

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Health

Department Division for Health Advancement, Office of Oral Health

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Statutory Authority for Promulgating Rules Ark. Code Ann. §17-82-706 (implementing Ark. Code Ann. §17-82-705).

Rule Title: Rules Pertaining to Dental Hygienists Serving Underserved Areas

Intended Effective Date

(Check One)

Date

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Laura Shue

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10/25/2024

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-661-2297

Laura.Shue@arkansas.gov

Phone Number

E-mail Address

General Counsel

Title

10/25/2024

Date

ARKANSAS STATE BOARD OF HEALTH

DIVISION FOR HEALTH ADVANCEMENT

RULES PERTAINING TO
DENTAL HYGIENISTS SERVING UNDERSERVED AREAS

Promulgated Under the Authority of
Arkansas Code Annotated § 17-82-706

Effective: November 4, 2024

Arkansas Department of Health
Renee Mallory, RN, BSN,
Secretary of Health

Jennifer Dillaha, MD
Director and State Health Officer

RULES PERTAINING TO DENTAL HYGIENISTS SERVING UNDERSERVED AREAS

SECTION I. AUTHORITY

The following Rules Pertaining to Dental Hygienists Serving Underserved Areas are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas, including Ark. Code Ann. § 17-82-706.

SECTION II. PURPOSE

To protect the health of the citizens of Arkansas by promulgating rules providing limited governance of the services provided by a dental hygienist working under a collaborative care permit program with a licensed dentist.

SECTION III. DEFINITIONS

For the purposes of these Rules, the following words and phrases when used herein shall be construed as follows:

- (A) "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.
- (B) "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 provision of services under this subchapter.
- (C) "Consulting dentist" means a dentist who holds a Collaborative Dental Care Permit from the Arkansas State Board of Dental Examiners and:
 - (1) 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
 - (2) Is employed by the Arkansas Department of Health.
- (D) "Public settings" means:
 - (1) Adult long-term care facilities;

- (2) Charitable health clinics that provide free or reduced-fee services to low-income patients;
- (3) Community health centers;
- (4) County incarceration facilities;
- (5) Facilities that primarily serve individuals with intellectual or other developmental disabilities;
- (6) Head Start programs;
- (7) Homes of Homebound patients who qualify for in-home medical assistance;
- (8) Hospital long-term care units;
- (9) Local health units;
- (10) Schools; or
- (11) State correctional institutions.

SECTION IV. SPECIFIC REQUIREMENTS

The Arkansas Department of Health Office of Oral Health shall determine prioritization of communities in which collaborative services are permitted based upon provider availability, relevant oral health surveillance data, and other applicable public health datasets deemed appropriate by the Department of Health.

(A) Services will be limited to public settings, including but not limited to:

- (1) Adult Long-Term Care Facilities;
- (2) Charitable clinics that provide free or reduced-fee services to low income patients;
- (3) Community Health Centers;
- (4) County incarceration facilities;
- (5) Facilities that primarily serve developmentally disabled patients;
- (6) Head Start Programs;
- (7) Homes of Homebound patients who qualify for in-home medical assistance;
- (8) Hospital long-term care units;
- (9) Local Health Units;

(10) State Correctional Institutions; or

(11) Schools.

(B) Patients will be encouraged to establish a dental home.

(C) A consulting dentist in a collaborative care program with a dental hygienist must consult the Office of Oral Health, Arkansas Department of Health, for permission to practice collaborative care in prioritized areas. Permission must be confirmed annually.

(D) The Office of Oral Health will keep appropriate records.

(E) The Office of Oral Health shall publish to the Department of Health website a directory of datasets and reports that will be utilized when assessing a community's oral health indicators to determine priority areas, based on available provider's service area.

SECTION V. SEVERABILITY

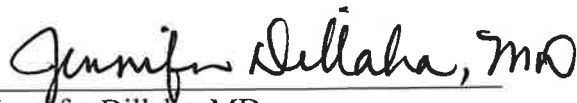
If any provision of these Rules or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications, and to this end, the provisions hereto are declared severable.

SECTION VI. REPEAL

All rules and parts of rules in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules Pertaining to Dental Hygienists Serving Underserved Areas were adopted by the Arkansas Board of Health at a regular session of the Board held in Little Rock, Arkansas, on the 24th day of October 2024.



Jennifer Dillaha, MD

Secretary of Arkansas State Board of Health

Director of the Arkansas Department of Health