In Attendance

Board Members
Dr. L. Frederick Church, Jr., Dr. CW Dill, Dr. James Moore, Erika Thomas RDH, Dr. Matthew McDonough, Dr. Carl Plyler, Dr. Charles G. Taylor, Karrie Jamison and Marcia Cook

Board Staff
Donna, Cobb (Executive Director), Meredith Rogers (Investigator), Corneshia Harrison (Administrative Analyst) and Kevin O'Dwyer (Attorney)

Introduction of New Board Members, etc.

The board’s newest members were introduced and welcomed: Dr. Charles G. Taylor from Pine Bluff, Ms. Karrie Jamison from Nashville, and Ms. Marcia Cook from Sherwood.

Executive Director Donna Cobb announced her retirement; the board thanked her for her service and wished her well.

Public Hearings

Two Public Hearings were held:

- **Article IX**: Credentials Required in Issuing Dental or Dental Hygiene License
  With no one speaking for or against the proposed Article, a motion was made, seconded and passed to approve the Article.

- **Article XI**: Dental Hygienists Functions
  With some discussion and no one speaking against the proposed Article, a motion was made, seconded and passed to approve the Article.

Approval of Minutes

A motion was made, seconded and passed to approve the September 14, 2108 minutes.

Attendances Per Board/Consent Order

Dr. Brad Diner of the Arkansas Medical Foundation (AMF) appeared with Drs. Nancy Malcolm and Shannon Gore Wright. He reported that the dentists remain compliant and continue to have the advocacy of the AMF; each will revisit the Board in March.

Dr. Bryan Copeland appeared before the board and reported that he will take a prescribing course in February; he will revisit the board in January.

Dr. Monte Butler submitted copies of his prescriptions for review. He will revisit the board in March.
Interviews for Licensure by Credentials

The following dentists and hygienists each appeared before the Board for an Arkansas dental/dental hygiene license by credentials:

- **DENTISTS**
  - Dr. Alan Fortenberry
  - Dr. Thomas Redd
  - Dr. Erin Sinada
  - Dr. Codi Astiasaran
  - Dr. Kerry Carlson
  - Dr. Thaddeus Zawislak

- **HYGIENISTS**
  - Sharon Griffith
  - Heidi McGregor
  - Sherri Powell

Dr. Zawislak was asked about his failure to disclose previous board actions in the state of Pennsylvania. However, motions were made, seconded and passed to issue dental/dental hygiene licenses to the above-mentioned applicants.

Fictitious Name Requests

The following fictitious names were reviewed and approved:

- Symmetry Modern Dentistry (Dr. Stephen Deal)
- CWS Family Dentistry (Dr. Christi Shepard)

Motions were made, seconded and passed to approve the above requested fictitious names.

The fictitious name, “Infinity Dental & Laser Center” submitted by Dr. Terry Box, was reviewed. A motion was made, seconded and passed to deny the name; Dr. Carl Plyer abstained from voting.

Request to be a Board-approved Nitrous Oxide Instructor

Dr. Neil Carmony submitted his nitrous oxide course syllabus for review in order to be a board-approved nitrous oxide instructor. A motion was made, seconded and passed to approve him as a nitrous oxide instructor.

Other Business

Dr. Dill requested that Dr. Plyer investigate other clinical dental and dental hygiene examinations. He also asked Dr. Matthew McDonough to come up with a plan for reviewing sedation and facility permits.

Dr. Dill formed a committee consisting of Dr. Church, Dr. Moore, and Mrs. Thomas to interview for the executive director position. He also instructed Donna Cobb to advertise the executive director position for five additional days. The board named Meredith Rogers as the interim executive director.

The board instructed Donna Cobb to send a letter out to the dentists who have not registered for the Arkansas Prescription Drug Monitoring Program informing them of their noncompliance, and they will have one week from receipt of the letter to submit proof of registration to the board office. Billy
Tarpley of the Arkansas State Dental Association agreed to help notify the dentists who are noncompliant.

Billy Tarpley appeared before the board with Dr. Werrner Schneider to inform that they have been in contact with Dr. Harold Crossley to conduct a continuing education course on prescribing at the Arkansas State Dental Association’s 2019 fall meeting. The board agreed that the prescribing course would satisfy the three-hour prescribing course requirement as specified in Article XX of the Dental Practice Act.

Dr. Dill appointed Marcia Cook to the Rules and Regulations Committee and Karrie Jamison to the Complaint Committee.

Dr. Larry Lawson of the Arkansas Medical Foundation appeared before the board to ask if it would consider a portion of the renewal fees for dentists and hygienists to go toward funding the Foundation.

**Next Meeting**

The next meeting is scheduled for January 18, 2019 at 8:30 am.

Respectfully submitted,

Meredith Rogers

Meredith Rogers
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.
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;
(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 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
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 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.