter 11, article 2, Arizona Revised Statutes, is
28 amended by adding sections 32-1234 and 32-1235, to read:

29 32-1234. Dental consultant license

30 A. A PERSON MAY APPLY FOR A DENTAL CONSULTANT LICENSE IF THE APPLICANT
31 DEMONSTRATES TO THE BOARD'S SATISFACTION THAT THE APPLICANT:

32 1. HAS CONTINUOUSLY HELD A LICENSE TO PRACTICE DENTISTRY FOR AT LEAST
33 TWENTY-FIVE YEARS ISSUED BY ONE OR MORE STATES OR TERRITORIES OF THE UNITED
34 STATES OR THE DISTRICT OF COLUMBIA, BUT IS NOT CURRENTLY LICENSED TO PRACTICE
35 DENTISTRY IN ARIZONA.

36 2. IS OF GOOD MORAL CHARACTER.

37 3. HAS NOT HAD A LICENSE TO PRACTICE DENTISTRY REVOKED BY A DENTAL
38 REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT
39 OCCURRED IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT
40 PURSUANT TO THIS CHAPTER.

41 4. IS NOT CURRENTLY UNDER SUSPENSION OR RESTRICTION BY A DENTAL
42 REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT
43 OCCURRED IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT
44 PURSUANT TO THIS CHAPTER.

1 4. THAT THE APPLICANT DEMONSTRATES ANY OTHER STANDARD OF
2 REHABILITATION THE BOARD DETERMINES IS APPROPRIATE.

3 B. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, A PERSON MAY
4 NOT SUBMIT AN APPLICATION FOR REINSTATEMENT LESS THAN FIVE YEARS AFTER THE
5 DATE OF SUSPENSION, REVOCATION OR SURRENDER.

6 C. THE BOARD SHALL VACATE ITS PREVIOUS ORDER TO SUSPEND OR REVOKE A
7 LICENSE OR CERTIFICATE IF THAT SUSPENSION OR REVOCATION WAS BASED ON A
8 CONVICTION OF A FELONY OR AN OFFENSE INVOLVING MORAL TURPITUDE AND THAT
9 CONVICTION HAS BEEN REVERSED ON APPEAL. THE PERSON MAY SUBMIT AN APPLICATION
10 FOR REINSTATEMENT AS SOON AS THE COURT ENTERS THE REVERSAL.

11 D. AN APPLICANT FOR REINSTATEMENT MUST COMPLY WITH ALL INITIAL
12 LICENSING OR CERTIFICATION REQUIREMENTS PRESCRIBED BY THIS CHAPTER.

13 E. A PERSON WHOSE APPLICATION FOR A LICENSE OR CERTIFICATE HAS BEEN
14 DENIED FOR FAILURE TO MEET ACADEMIC REQUIREMENTS MAY APPLY FOR LICENSURE OR
15 CERTIFICATION NOT LESS THAN TWO YEARS AFTER THE DENIAL.

16 F. A PERSON WHOSE APPLICATION FOR A LICENSE HAS BEEN DENIED PURSUANT
17 TO SECTION 32-1232, SUBSECTION D MAY APPLY FOR LICENSURE NOT LESS THAN FIVE
18 YEARS AFTER THE DENIAL.

19 Sec. 10. Section 32-1236, Arizona Revised Statutes, is amended to
20 read:

21 32-1236. Dentist triennial licensure; forfeiture of license;
22 reinstatement; license for each place of business;
23 notice of change of address; penalties

24 A. On or before June 30 of every third year, every licensed dentist
25 shall submit to the board a passport size photograph taken of the dentist
26 within the previous six months and shall pay a fee prescribed by the board
27 at its annual August meeting OF SIX HUNDRED FIFTY DOLLARS. This fee shall
28 not exceed four hundred fifty dollars. The board may stagger licensure
29 according to an alphabetical division as prescribed by the board in a manner
30 that maintains a nearly equal yearly licensure.

31 B. A person applying for licensure for the first time in this state
32 shall pay a prorated fee for the period remaining until the next June 30.
33 This fee shall not exceed one-third of the fee established pursuant to
34 subsection A. Subsequent licensure renewal shall be conducted pursuant to
35 this section.

36 C. A person who fails to pay a fee prescribed by this section forfeits
37 the license. A license may be reinstated in the fiscal year in which it is
38 forfeited by submitting a written application with payment of the fee plus
39 a penalty in an amount set by the board of not exceeding twenty-five ONE
40 HUNDRED dollars. During the second fiscal year following forfeiture,
41 reinstatement may be effected by submitting a written application and payment
42 of the fees and all accumulated penalty fees. If a person fails to pay the
43 fees for reinstatement prior to BEFORE the beginning of the third fiscal year
44 following the forfeiture of the license, the board shall require that person
45 to successfully complete the regular examination prior to reinstatement of

1 BEFORE THE BOARD REINSTATES the license. Whenever issued, reinstatement is
2 as of the date of application and entitles the applicant to a receipt
3 LICENSURE only for the remainder of the applicable three year period.

4 D. A licensee maintaining more than one place of practice shall obtain
5 from the board a duplicate license for each office. A fee set by the board
6 shall be charged for each duplicate license. The licensee shall notify the
7 board within ten days of opening the additional place or places of practice.
8 The board shall impose a penalty of ten FIFTY dollars for failure to notify
9 the board.

10 E. A licensee who changes the licensee's office address shall, within
11 ten days, notify the board of that change. The board shall impose a penalty
12 of ten FIFTY dollars if a licensee fails to notify the board of the change
13 within that time. The board shall increase the penalty imposed to fifty ONE
14 HUNDRED dollars if a licensee fails to notify it of the change within thirty
15 days.

16 Sec. 11. Title 32, chapter 11, article 2, Arizona Revised Statutes,
17 is amended by adding section 32-1240, to read:

18 32-1240. Licensure by credential; examinations; waiver; fee

19 A. THE BOARD BY RULE MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS
20 ARTICLE ON RECEIPT OF EVIDENCE SATISFACTORY TO THE BOARD THAT THE APPLICANT
21 HAS PASSED THE CLINICAL EXAMINATION OF ANOTHER STATE OR TESTING AGENCY AND
22 EITHER:

23 1. THE OTHER STATE OR TESTING AGENCY MAINTAINS A STANDARD OF LICENSURE
24 THAT IS SUBSTANTIALLY EQUIVALENT TO THAT OF THIS STATE AS DETERMINED BY THE
25 BOARD.

26 2. THE APPLICANT HAS ACQUIRED A CERTIFICATE OR OTHER EVIDENCE OF
27 SUCCESSFUL COMPLETION OF THE EXAMINATION NOT MORE THAN FIVE YEARS BEFORE
28 SUBMITTING AN APPLICATION FOR LICENSURE PURSUANT TO THIS CHAPTER.

29 B. THE APPLICANT SHALL PAY A LICENSURE BY CREDENTIAL FEE OF TWO
30 THOUSAND DOLLARS.

31 Sec. 12. Section 32-1262, Arizona Revised Statutes, is amended to
32 read:

33 32-1262. Corporate practice; display of name and license
34 receipt or license; duplicate licenses; fee

35 A. It is lawful to practice dentistry as a professional corporation.

36 B. It is lawful to practice dentistry under a name other than that of
37 the licensed practitioners if such THE name is not deceptive or misleading.
38 and is approved in advance by the board. In approving such names, the board
39 shall consider:

40 1. ~~Whether the proposed name is contrary to the provisions of section~~
41 ~~32-1201, paragraph 18, subdivision (r).~~

42 2. ~~Whether the proposed name would duplicate or be deceptively similar~~
43 ~~to any names previously submitted or approved or in common use in this state~~
44 ~~or by any national organization.~~

1 C. The DENTIST'S name of every person practicing dentistry shall be
2 conspicuously displayed at the entrance to the place where he THE DENTIST
3 practices. A licensee's receipt for the current licensure period shall be
4 displayed in his THE LICENSEE'S place of practice in such A manner as to be
5 THAT IS always readily observable by patients or visitors and shall be
6 exhibited to members of the board or to duly authorized agents of the board
7 upon ON request. The receipt for the licensure period immediately preceding
8 shall be kept on display until replaced by the receipt for the current
9 period. During the year in which the licensee is first licensed and until
10 the receipt for the following period is received, the license shall be
11 displayed in lieu of the receipt.

12 D. When IF a licensee DENTIST maintains more than one place of
13 practice, the board may issue one or more duplicate licenses or receipts on
14 payment of a fee fixed by the board not exceeding twenty-five dollars for
15 each duplicate.

16 E. When IF a person LICENSEE legally changes his THE LICENSEE'S name
17 from that in which his THE license was originally issued, the board may,
18 upon, ON satisfactory proof of such THE change and surrender of the original
19 license, if obtainable, MAY issue a new license in the new name and shall
20 charge the established fee for duplicate licenses therefor.

21 Sec. 13. Section 32-1263.01, Arizona Revised Statutes, is amended to
22 read:

23 32-1263.01. Types of disciplinary action; letter of concern;
24 judicial review; notice; removal of notice;
25 classification

26 A. The board may take any one or a combination of the following
27 disciplinary actions against any person licensed under this chapter:

- 28 1. Revocation of license to practice.
- 29 2. Suspension of license to practice for ~~any period up to one year.~~
- 30 3. Entering a decree of censure, which may require that restitution
31 be made to an aggrieved party.
- 32 4. Issuance of an order fixing a period and terms of probation best
33 adapted to protect the public health and safety and to rehabilitate the
34 licensed person. The order fixing a period and terms of probation may
35 require that restitution be made to the aggrieved party.
- 36 5. Imposition of an administrative penalty in an amount not to exceed
37 two thousand dollars for each violation of this chapter or rules adopted
38 under this chapter.
- 39 6. Imposition of a requirement for restitution of fees to the
40 aggrieved party.
- 41 7. Imposition of restrictions on the scope of practice.
- 42 8. Imposition of peer review and professional education requirements.
- 43 9. IMPOSITION OF COMMUNITY SERVICE.

44 B. The board may issue a letter of concern if a licensee's continuing
45 practices may cause the board to take disciplinary action.

1 C. Failure to comply with any final order of the board, including an
2 order of censure or probation, is cause for suspension or revocation of a
3 license.

4 D. Except as provided in section 41-1092.08, subsection H, final
5 decisions of the board are subject to judicial review pursuant to title 12,
6 chapter 7, article 6.

7 E. If the board acts to modify any dentist's prescription writing
8 privileges, it shall immediately notify the state board of pharmacy of the
9 modification.

10 F. The board may post a notice of its suspension or revocation of a
11 license at the licensee's place of business. This notice shall remain posted
12 for sixty days. A person who removes this notice without board or court
13 authority before that time is guilty of a class 3 misdemeanor.

14 G. A LICENSEE OR CERTIFICATE HOLDER SHALL RESPOND IN WRITING TO THE
15 BOARD WITHIN TWENTY DAYS AFTER NOTICE OF HEARING IS SERVED. A LICENSEE WHO
16 FAILS TO ANSWER THE CHARGES IN A COMPLAINT AND NOTICE OF HEARING ISSUED
17 PURSUANT TO THIS ARTICLE AND TITLE 41, CHAPTER 6, ARTICLE 10 IS DEEMED TO
18 ADMIT THE ACTS CHARGED IN THE COMPLAINT AND THE BOARD MAY REVOKE OR SUSPEND
19 THE LICENSE WITHOUT A HEARING.

20 Sec. 14. Section 32-1263.02, Arizona Revised Statutes, is amended to
21 read:

22 32-1263.02. Investigation and adjudication of complaints;
23 subpoena authority

24 A. The board on its motion may investigate any evidence which THAT
25 appears to show the existence of any of the causes or grounds for
26 disciplinary action as provided in section 32-1263.

27 B. The board shall investigate a complaint signed by the complainant
28 which THAT appears to show the existence of any of the causes or grounds for
29 disciplinary action as provided in section 32-1263. If requested, the board
30 shall inform the respondent of the name of the complainant unless the
31 complaint involved a licensee's alcohol or drug impairment. Patient
32 information pursuant to subsection I of this section shall not be disclosed
33 unless such THAT person's testimony is essential to the disciplinary
34 proceedings conducted pursuant to this section. All investigative material,
35 including dental records, is confidential and shall not be disclosed unless
36 the information is essential to the disciplinary proceedings conducted
37 pursuant to this section.

38 C. After a motion by the board or upon ON receipt of a complaint
39 signed by the complainant, as provided in subsections A and B of this
40 section, the president of the board or the president's designee shall request
41 either an informal interview with the licensee against whom the complaint was
42 filed or motion to investigate was made or shall refer the complaint or
43 motion to investigate to an investigator appointed by the board, who need not
44 be a member of the board. The board may appoint more than one investigator.
45 If the circumstances warrant an emergency suspension pursuant to section

1 41-1092.11, the board may dispense with the procedures required by this
2 section. If the licensee against whom the complaint was filed or motion to
3 investigate was made refuses to cooperate with the board or if the license
4 has been summarily suspended pursuant to section 41-1092.11, the matter shall
5 be immediately advanced to a formal board hearing as provided in title 41,
6 chapter 6, article 10, at which time the evidence supporting the imposition
7 of disciplinary actions shall be presented and formal board action shall be
8 taken. If the licensee chooses to cooperate with the board, the procedures
9 shall be as follows:

10 1. If a complaint signed by the complainant refers to quality of care,
11 the patient may be referred for a clinical evaluation, the results of which
12 may be used for deliberation in an informal interview, for an investigator's
13 recommendation or for a formal hearing.

14 2. If an informal interview is requested, the president or the
15 president's designee shall appoint a member of the board to act as the
16 informal interviewing officer and the board shall notify the licensee in
17 writing of the reasons for the interview and the date of the interview. The
18 date of the interview shall not be less than twenty days after notification.
19 ~~The informal interviewing officer shall, Within ninety days of appointment,~~
20 THE INFORMAL INTERVIEWING OFFICER SHALL hold the interview and make a written
21 recommendation to the board on whether disciplinary action is appropriate
22 and, if it is appropriate, the type of disciplinary action which THAT THE
23 BOARD should be taken TAKE.

24 3. If the matter is referred to an investigator, the investigator
25 shall ~~within ten days~~ begin to investigate the charges WITHIN TEN DAYS and
26 shall exercise all the powers of the board in such ~~an~~ THAT investigation.
27 Within ninety days of referral, unless good cause requires longer, the
28 investigator shall make a written recommendation to the board on whether
29 disciplinary action is appropriate and, if it is appropriate, the type of
30 disciplinary action which THAT THE BOARD should be taken TAKE.

31 4. In cases in which the informal interviewing officer or the
32 investigator recommends sanctions, a copy of the reports shall be made
33 available to the licensee.

34 5. The board may refer the matter to mediation if the complaint does
35 not appear to include dental incompetence, malpractice or grounds that
36 involve criminal allegations. A mediator shall not be involved in any
37 further investigation of the complaint. The board shall review and approve
38 all mediation.

39 D. Within sixty days of AFTER receipt of the written report of the
40 informal interviewing officer or the investigator, the board shall issue
41 preliminary findings based on the written report. The findings shall be made
42 as follows:

43 1. If the board finds that the evidence would, if proved true, warrant
44 suspension or revocation of a license issued under this chapter, formal

1 proceedings for the revocation or suspension of the license shall be
2 immediately initiated as provided in title 41, chapter 6, article 10.

3 2. If the board finds that the evidence does not warrant suspension
4 or revocation of a license, the preliminary order shall either dismiss the
5 complaint or order other disciplinary action pursuant to section 32-1263.01,
6 subsection A.

7 E. A copy of a preliminary order shall be given to the complainant and
8 to the licensee. ~~Within ten days of receipt of the copy, either party~~
9 PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10, THE LICENSEE OR APPLICANT FOR
10 LICENSURE may move for rehearing or review pursuant to title 41, chapter 6,
11 article 10.

12 F. Any person who in good faith makes a report as provided in this
13 section to the board or to any person or committee acting on behalf of the
14 board is not subject to liability for civil damages as a result of the
15 report.

16 G. The board, through its president or the president's designee, may
17 issue subpoenas to compel the attendance of witnesses and the production of
18 documents and may administer oaths, take testimony, hear proof and receive
19 exhibits in evidence in connection with an investigation initiated by the
20 board or a complaint filed with the board. In case of disobedience to a
21 subpoena the board may invoke the aid of any court of this state in requiring
22 the attendance and testimony of witnesses and the production of documentary
23 evidence.

24 H. The person in charge of any disciplinary proceeding conducted
25 pursuant to this section may require testimony to be given under oath. The
26 person in charge of the proceeding shall administer the oath.

27 I. Patient records, including clinical records, medical reports,
28 laboratory statements and reports, files, films, reports or oral statements
29 relating to diagnostic findings or treatment of patients, any information
30 from which a patient or a patient's family may be identified or information
31 received and records kept by the board as a result of the investigation
32 procedures taken pursuant to this chapter are not available to the public.

33 Sec. 15. Section 32-1264, Arizona Revised Statutes, is amended to
34 read:

35 32-1264. Maintenance of records

36 A. A person licensed or certified pursuant to this chapter shall make
37 and maintain legible written records concerning all DIAGNOSIS, EVALUATION AND
38 treatment of each patient OF RECORD. A LICENSEE OR CERTIFICATE HOLDER SHALL
39 MAINTAIN RECORDS STORED OR PRODUCED ELECTRONICALLY IN RETRIEVABLE PAPER FORM.
40 These records shall include:

41 1. All treatment notes ~~and dental charting~~ INCLUDING CURRENT HEALTH
42 HISTORY AND CLINICAL EXAMINATIONS.

43 2. Prescription and dispensing information INCLUDING ALL DRUGS,
44 MEDICAMENTS AND DENTAL MATERIALS USED FOR PATIENT CARE.

45 3. DIAGNOSIS AND treatment planning.

1 ~~4. Other information relating to patient care.~~

2 4. DENTAL AND PERIODONTAL CHARTING. SPECIALIST CHARTING MUST INCLUDE
3 AREAS OF REQUESTED CARE AND NOTATION OF VISUAL ORAL EXAMINATION DESCRIBING
4 ANY AREAS OF POTENTIAL PATHOLOGY OR RADIOGRAPHIC IRREGULARITIES.

5 5. ALL RADIOGRAPHS.

6 B. Records shall be available for review and for treatment purposes
7 to the dentist, dental hygienist or denturist providing care.

8 C. On request, the licensee or certificate holder shall make these
9 records available to the board as part of an investigation process.

10 D. On a patient's request, that patient's dentist, dental hygienist
11 or denturist shall transfer legible and diagnostic quality copies of that
12 patient's records to another licensee or certificate holder or that patient.
13 The patient may be charged for the reasonable costs of copying and forwarding
14 these records.

15 Sec. 16. Section 32-1284, Arizona Revised Statutes, is amended to
16 read:

17 32-1284. Qualifications of applicant; application; fee; rules

18 A. An applicant for licensure as a dental hygienist shall be at least
19 eighteen years of age, shall be of good moral character, shall meet the
20 requirements of section 32-1285 and shall present to the board evidence of
21 graduation or a certificate of satisfactory completion in a course or
22 curriculum in dental hygiene from a recognized dental hygiene school. A
23 candidate shall make written application to the board accompanied by a
24 nonrefundable Arizona dental jurisprudence examination fee of ~~not to exceed~~
25 fifty ONE HUNDRED dollars. THE BOARD SHALL WAIVE THIS FEE FOR CANDIDATES WHO
26 ARE HOLDERS OF VALID RESTRICTED PERMITS.

27 B. The board shall adopt rules that govern the practice of dental
28 hygienists and that are not inconsistent with the ~~provisions of~~ this chapter.

29 Sec. 17. Repeal

30 Section 32-1286, Arizona Revised Statutes, is repealed.

31 Sec. 18. Section 32-1287, Arizona Revised Statutes, is amended to
32 read:

33 32-1287. Dental hygienist triennial licensure; forfeiture of
34 license; reinstatement; notice of change of address;
35 penalties

36 A. On or before June 30 of every third year, every licensed dental
37 hygienist shall pay a LICENSE RENEWAL fee ~~prescribed by the board at its~~
38 ~~annual August meeting OF THREE HUNDRED TWENTY-FIVE DOLLARS. This fee shall~~
39 ~~not exceed two hundred twenty-five dollars. The board may stagger licensure~~
40 ~~according to an alphabetical division prescribed by the board or its staff~~
41 ~~in a manner that maintains a nearly equal yearly licensure.~~

42 B. A person applying for a license for the first time in this state
43 shall pay a prorated fee for the period remaining until the next June
44 30. This fee shall not exceed one-third of the fee established pursuant to

1 subsection A. Subsequent registrations shall be conducted pursuant to this
2 section.

3 C. A person who fails to pay a fee prescribed by this section forfeits
4 his THE license. A license may be reinstated in the fiscal year in which it
5 is forfeited by submitting a written application with payment of the fee plus
6 a penalty ~~in an amount set by the board not exceeding twenty-five~~ OF ONE
7 HUNDRED dollars. During the second fiscal year following forfeiture,
8 reinstatement may be effected by submitting a written application and payment
9 of the fees and all accumulated penalty fees. If a person fails to pay the
10 fees for reinstatement ~~prior to~~ BEFORE the beginning of the third fiscal year
11 following forfeiture of his THE license, the board shall require that the
12 person successfully complete the regular examination ~~prior to reinstatement~~
13 ~~of his~~ BEFORE THE BOARD REINSTATES THE license. Whenever issued, such
14 reinstatement is as of the date of application and entitles the applicant to
15 a licensure receipt only for the remainder of the applicable three year
16 period.

17 D. ~~Within ten days of changing his address listed with the board,~~ A
18 licensee shall notify the board in writing of ~~this change~~ WITHIN TEN DAYS
19 AFTER THE LICENSEE CHANGES THE ADDRESS LISTED WITH THE BOARD. The board
20 shall impose a penalty of ~~ten~~ FIFTY dollars if a licensee fails to notify the
21 board of the change within that time. The board shall increase the penalty
22 imposed to ~~fifty~~ ONE HUNDRED dollars if a licensee fails to notify it of the
23 change within thirty days.

24 Sec. 19. Title 32, chapter 11, article 4, Arizona Revised Statutes,
25 is amended by adding section 32-1292, to read:

26 32-1292. Restricted permits

27 A. THE BOARD MAY ISSUE A RESTRICTED PERMIT TO PRACTICE DENTAL HYGIENE
28 TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

29 B. A PERSON WHO HOLDS A RESTRICTED PERMIT ISSUED BY THE BOARD MAY
30 PRACTICE DENTAL HYGIENE ONLY IN THE COURSE OF THE PERSON'S EMPLOYMENT BY A
31 RECOGNIZED CHARITABLE DENTAL CLINIC OR ORGANIZATION APPROVED BY THE BOARD.

32 C. THE APPLICANT FOR A RESTRICTED PERMIT MUST FILE A COPY OF THE
33 PERSON'S EMPLOYMENT CONTRACT WITH THE BOARD THAT INCLUDES A STATEMENT SIGNED
34 BY THE APPLICANT THAT THE APPLICANT:

35 1. UNDERSTANDS THAT IF THAT PERSON'S EMPLOYMENT IS TERMINATED BEFORE
36 THE RESTRICTED PERMIT EXPIRES, THE PERMIT IS AUTOMATICALLY REVOKED AND THAT
37 PERSON MUST VOLUNTARILY SURRENDER THE PERMIT TO THE BOARD AND IS NO LONGER
38 ELIGIBLE TO PRACTICE UNLESS THAT PERSON MEETS THE REQUIREMENTS OF SECTION'S
39 32-1284 AND 32-1285 OR PASSES THE EXAMINATION REQUIRED IN THIS ARTICLE.

40 2. MUST BE EMPLOYED WITHOUT COMPENSATION BY A DENTAL CLINIC OR
41 ORGANIZATION THAT IS OPERATED FOR A CHARITABLE PURPOSE.

42 3. IS SUBJECT TO THE PROVISIONS OF THIS CHAPTER THAT APPLY TO THE
43 REGULATION OF DENTAL HYGIENISTS.

1 D. THE BOARD MAY DENY AN APPLICATION FOR A RESTRICTED PERMIT IF THE
2 APPLICANT HAS:

3 1. COMMITTED AN ACT THAT IS A CAUSE FOR DISCIPLINARY ACTION PURSUANT
4 TO THIS CHAPTER.

5 2. WHILE UNLICENSED, COMMITTED OR AIDED AND ABETTED THE COMMISSION OF
6 ANY ACT FOR WHICH A LICENSE IS REQUIRED PURSUANT TO THIS CHAPTER.

7 3. KNOWINGLY MADE A FALSE STATEMENT IN THE APPLICATION.

8 Sec. 20. Title 32, chapter 11, article 4, Arizona Revised Statutes,
9 is amended by adding section 32-1292.01, to read:

10 32-1292.01. Licensure by credential; examinations; waiver; fee

11 A. THE BOARD BY RULE MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS
12 ARTICLE ON RECEIPT OF EVIDENCE SATISFACTORY TO THE BOARD THAT THE APPLICANT
13 HAS PASSED THE CLINICAL EXAMINATION OF ANOTHER STATE OR TESTING AGENCY AND
14 EITHER:

15 1. THE OTHER STATE OR TESTING AGENCY MAINTAINS A STANDARD OF LICENSURE
16 THAT IS SUBSTANTIALLY EQUIVALENT TO THAT OF THIS STATE AS DETERMINED BY THE
17 BOARD.

18 2. THE APPLICANT HAS ACQUIRED A CERTIFICATE OR OTHER EVIDENCE OF
19 SUCCESSFUL COMPLETION OF THE EXAMINATION NOT MORE THAN FIVE YEARS BEFORE
20 SUBMITTING AN APPLICATION FOR LICENSURE PURSUANT TO THIS CHAPTER.

21 B. THE APPLICANT SHALL PAY A LICENSURE BY CREDENTIAL FEE OF ONE
22 THOUSAND DOLLARS.

23 Sec. 21. Section 32-1295, Arizona Revised Statutes, is amended to
24 read:

25 32-1295. Board of dental examiners; additional powers and
26 duties

27 A. In addition to other powers and duties prescribed by this chapter,
28 the board shall:

29 1. So AS far as applicable, exercise the same powers and duties in
30 administering and enforcing this article as it exercises under section
31 32-1207 in administering and enforcing other articles of this chapter.

32 ~~2. Establish a uniform and reasonable standard of minimum educational~~
33 ~~requirements to be observed by schools training denturists as prescribed by~~
34 ~~section 32-1297.~~

35 ~~3. Examine and accredit denturist schools and curricula.~~

36 ~~4.~~ 2. Pass upon DETERMINE the eligibility of applicants for
37 examination, examine eligible applicants and issue certificates to applicants
38 who pass the examination.

39 ~~5.~~ 3. Investigate charges of misconduct on the part of certified
40 denturists.

41 ~~6.~~ 4. Issue decrees of censure, fix periods and terms of probation,
42 suspend or revoke certificates as the facts may warrant and reinstate
43 certificates in proper cases.

44 B. The board may:

1 1. ~~Promulgate ADOPT rules and regulations~~ prescribing requirements for
2 continuing education for renewal of all certificates issued pursuant to this
3 article.

4 2. Hire consultants to assist the board in the performance of its
5 duties.

6 C. In all matters relating to discipline and certifying of denturists
7 and the giving and grading of examinations, the board shall, by rule and
8 regulation, SHALL provide for receiving the assistance and advice of
9 denturists who have been previously certified pursuant to this chapter.

10 Sec. 22. Section 32-1296, Arizona Revised Statutes, is amended to
11 read:

12 32-1296. Qualifications of applicant

13 A. To be eligible for examination, a candidate for a certificate to
14 practice denture technology shall:

15 1. Be of good moral character.

16 2. Hold a high school diploma or its equivalent.

17 ~~3. Hold a diploma in denture technology granted by a school accredited~~
18 ~~by the board.~~

19 3. PRESENT TO THE BOARD EVIDENCE OF GRADUATION FROM A RECOGNIZED
20 DENTURIST SCHOOL OR A CERTIFICATE OF SATISFACTORY COMPLETION OF A COURSE OR
21 CURRICULUM IN DENTURE TECHNOLOGY FROM A RECOGNIZED DENTURIST SCHOOL.

22 B. A CANDIDATE FOR CERTIFICATION SHALL SUBMIT A WRITTEN APPLICATION
23 TO THE BOARD THAT INCLUDES A NONREFUNDABLE ARIZONA DENTAL JURISPRUDENCE
24 EXAMINATION FEE AS PRESCRIBED BY THE BOARD.

25 Sec. 23. Section 32-1297, Arizona Revised Statutes, is amended to
26 read:

27 32-1297. Accreditation of schools

28 ~~A. The board shall establish and publish criteria which any school~~
29 ~~teaching denture technology must meet in order to be accredited by the board.~~

30 ~~B. In establishing such criteria, the board shall consider the~~
31 ~~curriculum, methods of instruction, facilities and faculty necessary to~~
32 ~~adequately train a denturist.~~

33 ~~C.~~ A. In order to be accredited BY THE UNITED STATES DEPARTMENT OF
34 EDUCATION OR THE COUNCIL ON HIGHER EDUCATION ACCREDITATION, any A school must
35 require for the granting of a diploma in denture technology at least sixty
36 semester hours of courses in subjects to be determined by the board. Such
37 THESE subjects shall include:

38 1. Anatomy, physiology, nutrition and diet.

39 2. Microbiology, pathology, histology, embryology and pharmacology.

40 3. Speech, English, ethics, psychology and sociology.

41 4. Denture techniques, materials and construction.

42 5. Dental morphology and anatomy.

43 ~~D.~~ B. Advanced placement or credit by examination may be granted by
44 an accredited school in any subject area in accordance with institution

1 policy and based on the same standards of achievement required for students
2 who earn credit in the usual way.

3 ~~E. In order to assist the board in establishing criteria for~~
4 ~~accreditation and in accrediting schools, the board shall appoint an advisory~~
5 ~~committee consisting of dentists, educators and persons seeking certification~~
6 ~~as denturists.~~

7 Sec. 24. Section 32-1297.01, Arizona Revised Statutes, is amended to
8 read:

9 32-1297.01. Application for examination

10 A. Each candidate shall make written application to the board
11 accompanied by the JURISPRUDENCE examination fee which shall not be refunded.

12 B. The board may deny an application to take an examination if the
13 applicant has:

14 1. HAS committed any act which THAT would be cause for censure,
15 probation, suspension or revocation of a certificate under this article
16 CHAPTER.

17 2. HAS knowingly made any false statement in the application.

18 3. WHILE UNCERTIFIED, HAS COMMITTED OR AIDED AND ABETTED THE
19 COMMISSION OF ANY ACT FOR WHICH A CERTIFICATE IS REQUIRED UNDER THIS CHAPTER.

20 4. HAS HAD A CERTIFICATE TO PRACTICE DENTURE TECHNOLOGY REVOKED BY A
21 REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES OR CANADA FOR
22 AN ACT THAT OCCURRED IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL
23 CONDUCT PURSUANT TO THIS CHAPTER.

24 5. IS CURRENTLY UNDER INVESTIGATION, SUSPENSION OR RESTRICTION BY A
25 REGULATORY BOARD IN THE UNITED STATES OR CANADA FOR AN ACT THAT OCCURRED IN
26 THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
27 CHAPTER. IF THE APPLICANT IS UNDER INVESTIGATION BY A REGULATORY BOARD IN
28 ANOTHER JURISDICTION, THE BOARD SHALL SUSPEND THE APPLICATION PROCESS AND MAY
29 NOT ISSUE OR DENY A CERTIFICATE TO THE APPLICANT UNTIL THE INVESTIGATION IS
30 RESOLVED.

31 6. HAS SURRENDERED, RELINQUISHED OR GIVEN UP A CERTIFICATE TO PRACTICE
32 DENTURE TECHNOLOGY IN LIEU OF DISCIPLINARY ACTION BY A REGULATORY BOARD IN
33 ANOTHER JURISDICTION IN THE UNITED STATES OR CANADA FOR AN ACT THAT OCCURRED
34 IN THAT JURISDICTION THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
35 CHAPTER.

36 Sec. 25. Section 32-1297.02, Arizona Revised Statutes, is amended to
37 read:

38 32-1297.02. Examination

39 A. Examination shall be upon such ON subjects PRESCRIBED BY THE BOARD
40 and SHALL BE conducted by members of the board who are licensed dentists, or
41 by designees of the board, ~~in such manner as the board directs and shall test~~
42 ~~the applicants on both theory and clinical proficiency~~ OR A TESTING AGENCY
43 APPROVED BY THE BOARD. Any board member participating in an examination
44 being given by the board may examine a candidate in any subjects included in
45 the examination.

1 B. All examination records shall be kept by the board and shall be ARE
2 open to inspection at reasonable times by members of the board, by the
3 applicant or an authorized agent, or by a court of competent jurisdiction in
4 a proceeding in which a question of the contents of the records is
5 involved. The examination records shall be ARE the property of the board and
6 shall not be removed from its possession without its consent. Examination
7 papers may be destroyed after one year from the date on which the results are
8 announced. The examination results shall be retained as a part of the
9 records of the board.

10 Sec. 26. Section 32-1297.03, Arizona Revised Statutes, is amended to
11 read:

12 32-1297.03. Qualification for reexamination

13 An applicant for examination who has previously failed two or more
14 examinations shall, as a condition of eligibility to take any further
15 examination, SHALL furnish to the board satisfactory evidence of having
16 successfully completed additional training in a denture technology RECOGNIZED
17 DENTURIST school accredited by the board or refresher courses approved by the
18 board OR THE BOARD'S TESTING AGENCY.

19 Sec. 27. Section 32-1297.04, Arizona Revised Statutes, is amended to
20 read:

21 32-1297.04. Fees

22 The board shall establish and collect fees, not to exceed the following
23 amounts:

24 1. For AN examination of an applicant IN JURISPRUDENCE, one TWO
25 hundred fifty dollars.

26 ~~2. For timely renewal of the certificate of a denturist, seventy-five~~
27 ~~dollars.~~

28 ~~3. 2. For each replacement or duplicate certificate, twenty-five~~
29 ~~dollars.~~

30 Sec. 28. Section 32-1297.06, Arizona Revised Statutes, is amended to
31 read:

32 32-1297.06. Denturist certification; forfeiture of certificate;
33 reinstatement; certificate for each place of
34 business; notice of change of address; penalties

35 A. On or before June 30 of every third year, every certified denturist
36 shall pay a CERTIFICATE RENEWAL fee prescribed by the board at its annual
37 August meeting OF THREE HUNDRED DOLLARS. This fee shall not exceed two
38 hundred twenty-five dollars.

39 B. A person applying for a certificate for the first time in this
40 state shall pay a prorated fee for the period remaining until the next June
41 30. This fee shall not exceed one-third of the fee established pursuant to
42 subsection A. Subsequent certifications shall be conducted pursuant to this
43 section.

44 C. A person who does not pay a fee as prescribed by this section
45 forfeits his THE certificate. A certificate may be reinstated in the fiscal

1 year in which it is forfeited by submitting a written application with
2 payment of the RENEWAL fee plus a ONE HUNDRED DOLLAR penalty ~~in an amount set~~
3 ~~by the board, not exceeding twenty-five dollars.~~ During the second fiscal
4 year following forfeiture, reinstatement may be effected by submitting a
5 written application and payment of the fees and all accumulated penalty
6 fees. If a person fails to pay the fees for reinstatement ~~prior to~~ BEFORE
7 the beginning of the third fiscal year following the forfeiture of that
8 person's certificate, the board shall require that the person successfully
9 complete the regular examination ~~prior to reinstatement of~~ BEFORE THE BOARD
10 REINSTATES the certificate. Whenever issued, such reinstatement shall be IS
11 as of the date of application and shall entitle ENTITLES the applicant to a
12 certification receipt only for the remainder of the applicable three year
13 period.

14 D. A certificate holder maintaining more than one place of practice
15 shall obtain from the board a duplicate certificate for each office. The
16 board shall set and charge a fee for each duplicate certificate. A
17 certificate holder shall notify the board in writing within ten days of
18 opening an additional place of practice. ~~A person who fails to notify the~~
19 ~~board as prescribed by this subsection is subject to a penalty of ten~~
20 ~~dollars.~~

21 E. ~~Within ten days of changing an address listed with the board, A~~
22 ~~certificate holder shall notify the board in writing of the change WITHIN TEN~~
23 ~~DAYS AFTER CHANGING AN ADDRESS LISTED WITH THE BOARD.~~ The board shall impose
24 a FIFTY DOLLAR penalty ~~of ten dollars~~ if a certificate holder fails to notify
25 the board of the change within that time. The board shall increase the
26 penalty imposed to fifty ONE HUNDRED dollars if a certificate holder fails
27 to notify it of the change within thirty days.

28 Sec. 29. Requirements for enactment; two-thirds vote

29 Pursuant to article IX, section 22, Constitution of Arizona, this act
30 is effective only on the affirmative vote of at least two-thirds of the
31 members of each house of the legislature and is effective immediately on the
32 signature of the governor or, if the governor vetoes this act, on the
33 subsequent affirmative vote of at least three-fourths of the members of each
34 house of the legislature.

APPROVED BY THE GOVERNOR MAY 21, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.

Passed the House February 12, 2002,

Passed the Senate April 10, 2002,

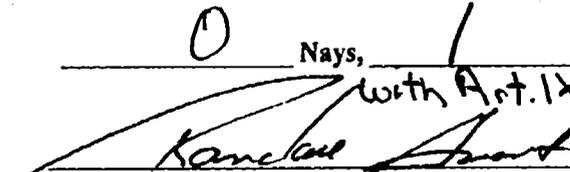
by the following vote: 55 Ayes,

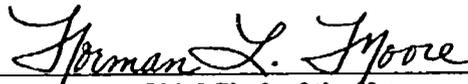
by the following vote: 29 Ayes,

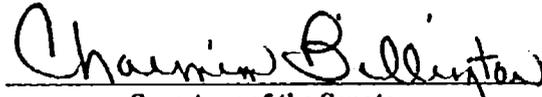
4 Nays, 1 Not Voting

0 Nays, 1 Not Voting


Speaker of the House


President of the Senate
with Art. IX, sec. 22


Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.


Secretary to the Governor

~~Approved this day of~~

~~, 20 ,~~

~~at o'clock M.~~

~~_____
Governor of Arizona~~

H.B. 2029

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

~~_____
Secretary of State~~

HOUSE FINAL PASSAGE

as per Joint Conference

Passed the House May 15, 2002,

by the following vote: 46 Ayes,

7 Nays, 7 Not Voting
with Article IX, Section 22

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

SENATE FINAL PASSAGE

as per Joint Conference

Passed the Senate May 16, 2002,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting
with Art. IX, Sec. 22

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 17 day of May, 2002

at 8:45 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 21st day of

May, 2002,

at 1:44 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of May, 2002

at 12:13 o'clock P M.

[Signature]
Secretary of State

H.B. 2029