

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 188

SENATE BILL 1400

AN ACT

AMENDING SECTION 32-1289, ARIZONA REVISED STATUTES; 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 32-1289, Arizona Revised Statutes, is amended to
3 read:

4 32-1289. Employment of dental hygienist by public agency,
5 institution or school; definitions

6 A. A public health agency or institution or a public or private school
7 authority may employ dental hygienists to perform necessary dental hygiene
8 procedures under either direct or general supervision pursuant to section
9 32-1281.

10 B. A dental hygienist employed by or working under contract or as a
11 volunteer for a public health agency or institution or a public or private
12 school authority ~~may~~ before an examination by a dentist MAY screen patients
13 and apply topical fluoride without entering into an affiliated practice
14 relationship pursuant to this section.

15 C. A public health agency or institution, a public or private school
16 authority or government sponsored program that provides dental services may
17 enter into a contract for dental hygiene services with licensees who have
18 entered into an affiliated practice relationship pursuant to this section.

19 D. The dental hygienist and the affiliated dentist must notify the
20 board of the beginning of the affiliated practice relationship and provide
21 the board with a copy of the agreement and any amendments to the agreement
22 within thirty days after the effective date of the agreement or amendment.
23 The dental hygienist and the affiliated dentist must also notify the board
24 within thirty days after the termination date of the affiliated practice
25 relationship if this date is different than the contract termination date.

26 E. A dental hygienist must satisfy all of the following to be eligible
27 to enter into an affiliated practice relationship with a dentist to perform
28 dental hygiene procedures in affiliated practice settings:

29 1. Hold an active license pursuant to this article.

30 2. Enter into an affiliated practice relationship with a specific
31 dentist who is licensed pursuant to this chapter.

32 3. Have held a license as a dental hygienist for at least five years
33 and actively engaged in dental hygiene practice for at least two thousand
34 hours in the five years immediately preceding the affiliated practice
35 relationship.

36 F. An affiliated practice relationship between a dental hygienist and
37 a dentist must be in writing and must include at least the following:

38 1. An identification of the affiliated practice settings in which the
39 dental hygienist may engage in dental hygiene practice pursuant to an
40 affiliated practice relationship.

41 2. An identification of the procedures and standing orders the dental
42 hygienist must follow. The standing orders must include the circumstances in
43 which a patient may be seen by a dental hygienist.

44 3. A requirement that the ~~dental hygienist~~ refer patients who have
45 been assessed by the dental hygienist SHALL BE DIRECTED to the affiliated

1 dentist for treatment or planning that is outside of the dental hygienist's
2 scope of practice and that the affiliated dentist SHALL make any necessary
3 referrals to other dentists. ~~If the patient has not received the treatment~~
4 ~~or planning for which the referral was made, the dental hygienist shall not~~
5 ~~provide further treatment.~~

6 4. A REQUIREMENT THAT A PATIENT BE SEEN BY A LICENSED DENTIST WITHIN
7 TWELVE MONTHS OF INITIAL TREATMENT BY THE DENTAL HYGIENIST. IF THE PATIENT
8 HAS NOT RECEIVED AN EXAMINATION AND A TREATMENT PLAN BY A LICENSED DENTIST,
9 THE DENTAL HYGIENIST SHALL NOT PROVIDE FURTHER TREATMENT.

10 5. A REQUIREMENT THAT A PATIENT SIXTY-FIVE YEARS OF AGE OR OLDER BE
11 SEEN BY A LICENSED DENTIST AFTER TREATMENT BY THE DENTAL HYGIENIST. IF THE
12 PATIENT HAS NOT RECEIVED AN EXAMINATION AND A TREATMENT PLAN BY A LICENSED
13 DENTIST, THE DENTAL HYGIENIST SHALL NOT PROVIDE FURTHER TREATMENT.

14 6. A REQUIREMENT THAT IF A PATIENT PRESENTS WITH A COMPLEX MEDICAL
15 HISTORY OR MEDICATION REGIMEN, THE AFFILIATED DENTAL HYGIENIST SHALL CONSULT
16 WITH THE AFFILIATED DENTIST PRIOR TO ANY TREATMENT BY THE AFFILIATED DENTAL
17 HYGIENIST. THE PATIENT SHALL BE DIRECTED TO THE AFFILIATED DENTIST AND THE
18 AFFILIATED DENTIST SHALL MAKE ANY NECESSARY REFERRALS TO OTHER LICENSED
19 DENTISTS.

20 ~~4.~~ 7. A requirement that the patient be informed that the dental
21 hygienist providing the care is a licensed dental hygienist and that the care
22 does not take the place of a dental examination AND CANNOT BE BILLED OR
23 REIMBURSED AS A DENTAL EXAMINATION.

24 8. PURSUANT TO PARAGRAPHS 3, 4 OR 5 OF THIS SUBSECTION, A REQUIREMENT
25 THAT THE PATIENT BE INFORMED THAT FURTHER DENTAL HYGIENE SERVICES MAY NOT BE
26 PROVIDED UNLESS THE PATIENT HAS BEEN SEEN BY A LICENSED DENTIST.

27 G. The board shall adopt rules regarding participation in affiliated
28 practice relationships by dentists and dental hygienists that specify the
29 following:

30 1. Additional continuing education requirements that must be satisfied
31 by a dental hygienist.

32 2. Additional standards and conditions that may apply to affiliated
33 practice relationships.

34 3. Compliance with the dental practice act and rules adopted by the
35 board.

36 H. Each dentist in an affiliated practice relationship must:

37 1. Be available to provide an appropriate level of contact,
38 communication and consultation with the affiliated dental hygienist.

39 2. Adopt standing orders applicable to dental hygiene procedures that
40 may be performed AND POPULATIONS THAT MAY BE TREATED by the dental hygienist
41 under the terms of the applicable affiliated practice agreement and to be
42 followed by the dental hygienist in each affiliated practice setting in which
43 the dental hygienist performs dental hygiene services under the affiliated
44 practice relationship.

1 3. ADOPT PROCEDURES TO PROVIDE TIMELY REFERRAL OF PATIENTS REFERRED BY
2 THE AFFILIATED DENTAL HYGIENIST TO A LICENSED DENTIST FOR EXAMINATION AND
3 TREATMENT PLANNING. IF THE EXAMINATION AND TREATMENT PLANNING IS TO BE
4 PROVIDED BY THE DENTIST, THAT TREATMENT SHALL BE SCHEDULED IN AN APPROPRIATE
5 TIMEFRAME. THE DENTIST OR THE DENTIST TO WHOM THE PATIENT IS REFERRED MUST
6 BE GEOGRAPHICALLY AVAILABLE TO SEE THE PATIENT.

7 I. Each affiliated dental hygienist when practicing under an
8 affiliated practice relationship:

9 1. May perform only those duties within the terms of the affiliated
10 practice relationship.

11 2. Must maintain an appropriate level of contact, communication and
12 consultation with the affiliated dentist.

13 3. Is responsible and liable for all services rendered by the dental
14 hygienist under the affiliated practice relationship.

15 J. Subject to the terms of the written affiliated practice agreement
16 entered into between a dentist and a dental hygienist, a dental hygienist may
17 perform all dental hygiene procedures authorized by this chapter except for
18 the procedures identified in section 32-1281, subsection B, paragraphs 4, 5
19 and 6.

20 K. Subject to the terms of the written affiliated practice agreement
21 entered into between a dentist and a dental hygienist, a dental hygienist may
22 perform dental hygiene procedures in affiliated practice settings only on a
23 person ~~who is eighteen years of age or younger and~~ who is ANY OF THE
24 FOLLOWING:

25 1. Enrolled in a federal, state, county or local health care program.

26 2. Participating in the national school meal program.

27 3. From a family with a household income that is less than two hundred
28 per cent of the federal poverty guidelines.

29 L. This section does not require any dentist or dental hygienist to
30 enter into an affiliated practice relationship.

31 M. For the purposes of this section:

32 1. "Affiliated practice setting" means the delivery of dental hygiene
33 services by a dental hygienist under an affiliated practice relationship
34 through a public health agency or institution, a public or private school
35 authority or a government sponsored program that provides dental services.

36 2. "Screen" means visually examining the teeth and hard or soft tissue
37 of the mouth for obvious oral health problems for the purpose of advising the
38 patient of the need for dental care, and shall not include AN EXAMINATION
39 diagnosis or treatment planning.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House June 26, 20 09,
by the following vote: 48 Ayes,

2 Nays, 10 Not Voting

Tom P. Goolsby
Speaker, of the House
Pro Tempore
Thomas L. Moore
Chief Clerk of the House

Passed the Senate June 22, 20 09,
by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Robert L. Bennett
President of the Senate
Chaimin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
1st day of July, 2009,

at 8:53 o'clock A. M.

Susan K. Myers
Secretary to the Governor

Approved this 13th day of
July, 2009,

at 5:55 o'clock P. M.
Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 13th day of July, 2009,

at 7:35 o'clock P. M.
Kate Blumeth
Secretary of State

S.B. 1400