

ARIZONA STATE SENATE

RESEARCH STAFF



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TO: MEMBERS OF THE SENATE
HEALTH & HUMAN SERVICES
COMMITTEE

DATE: February 9, 2024

SUBJECT: Strike everything amendment to S.B. 1159, relating to dentists; restricted permits; continuing education

Purpose

Allows a person to apply for a restricted dental permit if the person will be practicing dentistry for educational purposes in connection with and while enrolled in a continuing dental education program recognized by the Arizona Board of Dental Examiners (BODEX).

Background

BODEX is the regulatory body that oversees the licensing and practice of dental care in Arizona. BODEX's duties include: 1) adopting and enforcing rules to regulate the practice of dentists, supervised personnel and registered business entities; 2) maintaining a record of BODEX's acts and proceedings, including issuance, denial, renewal and suspension of licenses and complaints; 3) establishing a standard of educational requirements, as prescribed; 4) determining the reputability of dental, dental therapy and dental hygiene schools; 5) issuing licenses and restricted permits to eligible persons; 6) investigating misconduct charges of licensees and those with restricted permits; 7) issuing disciplinary action against licensees, certificate holders and restricted permittees; 8) establishing criteria for the renewal of permits relating to general anesthesia and sedation; and 9) any other duties necessary to enforce the regulation of the dental profession ([A.R.S. § 32-1207](#)).

A person may be granted a restricted dental permit if the person demonstrates to BODEX that the person: 1) has a pending contract with a recognized charitable dental clinic or organization that offers dental services without compensation or at a rate that only reimburses the clinic for dental supplies and overhead costs, and the applicant receives no compensation for dental services; 2) has a license to practice dentistry in another state or territory of United States; 3) has been actively engaged, for at least three years immediately preceding the application, in the practice of dentistry, an approved dental residency training program or equivalent postgraduate training; 4) is competent and proficient to practice dentistry; and 5) hold a degree in dental medicine or dental surgery from a recognized dental school ([A.R.S. § 32-1237](#)). A restricted permittee may practice dentistry only in the course of employment by a recognized charitable dental clinic or organization, on specified conditions ([A.R.S. § 32-1239](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a dentist practicing in concert with a recognized continuing dental education program to:
 - a) not receive compensation for provided dental services;

- b) be subject to the jurisdiction and discipline of BODEX to the same extent as licensed dentists; and
 - c) file a restricted permit application with the recognized continuing dental education program before providing any dental care or services.
2. Requires the continuing dental education program to retain the dentist's restricted permit for at least five years.
 3. Requires recognized continuing dental education providers, before commencing education, to notify BODEX of the restricted permit applicants accepted that meet all requirements for licensure and for BODEX to acknowledge receipt within five business days.
 4. Specifies that acknowledgement of receipt of the list of accepted restricted permit applicants in a continuing dental education program serves as the issuance of an applicable restricted permit.
 5. Allows a person to apply for a restricted dental permit if the person demonstrates to BODEX that the person will be practicing for educational purposes in connection with and while enrolled in a recognized continuing dental education program and meets other prescribed criteria.
 6. Requires BODEX to issue a restricted permit within 30 days of the date of receipt of a completed application that meets all requirements.
 7. Removes the stipulation that the length of a restricted permit issued without examination or payment of a fee be limited to the following June 30, if it is less than one year away.
 8. Allows a restricted permittee enrolled in a continuing dental education program to practice dentistry only in connection with and while enrolled in the program.
 9. Prohibits restricted permittees operating in connection with a continuing dental education program from receiving any compensation for charitable dental services provided to an organization exempted from taxes under section 501(c)(3) of the Internal Revenue Code.
 10. Specifies that statute does not prohibit a dentist who holds an active, unrestricted license in a state, territory or possession of the United States from practicing for educational purposes in connection with a continuing dental education program recognized by BODEX
 11. Subjects restricted permittees to BODEX jurisdiction and discipline for all care and services provided under the permit.
 12. Requires BODEX to waive the Arizona jurisprudence examination fee for candidates applying for a restricted permit.
 13. Requires BODEX to waive the fingerprint clearance card requirements for restricted permit applicants who will be practicing for education purposes in connection with and while enrolled in a recognized continuing dental education program.

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14. Requires BODEX to define *recognized continuing dental education*.
15. Makes technical and conforming changes.
16. Becomes effective on the general effective date.