

ARKANSAS REGISTER

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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 Amended Regulation - Article XI - Dental Hygienists Functions

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>11/16/2018</u>
<input type="checkbox"/> Other _____ (Must be more than 10 days after filing date.)	Reviewed by Legislative Council	<u>5/17/2019</u>
	Adopted by State Agency	<u>11/16/2018</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@ar.gov

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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 Amended Regulation – Article XI – Dental Hygienists Functions**

To Whom It May Concern:

Enclosed is an Arkansas Register Transmittal Sheet and a copy of the Proposed Amended Regulation – Article XI-Dental Hygienists Functions for your records.

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 XI

DENTAL HYGIENISTS FUNCTIONS

Definitions pertaining to Dental Hygiene Functions:

INDIRECT SUPERVISION: The dentist authorizes the procedures and remains in the treatment facility while the procedures are being performed.

OPERATIVE SUPERVISION: The dentist authorizes the procedures and remains in the operatory while the procedures are being performed, and evaluates the results prior to leaving the operatory.

GENERAL SUPERVISION: The dentist authorizes the procedures but is not required to be present in the treatment facility while the procedures are being performed by the dental hygienist.

A. EXCLUSIVE FUNCTIONS TO BE PERFORMED BY A DENTAL HYGIENIST WHEN DELEGATED BY A DENTIST

1. Effective and safe delivery of certain services to the public is dependent upon making judgments and utilizing skills that require synthesis and application of knowledge acquired in accredited dental hygiene education programs and cannot be delegated to any dental staff member other than a licensed, registered dental hygienist.
2. The following functions may only be delegated to a licensed dental hygienist:
 - a. Oral examination. Elements of these examinations include charting of carious lesions and other abnormalities, periodontal charting and assessment of periodontal conditions, treatment planning for dental hygiene services and oral cancer screening. The dental hygienists may dictate the examination findings to a dental assistant who may then record the data on the patient's dental record.
 - b. Oral prophylaxis, scaling, root planing, and curettage. If a laser instrument is used, the dental hygienist and their supervising dentist must submit to the Board proof of successful completion of an approved educational course on the use of that type of laser prior to its usage for any patient treatment.
 - c. Using air driven, electric, sonic, ultrasonic, or otherwise powered scalers or polishers (except for dental assistants possessing an expanded duties permit for polishing).
 - d. Placing medicaments as prescribed by the supervising dentist into the sulcus or periodontal pockets, for periodontal diseases.
 - e. Place Silver Diamine Fluoride (SDF) under general supervision. If SDF is used, the dental hygienist and their supervising dentist must submit to the Board proof of successful completion of an approved educational course on SDF prior to its usage for any patient treatment.

B. PROHIBITED ACTIVITY: The following functions and procedures may NOT be delegated to dental hygienists. The functions include:

1. Diagnosis and treatment planning
2. Surgical or cutting procedures on hard or soft tissue
3. Prescription, injection, inhalation, and parenteral administration of drugs (except where permitted by the Board)
4. Placement, seating or removal of any final or permanent restorations.
5. Final placement of orthodontic brackets
6. Any procedure that contributes to or results in irreversible alteration of the oral anatomy.
7. Performance of any of the following expanded duties without a permit:
 - a. Administration of local anesthesia
 - b. Administration of nitrous oxide/oxygen analgesia

C. SUPERVISION LEVELS FOR AUTHORIZED FUNCTIONS OF A DENTAL HYGIENIST

1. Under INDIRECT SUPERVISION a hygienist may perform any dental task or procedure assigned by the supervising dentist to the hygienist that does not require the professional skills of a licensed dentist except for those functions prohibited in Section B of this Article or those tasks that require operative supervision.
2. Under OPERATIVE SUPERVISION, a hygienist may perform the following procedures:
 - a. Any procedure allowed under Indirect Supervision.
 - b. Administer certain local anesthesia injections as provided in Article XVI of these Rules and Regulations.
3. Under GENERAL SUPERVISION, the following restrictions apply:
 - a. A hygienist may render services only with the expressed consent of the supervising dentist and only for brief intervals when the supervising dentist cannot be in the treatment facility not to exceed two consecutive days.
 - b. The supervising dentist maintains full control as to whether general supervision will be utilized in his/her office or practice setting.
 - c. General supervision is allowed only in dental clinics, community health centers or government sponsored dental facilities.
 - d. Hygienists must comply with written protocols for emergencies as established by the supervising dentist.
 - e. Hygienists must practice under the supervision of a licensed dentist and may not practice independently or establish an office devoted primarily to dental hygiene services.
 - f. Hygienists must have one (1) full year of full-time service before being able to function under general supervision of a dentist.
 - g. Patients must be notified in advance that the doctor may not be in the treatment facility.
 - h. The supervising dentist must have examined the patient(s) not more than twelve (12) months prior.

- i. Hygienist may perform any procedure allowed under Indirect Supervision with the exception of root planing, subgingival curettage, local anesthesia, administration of nitrous oxide.
- j. The hygienist may place sealants if it has not been more than thirty days since the teeth to be sealed were examined by the dentist.
- k. A registered dental hygienist may not delegate functions to a registered dental assistant when the treating dentist is not in the facility.