



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

May 25, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on May 25th, 2019:

H.B. 2058 dental hygienists; scope of practice (Barto)
H.B. 2405 regulated water company; violations; enforcement (Shope)
H.B. 2492 state highway work zones; accidents (Bolding)
H.B. 2676 public officers; records; confidentiality (J. Allen)
S.B. 1103 pharmacy board; authority; modifications (Carter)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed

FILED
KATIE HOBBS
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 253
HOUSE BILL 2058

AN ACT

AMENDING SECTIONS 32-1281, 32-1289.01 AND 32-1291, ARIZONA REVISED
STATUTES; RELATING TO DENTAL HYGIENISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1281, Arizona Revised Statutes, is amended to
3 read:

4 32-1281. Practicing as dental hygienist; supervision
5 requirements; definitions

6 A. A person is deemed to be practicing as a dental hygienist if the
7 person does any of the acts or performs any of the operations included in
8 the general practice of dental hygienists, dental hygiene and all related
9 and associated duties.

10 B. A licensed dental hygienist may perform the following:

11 1. Prophylaxis.

12 2. Scaling.

13 3. Closed subgingival curettage.

14 4. Root planing.

15 5. Administering local anesthetics and nitrous oxide.

16 6. Inspecting the oral cavity and surrounding structures for the
17 purposes of gathering clinical data to facilitate a diagnosis.

18 7. Periodontal screening or assessment.

19 8. Recording of clinical findings.

20 9. Compiling case histories.

21 10. Exposing and processing dental radiographs.

22 11. All functions authorized and deemed appropriate for dental
23 assistants.

24 12. Except as provided in paragraph 13 of this subsection, those
25 restorative functions permissible for an expanded function dental
26 assistant if qualified pursuant to section 32-1291.01.

27 13. Placing interim therapeutic restorations after ~~successful~~
28 ~~completion of~~ SUCCESSFULLY COMPLETING a course ~~completed~~
29 accredited by the commission on dental accreditation of the American
30 dental association.

31 C. The board by rule shall prescribe the circumstances under which
32 a licensed dental hygienist may:

33 1. Apply preventive and therapeutic agents, used in relation to
34 dental hygiene procedures, to the hard and soft tissues.

35 2. Use emerging scientific technology and prescribe the necessary
36 training, experience and supervision to operate newly developed scientific
37 technology. A dentist who supervises a dental hygienist whose duties
38 include the use of emerging scientific technology must have training on
39 the use of the emerging technology that is equal to or greater than the
40 training the dental hygienist is required to obtain.

41 3. Perform other procedures not specifically authorized by this
42 section.

1 D. Except as provided in subsections E, F and ~~H~~ I of this section,
2 a dental hygienist shall practice under the general supervision of a
3 dentist licensed pursuant to this chapter.

4 E. A DENTAL HYGIENIST MAY PRACTICE UNDER THE GENERAL SUPERVISION OF
5 A PHYSICIAN WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE IN
6 AN INPATIENT HOSPITAL SETTING.

7 ~~E.~~ F. A dental hygienist may perform the following procedures on
8 meeting the following criteria and under the following conditions:

9 1. ~~The administration of~~ ADMINISTERING local anesthetics under the
10 direct supervision of a dentist WHO IS licensed pursuant to this chapter
11 after:

12 (a) The dental hygienist successfully completes a course in the
13 administration of local anesthetics that includes didactic and clinical
14 components in both block and infiltration techniques offered by a dental
15 or dental hygiene program accredited by the commission on dental
16 accreditation of the American dental association.

17 (b) The dental hygienist successfully completes an examination in
18 local anesthesia given by the western regional examining board or a
19 written and clinical examination of another state or regional examination
20 that is substantially equivalent to the requirements of this state, as
21 determined by the board.

22 (c) The board issues to the dental hygienist a local anesthesia
23 certificate on receipt of proof that the requirements of subdivisions (a)
24 and (b) of this paragraph have been met.

25 2. ~~The administration of~~ ADMINISTERING local anesthetics under
26 general supervision to a patient of record if all of the following are
27 true:

28 (a) The dental hygienist holds a local anesthesia certificate
29 issued by the board.

30 (b) The patient is at least eighteen years of age.

31 (c) The patient has been examined by a dentist WHO IS licensed
32 pursuant to this chapter within the previous twelve months.

33 (d) There has been no change in the patient's medical history since
34 the last examination. If there has been a change in the patient's medical
35 history within that time, the dental hygienist must consult with the
36 dentist before administering local anesthetics.

37 (e) The supervising dentist who performed the examination has
38 approved the patient for the administration of local anesthetics by the
39 dental hygienist under general supervision and has documented this
40 approval in the patient's record.

41 3. ~~The administration of~~ ADMINISTERING nitrous oxide analgesia
42 under the direct supervision of a dentist WHO IS licensed pursuant to this
43 chapter after:

1 (a) The dental hygienist successfully completes a course in ~~the~~
2 ~~administration of~~ ADMINISTERING nitrous oxide analgesia that includes
3 didactic and clinical components offered by a dental or dental hygiene
4 program accredited by the commission on dental accreditation of the
5 American dental association.

6 (b) The board issues to the dental hygienist a nitrous oxide
7 analgesia certificate on receipt of proof that the requirements of
8 subdivision (a) of this paragraph ~~has~~ HAVE been met.

9 ~~F.~~ G. The board may issue local anesthesia and nitrous oxide
10 analgesia certificates to a licensed dental hygienist on receipt of
11 evidence satisfactory to the board that the dental hygienist holds a valid
12 certificate or credential in good standing in the respective procedure
13 issued by a licensing board of another jurisdiction of the United States
14 that maintains a standard of certification that is substantially
15 equivalent to that of this state as determined by the board.

16 ~~G.~~ H. A dental hygienist may perform dental hygiene procedures in
17 the following settings:

18 1. On a patient of record of a dentist within that dentist's
19 office.

20 2. Except as prescribed in section 32-1289.01, in a health care
21 facility, long-term care facility, public health agency or institution,
22 public or private school or homebound setting on patients who have been
23 examined by a dentist within the previous year.

24 3. IN AN INPATIENT HOSPITAL SETTING PURSUANT TO SUBSECTION E OF
25 THIS SECTION.

26 ~~H.~~ I. A dental hygienist may provide dental hygiene services under
27 an affiliated practice relationship with a dentist as prescribed in
28 section 32-1289.01.

29 ~~I.~~ J. For the purposes of this article:

30 1. "Assessment" means a limited, clinical inspection that is
31 performed to identify possible signs of oral or systemic disease,
32 malformation or injury and the potential need for referral for diagnosis
33 and treatment, and may include ~~the collection of~~ COLLECTING clinical
34 information to facilitate an examination, diagnosis and treatment plan by
35 a dentist.

36 2. "Direct supervision" means that the dentist is present in the
37 office while the dental hygienist is treating a patient and is available
38 for consultation regarding procedures that the dentist authorizes and for
39 which the dentist is responsible.

40 3. "General supervision" means:

41 (a) That the dentist is available for consultation, whether or not
42 the dentist is in the dentist's office, over procedures that the dentist
43 has authorized and for which the dentist remains responsible.

1 (b) WITH RESPECT TO AN INPATIENT HOSPITAL SETTING, THAT A PHYSICIAN
2 WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE IS AVAILABLE
3 FOR CONSULTATION, WHETHER OR NOT THE PHYSICIAN IS PHYSICALLY PRESENT AT
4 THE HOSPITAL.

5 4. "Screening" means ~~the determination of~~ DETERMINING an
6 individual's need to be seen by a dentist for diagnosis and does not
7 include an examination, diagnosis or treatment planning.

8 Sec. 2. Section 32-1289.01, Arizona Revised Statutes, is amended to
9 read:

10 32-1289.01. Dental hygienists; affiliated practice
11 relationships; rules; definition

12 A. A dentist who holds an active license pursuant to this chapter
13 and a dental hygienist who holds an active license pursuant to this
14 article may enter into an affiliated practice relationship ~~for the~~
15 ~~delivery of~~ TO DELIVER dental hygiene services.

16 B. A dental hygienist shall satisfy all of the following to be
17 eligible to enter into an affiliated practice relationship with a dentist
18 pursuant to this section ~~for the delivery of~~ TO DELIVER dental hygiene
19 services in an affiliated practice relationship:

20 1. Hold an active license in good standing pursuant to this
21 article.

22 2. Enter into an affiliated practice relationship with a dentist
23 who holds an active license pursuant to this chapter.

24 3. Be actively engaged in dental hygiene practice for at least five
25 hundred hours in each of the two years immediately preceding the
26 affiliated practice relationship.

27 C. An affiliated practice agreement between a dental hygienist and
28 a dentist shall be in writing and:

29 1. Shall include at least the following:

30 ~~1.~~ (a) An identification of the affiliated practice settings in
31 which the dental hygienist may deliver services pursuant to the affiliated
32 practice relationship.

33 ~~2.~~ (b) An identification of the services to be provided and any
34 procedures and standing orders the dental hygienist must follow. The
35 standing orders shall include the circumstances in which a patient may be
36 seen by the dental hygienist.

37 2. MAY INCLUDE PROTOCOLS FOR SUPERVISING DENTAL ASSISTANTS.

38 D. The following requirements apply to all dental hygiene services
39 provided through an affiliated practice relationship:

40 1. Patients who have been assessed by the dental hygienist shall be
41 directed to the affiliated dentist for diagnosis, treatment or planning
42 that is outside the dental hygienist's scope of practice, and the
43 affiliated dentist may make any necessary referrals to other dentists.

1 2. The affiliated practice dental hygienist shall consult with the
2 affiliated practice dentist if the proposed treatment is outside the scope
3 of the agreement.

4 3. The affiliated practice dental hygienist shall consult with the
5 affiliated practice dentist before initiating further treatment on
6 patients who have not been seen by a dentist within twelve months of the
7 initial treatment by the dental hygienist.

8 4. The affiliated practice dental hygienist shall consult with the
9 affiliated practice dentist before initiating treatment on patients
10 presenting with a complex medical history or medication regimen.

11 5. The patient shall be informed in writing that the dental
12 hygienist providing the care is a licensed dental hygienist and that the
13 care does not take the place of a diagnosis or treatment plan by a
14 dentist.

15 E. A contract for dental hygiene services with licensees who have
16 entered into an affiliated practice relationship pursuant to this section
17 may be entered into only by:

- 18 1. A health care organization or facility.
- 19 2. A long-term care facility.
- 20 3. A public health agency or institution.
- 21 4. A public or private school authority.
- 22 5. A government-sponsored program.
- 23 6. A private nonprofit or charitable organization.
- 24 7. A social service organization or program.

25 F. An affiliated practice dental hygienist may not provide dental
26 hygiene services in a setting THAT IS not listed in subsection E of this
27 section.

28 G. Each dentist in an affiliated practice relationship shall:

29 1. Be available to provide an appropriate level of contact,
30 communication and consultation with the affiliated dental hygienist during
31 the business hours of the affiliated practice dental hygienist.

32 2. Adopt standing orders applicable to dental hygiene procedures
33 that may be performed and populations that may be treated by the dental
34 hygienist under the terms of the applicable affiliated practice agreement
35 and to be followed by the dental hygienist in each affiliated practice
36 setting in which the dental hygienist performs dental hygiene services
37 under the affiliated practice relationship.

38 3. Adopt procedures to provide timely referral of patients referred
39 by the affiliated practice dental hygienist to a licensed dentist for
40 examination and treatment planning. If the examination and treatment
41 planning is to be provided by the dentist, that treatment shall be
42 scheduled in an appropriate time frame. The affiliated practice dentist
43 or the dentist to whom the patient is referred shall be geographically
44 available to see the patient.

1 4. Not permit the provision of dental hygiene services by more than
2 three affiliated practice dental hygienists at any one time.

3 H. Each affiliated dental hygienist, when practicing under an
4 affiliated practice relationship:

5 1. May perform only those duties within the terms of the affiliated
6 practice relationship.

7 2. Shall maintain an appropriate level of contact, communication
8 and consultation with the affiliated dentist.

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

11 I. The dental hygienist and the affiliated dentist shall notify the
12 board of the beginning of the affiliated practice relationship and provide
13 the board with a copy of the agreement and any amendments to the agreement
14 within thirty days after the effective date of the agreement or amendment.
15 The dental hygienist and the affiliated dentist shall also notify the
16 board within thirty days after the termination date of the affiliated
17 practice relationship if this date is different than the ~~contract~~
18 AGREEMENT termination date.

19 J. Subject to the terms of the written affiliated practice
20 agreement entered into between a dentist and a dental hygienist, a dental
21 hygienist may:

22 1. Perform all dental hygiene procedures authorized by this chapter
23 except for any diagnostic procedures that are required to be performed by
24 a dentist. The dentist's presence and an examination, diagnosis and
25 treatment plan are not required unless specified by the affiliated
26 practice agreement. Procedures identified in section 32-1281, subsection
27 B, paragraphs 4 and 5 are subject to the conditions prescribed in section
28 32-1281, subsection ~~E~~ F.

29 2. SUPERVISE DENTAL ASSISTANTS, INCLUDING DENTAL ASSISTANTS WHO ARE
30 CERTIFIED TO PERFORM FUNCTIONS PURSUANT TO SECTION 32-1291.

31 K. The board shall adopt rules regarding participation in
32 affiliated practice relationships by dentists and dental hygienists that
33 specify the following:

34 1. Additional continuing education requirements that must be
35 satisfied by a dental hygienist.

36 2. Additional standards and conditions that may apply to affiliated
37 practice relationships.

38 3. Compliance with the dental practice act and rules adopted by the
39 board.

40 L. For the purposes of this section, "affiliated practice
41 relationship" means the delivery of dental hygiene services, pursuant to
42 an agreement, by a dental hygienist who is licensed pursuant to this
43 article and who refers the patient to a dentist licensed pursuant to this

1 chapter for any necessary further diagnosis, treatment and restorative
2 care.

3 Sec. 3. Section 32-1291, Arizona Revised Statutes, is amended to
4 read:

5 32-1291. Dental assistants; regulation; duties

6 A. A dental assistant may expose radiographs for dental diagnostic
7 purposes under EITHER the general supervision of a dentist OR THE DIRECT
8 SUPERVISION OF AN AFFILIATED PRACTICE DENTAL HYGIENIST licensed pursuant
9 to this chapter if the assistant has passed an examination approved by the
10 board.

11 B. A dental assistant may polish the natural and restored surfaces
12 of the teeth under EITHER the general supervision of a dentist OR THE
13 DIRECT SUPERVISION OF AN AFFILIATED PRACTICE DENTAL HYGIENIST licensed
14 pursuant to this chapter if the assistant has passed an examination
15 approved by the board.

APPROVED BY THE GOVERNOR MAY 25, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 25, 2019.

Passed the House February 11, 20 19

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate May 20, 20 19

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of May, 20 19

at 3:33 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 25th day of

May 2019

at 4:00 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 25 day of May, 20 19

at 5:45 o'clock P. M.

[Signature]
Secretary of State

H.B. 2058