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WILLIAM H. TRICE III (1946-2014)

May 29, 2018

Via Email and US Mail

Mark Martin
Secretary of State
State Capitol Room 026
Little Rock, AR 72201-1094


**Re: My Client: Arkansas State Board of Dental Examiners
Amendment to Article VII- Specialization and Limitation on Practice**

To Whom It May Concern:

Enclosed is an Arkansas Register Transmittal Sheet and a copy of the Amendment to Article VII regarding Specialization and Limitations on Practice.

Please file this accordingly.

Respectfully,



Kevin M. O'Dwyer
Attorney for the Arkansas State Board of Dental Examiners

KMO/jab
Enclosure

cc: register@sos.arkansas.gov
Donna Cobb, Executive Director, Arkansas State Board of Dental Examiners

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State
Mark Martin
State Capitol, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-3527
www.sos.arkansas.gov



For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas State Board of Dental Examiners

Department _____

Contact Kevin M. O'Dwyer E-mail kodwyer@htolaw.com Phone 501-372-4144

Statutory Authority for Promulgating Rules A.C.A. § 17-95-303 Act 489 of 2017

Rule Title: Article VII - Clarifying Specialization and Limitation on Practice.

Intended Effective Date
(Check One)

- Emergency (ACA 25-15-204)
- 30 Days After Filing (ACA 25-15-204)
- Other _____
(Must be more than 30 days after filing date.)

Legal Notice Published	<u>11/28/2017</u>
Final Date for Public Comment	<u>01/19/2018</u>
Reviewed by Legislative Council	<u>05/15/2018</u>
Adopted by State Agency	_____

Electronic Copy of Rule submitted under ACA 25-15-218 by:

<u>Kevin M. O'Dwyer</u>	<u>kodwyer@htolaw.com</u>	<u>05/24/2018</u>
Contact Person	E-mail Address	Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Dana Cobb
Signature

501-682-2085
Phone Number E-mail Address

Executive Director, Arkansas State Board of Dental Ex

Title
5-29-18
Date

ARTICLE VII

ANNOUNCEMENT OF SPECIALIZATION AND LIMITATION OF PRACTICE

Dentists who choose to announce specialization should limit their practice exclusively to the announced special area(s) of dental practice, provided at the time of the announcement such dentists have met in each approved specialty for which they announce, the existing educational requirements and standards set forth by the American Dental Association and have been issued a specialty license by the State. Those special areas of dental practice will be limited to those approved by the American Dental Association and include the following: dental public health, endodontics, oral pathology, oral and maxillofacial surgery, orthodontics, pediatric dentistry, periodontics, and prosthodontics.

It is understood by the Arkansas State Board of Dental Examiners, that the various specializations approved by the American Dental Association will be the definition adopted for each of those specializations by the Arkansas State Board of Dental Examiners.

A. Dentists may not use their eligibility as specialists to make the public believe that specialty services rendered in the dental office are being rendered by a qualified specialist when such is not the case. The burden of responsibility is on the specialist to avoid any inference that general practitioners who are associated with the specialists are qualified to announce themselves as specialists.

B. 1. General practitioner announcement of services: Any communications indicating availability of such services shall be separate and apart from the name of the practitioner and the statement of "general practice". Any communications indicating availability of such services in signage or advertisement shall have no lettering larger than the lettering in the statement "general dentist".

2. Specialists announcement of services: Dental specialists who wish to announce the services available in their practice are permitted to announce the availability of those services so long as they avoid any communications which express or imply a specialty license in any other specialty other than the specialty in which they are licensed in Arkansas. No specialist shall announce available services in any way that would be false or misleading in any material respect. Any communications indicating availability of services shall be separate and apart from the name of the practitioner and the statement of the type of licensed specialty. Any communications indicating availability of such services in signage or advertisement shall have no lettering larger than the smallest lettering in the statement reflecting the type of licensed specialty.

C. The Board shall upon application and without examination issue a specialty certificate to any registered and currently licensed dentist in Arkansas who has been certified in that particular specialty by an American Board recognized by the American Dental Association, and who has

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been practicing that specialty continuously for a period of five (5) years or more. Any such application shall be accompanied by the required fee as set forth through the provisions of the Arkansas Dental Practice Act. Applicant must have graduated from a specialty program recognized by the American Dental Association Council on Dental Education.

D. An examination committee appointed by the Board consisting of two (2) specialists who have been certified by the Arkansas Board as having met the standards set forth by the Board for that specialty and one licensed dentist Board member shall examine each applicant at the time and place fixed by the committee to thoroughly test the applicant's qualifications for the practice of that specialty, and report to the Board whether the applicant is qualified in the specialty.

E. In the event that applicant fails to pass the examination and is reported by the examining committee as not being qualified, he may upon application to the Board be re-examined by the committee at such time and place as the Board may specify, but any applicant shall pay a re-examination fee equivalent to the specialty fee.

F. Each member of the examining committee appointed by the Board shall receive compensation as set forth in the Arkansas Dental Practice Act.

G. The Board shall issue to each applicant, who has been recommended as qualified by the examining committee, as provided in the Dental Practice Act, a certificate of registration to practice dentistry in their particular specialty.

H. All issued specialty certificates shall be subject to revocation and suspension for the causes set forth in the Dental Practice Act.

I. A Dental Board member, who is a licensed dentist, shall be responsible for one of the specialties which are: ENDODONTICS, ORTHODONTICS AND DENTOFACIAL ORTHOPEDICS, PEDIATRIC DENTISTRY, ORAL AND MAXILLOFACIAL SURGERY, PERIODONTICS, PROSTHODONTICS, DENTAL PUBLIC HEALTH, AND ORAL PATHOLOGY.

Each Board member's responsibilities for that particular specialty shall be as follows:

1. To make recommendations to the Board for approval of specialists to serve on the examining committee of that specialty.
2. To forward applications of applicants for specialty license to the examining committee and provide necessary communication between applicant and examining committee to insure that the examination is carried out in a timely and expedient manner.
3. The President of the Board shall assign each licensed dentist member a specialty for which that member will be responsible and serve as an examiner.

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ANNOUNCEMENT OF SPECIALIZATION AND LIMITATION OF PRACTICE

Dentists who choose to announce specialization should limit their practice exclusively to the announced special area(s) of dental practice, provided at the time of the announcement such dentists have met in each approved specialty for which they announce, the existing educational requirements and standards set forth by the American Dental Association and have been issued a specialty license by the State. Those special areas of dental practice will be limited to those approved by the American Dental Association and include the following: dental public health, endodontics, oral pathology, oral and maxillofacial surgery, orthodontics, pediatric dentistry, periodontics, and prosthodontics.

It is understood by the Arkansas State Board of Dental Examiners, that the various specializations approved by the American Dental Association will be the definition adopted for each of those specializations by the Arkansas State Board of Dental Examiners.

A. ~~The practice carried on by a dentist who announces as a specialist shall be limited exclusively to the special area of dental practice announced by the dentist. Pursuant to Act 489 of 2017, 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.~~

B. Dentists may not use their eligibility as specialists to make the public believe that specialty services rendered in the dental office are being rendered by a qualified specialist when such is not the case. The burden of responsibility is on the specialist to avoid any inference that general practitioners who are associated with the specialists are qualified to announce themselves as specialists.

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