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

COMMITTEE ON REGULATORY AFFAIRS

Report of Regular Meeting
Wednesday, January 24, 2024
House Hearing Room 5 (11 -- 64) -- 2:00 P.M. OR UPON RECESS OR ADJOURNMENT OF FLOOR

Convened 2:19 P.M.
Recessed
Reconvened
Adjourned 3:17 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
1/25/24

Members Present
Representative Crews
Representative Hernandez
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
HB2249	DPA	6-0-0-0	4, 5, 6
HB2079	DP	6-0-0-0	7, 8
HB2639	DP	6-0-0-0	9, 10
HB2069	DP	6-0-0-0	11, 12, 13
HB2071	DP	6-0-0-0	14, 15
HB2072	DP	6-0-0-0	16, 17
HB2306	DPA/SE	6-0-0-0	18, 19, 20

Julie Ryberg, Committee Secretary
January 25, 2024

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

Convened 2:19pm
Adjourned 3:17pm

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

REGULAR MEETING AGENDA

COMMITTEE ON REGULATORY AFFAIRS

DATE Wednesday, January 24, 2024 ROOM HHR 5 TIME 2:00 P.M. or upon recess or adjournment of Floor

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024011104

Members:

Representative Crews	Representative Payne	Representative McGarr, Vice-Chairman
Representative Hernandez A	Representative Peña	Representative Hendrix, Chairman

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	Bills		Short Title	Strike Everything Title
4	HB2069	DP	dental board; formal hearings	
			(Bliss)	
		6-0-0-0	RA, RULES	
5	HB2071	DP	dentists; registration; civil penalty; repeal	
			(Bliss)	
		6-0-0-0	RA, RULES	
6	HB2072	DP	dental board; licensure; testing	
			(Bliss)	
		6-0-0-0	RA, RULES	
2	HB2079	DP	food handler certificate; volunteers; limits	
			(Hendrix: Parker B)	
		6-0-0-0	RA, RULES	
	~~*HB2119~~		~~homeowner's associations; fees; related parties~~	~~S/E: real property~~
			~~(Hendrix)~~	
			~~RA held 0-0-0-0-0-0, RULES~~	

Attachment 1

	Bills	Short Title	Strike Everything Title
1	*HB2249	residential care institutions; inspections	
	DPA	(Carter)	
	6-0-0-0	RA held 0-0-0-0-0, RULES	
7	HB2306	dental board; business entities; enforcement	**S/E: dental board; unauthorized practice**
	DPA, S/E	(Willoughby: Diaz, Gress)	
	6-0-0-0	RA, RULES	
3	**HB2639	dental assistants; education	
	DP	(Hendrix)	
	6-0-0-0		

* On previous agenda
** If printed, first read and assigned

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

VC
~~01/18/2024~~
01/22/2024

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.

Information Registered on the Request to Speak System

House Regulatory Affairs (1/24/2024)

HB2069, dental board; formal hearings

Testified in support:
Ryan Edmonson, AZ STATE BOARD OF DENTAL EXAMINERS

Support:
Jason Barraza, Associate Director, Arizona Dental Association; Ryan Sullivan, Arizona Dental Association; Regina Cobb, representing self

All Comments:
Regina Cobb, Self: Az Dental Association

HB2071, dentists; registration; civil penalty; repeal

Testified in support:
Ryan Edmonson, AZ STATE BOARD OF DENTAL EXAMINERS

Support:
Jason Barraza, Associate Director, Arizona Dental Association; Ryan Sullivan, Arizona Dental Association; Regina Cobb, representing self

Oppose:
Craig McDermott, representing self

All Comments:
Regina Cobb, Self: Az Dental Associaton; Craig McDermott, Self: Why?

HB2072, dental board; licensure; testing

Support:
Jason Barraza, Associate Director, Arizona Dental Association; Ryan Sullivan, Arizona Dental Association; Ryan Edmonson, AZ STATE BOARD OF DENTAL EXAMINERS; Regina Cobb, representing self

All Comments:
Regina Cobb, Self: Az Dental Associaton

Attachment 2

HB2079, food handler certificate; volunteers; limits

Support:

C D Tavares, representing self; Brandon LaBorde, representing self; Sheri Lopez, representing self; Jeanne Tavares, representing self; Michael Meacham, representing self; Marilyn Rodriguez, Rural Arizona Action (RAZA); Robert Puckett, representing self; Allen Skillicorn - Personal Position , representing self; Joseph Myers, representing self; Richard Kissling, representing self; Cherie Anello, representing self; Peter Anello, representing self; Cynthia Newswander, representing self; Gwen Carey, representing self; Jeff Caldwell, representing self; Michelle Verna, representing self; Mathia Hassett, representing self; Gretchen Petersen, representing self; John Hassett, representing self; Mary Jamsa, representing self; Michael Mote, representing self; Kathryn Atwood, representing self; Joseph Vaillancourt, representing self; Gary Zimmerman, representing self; Anne Rankin, representing self; Robin Davis, representing self; Rick Wynant, representing self; Valerie Williamson, representing self; Madison Rock, RURAL ARIZONA ACTION

All Comments:

C D Tavares, Self: Provided amended to remove cap of 3x/year.; Brandon LaBorde, Self: I'm for this if amended to lift the cap of 3x a year.; Sheri Lopez, Self: please amend and remove the 3 year cap; Jeanne Tavares, Self: Remove 3 times per year restriction; Michael Meacham, Self: Amend to remove restriction of 3 times per year.; Joseph Myers, Self: I support the practice that those with a food handler's license can oversee those without a license in serving designated food products. Amend to remove restriction of 3x per year.; Gwen Carey, Self: Please remove the language about "3x a year".; Jeff Caldwell, Self: Please amend to remove the restriction of 3 times a year. This cap needs to be lifted.; Mathia Hassett, Self: Please remove the restriction of 3 times a year. The cap needs to be lifted.; Gretchen Petersen, Self: For but with a request for AMENDING to remove the restriction of 3 times a year; John Hassett, Self: please remove the 3 times a year restriction; Mary Jamsa, Self: I approve this bill only with the amendment that removes the restriction of 3 times a year.; Michael Mote, Self: I am in favor of this bill if amended to remove the restriction of 3 times a year. This cap needs to be lifted.; Kathryn Atwood, Self: Good bill but the cap needs to be lifted! Please amend!; Gary Zimmerman, Self: Facilitates volunteering to feed the hungry/homeless, while affording ample oversight protection by licensed food handlers. Please amend to remove 3-times/year cap.; Anne Rankin, Self: Please add an amendment to remove the restriction of 3 times a year. This cap needs to be lifted.; Rick Wynant, Self: I am for this bill with an added amendment to lift the 3 year restriction.

HB2249, residential care institutions; inspections

Testified in support:

will humble, AZ PUBLIC HEALTH ASSOCIATION; Mike Goodman , representing self

Support:

Don Isaacson, LEADINGAGE ARIZONA; Marie Isaacson, ARIZONA LEADINGAGE

All Comments:

will humble, AZ PUBLIC HEALTH ASSOCIATION: Behavioral Health Residential Facilities are unique environments that pose special risks due to resident/patient behaviors. While deemed status licensure can be OK in some categories (hospitals etc.), BH group homes need more direct accountability.

HB2306, dental board; business entities; enforcement

Testified in support:
Regina Cobb, representing self

Testified as neutral:
Ryan Edmonson, AZ STATE BOARD OF DENTAL EXAMINERS

Support:
Jason Barraza, Associate Director, Arizona Dental Association; Ryan Sullivan, Arizona Dental Association

Neutral:
Jessie Armendt, ARIZONA DENTAL HYGIENISTS' ASSOCIATION, Association Of Dental Support Organizations

All Comments:
Regina Cobb, Self: Az Dental Associaton

HB2639, dental assistants; education

Testified in support:
Regina Cobb, representing self

Testified as neutral:
Ryan Edmonson, AZ STATE BOARD OF DENTAL EXAMINERS

Testified as opposed:
Carrie Gauntt, representing self

Support:
Jason Barraza, Associate Director, Arizona Dental Association; Ryan Sullivan, Arizona Dental Association

Neutral:
Jessie Armendt, ARIZONA DENTAL HYGIENISTS' ASSOCIATION

All Comments:
Regina Cobb, Self: Az Dental Associaton; Carrie Gauntt, Self: HB2639 puts the public at risk. We must ensure those exposing radiation understand safety measures to keep their patients, coworkers, and themselves safe. We need a measurable way to show proficiency; state testing does this for public safety.

ARIZONA STATE LEGISLATURE

Fifty-sixth Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **REGULATORY AFFAIRS**

CHAIRMAN: Laurin Hendrix VICE-CHAIRMAN: Cory McGarr

	DATE	01/24/24	/24	/24	/24	/24
	CONVENED	2:19 pm	m	m	m	m
	RECESSED					
	RECONVENED					
	ADJOURNED	3:17pm				
MEMBERS						
Crews		✓				
Hernandez A		✓				
Payne		✓				
Peña		✓				
McGarr, Vice-Chairman		✓				
Hendrix, Chairman		✓				

√ Present --- Absent exc Excused

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2249: residential care institutions; inspections
Sponsor: Representative Carter, LD 15
Committee on Regulatory Affairs

Overview

Adds a *residential care institution* to the list of entities from which the Director of the Department of Health Services (ADHS) cannot accept an accreditation report instead of a compliance inspection.

History

Current law defines *Residential Care Institution* as a health care institution that provides resident beds and supervisory or personal care services, behavioral health, directed care or health-related services for persons not needing continuous nursing services. *Residential Care Institution* does not include a hospital or a nursing care institution (A.R.S. § 36-424).

The Director of ADHS must inspect the premises of each health care institution and investigate the applicant's character and qualifications to ensure compliance with statutes and administrative rules. The Director may in certain circumstances accept an accreditation report in lieu of a compliance inspection upon receiving a report for the licensure period and the health care institution accreditation by an independent, nonprofit organization approved by the secretary of the U.S. Department of Health and Human Services (A.R.S. § 36-424).

Statute prohibits the Director from accepting an accreditation report instead of a compliance inspection from an intermediate care facility for people with intellectual disabilities; or a health care institution that was under enforcement action in the preceding year (A.R.S. § 36-424).

Provisions

1. Stipulates that the Director of ADHS cannot accept an accreditation report instead of a compliance inspection for a *residential care institution.* (Sec. 1)
2. Clarifies *institution* as a health care institution. (Sec. 1)

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

Attachment 4

Fifty-sixth Legislature
Second Regular Session

Regulatory Affairs
H.B. 2249

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2249

(Reference to printed bill)

Page 1, line 37, after "INSTITUTION" insert "THAT PROVIDES BEHAVIORAL HEALTH SERVICES"

Amend title to conform

LAURIN HENDRIX

~~01/23/2024~~
~~10:40 AM~~
~~C: MH~~

2249HENDRIX.docx
01/23/2024
11:31 AM
H: DC/ls

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

Attachment 5

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

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2249

DATE January 24, 2024 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Crews		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	0

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 6

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2079: food handler certificate; volunteers; limits
Sponsor: Representative Hendrix, LD 14
Committee on Regulatory Affairs

Overview

Modifies the requirements for volunteers that are not required to obtain a food handler certificate for serving packaged or heated food.

History

Counties can require a food handler certificate and training for employment in the food service industry. Required food handler certificate training must meet American society for testing and materials (ASTM) standard E2659-09 and address the following topics:

1) cooking time and temperature and its relationship to foodborne illness;
2) personal hygiene standards to improve food safety practices and prevent the spread of foodborne illnesses;
3) how to prevent food contamination in all food handling stages including delivery;
4) proper procedure for cleaning and sanitizing equipment and utensils; and
5) problems associated with temperature control and potential solutions, how to prevent cross contamination and proper housekeeping and maintenance (A.R.S. § 11-269.12).

Current statute prevents a county from requiring a volunteer in a school that handles or serves food to students outside the school's regular food service to obtain a food handler certificate or identification card or participate in a food handler certificate course if: 1) the volunteer is overseen by a certified food protection manager; or 2) overseen by a person in charge as defined by Arizona Administrative Code (A.R.S. § 11-269.28).

Provisions

1. Specifies that a volunteer who serves packaged or heated food fewer than three times in a calendar year cannot be required by a county to obtain a food handler certificate or identification card or participate in a food handler certificate training course if the volunteer is overseen by a certified food protection manager or person in charge. (Sec. 1)
2. Exempts from the requirement to obtain a food handler certificates, volunteers for any activity or function. (Sec. 1)
3. Defines *person in charge* as the individual present and responsible for the management and operation of the food establishment at the time of inspection. (Sec. 1)
4. Makes a technical change. (Sec. 1)

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

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

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2079

DATE January 24, 2024 MOTION: AP

	PASS	AYE	NAY	PRESENT	ABSENT
Crews		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	0

APPROVED:

COMMITTEE SECRETARY

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 8

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2639: dental assistants; education
Sponsor: Representative Hendrix, LD 14
Committee on Regulatory Affairs

Overview

Provides the option for a dental assistant to pass a course on either exposing radiographs or coronal polishing that qualifies as recognized continuing education as determined by the Arizona State Board of Dental Examiners (Board) in order to perform certain duties relating to the exposure of radiographs and polishing of the teeth.

History

The Board regulates and licenses dental professionals, including dentists, dental hygienists, dental consultants, dental therapists, denturists and dental assistants. Additionally, the Board reviews complaints against licensees and business entities, conducts investigations and is authorized to take disciplinary action for violations of state laws relating to these professions (A.R.S. §§ 32-1201 through 32-1299.26).

A *dental assistant* is any person who acts as an assistant to a dentist, dental therapist or dental hygienist by rendering personal services to a patient in close proximity to the patient while the patient is under treatment, observation or undergoing diagnostic procedures. Dental assistants are allowed to expose radiographs for dental diagnostic purposes and polish the natural and restored surfaces of teeth under either the general supervision of a dentist or the direct supervision of an affiliated practice dental hygienist if the dental assistant has passed an examination approved by the Board (A.R.S. §§ 32-1201, 32-1291).

Provisions

1. Allows the option for a dental assistant to pass a course on either exposing radiographs or coronal polishing that qualifies as recognized continuing education as determined by the Board in order to perform duties relating to the exposure of radiographs and polishing of teeth. (Sec. 1)
2. Makes technical changes. (Sec. 1)

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

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2639

DATE January 24, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Crews		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	0

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 10

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2069: dental board; formal hearings
Sponsor: Representative Bliss, LD 1
Committee on Regulatory Affairs

Overview

Allows the Arizona State Board of Dental Examiners (Board) to issue a formal complaint and order a formal hearing if the Board's investigation or review finds evidence that demonstrates any causes or grounds for disciplinary action that is sufficient to merit revocation or suspension.

History

The Board regulates and licenses dental professionals, including dentists, dental hygienists, dental consultants, dental therapists and denturists. Additionally, the Board reviews complaints against licensees and business entities, conducts investigations and is authorized to take disciplinary action for violations of state laws relating to the profession (A.R.S. §§ 32-1201 through 32-1299.26).

Currently, the Board or its investigation committee can investigate any evidence that appears to demonstrate any of the causes or grounds for disciplinary action against any person who is licensed by the Board. The Board or its investigation committee must conduct necessary investigations, including interviews between the investigation committee or Board representatives and the licensee with respect to any information obtained by the Board or investigation committee during the course of an investigation.

If, after completing its investigation or review, the Board finds that the information provided is sufficient to merit disciplinary action against a licensee, the Board may request that the licensee participate in a formal interview before the Board. If the licensee refuses or accepts the invitation for a formal interview and the results indicate that grounds may exist for revocation or suspension, the Board must issue a formal complaint and order that a hearing be held. If the Board finds that the protection of the public requires emergency action after completion of the formal interview, the Board may order a summary suspension of the license pending formal revocation proceedings or other actions (A.R.S. § 32-1263.02).

Provisions

1. Specifies that after the Board completes its investigation or review and finds that the information provided is sufficient to merit revocation or suspension, the Board may issue a formal complaint and order that a formal hearing be held. (Sec. 1)
2. Allows the Board to take certain actions if after completing a formal hearing the Board finds that the information provided during the investigation or review is insufficient to merit suspension or revocation of a license. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1)

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

Attachment 11

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

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2069

DATE January 24, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Crews		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	1	0

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 12

Attachment 13

ARIZONA
State Board of Dental Examiners

2024 PROPOSED LEGILSATION

HB2069
DENTAL BOARD; FORMAL HEARINGS

Provision to allow the Board to move a matter directly to a formal hearing for revocation or suspension without the need to first conduct a formal interview. This would prevent unnecessary delays for cases that warrant such measures. (The Dental Board is the only board that currently has this additional step).

HB2070
DENTAL BOARD; RULES; ASSISTANCE; REPEAL

Pursuant to the Auditor General's Report, 3 statutory references, require the Board to promulgate rules regarding the development of multiple committees. The make up of the Board allows for each profession to be represented and one of the statutory references is now over 45 years old.

HB2071
DENTISTS; REGISTRATION; CIVIL PENALTY; REPEAL

Clean up language regarding dispensing drugs & devices for profit and eliminate the registration process. The registration with the Board is unecessary and burdensome because licensed dentists already receive a Certificate of Registration from the DEA to dispense drugs and devices directly from their practices.

HB2072
DENTAL BOARD; LICENSURE; TESTING

Change the expired status timeframe from 24 months to 12 months. An individual who fails to timely renew would remain expired for up to 12 months before reapplying for a new license. Also, remove references to the Western Regional Examining Board (WREB); it merged with another organization.

THE BOARD'S MISSION IS FIRST AND FOREMOST TO PROTECT THE ORAL HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

Please contact me with any questions: ryan.edmonson@dentalboard.az.gov 602.540.0341

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2071: dentists; registration; civil penalty; repeal
Sponsor: Representative Bliss, LD 1
Committee on Regulatory Affairs

Overview

Repeals the penalty for a dentist who dispenses drugs for profit without being registered to do so by the Arizona State Board of Dental Examiners (Board).

History

Dentists are authorized to dispense prescription drugs, except schedule II-controlled substances that are opioids, and devices if: 1) all dispensed drugs are packaged and labeled with specified information; 2) documented with the name, strength, date and therapeutic reason for the dispensed drug into the patient's dental records; and 3) kept in a secured cabinet or room with controlled access by written procedures and maintained an ongoing inventory of its contents.

As prescribed by the Board in rule, a dentist who is currently licensed to practice dentistry in Arizona may dispense controlled substances, prescription-only drugs, and prescription-only devices for profit only after providing the Board the following information: 1) their name and dental license number; 2) a list of the types of drugs and devices to be dispensed for profit, including controlled substances; 3) locations where the dentist desires to dispense the drugs and devices for profit; and 4) a copy of their current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the dentist desires to dispense the drugs and devices for profit (R4-11-1406).

A dentist can dispense for profit only to their own patients and for conditions being treated by that dentist. Except in emergency situations, a dentist who dispenses drugs for profit without being registered by the Board is subject to a civil penalty of not less than $300 and not more than $1,000 for each transaction and prohibited from dispensing for a period of time as prescribed by the Board (A.R.S. § 32-1298).

Provisions

1. Removes the penalty that a dentist, except in emergency situations, who dispenses drugs for profit without being registered by the Board is:
   a) subject to a civil penalty of not less than $300 and not more than $1,000 per transaction; and
   b) prohibited from dispensing for a period of time as prescribed by the Board. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

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

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

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2071

DATE January 24, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Crews		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	0

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 15

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2072: dental board; licensure; testing
Sponsor: Representative Bliss, LD 1
Committee on Regulatory Affairs

Overview

Reduces the amount of time a dentist, dental hygienists, dental therapist and denturist (dental professionals) has to submit a completed renewal application to reinstate their expired license or certificate from 2 years to 1 year. Allows a dental hygienist to administer local anesthetics under the direct supervision of a dentist if the hygienist completes an examination in local anesthetics given by any state or regional testing agency in the United States (U.S.), rather than by the Western Regional Examining Board (WREB).

History

Licenses or certificates for dental professionals expire 30 days after their birth month every 3 years. By that deadline every dental professional must submit to the Arizona Board of Dental Examiners (Board) a complete renewal application and pay a licensee renewal fee of not more than $650 or $300 for a certificate, established by a formal vote of the Board. The prescribed fees do not apply to a dental professional who is retired or have a disability.

An expired dental professional license or certificate may be reinstated by submitted a complete renewal application within the 24-month period immediately following the expiration of the license with payment of the renewal fee and a $100 penalty. Whenever issued, reinstatement is as of the date of application and entitles the applicant to licensure or certification only for the remainder of the applicable three-year period. If a person does not reinstate their license or certificate, they must reapply for licensure or certification (A.R.S. §§ 32-1236, 32-1276.02, 32-1287 and 32-1297.06).

WREB is an examination agency for dentists and denturists. On August 1, 2022, WREB merged with two other examination agencies, now known as CDCA-WREB-CITA, in order to simplify the licensure process for schools, candidates and dental boards offering the universally accepted ADEX licensure standard through North America (CDCA-WREB-CITA).

Provisions

1. Changes the amount of time dental professionals have to submit a completed renewal application to reinstate their expired license or certificate from 24-months to 12-months immediately following the expiration of the license. (Sec. 1, 2, 4, 5)
2. Permits dental hygienists to administer local anesthetics under the direct supervision of a dentist if the hygienist completes an examination in local anesthesia given by any state or regional testing agency in the U.S., rather than by WREB. (Sec. 3)
3. Makes technical changes. (Sec. 3)

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

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

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2072

DATE January 24, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Crews	✓	✓			
Hernandez A		✓			
Payne	✓	✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	0

Julie Ryba
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 17

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2306: dental board; business entities; enforcement
S/E: dental board; unauthorized practice
Sponsor: Representative Willoughby, LD 13
Committee on Regulatory Affairs

Summary of the Strike-Everything Amendment to HB2306

Overview

Lists actions that the Arizona State Board of Dental Examiners (Board) may take if a person is engaged in the unauthorized practice of dentistry.

History

The Board regulates and licenses dental professionals, including dentists, dental hygienists, dental consultants, dental therapists, denturists and dental assistants. Additionally, the Board reviews complaints against licensees and business entities, conducts investigations and is authorized to take disciplinary action for violations of state laws relating to these professions (A.R.S. §§ 32-1201 through 32-1299.26).

A person in violation of the dental board statutes and rules is guilty of a class 2 misdemeanor unless another classification is specifically prescribed. Violations must be prosecuted by the county attorney and tried before the superior court in the county in which the violation occurs. In addition to the prescribed penalties, the courts of the state are vested with jurisdiction to prevent and restrain violations as nuisances per se, and the county attorney's must and the Board may, institute proceedings in equity to prevent and restrain violations. A person damaged, or threatened with loss or injury, by reason of a violation is entitled to obtain injunctive relief in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation (A.R.S. § 32-1269).

A person is guilty of a class 2 misdemeanor who: 1) is not licensed as a dentist, practices denture technology without certification; 2) exhibits or displays a certificate, diploma, degree or identification of another or a forged or fraudulent credentials with the intent that it be used as evidence of the right of such person to practice as a denturist; 3) fails to obey a summons or other order regularly and properly issued by the Board; and 4) is a licensed dentist responsible for denturists who fails to personally supervise the work of the denturist.

An injunction must be issued to enjoin the practice of denture technology by any of the following: 1) one neither certified to practice as a denturist nor licensed to practice as a dentist; 2) one certified as a denturist from practicing without proper supervision by a dentist; and 3) a denturist whose continued practice will or might cause irreparable damage to the public health and safety prior to the time proceedings could be instituted and completed (A.R.S. §§ 32-1297.08, 32-1297.09).

Provisions

1. Specifies, in addition to all other remedies available by law, if it appears to the Board or its designated authority, either on receipt of a complaint or otherwise, that a person is engaged in the unauthorized practice of dentistry, the Board may either:
   a) issue a cease-and-desist order to the person, by certified mail or personal service, stating the reasons for the issuance and require the person to immediately cease and desist from further engaging in the unauthorized practice of dentistry; or
   b) apply to the appropriate court for an order enjoining the unauthorized practice of dentistry and, on proper shoring by the Board that the person has engaged in the unauthorized practice of dentistry, the court must grant an injunction, restraining order or there order as may be appropriate without bond. (Sec. 1)
2. Allows a person who received a cease-and-desist order issued by the Board to request a hearing within 30 days after the date of the order. (Sec. 1)
3. Directs the Board to file an action to restrain and enjoin the person from engaging in the unauthorized practice of dentistry if a person fails to comply with an order issued by the Board. (Sec. 1)
4. Requires the court in the action to proceed as in other actions for injunction and impose a civil penalty of at least $500 and not more than $2,000 per violation if the court finds that the person failed to comply with the cease-and-desist order. (Sec. 1)
5. Defines the term *unauthorized practice of dentistry*. (Sec. 1)
6. Repeals statutes relating to certain violations for denturists. (Sec. 1)

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2306

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Title 32, chapter 11, article 1, Arizona Revised Statutes, is amended by adding section 32-1207.01, to read:

32-1207.01. Cease and desist orders; injunctive relief; civil penalty; definition

A. IN ADDITION TO ALL OTHER REMEDIES AVAILABLE BY LAW, IF IT APPEARS TO THE BOARD OR ITS DESIGNATED AUTHORITY, EITHER ON THE RECEIPT OF A COMPLAINT OR OTHERWISE, THAT A PERSON IS ENGAGED IN THE UNAUTHORIZED PRACTICE OF DENTISTRY, THE BOARD MAY EITHER:

1. ISSUE A CEASE AND DESIST ORDER TO THE PERSON, BY CERTIFIED MAIL OR PERSONAL SERVICE, STATING THE REASONS FOR THE ISSUANCE AND REQUIRE THE PERSON TO IMMEDIATELY CEASE AND DESIST FROM FURTHER ENGAGING IN THE UNAUTHORIZED PRACTICE OF DENTISTRY.

2. APPLY TO THE APPROPRIATE COURT FOR AN ORDER ENJOINING THE UNAUTHORIZED PRACTICE OF DENTISTRY AND, ON PROPER SHOWING BY THE BOARD THAT THE PERSON HAS ENGAGED IN THE UNAUTHORIZED PRACTICE OF DENTISTRY, THE COURT SHALL GRANT AN INJUNCTION, RESTRAINING ORDER OR OTHER ORDER AS MAY BE APPROPRIATE WITHOUT BOND.

B. A PERSON WHO RECEIVES A CEASE AND DESIST ORDER ISSUED BY THE BOARD UNDER THIS SECTION MAY REQUEST A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10 WITHIN THIRTY DAYS AFTER THE DATE OF THE ORDER.

C. IF A PERSON FAILS TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF THIS SECTION, THE BOARD SHALL FILE

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ____ Analysts Initials ___

Attachment 19

AN ACTION PURSUANT TO SUBSECTION A, PARAGRAPH 2 OF THIS SECTION TO RESTRAIN AND ENJOIN THE PERSON FROM ENGAGING IN THE UNAUTHORIZED PRACTICE OF DENTISTRY. THE COURT IN THE ACTION SHALL PROCEED AS IN OTHER ACTIONS FOR INJUNCTION. IF THE COURT FINDS THAT THE PERSON FAILED TO COMPLY WITH THE CEASE AND DESIST ORDER, THE COURT SHALL IMPOSE A CIVIL PENALTY OF AT LEAST $500 AND NOT MORE THAN $2,000 PER VIOLATION.

D. FOR PURPOSES OF THIS SECTION, "UNAUTHORIZED PRACTICE OF DENTISTRY" MEANS TO ENGAGE IN ANY PROCEDURE THAT WOULD OTHERWISE BE PERFORMED BY A LICENSED DENTIST, DENTAL THERAPIST OR DENTAL HYGIENIST OR A CERTIFIED DENTURIST WITHOUT HAVING THE LICENSURE OR CERTIFICATION REQUIRED UNDER THIS CHAPTER.

Sec. 2. Repeal

Sections 32-1297.08 and 32-1297.09, Arizona Revised Statutes, are repealed."

Amend title to conform

LAURIN HENDRIX

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

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2306

DATE January 24, 2024 MOTION: DPA 5/1E

	PASS	AYE	NAY	PRESENT	ABSENT
Crews		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		6	0	0	0

COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 20