

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State
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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 _____

Rule Title: Proposed Article - Article IX: Credentials Required in issuing Dental or Dental Hygiene License

Intended Effective Date
 (Check One)

		Date
<input type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published	<u>Oct. 2, 9, 16, 2018</u>
<input checked="" type="checkbox"/> 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	<u>11/16/2019</u>
<input type="checkbox"/> Other _____ <small>(Must be more than 10 days after filing date.)</small>	Reviewed by Legislative Council	<u>5/17/2019</u>
	Adopted by State Agency	<u>11/16/2019</u>

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

Kevin M. O'Dwyer

kodwyer@htolaw.com

May 30, 2019

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.)

Meredith Rogers
 Signature

Meredith Rogers

meredith.rogers@ark.gov

Phone Number

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501-682-3543

Executive Director

Title

5/30/2019

Date

Hope, Trice, O'Dwyer & Wilson, P.A.

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WILLIAM H. TRICE III (1946-2014)

May 30, 2019

Mr. John Thurston
Secretary of State
State Capitol – Room 026
Little Rock, AR 72201-1094

**Re: My Client: Arkansas State Board of Dental Examiners
Proposed Article – Article IX: Credentials Required in Issuing Dental or Dental
Hygiene License**

To Whom It May Concern:

Enclosed is an Arkansas Register Transmittal Sheet and a copy of the Proposed Article – Article IX: Credentials Required in Issuing Dental or Dental Hygiene License.

Please file this accordingly.

Sincerely,

HOPE, TRICE, O'DWYER & WILSON, P.A.



Kevin M. O'Dwyer
Attorney for the Arkansas State Medical Board

KMO:ena
enclosure

cc: Ms. Meredith Rogers, Executive Director
register@sos.arkansas.gov

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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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 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 herself or himself 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.

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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

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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.