

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Supplemental Proposed Rulemakings. After an agency has filed a Notice of Proposed Rulemaking and it is published in the Register, an agency may decide to make substantial changes to the rule after it is proposed.

The agency prepares a Notice of Supplemental Proposed Rulemaking with these proposed changes. When filed, the notice is published under the deadline schedule in the back of the Register.

The Notice of Supplemental Proposed Rulemaking shall be published in the Register before holding any oral proceedings (A.R.S. § 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 #11 for the close of record and information related to public hearings and oral comments.

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

[R22-214]

PREAMBLE

1. Citations to the agency's Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking (if applicable) as published in the Register as specified in R1-1-409(A). A list of any other related notices published in the Register as specified in R1-1-409(A):

Notice of Rulemaking Docket Opening: 28 A.A.R. 1230, June 3, 2022
Notice of Proposed Rulemaking: 28 A.A.R. 1173, June 3, 2022

2. Article, Part, or Section Affected (as applicable)

Rulemaking Action

Table with 2 columns: Article, Part, or Section Affected (as applicable) and Rulemaking Action. Rows include items like R4-11-101 (Amend), R4-11-201 (Amend), R4-11-202 (Amend), R4-11-203 (Amend), R4-11-206 (New Section), R4-11-301 (Amend), R4-11-303 (Amend), R4-11-401 (Amend), R4-11-403 (Amend), R4-11-701 (Amend), R4-11-702 (Amend), R4-11-1210 (New Section), R4-11-1502 (Amend), R4-11-1503 (Amend), Article 16 (New Article), R4-11-1601 (New Section), R4-11-1602 (New Section), R4-11-1603 (New Section), R4-11-1604 (New Section).

3. 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 statutes: A.R.S. §§ 32-1201 et seq.

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 address Dental Therapists and make other necessary changes to ensure the rules are clear,



concise, and consistent.

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. An explanation of the substantial change which resulted in the supplemental notice:

The Board determined that the term “psychomotor” needed to be removed from proposed rule language because current statutes do not provide authority to limit a clinical examination to one that is a psychomotor examination. The Board also added the jurisprudence examination as a requirement for application by credential in order to be consistent with the application for licensure requirements. Finally, the Board added the exception for dental assistants to take final digital impressions in order to be consistent with current practices.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. 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. Thus, the economic impact is minimized.

10. 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

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

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

Date: November 9, 2022
Time: 1:00 p.m.
Location: Virtual Format
Video call link: meet.google.com/fik-gehu-wgd
Or dial: (US) +1 252-421-9311 PIN: 814 930 009#

12. 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.

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

None

14. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS**

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ARTICLE 1. DEFINITIONS**R4-11-101. Definitions**

The following definitions, and definitions in A.R.S. § 32-1201, apply to this Chapter:

“Analgesia” means a state of decreased sensibility to pain produced by using nitrous oxide (~~N2O~~) and oxygen (~~O2~~) with or without ~~local anesthesia~~ Local Anesthesia.

“Application” means, for purposes of Article 3 only, forms designated as applications and all documents and additional information the Board requires to be submitted with an application.

“Business Entity” means a business organization that offers to the public professional services regulated by the Board and is established under the laws of any state or foreign country, including a sole practitioner, partnership, limited liability partnership, corporation, and limited liability company, unless specifically exempted by A.R.S. § 32-1213(J).

“Calculus” means a hard, mineralized deposit attached to the teeth.

~~“Certificate holder” means a denturist who practices denture technology under A.R.S. Title 32, Chapter 11, Article 5.~~

“Charitable Dental Clinic or Organization” means a non-profit organization meeting the requirements of 26 U.S.C. 501(c)(3) and providing dental, dental therapy, or dental hygiene services.

“Clinical evaluation” means a dental examination of a patient named in a complaint regarding the patient's dental condition as it exists at the time the examination is performed.

~~“Closed subgingival curettage” means the removal of the inner surface of the soft tissue wall of a periodontal pocket in a situation where a flap of tissue has not been intentionally or surgically opened.~~

“Controlled substance” has the meaning prescribed in A.R.S. § 36-2501(A)(3).

“Credit hour” means one clock hour of participation in a ~~recognized continuing dental education~~ Recognized Continuing Dental Education program.

“Deep sedation” is a ~~drug induced~~ Drug-induced depression of consciousness during which a patient cannot be easily aroused but responds purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. The patient may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is maintained.



“Dental laboratory technician” or “dental technician” has the meaning prescribed in A.R.S. § 32-1201(7).

“Dentist of record” means a dentist who examines, diagnoses, and formulates treatment plans for a patient and may provide treatment to the patient.

“Designee” means a person to whom the Board delegates authority to act on the Board’s behalf regarding a particular task specified by this Chapter.

“Direct supervision” means, for purposes of Article 7 only, that a licensed dentist is present in the office and available to provide immediate treatment or care to a patient and observe a dental assistant’s work.

“Disabled” means a dentist, dental therapist, dental hygienist, or denturist has totally withdrawn from the active practice of dentistry, dental therapy, dental hygiene, or denturism due to a permanent medical disability and based on a physician’s order.

“Dispense for profit” means selling a drug or device for any amount above the administrative overhead costs to inventory.

“Documentation of attendance” means documents that contain the following information:

- Name of sponsoring entity;
- Course title;
- Number of ~~credit hours~~ Credit Hours;
- Name of speaker; and
- Date, time, and location of the course.

“Drug” means:

- Articles recognized, or for which standards or specifications are prescribed, in the official compendium;
- Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in the human body;
- Articles other than food intended to affect the structure of any function of the human body; or
- Articles intended for use as a component of any articles specified in this definition but does not include devices or components, parts, or accessories of devices.

“Emerging scientific technology” means any technology used in the treatment of oral disease that is not currently generally accepted or taught in a recognized dental, dental therapy, or dental hygiene school and use of the technology poses material risks.

“Epithelial attachment” means the layer of cells that extends apically from the depth of the gingival (gum) sulcus (crevice) along the tooth, forming an organic attachment.

“Ex-parte communication” means a written or oral communication between a decision maker, fact finder, or Board member and one party to the proceeding, in the absence of other parties.

“General anesthesia” is a ~~drug-induced~~ Drug-induced loss of consciousness during which the patient is not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. The patient often requires assistance in maintaining a patent airway, and positive-pressure ventilation may be required because of depressed spontaneous ventilation or ~~drug-induced~~ Drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

“General supervision” means, for purposes of Article 7 only, a licensed dentist is available for consultation, whether or not the dentist is in the office, regarding procedures or treatment that the dentist authorizes and for which the dentist remains responsible.

“Homebound patient” means a person who is unable to receive dental care in a dental office as a result of a medically diagnosed disabling physical or mental condition.

“Irreversible procedure” means a single treatment, or a step in a series of treatments, that causes change in the affected hard or soft tissues and is permanent or may require reconstructive or corrective procedures to correct the changes.

“Jurisdiction” means the Board’s power to investigate and rule on complaints that allege grounds for disciplinary action under A.R.S. Title 32, Chapter 11 or this Chapter.

“Licensee” means a dentist, dental therapist, dental hygienist, dental consultant, retired licensee, or person who holds a restricted permit under A.R.S. §§ 32-1237 or 32-1292.

“Local anesthesia” is the elimination of sensations, such as pain, in one part of the body by the injection of an anesthetic ~~drug~~ Drug.

“Minimal sedation” is a minimally depressed level of consciousness that retains a patient’s ability to independently and continuously maintain an airway and respond appropriately to light tactile stimulation, not limited to reflex withdrawal from a painful stimulus, or verbal command and that is produced by a pharmacological or non-pharmacological method or a combination thereof. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected. In accord with this particular definition, the ~~drugs~~ Drugs or techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely.

“Mobile dental permit holder” means a Licensee or denturist who holds a mobile permit under R4-11-1301, R4-11-1302, or R4-11-1303.

“Moderate sedation” is a ~~drug-induced~~ Drug-induced depression of consciousness during which a patient responds purposefully to verbal commands either alone or accompanied by light tactile stimulation, not limited to reflex withdrawal from a painful stimulus. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is maintained. The ~~drugs~~ Drugs or techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely. Repeated dosing of a ~~drug~~ Drug before the effects of previous dosing can be fully recognized may result in a greater alteration of the state of consciousness than intended by the permit holder.

“Nitrous oxide analgesia” means nitrous oxide (N₂O/O₂) used as an inhalation analgesic.

“Nonsurgical periodontal treatment” means plaque removal, plaque control, supragingival and subgingival scaling, root planing, and the adjunctive use of chemical agents.

“Official compendium” means the latest revision of the United States Pharmacopeia and the National Formulary and any current supplement.

“Oral sedation” is the enteral administration of a ~~drug Drug~~ or ~~non-drug non-Drug~~ substance or combination inhalation and enteral administered ~~drug Drug~~ or ~~non-drug non-Drug~~ substance in a dental office or dental clinic to achieve ~~minimal~~ Minimal Sedation or ~~moderate sedation~~ Moderate Sedation.

“Parenteral sedation” is a minimally depressed level of consciousness that allows the patient to retain the ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command and is induced by a pharmacological or non-pharmacological method or a combination of both methods of administration in which the ~~drug Drug~~ bypasses the gastrointestinal tract.

“Patient of record” means a patient who has undergone a complete dental evaluation performed by a licensed dentist.

“Periodontal examination and assessment” means to collect and correlate clinical signs and patient symptoms that point to either the presence of or the potential for periodontal disease.

“Periodontal pocket” means a pathologic fissure bordered on one side by the tooth and on the opposite side by crevicular epithelium and limited in its depth by the ~~epithelial attachment~~ Epithelial Attachment.

“Plaque” means a film-like sticky substance composed of mucoidal secretions containing bacteria and toxic products, dead tissue cells, and debris.

“Polish” “Polishing” means, ~~for the purposes of A.R.S. § 32-1291(B) only,~~ a procedure limited to the removal of ~~plaque~~ Plaque and extrinsic stain from exposed natural and restored tooth surfaces that utilizes an appropriate rotary instrument with rubber cup or brush and ~~polishing~~ Polishing agent. A ~~licensee~~ Licensee or dental assistant shall not represent that this procedure alone constitutes an oral ~~prophylaxis~~ Prophylaxis.

“Prescription-only device” means:

Any device that is restricted by the federal act, as defined in A.R.S. § 32-1901, to use only under the supervision of a medical practitioner; or

Any device required by the federal act, as defined in A.R.S. § 32-1901, to bear on its label the legend “Rx Only.”

“Prescription-only ~~drug Drug~~” does not include a ~~controlled substance~~ Controlled Substance but does include:

Any ~~drug Drug~~ that, because of its toxicity or other potentiality for harmful effect, the method of its use, or the collateral measures necessary to its use, is not generally recognized among experts, qualified by scientific training and experience to evaluate its safety and efficacy, as safe for use except by or under the supervision of a medical practitioner;

Any ~~drug Drug~~ that is limited by an approved new ~~drug Drug~~ application under the federal act or A.R.S. § 32-1962 to use under the supervision of a medical practitioner;

Every potentially harmful ~~drug Drug~~, the labeling of which does not bear or contain full and adequate directions for use by the consumer; or

Any ~~drug Drug~~ required by the federal act to bear on its label the legend “RX Only.”

“President’s designee” means the Board’s executive director, an investigator, or a Board member acting on behalf of the Board president.

“Preventative and therapeutic agents” means substances ~~used in relation to dental hygiene procedures~~ that affect the hard or soft oral tissues to aid in preventing or treating oral disease.

“Prophylaxis” means a ~~sealing~~ Scaling and ~~polishing~~ Polishing procedure performed on patients with healthy tissues to remove coronal ~~plaque~~ Plaque, ~~calculus~~ Calculus, and stains.

“Public member” means a person who is not a dentist, dental hygienist, dental assistant, dentist, or dental technician.

“Recognized continuing dental education” means a program whose content directly relates to the art and science of oral health and treatment, provided by a recognized dental school as defined in A.R.S. § 32-1201(18), recognized dental therapy school, recognized dental hygiene school as defined in A.R.S. § 32-1201(17), or recognized dentist school as defined in A.R.S. § 32-1201(19), or sponsored by a national or state dental, dental therapy, dental hygiene, or dentist association, American Dental Association, Continuing Education Recognition Program (ADA-CERP) or Academy of General Dentistry, Program Approval for Continuing Education (AGD-PACE) approved provider, dental, dental therapy, dental hygiene, or dentist study club Study Club, governmental agency, commercial dental supplier, non-profit organization, accredited hospital, or programs or courses approved by other state, district, or territorial dental licensing boards.

“Restricted permit holder” means a dentist who meets the requirements of A.R.S. § 32-1237, or a dental hygienist who meets the requirements of A.R.S. § 32-1292 and is issued a restricted permit by the Board.

“Retired” means a dentist, dental therapist, dental hygienist, or dentist is at least 65 years old and has totally withdrawn from the active practice of dentistry, dental therapy, dental hygiene, or denturism.

“Root planing” means a definitive treatment procedure designed to remove cementum or surface dentin that is rough, impregnated with ~~calculus~~ Calculus, or contaminated with toxins or microorganisms.

“Scaling” means use of instruments on the crown and root surfaces of the teeth to remove ~~plaque~~ Plaque, ~~calculus~~ Calculus, and stains from these surfaces.

“Section 1301 permit” means a permit to administer ~~general anesthesia~~ General Anesthesia and ~~deep sedation~~ Deep Sedation, employ or work with a physician anesthesiologist, or employ or work with a Certified Registered Nurse Anesthetist (CRNA) under Article 13.

“Section 1302 permit” means a permit to administer ~~parenteral sedation~~ Parenteral Sedation, employ or work with a physician anesthesiologist, or employ or work with a Certified Registered Nurse Anesthetist (CRNA) under Article 13.

“Section 1303 permit” means a permit to administer ~~oral sedation~~ Oral Sedation, employ or work with a physician anesthesiologist, or employ or work with a Certified Registered Nurse Anesthetist (CRNA) under Article 13.



“Section 1304 permit” means a permit to employ or work with a physician anesthesiologist, or employ or work with a Certified Registered Nurse Anesthetist (~~CRNA~~) under Article 13.

“Study club” means a group of at least five Arizona licensed dentists, dental therapists, dental hygienists, or denturists who provide written course materials or a written outline for a continuing education presentation that meets the requirements of Article 12.

“Treatment records” means all documentation related directly or indirectly to the dental treatment of a patient.

ARTICLE 2. LICENSURE BY CREDENTIAL

R4-11-201. Clinical Examination; Requirements

A. If an applicant is applying under A.R.S. §§ 32-1240(~~A~~), ~~32-1276.07~~, or 32-1292.01(~~A~~), the Board shall ensure that the applicant has passed the clinical examination of A.R.S. §§ 32-1233(2) for dentists, or 32-1276.01(B)(3)(a) for dental therapists, or 32-1285(2) for dental hygienists, notwithstanding each respective statute’s timing stipulation, of another state, United States territory, District of Columbia or a regional testing agency. Satisfactory completion of the clinical examination may be demonstrated by ~~one of the following~~:

- ~~1. Certified~~ certified documentation, sent directly from another state, United States territory, District of Columbia or a ~~regional~~ testing agency that meets the requirements of A.R.S. §§ 32-1233(2) for dentists, or 32-1276.01(B)(3)(a) for dental therapists, or 32-1285(2) for dental hygienists, notwithstanding each respective statute’s timing stipulation, that confirms successful completion of the clinical examination or multiple examinations administered by the state, United States territory, District of Columbia or regional testing agency. The certified documentation shall contain the name of the applicant, date of examination or examinations and proof of a passing score;
- ~~2. Certified documentation sent directly from another state, United States territory or District of Columbia dental board that shows the applicant passed that state’s, United States territory’s or District of Columbia’s clinical examination before that state’s, United States territory’s or District of Columbia’s participation in a regional examination. The certified documentation shall contain the name of applicant, date of examination or examinations and proof of a passing score.~~

B. An applicant shall meet the licensure requirements in R4-11-301 and R4-11-303.

R4-11-202. Dental Licensure by Credential; Application

A. A dentist applying under A.R.S. § 32-1240(~~A~~) shall comply with all other applicable requirements in A.R.S. Title 32, Chapter 11 and this Article.

B. A dentist applying under A.R.S. § 32-1240(~~A~~)(~~1~~) shall:

- 1. Have a current dental license in another state, territory or district of the United States;
- 2. Submit a written affidavit affirming that the dentist has practiced dentistry for a minimum of 5000 hours during the five years immediately before applying for licensure by credential. For purposes of this subsection, dental practice includes experience as a dental educator at a dental program accredited by the ~~American Dental Association~~ Commission on Dental Accreditation or another post-secondary dental education program accrediting agency recognized by the U.S. Department of Education, or employment as a dentist in a public health setting;
- 3. Submit a written affidavit affirming that the applicant has complied with the continuing dental education requirement of the state in which the applicant is currently licensed; ~~and~~
- 4. Provide evidence regarding the clinical examination by complying with ~~one of the subsections in R4-11-201(A)(~~1~~); and~~
- 5. Pass the Arizona jurisprudence examination with a minimum score of 75%.

~~C. A dentist applying under A.R.S. § 32-1240(A)(2) shall submit certified documentation sent directly from the applicable state, United States territory, District of Columbia or regional testing agency to the Board that contains the name of applicant, date of examination or examinations and proof of a passing score.~~

~~D. For any application submitted under A.R.S. § 32-1240(A), the Board may request additional clarifying evidence required under the applicable subsection in R4-11-201(A)(~~1~~).~~

~~E. D.~~ An applicant for dental licensure by credential shall pay the fee prescribed in A.R.S. § 32-1240, except the fee is reduced by 50% for applicants who will be employed or working under contract in:

- 1. Underserved areas, such as declared or eligible Health Professional Shortage Areas (~~HPSAs~~); or
- 2. Other facilities caring for underserved populations as recognized by the Arizona Department of Health Services and approved by the Board.

~~F. E.~~ An applicant for dental licensure by credential who works in areas or facilities described in subsection (~~F~~) (D) shall:

- 1. Commit to a three-year, exclusive service period,
- 2. File a copy of a contract or employment verification statement with the Board, and
- 3. As a ~~licensee~~ Licensee, submit an annual contract or employment verification statement to the Board by December 31 of each year.

~~G. F.~~ A ~~licensee’s~~ Licensee’s failure to comply with the requirements in subsection (~~F~~) (E) is considered unprofessional conduct and may result in disciplinary action based on the circumstances of the case.

R4-11-203. Dental Hygienist Licensure by Credential; Application

A. A dental hygienist applying under A.R.S. § 32-1292.01(~~A~~) shall comply with all other applicable requirements in A.R.S. Title 32, Chapter 11 and this Article.

B. A dental hygienist applying under A.R.S. § 32-1292.01(~~A~~)(~~1~~) shall:

- 1. Have a current dental hygienist license in another state, territory, or district of the United States;
- 2. Submit a written affidavit affirming that the applicant has practiced as a dental hygienist for a minimum of 1000 hours during the two years immediately before applying for licensure by credential. For purposes of this subsection, dental hygienist practice includes experience as a dental hygienist educator at a dental program accredited by the ~~American Dental Association~~ Commis-

- sion on Dental Accreditation or another post-secondary dental education program accrediting agency recognized by the U.S. Department of Education, or employment as a dental hygienist in a public health setting;
3. Submit a written affidavit affirming that the applicant has complied with the continuing dental hygienist education requirement of the state in which the applicant is currently licensed; ~~and~~
 4. Provide evidence regarding the clinical examination by complying with ~~one of the subsections in R4-11-201(A)(4); and~~
 5. Pass the Arizona jurisprudence examination with a minimum score of 75%.
- ~~C.~~ A dental hygienist applying under A.R.S. § 32-1292.01(A)(2) shall submit certified documentation sent directly from the applicable state, United States territory, District of Columbia or regional testing agency to the Board that contains the name of applicant, date of examination or examinations and proof of a passing score.
- ~~D-C.~~ For any application submitted under A.R.S. § 32-1292.01(A), the Board may request additional clarifying evidence as required under the applicable subsection in R4-11-201(A).
- ~~E-D.~~ An applicant for dental hygienist licensure by credential shall pay the fee prescribed in A.R.S. § 32-1292.01, except the fee is reduced by 50% for applicants who will be employed or working under contract in:
1. Underserved areas such as declared or eligible Health Professional Shortage Areas (HPSAs); or
 2. Other facilities caring for underserved populations, as recognized by the Arizona Department of Health Services and approved by the Board.
- ~~F-E.~~ An applicant for dental hygienist licensure by credential who works in areas or facilities described in subsection (E) (D) shall:
1. Commit to a three-year exclusive service period,
 2. File a copy of a contract or employment verification statement with the Board, and
 3. As a ~~licensee~~ Licensee, submit an annual contract or employment verification statement to the Board by December 31 of each year.
- ~~G-F.~~ A ~~Licensee's~~ Licensee's failure to comply with the requirements in ~~R4-11-203(F)~~ R4-11-203(E) is considered unprofessional conduct and may result in disciplinary action based on the circumstances of the case.

R4-11-206. ~~Repealed-Dental Therapist Licensure by Credential: Application~~

- ~~A.~~ A dental therapist applying under A.R.S. § 32-1276.07 shall comply with all other applicable requirements in A.R.S. Title 32, Chapter 11 and this Article.
- ~~B.~~ A dental therapist applying under A.R.S. § 32-1276.07 shall:
1. Have a current dental therapy license in another state, territory or district of the United States with substantially the same scope of practice as defined in A.R.S. § 32-1276.03;
 2. Submit a written affidavit affirming that the applicant has practiced as a dental therapist for a minimum of 3000 hours during the five years immediately before applying for licensure by credential. For purposes of this subsection, dental therapy practice includes experience as a dental therapy educator at a dental program accredited by the Commission on Dental Accreditation or another post-secondary dental education program accrediting agency recognized by the U.S. Department of Education, or employment as a dental therapist in a public health setting;
 3. Submit a written affidavit affirming that the applicant has complied with the continuing dental therapy education requirement of the state in which the applicant is currently licensed; and
 4. Provide evidence showing that five years or more before applying for licensure under this section, the applicant completed the clinical examination by complying with R4-11-201(A);
 5. Submit official transcripts to the Board directly from a recognized dental therapy school as defined by A.R.S. § 32-1201(21) or an approved third party showing a degree was conferred to the applicant; and
 6. Not be required to obtain an Arizona dental hygienist license, if the dental therapist submits one of the following:
 - a. Certified documentation of a current or past dental hygiene license sent directly from the applicable state, United States territory, District of Columbia to the Board; or
 - b. Official transcripts sent to the Board directly from a recognized dental hygiene school as defined by A.R.S. § 32-1201(19) or an approved third party showing a degree was conferred to the applicant; or
 - c. A written affidavit from a recognized dental therapy school as defined in A.R.S. § 32-1201(21) affirming that all dental hygiene procedures defined in A.R.S. § 32-1281 were part of the education the applicant received.
- ~~C.~~ For any application submitted under A.R.S. § 32-1276.07, the Board may request additional clarifying evidence required under R4-11-201(A).
- ~~D.~~ If an applicant meets all the requirements set forth in this rule except that their current dental therapy license is from a state, territory, or district of the United States that does not include one or more of the following procedures in its legally defined scope, then the applicant must provide evidence of competency before being granted a dental therapy license by credential:
1. Fabricating soft occlusal guards;
 2. Administering Nitrous Oxide Analgesia;
 3. Performing nonsurgical extractions of periodontally diseased permanent teeth that exhibit plus or grade three mobility and that are not impacted, fractured, unerupted or in need of sectioning for removal;
 4. Suturing; or
 5. Placing space maintainers.
- ~~E.~~ The board will accept the any of following as evidence of competency in the aforementioned procedures:
1. A certificate or credential in the procedure(s) issued by a state licensing jurisdiction; or
 2. A signed affidavit from a recognized dental therapy school, recognized dental hygiene school, or recognized dental school, affirming that the applicant successfully completed academic coursework that included both theory and supervised clinical practice in the procedure(s).
- ~~F.~~ Subject to A.R.S. § 32-1276.04, an applicant for licensure under this section shall pay the fee prescribed in A.R.S. § 32-1276.07, except the fee is reduced by 50% for applicants who will be employed or working under contract in:
1. Underserved areas, such as declared or eligible Health Professional Shortage Areas; or



- 2. Other facilities caring for underserved populations as recognized by the Arizona Department of Health Services and approved by the Board.
- G. An applicant for dental therapist licensure by credential who works in areas or facilities described in subsection (F) shall:
 - 1. Commit to a three-year, exclusive service period,
 - 2. File a copy of a contract or employment verification statement with the Board, and
 - 3. As a Licensee, submit an annual contract or employment verification statement to the Board by December 31 of each year.
- H. A Licensee's failure to comply with the requirements in subsection (G) is considered unprofessional conduct and may result in disciplinary action based on the circumstances of the case.

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

R4-11-301. Application

- A. An applicant for licensure or certification shall provide the following information and documentation:
 - 1. A sworn statement of the applicant's qualifications for the license or certificate on a form provided by the Board;
 - 2. A photograph of the applicant that is no more than 6 months old;
 - 3. An official, sealed transcript sent directly to the Board from either:
 - a. The applicant's dental, dental therapy, dental hygiene, or dentist school, or
 - b. A verified third-party transcript provider.
 - 4. Except for a dental consultant license applicant, a dental, dental therapy, and dental hygiene license applicants applicant shall provide proof of successfully completing a clinical examination by submitting:
 - a. If applying for dental licensure by examination, a copy of the certificate or scorecard sent to the Board directly from the Western Regional Examining Board a clinical examination administered by a state or testing agency that meets the requirements of A.R.S. § 32-1233(2), indicating that the applicant passed a state or regional testing agency the Western Regional Examining Board examination that meets the requirements of A.R.S. § 32-1233(2) within the five years immediately before the date the application is filed with the Board;
 - b. If applying for dental therapy licensure by examination, a copy of the certificate or scorecard sent to the Board directly from a clinical examination administered by a state, United States territory, District of Columbia or testing agency that meets the requirements of A.R.S. § 32-1276.01(B)(3)(a). The certificate or scorecard must indicate that the applicant passed the examination within the five years immediately before the date the application is filed with the Board. The application must also include the applicant's Arizona dental hygiene license number;
 - ~~b.c.~~ If applying for dental hygiene licensure by examination, a copy of the certificate or scorecard sent to the Board directly from the Western Regional Examining Board or an Arizona Board approved a clinical examination administered by a state, United States territory, District of Columbia or regional testing agency that meets the requirements of A.R.S. § 32-1285(2). The certificate or scorecard must indicate that the applicant passed the examination within the five years immediately before the date the application is filed with the Board;~~or~~
 - e. If applying for licensure by credential, certified documentation sent directly from the applicable state, United States territory, District of Columbia or regional testing agency to the Board containing the name of the applicant, date of examination or examinations and proof of a passing score;
 - 5. Except for a dental consultant license applicant as provided in A.R.S. § 32-1234(A)(7), dental and dental hygiene license applicants must have an official scorecard sent directly from the National Board examination to the Board;
 - 6. A copy showing the expiration date of the applicant's current cardiopulmonary resuscitation healthcare provider level certificate from the American Red Cross, the American Heart Association, or another certifying agency that follows the same procedures, standards, and techniques for ~~CPR~~cardiopulmonary resuscitation training and certification as the American Red Cross or American Heart Association;
 - 7. A license or certification verification from any other jurisdiction-in which an applicant is licensed or certified, sent directly from that jurisdiction to the Board. If the license verification cannot be sent directly to the Board from the other jurisdiction, the applicant must submit a written affidavit affirming that the license verification submitted was issued by the other jurisdiction;
 - 8. If an a dental or dental hygiene applicant has been licensed or certified in another jurisdiction for more than six months, a copy of the self-inquiry from the National Practitioner Data Bank that is no more than 30 calendar days old;
 - 9. If a dentist applicant has been certified in another jurisdiction for more than six months, a copy of the self inquiry from the Health Integrity and Protection Data Bank that is no more than 30 days old;
 - ~~10-9.~~ If the applicant is in the military or employed by the United States government, a letter of endorsement sent to the Board directly from the applicant's commanding officer or supervisor that confirms verifying the applicant's applicant is licensed or certified by the military service or United States government employment record; and
 - ~~11-10.~~ The jurisprudence examination fee paid by a method authorized by law.
- B. The Board may request that an applicant provide:
 - 1. An official copy of the applicant's dental, dental therapy, dental hygiene, or dentist school diploma from the issuing institution;
 - 2. A copy of a certified document that indicates the reason for a name change if the applicant's application contains different names;
 - 3. Written verification of the applicant's work history; and
 - 4. A copy of a high school diploma or equivalent certificate.
- C. An applicant shall pass the Arizona jurisprudence examination with a minimum score of 75%.

R4-11-303. Application Processing Procedures: Issuance, Denial, and Renewal of Dental Licenses, Dental Therapy 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 therapy license, 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.

ARTICLE 4. FEES

R4-11-401. Retired or Disabled Licensure Renewal Fee

As expressly authorized under A.R.S. § 32-1207(B)(3)(c), the licensure renewal fee for a ~~retired~~ Retired Licensee or ~~disabled~~ Disabled Licensee ~~dentist or dental hygienist~~ is \$15 and shall be paid by a method authorized by law.

R4-11-403. Licensing Fees

- A. As expressly authorized under A.R.S. §§ 32-1236, 32-1276.02, 32-1287, and 32-1297.06, the Board establishes and shall collect the following licensing fees paid by a method authorized by law:
1. Dentist triennial renewal fee: \$510;
 2. Dentist prorated initial license fee: \$110;
 3. Dental therapist triennial renewal fee: \$375;
 4. Dental therapist prorated initial license fee: \$80;
 - ~~3-5.~~ Dental hygienist triennial renewal fee: \$255;
 - ~~4-6.~~ Dental hygienist prorated initial license fee: \$55;
 - ~~5-7.~~ Denturist triennial renewal fee: \$233; and
 - ~~6-8.~~ Denturist prorated initial license fee: \$46.
- B. The following license-related fees are established in or expressly authorized by statute. The Board shall collect the following fees paid by a method authorized by law:
1. Jurisprudence examination fee:



- a. Dentists: \$300;
- ~~b.~~ b. Dental therapists: \$200;
- ~~b-c.~~ b-c. Dental Hygienists-hygienists: \$100; and
- ~~e-d.~~ e-d. Denturists: \$250.
- 2. Licensure by credential fee:
 - a. Dentists: \$2,000; and
 - b. Dental therapists: \$1,500;
 - ~~c.~~ c. Dental Hygienists-hygienists: \$1,000.
- 3. Penalty to reinstate an expired license or certificate: \$100 for a dentist, dental therapist, dental hygienist, or denturist in addition to renewal fee specified under subsection (A).
- 4. Penalty for a dentist, dental therapist, dental hygienist, or denturist who fails to notify Board of a change of mailing address:
 - a. Failure after 10 days: \$50; and
 - b. Failure after 30 days: \$100.

ARTICLE 7. DENTAL ASSISTANTS

R4-11-701. Procedures and Functions Performed by a Dental Assistant under Supervision

- A. A dental assistant may perform the following procedures and functions under the ~~direct supervision~~ Direct Supervision of a licensed dentist or a licensed dental therapist:
1. Place dental material into a patient’s mouth in response to a licensed dentist’s or licensed dental therapist’s instruction;
 2. Cleanse the supragingival surface of the tooth in preparation for:
 - a. The placement of bands, crowns, and restorations;
 - b. Dental dam application;
 - c. Acid etch procedures; and
 - d. Removal of dressings and packs;
 3. Remove excess cement from inlays, crowns, bridges, and orthodontic appliances with hand instruments;
 4. Remove temporary cement, interim restorations, and periodontal dressings with hand instruments;
 5. Remove sutures;
 6. Place and remove dental dams and matrix bands;
 7. Fabricate and place interim restorations with temporary cement;
 8. Apply sealants;
 9. Apply topical fluorides;
 - ~~10.~~ 10. Take final digital impressions for any activating orthodontic appliance, fixed, or removable prosthesis;
 - ~~11.~~ 11. Prepare a patient for ~~nitrous oxide and oxygen analgesia~~ Nitrous Oxide Analgesia administration upon the direct instruction and presence of a dentist or licensed dental therapist; or
 - ~~12.~~ 12. Observe a patient during ~~nitrous oxide and oxygen analgesia~~ Nitrous Oxide Analgesia as instructed by the dentist or licensed dental therapist.
- B. A dental assistant may perform the following procedures and functions under the general supervision of a licensed dentist or a licensed dental therapist:
1. Train or instruct patients in oral hygiene techniques, preventive procedures, dietary counseling for caries and ~~plaque~~ Plaque control, and provide pre-and post-operative instructions relative to specific office treatment;
 2. Collect and record information pertaining to extraoral conditions; and
 3. Collect and record information pertaining to existing intraoral conditions.

R4-11-702. Limitations on Procedures or Functions Performed by a Dental Assistant under Supervision

A dental assistant shall not perform the following procedures or functions:

1. A procedure which by law only licensed dentists, licensed dental therapists, licensed dental hygienists, or certified denturists can perform;
2. Intraoral carvings of dental restorations or prostheses;
3. Final jaw registrations;
4. Taking final impressions, other than digital impressions, for any activating orthodontic appliance, fixed or removable prosthesis;
5. Activating orthodontic appliances; or
6. An ~~irreversible procedure~~ Irreversible Procedure.

ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS

R4-11-1210. Dental Therapists

Dental therapists shall complete 54 hours of Recognized Continuing Dental Education in each renewal period as follows:

1. At least 31 Credit Hours in any one or more of the following areas: Dental and medical health, dental therapy services, dental therapy treatment planning, preventive services, dental diagnosis and treatment planning, dental recordkeeping, dental clinical procedures, managing medical emergencies, pain management, dental public health, periodontal disease, care of implants, maintenance of cosmetic restorations and sealants, radiology safety and techniques, and courses in corrective and restorative oral health and basic dental sciences, which may include current research, new concepts in dentistry, and behavioral and biological sciences that are oriented to dentistry;
2. No more than 14 Credit Hours in any one or more of the following areas: Dental practice organization and management, patient management skills, and methods of health care delivery;
3. At least three Credit Hours in infectious diseases or infectious disease control;
4. At least three Credit Hours in cardiopulmonary resuscitation healthcare provider level, advanced cardiac life support or pediatric advanced life support. Coursework may be completed online if the course requires a physical demonstration of skills; and

5. At least three Credit Hours in any one or more of the following areas: ethics, risk management, chemical dependency, tobacco cessation, or Arizona dental jurisprudence.

ARTICLE 15. COMPLAINTS, INVESTIGATIONS, DISCIPLINARY ACTION

R4-11-1502. Dental Consultant Qualifications

A dentist, dental therapist, dental hygienist, or denturist approved as a Board dental consultant shall:

1. Possess a valid license or certificate to practice in Arizona;
2. Have practiced at least five years in Arizona; and
3. Not have been disciplined by the Board within the past five years.

R4-11-1503. Initial Complaint Review

A. The Board's procedures for complaint notification are:

1. ~~The Board personnel shall notify the complainant and licensee-Licensee, certificate holder-denturist, business entity Business Entity or mobile dental permit holder Mobile Dental Permit Holder by certified U.S. Mail when the following occurs:~~
 - a. ~~A formal interview is scheduled, and~~
 - b. ~~The complaint is tabled;~~
 - e. ~~A postponement or continuance is granted, and~~
 - f. ~~A subpoena, notice, or order is issued.~~

2. The Board shall notify the Licensee, denturist, Business Entity, or Mobile Dental Permit Holder by U.S. mail or email when the following occurs:
 - a. The complaint is tabled, and
 - b. The Board grants a postponement or continuance.

- 2.3. ~~Board personnel shall provide the licensee-Licensee, certificate holder-denturist, business entity Business Entity, or mobile dental permit holder Mobile Dental Permit Holder with a copy of the complaint.~~

- 3.4. ~~If a complaint alleges a violation of the state or federal criminal code, the Board shall refer the complaint to the proper law enforcement agency.~~

B. The Board's procedures for complaints referred to ~~clinical evaluation Clinical Evaluation~~ are:

1. Except as provided in subsection (B)(1)(a), the ~~president's designee-President's Designee~~ shall appoint one or more dental consultants to perform a ~~clinical evaluation Clinical Evaluation~~. If there is more than one dental consultant, the dental consultants do not need to be present at the same time.
 - a. If the complaint involves a dental hygienist, denturist, dental therapist, or dentist who is a recognized specialist in one of the areas listed in R4-11-1102(B), the ~~president's designee-President's Designee~~ shall appoint a dental consultant from that area of practice or specialty.
 - b. The Board shall not disclose the identity of the ~~licensee-Licensee~~ to a dental consultant performing a ~~clinical examination Clinical Evaluation~~ before the Board receives the dental consultant's report.
2. The dental consultant shall prepare and submit a ~~clinical evaluation Clinical Evaluation~~ report. The ~~president's designee-President's Designee~~ shall provide a copy of the ~~clinical evaluation Clinical Evaluation~~ report to the ~~licensee-Licensee~~ or ~~certificate holder-denturist~~ may submit a written response to the ~~clinical evaluation Clinical Evaluation~~ report.

ARTICLE 16. EXPIRED-DENTAL THERAPISTS

R4-11-1601. ~~Expired Duties and Qualifications~~

A. A dental therapist may perform a procedure not specifically authorized by A.R.S. § 32-1276.03 when all of the following conditions are satisfied:

1. The procedure is recommended or prescribed by the supervising dentist;
2. The dental therapist has received training by a recognized dental school, recognized dental therapy school, recognized dental hygiene school, or recognized denturist school, as defined under A.R.S. § 32-1201, to perform the procedure in a safe manner; and
3. The procedure is performed under the Direct Supervision of, or according to, a written collaborative practice agreement with a licensed dentist.

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

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

D. A dental therapist may perform an Irreversible Procedure only if it is specifically authorized by A.R.S. § 32-1276.03 or meets the conditions of R4-11-1601(A).

R4-11-1602. Limitation on Number Supervised

A dentist shall not provide direct supervision for more than three dental therapists while the dental therapists are providing services or performing procedures under A.R.S. § 32-1276.03 or R4-11-1601.

R4-11-1603. Dental Therapy Consultants

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



1. Participate in Board-related procedures, including a Clinical Evaluation, 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 or denturist's quality of care; and
2. Participate in onsite office evaluations for infection control, as part of a team.

R4-11-1604. Written Collaborative Practice Agreements: Collaborative Practice Relationships

- A.** A dental therapist shall submit a signed affidavit to the Board affirming that:
 1. The Collaborative Practice Agreement complies with all the requirements listed in A.R.S. § 32-1276.04.
 2. The dental therapist is and will be continuously certified in basic life support, including healthcare provider level cardiopulmonary resuscitation and training in automated external defibrillator.
 3. The dental therapist is in compliance with the continuing dental education requirements of this state.
- B.** Each dentist who enters into a Collaborative Practice Agreement shall be available telephonically or electronically during the business hours of the dental therapist to provide an appropriate level of contact, communication, and consultation.
- C.** A Collaborative 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 dental therapist.
- D.** A Collaborative Practice Agreement shall include a signed and dated statement from the dentist providing Direct Supervision, verifying the dental therapist's completion of 1000 hours of dental therapy clinical practice according to A.R.S. § 32-1276.04(B).
- E.** A Collaborative Practice Agreement shall be between one dentist and one dental therapist.