

SECRETARY OF STATE

2021 JUL 29 PM 3:56

FILED

**AGENCY RECEIPT
NOTICE OF DOCKET OPENING
STATE BOARD OF DENTAL EXAMINERS**

1. Agency Name: State Board of Dental Examiners

2. The Subchapters, if applicable; the Articles; the Parts, if applicable, and the Sections involved in the rulemaking, listed in numerical order:


<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action:</u>
R4-11-1202	Amend
R4-11-1206	Amend
R4-11-1207	Amend

AGENCY CERTIFICATE
NOTICE OF DOCKET OPENING
STATE BOARD OF DENTAL EXAMINERS

- 1. **Agency Name:** State Board of Dental Examiners
- 2. **Chapter Heading:** State Board of Dental Examiners
- 3. **Code Citation for the Chapter:** 4 A.A.C. 11
- 4. **The Subchapters, if applicable; the Articles; the Parts, if applicable, and the Sections involved in the rulemaking, listed in numerical order:**

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action:</u>
R4-11-1202	Amend
R4-11-1206	Amend
R4-11-1207	Amend

- 5. **The rules contained in this package are true and correct as made.**

6.  _____ July 29, 2021
 Signature of Agency Chief Executive Officer in ink Date of signing

Ryan Edmonson _____
 Printed or typed name of signer Executive Director
 Title of signer

NOTICE OF RULEMAKING DOCKET OPENING

2021 JUL 29 PM 3:56

STATE BOARD OF DENTAL EXAMINERS

FILED

PREAMBLE

- 1. **Title and its heading:** 4, Professions and Occupations
- Chapter and its heading:** 11, State Board of Dental Examiners
- Article and its heading:** 12, Continuing Dental Education and Renewal Requirements
- Section number:** R4-11-1202, R4-11-1206, R4-11-1207 (*Sections may be added, deleted, or further modified as necessary.*)

2. **The subject matter of the proposed rule:**

The Board needs to amend its rules to update the license renewal deadlines consistent with SB1013 (2021).

3. **A citation to all published notices relating to the proceeding:**

None

4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Ryan Edmonson, Executive Director
 Address: Arizona State Board of Dental Examiners
 1740 W. Adams St., Ste. 2470
 Phoenix, AZ 85007
 Telephone: (602) 542-4493
 E-Mail: ryan.edmonson@dentalboard.az.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Department will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. **A timetable for agency decisions or other action on the proceeding, if known:**

To be determined.

AGENCY RECEIPT
NOTICE OF PROPOSED RULEMAKING
STATE BOARD OF DENTAL EXAMINERS

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2. The Subchapters, if applicable; the Articles; the Parts, if applicable, and the Sections involved in the rulemaking, listed in numerical order:


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R4-11-1206	Amend
R4-11-1207	Amend

AGENCY CERTIFICATE
NOTICE OF PROPOSED RULEMAKING
STATE BOARD OF DENTAL EXAMINERS

- 1. **Agency Name:** State Board of Dental Examiners
- 2. **Chapter Heading:** State Board of Dental Examiners
- 3. **Code Citation for the Chapter:** 4 A.A.C. 11
- 4. **The Subchapters, if applicable; the Articles; the Parts, if applicable, and the Sections involved in the rulemaking, listed in numerical order:**

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action:</u>
R4-11-1202	Amend
R4-11-1206	Amend
R4-11-1207	Amend

- 5. **The rules contained in this package are true and correct as made.**

6.  July 29, 2021
 Signature of Agency Chief Executive Officer in ink Date of signing

Ryan Edmonson Executive Director
 Printed or typed name of signer Title of signer

NOTICE OF PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS FILED

PREAMBLE

- 1. Sections Affected** **Rulemaking Action**
- | | |
|------------|-------|
| R4-11-1202 | Amend |
| R4-11-1206 | Amend |
| R4-11-1207 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
- Authorizing statute: A.R.S. § 32-1207
- Implementing statutes: A.R.S. §§ 32-1201 et seq.
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**
- Notice of Rulemaking Docket Opening: XX A.A.R. XX
- 4. The agency’s contact person who can answer questions about the rulemaking:**
- Name: Ryan Edmonson, Executive Director
- Address: Arizona State Board of Dental Examiners
- 1740 W. Adams St., Ste. 2470
- Phoenix, AZ 85007
- Telephone: (602) 542-4493
- E-Mail: ryan.edmonson@dentalboard.az.gov
- 5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
- The Board needs to amend its rules to update the license renewal deadlines consistent with SB1013 (2021).
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.**

None

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There is little to no economic, small business, or consumer impact, other than the cost to the Board to prepare the rule package, because the rulemaking simply clarifies statutory requirements that already exist. Thus, the economic impact is minimized.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Ryan Edmonson, Executive Director

Address: Arizona State Board of Dental Examiners
1740 W. Adams St., Ste. 2470
Phoenix, AZ 85007

Telephone: (602) 542-4493

E-Mail: ryan.edmonson@dentalboard.az.gov

10. The time, place, and nature of the proceedings for to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request and oral proceedings on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: September 24, 2021

Time: 2:30 PM

Location: Arizona State Board of Dental Examiners
1740 W. Adams St., Boardroom C
Phoenix, AZ 85007

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The Board issues general permits to licensees who meet the criteria established in statute and rule.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. BOARD OF DENTAL EXAMINERS

**ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL
REQUIREMENTS**

Section

R4-11-1202. Continuing Dental Education Compliance and Renewal Requirements

R4-11-1206. Restricted Permit Holders-Dental

R4-11-1207. Restricted Permit Holders-Dental Hygiene

**ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL
REQUIREMENTS**

R4-11-1202. Continuing Dental Education Compliance and Renewal Requirements

- A. When applying for a renewal license, certificate, or restricted permit, a licensee, certificate holder, or restricted permit holder shall complete a renewal application provided by the Board.
- B. Before receiving a renewal license or certificate, each licensee or certificate holder shall possess a current form of one of the following:
1. A current cardiopulmonary resuscitation (CPR) healthcare provider certificate from the American Red Cross, the American Heart Association, or another certifying agency;
 2. Advanced cardiac life support (ACLS) course completion confirmation from the American Heart Association or another agency. The confirmation must indicate that the course was completed within two years immediately before submitting a renewal application; or
 3. Pediatric advanced life support (PALS) course completion confirmation from the American Heart Association or another agency. The confirmation must indicate that the course was completed within two years immediately before submitting a renewal application.
- C. A licensee or certificate holder shall include an affidavit affirming the licensee's or certificate holder's completion of the prescribed credit hours of recognized continuing dental education with a renewal application. A licensee or certificate holder shall include on the affidavit the licensee's or certificate holder's name, license or certificate number, the number of hours completed in each category, and the total number of hours completed for activities defined in R4-11-1209(A)(4).

D. A licensee or certificate holder shall submit a written request for an extension before the ~~June~~ 30 renewal deadline prescribed in A.R.S. §§ 32-1236, 32-1276.02, 32-1287, and 32-1297.06.

If a licensee or certificate holder fails to meet the credit hour requirement because of military service, dental or religious missionary activity, residence in a foreign country, or other extenuating circumstances as determined by the Board, the Board, upon written request, may grant an extension of time to complete the recognized continuing dental education credit hour requirement.

E. The Board shall:

1. Only accept recognized continuing dental education credits accrued during the prescribed period immediately before license or certificate renewal, and
2. Not allow recognized continuing dental education credit accrued in a renewal period in excess of the amount required in this Article to be carried forward to the next renewal period.

F. A licensee or certificate holder shall maintain documentation of attendance for each program for which credit is claimed that verifies the recognized continuing dental education credit hours the licensee or certificate holder participated in during the most recently completed renewal period.

G. Each year, the Board shall audit continuing dental education requirement compliance on a random basis or when information is obtained which indicates a licensee or certificate holder may not be in compliance with this Article. A licensee or certificate holder selected for audit shall provide the Board with documentation of attendance that shows compliance with the continuing dental education requirements within 60 days from the date the licensee or certificate holder received notice of the audit by certified mail.

H. If a licensee or certificate holder is found to not be in compliance with the continuing dental education requirements, the Board may take any disciplinary or non-disciplinary action authorized by A.R.S. Title 32, Chapter 11.

R4-11-1206. Restricted Permit Holders - Dental

In addition to the requirements in R4-11-1202, a dental restricted permit holder shall comply with the following requirements:

1. When applying for renewal under A.R.S. § 32-1238, the restricted permit holder shall provide information to the Board that the restricted permit holder has completed 24 credit hours of recognized continuing dental education yearly.
2. To determine whether to grant the renewal, the Board shall only consider recognized continuing dental education credits accrued ~~between July 1 and June 30~~ during the 36 months immediately before the restricted permit holder submits the renewal application deadline prescribed in A.R.S. § 32-1236.
3. A dental restricted permit holder shall complete the 24 hours of recognized continuing dental education before renewal as follows:
 - a. At least 12 credit hours in one or more of the subjects enumerated in R4-11-1203(1);
 - b. No more than six credit hours in one or more of the subjects enumerated in R4-11-1203(2);
 - c. At least one credit hour in the subjects enumerated in R4-11-1203(3);
 - d. At least one credit hour in the subjects enumerated in R4-11-1203(4).
 - e. At least three credit hours in the subjects enumerated in R4-11-1203(5); and
 - f. At least one credit hour in the subjects enumerated in R4-11-1203(6).

R4-11-1207. Restricted Permit Holders - Dental Hygiene

In addition to the requirements in R4-11-1202, a dental hygiene restricted permit holder shall comply with the following:

1. When applying for renewal under A.R.S. § 32-1292, the restricted permit holder shall provide information to the Board that the restricted permit holder has completed 18 credit hours of recognized continuing dental education yearly.
2. To determine whether to grant renewal, the Board shall only consider recognized continuing dental education credits accrued ~~between July 1 and June 30~~ during the 36 months immediately before the restricted permit holder submits the renewal application deadline prescribed in A.R.S. § 32-1287.
3. A dental hygiene restricted permit holder shall complete the 18 hours of recognized continuing dental education before renewal as follows:
 - a. At least 9 credit hours in one or more of the subjects enumerated in R4-11-1204(1);
 - b. No more than three credit hours in one or more of the subjects enumerated in R4-11-1204(2);
 - c. At least one credit hour in the subjects enumerated in R4-11-1204(3);
 - d. At least two credit hours in the subjects enumerated in R4-11-1204(4) and
 - e. At least three credit hours in the subjects enumerated in R4-11-1204(5).