

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S1/26/11 S2/3/11

# A Bill

SENATE BILL 42

5 By: Senators D. Johnson, P. Malone, Crumbly  
6 By: Representative Gaskill  
7

## For An Act To Be Entitled

9 AN ACT TO AUTHORIZE DENTAL HYGIENISTS TO PERFORM  
10 DENTAL HYGIENE PROCEDURES FOR PERSONS IN PUBLIC  
11 SETTINGS WITHOUT THE SUPERVISION OF A DENTIST; TO  
12 CREATE A COLLABORATIVE CARE PERMIT PROGRAM FOR DENTAL  
13 HYGIENISTS; AND FOR OTHER PURPOSES.  
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## Subtitle

16 AN ACT TO AUTHORIZE DENTAL HYGIENISTS TO  
17 PERFORM DENTAL HYGIENE PROCEDURES FOR  
18 PERSONS IN PUBLIC SETTINGS WITHOUT THE  
19 SUPERVISION OF A DENTIST.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 17, Chapter 82 is amended to add a  
26 additional subchapter to read as follows:

### Subchapter 7 – Dental Hygienist Collaborative Care Program

#### 17-82-701. Definitions.

#### As used in this subchapter:

31 (1) "Collaborative agreement" means a written agreement between  
32 a dentist licensed by the Arkansas State Board of Dental Examiners and a  
33 dental hygienist licensed by the Arkansas State Board of Dental Examiners  
34 providing that the dental hygienist may provide prophylaxis, fluoride  
35 treatments, sealants, dental hygiene instruction, assessment of a patient's  
36 need for further treatment by a dentist, and if delegated by the consulting



1 dentist, other services provided by law to children, senior citizens, and  
2 persons with developmental disabilities in a public setting without the  
3 supervision and presence of the dentist and without a prior examination of  
4 the persons by the dentist;

5 (2) "Collaborative dental hygienist" means a dental hygienist  
6 who holds a Collaborative Care Permit I, a Collaborative Care Permit II, or  
7 both from the Arkansas State Board of Dental Examiners and who has entered  
8 into a collaborative agreement with no more than one (1) consulting dentist  
9 regarding the provision of services under this subchapter;

10 (3) "Consulting dentist" means a dentist who holds a  
11 Collaborative Dental Care Permit from the Arkansas State Board of Dental  
12 Examiners and:

13 (A) If engaged in the private practice of dentistry, has  
14 entered into a collaborative agreement with no more than three (3)  
15 collaborative dental hygienists regarding the provision of services under  
16 this subchapter; or

17 (B) Is employed by the Department of Health;

18 (4) "Medicaid" means the medical assistance program established  
19 under § 20-77-101 et seq.;

20 (5) "Public settings" means:

21 (A) Adult long-term care facilities;

22 (B) Charitable health clinics that provide free or  
23 reduced-fee services to low-income patients;

24 (C) County incarceration facilities;

25 (D) Facilities that primarily serve developmentally  
26 disabled persons;

27 (E) Head Start programs;

28 (F) Homes of homebound patients who qualify for in-home  
29 medical assistance;

30 (G) Hospital long-term care units;

31 (H) Local health units;

32 (I) Schools;

33 (J) Community health centers; and

34 (K) State correctional institutions; and

35 (6) "Senior citizen" means a person sixty-five (65) years of  
36 age or older.

1           17-82-702. Permits – Fees.

2           (a)(1) A dental hygienist licensed by the Arkansas State Board of  
3 Dental Examiners is eligible for a Collaborative Care Permit I if the dental  
4 hygienist has:

5                   (A) Practiced as a dental hygienist for one thousand two  
6 hundred (1,200) clinical hours; or

7                   (B) Taught for two (2) academic years over the course of  
8 the immediately preceding three (3) academic years of courses in which a  
9 person enrolls to obtain necessary academic credentials for a dental  
10 hygienist license.

11           (2) A dental hygienist licensed by the Arkansas State Board of  
12 Dental Examiners is eligible for a Collaborative Care Permit II if the dental  
13 hygienist has:

14                   (A) Practiced as a dental hygienist for one thousand eight  
15 hundred (1,800) clinical hours; or

16                   (B)(i) Taught for two (2) academic years over the course  
17 of the immediately preceding three (3) academic years of courses in which a  
18 person enrolls to obtain necessary academic credentials for a dental  
19 hygienist license; and

20                   (ii) Completed a six-hour continuing dental  
21 education course.

22           (3) A dentist licensed by the Arkansas State Board of Dental  
23 Examiners is eligible for a Collaborative Dental Care Permit.

24                   (b)(1)(A) The Arkansas State Board of Dental Examiners may charge a  
25 fee to a dentist who applies for a collaborative dental care permit.

26                   (B) The Arkansas State Board of Dental Examiners shall  
27 calculate the fee to cover the costs of administering and processing the  
28 application and the costs of inspecting the dentist's practice to determine  
29 his or her compliance with rules adopted under this subchapter.

30                   (2)(A) The Arkansas State Board of Dental Examiners may charge a  
31 fee to a registered dental hygienist who applies for a collaborative dental  
32 care permit.

33                   (B) The Arkansas State Board of Dental Examiners shall  
34 calculate the fee to cover the costs of administering and processing the  
35 application and the costs of inspecting the registered dental hygienist's  
36 practice to determine his or her compliance with rules adopted under this

1 subchapter.

2 (3)(A) A dentist or registered dental hygienist who holds a  
3 collaborative dental care permit shall renew the permit at the same time as a  
4 dentist's or registered dental hygienist's the permit shall expire.

5 (B)(i) The Arkansas State Board of Dental Examiners may  
6 charge a renewal fee for administering the renewal of the permit.

7 (ii) The board shall calculate the fee to cover the  
8 costs of administering and processing the renewal of the permit.

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10 17-82-703. Provision of services by collaborative dental hygienists.

11 (a) A collaborative dental hygienist who obtains a Collaborative Care  
12 Permit I may provide prophylaxis, fluoride treatments, sealants, dental  
13 hygiene instruction, assessment of the patients' need for further treatment  
14 by a dentist, and other services provided by law if delegated by the  
15 consulting dentist to children in a public setting without the supervision  
16 and direction of a dentist and without a prior examination of the patient by  
17 the consulting dentist.

18 (b) A collaborative dental hygienist who holds a Collaborative Care  
19 Permit II may provide prophylaxis, fluoride treatments, sealants, dental  
20 hygiene instruction, assessment of the patients' need for further treatment  
21 by a dentist, and other services provided by law if delegated by the  
22 consulting dentist to children, senior citizens, and persons with  
23 developmental disabilities in public settings without the supervision and  
24 direction of a dentist and without a prior examination of the patient by the  
25 consulting dentist.

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27 17-82-704. Reimbursement.

28 (a) A health insurance company, Medicaid, or other person that pays a  
29 fee for service performed by a collaborative dental hygienist under this  
30 subchapter shall submit the payment directly to the consulting dentist.

31 (b) If a health insurance company, Medicaid, or other person pays a  
32 fee for service performed by a dental hygienist under this subchapter to the  
33 collaborative dental hygienist, the collaborative dental hygienist shall  
34 deliver the payment to the consulting dentist.

35 (c)(1) If, however, language in the collaborative agreement required  
36 under this subchapter conflicts with a federal law, a federal rule, or a

1 federal regulation, the federal law, federal rule, or federal regulation  
2 shall control, and the conflicting language of the agreement shall be  
3 disregarded.

4 (2) For the limited purposes of Medicaid reimbursement under  
5 this subchapter, the collaborative dental hygienist is deemed to be an  
6 employee of the consulting dentist and the collaborative dental hygienist as  
7 a condition of employment under this subchapter shall submit the Medicaid  
8 payment for services performed under this subchapter to the consulting  
9 dentist.

10 17-82-705. Permission of the Department of Health – Responsibilities  
11 of the Department of Health.

12 (a) In order for a collaborative dental hygienist to provide services  
13 to persons under this subchapter, the consulting dentist with whom the  
14 collaborative dental hygienist has entered a collaborative agreement must  
15 have received permission from the department for the collaborative dental  
16 hygienist to serve patients at public settings designated by the Department  
17 of Health on a date or dates designated by the department.

18 (b) The Department of Health shall develop a system of prioritization  
19 for services permitted under this subchapter of communities in the state  
20 including rural areas based on the relative population of people at need for  
21 services permitted under this subchapter and endeavor to direct services  
22 permitted under this subchapter to such communities including rural areas.

23  
24 17-82-706. Rules.

25 (a) The Arkansas State Board of Dental Examiners shall adopt rules to  
26 implement §§ 17-82-701 – 17-82-704.

27 (b) The State Board of Health shall adopt rules to implement § 17-82-  
28 705.

29  
30 17-82 707. Malpractice insurance.

31 A collaborative dental hygienist who provides services permitted under  
32 this subchapter shall be insured under a malpractice liability policy for the  
33 provision of the services.

34 /s/D. Johnson

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36 **APPROVED: 02/22/2011**