ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

# COMMITTEE ON REGULATORY AFFAIRS

Report of Special Meeting
Wednesday, March 29, 2023
House Hearing Room 5 -- 2:00 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
3-30-23

**Convened** 3:11 P.M.
**Recessed**
**Reconvened**
**Adjourned** 3:16 P.M.

**Members Present**
Representative Bravo
Representative Contreras
Representative Gutierrez
Representative Payne
Representative Peña
Representative McGarr, Vice-Chairman
Representative Hendrix, Chairman

**Members Absent**

**Agenda**
Original Agenda – Attachment 1

**Request to Speak**
Report – Attachment 2

**Committee Attendance**
Report – Attachment 3

**Committee Action**

| Bill | Action | Vote | Attachments |
|---|---|---|---|
| SB1226 | DP | 6-1-0-0 | 4, 5 |

Julie Ryberg, Committee Secretary
March 30, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

corrected

**REVISED - 3/29/23** **REVISED - 3/29/23** **REVISED - 3/29/23**

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Convened 3:11 pm
Adjourned 3:16 pm

SPECIAL MEETING AGENDA

**COMMITTEE ON REGULATORY AFFAIRS**

DATE Wednesday, March 29, 2023 ROOM HHR 5 TIME 2:00 P.M.

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023031141

Members:

| | | |
|---|---|---|
| Representative Bravo | ~~Representative Hernandez A~~ | Representative McGarr, Vice-Chairman |
| Representative Contreras L | Representative Payne | Representative Hendrix, Chairman |
| Representative Gutierrez | Representative Peña | |

| Bills | Short Title | Strike Everything Title |
|---|---|---|
| SB1226 | dental board; business entities; records (Shope) | |
| DP 6-1-0-0 | RA, RULES | |

**ORDER OF BILLS TO BE SET BY THE CHAIRMAN**

RA
~~03/23/2023~~
03/29/2023

**People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.**



Attachment 1

# Information Registered on the Request to Speak System

*House Regulatory Affairs (3/29/2023)*

## SB1226, dental board; business entities; records

### Support:

Kevin Earle, AZ DENTAL ASSN; Gary Jones, representing self; John MacDonald, AZ DENTAL ASSN; Pete Mellas, representing self

### All Comments:

Kevin Earle, AZ DENTAL ASSN: I am now available to speak on this Bill; Pete Mellas, Self: A practicing dentist needs access to records in order to make informed decisions.

Attachment 2

# ARIZONA STATE LEGISLATURE

Fifty-sixth Legislature - First Regular Session

# COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **REGULATORY AFFAIRS**

CHAIRMAN: Laurin Hendrix VICE-CHAIRMAN: Cory McGarr

| | DATE | 03/29/23 | /23 | /23 | /23 | /23 |
|---|---|---|---|---|---|---|
| | CONVENED | 3:11 pm | m | m | m | m |
| | RECESSED | | | | | |
| | RECONVENED | | | | | |
| | ADJOURNED | 3:16 pm | | | | |
| MEMBERS | | | | | | |
| Bravo | | ✓ | | | | |
| Contreras L | | ✓ | | | | |
| Gutierrez | | ✓ | | | | |
| Payne | | | | | | |
| Peña | | ✓ | | | | |
| McGarr, Vice-Chairman | | ✓ | | | | |
| Hendrix, Chairman | | ✓ | | | | |

√ Present --- Absent exc Excused

Attachment 3

# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

**Senate:** COM DP 4-2-1-0 | 3rd Read 26-3-1-0

## SB 1226: dental board; business entities; records
## Sponsor: Senator Shope, LD 16
## Committee on Regulatory Affairs

**Overview**

Requires the *business entity* member of the Arizona Board of Dental Examiners (Board) to be an owner or employee of the entity, modifies the definition of *unethical conduct*, clarifies and enumerates the requirements for a dental practice owner or registered business entity to follow when creating, maintaining, storing and accessing patient records.

**History**

The Board was established in 1913 to regulate and license dental professionals, including dentists, dental hygienists, dental consultants, dental therapists, denturists, and dental assistants. Its mission is to provide professional, courteous service and information to the dental profession and the public through examination, licensure, complaint adjudication and enforcement processes to protect the oral health, safety and welfare of Arizona citizens. The Board reviews complaints, investigates allegations and takes disciplinary action for violations of law (A.R.S. §§ 32-1203, 32-1207, 32-1233, 32-1234, 32-1261, 32-1276.01, 32-1284 and 32-1295).

The Board consists of 11 members appointed by the Governor to serve four-year terms: 1) six licensed dentists; 2) two licensed dental hygienists; 3) two public members; and 4) one business entity member (A.R.S. § 32-1203).

Currently, statute prohibits a *business entity* from offering dental services unless the entity is registered with the board and the services are conducted by a licensee. The business entity is required to file a registration application that includes: 1) a description of the entity's services offered to the public; 2) the name of any dentist who is authorized and responsible for providing the dental services offered at each office; 3) the names and addresses of the officers and directors of the business entity; and 4) a registration fee prescribed by the Board (A.R.S. § 32-1213).

**Provisions**

1. States that the business entity board member must be either an employee or owner of a registered business entity. (Sec. 1)
2. Requires the registration application to include the name of the business entity's custodian of records. (Sec. 2)
3. Stipulates that the business entity must provide written notification to the board of the name of the business entity's custodian of records who will accept subpoenas and respond to records requests by patients. (Sec. 2)
4. Modifies the definition of *unethical conduct* to include failure to:
   a) notify the board of a change in the custodian of records.
   b) maintain patient records;

| ☐ Prop 105 (45 votes) | ☐ Prop 108 (40 votes) | ☐ Emergency (40 votes) | ☐ Fiscal Note |
|---|---|---|---|

c) comply with a board subpoena in a complete manner, in addition to being timely in the response; and
d) failure to provide medical or payment records to a third party, including current or former associates, employees or dentists in the practice. (Sec. 3)

5. Requires written or electronic records to be maintained by the dental practice owner or a registered business owner. (Sec. 4)
6. Stipulates electronic records must be retrievable in paper form. (Sec. 4)
7. Requires charting to include all existing restorations. (Sec. 4)
8. States that patient records must include documentation of informed consent. (Sec. 4)
9. Adds the registered business entity to the list of individuals that must permit board personnel to access the licensee's or certificate holder's place of practice to inspect records, books and documents for the board's investigation process. (Sec. 4)
10. Specifies that a licensed or certified person who is an associate or employee of a dental practice is not responsible for storing or retaining medical records but must compile and record the records as customary practice. (Sec. 4)
11. Prescribes that a licensee or business entity must release treatment records to third parties, including current or former associates, employees and dentists. (Sec. 4)
12. Mandates that when a dentist or registered business entity closes or sells a practice, they must take reasonable care to retain patient records. (Sec. 4)
13. Makes technical and conforming changes. (Sec. 1, 2, 3, 4)

# ARIZONA HOUSE OF REPRESENTATIVES
## Fifty-sixth Legislature - First Regular Session

## ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. SB 1226

DATE March 29, 2023 MOTION: DP

| | PASS | AYE | NAY | PRESENT | ABSENT |
|---|---|---|---|---|---|
| Bravo | | ✓ | | | |
| Contreras L | | ✓ | | | |
| Gutierrez | | ✓ | | | |
| Payne | | ✓ | | | |
| Peña | | ✓ | | | |
| McGarr, Vice-Chairman | | | ✓ | | |
| Hendrix, Chairman | | ✓ | | | |
| | | 6 | 1 | 0 | 0 |

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 5