



ARIZONA STATE BOARD OF DENTAL EXAMINERS

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BOARD UPDATE

It has been several months since I have submitted a column for Inscriptions; however, a lot has been going on at the Board regarding the current Legislative session, future relocation of the Board's office and the uncertain budget and operational impact it will have, the upcoming license renewal period and implementation of Executive Order 2017-02.

Additionally, there are several challenges Board staff continues to experience with respect to the investigative process as well as reporting requirements by licensees. Here are some ongoing challenges/basics we are asking licensees to review:

1. Responding to Board subpoenas

It is the licensee's responsibility to timely respond to a subpoena from the Board and provide ALL records which include treatment notes, financial statements, insurance and billing information, and dated x-rays. Board staff is spending a significant amount of time following up with licensees as x-rays are missing and/or not all the records are being submitted. This delays the complaint investigation process.

2. Obtaining Legal Counsel

I spend several hours a week speaking with licensees who wait to obtain legal counsel until after a significant amount of time has passed since the filing of a complaint (i.e., the investigative report and summary has been completed, the narrative response has been submitted) or their deadline for the narrative is due the same day or next day. Board staff cannot stress enough that upon receipt of a subpoena (one can ascertain from this document who is being investigated) or complaint the licensee has the option of contacting their insurance company (at least the majority of them) to request assistance.

3. Requesting Investigative File

The Board, in its communication to the licensee informs them that they or their legal representative can request a copy of the entire file. Again, too many licensees fail to read and/or understand this. Obtaining an experienced attorney can greatly assist the licensee through the investigative process as they understand the Dental Practice Act and the investigative process.

4. Licensees May Contact the Patient

Many times licensees contact Board staff to ask whether or not they may contact the patient once they have filed a complaint with the Board. Board staff cannot render opinions or give advice; however, it is not uncommon for a licensee or their legal representative to contact the patient in an attempt to resolve the issue. If the complainant/patient reaches an agreement with the licensee they may submit a letter to the Board requesting that the complaint be terminated. The case will then be placed on the Board's consent agenda under "terminate per patient letter." Termination of a complaint per the patient's request, however, is not automatic. The Board always has the discretion to continue the complaint investigation.

5. Address Changes

I apologize for sounding like a broken record (or CD?); however, the Dental Practice Act requires a licensee provide to the Board a current primary mailing address and the address for each place of practice; failure to do so results in mandatory monetary penalties pursuant to A.R.S. § 32-1236(I).

Board Relocation

There has been some speculation as to whether or not the Dental Board will be required to relocate its offices. We have been informed that this will occur. Ms. Chambers, Deputy Director, and I have had many questionnaires to complete and hours of meetings regarding the Board's proposed relocation to 1740 W. Adams which is at the Capitol Mall. Over twenty agencies will be relocated into this building. Needless to say, there will be a significant amount of work to do with respect to this project. There have not been any financial projections regarding the actual costs that the Dental Board will incur. Additional increased costs will include technology, the contribution towards the salaries for shared employees who will serve as receptionists and security, and the cost to image files and records given that the space the Board will be allocated will be less than that of its current office. Details are still being completed and, as you can imagine, this will represent a significant change for Board staff, Board members, the public, and licensees.

Executive Order 2017-02

Governor Ducey has issued Executive Order 2017-02 wherein he directed state agencies to conduct a review of their current regulatory frameworks. The goal is to determine any regulatory constructs that are overly burdensome, antiquated, contradictory or redundant to the regulated businesses and not necessary to protect consumers, public health or public safety. Agencies are asked to review and submit their findings by September 1, 2017. The Executive Order states that the Agency shall request stakeholder input.

Therefore, the Arizona State Board of Dental Examiners is soliciting its regulated community for comments. You may submit comments at one of the following events:

April 20, 2017 **2:30 pm – 4:00 pm**

May 10, 2017 **2:30 pm – 4:00 pm**

These will be held at the Dental Board Boardroom, 4205 N. 7th Avenue, Suite 205.

Additionally, you may submit suggestions to www.Redtape.AZ.gov.

Board Appointments

The Board currently has five vacancies and as of this date, the Governor has not filled these. Four members' appointments have expired: Dr. Robert Taylor, Dr. Darren Flowers, Ms. Heather Hardy, RDH and Mr. Josh Greer. The Board also has one vacancy created by the resignation of Dr. Hauer. The latter will only be a one-year appointment. All of these Board members will be missed (note Dr. Taylor, Dr. Flowers and Ms. Hardy are eligible for reappointment) as they contributed significantly to the Board in its mission to protect the public.

I would like to expound on pending legislative changes; however, I have exceeded my number of allowed words for this column!

Football therapy can't be soon enough!