

ARKANSAS REGISTER



Proposed Rule Cover Sheet

Secretary of State
John Thurston
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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 IX - Credentials Required in Issuing Dental or Dental Hygiene License

Newspaper Name Daily Record

Date of Publishing October 6, 2020, October 13, 2020, October 20, 2020

Final Date for Public Comment November 13, 2020

Location and Time of Public Meeting 1401 West Capitol Avenue, Suite 340, Little Rock, AR 72201

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Department of Health
DIVISION Division of Health Related Board and Commissions/Arkansas State Board of Dental Examiners
DIVISION DIRECTOR Matt Gilmore, ADH Boards and Commissions
CONTACT PERSON Meredith Rogers, Executive Director
ADDRESS 101 East Capitol Avenue, Suite 111, Little Rock, AR 72201
PHONE NO. 501-682-2085 FAX NO. 501-682-3543 E-MAIL Meredith.Rogers@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Kevin M. O'Dwyer
PRESENTER E-MAIL kodwyer@htolaw.com

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Article IX – Credentials Required in Issuing Dental or Dental Hygiene License

2. What is the subject of the proposed rule? Removal of moral character and revising wording to may be required to appear.

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation. _____

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒
If yes, what is the effective date of the emergency rule? N/A

When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation. Removal of moral character and revising wording to may be required to appear.

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule?

Yes ☒ No ☐

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. ACA §17-82-308 and Act 990 of 2019

7. What is the purpose of this proposed rule? Why is it necessary? Removal of moral character and revising wording to may be required to appear.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.dentalboard.arkansas.gov

9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐
If yes, please complete the following:

Date: November 13, 2020

Time: 8:30 a.m.

Place: 1401 W. Capitol Ave. Suite 340,
Little Rock AR 72201

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

November 13, 2020

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

November 13, 2020

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. Proof of publication will be provided as soon as it is received.

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). Will provide after approval by Governor.

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Arkansas State Dental Association.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Health
DIVISION Division of Health Related Board and Commissions/Arkansas State Board of Dental Examiners
PERSON COMPLETING THIS STATEMENT Kevin M. O'Dwyer, Attorney
TELEPHONE 501-372-4144 **FAX** 501-372-7480 **EMAIL:** kodwyer@htolaw.com

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Article IX – Credentials Required in Issuing Dental or Dental Hygiene License

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;
N/A

(b) The reason for adoption of the more costly rule;
N/A

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue N/A
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Next Fiscal Year

General Revenue N/A
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

- (b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue N/A
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue N/A
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ N/A

Next Fiscal Year

\$ N/A

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ N/A

Next Fiscal Year

\$ N/A

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Article IX: CREDENTIALS REQUIRED IN ISSUING DENTAL OR DENTAL HYGIENE LICENSE

A. By the authority of Ark. Code Ann. §17-82-308, a dentist who desires to practice his profession in the State of Arkansas may apply in writing to the State Board of Dental Examiners for a license by credentials pursuant to the following requirements:

1. Applicant must be a graduate of and received a DDS or DMD from a school accredited by the Commission on Dental Accreditation (CODA), currently licensed in the state from which he is applying, and must have practiced continuously for a period of five years immediately prior to applying. To be considered as practicing "continuously", the applicant must have actively practiced dentistry for a minimum of 1000 hours per year for the two calendar years immediately prior to the date of application. The qualifying hours of clinical practice must have been performed in the most current jurisdiction from where the application is being made. The applicant may have participated in a post-graduate dental/medical education program during the five years in order to satisfy the five year practice requirement.
2. Applicant must file with the Board a completed Arkansas Dental License by Credentials Application approved by the Board.
3. Applicant must request and authorize schools to provide the Board with an official transcript with school seal from the school of dentistry which issued DDS or DMD degree and have the school send same directly from the school to the Board office.
4. Applicant must be responsible for verification forms to be submitted by the state Board from every state where licensed whether license is current or not. Such forms should be sent directly from the state Board to this Board office.
5. Applicant must have National Board Exam Card sent from the Joint Commission on National Dental Examinations office with said exam card reflecting passage of the National Board Exam. Photocopies are not accepted.
6. Applicant must complete a comprehensive résumé on forms furnished by the Board.
7. Applicant must have letters submitted to the Board from two licensed dentists, practicing in the same locale of the state from which he is applying, attesting to the applicant's ~~moral character~~, standing, and ability.
8. Applicant must have letters from the State and local Dental Association Peer Review Committee (if there is one) submitted setting forth information of record concerning the applicant.
9. Drug Enforcement Administration (DEA) clearance and National Practitioner Data Bank inquiry will be initiated by the Board office.
10. Applicant must submit to the Board office a copy of a certificate showing current Healthcare Provider Level cardiopulmonary resuscitation (CPR) certificate and last two years history of continuing education.

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Markup

11. Each applicant must supply to the Board a signed letter of intention to practice in this State within one year of receiving his or her license.
12. Applicant must pass the Arkansas Jurisprudence exam with a score of 75% as administered by the Board.
13. Applicant must submit a fee (to be determined by the Board) to the Board office with the application.
14. Applicant must provide proof of successfully passing a clinical examination for licensure. Results of the clinical exam must be sent directly to the Board from the state or regional testing agency that administered the examination.
15. Applicant must have continuing education credits at least equal to those required by current Arkansas licensees for the previous two year period.

The application, résumé, and all other supporting material shall be reviewed by the Board. The applicant ~~shall present himself or herself~~ **may be required to appear** before the Board at a time and place designated by the Board for a jurisprudence examination and a personal interview. The Board will review the application, résumé, and all supporting material, as well as the result of the Jurisprudence Exam, and will approve or deny the application for licensure.

B. By the authority of Ark. Code Ann. §17-82-308, a dental hygienist who desires to practice his or her profession in the State of Arkansas may apply in writing to the State Board of Dental Examiners for a license by credentials pursuant to the following requirements:

1. Applicant must be a graduate of a school accredited by the Commission on Dental Accreditation (CODA), currently licensed in the state from which he is applying, and must have practiced continuously for a period of five years immediately prior to applying. The applicant may have participated in a post-graduate dental related education program during the five years in order to satisfy the five-year practice requirement.
2. Applicant must file with the Board a completed Arkansas Dental Hygiene License by Credentials Application approved by the Board.
3. Applicant must request and authorize schools to provide an official transcript with school seal from the school of dental hygiene which issued certificate or degree and have the school send same directly from the school to the Board office.
4. Applicant must be responsible for verification forms to be submitted by the State Board from every state where licensed, whether license is current or not. Such forms should be sent directly from the state Board to this Board office.
5. Applicant must have the National Board Exam Card sent from the Joint Commission on National Dental Examinations to the Board office. Said exam card must reflect passage of the National Board Exam. Photocopies are not accepted.
6. Applicant must complete a comprehensive résumé on forms furnished by the Board.
7. Applicant must have letters submitted to the Board from two licensed dentists, practicing in the same locale of the state from which he is applying, attesting to the applicant's ~~moral character~~, standing, and ability.

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8. Applicant must submit to the Board office a copy of certificate showing current Healthcare Provider Level cardiopulmonary resuscitation (CPR) certificate and last two years history of continuing education.
9. Applicant must supply to the Board a signed letter of intention to practice in this state within one year of receiving his license.
10. Applicant must pass the Jurisprudence Exam with a score of 75% as administered by the Board.
11. Applicant must submit a fee (to be determined by the Board) to the Board office with the application.
12. Applicant must provide proof of successfully passing a clinical examination for licensure. Results of the clinical exam must be sent directly to the Board from the state or regional testing agency that administered the examination.
13. Applicant must have continuing education credits at least equal to those required by current Arkansas licensees for the previous two year period. The application, résumé, and all other supporting material shall be reviewed by the Board. The applicant ~~shall present himself or herself~~ **may be required to appear** before the Board at a time and place designated by the Board for a jurisprudence examination and a personal interview. The Board will review the application, résumé, and all supporting material, as well as the result of the Jurisprudence Exam, and will approve or deny the application for licensure.

C. Non-Clinical Services:

(a) A person or entity shall not be considered in violation of the Arkansas Dental Practice Act or the Dental Corporation Act 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.

(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.

D. This article does not prohibit or require a license for the following acts or practices:

1. 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.
2. 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;

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- (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 section, "good standing" means the applicant has an active license without a complaint, investigation, or action against him or her.
- 3. The board shall be deemed to have approved the applicant to practice to the extent permitted under this section unless the board takes action within ten working (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.
- E. Temporary Charitable License: 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 section, "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.
- F. An applicant seeking a temporary charitable dental license issued by the board:
 - a. 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 A.C.A. §17-82-801 et seq.
 - b. Shall pay the fees associated with the criminal background checks.
 - (i) A dentist shall not practice in Arkansas under this section until the board issues a temporary charitable dental license.
 - (ii) 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.
 - (iii) 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.
- G. 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.

- H. 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.

I. LICENSURE FOR ACTIVE MILITARY MEMBERS

1. Definitions:

- a. As used in this section, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

2. Licensure:

- a. Pursuant to Act 248 of 2017, the Arkansas State Board of Dental Examiners shall allow the following individuals to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure or certification or permitting if the individual is the holder in good standing of a substantially equivalent license, certificate, or permit issued by another state:

- (1) An active duty military service member stationed in the State of Arkansas;
- (2) A returning military veteran applying within one (1) year of his or her discharge from active duty; or
- (3) The spouse of a person under subdivisions (b)(1) and (2) of this section.

- b. The Arkansas State Board of Dental Examiners shall expedite the process and procedures for full licensure, certification, or permitting for the following individuals:

- (1) An active duty military service member stationed in the State of Arkansas;
- (2) A returning military veteran applying within one (1) year of his or her discharge from active duty; or
- (3) The spouse of a person under subdivisions (c)(1) and (2) of this section.

- c. When considering an application for full licensure, certification, or permitting for an active duty military service member stationed in the State of Arkansas or a returning military veteran applying within one (1) year of his or her discharge from active duty, the Arkansas State Board of Dental Examiners:

- (1) Shall consider whether or not the applicant's military training and experience in the area of licensure, certification, or permitting is substantially similar to experience or education required for licensure, certification, or permitting; and
- (2) Shall accept the applicant's military training and experience in the area of licensure, certification, or permitting in lieu of experience or education required for licensure,

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Markup

certification, or permitting if the state board or commission determines the military training and experience is a satisfactory substitute for the experience or education required for licensure, certification, or permitting.

- d. A license required to enable the holder to lawfully engage in a profession, trade, or employment in this state held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the active duty military service member's or spouse's return from active deployment.
- e. (1) The Arkansas State Board of Dental Examiners shall allow a full or partial exemption from continuing education required as part of licensure, certification, or permitting for a profession, trade, or employment in this state for the following individuals:
 - (A) An active duty military service member deployed outside of the State of Arkansas;
 - (B) A returning military veteran within one (1) year of his or her discharge from active duty; or
 - (C) The spouse of a person under subdivisions (f)(1) and (2) of this section.
- (2) If the Arkansas State Board of Dental Examiners allows a full or partial exemption from continuing education required under subdivision (f)(1) of this section, the Board may require evidence of completion of continuing education before issuing the individual a subsequent license, certificate, or permit or authorizing the renewal of a license, certificate, or permit.

Article IX: CREDENTIALS REQUIRED IN ISSUING DENTAL OR DENTAL HYGIENE LICENSE

A. By the authority of Ark. Code Ann. §17-82-308, a dentist who desires to practice his profession in the State of Arkansas may apply in writing to the State Board of Dental Examiners for a license by credentials pursuant to the following requirements:

1. Applicant must be a graduate of and received a DDS or DMD from a school accredited by the Commission on Dental Accreditation (CODA), currently licensed in the state from which he is applying, and must have practiced continuously for a period of five years immediately prior to applying. To be considered as practicing "continuously", the applicant must have actively practiced dentistry for a minimum of 1000 hours per year for the two calendar years immediately prior to the date of application. The qualifying hours of clinical practice must have been performed in the most current jurisdiction from where the application is being made. The applicant may have participated in a post-graduate dental/medical education program during the five years in order to satisfy the five year practice requirement.
2. Applicant must file with the Board a completed Arkansas Dental License by Credentials Application approved by the Board.
3. Applicant must request and authorize schools to provide the Board with an official transcript with school seal from the school of dentistry which issued DDS or DMD degree and have the school send same directly from the school to the Board office.
4. Applicant must be responsible for verification forms to be submitted by the state Board from every state where licensed whether license is current or not. Such forms should be sent directly from the state Board to this Board office.
5. Applicant must have National Board Exam Card sent from the Joint Commission on National Dental Examinations office with said exam card reflecting passage of the National Board Exam. Photocopies are not accepted.
6. Applicant must complete a comprehensive résumé on forms furnished by the Board.
7. Applicant must have letters submitted to the Board from two licensed dentists, practicing in the same locale of the state from which he is applying, attesting to the applicant's, standing, and ability.
8. Applicant must have letters from the State and local Dental Association Peer Review Committee (if there is one) submitted setting forth information of record concerning the applicant.
9. Drug Enforcement Administration (DEA) clearance and National Practitioner Data Bank inquiry will be initiated by the Board office.
10. Applicant must submit to the Board office a copy of a certificate showing current Healthcare Provider Level cardiopulmonary resuscitation (CPR) certificate and last two years history of continuing education.

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11. Each applicant must supply to the Board a signed letter of intention to practice in this State within one year of receiving his or her license.
12. Applicant must pass the Arkansas Jurisprudence exam with a score of 75% as administered by the Board.
13. Applicant must submit a fee (to be determined by the Board) to the Board office with the application.
14. Applicant must provide proof of successfully passing a clinical examination for licensure. Results of the clinical exam must be sent directly to the Board from the state or regional testing agency that administered the examination.
15. Applicant must have continuing education credits at least equal to those required by current Arkansas licensees for the previous two year period.

The application, résumé, and all other supporting material shall be reviewed by the Board. The applicant may be required to appear before the Board at a time and place designated by the Board for a jurisprudence examination and a personal interview. The Board will review the application, résumé, and all supporting material, as well as the result of the Jurisprudence Exam, and will approve or deny the application for licensure.

- B. By the authority of Ark. Code Ann. §17-82-308, a dental hygienist who desires to practice his or her profession in the State of Arkansas may apply in writing to the State Board of Dental Examiners for a license by credentials pursuant to the following requirements:
1. Applicant must be a graduate of a school accredited by the Commission on Dental Accreditation (CODA), currently licensed in the state from which he is applying, and must have practiced continuously for a period of five years immediately prior to applying. The applicant may have participated in a post-graduate dental related education program during the five years in order to satisfy the five-year practice requirement.
 2. Applicant must file with the Board a completed Arkansas Dental Hygiene License by Credentials Application approved by the Board.
 3. Applicant must request and authorize schools to provide an official transcript with school seal from the school of dental hygiene which issued certificate or degree and have the school send same directly from the school to the Board office.
 4. Applicant must be responsible for verification forms to be submitted by the State Board from every state where licensed, whether license is current or not. Such forms should be sent directly from the state Board to this Board office.
 5. Applicant must have the National Board Exam Card sent from the Joint Commission on National Dental Examinations to the Board office. Said exam card must reflect passage of the National Board Exam. Photocopies are not accepted.
 6. Applicant must complete a comprehensive résumé on forms furnished by the Board.
 7. Applicant must have letters submitted to the Board from two licensed dentists, practicing in the same locale of the state from which he is applying, attesting to the applicant's, standing, and ability.

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8. Applicant must submit to the Board office a copy of certificate showing current Healthcare Provider Level cardiopulmonary resuscitation (CPR) certificate and last two years history of continuing education.
9. Applicant must supply to the Board a signed letter of intention to practice in this state within one year of receiving his license.
10. Applicant must pass the Jurisprudence Exam with a score of 75% as administered by the Board.
11. Applicant must submit a fee (to be determined by the Board) to the Board office with the application.
12. Applicant must provide proof of successfully passing a clinical examination for licensure. Results of the clinical exam must be sent directly to the Board from the state or regional testing agency that administered the examination.
13. Applicant must have continuing education credits at least equal to those required by current Arkansas licensees for the previous two year period. The application, résumé, and all other supporting material shall be reviewed by the Board. The applicant may be required to appear before the Board at a time and place designated by the Board for a jurisprudence examination and a personal interview. The Board will review the application, résumé, and all supporting material, as well as the result of the Jurisprudence Exam, and will approve or deny the application for licensure.

C. Non-Clinical Services:

(a) A person or entity shall not be considered in violation of the Arkansas Dental Practice Act or the Dental Corporation Act 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.

(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.

D. This article does not prohibit or require a license for the following acts or practices:

1. 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.
2. 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;

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- (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 section, "good standing" means the applicant has an active license without a complaint, investigation, or action against him or her.
- 3. The board shall be deemed to have approved the applicant to practice to the extent permitted under this section unless the board takes action within ten working (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.
- E. Temporary Charitable License: 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 section, "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.
- F. An applicant seeking a temporary charitable dental license issued by the board:
 - a. 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 A.C.A. §17-82-801 et seq.
 - b. Shall pay the fees associated with the criminal background checks.
 - (i) A dentist shall not practice in Arkansas under this section until the board issues a temporary charitable dental license.
 - (ii) 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.
 - (iii) 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.
- G. 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.

PROPOSED ARTICLE
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- H. 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.

I. LICENSURE FOR ACTIVE MILITARY MEMBERS

1. Definitions:

- a. As used in this section, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

2. Licensure:

- a. Pursuant to Act 248 of 2017, the Arkansas State Board of Dental Examiners shall allow the following individuals to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure or certification or permitting if the individual is the holder in good standing of a substantially equivalent license, certificate, or permit issued by another state:

(1) An active duty military service member stationed in the State of Arkansas;

(2) A returning military veteran applying within one (1) year of his or her discharge from active duty; or

(3) The spouse of a person under subdivisions (b)(1) and (2) of this section.

- b. The Arkansas State Board of Dental Examiners shall expedite the process and procedures for full licensure, certification, or permitting for the following individuals:

(1) An active duty military service member stationed in the State of Arkansas;

(2) A returning military veteran applying within one (1) year of his or her discharge from active duty; or

(3) The spouse of a person under subdivisions (c)(1) and (2) of this section.

- c. When considering an application for full licensure, certification, or permitting for an active duty military service member stationed in the State of Arkansas or a returning military veteran applying within one (1) year of his or her discharge from active duty, the Arkansas State Board of Dental Examiners:

(1) Shall consider whether or not the applicant's military training and experience in the area of licensure, certification, or permitting is substantially similar to experience or education required for licensure, certification, or permitting; and

(2) Shall accept the applicant's military training and experience in the area of licensure, certification, or permitting in lieu of experience or education required for licensure, certification, or permitting if the state board or commission determines the military

PROPOSED ARTICLE
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training and experience is a satisfactory substitute for the experience or education required for licensure, certification, or permitting.

- d. A license required to enable the holder to lawfully engage in a profession, trade, or employment in this state held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the active duty military service member's or spouse's return from active deployment.
- e. (1) The Arkansas State Board of Dental Examiners shall allow a full or partial exemption from continuing education required as part of licensure, certification, or permitting for a profession, trade, or employment in this state for the following individuals:
 - (A) An active duty military service member deployed outside of the State of Arkansas;
 - (B) A returning military veteran within one (1) year of his or her discharge from active duty; or
 - (C) The spouse of a person under subdivisions (f)(1) and (2) of this section.
- (2) If the Arkansas State Board of Dental Examiners allows a full or partial exemption from continuing education required under subdivision (f)(1) of this section, the Board may require evidence of completion of continuing education before issuing the individual a subsequent license, certificate, or permit or authorizing the renewal of a license, certificate, or permit.

ARTICLE IX

Summary

Proposed Amendment to remove the wording moral character and to revise the wording "shall present himself or herself" to "may be required to appear" and to remove the requirement for "good moral character" pursuant to Act 990 of 2019.

The proposed change to the rule was discussed at several Board meetings throughout 2019 in an effort to allow an applicant, who has no issues with his or her application, to obtain a dental license quicker. Historically, per the rule, an applicant would submit the application and fee and then travel to Little Rock and attend a regularly scheduled meeting to be interviewed by the full Board. Naturally, for out of state applicants, this was a slow and expensive process. The proposed change to the rule was made by the Dental Board Rules committee and presented to the full Board which approved the change. The rule still allows the Board to require an applicant to appear should there be an issue with his or her application. An "issue" might involve any substance abuse problems, previous board action from the applicant's home state, criminal charges and malpractice issues.

THE DAILY RECORD

STATE OF ARKANSAS

Pulaski County

I, Bobby Burton, so solemnly 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:

Notice of hearing on November 13 - Adoption to proposed amendment to
Article IX

November 13 Hearing

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 8:30 a.m. on the 13th day of November, 2020, at the offices of the Arkansas State Board of Dental Examiners, 101 East Capitol Avenue, Suite 111, Little Rock, AR 72201. The public hearing will involve the adoption of Proposed Amendment to Article IX - Credentials Required in Issuing Dental or Dental Hygiene License. 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 Proposed Amendment to Article IX - Credentials Required in Issuing Dental or Dental Hygiene License, as referred to herein, may contact Meredith Rogers, the Executive Director, at the above number. DR3T-10/6,10/13,10/20/20

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:

10/06/20 10/13/20 10/20/20

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

William R. Burton
COO

Subscribed and sworn before me this 20th of October, 2020

Johi Hill

Notary Public



ARTICLE IX

Summary

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