

"AN ACT TO AMEND SECTION 27 OF ACT 14 OF 1955, AS AMENDED, [ARK. STAT. 72-560] TO AUTHORIZE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS TO SUSPEND, REVOKE OR PLACE ON PROBATION A LICENSED DENTIST OR DENTAL HYGIENIST WHOSE ADVERTISEMENT IS FRAUDULENT AND MISLEADING; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 27 of Act 14 of 1955, as amended, the same being Arkansas Statute 72-560, is hereby amended to read as follows:

"Section 27. The Arkansas State Board of Dental Examiners is vested with the power to revoke or suspend for any period of time, the privilege of practicing under any license issued in the State of Arkansas to any dentist or dental hygienist; the Board may place a licensee on probation for a period not exceeding eighteen (18) months under such terms and conditions as determined by the Board to be in the best interest of the licensee and the people of the State of Arkansas; the Board may impose a fine not to exceed One Thousand (\$1,000.00) Dollars per violation, or, the Board may impose one or more of the above penalties for any of the following causes in addition to other causes mentioned elsewhere in this Act shown at a hearing before it, to-wit:

(1) The presentation to or filing with the Board for the purposes of securing a license to practice denistry or dental hygiene, of any diploma, license or certificate illegally or fraudulently obtained by the applicant.

(2) The use of an assumed or fictitious name and applying for a license for the purpose of shielding moral unfitness or a criminal record.

(3) The commission of any criminal operation; habitual drunkenness for a period of three (3) months; insanity; adjudication of insanity or mental incompetency if deemed detrimental to patients; conviction of an infamous crime or felony; addiction to narcotics; immoral; dishonorable or scandalous conduct; professional incompetency; failure to maintain proper standards of sanitation or failure otherwise to maintain adequate safeguards for the health and safety of patients; employment in the practice of the profession of any drug, nostrum, unknown formula or dangerous or unknown anesthetic, not generally used by the dental profession.

(4) The advertising of services to the public which is fraudulent and misleading or which does not comply with the Rules and Regulations of the Board.

(5) Permitting an unlicensed person under his supervision or control to perform any act, service, practice, or operation on any patient or prospective patient which constitutes a part of the practice of denistry, or dental hygiene, or is involved with the administration of drugs, medicines, or anesthetics, except those services permitted by the Board, and under the supervision of a licensed dentist.

(6) Violation of any Rule or Regulation of Board standards of professional conduct for dentists and dental hygienists practicing within the State.

No license which has been suspended by the Board shall be reinstated until the offender has given satisfactory assurance of future correct conduct. A fee of Fifty (\$50.00) Dollars shall be paid to the Board before it shall reinstate a license once suspended as aforesaid. A license may be suspended or revoked if the licensee shall, during the term of this probation, violate any of the terms of his probation as set forth by the Board. Any fine imposed on the licensee, shall be paid to the Board prior to the resumption of the

practice of denistry or dental hygiene by the licensee. A dentist or dental hygienist who resumes his practice after the revocation of his license is subject to the penalties and liabilities prescribed in Sections 8 and 9 (72-541 and 72-542)."

SECTION 2. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 3. It is hereby found and determined by the General Assembly of the State of Arkansas that existing laws regulating the advertising of services do not provide for a ban on fraudulent and misleading advertising; the provision for the Arkansas State Board of Dental Examiners to impose sanctions for advertising in a fraudulent and misleading manner is necessary to ensure the practice of denistry in the State of Arkansas; that there is an emergency need for such provision; that the enactment of this measure will remedy this dangerous situation. Therefore, an emergency is declared to exist and this Act being necessary for the preservation of the public peace, health and safety, should take effect and be enforced from the date of its approval.

APPROVED: 4/1/87
