

ARKANSAS STATE BOARD OF HEALTH

CENTER FOR HEALTH ADVANCEMENT

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**RULES ~~AND REGULATIONS~~
PERTAINING TO
DENTAL HYGIENISTS SERVING UNDERSERVED AREAS**

Promulgated Under the Authority of
Arkansas Code Annotated § 17-82-706

Effective ~~June 1, 2014~~

**Arkansas Department of Health
Renee Mallory, RN, BSN,
Secretary of Health**

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Director and State Health Officer**

~~By the Arkansas State Board of Health
Arkansas Department of Health
Little Rock, Arkansas~~

**RULES ~~AND REGULATIONS~~ PERTAINING TO DENTAL HYGIENISTS SERVING
UNDERSERVED AREAS**

SECTION I. AUTHORITY

The following Rules ~~and Regulations~~ Pertaining to Dental Hygienists Serving Underserved Areas are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas, including Ark. Code Ann. § 17-82-706.

SECTION II. PURPOSE

To protect the health of the citizens of Arkansas by promulgating rules providing limited governance of the services provided by a dental hygienist working under a collaborative care permit program with a licensed dentist.

SECTION III. DEFINITIONS

For the purposes of these Rules, the following words and phrases when used herein shall be construed as follows:

- (A) "Collaborative agreement" means a written agreement between a dentist licensed by the Arkansas State Board of Dental Examiners and a dental hygienist licensed by the Arkansas State Board of Dental Examiners providing that the dental hygienist may provide prophylaxis, fluoride treatments, sealants, dental hygiene instruction, assessment of a patient's need for further treatment by a dentist and if delegated by the consulting dentist other services provided by law to children, senior citizens and persons with developmental disabilities in a public setting without the supervision and presence of the dentist and without a prior examination of the persons by the dentist.
- (B) "Collaborative dental hygienist" means a dental hygienist who holds a Collaborative Care Permit I, a Collaborative Care Permit II, or both from the Arkansas State Board of Dental Examiners and who has entered into a collaborative agreement with no more than one (1) consulting dentist regarding provision of services under this subchapter.
- (C) "Consulting dentist" means a dentist who holds a Collaborative Dental Care Permit from the Arkansas State Board of Dental Examiners and:
 - (1) If engaged in the private practice of dentistry, has entered into a collaborative agreement with no more than three (3) collaborative dental hygienists regarding the provision of services under this subchapter; or
 - (2) Is employed by the Arkansas Department of Health.
- (D) "Public settings" means:
 - (1) Adult long-term care facilities;

- (2) Charitable health clinics that provide free or reduced-fee services to low-income
- ~~(3)~~ (3) Community health centers; ~~and-~~
- ~~(3)~~(4) County incarceration facilities;
- (5) Facilities that primarily serve developmentally disabled persons;
- ~~(4)~~(6) Head Start programs;
- (7) Homes of Homebound patients who qualify for in-home medical assistance;
- ~~(5)~~(8) Hospital long-term care units;
- (9) Local health units;
- ~~(6)~~(10) Schools; ~~or in rural counties~~
- ~~(7)~~(11) State correctional institutions.

SECTION IV. SPECIFIC REQUIREMENTS

The Arkansas Department of Health Office of Oral Health shall determine prioritization of communities in which collaborative services are permitted based upon provider availability, relevant oral health surveillance data, and other applicable public health datasets deemed appropriate by the Department of Health.

(A) Services will be limited to public settings, including but not limited to:-

~~The Office of Oral Health, Arkansas Department of Health, shall develop and maintain a list of communities and/or rural areas prioritized as to need for dental services and will endeavor to direct collaborative services to these communities and rural areas. Prioritization will be based upon a patient's ability to access care and limited to public settings. These include:~~

- (1) Adult Long-Term Care Facilities;
- (2) Charitable clinics that provide free or reduced-fee services to low income patients;
- (3) Community Health Centers;
- (4) County incarceration facilities;
- (5) Facilities that primarily serve developmentally disabled patients;
- (6) Head Start Programs;
- (7) Homes of Homebound patients who qualify for in-home medical assistance;
- (8) Hospital long-term care units;

(9) Local Health Units;

(10) State Correctional Institutions; or

(11) Schools, ~~shall be prioritized utilizing the following criteria:~~

~~(B) Low full-time dentist to population ratio; and~~

~~(C) Percentage of students participating in free and reduced lunches of the school or school district.~~

~~(D) No school in a tier may be eligible for services until all schools in higher tiers have received services, declined services, or otherwise are unavailable or unwilling to participate in services.~~

~~(E) A school that fails to respond to a reasonable effort to contact it regarding the availability of services may be deemed to be unwilling to participate in services.~~

~~(F) Tiers:~~

~~(G) Tier I shall consist of those schools where 90% or more of its students receive free and reduced lunches;~~

~~(H) Tier II shall consist of those schools where 75% or more of its students receive free and reduced lunches;~~

~~(I) Tier III shall consist of those schools where 70% or more of its students receive free and reduced lunches;~~

~~(J) Tier IV shall consist of those schools where 60% or more of its students receive free and reduced lunches;~~

~~(K) Tier V shall consist of those schools where 50% or more of its students receive free and reduced lunches; and~~

~~(L) Tier VI shall consist of those schools where less than 50% of its students receive free and reduced lunches.~~

~~(M) ——— To further the intent of these rules and after good cause shown, the Director of the Department of Health may waive the requirements of this subsection.~~

~~(N) Provision shall be made for assessment by the hygienist and referral to the collaborative dentist for recall examinations on a yearly basis or more frequently as needed.~~

~~(O)~~ (B) Patients will be encouraged to establish a dental home.

~~(P)~~ (C) A consulting dentist in a collaborative care program with a dental hygienist must consult the Office of Oral Health, Arkansas Department of Health, for permission to practice collaborative care in prioritized areas. Permission must be confirmed annually.

(D) The Office of Oral Health will keep appropriate records.

~~(E)~~ (E) The Office of Oral Health shall publish to the Department of Health website a directory of datasets and reports that will be utilized when assessing a community's oral health indicators to determine priority areas, based on available provider's service area.

SECTION V. SEVERABILITY

If any provision of these Rules or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications of these Rules ~~and Regulations~~ which can give effect without the invalid provisions or applications, and to this end, the provisions hereto are declared severable.

SECTION VI. REPEAL

All ~~regulations-rules~~ and parts of ~~regulations-rules~~ in conflict herewith are hereby repealed.
(Specify if repealing a specific existing rule or part thereof)

CERTIFICATION

This will certify that the foregoing Rules ~~and Regulations~~ Pertaining to Dental Hygienists Serving Underserved Areas were adopted by the Arkansas Board of Health at a regular session of the Board held in Little Rock, Arkansas, on the ~~24th~~ ___ day of ~~April~~ _____, ~~2014~~2023.

Jennifer Dillaha, MD
Secretary of Arkansas State Board of Health
Director of the Arkansas Department of Health