

REFERENCE TITLE: dental assistants; community oral health

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SB 1436**

Introduced by  
Senator Allen

AN ACT

AMENDING SECTIONS 32-1289 AND 32-1291, ARIZONA REVISED STATUTES; RELATING TO  
THE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1289, Arizona Revised Statutes, is amended to  
3 read:

4 32-1289. Employment of dental hygienist by public agency,  
5 institution or school; definitions

6 A. A public health agency or institution or a public or private school  
7 authority may employ dental hygienists to perform necessary dental hygiene  
8 procedures under either direct or general supervision pursuant to section  
9 32-1281.

10 B. A dental hygienist employed by or working under contract or as a  
11 volunteer for a public health agency or institution or a public or private  
12 school authority ~~may~~ before an examination by a dentist MAY screen patients  
13 and apply topical fluoride without entering into an affiliated practice  
14 relationship pursuant to this section.

15 C. A public health agency or institution, a public or private school  
16 authority or government sponsored program that provides dental services may  
17 enter into a contract for dental hygiene services with licensees who have  
18 entered into an affiliated practice relationship pursuant to this section.

19 D. The dental hygienist and the affiliated dentist must notify the  
20 board of the beginning of the affiliated practice relationship and provide  
21 the board with a copy of the agreement and any amendments to the agreement  
22 within thirty days after the effective date of the agreement or amendment.  
23 The dental hygienist and the affiliated dentist must also notify the board  
24 within thirty days after the termination date of the affiliated practice  
25 relationship if this date is different than the contract termination date.

26 E. A dental hygienist must satisfy all of the following to be eligible  
27 to enter into an affiliated practice relationship with a dentist to perform  
28 dental hygiene procedures in affiliated practice settings:

29 1. Hold an active license pursuant to this article.

30 2. Enter into an affiliated practice relationship with a specific  
31 dentist who is licensed pursuant to this chapter.

32 3. Have held a license as a dental hygienist for at least five years  
33 and actively engaged in dental hygiene practice for at least two thousand  
34 hours in the five years immediately preceding the affiliated practice  
35 relationship.

36 F. An affiliated practice relationship between a dental hygienist and  
37 a dentist must be in writing and must include at least the following:

38 1. An identification of the affiliated practice settings in which the  
39 dental hygienist may engage in dental hygiene practice pursuant to an  
40 affiliated practice relationship.

41 2. An identification of the procedures and standing orders the dental  
42 hygienist must follow. The standing orders must include the circumstances in  
43 which a patient may be seen by a dental hygienist.

44 3. A requirement that the dental hygienist refer patients who have  
45 been assessed by the dental hygienist to the affiliated dentist for treatment

1 or planning that is outside of the dental hygienist's scope of practice and  
2 that the affiliated dentist make any necessary referrals to other dentists.  
3 If the patient has not received the treatment or planning for which the  
4 referral was made, the dental hygienist shall not provide further treatment.

5 4. A requirement that the patient be informed that the dental  
6 hygienist providing the care is a licensed dental hygienist and that the care  
7 does not take the place of a dental examination.

8 G. The board shall adopt rules regarding participation in affiliated  
9 practice relationships by dentists and dental hygienists that specify the  
10 following:

11 1. Additional continuing education requirements that must be satisfied  
12 by a dental hygienist.

13 2. Additional standards and conditions that may apply to affiliated  
14 practice relationships.

15 3. Compliance with the dental practice act and rules adopted by the  
16 board.

17 H. Each dentist in an affiliated practice relationship must:

18 1. Be available to provide an appropriate level of contact,  
19 communication and consultation with the affiliated dental hygienist.

20 2. Adopt standing orders applicable to dental hygiene procedures that  
21 may be performed by the dental hygienist under the terms of the applicable  
22 affiliated practice agreement and to be followed by the dental hygienist in  
23 each affiliated practice setting in which the dental hygienist performs  
24 dental hygiene services under the affiliated practice relationship.

25 I. Each affiliated dental hygienist when practicing under an  
26 affiliated practice relationship:

27 1. May perform only those duties within the terms of the affiliated  
28 practice relationship.

29 2. Must maintain an appropriate level of contact, communication and  
30 consultation with the affiliated dentist.

31 3. Is responsible and liable for all services rendered by the dental  
32 hygienist under the affiliated practice relationship.

33 J. Subject to the terms of the written affiliated practice agreement  
34 entered into between a dentist and a dental hygienist, a dental hygienist may  
35 perform all dental hygiene procedures authorized by this chapter except for  
36 the procedures identified in section 32-1281, subsection B, paragraphs 4, 5  
37 and 6.

38 K. Subject to the terms of the written affiliated practice agreement  
39 entered into between a dentist and a dental hygienist, a dental hygienist may  
40 perform dental hygiene procedures in affiliated practice settings only on a  
41 person ~~who is eighteen years of age or younger and~~ who is ANY OF THE  
42 FOLLOWING:

43 1. Enrolled in a federal, state, county or local health care program.

44 2. Participating in the national school meal program.

1           3. From a family with a household income that is less than two hundred  
2 per cent of the federal poverty guidelines.

3           4. RESIDING IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE  
4 AREA.

5           L. This section does not require any dentist or dental hygienist to  
6 enter into an affiliated practice relationship.

7           M. For the purposes of this section:

8           1. "Affiliated practice setting" means the delivery of dental hygiene  
9 services by a dental hygienist under an affiliated practice relationship  
10 ~~through a public health agency or institution, a public or private school~~  
11 ~~authority or a government sponsored program that provides dental services.~~

12           2. "Screen" means visually examining the teeth and hard or soft tissue  
13 of the mouth for obvious oral health problems for the purpose of advising the  
14 patient of the need for dental care, and shall not include diagnosis or  
15 treatment planning.

16           Sec. 2. Section 32-1291, Arizona Revised Statutes, is amended to read:

17           32-1291. Dental assistants; regulation; duties; services to  
18 persons residing in underserved areas

19           A. A dental assistant may expose radiographs for dental diagnostic  
20 purposes under the general supervision of a dentist licensed pursuant to this  
21 chapter if the assistant has passed an examination approved by the board.

22           B. A dental assistant may polish the natural and restored surfaces of  
23 the teeth under the general supervision of a dentist licensed pursuant to  
24 this chapter if the assistant has passed an examination approved by the  
25 board.

26           C. UNDER THE GENERAL SUPERVISION OF A DENTIST WHO IS LICENSED PURSUANT  
27 TO THIS CHAPTER, A DENTAL ASSISTANT WHO MEETS THE QUALIFICATIONS PRESCRIBED  
28 IN SUBSECTION D MAY PROVIDE THE FOLLOWING SERVICES TO A PERSON WHO EITHER IS  
29 ENROLLED IN A FEDERAL, STATE, COUNTY OR LOCAL HEALTH CARE PROGRAM, IS  
30 PARTICIPATING IN THE NATIONAL SCHOOL MEAL PROGRAM, IS FROM A FAMILY WITH A  
31 HOUSEHOLD INCOME THAT IS LESS THAN TWO HUNDRED PER CENT OF THE FEDERAL  
32 POVERTY GUIDELINES OR IS RESIDING IN A FEDERALLY DESIGNATED DENTAL HEALTH  
33 PROFESSIONAL SHORTAGE AREA:

34           1. COLLECT AND RECORD INFORMATION PERTAINING TO EXTRAORAL CONDITIONS.

35           2. COLLECT AND RECORD INFORMATION PERTAINING TO EXISTING INTRAORAL  
36 CONDITIONS.

37           3. APPLY TOPICAL FLUORIDES.

38           4. TRAIN OR INSTRUCT PATIENTS IN ORAL HYGIENE TECHNIQUES, PREVENTIVE  
39 PROCEDURES AND DIETARY COUNSELING FOR PLAQUE CONTROL.

40           5. PROVIDE PREOPERATIVE AND POSTOPERATIVE INSTRUCTIONS RELATING TO  
41 SPECIFIC OFFICE TREATMENTS.

42           D. TO PROVIDE THE SERVICES PURSUANT TO SUBSECTION A, B OR C OUTSIDE A  
43 DENTAL OFFICE, A DENTAL ASSISTANT MUST FIRST HOLD A CURRENT CERTIFICATE IN  
44 BASIC CARDIOPULMONARY RESUSCITATION AND SUCCESSFULLY HAVE COMPLETED A TOTAL  
45 OF TWELVE CREDIT HOURS OF DENTAL EDUCATION FROM A DENTAL ASSISTING OR DENTAL

1 HYGIENE PROGRAM THAT IS ACCREDITED BY THE COMMISSION ON DENTAL ACCREDITATION.  
2 THE DENTAL EDUCATION MUST INCLUDE AT LEAST THE FOLLOWING NUMBER OF CONTENT  
3 HOURS IN EACH OF THE FOLLOWING:

- 4 1. TWENTY HOURS OF MEDICAL EMERGENCIES.
- 5 2. TWENTY HOURS OF INFECTION CONTROL.
- 6 3. TWENTY HOURS OF DENTAL ANATOMY AND PHYSIOLOGY.
- 7 4. FORTY HOURS OF PREVENTIVE DENTISTRY AND PUBLIC HEALTH COMMUNITY  
8 BASED DENTISTRY.

9 E. IN ADDITION TO THE SERVICES LISTED IN SUBSECTION C, UNDER THE  
10 GENERAL SUPERVISION OF A DENTIST WHO IS LICENSED PURSUANT TO THIS CHAPTER, A  
11 DENTAL ASSISTANT WHO MEETS THE QUALIFICATIONS PRESCRIBED IN SUBSECTIONS D AND  
12 F MAY PROVIDE THE FOLLOWING SERVICES TO PERSONS WHO RESIDE IN A FEDERALLY  
13 DESIGNATED DENTAL HEALTH PROFESSIONAL SHORTAGE AREA AS PRESCRIBED BY A  
14 SUPERVISING DENTIST'S INSTRUCTIONS:

- 15 1. PLACE TEMPORARY DENTAL MATERIAL AND MATRIX BANDS IN A PATIENT'S  
16 ORAL CAVITY.
- 17 2. REMOVE SUTURES AND PERIODONTAL DRESSINGS.
- 18 3. APPLY SEALANTS.

19 F. TO PROVIDE THE SERVICES LISTED IN SUBSECTION E OUTSIDE A DENTAL  
20 OFFICE, A DENTAL ASSISTANT MUST MEET THE REQUIREMENTS PRESCRIBED IN  
21 SUBSECTION D AND HAVE COMPLETED ONE OF THE FOLLOWING:

- 22 1. THE EDUCATIONAL EQUIVALENT OF A DENTAL ASSISTING NATIONAL BOARD  
23 CERTIFIED DENTAL ASSISTANT AND A MINIMUM OF EIGHT HUNDRED PRACTICE HOURS,  
24 INCLUDING REQUIRED INTERNSHIP HOURS, UNDER THE DIRECT SUPERVISION OF A  
25 DENTIST.
- 26 2. A MINIMUM OF THREE THOUSAND FIVE HUNDRED PRACTICE HOURS UNDER THE  
27 DIRECT SUPERVISION OF A DENTIST AND TWELVE ADDITIONAL CREDIT HOURS OF  
28 CLINICAL DENTAL EDUCATION FROM A DENTAL ASSISTING OR DENTAL HYGIENE PROGRAM  
29 THAT IS ACCREDITED BY THE COMMISSION ON DENTAL ACCREDITATION.

30 G. AS PRESCRIBED BY THE BOARD, A DENTIST WHO SUPERVISES A DENTAL  
31 ASSISTANT WHO PERFORMS ACTIVITIES LISTED IN SUBSECTIONS C AND E MUST REGISTER  
32 WITH THE BOARD THE NAME OF THE SUPERVISED DENTAL ASSISTANT AND EACH LOCATION  
33 WHERE THE SUPERVISED DENTAL ASSISTANT IS PROVIDING THESE SERVICES WITHIN  
34 THIRTY DAYS AFTER EMPLOYMENT AND TERMINATION OF EMPLOYMENT OF THE DENTAL  
35 ASSISTANT. THE DENTIST MUST UPDATE THE REGISTRATION EVERY THREE YEARS.

36 H. THE BOARD BY RULE MAY PRESCRIBE:

- 37 1. ADDITIONAL REQUIREMENTS FOR DENTAL ASSISTANTS WHO PERFORM  
38 ACTIVITIES LISTED IN SUBSECTIONS C AND E AND FOR SUPERVISING DENTISTS.
- 39 2. A FEE FOR THE REGISTRATION REQUIRED PURSUANT TO SUBSECTION G.
- 40 3. ADDITIONAL CONTINUING EDUCATION REQUIREMENTS.