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DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

BRUCE E. BABBITT
ATTORNEY GENERAL

February 17, 1977

Re: 77-40 (R76-494)

Honorable Burton S. Barr
Arizona State Representative
State Capitol - House Wing
Phoenix, Arizona 85007

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Representative Barr:

On December 22, 1976 we received your inquiry regarding certain statutory provisions dealing with the Board of Dental Examiners.

A.R.S. § 32-1237 requires that an application for a restricted dentistry permit must contain certain information about the applicant. It may be that in complying with this section an applicant will be required to disclose professional confidences or privileged communications. We have assumed that your concern is whether the disclosure of such information would constitute "unprofessional conduct".

In our opinion it would not. "Unprofessional conduct" is defined in A.R.S. § 32-1201(8) as including a

"willful betrayal of a professional confidence or willful violation of a privileged communication except as either of these may otherwise be required by law" (Emphasis added.)

Disclosure, in an application, of such confidences or communications pursuant to the requirements of A.R.S. § 32-1237 clearly falls within the above underscored exception and would therefore not constitute unprofessional conduct.

Sincerely,

BRUCE E. BABBITT
Attorney General

JOHN A. LASOTA, JR.
Chief Assistant
Attorney General

