

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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 XXII - Reciprocity
Newspaper Name Daily Record
Date of Publishing 12/1/2020, 12/8/2020, 12/15/2020
Final Date for Public Comment 1/15/2021
Location and Time of Public Meeting Virtual meeting - Call in information

ASBDE January Board Meeting
Fri, Jan 15, 2021 8:30 AM - 11:30 AM (CST)

Please join the meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/258731717>

You can also dial in using your phone.
United States: +1 (872) 240-3412

Access Code: 258-731-717

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 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@arkans
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 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 XXII - Reciprocity
- 2. What is the subject of the proposed rule? To add new rule regarding reciprocal licensing.
- 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. To add new regulation.

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 by 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 §17-72-103(b) and ACA 17-82-208(c)

7. What is the purpose of this proposed rule? Why is it necessary? Required qualification and required documentation for reciprocal licensure.

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: January 15, 2021

Time: 8:30 a.m.

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Place: _____

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

January 15, 2021

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

January 15, 2021

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

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library 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 XXII - Reciprocity

- 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?

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
General Revenue <u>N/A</u>	General Revenue <u>N/A</u>
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other (Identify) _____	Other (Identify) _____

Total _____

Total _____

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

Current Fiscal Year

Next Fiscal Year

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

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

Next Fiscal Year

\$ N/A

\$ 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

Next Fiscal Year

\$ N/A

\$ 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.

PROPOSED ARTICLE

ARTICLE XXII

RECIPROCITY

A. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

1. The applicant shall hold a substantially similar license in another United States' jurisdiction.

a. A license from another state is substantially similar to an Arkansas dental license if the other state's licensure qualifications require:

i. the same requirements as listed in §17-82-304 or §17-82-306 and Article VIII or IX;

b. The applicant shall hold his or her occupational licensure in good standing;

c. The applicant shall not have had a license revoked for:

i. An act of bad faith; or

ii. A violation of law, rule, or ethics;

d. The applicant shall not hold a suspended or probationary license in a United States jurisdiction; the applicant shall be sufficiently competent in the dental field; and

B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas', the applicant shall submit the following information:

a. Evidence of current and active licensure in the state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and

b. Evidence that the other state's licensure requirements match those listed in A.1.a.i. The Board may verify this information online or by telephone to the other state's licensing board.

2. To demonstrate that the applicant meets the requirement in A.1.b through d., the applicant shall provide the Board with:

a. The names of all states in which the applicant is currently licensed or has been previously licensed;

b. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.

3. As evidence that the applicant is sufficiently competent in the field of dentistry, an applicant shall:

a. Pass as required exams pursuant to §17-82-304 or §17-82-306 and Article VIII or IX;

b. Submit letters of recommendation as required pursuant to §17-82-304 or §17-82-306 and Article VIII or IX;

ARTICLE XXII - RECIPROCITY

Summary

Proposed Article XXII has required qualifications and required documentation for reciprocal licensure.