

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

[R23-85]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action R4-11-403 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: 29 A.A.R. 1406, June 23, 2023 (in this issue)
4. The agency's contact person who can answer questions about the rulemaking: Name: Ryan Edmonson, Executive Director Address: 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 An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking: The Board needs to amend its rules to update its fees to be consistent with statute.
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. Thus, 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: 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: August 1, 2023
- Time: 1:30 p.m.
- Location: State Board of Dental Examiners  
1740 W. Adams St., Boardroom C  
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 4. FEES**

Section  
R4-11-403. Licensing Fees

**ARTICLE 4. FEES**

**R4-11-403. Licensing Fees**

- A.** As expressly authorized under A.R.S. §§ 32-1236, 32-1276.02, 32-1287, ~~and 32-1297.06,~~ and 32-1299.23, the Board establishes and shall collect up to the following licensing fees paid by a method authorized by law:
1. Dentist triennial renewal fee: ~~\$540~~ \$650;
  2. Dentist prorated initial license fee: \$110;
  3. Dental therapist triennial renewal fee: \$375;
  4. Dental therapist prorated initial license fee: \$80;
  5. Dental hygienist triennial renewal fee: ~~\$255~~ \$325;
  6. Dental hygienist prorated initial license fee: \$55;
  7. Denturist triennial renewal fee: ~~\$233~~ \$300; ~~and~~
  8. Denturist prorated initial license fee: \$46, ~~and~~
  9. Mobile dental facility permit initial license or annual renewal fee: \$200.
- 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. Dental therapists: \$200;
    - c. Dental hygienists: \$100; and
    - d. Denturists: \$250.
  2. Licensure by credential fee:
    - a. Dentists: \$2,000; and
    - b. Dental therapists: \$1,500;
    - c. Dental hygienists: \$1,000.
  3. Penalty to reinstate an expired license or certificate: \$100 for a dentist, mobile dental facility permit, dental therapist, dental hygienist, or denturist in addition to renewal fee specified under subsection (A).
  4. Penalty for a dentist, mobile dental facility permit, 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.