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As Engrossed: H2/22/17 S3/6/17

A Bill

HOUSE BILL 1250

By: Representative M. Gray

By: Senator L. Eads

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS DENTAL PRACTICE ACT; TO
CREATE ADDITIONAL EXEMPTIONS TO THE PRACTICE OF
DENTISTRY AND DENTAL HYGIENE; TO MODIFY DENTISTRY
SPECIALTY LICENSES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS DENTAL PRACTICE
ACT; TO CREATE ADDITIONAL EXEMPTIONS TO
THE PRACTICE OF DENTISTRY AND DENTAL
HYGIENE; AND TO MODIFY DENTISTRY
SPECIALTY LICENSES.

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

SECTION 1. Arkansas Code Title 17, Chapter 82, Subchapter 1, is amended to add an additional section to read as follows:

17-82-111. Nonclinical services.

(a) Except as provided in subsection (b) of this section, a person or entity shall not practice dentistry or otherwise violate the Arkansas Dental Practice Act, § 17-82-101 et seq., or the Dental Corporation Act, § 4-29-401 et seq., if the person or entity contracted to provide the following services for a dentist or dental corporation in a dental practice:

(1) Owning or leasing an asset used by a dental practice, including real property, furnishings, equipment, inventory, and other goods, but not including dental patient records;

(2) Employing or contracting for the services of personnel other



than licensed dentists; or

(3) Providing administrative services, financial services, or other business activities of a dental practice that do not include practicing dentistry as defined in § 17-82-102.

(b) A person or entity that is not licensed to practice dentistry shall not engage in any activity that includes the practice of dentistry or interferes with the professional judgment or clinical decision-making of licensed dentist.

SECTION 2. Arkansas Code § 17-82-302 is amended to read as follows:

17-82-302. Exemptions.

~~Nothing in this chapter shall~~ This chapter does not prohibit or require a license for the following acts or practices:

(1) The performance of duty in this state of a commissioned dental or medical officer of the United States Army, Air Force, Navy, United States Department of Veterans Affairs, or Public Health ~~Services~~ Service;

(2) Clinical demonstrations before a society or convention of dentists or dental hygienists by a ~~duly~~ licensed dentist or dental hygienist of another state, territory, or the District of Columbia;

(3)(A) Acts ~~which~~ that would otherwise constitute the practice of dentistry or dental hygiene by students under the supervision of instructors in any dental college, university, hospital or institution, or dental department of any college, university, hospital or institution, or school of dental hygiene in this state ~~which~~ that is recognized as being reputable by the Council on Dental Education and Licensure of the American Dental Association ~~Council on Dental Education~~ and approved by the Arkansas State Board of Dental Examiners.

~~(B) These acts must be~~ The acts described in subdivision (3)(A) of this section are those performed within the educational facility incident to a course of study or training and ~~shall not be~~ are not carried on for personal profit;

(4)(A) Acts ~~which~~ that would otherwise constitute the practice of dentistry by a graduate of a college of dentistry approved by the board who is engaged in an internship or residency program in a dental college, university, hospital or institution, or dental department of any college, university, hospital or institution in this state ~~which~~ that is recognized as

~~being~~ reputable by the Council on Dental Education and Licensure of the American Dental Association ~~Council on Dental Education~~ and approved by the board.

~~(B) These acts must be~~ The acts described in subdivision (4)(A) of this section are those performed within the facility pursuant to the internship or residency program, and the intern or resident shall serve ~~shall serve~~ without fee or compensation other than that received in salary or other authorized allowances;

~~(5)(A) Acts which that~~ would otherwise constitute the practice of dentistry by a graduate of a college of dentistry approved by the board who is engaged in teaching dentistry in a dental college, university, hospital or institution, or dental department of any college, university, hospital or institution in this state which that is recognized as being ~~reputable by the Council on Dental Education and Licensure of the American Dental Association~~ ~~Council on Dental Education~~ and approved by the board.

~~(B) These acts must be~~ The acts described in subdivision (5)(A) of this section are those performed within the facility pursuant to the teaching appointment, and the person shall serve ~~shall serve~~ without fee or compensation other than that received in salary or other authorized allowances; or

(6)(A) The practice of dentistry or dental hygiene within the scope of the dentist's or dental hygienist's duties as an employee of the ~~Federal~~ Bureau of Prisons, provided that the dentist or dental hygienist has obtained a license to practice from Arkansas or any other state, territory, the District of Columbia, or Canada.

(B) Dentists and dental hygienists authorized to practice under subdivision (6)(A) of this section may provide dental treatment or services only to inmates and shall not provide dental treatment or services to other employees of the ~~Federal~~ Bureau of Prisons or any other person;

(7)(A) The practice of dentistry or dental hygiene for purposes of an employment interview process for no more than four (4) consecutive days per calendar year in the State of Arkansas by an applicant licensed in good standing by another state or the District of Columbia.

(B) At least fourteen (14) days before practicing dentistry in Arkansas, the applicant shall provide the board with the following information:

(i) The name of the supervising dentist who is licensed in Arkansas and who will be supervising the applicant;

(ii) The dates and location where the applicant will practice;

(iii) A copy of the license of the applicant from the other jurisdiction;

(iv) A copy of the malpractice insurance policy covering the applicant or a certificate of insurance coverage from the underwriting insurer of the policy; and

(v)(a) A letter or certificate from the respective licensing entity in the home state of the applicant indicating that the applicant is in good standing.

(b) As used in this subdivision (7)(B)(v), "good standing" means the applicant has an active license without a complaint, investigation, or action against him or her.

(C) The board shall be deemed to have approved the applicant to practice to the extent permitted under this subdivision (7) unless the board takes action within ten (10) days of receiving the information on grounds that:

(i) The information provided by the applicant is false, inaccurate, or incomplete; or

(ii) The applicant is not qualified to practice in Arkansas; or

(8)(A) The practice of dentistry without compensation for no more than four (4) consecutive days per calendar year in the State of Arkansas by a dentist licensed in another state or the District of Columbia if the dentist has applied for and received a temporary license from the board.

(B) An applicant seeking a temporary charitable dental license shall submit an application and any application fees required by the board and:

(i) The name of the supervising dentist who is licensed in Arkansas;

(ii) The dates and location where the applicant desires to practice within Arkansas;

(iii) A copy of the applicant's dental license from

another jurisdiction;

(iv)(A) A letter from the respective dental licensing entity in the home state of the applicant indicating that the applicant is in good standing.

(B) As used in this subdivision (8)(B)(iv), "good standing" means the individual has an active license without a complaint, investigation, or action against him or her;

(v) A copy of the malpractice insurance policy covering the applicant or a certificate of insurance coverage from the underwriting insurer of the policy; and

(vi) Other pertinent information as determined by the board.

(C)(i) An applicant seeking a temporary charitable dental license issued by the board shall provide written authorization to the board to allow the Department of Arkansas State Police to release the results of state and federal criminal history background checks to the board as required under § 17-82-801 et seq.

(ii) An applicant shall pay the fees associated with the criminal background checks.

(D) A dentist shall not practice in Arkansas under this section until the board issues a temporary charitable dental license.

(E) The board may renew a temporary charitable dental license in subsequent years if the dentist submits a renewal form, a renewal fee determined by the board, and any other information as determined by the board.

(F) This section does not apply to a dentist who is issued a permanent license by the board under § 17-82-304.

SECTION 3. Arkansas Code § 17-82-305 is amended to read as follows:

17-82-305. Dentists – Specialists – Licensing procedure.

(a)(1) ~~Any~~ A dentist in this state licensed by the Arkansas State Board of Dental Examiners who has complied with requirements as specified by the Council on Dental Education and Licensure of the American Dental Association Council on Dental Education in a specialty branch of dentistry or who has otherwise met the requirements of the rules ~~and regulations~~ promulgated by the board may apply for a certificate as a specialist.

(2)(A) The application shall be accompanied by the payment of a fee to be prescribed by the board.

(B) The fee shall be an amount reasonably calculated to cover the cost of the examination and other costs incurred by the board in issuing the certificate.

(3)(A) The application ~~must be~~ shall be kept on file for at least sixty (60) days ~~prior to~~ before the regular meeting of the board.

(B) If the application is accepted, the applicant shall be notified to appear for an examination as defined by the rules ~~and regulations~~ of the board.

(b) Examinations may be oral or written, or both, and the applicant may be required to demonstrate his or her knowledge and proficiency in the specialty in which he or she desires to be certified.

(c) The board is authorized to certify specialists in all specialty areas approved by the American Dental Association.

(d) ~~Any~~ A dentist not licensed by the board but who is eligible to take the Arkansas State Board Examination and is further eligible for specialty examination may take both examinations at the discretion of the board.

(e) ~~No~~ A licensed dentist shall not hold himself or herself out to the public as a specialist or publicly announce as being specifically qualified in any particular branch of dentistry or publicly announce as giving special attention to any branch of dentistry until he or she has been issued a certificate by the board authorizing him or her to do so.

(f) ~~Any~~ A dentist in this state licensed by the board who on February 21, 1969, is limiting his or her practice to a particular branch of dentistry and who is holding himself or herself out to the public as a specialist in a particular branch of dentistry, upon application ~~therefor~~ to the board, shall be certified as a specialist in that branch of dentistry and shall not be required to take the examination provided for in subsection (b) of this section.

(g)(1) The issuing of a specialist license by the board is a special privilege granted to that member that allows him or her to announce to the public that he or she is especially qualified in a particular branch of dentistry.

(2) ~~Any member granted this special privilege must limit his or~~

~~her practice to the specialty in which he or she is licensed except in an emergency situation~~ The issuance of a specialist license does not limit a licensed dentist's ability to practice in any other area of dentistry for which the dentist is qualified, including general dentistry.

~~(3) The failure to limit his or her practice as provided in subdivision (g)(2) of this section described by the appropriate national specialty board shall be cause for the specialist license to be revoked or suspended~~ A dentist who has been issued a specialist license under this section may announce and hold himself or herself out to the public both as a specialist in the area covered by his or her specialty certificate and as a dentist who provides general dentistry services if the dentist practices his or her specialty at least fifty percent (50%) of the time that he or she practices dentistry during a calendar year.

/s/M. Gray

APPROVED: 03/15/2017