

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

[R24-158]

PREAMBLE

1. Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:
February 22, 2024

2. <u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-11-102	New Section
R4-11-604	Repeal
R4-11-605	Repeal
R4-11-606	Repeal
R4-11-607	Repeal

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. 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: 30 A.A.R. 2718, August 30, 2024 (*in this issue*), File #R24-163

5. 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

6. 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 allow all dental professionals to provide assistance and advice to the Board.

7. 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

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. This rulemaking simply clarifies how dental professionals may provide assistance and advice to the Board.

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: 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:

The Board will accept comments during business hours at the address listed in item #5.
An oral proceeding regarding the proposed rules will be held as follows:
Date: October 17, 2024
Time: 10:00 a.m.
Location: Virtual format
Video call link: <https://meet.google.com/tuq-qwpj-rxb>
Or dial: (US) +1 470-228-6358 PIN: 101 386 065#

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 competitive-ness 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. BOARD OF DENTAL EXAMINERS

ARTICLE 1. DEFINITIONS AND LICENSEE PARTICIPATION

Section

R4-11-102. ~~Renumbered~~ Licensee Participation

ARTICLE 6. DENTAL HYGIENISTS

Section

R4-11-604. ~~Selection Committee and Process~~ Repealed

R4-11-605. ~~Dental Hygiene Committee~~ Repealed

R4-11-606. ~~Candidate Qualifications and Submissions~~ Repealed

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 ~~Duties of the Dental Hygiene Committee~~ Repealed

ARTICLE 1. DEFINITIONS AND LICENSEE PARTICIPATION

R4-11-102. ~~Renumbered~~ Licensee Participation

Any Licensee, Certificate Holder, or Business Entity may provide advice and/or assistance to the Board during a public meeting of the Board as indicated on the Board’s meeting agendas.

ARTICLE 6. DENTAL HYGIENISTS

R4-11-604. ~~Selection Committee and Process~~ Repealed

A: ~~The Board shall appoint a selection committee to screen candidates for the dental hygiene committee. The selection committee consists of three members. The Board shall appoint at least two members who are dental hygienists and one member who is a current Board member. The Board shall fill any vacancy for the unexpired portion of the term.~~

B: ~~Each selection committee member’s term is one year.~~

- ~~C.~~ By majority vote, the selection committee shall nominate each candidate for the dental hygiene committee and transmit a list of names to the Board for approval, including at least one alternate.

R4-11-605. Dental Hygiene Committee Repealed

- ~~A.~~ The Board shall appoint seven members to the dental hygiene committee as follows:
- ~~1.~~ One dentist appointed at the annual December Board meeting, currently serving as a Board member, for a one-year term;
 - ~~2.~~ One dental hygienist appointed at the annual December Board meeting, currently serving as a Board member and possessing the qualifications required in Article 6, for a one-year term;
 - ~~3.~~ Four dental hygienists that possess the qualifications required in Article 6; and
 - ~~4.~~ One lay person.
- ~~B.~~ Except for members appointed as prescribed in subsections (A)(1) and (2), the Board shall appoint dental hygiene committee members for staggered terms of three years, beginning January 1, 1999, and limit each member to two consecutive terms. The Board shall fill any vacancy for the unexpired portion of the term.
- ~~C.~~ The dental hygiene committee shall annually elect a chairperson at the first meeting convened during the calendar year.

R4-11-606. Candidate Qualifications and Submissions Repealed

- ~~A.~~ A dental hygienist who seeks membership on the dental hygiene committee shall possess a license in good standing, issued by the Board.
- ~~B.~~ A dental hygienist who is not a Board member and qualifies under subsection (A) shall submit a letter of intent and resume to the Board.
- ~~C.~~ The selection committee shall consider all of the following criteria when nominating a candidate for the dental hygiene committee:
- ~~1.~~ Geographic representation;
 - ~~2.~~ Experience in postsecondary curriculum analysis and course development;
 - ~~3.~~ Public health experience; and
 - ~~4.~~ Dental hygiene clinical experience.

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

- ~~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, 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 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.