

**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**

[R24-254]

**PREAMBLE**

**1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:**  
June 21, 2024

<b>2. <u>Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R4-11-601	Amend
R4-11-1201	Amend
R4-11-1203	Amend
R4-11-1204	Amend

**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 statute: A.R.S. § 32-1201 et seq.

**4. Citations to all related notices published in the *Register* that pertain to the current record of the proposed rule:**  
Notice of Rulemaking Docket Opening: 30 A.A.R. 3684, November 29, 2024 (*in this issue*); File number: R24-259

**5. The agency’s contact person who can answer questions about the rulemaking:**  
Name: Ryan Edmonson  
Title: Executive Director  
Address: 1740 W. Adams St., Suite 2470  
Phoenix, AZ 85007  
Telephone: (602) 542-4493  
Email: [ryan.edmonson@dentalboard.az.gov](mailto: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 in order to clarify the specific continuing education credits that must be completed in order for a licensee to provide aesthetic injectables to their patients.

**7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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. There may be some impact to dental professionals who must now obtain specific continuing education credits in order to provide aesthetic injectables to their patients. However, the increased regulation is necessary to ensure that dental professionals are qualified to provide such services to patients in order to

better protect the health, safety, and welfare of those patients. 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  
 Title: Executive Director  
 Address: 1740 W. Adams St., Suite 2470  
 Phoenix, AZ 85007  
 Telephone: (602) 542-4493  
 Email: [ryan.edmonson@dentalboard.az.gov](mailto:ryan.edmonson@dentalboard.az.gov)

**11. 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:**

The Department will accept comments during business hours at the address listed in Item #5. Comments will also be accepted via email at the email address provided under Item #5. Mailed written comments shall be postmarked within 30 days of this published notice.

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

Date: January 27, 2025  
 Time: 10:30 a.m.  
 Location: Virtual Format  
 Video call link: <https://meet.google.com/zdt-agrt-nwo>  
 Or dial: (US) +1 234-218-2598 PIN: 511 168 556#

**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 of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

**13. A list of any 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**

**ARTICLE 6. DENTAL HYGIENISTS**

Section  
 R4-11-601. Duties and Qualifications

**ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS**

Section  
 R4-11-1201. Continuing Dental Education  
 R4-11-1203. Dentists and Dental Consultants  
 R4-11-1204. Dental Hygienists

**ARTICLE 6. DENTAL HYGIENISTS**

**R4-11-601. Duties and Qualifications**

- A. A dental hygienist may apply 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, including botulinum toxin type A or dermal fillers, as identified in A.R.S. § 32-1202, 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. A dental hygienist shall not perform an Irreversible Procedure, except for botulinum toxin type A or dermal fillers as identified in A.R.S. § 32-1202.
- D. To qualify to use Emerging Scientific Technology as authorized by A.R.S. § 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, a recognized dental hygiene school as defined in A.R.S. § 32-1201, 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.

## ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS

### R4-11-1201. Continuing Dental Education

- A. A ~~licensee Licensee~~ or ~~certificate holder Certificate Holder~~ shall:
1. Satisfy a continuing dental education requirement that is designed to provide an understanding of current developments, skills, procedures, or treatment related to the ~~licensee's Licensee's~~ or ~~certificate holder's Certificate Holder's~~ practice; and
  2. Complete the ~~recognized continuing dental education Recognized Continuing Dental Education~~ required by this Article each renewal period.
- B. A ~~licensee Licensee~~ or ~~certificate holder Certificate Holder~~ receiving an initial license or certificate shall complete the prescribed credit hours of ~~recognized continuing dental education Recognized Continuing Dental Education~~ by the end of the first full renewal period.

### R4-11-1203. Dentists and Dental Consultants

Dentists and dental consultants shall complete 63 hours of Recognized Continuing Dental Education in each renewal period as follows:

1. At least 36 Credit Hours in any one or more of the following areas: Dental and medical health, preventive services, dental diagnosis and treatment planning, dental recordkeeping, dental clinical procedures, managing medical emergencies, pain management, dental public health, and courses in corrective and restorative oral health and basic dental sciences, which may include current research, new concepts in dentistry, chemical dependency, tobacco cessation, and behavioral and biological sciences that are oriented to dentistry. A Licensee who holds a permit to administer General Anesthesia, Deep Sedation, Parenteral Sedation, or Oral Sedation who is required to obtain continuing education pursuant to Article 13 may apply those Credit Hours to the requirements of this Section;
2. No more than 15 Credit Hours in 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 opioid education;
4. At least three Credit Hours in infectious diseases or infectious disease control;
5. 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
6. At least three Credit Hours in ethics or Arizona dental jurisprudence.
7. If the dentist provides botulinum toxin type A or dermal fillers to a patient, at least 12 Credit Hours in didactic or clinical training related to botulinum toxin type A or dermal fillers, as identified in A.R.S. § 32-1202.

### R4-11-1204. Dental Hygienists

- A. A dental hygienist shall complete 45 Credit Hours of Recognized Continuing Dental Education in each renewal period as follows:
1. At least 25 Credit Hours in any one or more of the following areas: Dental and medical health, and dental hygiene services, periodontal disease, care of implants, maintenance of cosmetic restorations and sealants, radiology safety and techniques, managing medical emergencies, pain management, dental recordkeeping, dental public health, and new concepts in dental hygiene;
  2. No more than 11 Credit Hours in one or more of the following areas: Dental hygiene practice organization and management, patient management skills, and methods of health care delivery;
  3. At least three Credit Hours in one or more of the following areas: chemical dependency, tobacco cessation, ethics, risk management, or Arizona dental jurisprudence;
  4. At least three Credit Hours in infectious diseases or infectious disease control; and
  5. At least three Credit Hours in cardiopulmonary resuscitation healthcare provider level, advanced cardiac life support and pediatric advanced life support. Coursework may be completed online if the course requires a physical demonstration of skills.
  6. If the hygienist provides botulinum toxin type A or dermal fillers to a patient, at least 12 Credit Hours in didactic or clinical training related to botulinum toxin type A or dermal fillers, as identified in A.R.S. § 32-1202.
- B. A Licensee who performs dental hygiene services under an affiliated practice relationship who is required to obtain continuing education under R4-11-609 may apply those Credit Hours to the requirements of this Section.