



Douglas A. Ducey,  
Governor

# Arizona State Board of Dental Examiners

“Caring for the Public’s Dental  
Health and Professional Standards”

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## OPEN SESSION MINUTES

**July 23, 2021**

### **Rules Advisory Group Meeting**

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) Rules Advisory Group (“Group”) held a special meeting in virtual and telephonic formats due to the COVID-19 pandemic. The Group did not meet in executive session.

#### **GROUP MEMBERS**

Heather N. Hardy, RDH	Chairperson
Morgan Burg	Board Member and Group Member
Aditya Dynar, Esq.	Board Member and Group Member
Leslie D. Seaman, DDS	Board Member and Group Member
Deborah Kappes, RDH	Group Member
Sean Murphy, JD	Group Member
Robert B. Taylor, DDS	Group Member

#### **STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT**

Ryan P. Edmonson	Executive Director
Kristina C. Gomez	Deputy Director
Seth T. Hargraves, Esq	Assistant Attorney General
Sherrie Biggs	Assistant Deputy Director
Jessica Thomas	Rules Administrator

#### **GUESTS PARTICIPATING AND/OR PRESENT**

Alida Montiel Health and Human Services Director, Inter Tribal Council of Arizona

#### **I. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 8:02 a.m. by Ms. Hardy. Roll call of the Group members was taken and a quorum was established.

#### **II. WELCOME AND INTRODUCTIONS OF NEW GROUP MEMBERS**

Mr. Edmonson introduced the new Group members and thanked them for their continued service.

#### **III. CALL TO THE PUBLIC**

No individuals addressed the Group during the call to the public.

**IV. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMMITTEE MEETING MINUTES**

- A. Discussion and approval of the Open Session Minutes from the January 22, 2021 group meeting.
- B. Discussion and approval of the Open Session Minutes from the April 9, 2021 group meeting.

Mr. Edmonson informed the Group that the Open Session Minutes from the April 9, 2021 group meeting were not available.

**Motion:** Dr. Taylor moved to approve the Open Session Minutes from the January 22, 2021 group meeting.

**Second:** Mr. Dynar

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

Ms. Hardy stated that discussion and approval of the Open Session Minutes from the April 9, 2021 group meeting would be tabled until they become available for review.

**V. NOTICE OF PROPOSED RULEMAKING (“NPR”)**

Ms. Hardy provided a follow-up to the Group on pending matters. The Group proceeded to review and discuss the proposed language in Article 12 pertaining to continuing education.

**Motion:** Mr. Dynar moved to remove “including culturally competent and health disparity care” from R4-11-1203(2).

**Second:** Dr. Taylor

**Vote:** 4-aye, 2-nay, 1-abstain, 0-recuse, 0-absent. Motion passed.

*Ms. Burg and Ms. Kappes voted against the motion.*

*Mr. Murphy abstained.*

**Motion:** Mr. Dynar moved to further remove “including culturally competent and health disparity care” from R4-11-1204(A)(2).

**Second:** Dr. Taylor

**Vote:** 4-aye, 2-nay, 1-abstain, 0-recuse, 0-absent. Motion passed.

*Ms. Burg and Ms. Kappes voted against the motion.*

*Mr. Murphy abstained.*

**Motion:** Mr. Dynar moved to remove “including culturally competent and health disparity care” from R4-11-1205(2).

**Second:** Dr. Taylor

**Vote:** 4-aye, 2-nay, 1-abstain, 0-recuse, 0-absent. Motion passed.

*Ms. Burg and Ms. Kappes voted against the motion.*

*Mr. Murphy abstained.*

**Motion:** Mr. Dynar moved to approve the edits to everything preceding Subsection 1210.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Mr. Murphy moved to replace dentistry with “dental therapy” in R4-11-1210.

**Second:** Dr. Taylor

The Group further discussed that it may be more beneficial to keep dentistry and dental therapy language in rule as they are so closely aligned.

**Vote:** 3-aye, 4-nay, 0-abstain, 0-recuse, 0-absent. Motion failed.

*Ms. Hardy, Ms. Kappes, Mr. Dynar, and Dr. Seaman voted against the motion.*

**Motion:** Ms. Kappes moved to remove topic areas of chemical dependency and tobacco cessation from Subsection 1 and have it placed in Subsection 5; leaving the number of credit hours the same.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Ms. Kappes moved to add risk management to Subsection 5.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Ms. Kappes moved to add the clause “in any one or more of the following areas” in R4-11-1203(1), R4-11-1204(A)(1), R4-11-1205(1), and R4-11-1210(1).

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Mr. Dynar moved to replace 13 credit hours to 14 credit hours in R4-11-1210(2).

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Mr. Dynar moved to further remove the language “including culturally competent and health disparity care” from R4-11-1210(2).

**Second:** Dr. Taylor

**Vote:** 5-aye, 1-nay, 1-abstain, 0-recuse, 0-absent. Motion passed.

*Ms. Kappes voted against the motion.*

*Mr. Murphy abstained.*

The Group clarified that although “culturally competent and health disparity care” would not be delineated in rule; CE courses in those subject areas would still be acceptable.

**Motion:** Mr. Murphy moved to remove R4-11-1211 in its entirety.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Dr. Taylor moved to proceed with the NPR as amended.

**Second:** Ms. Hardy

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

*The Group took a break from 9:35 a.m. to 9:45 a.m.*

*Roll call of the members was taken and a quorum was established.*

The Group proceeded to review Article 15.

**Motion:** Mr. Dynar moved to restore R4-11-1501(B) to read “The Board shall not disclose the identity of the licensee to a dental consultant performing a clinical examination before the Board receives the dental consultant’s report”.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

The Group further reviewed the difference between clinical examination and clinical evaluation.

**Motion:** Mr. Dynar moved to change Subsection B to read “The Board shall not disclose the identity of the licensee to a dental consultant performing a clinical evaluation before the Board receives the dental consultant’s report”.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Mr. Dynar moved to capitalize terms that are defined in rule throughout the articles that the Group is authorized to amend in the NPR.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

The Group proceeded to review Article 16.

**Motion:** Ms. Kappes moved to remove Subsection A.

**Second:** Mr. Murphy

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

Ms. Montiel addressed the Group to discuss proposals regarding the Board’s draft rules on dental therapy. Mr. Dynar referenced the Arizona Constitution, Article 1, Section 1 to clarify the designation of boundaries in Arizona, including tribal lands. The Group agreed that the Board's rules do not need to include reference to 25 U.S.C. 1616L.

**Motion:** Ms. Hardy moved to not include the draft language referencing 25 U.S.C. 1616L in the Boards NPR.

**Second:** Dr. Taylor

**Vote:** 5-aye, 0-nay, 2-abstain, 0-recuse, 0-absent. Motion passed.

*Ms. Kappes and Mr. Murphy abstained.*

The Group further reviewed and discussed Subsection B.

**Motion:** Mr. Murphy moved to amend R4-1601(B)(2) to include “The procedures within the dental therapist scope of practice”.

**Second:** Dr. Taylor

**Vote:** 3-aye, 4-nay, 0-abstain, 0-recuse, 0-absent. Motion failed.

*Ms. Hardy, Mr. Dynar, Ms. Kappes and Dr. Seaman voted against the motion.*

**Motion:** Ms. Kappes moved to amend R4-1601(B)(3) to read: “The procedure is performed under the direct supervision of a licensed dentist or according to a written collaborative practice agreement with the licensed dentist”.

**Second:** Mr. Dynar

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Ms. Kappes moved to remove the new Subsection B.

*Ms. Kappes rescinded her motion.*

The Group agreed to table the review of Subsections B through H.

**Motion:** Mr. Murphy moved to remove Subsection I.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Mr. Murphy moved to delete R4-11-1602.

**Second:** Dr. Taylor

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.

**Motion:** Ms. Kappes moved to delete R4-11-1603.

**Second:** Ms. Hardy

*Ms. Kappes rescinded her motion.*

The Group agreed to table the review of R4-11-1603.

## **VI. INTER TRIBAL ASSOCIATION OF ARIZONA (“ITAA”)**

There was no discussion on this matter.

## **VII. SUMMARY OF CURRENT EVENTS**

There were no current events discussed.

## **VIII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETINGS AND AGENDAS**

The Group agreed to hold the next meeting on August 27, 2021.

## **IX. ADJOURNMENT**

**Motion:** Dr. Taylor moved to adjourn the meeting at 12:30 p.m.

**Second:** Mr. Dynar

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent. Motion passed.