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

BRUCE E. BABBITT  
ATTORNEY GENERAL

March 15, 1977

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ARIZONA ATTORNEY GENERAL

Honorable Burton S. Barr  
Majority Leader  
Arizona House of Representatives  
State Capitol, House Wing  
Phoenix, Arizona 85007

Re: 77-63 (R77-74)

Dear Representative Barr:

By letter dated February 28, 1977, you requested our opinion whether disclosure by a member of the Board of Dental Examiners of confidential information gained through his official duties to sources unrelated to those duties could be construed as "unprofessional conduct" as defined in A.R.S. § 32-1201(8). We answer in the affirmative, but with qualification.

A.R.S. § 32-1201(8) sets out 20 categories of "unprofessional conduct", presumably in regard to the practice of dentistry and allied professions. Subsection (a) states that "willful betrayal of a professional confidence or willful violation of a privileged communication except as either of these may otherwise be required by law." is one specie of unprofessional conduct. This provision specifically does not apply to "full and free exchange of information" by board members with other similar boards and dental societies, but no other exception to subsection (a) exists. Therefore, we believe that the disclosure of confidential information obtained by a board member in the performance of official duty to unauthorized persons or entities is "unprofessional conduct".

However, keep in mind that such "unprofessional conduct" refers only to the dentist members of the board. A.R.S. § 32-1203 A. establishes the membership of the board as five licensed dentists and one lay person. The above



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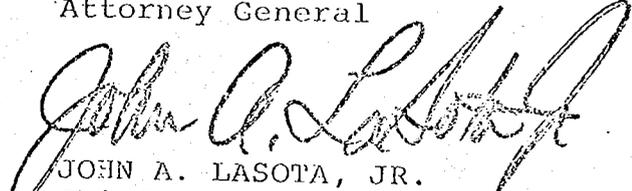
definition of "unprofessional conduct", and the official consequences that may flow from such conduct\* are only pertinent to persons licensed under Title 32, Chapter 11, and therefore has no relevance to the lay person on the board.

We are aware of no general statutory prohibition against the revealing of confidential or privileged communications by members of State boards, commissions, councils, etc. However, the lay person member of the dental board who engages in what would be unprofessional conduct--as discussed above--if that person had been a dentist is subject to gubernatorial removal from the board under A.R.S. § 32-1204.

If we may be of further assistance, please don't hesitate to contact us.

Sincerely,

BRUCE E. BABBITT  
Attorney General



JOHN A. LASOTA, JR.  
Chief Assistant  
Attorney General

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\* A.R.S. § 32-1963 A. empowers the board of dental examiners to "censure, prescribe probation or suspend or revoke the license issued to any person" under Title 32, Chapter 11 for, inter alia, "unprofessional conduct".