Senate Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 187

SENATE BILL 1190

AN ACT

AMENDING SECTION 32-1207, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 32-1207, Arizona Revised Statutes, is amended to read:

32-1207. Powers and duties; fees; definition

A. The board shall:

1. Adopt rules not inconsistent with this chapter for the regulation of its own conduct, for holding examinations and for regulating the practice of dentists and supervised personnel and registered business entities, provided:

(a) Regulation of supervised personnel is based on the degree of education and training of the supervised personnel, the state of scientific technology available and the necessary degree of supervision of the supervised personnel by dentists.

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

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

2. Adopt a seal.

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

3. MAINTAIN A RECORD THAT SHALL REMAIN AVAILABLE TO THE BOARD AT ALL TIMES OF ITS ACTS AND PROCEEDINGS, INCLUDING THE ISSUANCE, DENIAL, RENEWAL, SUSPENSION OR REVOCATION OF LICENSES AND THE DISPOSITION OF COMPLAINTS. THE EXISTENCE OF A PENDING COMPLAINT OR INVESTIGATION SHALL NOT BE DISCLOSED TO THE PUBLIC. RECORDS OF COMPLAINTS SHALL BE AVAILABLE TO THE PUBLIC, EXCEPT ONLY AS FOLLOWS:

(a) IF THE BOARD DISMISSES OR TERMINATES A COMPLAINT, THE RECORD OF THE COMPLAINT SHALL NOT BE AVAILABLE TO THE PUBLIC.

(b) IF THE BOARD HAS ISSUED A NONDISCIPLINARY LETTER OF CONCERN, THE RECORD OF THE COMPLAINT SHALL BE AVAILABLE TO THE PUBLIC ONLY FOR A PERIOD OF FIVE YEARS AFTER THE DATE THE BOARD ISSUED THE LETTER OF CONCERN.

(c) IF THE BOARD HAS REQUIRED ADDITIONAL NONDISCIPLINARY CONTINUING EDUCATION PURSUANT TO SECTION 32-1263.01 BUT HAS NOT TAKEN FURTHER ACTION, THE RECORD OF THE COMPLAINT SHALL BE AVAILABLE TO THE PUBLIC ONLY FOR A PERIOD OF FIVE YEARS AFTER THE LICENSEE SATISFIES THIS REQUIREMENT.

(d) IF THE BOARD HAS ASSESSED A NONDISCIPLINARY CIVIL PENALTY PURSUANT TO SECTION 32-1208 BUT HAS NOT TAKEN FURTHER ACTION, THE RECORD OF THE COMPLAINT SHALL BE AVAILABLE TO THE PUBLIC ONLY FOR A PERIOD OF FIVE YEARS AFTER THE LICENSEE SATISFIES THIS REQUIREMENT.

4. Establish a uniform and reasonable standard of minimum educational requirements consistent with the accreditation standards of the American dental association commission on dental accreditation to be observed by dental schools and dental hygiene schools in order to be classified as recognized dental schools or dental hygiene schools.

5. Establish a uniform and reasonable standard of minimum educational requirements that are consistent with the accreditation standards of the United States department of education or the council on higher education accreditation and that must be observed by denture technology schools in order to be classified as recognized denture technology schools.

6. Determine the reputability and classification of dental schools, dental hygiene schools and denture technology schools in accordance with their compliance with the standard set forth in paragraph 4 or 5 of this subsection, whichever is applicable.

7. Issue licenses to those it determines are eligible for licensure pursuant to this chapter.

8. Determine the eligibility of applicants for restricted permits and issue restricted permits to those found eligible.

9. Pursuant to section 32-1263.02, investigate charges of misconduct on the part of licensees and persons to whom restricted permits have been issued.

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

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

12. Collect and disburse monies.

13. Perform all other duties that are necessary to enforce this chapter and that are not specifically or by necessary implication delegated to another person.

14. Establish criteria for the renewal of permits issued pursuant to board rules relating to general anesthesia and sedation.

B. The board may:

1. Sue and be sued.

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

3. Adopt rules:

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

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

(c) Prescribing requirements for obtaining licenses for disabled or retired licensees, including the triennial license renewal fee.

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

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

6. Order and evaluate physical, psychological, psychiatric and competency testing of licensed dentists and dental hygienists and certified denturists and candidates for licensure and certification as the board determines necessary.

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

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

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

F. NOTHING IN THIS SECTION PROHIBITS THE BOARD FROM CONDUCTING ITS AUTHORIZED DUTIES IN A PUBLIC MEETING.

G. FOR THE PURPOSES OF THIS SECTION, "RECORD OF COMPLAINT" MEANS THE DOCUMENT REFLECTING THE FINAL DISPOSITION OF A COMPLAINT OR INVESTIGATION.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.

Passed the House April 20, 2010,

by the following vote: 52 Ayes,

5 Nays, 3 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 1, 2010,

by the following vote: 29 Ayes,

0 Nays, 0 Not Voting

VACANT

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21 day of April, 2010,

at 2:00 o'clock P M.

Secretary to the Governor

Approved this 27th day of

April, 2010,

at 2:47 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28th day of April, 2010,

at 8:32 o'clock a M.

Secretary of State

S.B. 1190