ARKANSAS REGISTER



Proposed Rule Cover Sheet

Secretary of State John Thurston 500 Woodlane Street, Suite 026 Little Rock, Arkansas 72201-1094 (501) 682-5070 www.sos.arkansas.gov



Name of Department Department of Health
Agency or Division Name Division of Health Related Boards and Commissions/Arkansas State Board of Dental Examiners
Other Subdivision or Department, If Applicable
Previous Agency Name, If Applicable
Contact Person Meredith Rogers, Executive Director
Contact E-mail Meredith.Rogers@arkansas.gov
Contact Phone 501-682-2085
Name of Rule Article XI - Dental Hygienists Function
Name of Rule Article XI - Dental Hygienists Function Newspaper Name Daily Record
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ARTICLE XI

Summary

Proposed Amendment to Article XI will clarify how long a hygienist can see patients without the dentist in the office and to remove the requirement for "good moral character" pursuant to Act 990 of 2019.

This rule was amended to clarify how many days for a given period of time, a hygienist could work in the office without the Dentist being present. This rule was amended as a result of complaints the Board had received that the rule was being abused and hygienist were working unsupervised for long periods of time. The intent of the rule was to ensure that a hygienist may only work two days without a dentist being present. The change clarifies that and closes a loop hole. The need for the rule is to ensure patient safety by having a dentist available for any issues that arise and to protect hygienist from being used in a way that exceeds their scope of practice.

ARTICLE XI

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Proposed Amendment to Article XI will clarify how long a hygienist can see patients without the dentist in the office and to remove the requirement for "good moral character" pursuant to Act 990 of 2019.

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Definitions pertaining to Dental Hygiene Functions:

INDIRECT SUPERVISION: The dentist authorizes the procedures and remains in the treatment facility while the procedures are being performed.

OPERATIVE SUPERVISION: The dentist authorizes the procedures, remains in the operatory while the procedures are being performed, and evaluates the results prior to leaving the operatory. **GENERAL SUPERVISION:** The dentist authorizes the procedures but is not required to be present in the treatment facility while the procedures are being performed by the dental hygienist.

- A. EXCLUSIVE FUNCTIONS TO BE PERFORMED BY A DENTAL HYGIENIST WHEN DELEGATED BY A DENTIST
 - Effective and safe delivery of certain services to the public is dependent upon making judgments and utilizing skills that require synthesis and application of knowledge acquired in accredited dental hygiene education programs and cannot be delegated to any dental staff member other than a licensed, registered dental hygienist.
 - 2. The following functions may only be delegated to a licensed dental hygienist:
 - a. Oral examination. Elements of these examinations include charting of carious lesions and other abnormalities, periodontal charting and assessment of periodontal conditions, treatment planning for dental hygiene services and oral cancer screening. The dental hygienist may dictate the examination findings to a dental assistant who may then record the data on the patient's dental record.
 - b. Oral prophylaxis, scaling, root planning and curettage. If a laser instrument is used, the dental hygienist and their supervising dentist must submit to the Board proof of successful completion of an approved educational course on the use of that type of laser prior to its usage for any patient treatment.
 - Using air driven, electric, sonic, ultrasonic, or otherwise powered scalers or polishers (except dental assistants possessing an expanded duties permit for polishing).
 - d. Placing medicaments as prescribed by the supervising dentist into the sulcus or periodontal pockets, for periodontal diseases.
 - e. Place Silver Diamine Fluoride (SDF) under general supervision. If SDF is used, the dental hygienist and their supervising dentist must submit to the Board proof of successful completion of an approved educational course on SDF prior to its usage for and patient treatment.
- B. PROHIBITED ACTIVITY. The following functions and procedures may NOT be delegated to dental hygienists. The functions include:
 - Diagnosis and treatment planning
 - 2. Surgical or cutting procedures on hard or soft tissue
 - 3. Prescription, injection, inhalation, and parenteral administration of drugs (except where permitted by the Board)
 - 4. Placement, seating or removal of any final or permanent restorations
 - 5. Final placement of orthodontic brackets
 - Any procedure that contributes to or results in irreversible alteration of the oral anatomy
 - 7. Performance of any of the following expanded duties without a permit:

- a. Administration of local anesthesia
- b. Administration of nitrous oxide/oxygen analgesia
- C. SUPERVISION LEVELS FOR AUTHORIZED FUNCTIONS OF A DENTAL HYGIENIST
 - Under INDIRECT SUPERVISION a hygienist may perform any dental task or
 procedure assigned by the supervising dentist to the hygienist that does not require
 the professional skills of a licensed dentist except for those functions prohibited in
 Section B of this Article or those tasks that require operative supervision.
 - Under OPERATIVE SUPERVISION, a hygienist may perform the following procedures:
 - Any procedure allowed under Indirect Supervision.
 - Administer certain local anesthesia injections as provided in Article XVI of these Rules and Regulations.
 - 3. Under GENERAL SUPERVISION, the following restrictions apply:
 - A hygienist may render services only with the expressed consent of the supervising dentist and only for brief intervals when the supervising dentist cannot be in the treatment facility not to exceed two (2) consecutive days.
 - a. A hygienist may render services for up to five (5) consecutive days in a five day work week. A work week being defined as Monday thru Friday. The hygienist must have the expressed consent of the supervising dentist, when the dentist cannot be present in the treatment facility during the work week. This arrangement cannot exceed two (2) weeks without the dentist returning to work in the treatment facility.
 - b. The supervising dentist maintains full control as to whether general supervision will be utilized in his/her office or practice setting.
 - General supervision is allowed only in dental clinics, community health centers or government sponsored dental facilities.
 - d. Hygienists must comply with written protocols for emergencies as established by the supervising dentist.
 - e. Hygienists must practice under the supervision of a licensed dentist and may not practice independently or establish an office devoted primarily to dental hygiene services.
 - f. Hygienists must have one (1) full year of full-time service before being able to function under general supervision of a dentist.
 - g. Patients must be notified in advance that the doctor may not be in the treatment facility.
 - h. The supervising dentist must have examined the patient(s) not more than twelve (12) months prior.
 - Hygienists may perform any procedure allowed under Indirect Supervision with the exception of root planing, subgingival curettage, local anesthesia, and administration of nitrous oxide.
 - j. The hygienist may place sealants if it has not been more than thirty days since the teeth to be sealed were examined by the dentist.
 - k. A registered dental hygienist may not delegate functions to a registered dental assistant when the treating dentist is not in the facility.

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 - b. Oral prophylaxis, scaling, root planning and curettage. If a laser instrument is used, the dental hygienist and their supervising dentist must submit to the Board proof of successful completion of an approved educational course on the use of that type of laser prior to its usage for any patient treatment.
 - Using air driven, electric, sonic, ultrasonic, or otherwise powered scalers or polishers (except dental assistants possessing an expanded duties permit for polishing).
 - d. Placing medicaments as prescribed by the supervising dentist into the sulcus or periodontal pockets, for periodontal diseases.
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NOTICE OF PUBLIC HEARING In compliance with ACA §25-15-204, the Arkansas State Board of Dental Examiners gives notice that it will conduct a public hearing at 8:40 a.m. on the 6th day of May, 2020, at the offices of the Arkanses State Board of Dental Examiners, 101 East Capitol Avenue, Suite 111, Little Rock, AR 72201 The public hearing will involve the adoption of Article XI-Dental Hygienists Function. All individuals desiring to attend said hearing may do so. All individuals desiring to address the Board should contact Maredith Rogers. the Executive Director of the Arkanses State Board of Cental Examiners, (501) 682-2085, Individuals desiring a copy of the Article XI, as reterred to herein, may contact Meredith Rogers, the Executive Director, at the above number, DR3T-3/31,4/7,4/14/20

THE DAILY RECORD

STATE OF ARKANSAS

Pulaski County

I, Bobby Burton, so solemly swear that I am the COO of the Daily Record, a newspaper of general circulation in Pulaski County, State of Arkansas; that I was COO of The Daily Record at and during the publication of the annexed legal notice in the matter of:

Adoption of Article XI

Public Hearing

pending in the Court in said County, and at dates of the several publications of said legal notice hereinafter stated, and that during said periods and at said dates, said newspaper was published and had a bona fide circulation in said County and State; that said newspaper had been regularly published in said County and State, and had a bona fide circulation therein for the period of one month before the date of the first publication of said legal notice; and that said legal notice was published in the regular daily issues of said newspaper on the following days:

03/31/20 04/07/20 04/14/20

This ad was published online at www.dailyrecord.us and www.publicnoticeads.com for the duration of the run dates listed above.

Subscribed and sworn before me this 14th of April, 2020

COMM. EXP ★ [No. 12390952] ★

Notary Public

NOTICE OF PUBLIC HEARING in compliance with ACA \$25.15-204, the Arkansas State Board of Dental Examinars gives notice that it will conduct a public hearing at 8-40 s.m. on the 8th day of May, 2020, at the offices of the Arkansas State Board of Dental Examiners, 101. East Captor Avenue, State 111, Little Rock, AR 72201. The public hearing will involve the adoption of Article XI-Dental Hygenists Function. All individuals desiring to attend said hearing may do so. All individuals desiring to address the Board should contact Meredith Rogers, the Executive Director of the Arkansas State Board of Dental Examiners, (501) 682-2085, Individuals desiring a copy of the Article XI, as referred to herein, may contuct Meredith Rogers, the Executive Director, at the above number. DRS1-331-47-4200.

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C00

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Notary Public

Proposed Amendment to Article XI - Dental Hygienists Function

SUMMARY OF PUBLIC COMMENTS

COMMENTER'S NAME:

Cara Jones, D.D.S.

COMMENTER'S AGENCY:

Arkansas State Board of Dental Examiners

SUMMARY OF COMMENT:

Dr. Jones wanted extra requirements and would like amendments. Some patients might not know that they were

seeing a Hygienist versus a Dentist.

AGENCY'S RESPONSE TO COMMENT: Kevin O'Dwyer responded that it was published in

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