



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

August 27, 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
<input checked="" type="checkbox"/>	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
<input checked="" type="checkbox"/>	Absent	

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

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

GUESTS PARTICIPATING AND/OR PRESENT

	Kristen Boilini	Partner, Pivotal Policy Consulting
	Alida Montiel	Health and Human Services Director, Inter Tribal Council of Arizona
	John McDonald	Arizona Dental Association

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 8:03 a.m. by Ms. Hardy. Roll call of the Group members was taken and a quorum was established.

II. CALL TO THE PUBLIC

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

III. NOTICE OF PROPOSED RULEMAKING (“NPR”)

Ms. Hardy provided a follow-up to the Group on pending matters. Ms. Kappes informed the Group that she worked with Mr. Murphy to review the language of the draft NPR. The Group proceeded to review Article 16.

Motion: Mr. Murphy moved to add the clause “within their scope of practice” to R4-11-1601(A) to read: “A dental therapist may perform a procedure within their scope of practice not specifically authorized by A.R.S. § 32-1276.03 when all of the following conditions are satisfied:”.

Second: Dr. Taylor

Ms. Kappes objected to the revision and reminded the Group that they had previously voted against adding that language and further stated that “scope of practice” by definition is what is defined in Arizona law. Mr. Dynar agreed with Ms. Kappes.

Vote: 3-aye, 3-nay, 0-abstain, 0-recuse, 1-absent. Motion failed.

Dr. Hardy, Ms. Kappes, and Mr. Dynar voted against this motion.

The Group further reviewed the language for subsection A.

Motion: Mr. Murphy moved to revise R4-11-1601(A)(2) and strike the word “instruction”, and after training add “by a recognized dental therapy school, recognized dental hygiene school, or recognized dental school, all of which are defined in A.R.S. § 32-1201”.

Second: Dr. Taylor.

Ms. Hardy requested that Mr. Murphy rephrase the order of the schools in his motion to follow the subsequent order in degree.

Mr. Murphy rescinded his motion.

Motion: Mr. Murphy moved to revise R4-11-1601(A)(2) and strike the word “instruction”, and after training add “by a recognized dental hygiene school, recognized dental therapy school or recognized dental school, all of which are defined in A.R.S. § 32-1201” and remove the word “education”.

Second: Dr. Taylor.

Ms. Boilini addressed the Group and asked if Mr. Murphy’s motion was limiting other continuing education entities. Ms. Kappes agreed that although the motion is limiting, the Commission on Dental Accreditation American Dental Association (CODA) is the national accrediting agency for dental-related educational programs.

Mr. Murphy rescinded his motion.

Motion: Mr. Murphy moved to revise R4-11-1601(A)(2) to read: “A dental therapist has received training by a recognized dental hygienist school, recognized dental therapy school,

recognized dental school, or recognized denturist school, all of which are defined in A.R.S. § 32-1201, to perform the procedure in a safe manner”.

Second: Dr. Tayler

Ms. Montiel requested that the Group consider initial CODA accreditation in its motion. Mr. Dynar commented that overly restricting the rules of what a dental therapist can do may become a problem over time, as the profession grows. Ms. Kappes clarified that the verbiage of initial accreditation is referred to in statute.

Mr. Murphy rescinded his motion.

Motion: Mr. Murphy moved to revise R4-11-1601(A)(2) to read: “A dental therapist has received training by a recognized dental school, recognized dental therapy school, recognized dental hygiene school, or recognized denturist school, as defined under A.R.S. § 32-1201, to perform the procedure in a safe manner”.

Second: Dr. Tayler

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Group moved to review and discuss the language for subsection B.

Motion: Ms. Kappes moved to remove subsection B and replace it with the following language: “To ensure that a dental therapist is qualified to administer Local Anesthesia and Nitrous Oxide Analgesia as authorized by A.R.S. § 32-1276.03(B)(12) the Board recognizes courses offered by a recognized dental therapy school, recognized dental hygiene school, or recognized dental school, as defined in A.R.S. § 32-1201, that includes both theory and supervised clinical practice in the procedures”.

Second: Mr. Murphy

Ms. Kappes rescinded her motion.

The Group further reviewed and discussed language for subsection B. Ms. Kappes stated that it may not be necessary to have local anesthesia be a part of the proposed language because all CODA accredited schools provide local anesthesia training.

Motion: Ms. Kappes moved to remove subsection B and replace it with the following language: “A dental therapist may administer Nitrous Oxide Analgesia as authorized by A.R.S. § 32-1276.03(B)(12) if the dental therapist submits proof of completing courses in the administration of Nitrous Oxide Analgesia offered by a recognized dental school, recognized dental therapy school or recognized dental hygiene school as defined in A.R.S. § 32-1201, that includes both theory and supervised clinical practice in the procedures”.

Second: Mr. Murphy

Ms. Thomas suggested that proof of completing courses be sent to the Board directly from the recognized school to avoid having falsified documentation. Ms. Boilini addressed the Group and expressed her disagreement on having proof of completing courses sent to the Board directly

from the recognized school. Mr. Murphy clarified that the language is intended to require a dental therapist to provide proof to the Board before administering Local Anesthesia and Nitrous Oxide Analgesia. Mr. Edmondson stated that documents should come directly from the institution to avoid having someone provide the Board falsified documentation. The Group discussed whether the Board has statutory authority to add additional conditioning after an individual has been licensed. Ms. Thomas clarified that proof should be provided during the initial application process prior to obtaining a license to ensure the applicant is qualified. Mr. McDonald addressed the Group and stated that a dental therapist should have proper education and training to safely and properly administer Nitrous Oxide Analgesia.

Motion: Mr. Murphy moved to replace the language from subsection B to read: “A dental therapist may administer Nitrous Oxide Analgesia as authorized by A.R.S. § 32-1276.03(B)(12) if the dental therapist submits proof directly from an issuing institution of completing courses in the administration of Nitrous Oxide Analgesia offered by a recognized dental school, recognized dental therapy school or recognized dental hygiene school as defined in A.R.S. § 32-1201, that include both theory and supervised clinical practice in the procedures”.

Second: Dr. Taylor

Mr. Dynar expressed his disagreement with the proposed language. Ms. Thomas stated that it is within the Board's statutory right and obligation to include the proposed language; however, it may not be most effective for the proposed language to be in rule as it may be a hurdle to licensure.

Mr. Murphy withdrew his motion.

Motion: Mr. Murphy moved to remove subsection B and replace it with the following language: “A dental therapist may administer Nitrous Oxide Analgesia as authorized by A.R.S. § 32-1276.03(B)(12) if the dental therapist submits proof directly from an issuing institution of completing courses in the administration of Nitrous Oxide Analgesia offered by a recognized dental school, recognized dental therapy school or recognized dental hygiene school as defined in A.R.S. § 32-1201, that include both theory and supervised clinical practice in the procedures”.

Second: Dr. Taylor

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

Ms. Kappes and Mr. Dynar voted against this motion.

The Group moved to discuss language for subsection C.

Motion: Ms. Kappes moved to remove subsection C.

Second: Mr. Dynar

Ms. Kappes commented that subsection C addresses a separate examination that is already covered by CODA accredited schools.

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Group took a break from 9:58a.m. to 10:11a.m.

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

Motion: Ms. Kappes moved to revise the language in subsection C to read: “A dental therapist may perform suturing and suture removal as authorized by A.R.S. § 32-1276.03(B)(21) if the dental therapist submits proof directly from an issuing institution of completing courses in suturing and suture removal offered by a recognized dental school, recognized dental therapy school or recognized dental hygiene school as defined in A.R.S. § 32-1201, that include both theory and supervised clinical practice in the procedures”.

Second: Mr. Murphy

Ms. Kappes amended the motion to reflect the removal of the remainder of the current language in subsection C.

Second: Mr. Murphy

Vote: 4-aye, 2-nay, 0- recused, 0-abstain. Motion passed.

Ms. Kappes and Mr. Dynar voted against the motion.

The Group moved to discuss language for subsection D.

Motion: Ms. Kappes moved to strike subsection D.

Second: Mr. Dynar

Ms. Kappes indicated that the current language in subsection D does not apply to dental therapists.

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

Motion: Ms. Kappes moved to strike subsection G and replace it with the following language: “A dental therapist may perform an irreversible procedure only if it is specifically authorized by A.R.S. § 32-1276.03 or meets the conditions of R4-11-1601(A)”.

Second: Ms. Hardy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Group moved to review and discuss R4-11-1603 Limitation on Number Supervised.

Motion: Ms. Kappes moved to strike the current language on R4-11-1603 and replace it with: “A dentist shall not provide direct supervision for more than three dental therapists at any one time”.

Second: Mr. Murphy

Ms. Thomas asked for clarification on the meaning of “at any one time”. Ms. Boilini clarified that there is no limitation on direct supervision and that the dentist should be able to determine the appropriate level of supervision. Mr. Dynar suggested that the Group remove “at any one time” to not leave the rule for interpretation and rephrase the proposed language for further clarification.

Ms. Kappes rescinded her motion.

Motion: Mr. Murphy moved to have R4-11-1603 read: “According to A.R.S. § 32-1276.04, a dentist shall not provide direct supervision for more than three dental therapists while the dental therapists are providing services or performing procedures”.

Second: Dr. Taylor

The Group further discussed the proposed language and the technicalities of direct supervision.

Mr. Murphy rescinded his motion.

Motion: Mr. Dynar moved to replace the language in R4-11-1603 to read: “A dentist shall not provide direct supervision for more than three dental therapists while the dental therapists are providing services or performing procedures under A.R.S. § 32-1276.03 or R4-11-1601”.

Second: Dr. Taylor

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Group moved to discuss and review R4-11-1604 through R4-11-1607.

Motion: Ms. Kappes moved to remove R4-11-1604 through R4-11-1607 all of which pertained to establishing a dental therapy committee.

Second: Mr. Dynar

The Group discussed that it is not necessary to establish a dental therapy committee in rules.

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Group took a break from 11:17 a.m. to 11:28 a.m.

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

The Group moved to review and discuss R4-11-1608 Dental Therapy Consultants.

Motion: Ms. Kappes moved to remove R4-11-1608(2) “Act as dental therapy examiners for the Local Anesthesia portion of the dental therapy examination”.

Ms. Kappes rescinded her motion.

Motion: Ms. Kappes moved to remove subsections 1 and 2; to make subsections 3 and 4 the new subsections 1 and 2. In addition to having the Board review the same language in the consultant rule that exists for dentists and dental hygienists.

Second: Dr. Taylor

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.

The Group moved to review and discuss R4-11-1609 Written Collaborative Practice Agreements; Collaborative Practice Relationships.

Motion: Ms. Kappes moved to remove the language in subsection A.

Second: Mr. Dynar

Ms. Kappes rescinded her motion.

Motion: Ms. Kappes moved to remove the language in subsections A-C and replace it with the following: “A. A dental therapist shall submit a completed affidavit on a form supplied by the Board office affirming that: 1. The Collaborative Practice Agreement complies with all the requirements listed in A.R.S. § 32-1276.04. 2. The dental therapist is and will be continuously certified in basic life support (BLS), including healthcare provider cardiopulmonary resuscitation (CPR) with an Automated External Defibrillator (AED). 3. The dental therapist is in compliance with the continuing dental education requirements of this state. B. Board staff shall review the affidavit to determine compliance with all requirements”.

Second: Mr. Dynar

The Group discussed whether the suggested language is appropriate. Mr. Dynar suggested that the Group table the review of the proposed language for R4-11-1609(A) through (C).

Ms. Kappes rescinded her motion.

The Group agreed to continue to review the draft NPR at the next meeting.

IV. SUMMARY OF CURRENT EVENTS

There were no current events discussed.

V. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETINGS AND AGENDAS

The Group agreed to hold the next meeting on October 29, 2021.

VI. ADJOURNMENT

Motion: Dr. Taylor moved to adjourn the meeting at 12:33 p.m.

Second: Mr. Murphy

Vote: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent. Motion passed.