

NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

[R21-254]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R4-11-205 | Amend |
| R4-11-303 | Amend |
| R4-11-304 | Amend |
| R4-11-305 | Amend |
| R4-11-402 | Amend |
| R4-11-405 | Amend |
| R4-11-601 | Amend |
| R4-11-607 | Amend |
| R4-11-608 | Amend |
| R4-11-609 | Amend |
| R4-11-901 | Amend |
| R4-11-1301 | Amend |
| R4-11-1302 | Amend |
| R4-11-1303 | Amend |
| R4-11-1405 | 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 statute: 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: 28 A.A.R. 201, January 14, 2022 (*in this issue*)
 - 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., Suite 2470
 Phoenix, AZ 85007
 Telephone: (602) 542-4493
 Email: 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 various rules to update statutory references, process time-frames and submission methods; remove outdated language including some fees; and other formatting changes.

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. There may be some economic impact to licensees with regard to how they may submit forms and fees to the Board and how the Board processes forms and fees. However, the Board believes the submission requirements are necessary to ensure the licensees have met the statutory requirements to practice safely. Thus, the rules are the least burdensome while still achieving their objective and 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., Suite 2470
 Phoenix, AZ 85007
 Telephone: (602) 542-4493
 Email: ryan.edmonson@dentalboard.az.gov

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

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

Date: February 15, 2022
 Time: 3:00 p.m.
 Location: Arizona State Board of Dental Examiners
 1740 W. Adams St., Suite 2470
 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. STATE BOARD OF DENTAL EXAMINERS**

ARTICLE 2. LICENSURE BY CREDENTIAL

Section
 R4-11-205. Application for Dental Assistant Radiography Certification by Credential

ARTICLE 3. EXAMINATIONS, LICENSING QUALIFICATIONS, APPLICATION AND RENEWAL, TIME-FRAMES

Section
 R4-11-303. Application Processing Procedures: Issuance, Denial, and Renewal of Dental Licenses, Restricted Permits, Dental Hygiene Licenses, Dental Consultant Licenses, Denturist Certificates, Drug or Device Dispensing Registrations, Business Entity Registration and Mobile Dental Facility and Portable Dental Unit Permit
 R4-11-304. Application Processing Procedures: Issuance and Denial of Dental Assistant Certificates Radiography Certification by Credential

- R4-11-305. Application Processing Procedures: Issuance, Denial, and Renewal of General Anesthesia and Deep Sedation Permits, Parenteral Sedation Permits, Oral Sedation Permits, and Permit to Employ a Physician Anesthesiologist or ~~CRNA-Certified Registered Nurse Anesthetist~~

ARTICLE 4. FEES

- Section
R4-11-402. Retired or Disabled Licensure Renewal Fee
R4-11-405. Charges for Board Services

ARTICLE 6. DENTAL HYGIENISTS

- Section
R4-11-601. Duties and Qualifications
R4-11-607. Duties of the Dental Hygiene Committee
R4-11-608. Dental Hygiene Consultants
R4-11-609. Affiliated Practice

ARTICLE 9. RESTRICTED PERMITS

- Section
R4-11-901. Application for Restricted Permit

ARTICLE 13. GENERAL ANESTHESIA AND SEDATION

- Section
R4-11-1301. General Anesthesia and Deep Sedation
R4-11-1302. Parenteral Sedation
R4-11-1303. Oral Sedation

ARTICLE 14. DISPENSING DRUGS AND DEVICES

- Section
R4-11-1405. Compliance

ARTICLE 2. LICENSURE BY CREDENTIAL

R4-11-205. Application for Dental Assistant Radiography Certification by Credential

- A. An applicant for dental assistant radiography certification by credential shall provide to the Board a completed application, on a form furnished by the Board that contains the following information:
1. A sworn statement of the applicant's eligibility, and
 2. A letter ~~from the issuing institution of endorsement~~ that verifies compliance with R4-11-204.
- B. Based upon review of information provided under subsection (A), the Board or its designee shall request that an applicant for dental assistant radiography certification by credential provide a copy of a certified document that indicates the reason for a name change if the applicant's documentation contains different names.

ARTICLE 3. EXAMINATIONS, LICENSING QUALIFICATIONS, APPLICATION AND RENEWAL, TIME-FRAMES

R4-11-303. Application Processing Procedures: Issuance, Denial, and Renewal of Dental Licenses, Restricted Permits, Dental Hygiene Licenses, Dental Consultant Licenses, Denturist Certificates, Drug or Device Dispensing Registrations, Business Entity Registration and Mobile Dental Facility and Portable Dental Unit Permits

- A. The Board office shall complete an administrative completeness review within ~~24~~30 calendar days of the date of receipt of an application for a license, certificate, permit, or registration.
1. Within ~~44~~30 calendar days of receiving an initial or renewal application for a dental license, restricted permit, dental hygiene license, dental consultant license, denturist certificate, ~~drug dispensing registration, business entity~~ Business Entity registration, mobile dental facility or portable dental unit permit, the Board office shall notify the applicant, in writing, whether the application package is complete or incomplete.
 2. If the application package is incomplete, the Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The ~~24~~30 calendar day time-frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.
 3. If the Board office does not provide the applicant with notice regarding administrative completeness, the application package shall be deemed complete ~~24~~30 calendar days after receipt by the Board office.
- B. An applicant with an incomplete application package shall submit all missing information within 60 calendar days of service of the notice of incompleteness.
- C. Upon receipt of all missing information, the Board office shall notify the applicant, in writing, within ~~40~~ 30 calendar days, that the application package is complete. If an applicant fails to submit a complete application package within the time allowed in subsection (B), the Board office shall close the applicant's file. An applicant whose file is closed and who later wishes to obtain a license, certificate, permit, or registration shall apply again as required in R4-11-301.
- D. The Board shall not approve or deny an application until the applicant has fully complied with the requirements of A.A.C. Title 4, Chapter 11, Article 3.
- E. The Board shall complete a substantive review of the applicant's qualifications in no more than 90 calendar days from the date on which the administrative completeness review of an application package is complete.

1. If the Board finds an applicant to be eligible for a license, certificate, permit, or registration and grants the license, certificate, permit, or registration, the Board office shall notify the applicant in writing.
 2. If the Board finds an applicant to be ineligible for a license, certificate, permit, or registration, the Board office shall issue a written notice of denial to the applicant that includes:
 - a. Each reason for the denial, with citations to the statutes or rules on which the denial is based;
 - b. The applicant's right to request a hearing on the denial, including the number of days the applicant has to file the request;
 - c. The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06; and
 - d. The name and telephone number of an agency contact person who can answer questions regarding the application process.
 3. If the Board finds deficiencies during the substantive review of an application package, the Board office may issue a comprehensive written request to the applicant for additional documentation. An additional supplemental written request for information may be issued upon mutual agreement between the Board or Board office and the applicant.
 4. The 90-day time-frame for a substantive review of an applicant's qualifications is suspended from the date of a written request for additional documentation until the date that all documentation is received. The applicant shall submit the additional documentation before the next regularly scheduled Board meeting.
 5. If the applicant and the Board office mutually agree in writing, the 90-day substantive review time-frame may be extended once for no more than 28 days.
- F. The following time-frames apply for an initial or renewal application governed by this Section:
1. Administrative completeness review time-frame: ~~24~~30 calendar days.
 2. Substantive review time-frame: 90 calendar days.
 3. Overall time-frame: ~~114~~120 calendar days.
- G. An applicant whose license is denied has a right to a hearing, an opportunity for rehearing, and, if the denial is upheld, may seek judicial review pursuant to A.R.S. Title 41, Chapter 6, Article 10, and A.R.S. Title 12, Chapter 7, Article 6.

R4-11-304. Application Processing Procedures: Issuance and Denial of Dental Assistant Certificates Radiography Certification by Credential

- A. Within ~~14~~ 30 calendar days of receiving an application from an applicant for a dental assistant radiography certification by credential, the Board or its designee shall notify the applicant, in writing, that the application package is complete or incomplete. If the package is incomplete, the notice shall specify what information is missing.
- B. An applicant with an incomplete application package shall supply the missing information within 60 calendar days from the date of the notice. If the applicant fails to do so, an applicant shall begin the application process anew.
- C. Upon receipt of all missing information, within 10 calendar days, the Board or its designee shall notify the applicant, in writing, that the application is complete.
- D. The Board or its designee shall not process an application until the applicant has fully complied with the requirements of this Article.
- E. The Board or its designee shall notify an applicant, in writing, whether the certificate is granted or denied, no later than 90 calendar days after the date of the notice advising the applicant that the package is complete.
- F. The notice of denial shall inform the applicant of the following:
1. The reason for the denial, with a citation to the statute or rule which requires the applicant to pass the examination;
 2. The applicant's right to request a hearing on the denial, including the number of days the applicant has to file the request;
 3. The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06; and
 4. The name and telephone number of an agency contact person or a designee who can answer questions regarding the application process.
- G. The following time-frames apply for certificate applications governed by this Section:
1. Administrative completeness review time-frame: 24 calendar days.
 2. Substantive review time-frame: 90 calendar days.
 3. Overall time-frame: 114 calendar days.
- H. An applicant whose certificate is denied has a right to a hearing, an opportunity for rehearing, and, if the denial is upheld, may seek judicial review pursuant to A.R.S. Title 41, Chapter 6, Article 10, and A.R.S. Title 12, Chapter 7, Article 6.

R4-11-305. Application Processing Procedures: Issuance, Denial, and Renewal of General Anesthesia and Deep Sedation Permits, Parenteral Sedation Permits, Oral Sedation Permits, and Permit to Employ a Physician Anesthesiologist or ~~CRNA~~ Certified Registered Nurse Anesthetist

- A. The Board office shall complete an administrative completeness review within 24 days from the date of the receipt of an application for a permit.
1. Within ~~14~~ 30 calendar days of receiving an initial or renewal application for a ~~general anesthesia~~ General Anesthesia and deep sedation Deep Sedation permit, parenteral sedation permit, ~~oral sedation~~ Oral Sedation permit or permit to employ a physician anesthesiologist or ~~CRNA~~ Certified Registered Nurse Anesthetist the Board office shall notify the applicant, in writing, whether the application package is complete or incomplete.
 2. If the application package is incomplete, the Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The 24-day time-frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.
 3. If the Board office does not provide the applicant with notice regarding administrative completeness, the application package shall be deemed complete 24 days after receipt by the Board office.
- B. An applicant with an incomplete application package shall submit all missing information within 60 calendar days of service of the notice of incompleteness.
- C. Upon receipt of all missing information, the Board office shall notify the applicant, in writing, within 10 calendar days, that the application package is complete. If an applicant fails to submit a complete application package within the time allowed in subsection (B),

the Board office shall close the applicant's file. An applicant whose file is closed and who later wishes to obtain a permit shall apply again as required in A.A.C. Title 4, Chapter 11, Article 13.

- D.** The Board shall not approve or deny an application until the applicant has fully complied with the requirements of this Section and A.A.C. Title 4, Chapter 11, Article 13.
- E.** The Board shall complete a substantive review of the applicant's qualifications in no more than 120 calendar days from the date on which the administrative completeness review of an application package is complete.
1. If the Board finds an applicant to be eligible for a permit and grants the permit, the Board office shall notify the applicant in writing.
 2. If the Board finds an applicant to be ineligible for a permit, the Board office shall issue a written notice of denial to the applicant that includes:
 - a. Each reason for the denial, with citations to the statutes or rules on which the denial is based;
 - b. The applicant's right to request a hearing on the denial, including the number of days the applicant has to file the request;
 - c. The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06; and
 - d. The name and telephone number of an agency contact person who can answer questions regarding the application process.
 3. If the Board finds deficiencies during the substantive review of an application package, the Board office shall issue a comprehensive written request to the applicant for additional documentation.
 4. The 120-day time-frame for a substantive review of an applicant's qualifications is suspended from the date of a written request for additional documentation until the date that all documentation is received.
 5. If the applicant and the Board office mutually agree in writing, the 120-day substantive review time-frame may be extended once for no more than 36 days.
- F.** The following time-frames apply for an initial or renewal application governed by this Section:
1. Administrative completeness review time-frame: 24 calendar days.
 2. Substantive review time-frame: 120 calendar days.
 3. Overall time-frame: 144 calendar days.

ARTICLE 4. FEES

R4-11-402. Business Entity Fees

As expressly authorized under A.R.S. § 32-1213, the Board establishes and shall collect the following fees from a Business Entity offering dental services paid by credit card on the Board's website or by money order or cashier's check:

1. Initial triennial registration, \$300 per location;
2. Renewal of triennial registration, \$300 per location; and
3. Late triennial registration renewal, \$100 per location in addition to the fee under subsection (2).

R4-11-405. Charges for Board Services

The Board shall charge the following fees for the services provided paid by credit card on the Board's website or by money order or cashier's check:

1. Duplicate license: \$25;
2. Duplicate certificate: \$25;
3. License verification:
 - a. For licensee: \$25; and
 - b. For non-licensee: \$5;
4. Copy of audio recording: \$10;
5. Photocopies (per page): \$.25;
6. Mailing lists of Licensees in digital format: \$100
 - a. ~~Dentists:~~
 - i. ~~In state licensees – paper or labels: \$150;~~
 - ii. ~~All licensees – paper or labels: \$175; and~~
 - iii. ~~Mailing list in digital format: \$100;~~
 - b. ~~Dental hygienists:~~
 - i. ~~In state licensees – paper or labels: \$150;~~
 - ii. ~~All licensees – paper or labels: \$175; and~~
 - iii. ~~Mailing list in digital format: \$100; and~~
 - e. ~~Denturists: All certificate holders – paper, labels, or digital format: \$5; and~~
7. ~~Board meeting agendas and minutes (mailed directly to consumer):~~
 - a. ~~Agendas and minutes: \$75 for 12 months;~~
 - b. ~~Agendas only: \$25 for 12 months; and~~
 - e. ~~Minutes only: \$50 for 12 months.~~

ARTICLE 6. DENTAL HYGIENISTS

R4-11-601. Duties and Qualifications

- A.** A dental hygienist may apply ~~preventative and therapeutic agents~~ Preventative and Therapeutic Agents under the general supervision of a licensed dentist.
- B.** A dental hygienist may perform a procedure not specifically authorized by A.R.S. § 32-1281 when all of the following conditions are satisfied:
1. The procedure is recommended or prescribed by the supervising dentist;
 2. The dental hygienist has received instruction, training, or education to perform the procedure in a safe manner; and
 3. The procedure is performed under the general supervision of a licensed dentist.

- C. The Board shall ensure that a dental hygienist is qualified to administer ~~local anesthesia~~ Local Anesthesia and ~~nitrous oxide analgesia~~ Nitrous Oxide Analgesia as authorized by A.R.S. § 32-1281(F)(1) and (2), by requiring evidence that the dental hygienist has completed courses in techniques taught at a recognized dental hygiene school or recognized dental school, as defined in A.R.S. § 32-1201(~~16~~) and (~~17~~), that consist of a minimum of 36 clock hours of instruction, and has passed examinations in theoretical knowledge and clinical competency in the following subject areas:
1. Review of head and neck anatomy;
 2. Pharmacology of anesthetic and analgesic agents;
 3. Medical - dental history considerations;
 4. Emergency procedures;
 5. Selection of appropriate armamentarium and agents;
 6. Nitrous oxide administration;
 7. Clinical practice, under direct supervision, as defined in A.R.S. § 32-1281(~~H~~)(4), including at least three experiences administering each of the following:
 - a. Posterior superior alveolar injection,
 - b. Middle superior alveolar injection,
 - c. Anterior superior alveolar injection,
 - d. Nasopalatine injection,
 - e. Greater - palatine injection,
 - f. Inferior alveolar nerve injection,
 - g. Lingual injection,
 - h. Mental injection,
 - i. Long buccal injections, and
 - j. ~~Nitrous oxide analgesia~~ Oxide Analgesia.
- D. In addition to the recognized course of study described in subsection (C), the dental hygienist shall successfully complete the examination in ~~local anesthesia~~ Local Anesthesia given by ~~the Western Regional Examining Board~~ a state or testing agency that meets the requirements of A.R.S. § 32-1233(2). The dental hygienist shall submit proof of the successful completion of the ~~local anesthesia~~ Local Anesthesia examination to the Board. The Board shall then issue a Local Anesthesia Certificate.
- E. For purposes of qualification of a dental hygienist to place interrupted sutures as authorized by A.R.S. § 32-1281(F)(3), the Board recognizes courses in advanced periodontal therapy offered by a recognized dental hygiene school or a recognized dental school, as defined in A.R.S. § 32-1201(~~16~~) and (~~17~~), that consist of a minimum of 200 clock hours of instruction and require a dental hygienist's successful completion of those examinations of a theoretical knowledge and clinical competency in the following subject areas:
1. A review of oral histology,
 2. Inflammation and pathogenesis of a ~~periodontal pocket~~ Periodontal Pocket,
 3. Patient assessment,
 4. Dental hygiene treatment planning,
 5. Advanced ~~root planning~~ Root Planing and debridement,
 6. Subgingival curettage,
 7. Suturing,
 8. Wound repair and new attachment, and
 9. Clinical experience in each of the following:
 - a. ~~Root planning~~ Planing,
 - b. Subgingival curettage, and
 - c. Suturing.
- F. The dental hygienist shall submit proof of the successful completion of a recognized course in advanced periodontal therapy, as described in subsection (E), to the Board. The Board shall then issue a certification sticker for Suture Placement, which shall be affixed to the dental hygienist's license.
- G. A dental hygienist shall not perform an ~~irreversible procedure~~ Irreversible Procedure.
- H. To qualify to use ~~emerging scientific technology~~ Emerging Scientific Technology as authorized by A.R.S. § ~~32-1281(D)(2)~~ 32-1281(C)(2), a dental hygienist shall successfully complete a course of study that meets the following criteria:
1. Is a course offered by a recognized dental school as defined in A.R.S. § 32-1201(~~17~~), a recognized dental hygiene school as defined in A.R.S. § 32-1201(~~16~~), or sponsored by a national or state dental or dental hygiene association or government agency;
 2. Includes didactic instruction with a written examination;
 3. Includes hands-on clinical instruction; and
 4. Is technology that is scientifically based and supported by studies published in peer reviewed dental journals.

R4-11-607. Duties of the Dental Hygiene Committee

- A. The committee shall advise the Board on all matters relating to the regulation of dental hygienists.
- B. In performing the duty in subsection (A), the committee may:
1. Act as a liaison for the Board, promoting communication and providing a forum for discussion of dental hygiene regulatory issues;
 2. Review applications, syllabi, and related materials and make recommendations to the Board regarding certification of courses in ~~local anesthesia~~ Local Anesthesia, ~~nitrous oxide analgesia~~ Nitrous Oxide Analgesia, and suture placement under Article 6 and other procedures which may require certification under Article 6;
 3. Review documentation submitted by dental hygienists to determine compliance with the continuing education requirement for license renewal under Article 12 and make recommendations to the Board regarding compliance;
 4. Make recommendations to the Board concerning statute and rule development which affect dental hygienists' education, licensure, regulation, or practice;

5. Provide advice to the Board on standards and scope of practice which affect dental hygiene practice;
 6. Provide ad hoc committees to the Board upon request;
 7. Request that the Board consider recommendations of the committee at the next regularly scheduled Board meeting; and
 8. Make recommendations to the Board for approval of dental hygiene consultants.
- C. Committee members who are licensed dentists or dental hygienists may serve as ~~Western Regional Examining Board (WREB)~~ dental hygiene examiners or Board consultants.
- D. The committee shall meet at least two times per calendar year. The chairperson or the president of the Board, or their respective designees, may call a meeting of the committee.
- E. The Board may assign additional duties to the committee.

R4-11-608. Dental Hygiene Consultants

After submission of a current curriculum vitae or resume and approval by the Board, dental hygiene consultants may:

1. Act as ~~Western Regional Examining Board (WREB)~~ dental hygiene examiners for the clinical portion of the dental hygiene examination;
2. Act as ~~Western Regional Examining Board (WREB)~~ dental hygiene examiners for the ~~local anesthesia~~ Local Anesthesia portion of the dental hygiene examination;
3. Participate in Board-related procedures, including ~~clinical evaluations~~ Clinical Evaluations, investigation of complaints concerning infection control, insurance fraud, or the practice of supervised personnel, and any other procedures not directly related to evaluating a dentist's quality of care; and
4. Participate in onsite office evaluations for infection control, as part of a team.

R4-11-609. Affiliated Practice

- A. To perform dental hygiene services under an affiliated practice relationship pursuant to A.R.S. § ~~32-1289~~ 32-1289.01, a dental hygienist shall:
1. Provide evidence to the Board of successfully completing a total of 12 hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education that consists of the following subject areas:
 - a. A minimum of four hours in medical emergencies; and
 - b. A minimum of eight hours in at least two of the following areas:
 - i. Pediatric or other special health care needs,
 - ii. Preventative dentistry, or
 - iii. Public health community-based dentistry, and
 2. Hold a current certificate in basic cardiopulmonary resuscitation (~~CPR~~).
- B. A dental hygienist shall complete the required continuing dental education before entering an affiliated practice relationship. The dental hygienist shall complete the continuing dental education in subsection (A) before renewing the dental hygienist's license. The dental hygienist may take the continuing dental education online but shall not exceed the allowable hours indicated in R4-11-1209(B)(1).
- C. To comply with A.R.S. § ~~32-1289(E) and (F)~~ 32-1287(B) and this Section, a dental hygienist shall submit a completed affidavit on a form supplied by the Board office. Board staff shall review the affidavit to determine compliance with all requirements.
- ~~D.~~ A dental hygienist who practices or applies to practice under an affiliated practice relationship shall ensure that all signatures in an affiliated practice agreement, amendment, notification, and affidavit are notarized.
- ~~E.D.~~ Each affiliated practice dentist shall be available telephonically or electronically during the business hours of the affiliated practice dental hygienist to provide an appropriate level of contact, communication, and consultation.
- ~~E.E.~~ The affiliated practice agreement shall include a provision for a substitute dentist, to cover an extenuating circumstance that renders the affiliated practice dentist unavailable for contact, communication, and consultation with the affiliated practice dental hygienist.

ARTICLE 9. RESTRICTED PERMITS

R4-11-901. Application for Restricted Permit

- A. An applicant for a restricted permit shall provide the following information and documentation on a form provided by the Board:
1. A sworn statement of the applicant's qualifications for a restricted permit;
 2. A photograph of the applicant that is no more than six months old;
 3. A letter of endorsement from any other jurisdiction in which an applicant is licensed or certified verifying that the applicant is licensed or certified in that jurisdiction, sent directly from that jurisdiction to the Board;
 4. ~~If the applicant is in the military or employed by the United States government, a A-letter of endorsement from the applicant's commanding officer or superior supervisor verifying the applicant is licensed or certified by the military or United States government if the applicant is in the military or employed by the United States government;~~
 5. A copy of the applicant's current cardiopulmonary resuscitation certification that meets the requirements of R4-11-301(A)(6); and
 6. A copy of the applicant's pending contract with a ~~charitable dental clinic or organization~~ Charitable Dental Clinic or Organization offering dental or dental hygiene services.
- B. The Board may request that an applicant provide a copy of a certified document that indicates the reason for a name change if the applicant's application contains different names.

ARTICLE 13. GENERAL ANESTHESIA AND SEDATION

R4-11-1301. General Anesthesia and Deep Sedation

- A. Before administering ~~general anesthesia~~ General Anesthesia, or ~~deep sedation~~ Deep Sedation by any means, in a dental office or dental clinic, a dentist shall possess a Section 1301 ~~permit~~ Permit issued by the Board. The dentist may renew a Section 1301 ~~permit~~ Permit every five years by complying with R4-11-1307.
- B. To obtain or renew a Section 1301 ~~permit~~ Permit, a dentist shall:

1. Submit a completed application on a form provided by the Board office that, in addition to the requirements of subsections (B)(2) and (3), and R4-11-1307, includes:
 - a. General information about the applicant such as:
 - i. Name;
 - ii. Home and office addresses and telephone numbers;
 - iii. Limitations of practice;
 - iv. Hospital affiliations;
 - v. Denial, curtailment, revocation, or suspension of hospital privileges;
 - vi. Denial of membership in, denial of renewal of membership in, or disciplinary action by a dental organization; and
 - vii. Denial of licensure by, denial of renewal of licensure by, or disciplinary action by a dental regulatory body; and
 - b. The dentist's dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with the Board's statutes and rules;
 2. On forms provided by the Board, provide a dated and signed affidavit attesting that any office or dental clinic where the dentist will administer ~~general anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation:
 - a. Contains the following properly operating equipment and supplies during the provision of ~~general anesthesia~~ General Anesthesia and ~~deep sedation~~ Deep Sedation:
 - i. Emergency ~~drugs~~ Drugs;
 - ii. Electrocardiograph monitor;
 - iii. Pulse oximeter;
 - iv. Cardiac defibrillator or automated external defibrillator (~~AED~~);
 - v. Positive pressure oxygen and supplemental oxygen;
 - vi. Suction equipment, including endotracheal, tonsillar, or pharyngeal and emergency backup medical suction device;
 - vii. Laryngoscope, multiple blades, backup batteries, and backup bulbs;
 - viii. Endotracheal tubes and appropriate connectors;
 - ix. Magill forceps;
 - x. Oropharyngeal and nasopharyngeal airways;
 - xi. Auxiliary lighting;
 - xii. Stethoscope; and
 - xiii. Blood pressure monitoring device; and
 - b. Maintains a staff of supervised personnel capable of handling procedures, complications, and emergency incidents. All personnel involved in administering and monitoring ~~general anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation shall hold a current course completion confirmation in cardiopulmonary resuscitation (~~CPR~~) Health Care Provider Level healthcare provider level;
 3. Hold a valid license to practice dentistry in this state;
 4. Maintain a current permit to prescribe and administer ~~controlled substances~~ Controlled Substances in this state issued by the United States Drug Enforcement Administration; and
 5. Provide confirmation of completing coursework within the two years prior to submitting the permit application in one or more of the following:
 - a. Advanced cardiac life support (~~ACLS~~) from the American Heart Association or another agency that follows the same procedures, standards, and techniques for training as the American Heart Association;
 - b. Pediatric advanced life support (~~PALS~~) in a practice treating pediatric patients; or
 - c. A recognized continuing education course in advanced airway management.
- C. Initial applicants shall meet one or more of the following conditions by submitting to the Board verification of meeting the condition directly from the issuing institution:
1. Complete, within the three years before submitting the permit application, a full credit load, as defined by the training program, during one calendar year of training, in anesthesiology or related academic subjects, beyond the undergraduate dental school level in a training program described in R4-11-1306(A), offered by a hospital accredited by the Joint Commission on Accreditation of Hospitals Organization, or sponsored by a university accredited by the American Dental Association Commission on Dental Accreditation;
 2. Be, within the three years before submitting the permit application, a Diplomate of the American Board of Oral and Maxillofacial Surgeons or eligible for examination by the American Board of Oral and Maxillofacial surgeons, a Fellow of the American Association of Oral and Maxillofacial surgeons, a Fellow of the American Dental Society of Anesthesiology, a Diplomate of the National Dental Board of Anesthesiology, or a Diplomate of the American Dental Board of Anesthesiology; or
 3. For an applicant who completed the requirements of subsections (C)(1) or (C)(2) more than three years before submitting the permit application, provide the following documentation:
 - a. On a form provided by the Board, a written affidavit affirming that the applicant has administered ~~general anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation to a minimum of 25 patients within the year before submitting the permit application or 75 patients within the last five years before submitting the permit application;
 - b. A copy of the ~~general anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation permit in effect in another state or certification of military training in ~~general anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation from the applicant's commanding officer; and
 - c. On a form provided by the Board, a written affidavit affirming the completion of 30 clock hours of continuing education taken within the last five years as outlined in R4-11-1306(B)(1)(a) through (f).
- D. After submitting the application and written evidence of compliance with requirements in subsection (B) and, if applicable, subsection (C) to the Board, the applicant shall schedule an onsite evaluation by the Board during which the applicant shall administer ~~gen-~~

~~eral anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation. After the applicant completes the application requirements and successfully completes the onsite evaluation, a Section 1301 ~~permit~~ Permit shall be issued to the applicant.

1. The onsite evaluation team shall consist of:
 - a. Two dentists who are Board members, or Board designees for initial applications; or
 - b. One dentist who is a Board member or Board designee for renewal applications.
2. The onsite team shall evaluate the following:
 - a. The availability of equipment and personnel as specified in subsection (B)(2);
 - b. Proper administration of ~~general anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation to a patient by the applicant in the presence of the evaluation team;
 - c. Successful responses by the applicant to oral examination questions from the evaluation team about patient management, medical emergencies, and emergency medications;
 - d. Proper documentation of ~~controlled substances~~ Controlled Substances, that includes a perpetual inventory log showing the receipt, administration, dispensing, and destruction of ~~controlled substances~~ Controlled Substances;
 - e. Proper recordkeeping as specified in subsection (E) by reviewing the records generated for the patient specified in subsection (D)(2)(b); and
 - f. For renewal applicants, records supporting continued competency as specified in R4-11-1306.
3. The evaluation team shall recommend one of the following:
 - a. Pass. Successful completion of the onsite evaluation;
 - b. Conditional Approval for failing to have appropriate equipment, proper documentation of ~~controlled substances~~ Controlled Substances, or proper recordkeeping. The applicant must submit proof of correcting the deficiencies before a permit is issued;
 - c. Category 1 Evaluation Failure. The applicant must review the appropriate subject matter and schedule a subsequent evaluation by two Board Members or Board designees not less than 30 days from the failed evaluation. An example is failure to recognize and manage one emergency;
 - d. Category 2 Evaluation Failure. The applicant must complete Board approved continuing education in subject matter within the scope of the onsite evaluation as identified by the evaluators and schedule a subsequent evaluation by two Board Members or Board designees not less than 60 days from the failed evaluation. An example is failure to recognize and manage more than one emergency; or
 - e. Category 3 Evaluation Failure. The applicant must complete Board approved remedial continuing education with the subject matter outlined in R4-11-1306 as identified by the evaluators and reapply not less than 90 days from the failed evaluation. An example is failure to recognize and manage an anesthetic urgency.
4. The onsite evaluation of an additional dental office or dental clinic in which ~~general anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation is administered by an existing Section 1301 ~~permit~~ Permit holder may be waived by the Board staff upon receipt in the Board office of an affidavit verifying compliance with subsection (D)(2)(a).
5. A Section 1301 mobile permit may be issued if a Section 1301 ~~permit~~ Permit holder travels to dental offices or dental clinics to provide anesthesia or ~~deep sedation~~ Deep Sedation. The applicant must submit a completed affidavit verifying:
 - a. That the equipment and supplies for the provision of anesthesia or ~~deep sedation~~ Deep Sedation as required in subsection (B)(2)(a) either travel with the Section 1301 ~~permit~~ Permit holder or are in place and in appropriate condition at the dental office or dental clinic where anesthesia or ~~deep sedation~~ Deep Sedation is provided, and
 - b. Compliance with subsection (B)(2)(b).
- E. A Section 1301 ~~permit~~ Permit holder shall keep an anesthesia or ~~deep sedation~~ Deep Sedation record for each ~~general anesthesia~~ General Anesthesia and ~~deep sedation~~ Deep Sedation procedure that includes the following entries:
 1. Pre-operative and post-operative electrocardiograph documentation;
 2. Pre-operative, intra-operative, and post-operative pulse oximeter documentation;
 3. Pre-operative, intra-operative, and post-operative blood pressure and vital sign documentation;
 4. A list of all medications given, with dosage and time intervals, and route and site of administration;
 5. Type of catheter or portal with gauge;
 6. Indicate nothing by mouth or time of last intake of food or water;
 7. Consent form; and
 8. Time of discharge and status, including name of escort.
- F. The Section 1301 ~~permit~~ Permit holder, for intravenous access, shall use a new infusion set, including a new infusion line and new bag of fluid, for each patient.
- G. The Section 1301 ~~permit~~ Permit holder shall utilize supplemental oxygen for patients receiving ~~general anesthesia~~ General Anesthesia or ~~deep sedation~~ Deep Sedation for the duration of the procedure.
- H. The Section 1301 ~~permit~~ Permit holder shall continuously supervise the patient from the initiation of anesthesia or ~~deep sedation~~ Deep Sedation until termination of the anesthesia or ~~deep sedation~~ Deep Sedation procedure and oxygenation, ventilation, and circulation are stable. The Section 1301 ~~permit~~ Permit holder shall not commence with the administration of a subsequent anesthetic case until the patient is in monitored recovery or meets the guidelines for discharge.
- I. A Section 1301 ~~permit~~ Permit holder may employ the following health care professionals to provide anesthesia or sedation services and shall ensure that the health care professional continuously supervises the patient from the administration of anesthesia or sedation until termination of the anesthesia or sedation procedure and oxygenation, ventilation, and circulation are stable:
 1. An allopathic or osteopathic physician currently licensed in Arizona by the Arizona Medical Board or the Arizona Board of Osteopathic Examiners who has successfully completed a residency program in anesthesiology approved by the American Council on Graduate Medical Education (~~ACGME~~) or the American Osteopathic Association (~~AOA~~) or who is certified by either the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology and is credentialed with anesthesia privileges through an Arizona licensed medical facility, or

2. A Certified Registered Nurse Anesthetist (~~CRNA~~) currently licensed in Arizona who provides services under the Nurse Practice Act in A.R.S. Title 32, Chapter 15.

J. A Section 1301 ~~permit~~Permit holder may also administer parenteral sedation without obtaining a Section 1302 ~~permit~~Permit.

R4-11-1302. Parenteral Sedation

- A.** Before administering parenteral sedation in a dental office or dental clinic, a dentist shall possess a Section 1302 ~~permit~~Permit issued by the Board. The dentist may renew a Section 1302 ~~permit~~Permit every five years by complying with R4-11-1307.
1. A Section 1301 ~~permit~~Permit holder may also administer parenteral sedation.
 2. A Section 1302 ~~permit~~Permit holder shall not administer or employ any agents which have a narrow margin for maintaining consciousness including, but not limited to, ultra-short acting barbiturates, propofol, parenteral ketamine, or similarly acting ~~drugs~~Drugs, agents, or techniques, or any combination thereof that would likely render a patient deeply sedated, generally anesthetized or otherwise not meeting the conditions of ~~moderate sedation~~Moderate Sedation.
- B.** To obtain or renew a Section 1302 ~~permit~~Permit, the dentist shall:
1. Submit a completed application on a form provided by the Board office that, in addition to the requirements of subsections (B)(2) and (3) and R4-11-1307, includes:
 - a. General information about the applicant such as:
 - i. Name;
 - ii. Home and office addresses and telephone numbers;
 - iii. Limitations of practice;
 - iv. Hospital affiliations;
 - v. Denial, curtailment, revocation, or suspension of hospital privileges;
 - vi. Denial of membership in, denial of renewal of membership in, or disciplinary action by a dental organization; and
 - vii. Denial of licensure by, denial of renewal of licensure by, or disciplinary action by a dental regulatory body; and
 - b. The dentist's dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with the Board's statutes and rules;
 2. On forms provided by the Board, provide a dated and signed affidavit attesting that any dental office or dental clinic where the dentist will administer parenteral sedation by intravenous or intramuscular route:
 - a. Contains the following properly operating equipment and supplies during the provision of parenteral sedation by the permit holder or ~~general anesthesia~~General Anesthesia or ~~deep sedation~~Deep Sedation by a physician anesthesiologist or Certified Registered Nurse Anesthetist (~~CRNA~~):
 - i. Emergency ~~drugs~~Drugs;
 - ii. Positive pressure oxygen and supplemental oxygen;
 - iii. Stethoscope;
 - iv. Suction equipment, including tonsillar or pharyngeal and emergency backup medical suction device;
 - v. Oropharyngeal and nasopharyngeal airways;
 - vi. Pulse oximeter;
 - vii. Auxiliary lighting;
 - viii. Blood pressure monitoring device; and
 - ix. Cardiac defibrillator or automated external defibrillator (~~AED~~); and
 - b. Maintains a staff of supervised personnel capable of handling procedures, complications, and emergency incidents, including at least one staff member who:
 - i. Holds a current course completion confirmation in cardiopulmonary resuscitation(~~CPR~~) ~~health care~~ healthcare provider level;
 - ii. Is present during the parenteral sedation procedure; and
 - iii. After the procedure, monitors the patient until discharge;
 3. Hold a valid license to practice dentistry in this state;
 4. Maintain a current permit to prescribe and administer ~~controlled substances~~Controlled Substances in this state issued by the United States Drug Enforcement Administration;
 5. Provide confirmation of completing coursework within the two years prior to submitting the permit application in one or more of the following:
 - a. Advanced cardiac life support (~~ACLS~~) from the American Heart Association or another agency that follows the same procedures, standards, and techniques for training as the American Heart Association;
 - b. Pediatric advanced life support (~~PALS~~) in a practice treating pediatric patients; or
 - c. A recognized continuing education course in advanced airway management.
- C.** Initial applicants shall meet one of the following conditions by submitting to the Board verification of meeting the condition directly from the issuing institution:
1. Successfully complete Board-recognized undergraduate, graduate, or postgraduate education within the three years before submitting the permit application, that includes the following:
 - a. ~~Sixty (60)~~60 didactic hours of basic parenteral sedation to include:
 - i. Physical evaluation;
 - ii. Management of medical emergencies;
 - iii. The importance of and techniques for maintaining proper documentation; and
 - iv. Monitoring and the use of monitoring equipment; and
 - b. Hands-on administration of parenteral sedative medications to at least 20 patients in a manner consistent with this Section; or
 2. An applicant who completed training in parenteral sedation more than three years before submitting the permit application shall provide the following documentation:

- a. On a form provided by the Board, a written affidavit affirming that the applicant has administered parenteral sedation to a minimum of 25 patients within the year or 75 patients within the last five years before submitting the permit application;
 - b. A copy of the parenteral sedation permit in effect in another state or certification of military training in parenteral sedation from the applicant's commanding officer; and
 - c. On a form provided by the Board, a written affidavit affirming the completion of 30 clock hours of continuing education taken within the last five years as outlined in R4-11-1306(B)(1)(b) through (f).
- D.** After submitting the application and written evidence of compliance with requirements outlined in subsection (B) and, if applicable, subsection (C) to the Board, the applicant shall schedule an onsite evaluation by the Board during which the applicant shall administer parenteral sedation. After the applicant completes the application requirements and successfully completes the onsite evaluation, the Board shall issue a Section 1302 ~~permit~~ Permit to the applicant.
1. The onsite evaluation team shall consist of:
 - a. Two dentists who are Board members, or Board designees for initial applications, or
 - b. One dentist who is a Board member or Board designee for renewal applications.
 2. The onsite team shall evaluate the following:
 - a. The availability of equipment and personnel as specified in subsection (B)(2);
 - b. Proper administration of parenteral sedation to a patient by the applicant in the presence of the evaluation team;
 - c. Successful responses by the applicant to oral examination questions from the evaluation team about patient management, medical emergencies, and emergency medications;
 - d. Proper documentation of ~~controlled substances~~ Controlled Substances, that includes a perpetual inventory log showing the receipt, administration, dispensing, and destruction of all ~~controlled substances~~ Controlled Substances;
 - e. Proper recordkeeping as specified in subsection (E) by reviewing the records generated for the patient receiving parenteral sedation as specified in subsection (D)(2)(b); and
 - f. For renewal applicants, records supporting continued competency as specified in R4-11-1306.
 3. The evaluation team shall recommend one of the following:
 - a. Pass. Successful completion of the onsite evaluation;
 - b. Conditional Approval for failing to have appropriate equipment, proper documentation of ~~controlled substances~~ Controlled Substances, or proper recordkeeping. The applicant must submit proof of correcting the deficiencies before a permit is issued;
 - c. Category 1 Evaluation Failure. The applicant must review the appropriate subject matter and schedule a subsequent evaluation by two Board Members or Board designees not less than 30 days from the failed evaluation. An example is failure to recognize and manage one emergency;
 - d. Category 2 Evaluation Failure. The applicant must complete Board approved continuing education in subject matter within the scope of the onsite evaluation as identified by the evaluators and schedule a subsequent evaluation by two Board Members or Board designees not less than 60 days from the failed evaluation. An example is failure to recognize and manage more than one emergency; or
 - e. Category 3 Evaluation Failure. The applicant must complete Board approved remedial continuing education with the subject matter outlined in R4-11-1306 as identified by the evaluators and reapply not less than 90 days from the failed evaluation. An example is failure to recognize and manage an anesthetic urgency.
 4. The onsite evaluation of an additional dental office or dental clinic in which parenteral sedation is administered by an existing Section 1302 ~~permit~~ Permit holder may be waived by the Board staff upon receipt in the Board office of an affidavit verifying compliance with subsection (D)(2)(a).
 5. A Section 1302 mobile permit may be issued if a Section 1302 ~~permit~~ Permit holder travels to dental offices or dental clinics to provide parenteral sedation. The applicant must submit a completed affidavit verifying:
 - a. That the equipment and supplies for the provision of parenteral sedation as required in R4-11-1302(B)(2)(a) either travel with the Section 1302 ~~permit~~ Permit holder or are in place and in appropriate working condition at the dental office or dental clinic where parenteral sedation is provided, and
 - b. Compliance with R4-11-1302(B)(2)(b).
- E.** A Section 1302 ~~permit~~ Permit holder shall keep a parenteral sedation record for each parenteral sedation procedure that:
1. Includes the following entries:
 - a. Pre-operative, intra-operative, and post-operative pulse oximeter documentation;
 - b. Pre-operative, intra-operative, and post-operative blood pressure and vital sign documentation;
 - c. A list of all medications given, with dosage and time intervals and route and site of administration;
 - d. Type of catheter or portal with gauge;
 - e. Indicate nothing by mouth or time of last intake of food or water;
 - f. Consent form; and
 - g. Time of discharge and status, including name of escort; and
 2. May include pre-operative and post-operative electrocardiograph report.
- F.** The Section 1302 ~~permit~~ Permit holder shall establish intravenous access on each patient receiving parenteral sedation utilizing a new infusion set, including a new infusion line and new bag of fluid.
- G.** The Section 1302 ~~permit~~ Permit holder shall utilize supplemental oxygen for patients receiving parenteral sedation for the duration of the procedure.
- H.** The Section 1302 ~~permit~~ Permit holder shall continuously supervise the patient from the initiation of parenteral sedation until termination of the parenteral sedation procedure and oxygenation, ventilation and circulation are stable. The Section 1302 ~~permit~~ Permit holder shall not commence with the administration of a subsequent anesthetic case until the patient is in monitored recovery or meets the guidelines for discharge.

I. A Section 1302 ~~permit~~-Permit holder may employ a health care professional as specified in R4-11-1301(I).

R4-11-1303. Oral Sedation

- A. Before administering ~~oral sedation~~ Oral Sedation in a dental office or dental clinic, a dentist shall possess a Section 1303 ~~permit~~-Permit issued by the Board. The dentist may renew a Section 1303 ~~permit~~-Permit every five years by complying with R4-11-1307.
1. A Section 1301 ~~permit~~-Permit holder or Section 1302 ~~permit~~-Permit holder may also administer ~~oral sedation~~ Oral Sedation without obtaining a Section 1303 ~~permit~~-Permit.
 2. The administration of a single ~~drug~~ Drug for ~~minimal sedation~~ Minimal Sedation does not require a Section 1303 ~~permit~~-Permit if:
 - a. The administered dose is within the Food and Drug Administration's (~~FDA~~) maximum recommended dose as printed in ~~FDA~~ the Food and Drug Administration's approved labeling for unmonitored home use;
 - i. Incremental multiple doses of the ~~drug~~ Drug may be administered until the desired effect is reached, but does not exceed the maximum recommended dose; and
 - ii. During ~~minimal sedation~~ Minimal Sedation, a single supplemental dose may be administered. The supplemental dose may not exceed one-half of the initial dose and the total aggregate dose may not exceed one and one-half times the ~~FDA~~ Food and Drug Administration's maximum recommended dose on the date of treatment; and
 - b. Nitrous oxide/oxygen may be administered in addition to the oral ~~drug~~ Drug as long as the combination does not exceed ~~minimal sedation~~ Minimal Sedation.
- B. To obtain or renew a Section 1303 ~~permit~~-Permit, a dentist shall:
1. Submit a completed application on a form provided by the Board office that, in addition to the requirements of subsections (B)(2) and (3) and R4-11-1307, includes:
 - a. General information about the applicant such as:
 - i. Name;
 - ii. Home and office addresses and telephone numbers;
 - iii. Limitations of practice;
 - iv. Hospital affiliations;
 - v. Denial, curtailment, revocation, or suspension of hospital privileges;
 - vi. Denial of membership in, denial of renewal of membership in, or disciplinary action by a dental organization; and
 - vii. Denial of licensure by, denial of renewal of licensure by, or disciplinary action by a dental regulatory body; and
 - b. The dentist's dated and signed affidavit stating that the information provided is true, and that the dentist has read and complied with the Board's statutes and rules;
 2. On forms provided by the Board, provide a dated and signed affidavit attesting that any dental office or dental clinic where the dentist will administer ~~oral sedation~~ Oral Sedation:
 - a. Contains the following properly operating equipment and supplies during the provision of sedation:
 - i. Emergency ~~drugs~~ Drugs;
 - ii. Cardiac defibrillator or automated external defibrillator (~~AED~~);
 - iii. Positive pressure oxygen and supplemental oxygen;
 - iv. Stethoscope;
 - v. Suction equipment, including tonsillar or pharyngeal and emergency backup medical suction device;
 - vi. Pulse oximeter;
 - vii. Blood pressure monitoring device; and
 - viii. Auxiliary lighting; and
 - b. Maintains a staff of supervised personnel capable of handling procedures, complications, and emergency incidents, including at least one staff member who:
 - i. Holds a current certificate in cardiopulmonary resuscitation (~~CPR~~) Health Care Provider Level healthcare provider level;
 - ii. Is present during the ~~oral sedation~~ Oral Sedation procedure; and
 - iii. After the procedure, monitors the patient until discharge;
 3. Hold a valid license to practice dentistry in this state;
 4. Maintain a current permit to prescribe and administer ~~controlled substances~~ Controlled Substances in this state issued by the United States Drug Enforcement Administration;
 5. Provide confirmation of completing coursework within the two years prior to submitting the permit application in one or more of the following:
 - a. Cardiopulmonary resuscitation (~~CPR~~) Health Care Provider Level healthcare provider level from the American Heart Association, American Red Cross, or another agency that follows the same procedures, standards, and techniques for training as the American Heart Association or American Red Cross;
 - b. Pediatric advanced life support (~~PALS~~) in a practice treating pediatric patients; or
 - c. A recognized continuing education course in advanced airway management.
- C. Initial applicants shall meet one of the following by submitting to the Board verification of meeting the condition directly from the issuing institution:
1. Complete a Board-recognized post-doctoral residency program that includes documented training in ~~oral sedation~~ Oral Sedation within the last three years before submitting the permit application; or
 2. Complete a Board-recognized post-doctoral residency program that includes documented training in ~~oral sedation~~ Oral Sedation more than three years before submitting the permit application shall provide the following documentation:
 - a. On a form provided by the Board, a written affidavit affirming that the applicant has administered ~~oral sedation~~ Oral Sedation to a minimum of 25 patients within the year or 75 patients within the last five years before submitting the permit application;

- b. A copy of the ~~oral sedation~~ Oral Sedation permit in effect in another state or certification of military training in ~~oral sedation~~ Oral Sedation from the applicant's commanding officer; and
- c. On a form provided by the Board, a written affidavit affirming the completion of 30 hours of continuing education taken within the last five years as outlined in R4-11-1306(C)(1)(a) through (f); or
- 3. Provide proof of participation in 30 clock hours of Board-recognized undergraduate, graduate, or post-graduate education in ~~oral sedation~~ Oral Sedation within the three years before submitting the permit application that includes:
 - a. Training in basic ~~oral sedation~~ Oral Sedation,
 - b. Pharmacology,
 - c. Physical evaluation,
 - d. Management of medical emergencies,
 - e. The importance of and techniques for maintaining proper documentation, and
 - f. Monitoring and the use of monitoring equipment.
- D. After submitting the application and written evidence of compliance with requirements in subsection (B) and, if applicable, subsection (C) to the Board, the applicant shall schedule an onsite evaluation by the Board. After the applicant completes the application requirements and successfully completes the onsite evaluation, the Board shall issue a Section 1303 ~~permit~~ Permit to the applicant.
 - 1. The onsite evaluation team shall consist of:
 - a. For initial applications, two dentists who are Board members, or Board designees.
 - b. For renewal applications, one dentist who is a Board member, or Board designee.
 - 2. The onsite team shall evaluate the following:
 - a. The availability of equipment and personnel as specified in subsection (B)(2);
 - b. Successful responses by the applicant to oral examination questions from the evaluation team about patient management, medical emergencies, and emergency medications;
 - c. Proper documentation of ~~controlled substances~~ Controlled Substances, that includes a perpetual inventory log showing the receipt, administration, dispensing, and destruction of ~~controlled substances~~ Controlled Substances;
 - d. Proper recordkeeping as specified in subsection (E) by reviewing the forms that document the ~~oral sedation~~ Oral Sedation record; and
 - e. For renewal applicants, records supporting continued competency as specified in R4-11-1306.
 - 3. The evaluation team shall recommend one of the following:
 - a. Pass. Successful completion of the onsite evaluation;
 - b. Conditional Approval for failing to have appropriate equipment, proper documentation of ~~controlled substance~~ Controlled Substance, or proper recordkeeping. The applicant must submit proof of correcting the deficiencies before permit will be issued;
 - c. Category 1 Evaluation Failure. The applicant must review the appropriate subject matter and schedule a subsequent evaluation by two Board Members or Board designees not less than 30 days from the failed evaluation. An example is failure to recognize and manage one emergency; or
 - d. Category 2 Evaluation Failure. The applicant must complete Board approved continuing education in subject matter within the scope of the onsite evaluation as identified by the evaluators and schedule a subsequent evaluation by two Board Members or Board designees not less than 60 days from the failed evaluation. An example is failure to recognize and manage more than one emergency.
 - 4. The onsite evaluation of an additional dental office or dental clinic in which ~~oral sedation~~ Oral Sedation is administered by a Section 1303 ~~permit~~ Permit holder may be waived by the Board staff upon receipt in the Board office of an affidavit verifying compliance with subsection (D)(2)(a).
 - 5. A Section 1303 mobile permit may be issued if the Section 1303 ~~permit~~ Permit holder travels to dental offices or dental clinics to provide ~~oral sedation~~ Oral Sedation. The applicant must submit a completed affidavit verifying:
 - a. That the equipment and supplies for the provision of ~~oral sedation~~ Oral Sedation as required in R4-11-1303(B)(2)(a) either travel with the Section 1303 ~~permit~~ Permit holder or are in place and in appropriate condition at the dental office or dental clinic where ~~oral sedation~~ Oral Sedation is provided, and
 - b. Compliance with R4-11-1303(B)(2)(b).
- E. A Section 1303 ~~permit~~ Permit holder shall keep an ~~oral sedation~~ Oral Sedation record for each ~~oral sedation~~ Oral Sedation procedure that:
 - 1. Includes the following entries:
 - a. Pre-operative, intra-operative, and post-operative, pulse oximeter oxygen saturation and pulse rate documentation;
 - b. Pre-operative and post-operative blood pressure;
 - c. Documented reasons for not taking vital signs if a patient's behavior or emotional state prevents monitoring personnel from taking vital signs;
 - d. List of all medications given, including dosage and time intervals;
 - e. Patient's weight;
 - f. Consent form;
 - g. Special notes, such as, nothing by mouth or last intake of food or water; and
 - h. Time of discharge and status, including name of escort; and
 - 2. May include the following entries:
 - a. Pre-operative and post-operative electrocardiograph report; and
 - b. Intra-operative blood pressures.
- F. The Section 1303 ~~permit~~ Permit holder shall utilize supplemental oxygen for patients receiving ~~oral sedation~~ Oral Sedation for the duration of the procedure.

- G. The Section 1303 ~~permit~~ Permit holder shall ensure the continuous supervision of the patient from the administration of ~~oral sedation~~ Oral Sedation until oxygenation, ventilation and circulation are stable and the patient is appropriately responsive for discharge from the dental office or dental clinic.
- H. A Section 1303 ~~permit~~ Permit holder may employ a health care professional to provide anesthesia services, if all of the following conditions are met:
 1. The physician anesthesiologist or ~~CRNA~~ Certified Registered Nurse Anesthetist meets the requirements as specified in R4-11-1301(I);
 2. The Section 1303 ~~permit~~ Permit holder has completed coursework within the two years prior to submitting the permit application in one or more of the following:
 - a. ~~ACLS~~ Advanced cardiac life support from the American Heart Association or another agency that follows the same procedures, standards, and techniques for training as the American Heart Association;
 - b. ~~PALS~~ Pediatric advanced life support in a practice treating pediatric patients;
 - c. A recognized continuing education course in advanced airway management;
 3. The Section 1303 ~~permit~~ Permit holder ensures that:
 - a. The dental office or clinic contains the equipment and supplies listed in R4-11-1304(B)(2)(a) during the provision of anesthesia or sedation by the physician anesthesiologist or ~~CRNA~~ Certified Registered Nurse Anesthetist;
 - b. The anesthesia or sedation record contains all the entries listed in R4-11-1304(D);
 - c. For intravenous access, the physician anesthesiologist or ~~CRNA~~ Certified Registered Nurse Anesthetist uses a new infusion set, including a new infusion line and new bag of fluid for each patient; and
 - d. The patient is continuously supervised from the administration of anesthesia or sedation until the termination of the anesthesia or sedation procedure and oxygenation, ventilation and circulation are stable. The Section 1303 ~~permit~~ Permit holder shall not commence with a subsequent procedure or treatment until the patient is in monitored recovery or meets the guidelines for discharge.

ARTICLE 14. DISPENSING DRUGS AND DEVICES

R4-11-1405. Compliance

- A. A dentist who determines that there has been a theft or loss of ~~drugs~~ Drugs or ~~controlled substances~~ Controlled Substances from the dentist’s office shall immediately notify a local law enforcement agency and the Board and provide written notice of the theft or loss in the following manner:
 1. For ~~non-controlled substance~~ non-Controlled Substance ~~drug~~ Drug theft or loss, provide the law enforcement agency and the Board with a written report explaining the theft or loss; or
 2. For ~~controlled substance~~ Controlled Substance theft or loss, complete a ~~DEA~~ Drug Enforcement Administration’s 106 form; and
 3. Provide copies of the ~~DEA~~ Drug Enforcement Administration’s 106 form to the Drug Enforcement Administration and the Board within ~~seven days~~ one day of the discovery.
- B. A dentist who dispenses ~~drugs~~ Drugs or devices in a manner inconsistent with this Article is subject to discipline under A.R.S. Title 32, Chapter 11, Article 3.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

[R21-255]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)**

R4-11-1202	Amend
R4-11-1203	Amend
R4-11-1204	Amend
R4-11-1205	Amend
R4-11-1206	Amend
R4-11-1207	Amend
R4-11-1208	Amend
R4-11-1209	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 statute: 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: 28 A.A.R. 202, January 14, 2022 (*in this issue*)
 Notice of Proposed Rulemaking: 27 A.A.R. 1217, August 13, 2021
 Notice of Rulemaking Docket Opening: 27 A.A.R. 1232, August 13, 2021