

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Walters**

A Bill

SENATE BILL 5

For An Act To Be Entitled

8 "AN ACT TO REGULATE DENTAL LABORATORIES, TECHNICIANS AND
9 TECHNOLOGISTS; AND FOR OTHER PURPOSES."

Subtitle

12 "AN ACT TO REGULATE DENTAL LABORATORIES, TECHNICIANS AND
13 TECHNOLOGISTS."

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

17 SECTION. 1. Definition. For purposes of this act, and unless the
18 context requires otherwise:

19 (1) "Board" means the Arkansas State Board of Dental Technology.

20 (2) "Commercial Dental Laboratory" means a place of business where
21 dental technology is performed on a contractual or fee basis excluding dental
22 laboratories operated solely as part of the internal operation of an office or
23 practice of a licensed dentist or dentists.

24 (3) "Dental Laboratory" means any place where dental technology is
25 performed.

26 (4) "Dental Technology" means the making, repairing, altering or
27 supplying of artificial restorations, substitutions, appliances, or materials
28 for the correction of disease, loss, deformity, malposition, dislocation,
29 fracture, injury to the jaws, teeth, oral tissues or associated tissues or
30 parts by any person other than a licensed dentist or other duly licensed
31 practitioner.

32 (5) "Executive Secretary" means the executive secretary of the board.

33 (6) "Licensed Practitioner" means a qualified and licensed physician
34 and surgeon extracting teeth or performing oral surgery.

35 (7) "Registered Dental Technician" means a person registered under

1 this act who performs dental technology under the direct supervision of
2 registered dental technologist or dentist.

3 (8) "Registered Dental Technologist" means a person registered under
4 this act who performs dental technology in a recognized specialty.

5 (9) "Recognized Specialties" include the following areas, fields and
6 classifications of dental technology and such other areas, fields, and
7 classifications that are hereafter adopted and recognized by the Arkansas
8 State Board of Dental Technology:

- 9 a. Complete dentures
- 10 b. Partial dentures
- 11 c. Crown and bridge
- 12 d. Ceramics
- 13 e. Orthodontics

14

15 SECTION 2. Prohibited Practices. (a) It is unlawful:

16 (1) For any person, corporation or partnership to own or operate a
17 commercial dental laboratory not registered under this act.

18 (2) For any person, corporation or partnership to own or operate a
19 commercial or other dental laboratory wherein the personnel or employees
20 required to be registered under this act are not so registered.

21 (3) For any person other than a licensed dentist or other licensed
22 practitioner to perform dental technology without being registered as a dental
23 technologist under this act.

24 (4) For a licensed dentist to use or contract for the services of a
25 commercial dental laboratory not registered as such under this act or to
26 employ a dental technician not registered as such under this act or to employ
27 a dental technologist not registered as such under this act.

28 (5) For any owner or operator of a commercial dental laboratory to
29 employ more than fifteen (15) registered dental technicians in a recognized
30 specialty under the supervision of any single dental technologist registered
31 in that specialty.

32 (b) It shall be the duty of the prosecuting attorney of each county to
33 prosecute all cases involving such violations occurring within his county.

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35 SECTION 3. Board of Dental Technology.

1 (a) There is hereby created an Arkansas State Board of Dental
2 Technology which shall consist of six (6) members. The president of
3 Associated Dental Laboratories of Arkansas, two (2) registered dental
4 laboratory owners, one (1) licensed dentist, one (1) licensed dental hygienist
5 and one (1) lay person, all to be appointed by the Governor (except for the
6 president of Associated Dental Laboratories of Arkansas) on recommendations
7 from the Associated Dental Laboratories of Arkansas. All members shall be
8 residents of the State of Arkansas and citizens of the United States of
9 America. All members other than the president of the Associated Dental
10 Laboratories of Arkansas shall serve three (3) year terms of office except
11 that the initial members shall serve staggered terms determined by lot so that
12 one (1) member will serve a one (1) year term, two (2) members will serve a
13 two (2) year term and two (2) members will serve a three (3) year term and
14 their successors shall serve three (3) year terms.

15 (b) A member of the board may be removed by the board for neglect of
16 any duties required by law, dishonesty, incompetency, unprofessional conduct
17 or for other good cause.

18 (c) If monies are appropriated therefor, members of the board shall
19 receive as compensation the sum of thirty-five dollars for each day
20 (\$35.00/day) actually engaged in the duties of the office plus travel expenses
21 incurred in attending the meetings if the board in accordance with procedures
22 established by the board.

23 (d) The board shall meet as soon as practicable, but not later than
24 sixty (60) days after appointment and shall meet at least twice annually
25 thereafter for the purpose of approving or disapproving applications for
26 licensing and registration under this act as well as such other business as
27 the board may specify.

28 (e) A majority of the members of the board shall, at all times,
29 constitute a quorum for the transaction of business of the board, and the
30 proceedings thereof shall, at all reasonable times, be open to public
31 inspection.

32 (f) Members of the board shall be immune from suit in any action,
33 civil or criminal, based upon their duties or other official acts performed in
34 good faith as members of such board.

35 (g) In any case of a vacancy occurring on said board, such vacancy

1 shall be filled by the board as herein provided for the remainder of the term
2 of the vacancy.

3 (h) The board may employ an executive secretary and such other
4 personnel as authorized by an appropriation by the General Assembly.

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7 SECTION 4. Qualifications for a Dental Technologist Registration.

8 No person shall be registered to engage in the performance of dental
9 technology in a recognized specialty or specialties unless he:

- 10 (1) Is of good moral and character;
11 (2) Is over the age of eighteen (18) years;
12 (3) Is a high school graduate or the equivalent thereof;
13 (4) Has five (5) years experience in a commercial dental
14 laboratory or an associate degree in dental technology; and
15 (5) Has registered with the board at least ten (10) hours of
16 *continuing education with one (1) course on infection control*
17 *presented by either a licensed dentist, dental technician*
18 *certified by the National Association of Dental Laboratories or*
19 *dental school instructor. Verification forms shall be provided by*
20 *the board and shall be signed by the person presenting the course.*
21 *The verification forms must indicate the subject area of the*
22 *course given and the number of hours attended.*

23

24 SECTION 5. Registering of Commercial Dental Laboratories.

25 (a) An individual, corporation, partnership or other owner or operator
26 of a commercial dental laboratory may apply to the board for registering of
27 the commercial dental laboratory on forms furnished by the executive secretary
28 accompanied by a fee determined by the board not to exceed the maximum annual
29 renewal fees prescribed by this act. The board shall register any commercial
30 dental laboratory that meets the following minimum requirements as well as any
31 additional qualifications which the board may adopt by regulation:

32 (1) The owner or operator employs at least one (1) registered dental
33 technologist qualified in each recognized specialty for which the commercial
34 dental laboratory seeks a registration; and

35 (2) The owner or operator employs sufficient registered dental

1 technologists in each specialty for which a registration is applied for, so
2 that no registered dental technologist is responsible for supervising more
3 than fifteen (15) registered dental technicians at any one time.

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5 SECTION 6. Registration of Dental Technicians. All persons who perform
6 dental technology in a recognized specialty in a dental laboratory and are not
7 otherwise registered as a dental technologist in that particular specialty,
8 shall register with the Board of Dental Technology.

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10 SECTION 7. Applications-Fees-Expiration.

11 (a) Applications for registration under this act shall contain or be
12 accompanied by such information required by the board as may be necessary to
13 determine qualifications for registering or to establish a current and
14 accurate list of all registered dental technologists in this state. All fees
15 charged shall be nonrefundable. Application shall be on forms furnished by
16 the executive secretary and accompanied by a fee determined by the board not
17 to exceed the maximum annual renewal fees prescribed by this act.

18 (b) Unless sooner suspended or revoked, all certificates of
19 registration issued under this act expire on June 30th of the year following
20 the date of issuance. Every person, corporation, partnership or other legal
21 entity registered under this act shall pay on or before the first day of July
22 of each year a renewal fee determined by the board within the limits
23 prescribed below. Upon payment of the fee a renewal certificate shall be
24 issued by the executive secretary in the manner prescribed by the board to
25 said registrant.

26 (c) The annual renewal fee for a registered commercial dental
27 laboratory shall not exceed fifty dollars (\$50.00).

28 (d) The annual renewal fee for a registered dental technologist shall
29 not exceed twenty-five dollars (\$25.00).

30 (e) The annual renewal fee for a registered dental technician shall
31 not exceed ten dollars (\$10.00).

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33 SECTION 8. Denial, Nonrenewal and Revocation of Registrations.

34 (a) The board may refuse to register any applicant, and may refuse to
35 renew or may suspend or revoke such registration if the applicant has:

1 (1) Made an intentional false statement on any application for
2 registration or any other document required by the board or made any
3 misrepresentation in seeking to obtain or retain registration under this act;

4 (2) Demonstrated incompetence or unprofessional conduct;

5 (3) Intentionally falsified any report; or

6 (4) Violated any provision of this act or any regulation promulgated
7 by the board.

8 (b) Any action of the board under this section may be appealed to the
9 *circuit court of Pulaski County.*

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11 SECTION 9. Temporary Registration.

12 (a) The board, by regulation, may provide for the issuance of a
13 temporary registration to applicants for registration under this act
14 authorizing the applicant to serve in the capacity for which he seeks a
15 registration. The temporary registration may prescribe the laboratory
16 procedures in one or more dental laboratory technology areas, fields, and
17 specialties that the applicant is authorized to perform.

18 (b) Temporary registrations expire one hundred twenty (120) days after
19 the date of issue or twenty (20) days after the date of the next scheduled
20 meeting of the board, whichever occurs later.

21 (c) If the board refuses to grant the registration for which the
22 holder of a temporary registration has applied, the board shall revoke the
23 temporary registration by giving written notice of such revocation to the
24 holder of the registration and to his employer.

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26 SECTION 10. Dental Technology Registration Account.

27 (a) There is hereby created on the books of the State Auditor, State
28 Treasurer and Chief Fiscal Officer of the State an account to be known as the
29 Dental Technology Registration Account.

30 (b) All monies received by the board under this act shall be deposited
31 into the State Treasury as special revenues and credited to the Dental
32 Technology Registration Account. All monies in the Dental Technology
33 Registration Account shall be used exclusively by the board to implement this
34 act.

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1 SECTION 11. Exemptions.

2 The following schools, organizations and entities are exempted from the
3 provisions of this act, unless operating for a profit:

4 (1) Schools of dentistry and schools of dental technology.

5 (2) Dental laboratory facilities operated by any branch of the Armed
6 Forces, by the Public Health Service, by the Veterans Administration or by any
7 agency or political subdivision of this state.

8 (3) The practice or performance of dental technology by dental
9 technologists of other states or countries while appearing as clinicians at
10 meetings of the Associated Dental Laboratories.

11 (4) Auxiliary personnel in a dental office, *in-house laboratory* or at
12 meetings sanctioned by them or when making a clinical demonstration before a
13 medical, dental, dental technology or similar organization.

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15 SECTION 12. Effective Date. This act takes effect January 1, 1994, but
16 no person shall be considered in violation of any provision of this act for
17 conduct occurring prior to July 1, 1994. However, such conduct may be
18 considered in determining qualifications for registration under this act.

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20 SECTION 13. All provisions of this act of a general and permanent
21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
22 Code Revision Commission shall incorporate the same in the code.

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24 SECTION 14. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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30 SECTION 15. All laws and parts of laws in conflict with this act are
31 hereby repealed.

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/s/ Senator Walters

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As Engrossed: 2/11/93

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