

State of Arizona
Senate
Thirtieth Legislature
Second Regular Session

S. B. 1087

Introduced by

La Lalet

Ray Palmer

Douglas Holsclaw

Howard J. Baldwin

Sandra O'Connor

AN ACT

James D. H. Mully

RELATING TO PROFESSIONS AND OCCUPATIONS; REVISING LAWS RELATING TO DENTISTRY; AMENDING SECTIONS 32-1201, 32-1203, 32-1205, 32-1207, 32-1231 TO 32-1234, INCLUSIVE, 32-1236, 32-1266, 32-1281, 32-1284, 32-1285, 32-1287, 32-1289, 32-1290, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1263, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-1263, AND REPEALING SECTIONS 32-1235, 32-1264, 32-1291 AND 32-1292, ARIZONA REVISED STATUTES.

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

2 Section 1. Purpose

3 The purpose of this legislation is to revise the laws relating
4 to dentistry.

5 Sec. 2. Section 32-1201, Arizona Revised Statutes, is amended
6 to read:

7 32-1201. Definitions

8 In this chapter, unless the context otherwise requires:

9 1. "Board" means the state dental board OF DENTAL EXAMINERS.

10 2. "Dentistry," "dentist" and "dental" includes and embraces
11 "orthodontia," "orthodontist" and "orthodontic," respectively, THE
12 GENERAL PRACTICE OF DENTISTRY AS WELL AS ALL SPECIALTIES OR RESTRICTED
13 PRACTICES THEREOF.

14 3. "Recognized dental school" means a dental school maintaining
15 standards of entrance, study and graduation approved by the board as
16 satisfactory.

1 4. "UNPROFESSIONAL CONDUCT" INCLUDES THE FOLLOWING ACTS, WHETHER
2 OCCURRING IN THIS STATE OR ELSEWHERE:
3 (a) WILFUL BETRAYAL OF A PROFESSIONAL SECRET OR WILFUL VIOLATION
4 OF A PRIVILEGED COMMUNICATION EXCEPT AS EITHER OF THESE MAY OTHERWISE
5 BE REQUIRED BY LAW. THIS PROVISION SHALL NOT BE DEEMED TO PREVENT
6 MEMBERS OF THE BOARD FROM THE FULL AND FREE EXCHANGE OF INFORMATION WITH
7 THE LICENSING AND DISCIPLINARY BOARDS OF OTHER STATES, TERRITORIES OR
8 DISTRICTS OF THE UNITED STATES OR WITH FOREIGN COUNTRIES OR WITH THE
9 ARIZONA STATE DENTAL ASSOCIATION OR ANY OF ITS COMPONENT SOCIETIES OR
10 WITH THE DENTAL SOCIETIES OF OTHER STATES, COUNTIES, DISTRICTS, TER-
11 RITORIES OR WITH THOSE OF FOREIGN COUNTRIES.
12 (b) ADVERTISING.
13 (c) COMMISSION OF A FELONY, WHETHER OR NOT INVOLVING MORAL
14 TURPITUDE, OR A MISDEMEANOR INVOLVING MORAL TURPITUDE. IN EITHER CASE
15 CONVICTION BY ANY COURT OF COMPETENT JURISDICTION SHALL BE CONCLUSIVE
16 EVIDENCE THEREOF.
17 (d) HABITUAL INTEMPERANCE IN THE USE OF ALCOHOL.
18 (e) HABITUAL USE OF NARCOTIC DRUGS, AS DEFINED IN TITLE 36, CHAP-
19 TER 9, ARTICLE 1, DANGEROUS DRUGS, AS DEFINED IN TITLE 32, CHAPTER 18,
20 ARTICLE 1, OR HYPNOTIC DRUGS INCLUDING ACETYLUREA DERIVATIVES, BARBITURIC
21 ACID DERIVATIVES, CHLORAL, PARALDEHYDE, PHENYLHYDANTOIN DERIVATIVES,
22 SULFONMETHANE DERIVATIVES OR ANY COMPOUNDS OR MIXTURES OR PREPARATIONS
23 THAT MAY BE USED FOR PRODUCING HYPNOTIC EFFECTS.
24 (f) PRESCRIBING, DISPENSING OR USING DRUGS FOR OTHER THAN
25 ACCEPTED THERAPEUTIC PURPOSES.
26 (g) GROSS MALPRACTICE, REPEATED MALPRACTICE OR ANY MALPRACTICE
27 RESULTING IN THE DEATH OF A PATIENT.
28 (h) IMPERSONATION OF ANOTHER DOCTOR OF DENTISTRY.
29 (i) ACTING OR ASSUMING TO ACT AS A MEMBER OF THE BOARD WHEN SUCH
30 IS NOT THE FACT.
31 (j) PROCURING OR ATTEMPTING TO PROCURE A CERTIFICATE OF THE
32 NATIONAL BOARD OF DENTAL EXAMINERS OR A LICENSE TO PRACTICE DENTISTRY
33 BY FRAUD, MISREPRESENTATION OR BY KNOWINGLY TAKING ADVANTAGE OF THE

1 MISTAKE OF ANOTHER.

2 (k) HAVING PROFESSIONAL CONNECTION WITH OR LENDING ONE'S NAME
3 TO AN ILLEGAL PRACTITIONER OF DENTISTRY OR ANY OF THE OTHER HEALING
4 ARTS.

5 (l) REPRESENTING THAT A MANIFESTLY NOT CORRECTABLE CONDITION,
6 DISEASE, INJURY, AILMENT OR INFIRMITY CAN BE PERMANENTLY CORRECTED, OR
7 THAT A CORRECTABLE CONDITION, DISEASE, INJURY, AILMENT OR INFIRMITY
8 CAN BE CORRECTED WITHIN A STATED TIME, IF SUCH IS NOT THE FACT.

9 (m) OFFERING, UNDERTAKING, OR AGREEING TO CORRECT, CURE OR
10 TREAT A CONDITION, DISEASE, INJURY, AILMENT OR INFIRMITY BY A SECRET
11 MEANS, METHOD, DEVICE OR INSTRUMENTALITY.

12 (n) REFUSING TO DIVULGE TO THE BOARD UPON DEMAND THE MEANS,
13 METHOD, DEVICE OR INSTRUMENTALITY USED IN THE TREATMENT OF A CONDITION,
14 DISEASE, INJURY, AILMENT OR INFIRMITY.

15 (o) GIVING OR RECEIVING, OR AIDING OR ABETTING THE GIVING OR
16 RECEIVING OF REBATES, EITHER DIRECTLY OR INDIRECTLY.

17 (p) KNOWINGLY MAKING ANY FALSE OR FRAUDULENT STATEMENT, WRITTEN
18 OR ORAL, IN CONNECTION WITH THE PRACTICE OF DENTISTRY EXCEPT AS THE
19 SAME MAY BE NECESSARY FOR ACCEPTED THERAPEUTIC PURPOSES.

20 (q) IMMORALITY OR MISCONDUCT THAT TENDS TO DISCREDIT THE
21 DENTAL PROFESSION.

22 (r) REFUSAL, REVOCATION OR SUSPENSION OF LICENSE BY ANY OTHER
23 STATE, TERRITORY, DISTRICT OR COUNTRY, UNLESS IT CAN BE SHOWN THAT
24 SUCH WAS NOT OCCASIONED BY REASONS WHICH RELATE TO THE ABILITY SAFELY
25 AND SKILLFULLY TO PRACTICE DENTISTRY OR TO ANY ACT OF UNPROFESSIONAL
26 CONDUCT HEREIN.

27 (s) ANY CONDUCT OR PRACTICE CONTRARY TO RECOGNIZED STANDARDS
28 OF ETHICS OF THE DENTAL PROFESSION OR ANY CONDUCT OR PRACTICE WHICH
29 DOES OR MIGHT CONSTITUTE A DANGER TO THE HEALTH, WELFARE OR SAFETY
30 OF THE PATIENT OR THE PUBLIC, OR ANY CONDUCT, PRACTICE OR CONDITION
31 WHICH DOES OR MIGHT IMPAIR THE ABILITY SAFELY AND SKILLFULLY TO PRACTICE
32 DENTISTRY.

33 (t) OBTAINING A FEE BY FRAUD OR MISREPRESENTATION, OR WILFULLY

1 FILING A FRAUDULENT CLAIM WITH A THIRD PARTY FOR SERVICES RENDERED
2 OR TO BE RENDERED TO A PATIENT.

3 (u) EMPLOYING UNLICENSED PERSONS TO PERFORM WORK WHICH CAN
4 BE DONE LEGALLY ONLY BY LICENSED PERSONS.

5 (v) PRACTICING DENTISTRY UNDER A FALSE OR ASSUMED NAME, OTHER
6 THAN A PARTNERSHIP NAME CONTAINING THE NAME OF ONE OR MORE PARTNERS
7 OR ANY NAME PROVIDED FOR BY THE PROVISIONS OF TITLE 10, CHAPTER 3,
8 ARTICLE 1.

9 (w) WILFULLY CAUSING OR PERMITTING ILLEGAL ACTS BY DENTAL HY-
10 GIENISTS OR DENTAL AUXILIARY PERSONNEL.

11 (x) VIOLATING OR ATTEMPTING TO VIOLATE, DIRECTLY OR INDIRECTLY,
12 OR ASSISTING IN OR ABETTING THE VIOLATION OF OR CONSPIRING TO VIOLATE
13 ANY OF THE PROVISIONS OF THIS CHAPTER.

14 Sec. 3. Section 32-1203, Arizona Revised Statutes, is amended
15 to read:

16 32-1203. Dental board; qualifications of members

17 A. There shall be a state dental board OF DENTAL EXAMINERS con-
18 sisting of five members LICENSED DENTISTS appointed by the governor.
19 One member shall be appointed each year for a term of five years, OR
20 UNTIL HIS SUCCESSOR HAS BEEN APPOINTED, SUCH TERM to begin and end on
21 January 1.

22 B. A vacancy on the board shall be filled by the governor from
23 a list of ethical practitioners WHO HAVE PRACTICED IN THIS STATE FOR
24 AT LEAST FIVE YEARS, HAVE HAD AT LEAST THREE YEARS OF GENERAL PRACTICE
25 EXPERIENCE AND HAVE BEEN recommended for appointment by the Arizona
26 state dental society, ASSOCIATION, over the signatures of its president
27 and secretary. The governor may request such additional lists as he
28 deems necessary.

29 Sec. 4. Section 32-1205, Arizona Revised Statutes, is amended
30 to read:

31 32-1205. Organization; meetings

32 A. The board shall elect from its membership a president AND
33 TREASURER and MAY ELECT a secretary who shall MAY act also as trea-
34 surer, IF THE BOARD SO DETERMINES.

1 B. Board meetings may be called by the president or a majority
2 of the members by mailing-written GIVING notice of the time, place
3 and object PURPOSE of the meeting to all members. ~~not-parties-to-the~~
4 ~~call,-at-least-fifteen-days-before-the-day-of-meeting,-~~Each member
5 ~~shall-file-his-mailing-address-with-the-secretary-of-the-board-and-give~~
6 ~~written-notice-of-any-change-thereof,-~~The board shall meet at least
7 ~~once-each-calendar-year-for-examination-of-applicants-to-practice~~
8 ~~dentistry.~~

9 C. THE BOARD SHALL HIRE AN EXECUTIVE SECRETARY AS ADMINISTRATOR
10 WHOSE SALARY SHALL BE PAID FROM THE DENTAL BOARD FUND.

11 Sec. 5. Section 32-1207, Arizona Revised Statutes, is amended
12 to read:

13 32-1207. Powers and duties

14 A. The board shall:

15 1. Make rules not inconsistent with this chapter for regulation
16 of its own conduct, and for holding examinations AND FOR DETERMINING
17 DUTIES OF AUXILIARY PERSONNEL, INCLUDING LICENSED DENTAL HYGIENISTS.

18 2. Adopt a seal.

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

20 4. Establish a uniform and reasonable standard of minimum edu-
21 cational requirements to be observed by dental schools in order to be
22 classed as recognized dental schools.

23 5. Pass upon the reputability and classification of dental
24 schools in accordance with their compliance with the standard set forth
25 in paragraph 4 of this subsection.

26 6. Pass upon the eligibility of applicants for examination, ex-
27 amine those found eligible and issue licenses to those who pass the
28 examination.

29 7. Investigate charges of misconduct on the part of licensees.

30 8. ISSUE DECREES OF CENSURE, FIX PERIODS AND TERMS OF PROBATION,
31 SUSPEND OR revoke licenses as the facts may warrant, and reinstate
32 licenses in proper cases.

33 9. Collect and disburse monies.

1 10. Perform all other duties and things necessary to enforce
2 the provisions of this chapter which are not specifically or by nec-
3 essary implication delegated to another person.

4 B. The board may:

5 1. Sue and be sued, and may compel attendance of witnesses,
6 administer oaths and take testimony concerning all matters within its
7 jurisdiction. If a person refuses to obey a subpoena issued by the
8 board, the refusal shall be certified to the superior court of Maricopa
9 county and proceedings instituted for contempt of court.

10 ~~G. The board may become a member and participate in activities~~
11 ~~of the American association of dental examiners and may pay from the~~
12 ~~dental board fund all fees and dues normally incident to membership~~
13 ~~in the association. One member of the board may be chosen by a majority~~
14 ~~vote of the board to attend the annual meeting of the association, and~~
15 ~~such member shall be reimbursed from the dental board fund for all neces-~~
16 ~~sary travel expenses and per diem allowance authorized by law.~~

17 2. MAKE RULES AND REGULATIONS PRESCRIBING REQUIREMENTS FOR CON-
18 TINUING EDUCATION FOR RENEWAL OF ALL LICENSES ISSUED PURSUANT TO THIS
19 CHAPTER.

20 C. MEMBERS OF THE BOARD ARE PERSONALLY IMMUNE FROM SUIT WITH
21 RESPECT TO ALL ACTS DONE AND ACTIONS TAKEN IN GOOD FAITH AND WITHIN
22 THE SCOPE OF THEIR AUTHORITY.

23 Sec. 6. Section 32-1231, Arizona Revised Statutes, is amended
24 to read:

25 32-1231. Persons not required to be licensed

26 Nothing in this chapter shall be construed to prohibit:

27 1. A dentist officially employed in the service of the United
28 States from practicing dentistry in his official capacity, within the
29 scope of his authority, upon persons enlisted in, directly connected
30 with, or under the immediate control of some branch of service of the
31 United States.

32 2. An interne or student of dentistry from operating in the
33 clinical departments or laboratories of a recognized dental school or
34 hospital UNDER SUPERVISION OF A DENTIST LICENSED BY THIS STATE.

1 3. An unlicensed person from performing for a licensed dentist
2 merely mechanical work upon inert matter NOT WITHIN THE ORAL CAVITY in
3 the construction, making, alteration or repairing of any artificial
4 dental substitute or any dental restorative or corrective appliance,
5 when the casts or impressions for such work have been furnished by a
6 licensed dentist and the work is directly supervised by the dentist for
7 whom done or under a written authorization signed by him, but the burden
8 of proving such written authorization or direct supervision shall be
9 upon the person charged with having violated this provision.

10 4. A clinician not licensed in this state from giving demonstra-
11 tions, before bona fide dental societies and study clubs, that are free
12 to the persons on whom made.

13 5. THE STATE DIRECTOR OF DENTAL PUBLIC HEALTH FROM PERFORMING
14 HIS ADMINISTRATIVE DUTIES AS PRESCRIBED BY LAW.

15 Sec. 7. Section 32-1232, Arizona Revised Statutes, is amended
16 to read:

17 32-1232. Qualifications of applicant; application; fee

18 A. To be eligible for examination, a candidate for a license
19 to practice dentistry shall be ~~at least twenty-one years of age,~~ of
20 good moral character, ~~a citizen of the United States,~~ and the holder of
21 a diploma issued to him by a recognized dental school, or in lieu of
22 such diploma he shall have been for at least five consecutive years
23 immediately prior to such application duly licensed and engaged in the
24 active, legal practice of dentistry in a state or territory of the
25 United States or a foreign country in which the standards of dental
26 education and practice are acceptable to the board.

27 B. Each candidate shall make written application to the sec-
28 retary accompanied by the examination fee fixed by the board, at not
29 to exceed seventy-five TWO HUNDRED dollars, which shall not be refunded.
30 ~~if the applicant is found to be eligible, and otherwise complies with~~
31 ~~all requirements, rules and regulations of the board.~~

32 Sec. 8. Section 32-1233, Arizona Revised Statutes, is amended
33 to read:

1 32-1233. Examinations

2 A. Examinations shall be upon SUCH subjects ~~included in the cur-~~
3 ~~ricula of recognized dental schools and shall be both theoretical and~~
4 ~~practical~~ AND CONDUCTED IN SUCH A MANNER AS THE BOARD DIRECTS. Any
5 board member participating in an examination being given by the board
6 may examine a candidate in any subjects included in the examination.
7 ~~The theoretical examination shall be written in the English language~~
8 ~~and may be supplemented by an oral examination at the discretion of the~~
9 ~~board.--The practical examination shall consist of laboratory technique~~
10 ~~and clinical demonstrations.--The theoretical and practical examinations~~
11 ~~shall be graded at fifty per cent each, but the board in its discretion,~~
12 ~~may allow applicants who have been engaged for more than five years in~~
13 ~~the practice of dentistry a greater percentage, not over seventy five,~~
14 ~~according to the number of years of practice, for the practical examina-~~
15 ~~tion.~~

16 B. The board may delegate any part of the ~~written theoretical~~
17 ~~examination to a properly qualified examining body created by the laws~~
18 ~~of this state, and~~ SELECTED BY THE BOARD. THE BOARD may require that
19 an applicant shall accompany his application with a certificate showing
20 that he has passed ALL PARTS OF the examination. ~~of the examining body~~
21 ~~in the subject matter assigned to it.~~

22 C. All examination ~~papers~~ RECORDS shall be kept by the EXECUTIVE
23 secretary and shall be open to inspection at reasonable times by mem-
24 bers of the board, by the applicant or an authorized agent, or by a
25 court of competent jurisdiction in a proceeding in which the question
26 of the contents of the ~~papers~~ RECORDS are involved, for ninety days
27 from the date on which the examinations are begun, and may then be
28 destroyed. The examination ~~papers~~ RECORDS shall be the property of
29 the board and shall not be removed from its possession without its
30 consent. EXAMINATION PAPERS MAY BE DESTROYED AFTER NINETY DAYS FROM
31 THE DATE ON WHICH THE RESULTS ARE ANNOUNCED. THE EXAMINATION RESULTS
32 SHALL BE RETAINED AS A PART OF THE RECORDS OF THE BOARD.

1 D. WITH FULL BOARD APPROVAL, THE BOARD MAY CONVENE A SPECIAL
2 EXAMINATION WITH A MINIMUM OF THREE MEMBERS PRESENT FOR PURPOSES OF
3 EXAMINING APPLICANTS FOR PROJECTS IN THE PUBLIC INTEREST AND WHICH
4 HAVE THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE STATE DENTAL
5 ASSOCIATION.

6 Sec. 9. Section 32-1234, Arizona Revised Statutes, is amended
7 to read:

8 32-1234. Qualifications for re-examination

9 An applicant for examination who has previously failed in three
10 TWO examinations shall, in addition to the qualifications set forth in
11 section 32-1232 as a condition of eligibility to take further examina-
12 tions, furnish to the board satisfactory evidence of having success-
13 fully completed additional work TRAINING under a reputable dental
14 college OR REFRESHER COURSES approved by the board. ~~in-subjects-ap-~~
15 ~~proved-by-the-board,-since-the-time-of-failing-the-third-examination,~~

16 Sec. 10. Section 32-1236, Arizona Revised Statutes, is amended
17 to read:

18 32-1236. Annual registration; forfeiture of license;
19 reinstatement

20 A. On or before June 30 each year, every licensed dentist shall
21 pay an annual registration fee as determined by order of the board but
22 not to exceed ~~fourteen~~ FIFTY dollars.

23 B. Failure to pay the annual registration fee shall ~~thereupon~~
24 cause a forfeiture of license. ~~but-upon-written-application-and-pay-~~
25 ~~ment,-within-the-fiscal-year-of-the-forfeiture,-of-a-fine-of-ten-dol-~~
26 ~~lars,-or-if-after-the-fiscal-year,-of-a-fine-equal-to-the-examination~~
27 ~~fee-at-the-time-of-application,-the-board-shall,-without-examination,~~
28 ~~reinstate-the-license.~~ A LICENSE MAY BE REINSTATED IN THE FISCAL YEAR
29 IN WHICH IT IS FORFEITED BY SUBMITTING A WRITTEN APPLICATION WITH PAY-
30 MENT OF THE ANNUAL REGISTRATION FEE PLUS TEN DOLLARS DELINQUENT REGIS-
31 TRATION FEE. DURING THE SECOND FISCAL YEAR REINSTATEMENT MAY BE
32 EFFECTED BY SUBMITTING A WRITTEN APPLICATION AND PAYMENT OF CUMULATIVE
33 ANNUAL REGISTRATION FEES AND DELINQUENT REGISTRATION FEES PLUS A FEE

1 EQUAL TO THE CURRENT EXAMINATION FEE. IF A PERSON FAILS TO PAY THE
2 CUMULATIVE FEES FOR REINSTATEMENT PRIOR TO THE BEGINNING OF THE THIRD
3 FISCAL YEAR FOLLOWING THE FORFEITURE OF HIS LICENSE, THE BOARD SHALL
4 REQUIRE THAT HE SUCCESSFULLY COMPLETE THE REGULAR EXAMINATION PRIOR
5 TO REINSTATEMENT OF HIS LICENSE. Whenever issued, such reinstatement
6 shall be as of the date of application, and shall entitle applicant
7 to an annual registration receipt only for such fiscal year.

8 C. A LICENSEE MAINTAINING MORE THAN ONE PLACE OF PRACTICE SHALL
9 OBTAIN FROM THE BOARD A DUPLICATE LICENSE FOR EACH SUCH OFFICE. A FEE
10 SET BY THE BOARD SHALL BE CHARGED FOR EACH SUCH DUPLICATE LICENSE. SUCH
11 LICENSEE SHALL NOTIFY THE BOARD WITHIN TEN DAYS OF OPENING THE ADDITIONAL
12 PLACE OR PLACES OF PRACTICE. A FINE OF TEN DOLLARS SHALL BE LEVIED FOR
13 FAILURE TO SO NOTIFY THE BOARD.

14 Sec. 11. Repeal

15 Section 32-1263, Arizona Revised Statutes, is repealed.

16 Sec. 12. Title 32, chapter 11, article 4, Arizona Revised Statutes,
17 is amended by adding a new section 32-1263, to read:

18 32-1263. Grounds for censure, probation, suspension
19 or revocation of license; duty to report;
20 immunity; unprofessional conduct hearing;
21 decision of board

22 A. THE BOARD ON ITS OWN MOTION MAY INVESTIGATE ANY EVIDENCE
23 WHICH APPEARS TO SHOW THAT A DOCTOR OF DENTISTRY IS OR MAY BE PROFES-
24 SIONALLY INCOMPETENT OR IS OR MAY BE GUILTY OF UNPROFESSIONAL CONDUCT
25 OR IS OR MAY BE MENTALLY OR PHYSICALLY UNABLE SAFELY TO ENGAGE IN THE
26 PRACTICE OF DENTISTRY. ANY DOCTOR OF DENTISTRY, OR THE ARIZONA STATE
27 DENTAL ASSOCIATION, OR ANY COMPONENT COUNTY SOCIETY THEREOF SHALL, AND
28 ANY OTHER PERSON MAY, REPORT TO THE BOARD UNDER OATH ANY INFORMATION
29 SUCH DOCTOR, ASSOCIATION, SOCIETY OR PERSON MAY HAVE WHICH APPEARS
30 TO SHOW THAT A DOCTOR OF DENTISTRY IS OR MAY BE PROFESSIONALLY INCOM-
31 PETENT OR IS OR MAY BE GUILTY OF UNPROFESSIONAL CONDUCT OR IS OR MAY
32 BE MENTALLY OR PHYSICALLY UNABLE SAFELY TO ENGAGE IN THE PRACTICE
33 OF DENTISTRY. ANY PERSON REQUIRED TO REPORT UNDER THIS SECTION WHO

1 COMPETENCE EXAMINATION OR ANY COMBINATION THEREOF, AND MAKE SUCH IN-
2 VESTIGATION, INCLUDING, IF NECESSARY, THE TAKING OF DEPOSITIONS OR
3 OTHERWISE, AS MAY BE REQUIRED FULLY TO INFORM ITSELF WITH RESPECT TO
4 SUCH COMPLAINT.

5 E. ANY DENTIST WHO, AFTER A HEARING AS PROVIDED IN THIS SECTION,
6 IS FOUND TO BE GUILTY OF UNPROFESSIONAL CONDUCT, OR IS FOUND TO BE
7 MENTALLY OR PHYSICALLY UNABLE SAFELY TO ENGAGE IN THE PRACTICE OF DEN-
8 TISTRY OR IS FOUND TO BE PROFESSIONALLY INCOMPETENT OR ANY COMBINATION
9 THEREOF SHALL BE SUBJECT TO CENSURE, PROBATION AS PROVIDED IN SUBSECTION
10 B, PARAGRAPH 2 OF THIS SECTION, SUSPENSION OF LICENSE, OR REVOCATION OF
11 LICENSE, OR ANY COMBINATION OF THESE, AND FOR SUCH PERIOD OF TIME OR
12 PERMANENTLY AND UNDER SUCH CONDITIONS AS THE BOARD DEEMS APPROPRIATE
13 FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY AND JUST IN THE
14 CIRCUMSTANCE.

15 Sec. 13. Section 32-1266, Arizona Revised Statutes, is amended
16 to read:

17 32-1266. Prosecution of violations

18 ~~The dental board or any member thereof, as well as any other per-~~
19 ~~son, may prefer complaints for violations of this chapter before any~~
20 ~~court of competent jurisdiction. The attorney general, upon request,~~
21 ~~shall act for the board in all matters requiring legal assistance.~~
22 ~~but the board may employ other or additional counsel in its own behalf.~~
23 The board shall assist prosecuting officers in enforcement of this chap-
24 ter, and in so doing may engage suitable persons to assist in investi-
25 gations and in the procurement and presentation of evidence. Subpoenas
26 or other orders issued by the board may be served by any officer em-
27 powered to serve processes, who shall receive the fees prescribed by
28 law. ~~Expenditures made in carrying out provisions of this section shall~~
29 ~~be paid from the dental board fund.~~

30 Sec. 14. Section 32-1281, Arizona Revised Statutes, is amended
31 to read:

32 32-1281. Practicing as dental hygienist defined;
33 restrictions

1 A. ~~A person is deemed to be practicing as a~~ "Dental hygienist"
2 ~~who under any circumstances attempts to or does make dental examina-~~
3 ~~tion of, or removes lime deposits, accretions, or stains from, the~~
4 ~~exposed surfaces of the teeth of another person.~~ INCLUDES AND EMBRACES
5 THE GENERAL PRACTICE OF DENTAL HYGIENE AND ALL RELATED AND ASSOCIATED
6 DUTIES.

7 B. DENTAL HYGIENISTS SHALL PRACTICE UNDER THE DIRECT SUPERVI-
8 SION OF A DENTIST LICENSED BY THIS STATE OR WITH SUCH DENTIST AVAILABLE
9 IN THE IMMEDIATE VICINITY.

10 Sec. 15. Section 32-1284, Arizona Revised Statutes, is amended
11 to read:

12 32-1284. Qualifications of applicant; application; fee

13 A candidate to be eligible for examination for a license to prac-
14 tice as a dental hygienist shall be at least eighteen years of age, of
15 good moral character, ~~a citizen of the United States or an applicant~~
16 ~~for citizenship of the United States,~~ and shall present to the board
17 evidence of ~~graduation or certification~~ A CERTIFICATE OF SATISFACTORY
18 COMPLETION in a course or ~~curricula~~ CURRICULUM in dental hygiene from
19 a dental ~~college, dental infirmary or another institution of equal~~
20 ~~standing which maintains a course of instruction for dental hygienists~~
21 ~~equivalent in all respects to similar courses of instruction maintained~~
22 ~~in recognized dental schools offering instruction in dental hygiene.~~
23 HYGIENE SCHOOL ACCREDITED BY THE COUNCIL ON DENTAL EDUCATION OF THE
24 AMERICAN DENTAL ASSOCIATION. A candidate shall make written applica-
25 tion to the EXECUTIVE secretary of the board accompanied by the examina-
26 tion fee of ~~twenty-five~~ NOT TO EXCEED FIFTY dollars, which shall not be
27 refunded.

28 Sec. 16. Section 32-1285, Arizona Revised Statutes, is amended
29 to read:

30 32-1285. Examinations

31 ~~The board shall fix a time for the examination of eligible candi-~~
32 ~~dates and shall examine them in subjects included in the standard cur-~~
33 ~~ricula of courses of instruction in dental hygiene in recognized dental~~

1 schools-maintaining-courses-of-instruction-in-dental-hygiene,-and-shall
2 give-a-practical-examination-in-removal-of-deposits-from-and-the-polish-
3 ing-of-exposed-surfaces-of-teeth.

4 A. DENTAL HYGIENIST EXAMINATIONS SHALL BE UPON SUCH SUBJECTS
5 AND IN SUCH MANNER AS THE BOARD DIRECTS. ANY BOARD MEMBER PARTICIPAT-
6 ING IN AN EXAMINATION BEING GIVEN BY THE BOARD MAY EXAMINE A CANDIDATE
7 IN ANY SUBJECTS INCLUDED IN THE EXAMINATION.

8 B. THE BOARD MAY DELEGATE ANY PART OF THE EXAMINATION TO A PROP-
9 ERLY QUALIFIED BODY SELECTED BY THE BOARD. THE BOARD MAY REQUIRE THAT
10 AN APPLICANT ACCOMPANY HIS APPLICATION WITH A CERTIFICATE SHOWING THAT
11 HE HAS PASSED ALL PARTS OF THE EXAMINATION.

12 Sec. 17. Section 32-1287, Arizona Revised Statutes, is amended
13 to read:

14 32-1287. Annual registration fee; forfeiture of license;
15 reinstatement

16 On or before June 30 each year, every licensed dental hygienist
17 shall pay an annual registration fee ~~of five~~ AS DETERMINED BY ORDER
18 OF THE BOARD, BUT NOT TO EXCEED TWENTY-FIVE dollars. Failure to pay
19 the fee shall thereupon work a forfeiture of license, but upon written
20 application and payment within the fiscal year of the forfeiture of a
21 fine of ten dollars, or if after the fiscal year, BUT PRIOR TO THE
22 BEGINNING OF THE THIRD FISCAL YEAR, a fine equal to the application fee,
23 the board shall reinstate the license without examination. IF A PERSON
24 FAILS TO PAY THE FINE FOR REINSTATEMENT PRIOR TO THE BEGINNING OF THE
25 THIRD FISCAL YEAR FOLLOWING THE FORFEITURE OF HIS LICENSE, THE BOARD
26 SHALL REQUIRE THAT HE SUCCESSFULLY COMPLETE AN EXAMINATION PRIOR TO
27 REINSTATEMENT OF HIS LICENSE.

28 Sec. 18. Section 32-1289, Arizona Revised Statutes, is amended
29 to read:

30 32-1289. Limitation on number of dental hygienists;
31 employment of dental hygienist by public
32 institution or school

33 A. A DENTIST MAY EMPLOY NO MORE THAN TWO HYGIENISTS AT ONE TIME.

1 B. A licensed dentist, UNDER THE SUPERVISION AND DIRECTION OF
2 A DENTIST LICENSED BY THIS STATE, A public HEALTH AGENCY, institution
3 or PUBLIC OR PRIVATE school authority may employ a licensed and reg-
4 istered dental hygienist, who may remove lime deposits, accretions and
5 stains from the exposed surface of teeth, but who shall not perform any
6 other operation on the teeth or tissues of the mouth, -- Such a dental
7 hygienist may operate in the office of a licensed dentist or in any
8 public institution or in schools under the general direction or super-
9 vision of a licensed dentist, -- No licensed dentist shall have more than
10 one such hygienist under supervision at one time, -- Nothing in this
11 article shall be construed as authorizing a dental hygienist to perform
12 an operation in the mouth without supervision. HYGIENISTS TO PERFORM
13 DUTIES AS PRESCRIBED BY THE STATE BOARD OF DENTAL EXAMINERS WHERE
14 SUPERVISION IS LIMITED.

15 Sec. 19. Section 32-1290, Arizona Revised Statutes, is amended
16 to read:

17 32-1290. Grounds for censure, probation, suspension or
18 revocation of license; procedure

19 A. The dental board may, after INTERVIEW OR hearing as provided
20 in section 32-1291, THIS SECTION, SUSPEND OR revoke the license issued
21 to a person under this article OR CENSURE OR PLACE ON PROBATION ANY
22 SUCH PERSON for any of the following causes:

- 23 1. -- Physical or mental incompetency to practice his profession.
- 24 2. -- Fraud or misrepresentation in procuring a license.
- 25 3. -- Gross immorality.
- 26 4. -- Habitual use of intoxicating liquors or drugs to an extent
27 as to render him unfit for practice.

28 1. WILFUL BETRAYAL OF A PROFESSIONAL SECRET OR WILFUL VIOLATION
29 OF A PRIVILEGED COMMUNICATION EXCEPT AS EITHER OF THESE MAY OTHERWISE
30 BE REQUIRED BY LAW.

31 2. ADVERTISING.

32 3. COMMISSION OF A FELONY, WHETHER OR NOT INVOLVING MORAL
33 TURPITUDE, OR A MISDEMEANOR INVOLVING MORAL TURPITUDE. IN EITHER

1 THE SAME MAY BE NECESSARY FOR ACCEPTED THERAPEUTIC PURPOSES.
2 16. IMMORALITY OR MISCONDUCT THAT TENDS TO DISCREDIT THE DENTAL
3 PROFESSION.
4 17. REFUSAL, REVOCATION OR SUSPENSION OF LICENSE BY ANY OTHER
5 STATE, TERRITORY, DISTRICT OR COUNTRY, UNLESS IT CAN BE SHOWN THAT
6 SUCH WAS NOT OCCASIONED BY REASONS WHICH RELATE TO THE ABILITY SAFELY
7 AND SKILLFULLY TO PRACTICE AS A DENTAL HYGIENIST OR TO ANY ACT OF UN-
8 PROFESSIONAL CONDUCT HEREIN.
9 18. ANY CONDUCT OR PRACTICE CONTRARY TO RECOGNIZED STANDARDS OF
10 ETHICS OF THE DENTAL PROFESSION OR ANY CONDUCT OR PRACTICE WHICH DOES
11 OR MIGHT CONSTITUTE A DANGER TO THE HEALTH, WELFARE OR SAFETY OF THE
12 PATIENT OR THE PUBLIC, OR ANY CONDUCT, PRACTICE OR CONDITION WHICH
13 DOES OR MIGHT IMPAIR THE ABILITY SAFELY AND SKILLFULLY TO PRACTICE AS
14 A DENTAL HYGIENIST.
15 19. OBTAINING A FEE BY FRAUD OR MISREPRESENTATION, OR WILFULLY
16 FILING A FRAUDULENT CLAIM WITH A THIRD PARTY FOR SERVICES RENDERED OR
17 TO BE RENDERED TO A PATIENT.
18 20. PRACTICING AS A DENTAL HYGIENIST UNDER A FALSE OR ASSUMED
19 NAME.
20 21. WILFULLY CAUSING ILLEGAL ACTS BY OTHER DENTAL HYGIENISTS OR
21 DENTAL AUXILIARY PERSONNEL.
22 22. VIOLATING OR ATTEMPTING TO VIOLATE, DIRECTLY OR INDIRECTLY,
23 OR ASSISTING IN OR ABETTING THE VIOLATION OF OR CONSPIRING TO VIOLATE
24 ANY OF THE PROVISIONS OF THIS CHAPTER.
25 B. THE BOARD ON ITS OWN MOTION MAY INVESTIGATE ANY EVIDENCE WHICH
26 APPEARS TO SHOW THAT A DENTAL HYGIENIST IS OR MAY BE PROFESSIONALLY
27 INCOMPETENT FOR ONE OR MORE OF THE CAUSES IN SUBSECTION A OF THIS
28 SECTION. ANY DENTIST OR DENTAL HYGIENIST SHALL AND ANY OTHER PERSON
29 MAY, REPORT TO THE BOARD UNDER OATH ANY INFORMATION SUCH PERSON MAY
30 HAVE WHICH APPEARS TO SHOW THAT A DENTAL HYGIENIST IS OR MAY BE PRO-
31 FESSIONALLY INCOMPETENT FOR ONE OR MORE OF THE CAUSES IN SUBSECTION A
32 OF THIS SECTION. ANY PERSON REQUIRED TO REPORT UNDER THIS SECTION WHO
33 PROVIDES SUCH INFORMATION IN GOOD FAITH SHALL NOT BE SUBJECT TO SUIT

1 FOR CIVIL DAMAGES AS A RESULT THEREOF.

2 C. IF, IN THE OPINION OF THE BOARD, IT APPEARS SUCH INFORMATION
3 IS OR MAY BE TRUE, THE BOARD MAY REQUEST AN INFORMAL INTERVIEW WITH THE
4 HYGIENIST CONCERNED. SUCH INTERVIEW SHALL BE REQUESTED BY THE BOARD IN
5 WRITING, STATING THE REASONS FOR SUCH INTERVIEW AND SETTING A DATE NOT
6 LESS THAN TEN DAYS FROM THE DATE OF SUCH NOTICE FOR CONDUCTING SUCH IN-
7 Terview. IF HE REFUSES SUCH INVITATION OR IF HE ACCEPTS THE SAME AND
8 IF THE RESULTS OF SUCH INTERVIEW INDICATE SUSPENSION OR REVOCATION OF
9 LICENSE MIGHT BE IN ORDER, THEN A COMPLAINT SHALL BE ISSUED AND A FORMAL
10 HEARING SHALL BE HAD IN COMPLIANCE WITH THE SUBSEQUENT SUBSECTIONS OF
11 THIS SECTION. IF, AT SUCH INFORMAL INTERVIEW, TOGETHER WITH SUCH MENTAL,
12 PHYSICAL OR OTHER COMPETENCE EXAMINATION AS THE BOARD DEEMS NECESSARY,
13 THE BOARD FINDS THE INFORMATION PROVIDED UNDER SUBSECTION B TO BE TRUE
14 BUT NOT OF SUFFICIENT SERIOUSNESS TO MERIT SUSPENSION OR REVOCATION
15 OF LICENSE, IT MAY TAKE EITHER OR BOTH OF THE FOLLOWING ACTIONS:

16 1. ISSUE A DECREE OF CENSURE.

17 2. FIX SUCH PERIOD AND TERMS OF PROBATION BEST ADAPTED TO PRO-
18 TECT THE PUBLIC HEALTH AND SAFETY AND REHABILITATE OR EDUCATE THE HY-
19 GIENIST CONCERNED. SUCH PROBATION, IF DEEMED NECESSARY, MAY INCLUDE
20 TEMPORARY SUSPENSION OR RESTRICTION OF THE HYGIENIST'S LICENSE. FAIL-
21 URE TO COMPLY WITH ANY SUCH PROBATION SHALL BE CAUSE FOR FILING A COM-
22 PLAINT AND HOLDING A FORMAL HEARING AS HEREINAFTER PROVIDED IN THE
23 SUCCEEDING SUBSECTIONS OF THIS SECTION.

24 D. IF, IN THE OPINION OF THE BOARD, IT APPEARS SUCH CHARGE IS
25 OR MAY BE TRUE, THE BOARD SHALL SERVE ON SUCH HYGIENIST A SUMMONS AND
26 COMPLAINT FULLY SETTING FORTH THE CONDUCT, INABILITY OR INCOMPETENCE
27 CONCERNED AND RETURNABLE AT A HEARING TO BE HELD BEFORE THE BOARD IN
28 NOT LESS THAN THIRTY DAYS THEREFROM, STATING THE TIME AND PLACE OF
29 SUCH HEARING, WHICH SHALL BE CONDUCTED PURSUANT TO TITLE 41, CHAPTER
30 6, ARTICLE 1.

31 E. THE BOARD SHALL REQUIRE SUCH MENTAL, PHYSICAL OR PROFESSIONAL
32 COMPETENCE EXAMINATION OR ANY COMBINATION THEREOF, AND MAKE SUCH INVESTI-
33 GATION, INCLUDING, IF NECESSARY, THE TAKING OF DEPOSITIONS OR OTHERWISE,

1 AS MAY BE REQUIRED FULLY TO INFORM ITSELF WITH RESPECT TO SUCH COM-
2 PLAIN.

3 F. ANY DENTAL HYGIENIST WHO, AFTER A HEARING AS PROVIDED IN THIS
4 SECTION, IS FOUND TO BE GUILTY OF UNPROFESSIONAL CONDUCT, OR IS FOUND
5 TO BE MENTALLY OR PHYSICALLY UNABLE SAFELY TO ENGAGE IN THE PRACTICE
6 AS A DENTAL HYGIENIST OR IS FOUND TO BE PROFESSIONALLY INCOMPETENT
7 FOR ONE OR MORE OF THE CAUSES IN SUBSECTION A OF THIS SECTION, SHALL
8 BE SUBJECT TO CENSURE, PROBATION AS PROVIDED IN SUBSECTION C, PARAGRAPH
9 2 OF THIS SECTION, SUSPENSION OF LICENSE, OR REVOCATION OF LICENSE, OR
10 ANY COMBINATION OF THESE, AND FOR SUCH PERIOD OF TIME OR PERMANENTLY
11 AND UNDER SUCH CONDITIONS AS THE BOARD DEEMS APPROPRIATE FOR THE PRO-
12 TECTION OF THE PUBLIC HEALTH AND SAFETY AND JUST IN THE CIRCUMSTANCE.

13 Sec. 20. Repeal

14 Sections 32-1235, 32-1264, 32-1291 and 32-1292, Arizona Revised
15 Statutes, are repealed.