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TITLE 828 STATE BOARD OF DENTISTRY

Proposed Rule LSA Document #01-307

DIGEST

Adds 828 IAC 0.5-2-5 concerning fees related to the registration of mobile dental facilities and portable dental operations. Adds 828 IAC 4 concerning the conduct of mobile dental facilities and portable dental operations. Effective 30 days after filing with the secretary of state.

828 IAC 0.5-2-5 **828 IAC 4**

SECTION 1. 828 IAC 0.5-2-5 IS ADDED TO READ AS FOLLOWS:

828 IAC 0.5-2-5 Registration of mobile dental facilities and portable dental operations

Authority: IC 25-14-1-13
Affected: IC 25-14

Sec. 3. The board shall charge and collect the following fees related to the registration of mobile dental facilities and portable dental operations:

- | | |
|---------------------------------|--------------|
| (1) Application | \$200 |
| (2) Registration renewal | \$100 |

(State Board of Dentistry; 828 IAC 0.5-2-5)

SECTION 2. 828 IAC 4 IS ADDED TO READ AS FOLLOWS:

ARTICLE 4. MOBILE DENTAL FACILITIES AND PORTABLE DENTAL OPERATIONS

Rule 1. Applicability; Exceptions

828 IAC 4-1-1 Applicability

Authority: IC 25-14-1-13
Affected: IC 25-14

Sec. 1. This article applies to the operator of a mobile dental facility or portable dental operation who:

- (1) provides dental services; and**
- (2) does not have a physically stationary office in the county where the services are provided.**

(State Board of Dentistry; 828 IAC 4-1-1)

828 IAC 4-1-2 Exceptions

Authority: IC 25-14-1-13
Affected: IC 25-13-1-10; IC 25-13-1-11; IC 25-14

Sec. 2. (a) Federal, state, and local governmental agencies are exempt from the requirements of this rule.

(b) Dentists licensed to practice in Indiana who have not registered with the board to operate a mobile dental facility or a portable dental operation may provide dental services through use of dental instruments, materials, and equipment taken out of a dental office without registering if the service is provided as emergency treatment

for their patients of record.

(c) Dentists who:

(1) do not operate a mobile dental facility or portable dental operation; or

(2) are not employed by or independently contracting with a mobile dental facility or portable dental operation;

may provide treatment for their patients of record in the county in which the dentist maintains a physically stationary office or in a county adjacent to the county in which the dentist maintains a physically stationary office if such services are provided outside the physically stationary office or outside the county of the physically stationary office fewer than thirty (30) days per year.

(d) Dental hygienists who are providing dental hygiene services, instruction, and in-service training in accordance with IC 25-13-1-10 and IC 25-13-1-11 of the dental hygienist practice act are exempt from the requirements of this rule. Furthermore, dental hygienists may provide dental hygiene services, instruction, and in-service training in accordance with IC 25-13-1-10 and IC 25-13-1-11 in a mobile dental facility or portable dental operation. *(State Board of Dentistry; 828 IAC 4-1-2)*

Rule 2. Definitions

828 IAC 4-2-1 Applicability

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 1. The definitions in this rule apply throughout this article. *(State Board of Dentistry; 828 IAC 4-2-1)*

828 IAC 4-2-2 “Mobile dental facility or portable dental operation” defined

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 2. “Mobile dental facility or portable dental operation” means either of the following:

(1) Any self-contained facility in which dentistry will be practiced, which may be moved, towed, or transported from one (1) location to another.

(2) Any nonfacility in which dental equipment, utilized in the practice of dentistry, is transported to and utilized on a temporary basis at an out-of-office location, including, but not limited to:

(A) other dentists’ offices;

(B) patients’ homes;

(C) schools;

(D) nursing homes; or

(E) other institutions.

(State Board of Dentistry; 828 IAC 4-2-2)

Rule 3. Registration

828 IAC 4-3-1 Application

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 1. (a) In order to operate a mobile dental facility or portable dental operation, the operator shall register with the board.

(b) The applicant shall complete an application in the form and manner required by the board.

(c) The applicant shall pay the registration fee at the time of application as set by the board by rule.

(d) The applicant shall provide the board with evidence of compliance with the requirements of this rule.

(e) The applicant shall submit proof of radiographic equipment inspection with the application for registration. (*State Board of Dentistry; 828 IAC 4-3-1*)

828 IAC 4-3-2 Official business or mailing address

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 2. (a) The operator of a mobile dental facility or portable dental operation shall maintain an official business or mailing address of record, which shall not be a post office box and which shall be filed with the board.

(b) The operator of a mobile dental facility or portable dental operation shall maintain an official telephone number of record, which shall be filed with the board.

(c) The board shall be notified within thirty (30) days of any change in the address or telephone number of record.

(d) All written or printed documents available from or issued by the mobile dental facility or portable dental operation shall contain the official address and telephone number of record for the mobile dental facility or portable dental operation.

(e) When not in transit, all dental and official records shall be maintained at the official office address of record. (*State Board of Dentistry; 828 IAC 4-3-2*)

828 IAC 4-3-3 Written procedures; communication facilities; conformity with requirements; driver requirements

Authority: IC 25-14-1-13

Affected: IC 12-15; IC 12-17.6; IC 25-14

Sec. 3. The operator of a mobile facility, mobile unit, or portable dental operation shall ensure the following:

(1) There is a written procedure for emergency follow-up care for patients treated in the mobile dental facility and that such procedure includes arrangements for treatment in a dental facility that is permanently established in the area where services were provided.

(2) The mobile dental facility has communication facilities that will enable the operator thereof to contact necessary parties in the event of a medical or dental emergency. The communications facilities must enable the patient or the parent or guardian of the patient treated to contact the operator for emergency care, follow-up care, or information about treatment received. The provider who renders follow-up care must also be able to contact the operator and receive treatment information, including radiographs.

(3) The mobile dental facility conforms to all applicable federal, state, and local laws, regulations, and ordinances dealing with radiographic equipment, flammability, construction, sanitation, zoning, infectious waste management, universal precautions, OSHA guidelines, and federal Centers for Disease Control Guidelines, and the applicant possesses all applicable county and city licenses or permits to operate the unit.

(4) The driver of the unit possesses a valid Indiana driver's license appropriate for the operation of the vehicle.

(5) No services are performed on minors without a signed consent form from the parent or guardian, which indicates that:

(A) if the minor already has a dentist, the parent or guardian should continue to arrange dental care through that provider; and

(B) the treatment of the child by the mobile dental facility may affect the future benefits that the child may receive under:

(i) private insurance;

(ii) Medicaid (IC 12-15); or

(iii) the children's health insurance program (IC 12-17.6).

(6) A mobile dental facility that accepts a patient and provides preventive treatment, including prophylaxis, radiographs, and fluoride, but does not follow-up with treatment when such treatment is clearly indicated, is considered to be abandoning the patient. Arrangements must be made for treatment services.

(State Board of Dentistry; 828 IAC 4-3-3)

828 IAC 4-3-4 Physical requirements for mobile dental facility

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 4. The operator shall ensure that the mobile dental facility or portable dental operation has the following:

- (1) Ready access to a ramp or lift if services are provided to disabled persons.**
- (2) A properly functioning sterilization system.**
- (3) Ready access to an adequate supply of potable water, including hot water.**
- (4) Ready access to toilet facilities.**
- (5) A covered galvanized, stainless steel, or other noncorrosive container for deposit of refuse and waste materials.**

(State Board of Dentistry; 828 IAC 4-3-4)

828 IAC 4-3-5 Identification of personnel; notification of changes in written procedures; display of licenses

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 5. (a) The operator shall identify and advise the board in writing within thirty (30) days of any personnel change relative to all licensed dentists and licensed dental hygienists associated with the mobile dental facility or portable dental operation by providing the full name, address, telephone numbers, and license numbers where applicable.

(b) The operator shall advise the board in writing within thirty (30) days of any change in the written procedure for emergency follow-up care for patients treated in the mobile dental facility, including arrangements for treatment in a dental facility, which is permanently established in the area. The permanent dental facility shall be identified in the written procedure.

(c) Each dentist and dental hygienist providing dental services in the mobile dental facility or portable dental operation shall prominently display his or her Indiana dental or Indiana dental hygienist license in plain view of patients. *(State Board of Dentistry; 828 IAC 4-3-5)*

828 IAC 4-3-6 Identification of location of services

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 6. (a) Each operator of a mobile dental facility or portable dental operation shall maintain a written or electronic record detailing for each location where services are provided:

- (1) the street address of the service location;**
- (2) the dates of each session;**
- (3) the number of patients served; and**
- (4) the types of dental services provided and quantity of each service provided.**

(b) The written or electronic record shall be made available to the board within ten (10) days of a request by the board. Costs for such records shall be borne by the mobile dental facility. *(State Board of Dentistry; 828 IAC 4-3-6)*

828 IAC 4-3-7 Licensed dentist in charge

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 7. A mobile dental facility or portable dental operation shall at all times be in the charge of a dentist licensed to practice dentistry in Indiana. A dentist licensed to practice dentistry in Indiana shall be present at all times that clinical services are rendered. *(State Board of Dentistry; 828 IAC 4-3-7)*

828 IAC 4-3-8 Prohibited operations

Authority: IC 25-14-1-13

Affected: IC 25-13; IC 25-14

Sec. 8. The operator of a mobile dental facility or portable dental operation is prohibited from hiring, employing, allowing to be employed, or permitting to work in or about a mobile dental facility or portable dental operation, any person who performs or practices any occupation regulated under IC 25-13 or IC 25-14 who is not duly licensed by the board. *(State Board of Dentistry; 828 IAC 4-3-8)*

828 IAC 4-3-9 Information for patients

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 9. (a) During or at the conclusion of each patient's visit to the mobile dental facility or portable dental operation, the patient shall be provided with an information sheet. If the patient has provided consent to an institutional facility to access the patient's dental health records, the institution shall also be provided with a copy of the information sheet. An institutional facility includes, but is not limited to, a long term care facility or school.

(b) An information sheet shall include the following:

(1) Pertinent contact information as required by this article.

(2) The name of the dentist and other dental staff who provided services.

(3) A description of the treatment rendered, including billed service codes and fees associated with treatment, and tooth numbers when appropriate.

(4) If necessary, referral information to another dentist as required by this article.

(State Board of Dentistry; 828 IAC 4-3-9)

828 IAC 4-3-10 Cessation of operations

Authority: IC 25-14-1-13

Affected: IC 16-39; IC 25-14

Sec. 10. (a) Upon cessation of operation by the mobile dental facility or portable dental operation, the operator shall notify the board within thirty (30) days of the last day of operations in writing of the final disposition of patient records and charts.

(b) If the mobile dental facility or portable dental operation is sold, a new registration application must be filed with the board.

(c) Upon choosing to discontinue practice or services in a community, the operator of a mobile dental facility or portable dental operation shall:

(1) notify all of the operator's active patients in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that the operator intends to discontinue the mobile dental facility's or portable dental operation's practice in the community; and

(2) encourage the patients to seek the services of another dentist.

(d) The operator shall make reasonable arrangements with the active patients of the mobile dental facility or portable dental operation for the transfer of the patient's records, including radiographs or copies thereof, to the succeeding practitioner, or, at the written request of the patient, to the patient, in compliance with IC 16-39.

(e) As used in this section, "active patient" applies and refers to a person whom the mobile dental facility or portable dental operation has examined, treated, cared for, or otherwise consulted with during the two (2) year period prior to discontinuation of practice, or moving from or leaving the community.

(f) Nothing in this section supersedes the requirements of IC 16-39. *(State Board of Dentistry; 828 IAC 4-3-10)*

828 IAC 4-3-11 Renewal of registration

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 11. (a) The registration shall be renewed on March 1 of even-numbered years in the form and manner provided by the board.

(b) The registrant shall pay the registration renewal fee in an amount set by the board by rule. *(State Board of Dentistry; 828 IAC 4-3-11)*

828 IAC 4-3-12 Failure to comply

Authority: IC 25-14-1-13

Affected: IC 25-14

Sec. 12. Failure to comply with state statutes or rules regulating the practice of dentistry, dental hygiene, and the operation of mobile dental facilities or portable dental operations shall subject the registrant and all practitioners providing services through a mobile dental facility or portable dental operation to disciplinary action. *(State Board of Dentistry; 828 IAC 4-3-12)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 1, 2002 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana the State Board of Dentistry will hold a public hearing on proposed rules concerning fees related to the registration of mobile dental facilities and portable dental operations and the conduct of mobile dental facilities and portable dental operations. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau