

BODEX UPDATE

This column is devoted to informing you of new legislation arising out of the 2015 Legislative session. The Legislature made several changes to the Dental Practice Act specifically and passed several laws applicable to regulatory agencies as a whole. Unless otherwise noted, all new laws become effective on July 3, 2015.

HB 2496 (Dental Board's Omnibus Bill): Makes the following substantive amendments to the Dental Practice Act:

§32-1205(B): requires the Board to post audio recordings of Board meetings on the Board's website;

§32-1232(B): adds the requirement that applicants for a dental license shall obtain a valid fingerprint clearance card;

§32-1240: provides that the Board, by rule, shall require applicants for a dental license by credential to provide proof of a minimum number of active practice hours in another jurisdiction and an affirmation that the applicant has completed the continuing education requirements of the other jurisdiction where the applicant is licensed;

§32-1263.01(D): beginning September 1, 2015, requires the Board to post all disciplinary and non-disciplinary actions to licensees' and certificate holders' profiles on the Board's website;

§32-1264(D): removes the requirement that the Board adopt a rule that sets the fee a dentist may charge for reproducing a patient's treatment records;

§32-1284(A): adds the requirement that applicants for a dental hygiene license shall obtain a valid fingerprint clearance card;

§32-1292.01(A): provides that the Board, by rule, shall require applicants for a dental hygiene license by credential to provide proof of a minimum number of active practice hours in another jurisdiction and an affirmation that the applicant has completed the continuing education requirements of the other jurisdiction where the applicant is licensed;

§32-1297.01(A): adds the requirement that applicants for a denturist certificate shall obtain a valid fingerprint clearance card;

§32-1299: adds a new provision (subsection E) relating to the Board's substance abuse and rehabilitation program. The amendment addresses the Board's options for licensees and certificate holders who relapse after completing a second confidential monitoring program. The Board shall determine whether to: 1) refer the matter to a formal hearing for license suspension or revocation; 2) place the licensee/certificate holder on probation for a minimum

of one year with necessary restrictions (this would be a public probation order); 3) allow the licensee/certificate holder to enter into another confidential rehabilitation agreement.

SB 1282: amends the Dental Practice Act as it relates to the scope of practice of dental hygienists and dental assistants; also amends A.R.S. § 36-3611 (under the Department of Health Services) to authorize tele dentistry:

§32-1281: amends the scope of practice for dental hygienists and allowing qualified hygienists to perform the restorative functions that an expanded function dental assistant may perform after completing educational and examination requirements;

§32-1289: allows hygienists employed by public health agencies to perform screenings or assessments and apply sealants and topical fluoride before an examination by a dentist;

§32-1289.01: relocates and amends the provisions governing affiliated practice relationships (formerly in § 32-1289);

§32-1291.01: allows dental assistants to perform expanded functions if they complete Board-approved training and successfully complete a Board approved examination; delineates the authorized expanded functions;

STATUTES OUTSIDE THE DENTAL PRACTICE ACT AFFECTING DENTAL BOARD LICENSEES

HB 2297: adds § 41-1038 to prohibit state agencies from adopting any new rule that would increase regulatory burdens or restraints, unless an exception applies;

HB 2212: § 41-1030 currently provides that an agency may not base a licensing decision on a requirement or condition that is not specifically authorized by a statute or rule. The amendment to the statute provides that a person may file a civil action against the state if an agency violates the statute. It also requires an agency to print the new statutory provisions on all license applications;

SB 1370: adds a new section in title 32, relating to health regulatory boards, effective on December 31, 2015:

§ 32-3219: requires health regulatory boards to collect information from applicants and licensees and submit the information to the Pharmacy Board to facilitate registration for the controlled substances prescription monitoring program;

SB 2213: amends § 41-1001.01 and -1009 relating to the small business regulatory bill of rights and agency inspection of regulated businesses; places additional requirements on state agencies when conducting inspections.

Dr. Palmer and I have updated the presentation we offer to dental study clubs which includes Board cases and sanctions as well as trends and new legislation which has been well received. If your study club would appreciate an update, please call me.

Thank you for your support and patience as Board staff implements these changes.