

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

A Bill

SENATE BILL 42

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

For An Act To Be Entitled

8 AN ACT TO AUTHORIZE DENTAL HYGIENISTS TO PERFORM
9 DENTAL HYGIENE PROCEDURES FOR PERSONS IN PUBLIC
10 SETTINGS WITHOUT THE SUPERVISION OF A DENTIST; TO
11 CREATE A COLLABORATIVE CARE PERMIT PROGRAM FOR DENTAL
12 HYGIENISTS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT TO AUTHORIZE DENTAL HYGIENISTS TO
16 PERFORM DENTAL HYGIENE PROCEDURES FOR
17 PERSONS IN PUBLIC SETTINGS WITHOUT THE
18 SUPERVISION OF A DENTIST.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 17, Chapter 82 is amended to add a
25 additional subchapter to read as follows:

26 Subchapter 7 – Dental Hygienist Collaborative Care Program
27

28 17-82-701. Definitions.

29 As used in this subchapter:

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



1 persons with developmental disabilities in a public setting without the
 2 supervision and presence of the dentist and without a prior examination of
 3 the persons by the dentist;

4 (2) "Collaborative dental hygienist" means a dental hygienist
 5 who holds a Collaborative Care Permit I and/or a Collaborative Care Permit II
 6 from the Arkansas State Board of Dental Examiners and who:

7 (A)(i) Has entered into a collaborative agreement with no
 8 more than one (1) consulting dentist regarding the provision of services
 9 under this subchapter; and

10 (ii) Is insured under a malpractice liability policy
 11 for the provisions of services permitted by this subchapter; or

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

13 (3) "Consulting dentist" means a dentist who:

14 (A)(i) Holds a Collaborative Dental Care Permit from the
 15 Arkansas State Board of Dental Examiners; and

16 (ii) Has entered into a collaborative agreement with
 17 no more than three (3) collaborative dental hygienists regarding the
 18 provision of services under this subchapter; or

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

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

22 (5) "Public settings" means:

23 (A) Adult long-term care facilities;

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

26 (C) County incarceration facilities;

27 (D) Facilities that primarily serve developmentally
 28 disabled persons;

29 (E) Head Start programs;

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

32 (G) Hospital long-term care units;

33 (H) Local health units;

34 (I) Schools; and

35 (J) State correctional institutions; and

36 (6) "Senior citizen" means a person sixty-five (65) years of

1 age or older.

2
3 17-82-702. Licensing.

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

7 (1) Practiced as a dental hygienist for one thousand two hundred
8 (1,200) clinical hours; or

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

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

16 (1) Practiced as a dental hygienist for one thousand eight
17 hundred (1,800) clinical hours; or

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

22 (B) Completed a six-hour continuing dental education
23 course.

24 (c) A dentist licensed by the Arkansas State Board of Dental Examiners
25 is eligible for a Collaborative Dental Care Permit.

26
27 17-82-703. Provision of services by collaborative dental hygienists.

28 (a) A collaborative dental hygienist who obtains a Collaborative Care
29 Permit I may provide prophylaxis, fluoride treatments, sealants, dental
30 hygiene instruction, assessment of the patients' need for further treatment
31 by a dentist, and other services provided by law if delegated by the
32 consulting dentist to children in a public setting without the supervision
33 and direction of a dentist and without a prior examination of the patient by
34 the consulting dentist.

35 (b) A collaborative dental hygienist who holds a Collaborative Care
36 Permit II may provide prophylaxis, fluoride treatments, sealants, dental

1 hygiene instruction, assessment of the patients' need for further treatment
2 by a dentist, and other services provided by law if delegated by the
3 consulting dentist to children, senior citizens, and persons with
4 developmental disabilities in public settings without the supervision and
5 direction of a dentist and without a prior examination of the patient by the
6 consulting dentist.

7
8 17-82-704. Reimbursement.

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

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

16 (c) If, however, language in the collaborative agreement required
17 under this subchapter conflicts with a federal law, a federal rule, or a
18 federal regulation, the federal law, federal rule, or federal regulation
19 shall control, and the conflicting language of the agreement shall be
20 disregarded.

21
22 17-82-705. Permission of the Department of Health – Responsibilities
23 of the Department of Health.

24 (a) In order for a collaborative dental hygienist to provide services
25 to persons under this subchapter, the consulting dentist with whom the
26 collaborative dental hygienist has entered a collaborative agreement must
27 have received permission from the department for the collaborative dental
28 hygienist to serve patients at public settings designated by the Department
29 of Health on a date or dates designated by the department.

30 (b) The Department of Health shall develop a system of prioritization
31 for services permitted under this subchapter of communities in the state
32 including rural areas based on the relative population of people at need for
33 services permitted under this subchapter and endeavor to direct services
34 permitted under this subchapter to such communities including rural areas.

35
36 17-82-706. Rules.

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

3 (b) The State Board of Health shall adopt rules to implement § 17-82-
4 705.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36