

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H2/27/09

# A Bill

HOUSE BILL 1559

5 By: Representatives Reep, *Shelby, Everett, Ragland, Overbey, Cooper, Adcock, George, Wells, Allen,*  
6 *Gaskill, Hawkins, Hoyt, Reynolds, Hall, Webb, Maxwell, Pierce, English, D. Creekmore, Lovell, J.*  
7 *Edwards*  
8 By: Senators *P. Malone, Steele, Horn, Laverty, Crumbly, Bledsoe*  
9

## For An Act To Be Entitled

11 AN ACT TO ALLOW THE OPERATION OF MOBILE DENTAL  
12 FACILITIES UNDER THE AUTHORITY OF THE ARKANSAS  
13 STATE BOARD OF DENTAL EXAMINERS; AND FOR OTHER  
14 PURPOSES.

## Subtitle

16 AN ACT TO ALLOW THE OPERATION OF MOBILE  
17 DENTAL FACILITIES UNDER THE AUTHORITY OF  
18 THE ARKANSAS STATE BOARD OF DENTAL  
19 EXAMINERS.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 Section 1. Arkansas Code Title 17, Chapter 82 is amended to add an  
26 additional subchapter to read as follows:

27 Subchapter 6 -- Mobile Dental Facilities

28  
29 17-82-601. Definitions.

30 As used in this subchapter:

31 (1) "Dental home" means a licensed primary dental care provider  
32 who has an ongoing relationship with a patient, including without limitation:

33 (A) Comprehensive oral health care that is continuously  
34 accessible;

35 (B) Coordinated;

36 (C) Family-centered; and



1                   (D) Provided in compliance with policies of the American  
2 Dental Association beginning not later than one (1) year of age;

3                   (2) "Mobile dental facility" means a self-contained, intact  
4 facility in which dentistry and dental hygiene are practiced and that may be  
5 moved, towed, or transported from one (1) location to another; and

6                   (3) "Operator" means an individual licensed to practice  
7 dentistry in this state.

8  
9                   17-82-602. Permit requirement.

10                   (a)(1) Before an operator operates a mobile dental facility, the  
11 Arkansas State Board of Dental Examiners shall issue a permit to the operator  
12 to operate a mobile dental facility.

13                   (2) An operator shall submit an application for a mobile dental  
14 facility permit to the board in the form and manner required by the board  
15 along with a payment of five thousand dollars (\$5,000).

16                   (3) Before issuing a permit to operate a mobile dental facility,  
17 the board shall determine that an operator meets all qualifications under  
18 this subchapter and rules of the board.

19                   (b) The initial application for a mobile dental facility permit shall  
20 include without limitation:

21                   (1) The full name, address, and telephone number of each dentist  
22 and dental hygienist who will work in a mobile dental facility;

23                   (2)(A) Proof of insurance from a licensed insurance carrier that  
24 the operator has in force at least one million dollars (\$1,000,000.00) of  
25 general liability insurance.

26                   (B) An operator shall maintain the insurance coverage  
27 required under subdivision (b)(2)(A) of this section at all times during  
28 which the operator holds a mobile dental facility permit issued by the board;

29                   (3) The address and official telephone number of record of the  
30 operator; and

31                   (4) The written procedure required under § 17-82-603(f).

32  
33                   17-82-603. Requirements for operators.

34                   (a) An operator shall maintain an official business address that  
35 shall:

36                   (1) Not be a post office box;

1           (2) Be within this state; and

2           (3) Be associated with an established, nonmobile dental facility  
3 that shall have an official business address on record with the Arkansas  
4 Board of Dental Examiners.

5           (b) An operator shall maintain an official telephone number of record  
6 that shall:

7           (1) Be accessible twenty-four (24) hours per day;

8           (2) Be filed with the board as part of the application for a  
9 permit; and

10          (3) Have 911 capability.

11          (c) An operator shall notify the board within thirty (30) days of:

12          (1) A change in address, location, or telephone number of  
13 record; and

14          (2)(A) The method by which the operator shall notify a patient  
15 of the change of address, location, or telephone number of record.

16                  (B) As used in subdivision (c)(2)(A) of this section,  
17 "patient" means an individual who has received treatment or consultation of  
18 any kind within two (2) years before the date of the change of address,  
19 location, or telephone number of record under this section.

20          (d) All written or printed documents available from or issued by the  
21 mobile dental facility shall contain the official business address and  
22 telephone number of record for the mobile dental facility.

23          (e) When the mobile dental facility is not in transit, all dental and  
24 official records of the mobile dental facility shall be maintained at the  
25 official business address.

26          (f)(1)(A) An operator shall maintain a written procedure for emergency  
27 follow-up care for patients treated in a mobile dental facility.

28                  (B) The written procedure required under subdivision  
29 (f)(1)(A) of this section shall state that the operator shall make  
30 arrangements to provide follow-up treatment in a dental facility that is  
31 permanently established in the area within a fifty-mile radius of the  
32 location where services are provided by the operator if a qualified dentist  
33 is located in the area and agrees to provide follow-up care.

34          (2) An operator that is unable to identify a qualified dentist  
35 in the area or is unable to arrange for emergency follow-up care for patients  
36 otherwise shall provide the necessary follow-up care through the mobile

1 dental facility or at the operator's established dental practice location in  
2 this state or at any other established dental practice in this state that  
3 agrees to accept the patient.

4 (3)(A) An operator who fails to arrange or provide follow-up  
5 care as required under this subsection has abandoned the patient.

6 (B) If an operator abandons a patient, the operator and  
7 any dentist or dental hygienist who fails to provide the required follow-up  
8 treatment is subject to disciplinary action by the board.

9 (g)(1) A mobile dental facility shall have communication facilities  
10 that enable the operator to contact necessary parties if a medical or dental  
11 emergency occurs.

12 (2) The communication facilities shall enable:

13 (A) The patient or the parent or guardian of the patient  
14 treated to contact the operator for emergency care, follow-up care, or  
15 information about treatment received; and

16 (B) The provider who renders follow-up care to contact the  
17 operator and receive treatment information, including without limitation  
18 radiographs.

19 (h) A mobile dental facility and the dental procedures performed by a  
20 qualified dentist is located in the area and agrees to provide follow-up care  
21 shall comply with all applicable federal and state laws and all applicable  
22 rules of the board.

23 (i) Services may be provided in a mobile dental facility only when a  
24 licensed dentist is physically present in the facility.

25 (j)(1) A driver of a mobile dental facility shall possess a valid  
26 Arkansas driver's license appropriate for the operation of the vehicle.

27 (2) A copy of the driver's license of each driver of a mobile  
28 dental facility shall be submitted to the board at least thirty (30) days  
29 before the individual operates a mobile dental facility.

30 (k) A mobile dental facility shall possess the appropriate motor  
31 vehicle registration of this state.

32 (l)(1) The operator of a mobile dental facility shall not perform  
33 services on a minor without the signed informed consent of a parent or  
34 guardian.

35 (2)(A) The board shall establish the signed informed consent  
36 form required under this subsection.

1                   (B) The signed informed consent form shall:

2                   (i) Inquire whether the prospective minor patient  
3 received dental care from a licensed dentist during the previous year; and

4                   (ii) If the dental care was from a mobile dental  
5 facility, request the name, address, and telephone number of the dental home.

6                   (3)(A) If the signed informed consent form provided to the  
7 operator identifies a dental home, the operator shall contact the designated  
8 dental home by phone, facsimile, or electronic mail to notify the dental home  
9 of the minor's interest in receiving dental care from the operator.

10                   (B) If the dental home confirms that an appointment for  
11 the minor is scheduled with the dental home, the operator shall encourage the  
12 minor or his or her parent or guardian to seek care from the dental home.

13                   (4) The signed informed consent form shall document that the  
14 parent or legal guardian understands that the prospective patient may choose  
15 at any time to receive care from the prospective patient's dental home rather  
16 than from the mobile dental facility.

17                   (m)(1) An operator of a mobile dental facility shall not perform  
18 services on an adult without a signed informed consent from the prospective  
19 patient on a form established by the board.

20                   (2) The signed informed consent form shall document that the  
21 patient understands that the patient may choose at any time to receive care  
22 from his or her dental home rather than from the mobile dental facility.

23                   (n)(1)(A) An operator of a mobile dental facility shall not perform  
24 services on an incapacitated person without a signed informed consent from  
25 the legal guardian of the incapacitated person on a form established by the  
26 board.

27                   (B) The signed informed consent form shall document that  
28 the patient's legal guardian understands.

29                   (2) The signed informed consent form shall document that the  
30 guardian understands that the patient may choose at any time to receive care  
31 from his or her dental home rather than from the mobile dental facility.

32                   (o)(1) An operator of a mobile dental facility shall maintain a  
33 written or electronic record detailing for each location where services are  
34 performed:

35                   (A) The street address of the service location;

36                   (B) The dates of each session;

1                   (C) The number of patients served;

2                   (D) The types of dental services provided and the quantity  
3 of each service provided; and

4                   (E) Any other information required by the board.

5                   (2) On request, the written or electronic record shall be made  
6 available to the board within ten (10) days.

7                   (p) A mobile dental facility shall possess all applicable county and  
8 city licenses or permits to operate at each location.

9                   (q) A mobile dental facility shall comply with the current  
10 recommendations for infection control practices for dentistry promulgated by  
11 the Centers for Disease Control, as it existed on January 1, 2009, and any  
12 rule of the board relating to infection control or reporting in a dental  
13 office.

14                   (r)(1)(A) At the conclusion of each patient's visit to a mobile dental  
15 facility, the operator shall provide the patient with a patient information  
16 sheet.

17                   (B) The operator shall also provide the information sheet  
18 provided under subdivision (r)(1)(A) of this section to an individual or  
19 entity authorized by the patient to receive or access the patient's records.

20                   (2) The information sheet required under subdivision (r)(1)(A)  
21 shall include without limitation:

22                   (A) The name of the dentist or dental hygienist, or both,  
23 who performed the services;

24                   (B) A description of the treatment rendered, including  
25 without limitation:

26                   (i) Billing service codes and fees associated with  
27 treatment; and

28                   (ii) Tooth numbers when appropriate;

29                   (C) If applicable, the name, address, and telephone number  
30 of any dentist to whom the patient was referred for follow-up care and the  
31 reason for the referral; and

32                   (D) If applicable, the name, address, and telephone number  
33 of a parent or guardian of the patient.

34

35                   17-82-604. Physical requirements for facilities.

36                   (a) A mobile dental facility shall comply with the following physical

1 requirements and inspection criteria:

2 (1) Ready access by a ramp or lift;

3 (2) A properly functioning sterilization system;

4 (3) Ready access to an adequate supply of potable water,  
5 including hot water;

6 (4) A covered galvanized, stainless steel, or other noncorrosive  
7 container for the deposit of refuse and waste materials; and

8 (5) Ready access to toilet facilities.

9 (b) A mobile dental facility shall be inspected by the Arkansas Board  
10 of Dental Examiners or its representative before receiving a permit.

11 (c) The board may perform periodic unannounced audits and inspections  
12 on a permitted mobile dental facility.

13  
14 17-82-605. Notification of changes.

15 (a) An operator shall notify the Arkansas Board of Dental Examiners in  
16 writing within fifteen (15) days after a change in the employment of a  
17 dentist or dental hygienist working for the operator.

18 (b) An operator shall notify the board in writing within ten (10) days  
19 after a change relating to a dentist to whom patients are to be referred for  
20 follow-up care under § 17-82-603(f).

21 (c) An operator shall notify the board in writing within ten (10) days  
22 of a change in the procedure for emergency follow-up care under § 17-82-  
23 603(f).

24  
25 17-82-606. Sale of a mobile dental facility -- Notification  
26 requirements.

27 If a mobile dental facility is sold, the current operator shall inform  
28 the Arkansas Board of Dental Examiners by certified mail within ten (10) days  
29 after the date the sale is finalized.

30  
31 17-82-607. Cessation of operation of a mobile dental facility --  
32 Notification requirements.

33 (a) An operator of a mobile dental facility shall notify the Arkansas  
34 Board of Dental Examiners at least thirty (30) days before cessation of  
35 operation.

36 (b)(1) The notification required under this section shall include

1 without limitation:

2 (A) The final day of operation of the mobile dental  
3 facility; and

4 (B) A description of the manner and procedure by which  
5 patients may obtain their records or transfer the records to another dentist.

6 (2) A copy of the notification shall be sent to all patients.

7 (3) The operator shall take all necessary action to ensure that  
8 the patient records are available to the patient, a representative of the  
9 patient, or a subsequent treating dentist.

10 (c) As used in this section, "patient" means an individual who has  
11 received treatment or consultation within two (2) years of the last date of  
12 operation of the mobile dental facility by the current operator.

13  
14 17-82-608. Applicability.

15 An operator, dentist, or dental hygienist working or performing  
16 services at a mobile dental facility is subject to this chapter.

17  
18 17-82-609. Penalties.

19 (b) An operator, dentist, or dental hygienist who violates this  
20 subchapter is subject to § 17-82-316.

21 (b) The Arkansas State Board of Dental Examiners shall employ  
22 procedures under § 17-82-317 in assessing penalties under this section.

23  
24 17-82-610. Rules.

25 (a) The Arkansas State Board of Dental Examiners shall adopt rules to  
26 implement and enforce this subchapter.

27 (b) The rules adopted under this subchapter shall specify that a  
28 dental hygienist or a dental assistant shall not be an operator under this  
29 subchapter.

30  
31 */s/ Reep*