

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.

Act 414 of the Regular Session

1 State of Arkansas

As Engrossed: H2/27/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1559

4
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
10 **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.

15
16 **Subtitle**

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

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;



1 (C) Family-centered; and

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

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

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

9

10 17-82-602. Permit requirement.

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

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

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

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

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

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

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

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

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

33

34 17-82-603. Requirements for operators.

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

1 (1) Not be a post office box;

2 (2) Be within this state; and

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

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

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

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

11 (3) Have 911 capability.

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

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

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

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

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

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

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

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

35 (2) An operator that is unable to identify a qualified dentist
36 in the area or is unable to arrange for emergency follow-up care for patients

1 otherwise shall provide the necessary follow-up care through the mobile
2 dental facility or at the operator's established dental practice location in
3 this state or at any other established dental practice in this state that
4 agrees to accept the patient.

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

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

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

13 (2) The communication facilities shall enable:

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

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

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

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

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

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

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

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

36 (2)(A) The board shall establish the signed informed consent

1 form required under this subsection.

2 (B) The signed informed consent form shall:

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (B) The dates of each session;
- 2 (C) The number of patients served;
- 3 (D) The types of dental services provided and the quantity
- 4 of each service provided; and
- 5 (E) Any other information required by the board.

6 (2) On request, the written or electronic record shall be made

7 available to the board within ten (10) days.

8 (p) A mobile dental facility shall possess all applicable county and

9 city licenses or permits to operate at each location.

10 (q) A mobile dental facility shall comply with the current

11 recommendations for infection control practices for dentistry promulgated by

12 the Centers for Disease Control, as it existed on January 1, 2009, and any

13 rule of the board relating to infection control or reporting in a dental

14 office.

15 (r)(1)(A) At the conclusion of each patient's visit to a mobile dental

16 facility, the operator shall provide the patient with a patient information

17 sheet.

18 (B) The operator shall also provide the information sheet

19 provided under subdivision (r)(1)(A) of this section to an individual or

20 entity authorized by the patient to receive or access the patient's records.

21 (2) The information sheet required under subdivision (r)(1)(A)

22 shall include without limitation:

23 (A) The name of the dentist or dental hygienist, or both,

24 who performed the services;

25 (B) A description of the treatment rendered, including

26 without limitation:

27 (i) Billing service codes and fees associated with

28 treatment; and

29 (ii) Tooth numbers when appropriate;

30 (C) If applicable, the name, address, and telephone number

31 of any dentist to whom the patient was referred for follow-up care and the

32 reason for the referral; and

33 (D) If applicable, the name, address, and telephone number

34 of a parent or guardian of the patient.

35

36 17-82-604. Physical requirements for facilities.

1 (a) A mobile dental facility shall comply with the following physical
2 requirements and inspection criteria:

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

4 (2) A properly functioning sterilization system;

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

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

9 (5) Ready access to toilet facilities.

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

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

14
15 17-82-605. Notification of changes.

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

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

22 (c) An operator shall notify the board in writing within ten (10) days
23 of a change in the procedure for emergency follow-up care under § 17-82-
24 603(f).

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

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

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

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

