

Occupational Authorizations

for the meeting of the
 ALC-OCCUPATIONAL LICENSING REVIEW SUBCOMMITTEE
 Thursday, January 18, 2024 at 2:00 PM

Arkansas State Board of Dental Examiners

DENTAL HYGIENIST

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Arkansas State Board of Dental Examiners

Scope of Practice: Per A.C.A. 17-82-102 2(A) and (B):
 (2)(A) “The practice of dental hygiene” means the assessment, prevention, and treatment of oral diseases provided by a licensed dental hygienist under the supervision of a licensed dentist as set out in the regulations of the Arkansas State Board of Dental Examiners.
 (B) The practice of dental hygiene shall include the removal of deposits from supergingival and subgingival surfaces of the teeth and any other services which the Board may authorize by regulation and which are not prohibited by any provision of this chapter.

Statutory Requirement(s): Per ACA 17-82-301:
 (a)(1) No person shall practice dentistry or dental hygiene, or attempt to offer to practice either within the State of Arkansas, without first having been authorized and issued a regular license by the Arkansas State Board of Dental Examiners.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Dental hygiene licensure by examination	\$5.00	Once
Fee	Dental hygiene licensure by credentials	\$18.00	Once
Fee	Local anesthesia permit	\$1.00	Once
Fee	Renewal of hygiene license	\$100.00	Biennially

Administrative Rules Documents

Document Type	Document
Rules	Dental_Practice_Act-January_2023.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

DENTIST

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Arkansas State Board of Dental Examiners

Scope of Practice: Per A.C.A 17-82-102:
 For the purposes of this chapter, unless the context otherwise requires:
 (1)(A) “Practicing dentistry” means:

Arkansas State Board of Dental Examiners (Continued)

DENTIST (Continued)

- (i) The evaluation, diagnosis, prevention and treatment by nonsurgical, surgical or related procedures of diseases, disorders and conditions of the oral cavity, maxillofacial area and the adjacent and associated structures and their impact on the human body, but not for the purpose of treating diseases, disorders and conditions unrelated to the oral cavity, maxillofacial area and the adjacent and associated structures; and
 - (ii) The sale or offer for sale of those articles or services of dentistry enumerated in §17-82-105(a).
- (B) “Practicing dentistry” shall include, but not be limited to, the administration of anesthetics for the purpose of or in connection with the performance of any of the acts, services, or practices enumerated or described in this section.

Statutory Requirement(s): Per A.C.A. 17-82-301:
 (a)(1) No person shall practice dentistry or dental hygiene, or attempt to offer to practice either within the State of Arkansas, without first having been authorized and issued a regular license by the Arkansas State Board of Dental Examiners.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Dental license by examination	\$8.00	Once
Fee	Dental license by credentials	\$50.00	Once
Fee	Dental specialty license	\$15.00	Once
Fee	Renewal of dental license	\$300.00	Biennially

Administrative Rules Documents

Document Type	Document
Rules	Dental Practice Act-January 2023.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

REGISTERED DENTAL ASISSTANT

Authorization Type: Permit # of Individuals Regulated: 4089

Entity Division Name: Arkansas State Board of Dental Examiners

Scope of Practice: Per Article XVII of the Dental Practice Act:
 E. REGISTERED DENTAL ASSISTANT EXPANDED FUNCTION PERMITS
 It is the responsibility of the Dental Assistant to provide the Arkansas State Board of Dental Examiners with proof of competence in the desired expanded function prior to receiving a permit from the Board.

1. A Dental Assistant may induce and monitor nitrous oxide/oxygen analgesia after successful completion of a course approved by the Board and the payment of a designated fee. At this time a permit will be issued.
2. A Dental Assistant may operate dental radiographic equipment after successful completion of an education course as approved by the Board and submits proof of competency by passing an examination and the payment of a designated fee. At this time, a permit will be issued.
3. A Dental Assistant may perform coronal polishing after successful completion of education requirements as approved by the Board and submits proof of competency by passing such examination as the Board requires, and the payment of a designated fee. At this time a permit will be

REGISTERED DENTAL ASISSTANT (Continued)

issued.

4. A Dental Assistant may monitor patients who are under deep sedation or general anesthesia only in offices where the dentist(s) is permitted to perform those services, after successful completion of education requirements as approved by the Board and submits proof of competency by passing such examination as the Board requires and the payment of a designated fee. At that time, a permit will be issued.

Statutory Requirement(s): 17-82-401. LEGISLATIVE INTENT.

The provisions of this subchapter are intended to be supplemental and in addition to subchapters 1- 3 of this chapter and are intended to authorize the Arkansas State Board of Dental Examiners to issue permits to dental assistants who perform expanded duties as provided in this subchapter.

History. Acts 1985, No. 473, §1; A.S.A. 1947, §72-571.

17-82-402. PENALTIES.

Any person who violates the provisions of § 17-82-403 or any dentist who permits a person to violate the provisions of §17-82-403 shall be subject to the penalties and sanctions as set forth in §§17-82-301 (b) and (c) and 17-82-316.

History. Acts 1985, No. 473, §3; A.S. A. 1947, §72-573.

17-82-403. PERMIT REQUIRED.

No person shall perform the expanded duties of a dental assistant as defined by the Arkansas State Board of Dental Examiners in the rules and regulations of the board without a permit.

History. Acts 1985, No. 473, §2; A.S.A. 1947, §72-572.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties			
Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Registered dental assisting permit	\$4.00	Once
Fee	Renewal of dental assisting permit	\$50.00	Biennially

Administrative Rules Documents	
Document Type	Document
Rules	Dental Practice Act-January 2023.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Arkansas State Board of Dental Examiners

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? What instances of specific and substantial harm have been documented in the past year?

The Arkansas State Board of Dental Examiners was established by the Legislature in 1887 to protect the interests of Arkansas citizens. Consumers would be at risk of substantial harm if this profession was not regulated by a licensing board or agency and if the state did not have this occupational authorization. Licensure and oversight by a licensing agency helps to ensure that consumers are being treated by a dentist who is competent and clinically trained to properly evaluate and diagnose. There have been no reported instances of harm documented by the ASBDE in the past year.

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? What specific action was taken by the occupational entity?

We have received about three verbal complaints within the past year from consumers who received orthodontia from an unlicensed person. Said complainants were referred to the office of the Arkansas Attorney General.

3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? What specific action was taken by the occupational entity?

The ASBDE has received 72 complaints since January 2023 of various natures (i.e. dissatisfied with treatment, monetary matters, etc.). Of those complaints, one resulted in a disciplinary action against a dentist for leaving a needle in a child's mouth. Said dentist was fined and had to take continuing education courses concerning the administration of local anesthesia.

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Occupational Entity Questionnaire

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4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? If so, why? **No**
5. How much does the occupational entity collect annually in fees, and what are annual expenses? How much money does the occupational entity have in reserves?
To date, our agency's fund balance is \$3,570,343. As of January 1, 2023, \$365,567 has been spent. Effective July 1, 2023, application fees were reduced by 95%.
6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? For what purpose?
There has been no need to access funds in reserve.
7. Does the occupational entity have any other sources of revenue? Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?
There is no other source of revenue. Application fees, renewal fees, and fines alone fund the agency.
8. How many applicants for the occupational authorization fail each year? Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities?
Applicants (dentists and hygienists) must pass a written national examination and a clinical examination; the examinations are not administered by our agency. Applicants submit an application after they have passed the required examinations. According to the ASBDE board president who sits on the clinical dental testing committee for the Southern Regional Testing Agency, the dental clinical examination has a 94% success rate. The 6% who do not pass on the first try usually pass on the second attempt.
9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? What percentage of applicants complete apprenticeships?

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Occupational Entity Questionnaire

Arkansas State Board of Dental Examiners

Dental assistants can obtain a dental assisting permit via “on-the-job” training under the supervision of an Arkansas-licensed dentist. Hygienists and dentists must graduate from a school of dentistry that is accredited by the Commission on Dental Accreditation.

10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?
- The standard of care reflects what is minimally required for prudent and reasonable treatment. Removing the occupational authorization or reducing the occupational authorization requirements could be considered negligence and a failure to meet the standard of care.***