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HB 2306: dental board; business entities; enforcement

S/E: dental board; unauthorized practice

Sponsor: Representative Willoughby, LD 13

Caucus & COW

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)