

- G. The Section 1303 ~~permit~~ Permit holder shall ensure the continuous supervision of the patient from the administration of ~~oral sedation~~ Oral Sedation until oxygenation, ventilation and circulation are stable and the patient is appropriately responsive for discharge from the dental office or dental clinic.
- H. A Section 1303 ~~permit~~ Permit holder may employ a health care professional to provide anesthesia services, if all of the following conditions are met:
 1. The physician anesthesiologist or ~~CRNA~~ Certified Registered Nurse Anesthetist meets the requirements as specified in R4-11-1301(I);
 2. The Section 1303 ~~permit~~ Permit holder has completed coursework within the two years prior to submitting the permit application in one or more of the following:
 - a. ~~ACLS~~ Advanced cardiac life support from the American Heart Association or another agency that follows the same procedures, standards, and techniques for training as the American Heart Association;
 - b. ~~PALS~~ Pediatric advanced life support in a practice treating pediatric patients;
 - c. A recognized continuing education course in advanced airway management;
 3. The Section 1303 ~~permit~~ Permit holder ensures that:
 - a. The dental office or clinic contains the equipment and supplies listed in R4-11-1304(B)(2)(a) during the provision of anesthesia or sedation by the physician anesthesiologist or ~~CRNA~~ Certified Registered Nurse Anesthetist;
 - b. The anesthesia or sedation record contains all the entries listed in R4-11-1304(D);
 - c. For intravenous access, the physician anesthesiologist or ~~CRNA~~ Certified Registered Nurse Anesthetist uses a new infusion set, including a new infusion line and new bag of fluid for each patient; and
 - d. The patient is continuously supervised from the administration of anesthesia or sedation until the termination of the anesthesia or sedation procedure and oxygenation, ventilation and circulation are stable. The Section 1303 ~~permit~~ Permit holder shall not commence with a subsequent procedure or treatment until the patient is in monitored recovery or meets the guidelines for discharge.

ARTICLE 14. DISPENSING DRUGS AND DEVICES

R4-11-1405. Compliance

- A. A dentist who determines that there has been a theft or loss of ~~drugs~~ Drugs or ~~controlled substances~~ Controlled Substances from the dentist’s office shall immediately notify a local law enforcement agency and the Board and provide written notice of the theft or loss in the following manner:
 1. For ~~non-controlled substance~~ non-Controlled Substance ~~drug~~ Drug theft or loss, provide the law enforcement agency and the Board with a written report explaining the theft or loss; or
 2. For ~~controlled substance~~ Controlled Substance theft or loss, complete a ~~DEA~~ Drug Enforcement Administration’s 106 form; and
 3. Provide copies of the ~~DEA~~ Drug Enforcement Administration’s 106 form to the Drug Enforcement Administration and the Board within ~~seven days~~ one day of the discovery.
- B. A dentist who dispenses ~~drugs~~ Drugs or devices in a manner inconsistent with this Article is subject to discipline under A.R.S. Title 32, Chapter 11, Article 3.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

[R21-255]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)**

R4-11-1202	Amend
R4-11-1203	Amend
R4-11-1204	Amend
R4-11-1205	Amend
R4-11-1206	Amend
R4-11-1207	Amend
R4-11-1208	Amend
R4-11-1209	Amend
- 2. 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.
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**

Notice of Rulemaking Docket Opening: 28 A.A.R. 202, January 14, 2022 (*in this issue*)
 Notice of Proposed Rulemaking: 27 A.A.R. 1217, August 13, 2021
 Notice of Rulemaking Docket Opening: 27 A.A.R. 1232, August 13, 2021

4. The agency's contact person who can answer questions about the rulemaking:

Name: Ryan Edmonson, Executive Director
Address: Arizona State Board of Dental Examiners
1740 W. Adams St., Suite 2470
Phoenix, AZ 85007
Telephone: (602) 542-4493
Email: ryan.edmonson@dentalboard.az.gov

5. 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 to update the continuing education requirements. The Board previously amended R4-11-1202, R4-11-1206, and R4-11-1207 to update the licensing renewal time frames to be consistent with statutory changes. As such, this rulemaking is making additional changes to those rules and other rules in Article 12 in order to amend the continuing education requirements.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not 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

7. 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

8. 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 reduced economic impact to licensees with regard to a reduction in the number of hours that are required for continuing education and how a licensee may obtain those hours. Reducing the number of required continuing education hours and allowing licensees to obtain those hours through "online" means reduces the economic impact of these rules.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Ryan Edmonson, Executive Director
Address: Arizona State Board of Dental Examiners
1740 W. Adams St., Suite 2470
Phoenix, AZ 85007
Telephone: (602) 542-4493
Email: ryan.edmonson@dentalboard.az.gov

10. 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:

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

Date: February 15, 2022
Time: 3:00 p.m.
Location: Arizona State Board of Dental Examiners
1740 W. Adams St., Suite 2470
Phoenix, AZ 85007

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

No analysis was submitted.

12. A list of incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 11. BOARD OF DENTAL EXAMINERS

ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS

Section

R4-11-1202.	Continuing Dental Education Compliance and Renewal Requirements
R4-11-1203.	Dentists and Dental Consultants
R4-11-1204.	Dental Hygienists
R4-11-1205.	Denturists
R4-11-1206.	Restricted Permit Holders - Dental
R4-11-1207.	Restricted Permit Holders - Dental Hygiene
R4-11-1208.	Retired Licensees or Certificate Holders
R4-11-1209.	Types of Courses

ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS

R4-11-1202. Continuing Dental Education Compliance and Renewal Requirements

- A. When applying for a renewal license, certificate, or restricted permit, a ~~licensee~~ Licensee, ~~certificate holder~~ denturist, or ~~restricted permit holder~~ Restricted Permit Holder shall complete a renewal application provided by the Board.
- B. Before receiving a renewal license or certificate, each ~~licensee~~ Licensee or ~~certificate holder~~ denturist shall possess a current form of one of the following:
1. A ~~current~~ cardiopulmonary resuscitation (~~CPR~~) healthcare provider level certificate from the American Red Cross, the American Heart Association, or another certifying agency;
 2. Advanced cardiac life support (~~ACLS~~) course completion confirmation from the American Heart Association or another agency. The confirmation must indicate that the course was completed within two years immediately before submitting a renewal application; or
 3. Pediatric advanced life support (~~PALS~~) course completion confirmation from the American Heart Association or another agency. The confirmation must indicate that the course was completed within two years immediately before submitting a renewal application.
- C. A ~~licensee~~ Licensee or ~~certificate holder~~ denturist shall include an affidavit affirming the ~~licensee's~~ Licensee's or ~~certificate holder's~~ denturist's completion of the prescribed ~~credit hours~~ Credit Hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education with a renewal application. A ~~licensee~~ Licensee or ~~certificate holder~~ denturist shall include on the affidavit the ~~licensee's~~ Licensee's or ~~certificate holder's~~ denturist's name, license or certificate number, the number of hours completed in each category, and the total number of hours completed for activities defined in R4-11-1209(A)(4).
- D. A ~~licensee~~ Licensee or ~~certificate holder~~ denturist shall submit a written request for an extension before the renewal deadline prescribed in A.R.S. §§ 32-1236, 32-1276.02, 32-1287, and 32-1297.06. If a ~~licensee~~ Licensee or ~~certificate holder~~ denturist fails to meet the ~~credit hours~~ Credit Hours requirement because of military service, dental or religious missionary activity, residence in a foreign country, or other extenuating circumstances as determined by the Board, the Board, upon written request, may grant an extension of time to complete the ~~recognized continuing dental education~~ Recognized Continuing Dental Education ~~credit hour~~ Credit Hour requirement.
- E. The Board shall:
1. Only accept ~~recognized continuing dental education~~ Recognized Continuing Dental Education credits accrued during the prescribed period immediately before license or certificate renewal, and
 2. Not allow ~~recognized continuing dental education~~ Recognized Continuing Dental Education credit accrued in a renewal period in excess of the amount required in this Article to be carried forward to the next renewal period.
- F. A ~~licensee~~ Licensee or ~~certificate holder~~ denturist shall maintain ~~documentation of attendance~~ Documentation of Attendance for each program for which credit is claimed that verifies the ~~recognized continuing dental education~~ Recognized Continuing Dental Education ~~credit hours~~ Credit Hours the ~~licensee~~ Licensee or ~~certificate holder~~ denturist participated in during the most recently completed renewal period.
- G. Each year, the Board shall audit continuing dental education requirement compliance on a random basis or when information is obtained which indicates a ~~licensee~~ Licensee or ~~certificate holder~~ denturist may not be in compliance with this Article. A ~~licensee~~ Licensee or ~~certificate holder~~ denturist selected for audit shall provide the Board with ~~documentation of attendance~~ Documentation of Attendance that shows compliance with the continuing dental education requirements within ~~60~~ 35 calendar days from the date the Board issues notice of ~~licensee or certificate holder received notice~~ of the audit by certified mail.
- H. If a ~~licensee~~ Licensee or ~~certificate holder~~ denturist is found to not be in compliance with the continuing dental education requirements, the Board may take any disciplinary or non-disciplinary action authorized by A.R.S. Title 32, Chapter 11.

R4-11-1203. Dentists and Dental Consultants

Dentists and dental consultants shall complete ~~72~~ 63 hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education in each renewal period as follows:

1. At least ~~42~~ 36 ~~credit hours~~ 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~~ Licensee who holds a permit to administer ~~general anesthesia~~ General Anesthesia, ~~deep sedation~~ Deep Sedation, ~~parenteral sedation~~ Parenteral Sedation, or ~~oral sedation~~ Oral Sedation who is required to

obtain continuing education pursuant to Article 13 may apply those ~~credit hours~~ Credit Hours to the requirements of this Section;

2. No more than ~~48-15 credit hours~~ 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~~ Credit Hours in ~~chemical dependency opioid education, which may include tobacco cessation;~~
4. At least three ~~credit hours~~ Credit Hours in infectious diseases or infectious disease control;
5. At least three ~~credit hours~~ Credit Hours in ~~CPR-cardiopulmonary resuscitation-healthcare provider level, ACLS advanced cardiac life support and or PALS 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~~ Credit Hours in ethics or Arizona dental jurisprudence.

R4-11-1204. Dental Hygienists

- A. A dental hygienist shall complete ~~54-45 credit hours~~ Credit Hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education in each renewal period as follows:
 1. At least ~~34-25 credit hours~~ 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 ~~44-11 credit hours~~ 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~~ 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~~ Credit Hours in infectious diseases or infectious disease control; and
 5. At least three ~~credit hours~~ Credit Hours in ~~CPR-cardiopulmonary resuscitation-healthcare provider level, ACLS advanced cardiac life support and PALS pediatric advanced life support.~~ Coursework may be completed online if the course requires a physical demonstration of skills.
- B. A ~~licensee~~ 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~~ Credit Hours to the requirements of this Section.

R4-11-1205. Denturists

Denturists shall complete ~~36-27 credit hours~~ Credit Hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education in each renewal period as follows:

1. At least ~~24-15 credit hours~~ Credit Hours in any one or more of the following areas: Medical and dental health, laboratory procedures, clinical procedures, dental recordkeeping, removable prosthetics, pain management, dental public health, and new technology in dentistry;
2. No more than ~~six-three credit hours~~ Credit Hours in one or more of the following areas: Denturist practice organization and management, patient management skills, and methods of health care delivery;
3. At least one ~~credit hour~~ Credit Hour in chemical dependency, which may include tobacco cessation;
4. At least two ~~credit hours~~ Credit Hours in infectious diseases or infectious disease control;
5. At least three ~~credit hours~~ Credit Hours in ~~CPR-cardiopulmonary resuscitation-healthcare provider level, ACLS advanced cardiac life support and PALS 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~~ Credit Hours in ethics or Arizona dental jurisprudence.

R4-11-1206. Restricted Permit Holders - Dental

In addition to the requirements in R4-11-1202, a dental ~~restricted permit holder~~ Restricted Permit Holder shall comply with the following requirements:

1. When applying for renewal under A.R.S. § 32-1238, the ~~restricted permit holder~~ Restricted Permit Holder shall provide information to the Board that the ~~restricted permit holder~~ Restricted Permit Holder has completed ~~24-15 credit hours~~ Credit Hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education yearly.
2. To determine whether to grant the renewal, the Board shall only consider ~~recognized continuing dental education~~ Recognized Continuing Dental Education credits accrued during the 36 months immediately before the renewal deadline prescribed in A.R.S. § 32-1236.
3. A dental ~~restricted permit holder~~ Restricted Permit Holder shall complete the ~~24-15~~ 24-15 hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education before renewal as follows:
 - a. At least ~~12-six credit hours~~ Credit Hours in one or more of the subjects enumerated in R4-11-1203(1);
 - b. No more than ~~six-three credit hours~~ Credit Hours in one or more of the subjects enumerated in R4-11-1203(2);
 - c. At least one ~~credit hour~~ Credit Hour in the subjects enumerated in R4-11-1203(3);
 - d. At least one ~~credit hour~~ Credit Hour in the subjects enumerated in R4-11-1203(4).
 - e. At least three ~~credit hours~~ Credit Hours in the subjects enumerated in R4-11-1203(5); and
 - f. At least one ~~credit hour~~ Credit Hour in the subjects enumerated in R4-11-1203(6).

R4-11-1207. Restricted Permit Holders - Dental Hygiene

In addition to the requirements in R4-11-1202, a dental hygiene ~~restricted permit holder~~ Restricted Permit Holder shall comply with the following:

1. When applying for renewal under A.R.S. § 32-1292, the ~~restricted permit holder~~ Restricted Permit Holder shall provide information to the Board that the ~~restricted permit holder~~ Restricted Permit Holder has completed ~~48-nine credit hours~~ Credit Hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education yearly.

2. To determine whether to grant renewal, the Board shall only consider ~~recognized continuing dental education~~ Recognized Continuing Dental Education credits accrued during the 36 months immediately before the renewal deadline prescribed in A.R.S. § 32-1287.
3. A dental hygiene ~~restricted permit holder~~ Restricted Permit Holder shall complete the ~~18~~nine hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education before renewal as follows:
 - a. At least ~~9~~three ~~credit hours~~ Credit Hours in one or more of the subjects enumerated in R4-11-1204(1);
 - b. No more than three ~~credit hours~~ Credit Hours in one or more of the subjects enumerated in R4-11-1204(2);
 - c. At least one ~~credit hour~~ Credit Hour in the subjects enumerated in R4-11-1204(3);
 - d. At least two ~~credit hours~~ Credit Hours in the subjects enumerated in R4-11-1204(4) and
 - e. At least three ~~credit hours~~ Credit Hours in the subjects enumerated in R4-11-1204(5).

R4-11-1208. Retired Licensees or Retired Certificate Holders Denturists

A ~~retired licensee~~ Retired licensee or ~~certificate holder~~ Retired denturist shall:

1. Except for the number of ~~credit hours~~ Credit Hours required, comply with the requirements in R4-11-1202; and
2. When applying for renewal under A.R.S. § 32-1236 for a dentist, A.R.S. § 32-1276.02 for a dental therapist, A.R.S. § 32-1287 for a dental hygienist, and A.R.S. § 32-1297.06 for a denturist, provide information to the Board that the ~~retired~~ Retired licensee or ~~certificate holder~~ Retired denturist has completed the following ~~credit hours~~ Credit Hours of ~~recognized continuing dental education~~ Recognized Continuing Dental Education per renewal period:
 - a. Dentist - ~~27~~24 ~~credit hours~~ Credit Hours of which no less than three ~~credit hours~~ Credit Hours shall be for ~~CPR cardiopulmonary resuscitation-healthcare provider level~~;
 - b. Dental therapist - 21 Credit Hours of which no less than three Credit Hours shall be for ~~cardiopulmonary resuscitation-healthcare provider level~~;
 - c. Dental hygienist - ~~24~~18 ~~credit hours~~ Credit Hours of which no less than three ~~credit hours~~ Credit Hours shall be for ~~CPR cardiopulmonary resuscitation-healthcare provider level~~; and
 - d. Denturist - ~~9~~six ~~credit hours~~ Credit Hours of which no less than three ~~credit hours~~ Credit Hours shall be for ~~CPR cardiopulmonary resuscitation-healthcare provider level~~.

R4-11-1209. Types of Courses

A. A ~~licensee~~ Licensee or ~~certificate holder~~ denturist shall obtain ~~recognized continuing dental education~~ Recognized Continuing Dental Education from one or more of the following activities:

1. Seminars, symposiums, lectures, or programs designed to provide an understanding of current developments, skills, procedures, or treatment related to the practice of dentistry;
2. Seminars, symposiums, lectures, or programs designed to provide an understanding of current developments, skills, procedures, or treatment related to the practice of dentistry by means of audio-video technology in which the ~~licensee~~ Licensee is provided all seminar, symposium, lecture or program materials and the technology permits attendees to fully participate; or
3. Curricula designed to prepare for specialty board certification as a specialist or recertification examinations or advanced training at an accredited institution as defined in A.R.S. Title 32, Chapter 11; and
4. Subject to the limitations in subsection (B), any of the following activities that provide an understanding of current developments, skills, procedures, or treatment related to the practice of dentistry:
 - a. A correspondence course, video, internet or similar self-study course, if the course includes an examination and the ~~licensee~~ Licensee or ~~certificate holder~~ denturist passes the examination;
 - b. Participation on the Board, in Board complaint investigations including ~~clinical evaluations~~ Clinical Evaluations or anesthesia and sedation permit evaluations;
 - c. Participation in peer review of a national or state dental, dental therapy, dental hygiene, or denturist association or participation in quality of care or utilization review in a hospital, institution, or governmental agency;
 - d. Providing dental-related instruction to dental, dental therapy, dental hygiene, or denturist students, or allied health professionals in a recognized dental school, ~~recognized dental therapy school~~, recognized dental hygiene school, or recognized denturist school or providing dental-related instruction sponsored by a national, state, or local dental, dental therapy, dental hygiene, or denturist association;
 - e. Publication or presentation of a dental paper, report, or book authored by the ~~licensee~~ Licensee or ~~certificate holder~~ denturist that provides information on current developments, skills, procedures, or treatment related to the practice of dentistry. A ~~licensee~~ Licensee or ~~certificate holder~~ denturist may claim ~~credit hours~~ Credit Hours:
 - i. Only once for materials presented;
 - ii. Only if the date of publication or original presentation was during the applicable renewal period; and
 - iii. One ~~credit hour~~ Credit Hour for each hour of preparation, writing, and presentation; or
 - f. Providing dental, dental therapy, dental hygiene, or denturist services in a Board-recognized ~~charitable dental clinical or organization~~ Charitable Dental Clinic or Organization.

B. The following limitations apply to the total number of ~~credit hours~~ Credit Hours earned per renewal period in any combination of the activities listed in subsection (A)(4):

1. Dentists ~~and Dental Hygienists~~, no more than ~~24~~21 hours;
2. Dental therapists, no more than 18 hours;

3. Dental hygienists, no more than 15 hours;
4. Denturists, no more than ~~12~~nine hours;
- ~~3-5.~~ Retired or Restricted Permit Holder ~~Dentists~~dentists, dental therapists, or ~~Dental Hygienists~~dental hygienists, no more than ~~nine~~two hours; and
- ~~4-6.~~ Retired ~~Denturists~~denturists, no more than ~~three~~two hours.