

**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 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: S3/1/01*  
**A Bill**

SENATE BILL 521

5 By: Senator P. Malone  
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**For An Act To Be Entitled**

9 AN ACT TO AMEND THE DENTAL PRACTICES ACT TO PREVENT A  
10 NON-DENTIST FROM INFLUENCING OR OTHERWISE INTERFERING  
11 WITH THE EXERCISE OF A DENTIST'S INDEPENDENT  
12 PROFESSIONAL JUDGMENT; AND FOR OTHER PURPOSES.  
13

**Subtitle**

14 TO AMEND THE DENTAL PRACTICES ACT TO  
15 PREVENT A NON-DENTIST FROM INFLUENCING  
16 OR OTHERWISE INTERFERING WITH THE  
17 EXERCISE OF A DENTIST'S INDEPENDENT  
18 PROFESSIONAL JUDGMENT.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code 17-82-104 is amended to read as follows:  
25 17-82-104. Unlawful practice.

26 (a) It is unlawful for a dentist or dental hygienist to:

27 (1)(A) Practice in the State of Arkansas under any name other  
28 than his own true name; except a dentist may practice under a corporate name  
29 that complies with the Dental Corporation Act, § 4-29-401 et seq.

30 (B) A dentist or a dental corporation may practice under a  
31 fictitious name if the name has been registered with and approved by the  
32 Arkansas State Board of Dental Examiners. Said fictitious name must comply  
33 with the rules and regulations of the board and must not be false or  
34 misleading to the general public; or

35 (2) Aid or assist in any manner any unlicensed person to practice  
36 dentistry or dental hygiene or any branch thereof.

1 (b)(1) It is unlawful for a dentist, whether in practice as owner,  
2 proprietor, manager, employee, or partner, to allow any person other than a  
3 dentist licensed by the board to:

4 (A) Direct the dentist's practice; or

5 (B) Direct, participate in, or affect the diagnosis or treatment  
6 of patients under the dentist's care.

7 (2) However, the phrase "any person" as used in this subsection (b)  
8 shall not apply to a patient's dental insurer, dental HMO, or their designated  
9 utilization review organization.

10 ~~(b)(c)~~ It is unlawful for any corporation to practice dentistry or  
11 dental hygiene or to hold itself out as entitled to engage therein.

12 ~~(e)(1)~~(d)(1) A registered licensed dental hygienist working at an  
13 Arkansas Department of Correction facility may work under the general  
14 supervision of a licensed dentist.

15 (2) "General supervision", as used in this subsection, means  
16 that:

17 (A) The dentist shall establish a written office protocol  
18 which specifically indicates when a hygienist may treat a patient and when a  
19 patient is to be seen by a dentist;

20 (B) The hygienist shall specifically adhere to the protocol  
21 for treatment developed by the dentist;

22 (C) General supervision is limited to prophylaxis,  
23 application of sealant, root planning, and any duties normally assigned to  
24 dental assistants;

25 (D) The dentist is to review and countersign all entries  
26 made in the patient's chart by the hygienist within seven (7) working days;

27 (E) All hygienists working in a general supervision  
28 capacity shall be currently certified in cardiopulmonary resuscitation; and

29 (F) The hygienist shall review a patient's dental health  
30 history prior to treatment.

31 ~~(d)(1)~~(e)(1) A person who violates any provision of this section shall  
32 be fined in any sum not less than fifty dollars (\$50.00) nor more than five  
33 hundred dollars (\$500).

34 (2) Each day a violation continues constitutes a separate  
35 offense.

36 (3) In addition to the foregoing criminal sanctions, a person who

1 violates the provisions of this section is subject to the liabilities of § 17-  
2 82-301(b).

3 /s/ P. Malone  
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