

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1559

4
5 By: Representative Reep
6
7

For An Act To Be Entitled

9 AN ACT TO ALLOW THE OPERATION OF MOBILE DENTAL
10 FACILITIES UNDER THE AUTHORITY OF THE ARKANSAS
11 STATE BOARD OF DENTAL EXAMINERS; AND FOR OTHER
12 PURPOSES.

Subtitle

13
14 AN ACT TO ALLOW THE OPERATION OF MOBILE
15 DENTAL FACILITIES UNDER THE AUTHORITY OF
16 THE ARKANSAS STATE BOARD OF DENTAL
17 EXAMINERS.
18
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 Section 1. Arkansas Code Title 17, Chapter 82 is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 6 -- Mobile Dental Facilities

26
27 17-82-601. Definitions.

28 As used in this subchapter:

29 (1) "Dental home" means a licensed primary dental care provider
30 who has an ongoing relationship with a patient, including without limitation:

31 (A) Comprehensive oral health care that is continuously
32 accessible;

33 (B) Coordinated;

34 (C) Family-centered; and

35 (D) Provided in compliance with policies of the American
36 Dental Association beginning not later than one (1) year of age;



1 (2) "Mobile dental facility" means a self-contained, intact
 2 facility in which dentistry and dental hygiene are practiced and that may be
 3 moved, towed, or transported from one (1) location to another; and

4 (3) "Operator" means:

5 (A) An individual licensed to practice dentistry in this
 6 state; and

7 (B) An entity that is approved as tax exempt under Section
 8 501(c)(3) of the Internal Revenue Code that employs dentists licensed in this
 9 state to operate a mobile dental facility.

10
 11 17-82-602. Permit requirement.

12 (a)(1) Before an operator operates a mobile dental facility, the
 13 Arkansas State Board of Dental Examiners shall issue a permit to the operator
 14 to operate a mobile dental facility.

15 (2) An operator shall submit an application for a mobile dental
 16 facility permit to the board in the form and manner required by the board
 17 along with a payment of five thousand dollars (\$5,000).

18 (3) Before issuing a permit to operate a mobile dental facility,
 19 the board shall determine that an operator meets all qualifications under
 20 this subchapter and rules of the board.

21 (b) The initial application for a mobile dental facility permit shall
 22 include without limitation:

23 (1) The full name, address, and telephone number of each dentist
 24 and dental hygienist who will work in a mobile dental facility;

25 (2)(A) Proof of insurance from a licensed insurance carrier that
 26 the operator has in force at least one million dollars (\$1,000,000.00) of
 27 general liability insurance.

28 (B) An operator shall maintain the insurance coverage
 29 required under subdivision (b)(2)(A) of this section at all times during
 30 which the operator holds a mobile dental facility permit issued by the board;

31 (3) The address and official telephone number of record of the
 32 operator; and

33 (4) The written procedure required under § 17-82-603(f).

34
 35 17-82-603. Requirements for operators.

36 (a) An operator shall maintain an official business address that

1 shall:

2 (1) Not be a post office box;

3 (2) Be within this state; and

4 (3) Be associated with an established, nonmobile dental facility
 5 that shall have an official business address on record with the Arkansas
 6 Board of Dental Examiners.

7 (b) An operator shall maintain an official telephone number of record
 8 that shall:

9 (1) Be accessible twenty-four (24) hours per day;

10 (2) Be filed with the board as part of the application for a
 11 permit; and

12 (3) Have 911 capability.

13 (c) An operator shall notify the board within thirty (30) days of:

14 (1) A change in address, location, or telephone number of
 15 record; and

16 (2)(A) The method by which the operator shall notify a patient
 17 of the change of address, location, or telephone number of record.

18 (B) As used in subdivision (c)(2)(A) of this section,
 19 "patient" means an individual who has received treatment or consultation of
 20 any kind within two (2) years before the date of the change of address,
 21 location, or telephone number of record under this section.

22 (d) All written or printed documents available from or issued by the
 23 mobile dental facility shall contain the official business address and
 24 telephone number of record for the mobile dental facility.

25 (e) When the mobile dental facility is not in transit, all dental and
 26 official records of the mobile dental facility shall be maintained at the
 27 official business address.

28 (f)(1)(A) An operator shall maintain a written procedure for emergency
 29 follow-up care for patients treated in a mobile dental facility.

30 (B) The written procedure required under subdivision
 31 (f)(1)(A) of this section shall state that the operator shall make
 32 arrangements to provide follow-up treatment in a dental facility that is
 33 permanently established in the area within a fifty-mile radius of the
 34 location where services are provided by the operator if a qualified dentist
 35 is located in the area and agrees to provide follow-up care.

36 (2) An operator that is unable to identify a qualified dentist

1 in the area or is unable to arrange for emergency follow-up care for patients
2 otherwise shall provide the necessary follow-up care through the mobile
3 dental facility or at the operator’s established dental practice location in
4 this state or at any other established dental practice in this state that
5 agrees to accept the patient.

6 (3)(A) An operator who fails to arrange or provide follow-up
7 care as required under this subsection has abandoned the patient.

8 (B) If an operator abandons a patient, the operator and
9 any dentist or dental hygienist who fails to provide the required follow-up
10 treatment is subject to disciplinary action by the board.

11 (g)(1) A mobile dental facility shall have communication facilities
12 that enable the operator to contact necessary parties if a medical or dental
13 emergency occurs.

14 (2) The communication facilities shall enable:

15 (A) The patient or the parent or guardian of the patient
16 treated to contact the operator for emergency care, follow-up care, or
17 information about treatment received; and

18 (B) The provider who renders follow-up care to contact the
19 operator and receive treatment information, including without limitation
20 radiographs.

21 (h) A mobile dental facility and the dental procedures performed by a
22 qualified dentist is located in the area and agrees to provide follow-up care
23 shall comply with all applicable federal and state laws and all applicable
24 rules of the board.

25 (i) Services may be provided in a mobile dental facility only when a
26 licensed dentist is physically present in the facility.

27 (j)(1) A driver of a mobile dental facility shall possess a valid
28 Arkansas driver’s license appropriate for the operation of the vehicle.

29 (2) A copy of the driver’s license of each driver of a mobile
30 dental facility shall be submitted to the board at least thirty (30) days
31 before the individual operates a mobile dental facility.

32 (k) A mobile dental facility shall possess the appropriate motor
33 vehicle registration of this state.

34 (l)(1) The operator of a mobile dental facility shall not perform
35 services on a minor without the signed informed consent of a parent or
36 guardian.

1 (2)(A) The board shall establish the signed informed consent
2 form required under this subsection.

3 (B) The signed informed consent form shall:

4 (i) Inquire whether the prospective minor patient
5 received dental care from a licensed dentist during the previous year; and

6 (ii) If the dental care was from a mobile dental
7 facility, request the name, address, and telephone number of the dental home.

8 (3)(A) If the signed informed consent form provided to the
9 operator identifies a dental home, the operator shall contact the designated
10 dental home by phone, facsimile, or electronic mail to notify the dental home
11 of the minor's interest in receiving dental care from the operator.

12 (B) If the dental home confirms that an appointment for
13 the minor is scheduled with the dental home, the operator shall encourage the
14 minor or his or her parent or guardian to seek care from the dental home.

15 (4) The signed informed consent form shall document that the
16 parent or legal guardian understands that the prospective patient may choose
17 at any time to receive care from the prospective patient's dental home rather
18 than from the mobile dental facility.

19 (m)(1) An operator of a mobile dental facility shall not perform
20 services on an adult without a signed informed consent from the prospective
21 patient on a form established by the board.

22 (2) The signed informed consent form shall document that the
23 patient understands that the patient may choose at any time to receive care
24 from his or her dental home rather than from the mobile dental facility.

25 (n)(1)(A) An operator of a mobile dental facility shall not perform
26 services on an incapacitated person without a signed informed consent from
27 the legal guardian of the incapacitated person on a form established by the
28 board.

29 (B) The signed informed consent form shall document that
30 the patient's legal guardian understands.

31 (2) The signed informed consent form shall document that the
32 guardian understands that the patient may choose at any time to receive care
33 from his or her dental home rather than from the mobile dental facility.

34 (o)(1) An operator of a mobile dental facility shall maintain a
35 written or electronic record detailing for each location where services are
36 performed:

- 1 (A) The street address of the service location;
- 2 (B) The dates of each session;
- 3 (C) The number of patients served;
- 4 (D) The types of dental services provided and the quantity
- 5 of each service provided; and
- 6 (E) Any other information required by the board.

7 (2) On request, the written or electronic record shall be made
 8 available to the board within ten (10) days.

9 (p) A mobile dental facility shall possess all applicable county and
 10 city licenses or permits to operate at each location.

11 (q) A mobile dental facility shall comply with the current
 12 recommendations for infection control practices for dentistry promulgated by
 13 the Centers for Disease Control, as it existed on January 1, 2009, and any
 14 rule of the board relating to infection control or reporting in a dental
 15 office.

16 (r)(1)(A) At the conclusion of each patient’s visit to a mobile dental
 17 facility, the operator shall provide the patient with a patient information
 18 sheet.

19 (B) The operator shall also provide the information sheet
 20 provided under subdivision (r)(1)(A) of this section to an individual or
 21 entity authorized by the patient to receive or access the patient’s records.

22 (2) The information sheet required under subdivision (r)(1)(A)
 23 shall include without limitation:

24 (A) The name of the dentist or dental hygienist, or both,
 25 who performed the services;

26 (B) A description of the treatment rendered, including
 27 without limitation:

28 (i) Billing service codes and fees associated with
 29 treatment; and

30 (ii) Tooth numbers when appropriate;

31 (C) If applicable, the name, address, and telephone number
 32 of any dentist to whom the patient was referred for follow-up care and the
 33 reason for the referral; and

34 (D) If applicable, the name, address, and telephone number
 35 of a parent or guardian of the patient.

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17-82-604. Physical requirements for facilities.

(a) A mobile dental facility shall comply with the following physical requirements and inspection criteria:

(1) Ready access by a ramp or lift;

(2) A properly functioning sterilization system;

(3) Ready access to an adequate supply of potable water, including hot water;

(4) A covered galvanized, stainless steel, or other noncorrosive container for the deposit of refuse and waste materials; and

(5) Ready access to toilet facilities.

(b) A mobile dental facility shall be inspected by the Arkansas Board of Dental Examiners or its representative before receiving a permit.

(c) The board may perform periodic unannounced audits and inspections on a permitted mobile dental facility.

17-82-605. Notification of changes.

(a) An operator shall notify the Arkansas Board of Dental Examiners in writing within fifteen (15) days after a change in the employment of a dentist or dental hygienist working for the operator.

(b) An operator shall notify the board in writing within ten (10) days after a change relating to a dentist to whom patients are to be referred for follow-up care under § 17-82-603(f).

(c) An operator shall notify the board in writing within ten (10) days of a change in the procedure for emergency follow-up care under § 17-82-603(f).

17-82-606. Sale of a mobile dental facility -- Notification requirements.

If a mobile dental facility is sold, the current operator shall inform the Arkansas Board of Dental Examiners by certified mail within ten (10) days after the date the sale is finalized.

17-82-607. Cessation of operation of a mobile dental facility -- Notification requirements.

(a) An operator of a mobile dental facility shall notify the Arkansas Board of Dental Examiners at least thirty (30) days before cessation of

1 operation.

2 (b)(1) The notification required under this section shall include
3 without limitation:

4 (A) The final day of operation of the mobile dental
5 facility; and

6 (B) A description of the manner and procedure by which
7 patients may obtain their records or transfer the records to another dentist.

8 (2) A copy of the notification shall be sent to all patients.

9 (3) The operator shall take all necessary action to ensure that
10 the patient records are available to the patient, a representative of the
11 patient, or a subsequent treating dentist.

12 (c) As used in this section, "patient" means an individual who has
13 received treatment or consultation within two (2) years of the last date of
14 operation of the mobile dental facility by the current operator.

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16 17-82-608. Applicability.

17 An operator, dentist, or dental hygienist working or performing
18 services at a mobile dental facility is subject to this chapter.

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20 17-82-609. Penalties.

21 (b) An operator, dentist, or dental hygienist who violates this
22 subchapter is subject to § 17-82-316.

23 (b) The Arkansas State Board of Dental Examiners shall employ
24 procedures under § 17-82-317 in assessing penalties under this section.

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26 17-82-610. Rules.

27 (a) The Arkansas State Board of Dental Examiners shall adopt rules to
28 implement and enforce this subchapter.

29 (b) The rules adopted under this subchapter shall specify that a
30 dental hygienist or a dental assistant shall not be an operator under this
31 subchapter.

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