Arizona State Board of Dental Examiners
LEGISLATIVE CHANGES SUMMARY
Effective July 20, 2011

Investigation/Complaints (Arizona Revised Statutes (ARS) 32-1263.02)

Investigative Interviews have been eliminated. All cases will be investigated through the chief investigator or an outside dental consultant. The Board will review the summaries of the investigations and if it appears that the licensee engaged in unprofessional conduct the dentist may be invited to attend a formal interview before the Board. Additionally, the Board may resolve more cases through consent agreements.

Marking of Dentures for Identification (ARS 32-1271)

Every complete upper or lower denture fabricated by a licensed dentist, must be marked with the patient's name unless the patient objects. The marking must be done during fabrication and must be permanent, legible and cosmetically acceptable. The dentist must inform the patient that the marking is used only to identify the patient, and the patient may choose which marking is to appear on the dentures. The dentist must retain the records of marked dentures and may not release the records to any person except to law enforcement officers in any emergency that requires personal identification by means of dental records or to anyone authorized by the patient to receive this information.

Scope of practice; practice of dentistry (ARS 32-1202(A))

The practice of dentistry has been redefined as follows: "For the purposes of this chapter, the practice of dentistry is the diagnosis, surgical or nonsurgical treatment and performance of related adjunctive procedures for any disease, pain, deformity, deficiency, injury or physical condition of the human tooth or teeth, alveolar process, gums, lips, cheek, jaws, oral cavity and associated tissues, including the removal of stains, discolorations and concretions."

Unprofessional Conduct Additional Definition (ARS 32-1201(21)(k))

The following definition under Unprofessional Conduct was added. "Dividing a professional fee or receiving any consideration for patient referrals among or between dental care providers or dental care institution or entities. This subdivision does not prohibit the division of fees among licensees who are engaged in a bona fide employment, partnership, corporation or contractual relationship for the delivery of professional services."

Business Entities (ARS 32-1213(N))

The following language was added to Business Entities. No individual currently holding a surrendered or revoked license to practice dentistry or dental hygiene in any state or jurisdiction in the United States may have a majority ownership interest in the business entity registered pursuant to this subsection. Revocation and surrender of licensure shall be limited to disciplinary actions resulting in loss of license or surrender of license instead of disciplinary action. Any dentist or dental hygienist affected by this subsection shall have one year from the surrender or revocation to divest themselves of their ownership interest. This subsection does not apply to publicly held companies. For the purposes of this subsection, "majority ownership interest means an ownership interest greater than fifty percent."

Mobile Dental Facilities (ARS 32-1299.21, 32-1299.22, 32-1299.23, 32-1299.24 and 32-1299.25)

This legislation provides the Dental Board jurisdiction over mobile dental facilities. The statute defines this as a facility in which dentistry is practiced and that is routinely towed, moved or transported from one location to another. The legislation provides for permits and exceptions to this as well as standards of operation and practice, definition of informed consent and disciplinary actions.

In regard to informed consent, legislation states the following: "The permit holder of a mobile dental facility or portable dental unit must obtain appropriate informed consent, in writing or by verbal communication that is recorded by an electronic or digital device from the patient or the parent or guardian of the patient authorizing specific treatment before it is performed. The signed consent form or verbal communication shall be maintained as part of the patient's record as required in section 32-1264."

Confidential Monitored Aftercare Program (ARS 32-1299)

Consistent with other regulatory boards, the Board will have a confidential treatment program in addition to its public program. The Board may enter into a confidential non-disciplinary stipulation agreement with the licensee.

Powers and duties; executive director; immunity; fees; definition (ARS 32-1207(C))

Language was added to allow the Executive Director or the Executive Director's Designee to issue and renew licenses, certificates and permits to applicants who meet the requirements; initiate an investigation if evidence appears to demonstrate a licensee may be engaged in unprofessional conduct or unable to safely practice; initiate an investigation if evidence appears to demonstrate that a business entity may be engaged in unethical conduct; subject to Board approval, enter into a consent agreement with a licensee if there is evidence of unprofessional conduct; and subject to Board approval, enter into a consent agreement with a business entity if there is evidence of unethical conduct.

Dentists; continuing education requirements; remote learning (Session Law)

"Until rules on this subject are adopted by the dental board, attendance by a dentist at a remote site by means of audio-video technology to a seminar, symposium or lecture, which otherwise complies with rules adopted by the board and which records the dentist's attendance, at which the dentist is provided all seminar, symposium or lecture materials, and the technology permits remote attendees to fully participate in the seminar, symposium or lecture, is deemed an acceptable equivalent to personal attendance at the seminar, symposium or lecture to meet the requirements for continuing education for renewal of licenses prescribed in section 32-1207, subsection B, paragraph 3, subdivision (a), Arizona Revised Statutes."