

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1282

4
5 By: Representatives George, Wells, Abernathy, Adcock, T. Baker, Blount, T. Bradford, J. Brown,
6 Cooper, Cornwell, D. Creekmore, Davenport, Dunn, Gaskill, Hoyt, Hyde, Key, King, W. Lewellen,
7 Overbey, Pierce, S. Prater, Rainey, Reep, J. Roebuck, Shelby, Stewart, Sullivan, Sumpter, Wagner,
8 Walters, Webb, Wills, Wood

For An Act To Be Entitled

9
10
11 AN ACT TO EXTEND CIVIL IMMUNITY TO PERSONS WHO
12 RENDER VOLUNTARY DENTAL SERVICES AT FREE OR LOW-
13 COST DENTAL CLINICS; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO EXTEND CIVIL IMMUNITY TO PERSONS WHO
17 RENDER VOLUNTARY DENTAL SERVICES AT FREE
18 OR LOW-COST DENTAL CLINICS.
19

20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 16, Chapter 6, Subchapter 2 is amended
25 to add an additional section to read as follows:

26 16-6-202. Indigent dental care – Rules.

27 (a) As used in this section, “free or low-cost dental clinic” means a
28 dental clinic that:

29 (1) Is registered by the State Board of Health;

30 (2) Does not accept insurance payments; and

31 (3) Provides dental services free of charge to persons unable to
32 pay or provides dental service for a nominal fee.

33 (b) Any dentist or dental hygienist who is licensed under the laws of
34 the State of Arkansas and who renders dental services voluntarily and without
35 compensation to any person at any free or low-cost dental clinic shall not be
36 liable for any civil damages for any act or omission resulting from the



1 rendering of dental services at a free or low-cost dental clinic unless the
2 act or omission was the result of gross negligence or willful misconduct.

3 (c)(1) The board shall promulgate rules to provide for the
4 registration of free or low-cost dental clinics under this section.

5 (2) The rules shall require that each person to whom dental
6 services are provided at a free or low-cost dental clinic:

7 (A) Be fully informed before any treatment by the dentist,
8 dental hygienist, or staff of the free or low-cost dental clinic of the
9 immunity from civil suit provisions of this section; and

10 (B) Acknowledge in writing on a form approved or
11 designated by the Department of Health and Human Services that he or she has
12 received the information required under subdivision (c)(2)(A) of this
13 section.

14 (d) The board and its members and the department and its agents and
15 employees are exempt and immune from liability for any claims or damages when
16 performing their duties pursuant to this section.

17 (e) This section supersedes the exception for licensed medical
18 professionals under § 16-6-105.

19
20 SECTION 2. Arkansas Code Title 17, Chapter 95, Subchapter 1 is amended
21 to add an additional section to read as follows:

22 17-95-109. Volunteer services by retired dentists and retired dental
23 hygienists – Immunity from liability.

24 (a) As used in this section, “free or low-cost dental clinic” means a
25 dental clinic that:

26 (1) Is registered by the State Board of Health;

27 (2) Does not accept insurance payments; and

28 (3) Provides dental services free of charge to persons unable to
29 pay or provides dental service for a nominal fee.

30 (b) Any retired dentist or retired dental hygienist who is still
31 licensed under the laws of the State of Arkansas and who renders dental
32 services voluntarily and without compensation to any person at any free or
33 low-cost dental clinic shall not be liable for any civil damages for any act
34 or omission resulting from the rendering of dental services at a free or low-
35 cost dental clinic unless the act or omission was the result of gross
36 negligence or willful misconduct.

1 (c)(1) The board shall promulgate rules to provide for the
 2 registration of free or low-cost dental clinics under this section.

3 (2) The rules shall require that each person to whom dental
 4 services are provided at a free or low-cost dental clinic:

5 (A) Be fully informed before any treatment by the dentist,
 6 dental hygienist, or staff of the free or low-cost dental clinic of the
 7 immunity from civil suit provisions of this section; and

8 (B) Acknowledge in writing on a form approved or
 9 designated by the Department of Health and Human Services that he or she has
 10 received the information required under subdivision (c)(2)(A) of this
 11 section.

12 (d) The board and its members and the department and its agents and
 13 employees are exempt and immune from liability for any claims or damages when
 14 performing their duties pursuant to this section.

15 (e) This section supersedes the exception for licensed medical
 16 professionals under § 16-6-105.

17
 18 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 19 General Assembly of the State of Arkansas that indigent individuals in this
 20 state are in need of professional dental care; that dental professionals are
 21 not sufficiently protected from liability for rendering their services
 22 voluntarily to indigent individuals; and that this act is immediately
 23 necessary because the lack of immunity causes dental professionals to be
 24 reluctant to provide dental services voluntarily and without compensation.
 25 Therefore, an emergency is declared to exist and this act being immediately
 26 necessary for the preservation of the public peace, health, and safety shall
 27 become effective on:

28 (1) The date of its approval by the Governor;

29 (2) If the bill is neither approved nor vetoed by the Governor,
 30 the expiration of the period of time during which the Governor may veto the
 31 bill; or

32 (3) If the bill is vetoed by the Governor and the veto is
 33 overridden, the date the last house overrides the veto.

34
 35
 36