



ARIZONA STATE BOARD OF DENTAL EXAMINERS

1740 W. Adams, Suite 2470 • Phoenix, Arizona 85007

Telephone (602) 242-1492 • Fax (602) 242-1445

www.dentalboard.az.gov

Business Entity Registration

Qualifications:

- ❖ Business entity offering dental services.
- ❖ The following business entities are exempt from registration:
 - ✓ Owned exclusively by an Arizona licensed dentist.
 - ✓ Regulated by the federal government, or a state, district or territory of the United States.
 - ✓ Licensed under Arizona Revised Statutes (ARS) Title 20 – Specifically, a service corporation; insurer authorized to transact disability insurance; prepaid dental plan or health care services organization that do not provide directly for services.
 - ✓ A professional corporation or professional limited liability company, the shares of which are exclusively owned by dentists who are licensed by the Board and formed to engage in the practice of dentistry pursuant to ARS Title 10, Chapter 20, or Title 29, Chapter 4, Article 11.

Registration

- File an application on the form provided by the Board.
- File a separate application for each office in Arizona.
- Pay the registration fee of \$300.00 for each office. (ARS§ 32-1213(B)(4))
- Business Entity Registrations expire three years after the date of issuance.

Compliance:

- ❖ The business entity must notify the Board in writing within 30 days after any change in:
 - Entity name, address or telephone number,
 - Officers or directors,
 - Any dentist who is authorized to provide and who is responsible for providing the dental services.

- ❖ The business entity must have a written protocol in place for the secure storage, transfer and address of the dental records of the business entity's patients, which includes patient notification of future location of their records if the entity terminates or sells the practice, disposing of unclaimed dental records and timely response to patient request for copies of their records.
- ARS § 32-1264(D) & (#) Maintenance of records:
 - D. Within fifteen business days of a patient's written request, that patient's dentist, dental hygienist or denturist or a registered business entity shall transfer legible and diagnostic quality copies of that patient's records to another licensee or certificate holder or that patient. The patient may be charged for the reasonable costs of copying and forwarding these records. The Board by rule shall prescribe the reasonable costs of reproduction. A dentist, dental hygienist, denturist or registered business entity may require that payment of reproduction costs be made in advance, unless the records are necessary for continuity of care, in which case the records shall not be withheld. Copies of records shall not be withheld because of an unpaid balance for dental services.
 - E. Unless otherwise required by law, a person licensed or certified pursuant to this chapter or a business entity registered pursuant to this chapter must retain the original or a copy of a patient's dental records as follows:
 - 1. If the patient is an adult, for at least six years after the last date the adult patient received dental services from that provider.
 - 2. If the patient is a child, for at least three years after the child's eighteenth birthday or for at least six years after the last date the child received dental services from the provider, whichever occurs later.
- ❖ The business entity must notify the Board within 30 days after:
 - Dissolution of the business entity, closing or relocation of the facility
 - Closing of the facility,
 - Relocation of the facility,
 - And how patients may obtain their records.
- ❖ If practicing as a professional corporation or professional limited liability company, the name and address of record of the dentist owners of the practice shall be conspicuously displayed at the entrance to each place where the dentist owners practice.
- ❖ The business entity registration must be conspicuously displayed in the dental practice in a manner that is always readily observable by patients and visitors. (ARS § 32-1262(E) and Arizona Administrative Code R4-11-1802(A))



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BUSINESS ENTITY REGISTRATION APPLICATION

Business Entity Name: _____

Contact Name: _____

Business Entity Street Address: _____

City _____ Zip _____

Telephone Number (____) _____

1. List the name of each licensed dentist who is authorized and who is responsible for the dental services offered at this location. If additional space is needed, please attach a separate sheet of paper.

Dentist Name	License Number
_____	_____
_____	_____
_____	_____

2. Describe the services offered to the public. If additional space is needed, please attach a separate sheet of paper.

3. List the names and addresses of the Officers and Directors. If additional space is needed, please attach a separate sheet of paper.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. List any other state, territory, district or country in which you have obtained a registration, permit, license or other authorization to own or operate a facility providing dental services.

5. Has any state, territory, district, or country ever taken the following action against your registration, permit, license or other authorization by:

a. Refusal to issue or renew	_____	Yes*	_____	No
b. Denial of an application	_____	Yes*	_____	No
c. Surrender in lieu of disciplinary action	_____	Yes*	_____	No
d. Suspension	_____	Yes*	_____	No
e. Revocation	_____	Yes*	_____	No
f. Cancellation	_____	Yes*	_____	No
g. Any disciplinary action	_____	Yes*	_____	No

*If yes, attach a separate page stating the full details.

6. In accordance Arizona Revised Statutes § 32-1213(F) a written protocol is in place for the secure storage, transfer and access of the dental records of the business entity's patients which includes patient notification of future location of their records if the entity terminates or sells the practice, disposing of unclaimed dental records and timely response to patient request for copies of their records (A.R.S. § 32-1264).

7. Return this form with the registration fee of \$300.00 payable by check or money order to: Arizona State Board of Dental Examiners. (ARS § 32-1213(B)(4))

I do hereby swear and affirm that the foregoing statements contained in this registration are true and correct.

Signature of Authorized Agent Date

State of _____

County of _____

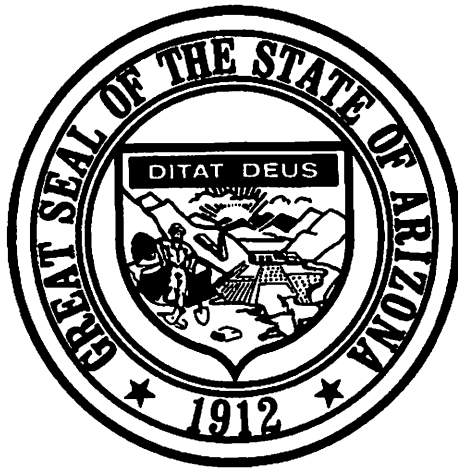
Subscribed and sworn to before me this _____ day of _____, 20_____.

My Commission Expires:

Notary Public

Please be advised of the following pursuant to Arizona Revised Statutes (ARS) § 41-1030:

- ARS § 41-1030(B) An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.
- ARS § 41-1030(D) This section may be enforced in a private civil action and relief may be awarded against the state. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the state for a violation of this section.
- ARS § 41-1030(E) A state employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the agency's adopted personnel policy.
- ARS § 41-1030(F) This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.



ARIZONA STATE BOARD
OF
DENTAL EXAMINERS

Arizona Revised Statutes
Business Entities

July 24, 2014

Arizona Revised Statutes

ARTICLE 1. DENTAL BOARD

§ 32-1201 Definitions

In this chapter, unless the context otherwise requires:

1. **"Auxiliary personnel"** means all dental assistants, dental technicians, dental x-ray technicians and other persons employed by dentists or firms and businesses providing dental services to dentists.
2. **"Board"** means the State Board of Dental Examiners.
3. **"Business entity"** means a business organization that has an ownership that includes any persons who are not licensed or certified to provide dental services in this state, that offers to the public professional services regulated by the Board and that is established pursuant to the laws of any state or foreign country.
4. **"Dental assistant"** means any person who acts as an assistant to a dentist or a dental hygienist by rendering personal services to a patient that involve close proximity to the patient while the patient is under treatment or observation or undergoing diagnostic procedures.
5. **"Dental hygienist"** means any person licensed and engaged in the general practice of dental hygiene and all related or associated duties including educational, clinical and therapeutic dental hygiene procedures.
6. **"Dental incompetence"** means lacking in sufficient dentistry knowledge or skills, or both, in that field of dentistry in which the dentist, denturist or dental hygienist concerned engages, to a degree likely to endanger the health of that person's patients.
7. **"Dental laboratory technician"** means any person, other than a licensed dentist, who, pursuant to a written work order of a dentist, fabricates artificial teeth, prosthetic appliances or other mechanical and artificial contrivances designed to correct or alleviate injuries or defects, both developmental and acquired, disorders or deficiencies of the human oral cavity, teeth, investing tissues, maxilla or mandible or adjacent associated structures.
8. **"Dental x-ray laboratory technician"** means any person, other than a licensed dentist, who pursuant to a written work order of a dentist performs dental and maxillofacial radiography including cephalometrics, panoramic and maxillofacial tomography and other dental related non-fluoroscopic diagnostic imaging modalities.
9. **"Dentistry", "dentist" and "dental"** means the general practice of dentistry and all specialties or restricted practices of dentistry.
10. **"Denturist"** means a person practicing denture technology pursuant to article 5 of this chapter.
11. **"Disciplinary action"** means regulatory sanctions that are imposed by the Board in combination with, or as an alternative to, revocation or suspension of a license, and that may include:
 - a) Imposition of an administrative penalty in an amount not to exceed two thousand dollars for each violation of this chapter or rules adopted under this chapter.
 - b) Imposition of restrictions on the scope of practice.
 - c) Imposition of peer review and professional education requirements.
 - d) Imposition of censure or probation requirements best adapted to protect the public welfare, which may include a requirement for restitution to the patient resulting from violations of this chapter or rules adopted under this chapter.
12. **"Irregularities in billing"** means submitting any claim, bill or government assistance claim to any patient, responsible party or third party payor for dental services rendered that is materially false with the intent to receive unearned income as evidenced by any of the following:
 - a) Charges for services not rendered.
 - b) Any treatment date that does not accurately reflect the date when the service and procedures were actually completed.
 - c) Any description of a dental service or procedure that does not accurately reflect the actual work completed.
 - d) Any charge for a service or procedure that cannot be clinically justified or determined to be necessary.
 - e) Any statement that is material to the claim and that the licensee knows is false or misleading.
 - f) An abrogation of the copayment provisions of a dental insurance contract by a waiver of all or part of the copayment from the patient if this results in an excessive or fraudulent charge to a third party or if the waiver is used as an enticement to receive dental services from that provider. This subdivision does not interfere with a contractual relationship between a third party payor and a licensee or business entity registered with the Board.

- g) Any other practice in billing that results in excessive or fraudulent charges to the patient.
13. **"Letter of concern"** means an advisory letter to notify a licensee or a registered business entity that, while the evidence does not warrant disciplinary action, the Board believes that the licensee or registered business entity should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the Board may result in Board action against the practitioner's license or the business entity's registration. A letter of concern is not a disciplinary action. A letter of concern is a public document and may be used in a future disciplinary action.
 14. **"Licensed"** means licensed pursuant to this chapter.
 15. **"Place of practice"** means each physical location at which a person licensed pursuant to this chapter performs services subject to this chapter.
 16. **"Primary mailing address"** means the address on file with the Board and to which official Board correspondence, notices or documents are delivered in a manner determined by the Board.
 17. **"Recognized dental hygiene school"** means a school that has a dental hygiene program with a minimum two academic year curriculum, or the equivalent of four semesters, and that is approved by the Board and accredited by the American Dental Association commission on dental accreditation.
 18. **"Recognized dental school"** means a dental school accredited by the American Dental Association commission on dental accreditation.
 19. **"Recognized denturist school"** means a denturist school that maintains standards of entrance, study and graduation and that is accredited by the United States Department of Education or the Council on Higher Education Accreditation.
 20. **"Supervised personnel"** means all dental hygienists, dental assistants, dental laboratory technicians, denturists, dental x-ray laboratory technicians and other persons supervised by licensed dentists.
 21. **"Unprofessional conduct"** means the following acts, whether occurring in this state or elsewhere:
 - a) Intentional betrayal of a professional confidence or intentional violation of a privileged communication except as either of these may otherwise be required by law. This subdivision does not prevent members of the Board from the free and full exchange of information with the licensing and disciplinary boards of other states, territories or districts of the United States or foreign countries, with the Arizona State Dental Association or any of its component societies or with the dental societies of other states, counties, districts, territories or foreign countries.
 - b) Using controlled substances as defined in § 36-2501, narcotic drugs, dangerous drugs or marijuana as defined in § 13-3401, or hypnotic drugs, including acetylurea derivatives, barbituric acid derivatives, chloral, paraldehyde, phenylhydrantoin derivatives, sulfonmethane derivatives or any compounds, mixtures or preparations that may be used for producing hypnotic effects, or alcohol to the extent that it affects the ability of the dentist, denturist or dental hygienist to practice that person's profession.
 - c) Prescribing, dispensing or using drugs for other than accepted dental therapeutic purposes or for other than medically indicated supportive therapy in conjunction with managing a patient's dental needs.
 - d) Gross malpractice, or repeated acts constituting malpractice.
 - e) Acting or assuming to act as a member of the Board if this is not true.
 - f) Procuring or attempting to procure a certificate of the National Board of Dental Examiners or a license to practice dentistry or dental hygiene by fraud or misrepresentation or by knowingly taking advantage of the mistake of another.
 - g) Having professional connection with or lending one's name to an illegal practitioner of dentistry or any of the other healing arts.
 - h) Representing that a manifestly not correctable condition, disease, injury, ailment or infirmity can be permanently corrected, or that a correctable condition, disease, injury, ailment or infirmity can be corrected within a stated time, if this is not true.
 - i) Offering, undertaking, or agreeing to correct, cure or treat a condition, disease, injury, ailment or infirmity by a secret means, method, device or instrumentality.
 - j) Refusing to divulge to the Board, on reasonable notice and demand, that means, method, device or instrumentality used in the treatment of a condition, disease, injury, ailment or infirmity.
 - k) Dividing a professional fee or receiving any consideration for patient referrals among or between dental care providers or dental care institutions or entities. This subdivision does not prohibit the division of fees among licensees who are engaged in a bona fide employment, partnership, corporate or contractual relationship for the delivery of professional services.
 - l) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of dentistry.

- m) Refusal, revocation or suspension of a license or any other disciplinary action taken against a dentist by, or the voluntary surrender of a license in lieu of disciplinary action to, any other state, territory, district or country, unless the Board finds that this action was not taken for reasons that relate to the person's ability to safely and skillfully practice dentistry or to any act of unprofessional conduct.
- n) Any conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public.
- o) Obtaining a fee by fraud or misrepresentation, or wilfully or intentionally filing a fraudulent claim with a third party for services rendered or to be rendered to a patient.
- p) Repeated irregularities in billing.
- q) Employing unlicensed persons to perform or aiding and abetting unlicensed persons in the performance of work that can be done legally only by licensed persons.
- r) Practicing dentistry under a false or assumed name in this state, other than as allowed by § 32-1262.
- s) Wilfully or intentionally causing or permitting supervised personnel or auxiliary personnel operating under the licensee's supervision to commit illegal acts or perform an act or operation other than that permitted under Article 4 of this chapter and rules adopted by the Board pursuant to § 32-1282.
- t) The following advertising practices:
 - i. The publication or circulation, directly or indirectly, of any false, fraudulent or misleading statement concerning the skill, methods or practices of the licensee or of any other person.
 - ii. The publication or circulation, directly or indirectly, of any false, fraudulent or misleading statements concerning the skill, methods or practices of the licensee or of any other person.
 - iii. Advertising in any manner that tends to deceive or defraud the public.
- u) Failing to dispense drugs and devices in compliance with Article 6 of this chapter.
- v) Failing to comply with a final Board order, including an order of censure or probation.
- w) Failing to comply with a Board subpoena in a timely manner.
- x) Failing or refusing to maintain adequate patient records.
- y) Failing to allow properly authorized Board personnel, on demand, to inspect the place of practice and examine and have access to documents, books, reports and records maintained by the licensee or certificate holder that relate to the dental practice or dentally related activity.
- z) Refusing to submit to a body fluid examination as required through a monitored treatment program or pursuant to a Board investigation into a licensee's or certificate holder's alleged substance abuse.
- aa) Failing to inform a patient of the type of material the dentist will use in the patient's dental filling and the reason why the dentist is using that particular filling.
- bb) Failing to report in writing to the Board any evidence that a dentist, denturist or dental hygienist is or may be:
 - i. Professionally incompetent.
 - ii. Engaging in unprofessional conduct.
 - iii. Impaired by drugs or alcohol.
 - iv. Mentally or physically unable to safely engage in the activities of a dentist, denturist or dental hygienist pursuant to this chapter.
- cc) Filing a false report pursuant to subdivision (bb) of this paragraph.
- dd) Practicing dentistry, dental hygiene or denturism in a business entity that is not registered with the Board as required by § 32-1213.

(As amended 2011)

§ 32-1213 Business entities; registration; renewal; civil penalty; exceptions

- A. A business entity may not offer dental services pursuant to this chapter unless:
 - 1. The entity is registered with the Board pursuant to this section.
 - 2. The services are conducted by a licensee pursuant to this chapter.
- B. The Business entity must file a registration application on a form provided by the Board. The application must include:
 - 1. A description of the entity's services offered to the public.
 - 2. The name of any dentist who is authorized to provide and who is responsible for providing the dental services offered at each office.
 - 3. The names and addresses of the officers and directors of the business entity.
 - 4. A registration fee prescribed by the Board in rule.
- C. A business entity must file a separate registration application and pay a fee for each branch office in this state.

- D. A registration expires three years after the date the Board issues the registration. A business entity that wishes to renew a registration must submit an application for renewal as prescribed by the Board on a triennial basis on a form provided by the Board before the expiration date. An entity that fails to renew the registration before the expiration date is subject to a late fee as prescribed by the Board by rule. The Board may stagger the dates for renewal applications.
- E. The business entity must notify the Board in writing within thirty days after any change:
 - 1. In the entity's name, address or telephone number.
 - 2. In the officers or directors of the business entity.
 - 3. In the name of any dentist who is authorized to provide and who is responsible for providing the dental services in any facility.
- F. The business entity shall establish a written protocol for the secure storage, transfer and access of the dental records of the business entity's patients. This protocol must include, at a minimum, procedures for:
 - 1. Notifying patients of the future locations of their records if the business entity terminates or sells the practice.
 - 2. Disposing of unclaimed dental records.
 - 3. The timely response to requests by patients for copies of their records.
- G. The business entity must notify the Board within thirty days after the dissolution of any registered business entity or the closing or relocation of any facility and must disclose to the Board the entity's procedure by which its patients may obtain their records.
- H. The Board may do any of the following pursuant to its disciplinary procedures if an entity violates the Board's statutes or rules:
 - 1. Refuse to issue a registration.
 - 2. Suspend or revoke a registration.
 - 3. Impose a civil penalty of not more than two thousand dollars for each violation.
 - 4. Enter a decree of censure.
 - 5. Issue an order prescribing a period and terms of probation that are best adapted to protect the public welfare and that may include a requirement for restitution to a patient for a violation of this chapter or rules adopted pursuant to this chapter.
 - 6. Issue a letter of concern if a business entity's actions may cause the Board to take disciplinary action.
- I. The Board shall deposit, pursuant to §§ 35-146 and 35-147, civil penalties collected pursuant to this section in the state general fund.
- J. This section does not apply to:
 - 1. A sole proprietorship or partnership that consists exclusively of dentists who are licensed pursuant to this chapter.
 - 2. Any of the following entities licensed under Title 20:
 - a) A service corporation.
 - b) An insurer authorized to transact disability insurance.
 - c) A prepaid dental plan organization that does not provide directly for prepaid dental services.
 - d) A health care services organization that does not provide directly for dental services.
 - 3. A professional corporation or professional limited liability company, the shares of which are exclusively owned by dentists who are licensed pursuant to this chapter and that is formed to engage in the practice of dentistry pursuant to Title 10, Chapter 20 or Title 29, Chapter 4, Article 11.
 - 4. A facility regulated by the federal government or a state, district or territory of the United States.
 - 5. An administrator or executor of the estate of a deceased dentist or a person who is legally authorized to act for a dentist who has been adjudicated to be mentally incompetent for not more than one year from the date the Board receives notice of the dentist's death or incapacitation pursuant to § 32-1270.
- K. A facility that offers dental services to the public by persons licensed under this chapter shall be registered by the Board unless the facility is any of the following:
 - 1. Owned by a dentist who is licensed pursuant to this chapter.
 - 2. Regulated by the federal government or a state, district or territory of the United States.
- L. Except for issues relating to insurance coding and billing that require the name, signature and license number of the dentist providing treatment, this section does not:
 - 1. Authorize a licensee in the course of providing dental services for an entity registered pursuant to this section to disregard or interfere with a policy or practice established by the entity for the operation and management of the business.

- 2. Authorize an entity registered pursuant to this section to establish or enforce a business policy or practice that may interfere with the clinical judgment of the licensee in providing dental services for the entity or may compromise a licensee's ability to comply with this chapter.
 - M. The Board shall adopt rules that provide a method for the Board to receive the assistance and advice of business entities licensed pursuant to this chapter in all matters relating to the regulation of business entities.
 - N. No individual currently holding a surrendered or revoked license to practice dentistry or dental hygiene in any state or jurisdiction in the United States may have a majority ownership interest in the business entity registered pursuant to this section. Revocation and surrender of licensure shall be limited to disciplinary actions resulting in loss of license or surrender of license instead of disciplinary action. Dentists or dental hygienists affected by this subsection shall have one year from the surrender or revocation to divest themselves of their ownership interest. This subsection does not apply to publicly held companies. For the purposes of this subsection, "majority ownership interest" means an ownership interest greater than fifty per cent.
- (As amended 2014)

ARTICLE 3. REGULATION

§ 32-1262 Corporate practice; display of name and license receipt or license; duplicate licenses; fee

- A. It is lawful to practice dentistry as a professional corporation or professional limited liability company.
- B. It is lawful to practice dentistry as a business organization if the business organization is registered as a business entity pursuant to this chapter.
- C. It is lawful to practice dentistry under a name other than that of the licensed practitioners if the name is not deceptive or misleading.
- D. If practicing as a professional corporation or professional limited liability company, the name and address of record of the dentist owners of the practice shall be conspicuously displayed at the entrance to each owned location.
- E. If practicing as a business organization that is registered as a business entity pursuant to section 32-1213, the receipt for the current registration period must be conspicuously displayed at the entrance to each place of practice.
- F. A licensee's receipt for the current licensure period shall be displayed in the licensee's place of practice in a manner that is always readily observable by patients or visitors and shall be exhibited to members of the Board or to duly authorized agents of the Board on request. The receipt for the licensure period immediately preceding shall be kept on display until replaced by the receipt for the current period. During the year in which the licensee is first licensed and until the receipt for the following period is received, the license shall be displayed in lieu of the receipt.
- G. If a dentist maintains more than one place of practice, the Board may issue one or more duplicate licenses or receipts on payment of a fee fixed by the Board not exceeding twenty-five dollars for each duplicate.
- H. If a licensee legally changes the licensee's name from that in which the license was originally issued, the Board, on satisfactory proof of the change and surrender of the original license, if obtainable, may issue a new license in the new name and shall charge the established fee for duplicate licenses.

(As amended 2014)