

COMMITTEE ON HEALTH & HUMAN SERVICES
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2137
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 <<~~Section 1. Section 32-1236, Arizona Revised Statutes, is amended~~
3 ~~to read:~~

4 ~~START_STATUTE32-1236. Dentist triennial licensure; continuing~~
5 ~~education; license reinstatement; license for each~~
6 ~~place of practice; notice of change of address or~~
7 ~~place of practice; retired and disabled license~~
8 ~~status; penalties~~

9 ~~A. Except as provided in section 32-4301, a license expires thirty~~
10 ~~days after the licensee's birth month every third year. On or before the~~
11 ~~last day of the licensee's birth month every third year, every licensed~~
12 ~~dentist shall submit to the board a complete renewal application and pay a~~
13 ~~license renewal fee of not more than \$650, established by a formal vote of~~
14 ~~the board. At least once every three years, before establishing the fee,~~
15 ~~the board shall review the amount of the fee in a public meeting. Any~~
16 ~~change in the amount of the fee shall be applied prospectively to a~~
17 ~~licensee at the time of licensure renewal. The fee prescribed by this~~
18 ~~subsection does not apply to a retired dentist or to a dentist with a~~
19 ~~disability.~~

20 ~~B. A licensee shall include a written affidavit with the renewal~~
21 ~~application that affirms that the licensee complies with board rules~~
22 ~~relating to continuing education requirements. A licensee is not required~~
23 ~~to complete the written affidavit if the licensee received an initial~~
24 ~~license within the year immediately preceding the expiration date of the~~
25 ~~license or the licensee is in disabled status. If the licensee is not in~~
26 ~~compliance with board rules relating to continuing education, the board~~
27 ~~may grant an extension of time to complete these requirements if the~~
28 ~~licensee includes a written request for an extension with the renewal~~
29 ~~application instead of the written affidavit and the renewal application~~
30 ~~is received on or before the last day of the licensee's birth month of the~~
31 ~~expiration year. The board shall consider the extension request based on~~
32 ~~criteria prescribed by the board by rule. If the board denies an~~
33 ~~extension request, the license expires thirty days after the licensee's~~
34 ~~birth month.~~

~~C. A person applying for licensure for the first time in this state shall pay a prorated fee for the period remaining until the licensee's next birth month. This fee shall not exceed one-third of the fee established pursuant to subsection A of this section. Subsequent licensure renewal shall be conducted pursuant to this section.~~

~~D. An expired license may be reinstated by submitting a complete renewal application within the twenty-four-month TWELVE-MONTH period immediately following the expiration of the license with payment of the renewal fee and a \$100 penalty. Whenever issued, reinstatement is as of the date of application and entitles the applicant to licensure only for the remainder of the applicable three-year period. If a person does not reinstate a license pursuant to this subsection, the person must reapply for licensure pursuant to this chapter.~~

~~E. Each licensee must provide to the board in writing both of the following:~~

~~1. A primary mailing address.~~

~~2. The address for each place of practice.~~

~~F. A licensee maintaining more than one place of practice shall obtain from the board a duplicate license for each office. A fee set by the board shall be charged for each duplicate license. The licensee shall notify the board in writing within ten days after opening the additional place or places of practice. The board shall impose a penalty of \$50 for failure to notify the board.~~

~~G. A licensee who is fully retired and a licensee who has a permanent disability may contribute services to a recognized charitable institution and still retain that classification for triennial registration purposes on payment of a reduced renewal fee as prescribed by the board by rule.~~

~~H. A licensee applying for retired or disabled status shall:~~

~~1. Relinquish any prescribing privileges and shall attest by affidavit that the licensee has surrendered to the United States drug enforcement administration any registration issued pursuant to the federal controlled substances act and has surrendered to the board any registration issued pursuant to section 36-2606.~~

~~2. If the licensee holds a permit to dispense drugs and devices pursuant to section 32-1298, surrender that permit to the board.~~

~~3. Attest by affidavit that the licensee is not currently engaged in the practice of dentistry.~~

~~I. A licensee who changes the licensee's primary mailing address or place of practice address shall notify the board of that change in writing within ten days. The board shall impose a penalty of \$50 if a licensee fails to notify the board of the change within that time. The board shall increase the penalty imposed to \$100 if a licensee fails to notify it of the change within thirty days. END_STATUTE~~

~~Sec. 2. Section 32-1276.02, Arizona Revised Statutes, is amended to read:~~

1 ~~START_STATUTE32-1276.02. Dental therapist triennial~~
2 ~~licensure, continuing education, license~~
3 ~~renewal and reinstatement; fees; civil~~
4 ~~penalties; retired and disabled license status~~

5 ~~A. Except as provided in section 32-4301, a license issued under~~
6 ~~this article expires thirty days after the licensee's birth month every~~
7 ~~third year. On or before the last day of the licensee's birth month every~~
8 ~~third year, each licensed dental therapist shall submit to the board a~~
9 ~~complete renewal application and pay a license renewal fee established by~~
10 ~~a formal vote of the board. At least once every three years, before~~
11 ~~establishing the fee, the board shall review the amount of the fee in a~~
12 ~~public meeting. Any change in the amount of the fee shall be applied~~
13 ~~prospectively to a licensee at the time of licensure renewal. The fee~~
14 ~~prescribed by this subsection does not apply to a retired dental therapist~~
15 ~~or to a dental therapist with a disability.~~

16 ~~B. A licensee shall include a written affidavit with the renewal~~
17 ~~application that affirms that the licensee complies with board rules~~
18 ~~relating to continuing education requirements. A licensee is not required~~
19 ~~to complete the written affidavit if the licensee received an initial~~
20 ~~license within the year immediately preceding the expiration date of the~~
21 ~~license or the licensee is in disabled status. If the licensee is not in~~
22 ~~compliance with board rules relating to continuing education, the board~~
23 ~~may grant an extension of time to complete these requirements if the~~
24 ~~licensee includes a written request for an extension with the renewal~~
25 ~~application instead of the written affidavit and the renewal application~~
26 ~~is received on or before the last day of the licensee's birth month of the~~
27 ~~expiration year. The board shall consider the extension request based on~~
28 ~~criteria prescribed by the board by rule. If the board denies an~~
29 ~~extension request, the license expires thirty days after the licensee's~~
30 ~~birth month of the expiration year.~~

31 ~~C. An applicant for a dental therapy license for the first time in~~
32 ~~this state shall pay a prorated fee for the period remaining until the~~
33 ~~licensee's next birthday. This fee may not exceed one-third of the fee~~
34 ~~prescribed pursuant to subsection A of this section. Subsequent~~
35 ~~applications shall be conducted pursuant to this section.~~

36 ~~D. An expired license may be reinstated by submitting a complete~~
37 ~~renewal application within the twenty-four-month TWELVE-MONTH period~~
38 ~~immediately following the expiration of the license with payment of the~~
39 ~~renewal fee and a \$100 penalty. When the license is issued, reinstatement~~
40 ~~is as of the date of application and entitles the applicant to licensure~~
41 ~~only for the remainder of the applicable three-year period. If a person~~
42 ~~does not reinstate a license pursuant to this subsection, the person must~~
43 ~~reapply for licensure pursuant to this article.~~

44 ~~E. A licensee shall notify the board in writing within ten days~~
45 ~~after the licensee changes the primary mailing address listed with the~~
46 ~~board. The board shall impose a civil penalty of \$50 if a licensee fails~~
47 ~~to notify the board of the change within that time. The board shall~~

~~1 increase the civil penalty to \$100 if a licensee fails to notify the board
2 of the change within thirty days.~~

~~3 F. A licensee who is at least sixty-five years of age and who is
4 fully retired and a licensee who has a permanent disability may contribute
5 services to a recognized charitable institution and still retain that
6 classification for triennial registration purposes by paying a reduced
7 renewal fee as prescribed by the board by rule.~~

~~8 G. A licensee is not required to maintain a dental hygienist
9 license. END_STATUTE>>~~

10 Section 1. Section 32-1281, Arizona Revised Statutes, is amended to
11 read:

12 32-1281. Practicing as dental hygienist: supervision
13 requirements; definitions

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

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

- 19 1. Prophylaxis.
- 20 2. Scaling.
- 21 3. Closed subgingival curettage.
- 22 4. Root planing.
- 23 5. Administering local anesthetics and nitrous oxide.
- 24 6. Inspecting the oral cavity and surrounding structures for the
25 purposes of gathering clinical data to facilitate a diagnosis.
- 26 7. Periodontal screening or assessment.
- 27 8. Recording clinical findings.
- 28 9. Compiling case histories.
- 29 10. Exposing and processing dental radiographs.
- 30 11. Dental hygiene assessment and dental hygiene treatment planning
31 as components of a diagnosis and treatment plan developed by a dentist.
- 32 12. All functions authorized and deemed appropriate for dental
33 assistants.

34 13. Except as provided in paragraph 14 of this subsection, those
35 restorative functions permissible for an expanded function dental
36 assistant if qualified pursuant to section 32-1291.01.

37 14. Placing interim therapeutic restorations after successfully
38 completing a course at an institution accredited by the commission on
39 dental accreditation of the American dental association.

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

- 42 1. Apply preventive and therapeutic agents to the hard and soft
43 tissues.
- 44 2. Use emerging scientific technology and prescribe the necessary
45 training, experience and supervision to operate newly developed scientific
46 technology. A dentist who supervises a dental hygienist whose duties
47 include the use of emerging scientific technology must have training on

1 using the emerging technology that is equal to or greater than the
2 training the dental hygienist is required to obtain.

3 3. Perform other procedures not specifically authorized by this
4 section.

5 D. Except as provided in subsections E, F and I of this section, a
6 dental hygienist shall practice under the general supervision of a dentist
7 who is licensed pursuant to this chapter.

8 E. A dental hygienist may practice under the general supervision of
9 a physician who is licensed pursuant to chapter 13 or 17 of this title in
10 an inpatient hospital setting.

11 F. A dental hygienist may perform the following procedures on
12 meeting the following criteria and under the following conditions:

13 1. Administering local anesthetics under the direct supervision of
14 a dentist who is licensed pursuant to this chapter after:

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

20 (b) The dental hygienist successfully completes an examination in
21 local anesthesia given by ~~the western regional examining board or a~~
22 ~~written and clinical examination of another~~ A state or regional
23 ~~examination that is substantially equivalent to the requirements of this~~
24 ~~state, as determined by the board~~ TESTING AGENCY IN THE UNITED STATES.

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

28 2. Administering local anesthetics under general supervision to a
29 patient of record if all of the following are true:

30 (a) The dental hygienist holds a local anesthesia certificate
31 issued by the board.

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

33 (c) The patient has been examined by a dentist who is licensed
34 pursuant to this chapter within the previous twelve months.

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

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

43 3. Administering nitrous oxide analgesia under the direct
44 supervision of a dentist who is licensed pursuant to this chapter after:

45 (a) The dental hygienist successfully completes a course in
46 administering nitrous oxide analgesia that includes didactic and clinical

1 components offered by a dental or dental hygiene program accredited by the
2 commission on dental accreditation of the American dental association.

3 (b) The board issues to the dental hygienist a nitrous oxide
4 analgesia certificate on receipt of proof that the requirements of
5 subdivision (a) of this paragraph have been met.

6 G. The board may issue local anesthesia and nitrous oxide analgesia
7 certificates to a licensed dental hygienist on receipt of evidence
8 satisfactory to the board that the dental hygienist holds a valid
9 certificate or credential in good standing in the respective procedure
10 issued by a licensing board of another jurisdiction of the United States.

11 H. A dental hygienist may perform dental hygiene procedures in the
12 following settings:

13 1. On a patient of record of a dentist within that dentist's
14 office.

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

19 3. In an inpatient hospital setting pursuant to subsection E of
20 this section.

21 I. A dental hygienist may provide dental hygiene services under an
22 affiliated practice relationship with a dentist as prescribed in section
23 32-1289.01.

24 J. For the purposes of this article:

25 1. "Assessment" means a limited, clinical inspection that is
26 performed to identify possible signs of oral or systemic disease,
27 malformation or injury and the potential need for referral for diagnosis
28 and treatment, and may include collecting clinical information to
29 facilitate an examination, diagnosis and treatment plan by a dentist.

30 2. "Dental hygiene assessment" means ~~identifying~~ THE IDENTIFICATION
31 OF an existing or potential oral health problem that dental hygienists are
32 educationally qualified and licensed to treat.

33 3. "Dental hygiene treatment planning" means performing a
34 prioritized sequence of dental hygiene interventions that is predicated on
35 the dental hygiene assessment and that is limited to those services
36 included in the scope of practice for dental hygienists.

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

41 5. "General supervision" means:

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

45 (b) With respect to an inpatient hospital setting, that a physician
46 who is licensed pursuant to chapter 13 or 17 of this title is available

1 for consultation, whether or not the physician is physically present at
2 the hospital.

3 6. "Interim therapeutic restoration" means a provisional
4 restoration that is placed to stabilize a primary or permanent tooth and
5 that consists of removing soft material from the tooth using only hand
6 instrumentation, without using rotary instrumentation, and subsequently
7 placing an adhesive restorative material.

8 7. "Screening" means determining an individual's need to be seen by
9 a dentist for diagnosis and does not include an examination, diagnosis or
10 treatment planning.

11 ~~<<Sec. 4. Section 32-1287, Arizona Revised Statutes, is amended to~~
12 ~~read:~~

13 ~~START_STATUTE32-1287. Dental hygienist triennial licensure;~~
14 ~~continuing education; license reinstatement;~~
15 ~~notice of change of address; penalties; retired~~
16 ~~and disabled license status~~

17 ~~A. Except as provided in section 32-4301, a license expires thirty~~
18 ~~days after the licensee's birth month every third year. On or before the~~
19 ~~last day of the licensee's birth month every third year, every licensed~~
20 ~~dental hygienist shall submit to the board a complete renewal application~~
21 ~~and pay a license renewal fee of not more than \$325, established by a~~
22 ~~formal vote of the board. At least once every three years, before~~
23 ~~establishing the fee, the board shall review the amount of the fee in a~~
24 ~~public meeting. Any change in the amount of the fee shall be applied~~
25 ~~prospectively to a licensee at the time of licensure renewal. The fee~~
26 ~~prescribed by this section does not apply to a retired hygienist or a~~
27 ~~hygienist with a disability.~~

28 ~~B. A licensee shall include a written affidavit with the renewal~~
29 ~~application that affirms that the licensee complies with board rules~~
30 ~~relating to continuing education requirements. A licensee is not required~~
31 ~~to complete the written affidavit if the licensee received an initial~~
32 ~~license within the year immediately preceding the expiration date of the~~
33 ~~license or the licensee is in disabled status. If the licensee is not in~~
34 ~~compliance with board rules relating to continuing education, the board~~
35 ~~may grant an extension of time to complete these requirements if the~~
36 ~~licensee includes a written request for an extension with the renewal~~
37 ~~application instead of the written affidavit and the renewal application~~
38 ~~is received on or before the last day of the licensee's birth month of the~~
39 ~~expiration year. The board shall consider the extension request based on~~
40 ~~criteria prescribed by the board by rule. If the board denies an~~
41 ~~extension request, the license expires thirty days after the licensee's~~
42 ~~birth month of the expiration year.~~

43 ~~C. A person applying for a license for the first time in this state~~
44 ~~shall pay a prorated fee for the period remaining until the licensee's~~
45 ~~next birth month. This fee shall not exceed one-third of the fee~~
46 ~~established pursuant to subsection A of this section. Subsequent~~
47 ~~registrations shall be conducted pursuant to this section.~~

~~D. An expired license may be reinstated by submitting a complete renewal application within the twenty-four-month TWELVE-MONTH period immediately following the expiration of the license with payment of the renewal fee and a \$100 penalty. Whenever issued, reinstatement is as of the date of application and entitles the applicant to licensure only for the remainder of the applicable three-year period. If a person does not reinstate a license pursuant to this subsection, the person must reapply for licensure pursuant to this chapter.~~

~~E. A licensee shall notify the board in writing within ten days after the licensee changes the primary mailing address listed with the board. The board shall impose a penalty of \$50 if a licensee fails to notify the board of the change within that time. The board shall increase the penalty imposed to \$100 if a licensee fails to notify it of the change within thirty days.~~

~~F. A licensee who is over sixty-five years of age and who is fully retired and a licensee who has a permanent disability may contribute services to a recognized charitable institution and still retain that classification for triennial registration purposes on payment of a reduced renewal fee as prescribed by the board by rule. END_STATUTE~~

~~Sec. 5. Section 32-1297.06, Arizona Revised Statutes, is amended to read:~~

~~START_STATUTE32-1297.06. Denturist certification; continuing education; certificate reinstatement; certificate for each place of practice; notice of change of address or place of practice; penalties~~

~~A. Except as provided in section 32-4301, a certification expires thirty days after the certificate holder's birth month every third year. On or before the last day of the certificate holder's birth month every third year, every certified denturist shall submit to the board a complete renewal application and shall pay a certificate renewal fee of not more than \$300, established by a formal vote of the board. At least once every three years, before establishing the fee, the board shall review the amount of the fee in a public meeting. Any change in the amount of the fee shall be applied prospectively to a certificate holder at the time of certification renewal. This requirement does not apply to a retired denturist or to a denturist with a disability.~~

~~B. A certificate holder shall include a written affidavit with the renewal application that affirms that the certificate holder complies with board rules relating to continuing education requirements. A certificate holder is not required to complete the written affidavit if the certificate holder received an initial certification within the year immediately preceding the expiration date of the certificate or the certificate holder is in disabled status. If the certificate holder is not in compliance with board rules relating to continuing education, the board may grant an extension of time to complete these requirements if the certificate holder includes a written request for an extension with the~~

1 ~~renewal application instead of the written affidavit and the renewal~~
2 ~~application is received on or before the last day of the certificate~~
3 ~~holder's birth month of the expiration year. The board shall consider the~~
4 ~~extension request based on criteria prescribed by the board by rule. If~~
5 ~~the board denies an extension request, the certificate expires thirty days~~
6 ~~after the certificate holder's birth month of the expiration year.~~

7 ~~C. A person applying for a certificate for the first time in this~~
8 ~~state shall pay a prorated fee for the period remaining until the~~
9 ~~certificate holder's next birth month. This fee shall not exceed~~
10 ~~one-third of the fee established pursuant to subsection A of this section.~~
11 ~~Subsequent certifications shall be conducted pursuant to this section.~~

12 ~~D. An expired certificate may be reinstated by submitting a~~
13 ~~complete renewal application within the twenty-four-month TWELVE-MONTH~~
14 ~~period immediately following the expiration of the certificate with~~
15 ~~payment of the renewal fee and a \$100 penalty. Whenever issued,~~
16 ~~reinstatement is as of the date of application and entitles the applicant~~
17 ~~to certification only for the remainder of the applicable three-year~~
18 ~~period. If a person does not reinstate a certificate pursuant to this~~
19 ~~subsection, the person must reapply for certification pursuant to this~~
20 ~~chapter.~~

21 ~~E. Each certificate holder must provide to the board in writing~~
22 ~~both of the following:~~

23 ~~1. A primary mailing address.~~

24 ~~2. The address for each place of practice.~~

25 ~~F. A certificate holder maintaining more than one place of practice~~
26 ~~shall obtain from the board a duplicate certificate for each office. The~~
27 ~~board shall set and charge a fee for each duplicate certificate. A~~
28 ~~certificate holder shall notify the board in writing within ten days after~~
29 ~~opening an additional place of practice.~~

30 ~~G. A certificate holder shall notify the board in writing within~~
31 ~~ten days after changing a primary mailing address or place of practice~~
32 ~~address listed with the board. The board shall impose a \$50 penalty if a~~
33 ~~certificate holder fails to notify the board of the change within that~~
34 ~~time. The board shall increase the penalty imposed to \$100 if a~~
35 ~~certificate holder fails to notify it THE BOARD of the change within~~
36 ~~thirty days.>>~~

37 Enroll and engross to conform

38 Amend title to conform

And, as so amended, it do pass

SELINA BLISS
CHAIRMAN

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