



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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BODEX UPDATE

I welcome the opportunity again to share ongoing challenges or opportunities related to investigations and licensing. Board staff receives daily inquiries from licensees regarding compliance with the Dental Practice Act and patient interactions. While Board staff is prohibited from giving licensees legal advice, we do try to provide reference to relevant portions of the Dental Practice Act and guidance on Board practices and procedures. Some of our more frequent calls are related to the following issues:

1. Release of Records

ARS 32-1264 (D) is very specific regarding the requirement to release records upon written request by the patient. When the Board receives a complaint that includes an allegation of failure to release records, we attempt to resolve this issue without opening a formal investigation. This is a courtesy provided by the Board staff; however, it is the licensee's responsibility to comply with the statutes, educate their staff and ensure patients timely receive their records.

2. Letter of Good Standing

Board staff receives many requests to have a "letter of good standing" sent to another state licensing board. Board staff will issue license verification to another state upon written request and payment of \$25.

3. Board Subpoena Related to Radiographs

The Board's subpoena for records specifies that **RADIOGRAPHS SHOULD BE SUBMITTED ON CD, FLASH DRIVE OR VIA EMAIL. IF DIGITAL FILES CANNOT BE PROVIDED THE X-RAYS, IMAGES IMAGES AND PHOTOS MUST BE SUBMITTED ON PHOTO PAPER.**

Additionally, radiographs must have the **DATE THAT THEY WERE TAKEN CLEARLY MARKED** on them. If these requirements are not met, the radiographs will be rejected.

4. What is the standard of care?

The standard of care is what a reasonable and prudent dentist would do in the same or similar circumstances. The Board applies the standard of care on a case-by-case basis taking into consideration aggravating and mitigating factors.

5. Can you interpret this rule or statute?

As repeatedly communicated, Board staff cannot provide legal advice to licensees or anyone. We refer licensees to either their insurance carrier or attorney when appropriate.

I recently shared some interesting data with the Board's dental consultants. I recognize that you may not find it interesting, but for Board staff it provides some benchmarks which are reviewed on an annual basis.

When a complaint is received in the office, Board staff assigns one or more allegations to it based on the information in the complaint. For the past three years, the top allegations have consistently been:

- ❶ Inadequate Crown and Bridge
- ❷ Complications During or After Treatment
- ❸ Inadequate Dental Implants
- ❹ Inadequate Dentures (complete and partial)

The Board opened 298 investigations in 2015. Thirty-six percent of these cases were sent to outside dental consultants. Of the 298 investigations, 43 percent were terminated in accordance with ARS 32-1263.03.

In 2016, the Board opened 212 investigations. Twenty-eight percent of these cases were sent to outside consultants. Of the 212 investigations, 49 percent were terminated in accordance with ARS 32-1263.03.

The number of Dental Board terminations is comparable to other regulatory boards that have a similar termination authority within their statute. Special thanks to the dental consultants who provide meaningful reports for the Board to utilize in their investigation and adjudication of complaints.

By the time this is printed, the Legislature will have adjourned and Board staff will begin to prepare to implement many changes to the Dental Practice Act. Statute changes become effective 90 days after the Legislature adjourns unless otherwise specified in the statutory language. Board staff asks for your patience as we begin implementation of the statutes, comply with the Governor's Executive Orders, process license renewals and prepare to relocate our office. Needless to say, a day at BODEX goes quickly!

125 days until 2017 NFL Kick-off!