State of Arkansas
88th General Assembly
Regular Session, 2011
By: Senators D. Johnson, P. Malone, Crumbly
By: Representative Gaskill

For An Act To Be Entitled
AN ACT TO AUTHORIZE DENTAL HYGIENISTS TO PERFORM DENTAL HYGIENE PROCEDURES FOR PERSONS IN PUBLIC SETTINGS WITHOUT THE SUPERVISION OF A DENTIST; TO CREATE A COLLABORATIVE CARE PERMIT PROGRAM FOR DENTAL HYGIENISTS; AND FOR OTHER PURPOSES.

Subtitle
AN ACT TO AUTHORIZE DENTAL HYGIENISTS TO PERFORM DENTAL HYGIENE PROCEDURES FOR PERSONS IN PUBLIC SETTINGS WITHOUT THE SUPERVISION OF A DENTIST.

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

SECTION 1. Arkansas Code Title 17, Chapter 82 is amended to add a additional subchapter to read as follows:

Subchapter 7 – Dental Hygienist Collaborative Care Program

17-82-701. Definitions.
As used in this subchapter:
(1) "Collaborative agreement" means a written agreement between a dentist licensed by the Arkansas State Board of Dental Examiners and a dental hygienist licensed by the Arkansas State Board of Dental Examiners providing that the dental hygienist may provide prophylaxis, fluoride treatments, sealants, dental hygiene instruction, assessment of a patient’s need for further treatment by a dentist, and if delegated by the consulting
dentist, other services provided by law to children, senior citizens, and
persons with developmental disabilities in a public setting without the
supervision and presence of the dentist and without a prior examination of
the persons by the dentist;

(2) "Collaborative dental hygienist" means a dental hygienist
who holds a Collaborative Care Permit I, a Collaborative Care Permit II, or
both from the Arkansas State Board of Dental Examiners and who has entered
into a collaborative agreement with no more than one (1) consulting dentist
regarding the provision of services under this subchapter;

(3) "Consulting dentist" means a dentist who holds a
Collaborative Dental Care Permit from the Arkansas State Board of Dental
Examiners and:

(A) If engaged in the private practice of dentistry, has
entered into a collaborative agreement with no more than three (3)
collaborative dental hygienists regarding the provision of services under
this subchapter; or

(B) Is employed by the Department of Health;

(4) “Medicaid” means the medical assistance program established
under § 20-77-101 et seq.;

(5) "Public settings" means:

(A) Adult long-term care facilities;

(B) Charitable health clinics that provide free or
reduced-fee services to low-income patients;

(C) County incarceration facilities;

(D) Facilities that primarily serve developmentally
disabled persons;

(E) Head Start programs;

(F) Homes of homebound patients who qualify for in-home
medical assistance;

(G) Hospital long-term care units;

(H) Local health units;

(I) Schools;

(J) Community health centers; and

(K) State correctional institutions; and

(6) “Senior citizen” means a person sixty-five (65) years of
age or older.
17-82-702. Permits – Fees.

(a)(1) A dental hygienist licensed by the Arkansas State Board of Dental Examiners is eligible for a Collaborative Care Permit I if the dental hygienist has:

(A) Practiced as a dental hygienist for one thousand two hundred (1,200) clinical hours; or

(B) Taught for two (2) academic years over the course of the immediately preceding three (3) academic years of courses in which a person enrolls to obtain necessary academic credentials for a dental hygienist license.

(2) A dental hygienist licensed by the Arkansas State Board of Dental Examiners is eligible for a Collaborative Care Permit II if the dental hygienist has:

(A) Practiced as a dental hygienist for one thousand eight hundred (1,800) clinical hours; or

(B)(i) Taught for two (2) academic years over the course of the immediately preceding three (3) academic years of courses in which a person enrolls to obtain necessary academic credentials for a dental hygienist license; and

(ii) Completed a six-hour continuing dental education course.

(3) A dentist licensed by the Arkansas State Board of Dental Examiners is eligible for a Collaborative Dental Care Permit.

(b)(1)(A) The Arkansas State Board of Dental Examiners may charge a fee to a dentist who applies for a collaborative dental care permit.

(B) The Arkansas State Board of Dental Examiners shall calculate the fee to cover the costs of administering and processing the application and the costs of inspecting the dentist’s practice to determine his or her compliance with rules adopted under this subchapter.

(2)(A) The Arkansas State Board of Dental Examiners may charge a fee to a registered dental hygienist who applies for a collaborative dental care permit.

(B) The Arkansas State Board of Dental Examiners shall calculate the fee to cover the costs of administering and processing the application and the costs of inspecting the registered dental hygienist’s practice to determine his or her compliance with rules adopted under this subchapter.
subchapter.

(3)(A) A dentist or registered dental hygienist who holds a collaborative dental care permit shall renew the permit at the same time as a dentist’s or registered dental hygienist’s the permit shall expire.

(B)(i) The Arkansas State Board of Dental Examiners may charge a renewal fee for administering the renewal of the permit.

(ii) The board shall calculate the fee to cover the costs of administering and processing the renewal of the permit.

17-82-703. Provision of services by collaborative dental hygienists.

(a) A collaborative dental hygienist who obtains a Collaborative Care Permit I may provide prophylaxis, fluoride treatments, sealants, dental hygiene instruction, assessment of the patients' need for further treatment by a dentist, and other services provided by law if delegated by the consulting dentist to children in a public setting without the supervision and direction of a dentist and without a prior examination of the patient by the consulting dentist.

(b) A collaborative dental hygienist who holds a Collaborative Care Permit II may provide prophylaxis, fluoride treatments, sealants, dental hygiene instruction, assessment of the patients' need for further treatment by a dentist, and other services provided by law if delegated by the consulting dentist to children, senior citizens, and persons with developmental disabilities in public settings without the supervision and direction of a dentist and without a prior examination of the patient by the consulting dentist.

17-82-704. Reimbursement.

(a) A health insurance company, Medicaid, or other person that pays a fee for service performed by a collaborative dental hygienist under this subchapter shall submit the payment directly to the consulting dentist.

(b) If a health insurance company, Medicaid, or other person pays a fee for service performed by a dental hygienist under this subchapter to the collaborative dental hygienist, the collaborative dental hygienist shall deliver the payment to the consulting dentist.

(c)(1) If, however, language in the collaborative agreement required under this subchapter conflicts with a federal law, a federal rule, or a
federal regulation, the federal law, federal rule, or federal regulation
shall control, and the conflicting language of the agreement shall be
disregarded.

(2) For the limited purposes of Medicaid reimbursement under
this subchapter, the collaborative dental hygienist is deemed to be an
employee of the consulting dentist and the collaborative dental hygienist as
a condition of employment under this subchapter shall submit the Medicaid
payment for services performed under this subchapter to the consulting
dentist.

17-82-705. Permission of the Department of Health – Responsibilities
of the Department of Health.

(a) In order for a collaborative dental hygienist to provide services
to persons under this subchapter, the consulting dentist with whom the
collaborative dental hygienist has entered a collaborative agreement must
have received permission from the department for the collaborative dental
hygienist to serve patients at public settings designated by the Department
of Health on a date or dates designated by the department.

(b) The Department of Health shall develop a system of prioritization
for services permitted under this subchapter of communities in the state
including rural areas based on the relative population of people at need for
services permitted under this subchapter and endeavor to direct services
permitted under this subchapter to such communities including rural areas.

17-82-706. Rules.

(a) The Arkansas State Board of Dental Examiners shall adopt rules to
implement §§ 17-82-701 – 17-82-704.

(b) The State Board of Health shall adopt rules to implement § 17-82-
705.

17-82 707. Malpractice insurance.

A collaborative dental hygienist who provides services permitted under
this subchapter shall be insured under a malpractice liability policy for the
provision of the services.

/s/D. Johnson

APPROVED: 02/22/2011