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WILLIAM H. TRICE III (1946-2014)

October 9, 2018

Via email and U.S. Mail
donna@arkleg.state.ar.us

Ms. Donna K. Davis, Committee Staff
State of Arkansas, Bureau of Legislative Research
State Capitol Building, Room 315
Little Rock, AR 72201

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

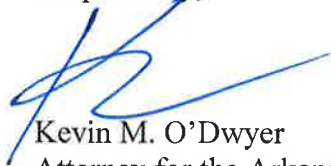
Dear Ms. Davis:

Enclosed please find the following:

1. Two copies of the Questionnaire and Financial Impact Statement.
2. Two copies of a mark-up reflecting the Amendment to Article IX.
3. Two copies of the Proposed Amendment to Article IX.
4. Two copies of the Notice of Hearing, setting forth the public hearing date as November 16, 2018 at 8:30 a.m. at the offices of the Board.
5. Two copies of the Summary.

After the public hearing I will contact your office and let you know whether it was approved by the Board and request that you schedule this for review at your convenience by Legislative Council Rules and Regulations Committee. Please let me know when to appear.

Respectfully,



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

KMO/mel
Enclosures

cc w/encl.: Arkansas Secretary of State, register@sos.arkansas.gov
Arkansas State Library, statedocs@library.arkansas.gov
Donna Cobb, Executive Director, asbde@arkansas.gov

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

DEPARTMENT/AGENCY Arkansas State Board of Dental Examiners
DIVISION _____
DIVISION DIRECTOR Donna Cobb, Executive Director
CONTACT PERSON Kevin M. O'Dwyer, Attorney
ADDRESS 211 S. Spring Street, Little Rock, AR 72201
PHONE NO. (501) 372-4144 FAX NO. (501) 372-7480 E-MAIL kodwyer@htolaw.com
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:

**Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201**

Amendment to Article IX - Credentials Required in Issuing
Dental or Dental Hygiene Licenses

1. What is the short title of this rule? Dental or Dental Hygiene Licenses
2. What is the subject of the proposed rule? Added section: Licensure for Active Military Members
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. N/A
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? N/A

Yes No

5. Is this a new rule? Yes No
If yes, please provide a brief summary explaining the 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 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. _____ Act 248 of 2017

7. What is the purpose of this proposed rule? Why is it necessary? To add a section for Licensure for Active Military Members.

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 16, 2018

Time: 8:30 a.m.

Place: Offices of Arkansas State Board of Dental Examiners
101 E. Capitol Avenue, Suite 111, Little Rock, Arkansas 72201

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

November 16, 2018

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

December 28, 2018

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. Attached. Proof of Publication will be provided after 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). This is sent after Governor's approval.

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 Arkansas State Board of Dental Examiners

DIVISION _____

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 An Amendment to Article IX to add section: Licensure for Active Military Members.

- 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) _____
Total _____

Next Fiscal Year

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

PROPOSED ARTICLE

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.

PROPOSED ARTICLE

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;

PROPOSED ARTICLE

- (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, certification, or permitting if the state board or commission determines the military

PROPOSED ARTICLE

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.
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 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.
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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.
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PROPOSED ARTICLE

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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.

To be published three times: October 2, October 9, and October 16, 2018, in the Daily Record:

Bill to: Donna Cobb, Executive Director
Arkansas State Board of Dental Examiners
101 E. Capitol, Ste. 111
Little Rock AR 72201
(501) 682-2085

Send proof of publication to:

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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 16th day of November, 2018, at the offices of the Arkansas State Board of Dental Examiners, Main Street Mall, 6th and Main, Little Rock, Arkansas 72201. The public hearing will involve an 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 Ms. Donna Cobb, the Executive Director of the Arkansas State Board of Dental Examiners, (501) 682-2085. Individuals desiring a copy of the proposed Article IX, as referred to herein, may contact Donna Cobb, the Executive Director at the above number.

Summary

Proposed amendment to Article IX, Credentials Required in Issuing Dental or Dental Hygiene License, defines and explains licensure requirements for active military members.