Senate Engrossed House Bill

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
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CHAPTER 213

HOUSE BILL 2637

AN ACT

AMENDING SECTION 32-1281, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 6, SECTION 1; AMENDING SECTION 32-1289, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 6, SECTION 3; RELATING TO DENTAL HYGIENISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 32-1281, Arizona Revised Statutes, as amended by Laws 2004, chapter 6, section 1, is amended to read:

32-1281. Practicing as dental hygienist; supervision requirements; definitions

A. A person is deemed to be practicing as a dental hygienist if the person does any of the acts or performs any of the operations included in the general practice of dental hygienists, dental hygiene and all related and associated duties.

B. Only a licensed dental hygienist or dentist may perform the following:

1. Prophylaxis.
2. Scaling.
3. Closed subgingival curettage.
4. Root planing.
5. Administering local anesthetics and nitrous oxide.
6. Placing of periodontal sutures as prescribed in subsection F of this section.
7. Examining the oral cavity and surrounding structures.
8. Periodontal examination.
9. Recording of clinical findings.
10. Compiling case histories.

C. A licensed dental hygienist may:

1. Expose and process dental radiographs.

~~2. Apply topical fluoride if prescribed by a dentist licensed pursuant to this chapter.~~

~~3.~~ 2. Perform all functions authorized and deemed appropriate for dental assistants.

D. The board by rule shall prescribe the circumstances under which a licensed dental hygienist may:

1. Apply preventive and therapeutic agents, used in relation to dental hygiene procedures, to the hard and soft tissues.
2. Use emerging scientific technology and prescribe the necessary training, experience and supervision to operate newly developed scientific technology.
3. Perform other procedures not specifically authorized by this section.

E. Except as provided in subsections F and H of this section, a dental hygienist shall practice under the general supervision of a dentist licensed pursuant to this chapter.

F. Dental hygienists shall practice under the direct supervision of a dentist licensed pursuant to this chapter when performing the following procedures and after completing a course of study recognized by the board:

1. Administering local anesthetics.
2. Administering nitrous oxide analgesia.

3. Placing an interrupted suture interdentally to secure soft tissue papillae that may have inadvertently become displaced during root planing or closed curettage procedures performed by the dental hygienist, except that a dental hygienist may not position and suture soft tissue flaps that are reflected for surgical access and treatment. This procedure applies only to a dental hygienist who is permitted to perform periodontal suturing on or before July 31, 2004.

G. A dental hygienist may perform dental hygiene procedures in the following settings:

1. On a patient of record of a dentist within that dentist's office.

2. Except as prescribed in section 32-1289, in a health care facility, nursing home, public health agency or institution or public, private or charter school on patients who have been examined by a dentist within the previous year.

3. In a homebound setting on patients who have been examined by a dentist within the previous year.

H. A dental hygienist may provide dental hygiene services ~~only if the dental hygienist is acting~~ under an affiliated practice relationship with a dentist as prescribed in section 32-1289.

I. For the purposes of this article:

1. "Direct supervision" means that the dentist is present in the office while the dental hygienist is treating a patient and is available for consultation regarding procedures that the dentist authorizes and for which he is responsible.

2. "General supervision" means that the dentist is available for consultation, whether or not the dentist is in his office, over procedures which the dentist has authorized and for which the dentist remains responsible.

Sec. 2. Section 32-1289, Arizona Revised Statutes, as amended by Laws 2004, chapter 6, section 3, is amended to read:

32-1289. <u>Employment of dental hygienist by public agency, institution or school; definitions</u>

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

B. A dental hygienist employed by a public health agency or institution or a public or private school authority may screen patients before an examination by a dentist without entering into an affiliated practice relationship pursuant to this section.

C. A public health agency or institution, a public or private school authority or government sponsored program that provides dental services may enter into a contract for dental hygiene services with ~~a licensee~~ LICENSEES who ~~has~~ HAVE entered into an affiliated practice relationship pursuant to this section.

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

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

1. Hold an active license pursuant to this article.

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

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

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

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

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

3. A requirement that the dental hygienist refer patients who have been assessed by the dental hygienist to the affiliated dentist for treatment or planning that is outside of the dental hygienist's scope of practice and that the affiliated dentist make any necessary referrals to other dentists. If the patient has not received the treatment or planning for which the referral was made, the dental hygienist shall not provide further treatment.

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

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

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

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

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

H. Each dentist in an affiliated practice relationship must:

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

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

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

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

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

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

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

K. Subject to the terms of the written affiliated practice agreement entered into between a dentist and a dental hygienist, a dental hygienist may perform dental hygiene procedures in affiliated practice settings only on a person who is eighteen years of age or younger and who is:

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

2. Participating in the national school meal program.

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

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

M. For the purposes of this section:

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

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

APPROVED BY THE GOVERNOR MAY 10, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2004.