

AGENCY RECEIPT
NOTICE OF FINAL RULEMAKING
STATE BOARD OF DENTAL EXAMINERS

SECRETARY OF STATE

2022 JAN 13 PM 12: 31

FILED

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 |



GOVERNOR'S REGULATORY REVIEW COUNCIL

CERTIFICATE OF APPROVAL OF FINAL RULES

1. Agency Name: Board of Dental Examiners
2. Chapter Heading: State Board of Dental Examiners
3. Citation for the Chapter: 4 A.A.C. 11

Subchapters, Articles, Parts and Sections

Action:

R4-11-1202, R4-11-1206, R4-11-1207

Amend

4. The rules described above are approved as final rules.
 approved as submitted (R1-6-205(A))
 approved in part, returned in part (A.R.S. § 41-1052(C))
 approved with changes accepted by the agency (R1-6-205(B))
5. Effective date:
 standard 60-day delayed effective date
 immediate effective date
 other [specify date:]

A handwritten signature in black ink, appearing to read "Nicole Sornsin".

Nicole Sornsin
Council Chair

Jan 4, 2022

Date of Approval

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

PREAMBLE

1. Articles, Parts, and 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 both 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. The effective date for the rules:

As specified under A.R.S. § 41-1032(A), the rule will be effective 60 days after the rule package is filed with the Office of the Secretary of State.

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
Not applicable.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):
Not applicable.

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 27 A.A.R. 1232

Notice of Proposed Rulemaking: 27 A.A.R. 1217

5. The agency's contact person who can answer questions about the rulemaking:

Name: Ryan P. 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

6. 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).

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did 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:

No study was reviewed.

8. 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.

9. A 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.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

There were no changes between the proposed rulemaking and the final rulemaking.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Board received no written comments regarding the rulemaking. No one attended the oral proceeding on September 24, 2021.

12. All agencies shall list any 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 of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

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

No materials are incorporated by reference.

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

15. 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).