

SUBSTITUTE FOR

A bill to amend 1978 PA 368, entitled

"Public health code,"

(MCL 333.1101 to 333.25211) by adding part 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 216

MOBILE DENTAL FACILITY

SEC. 21601. (1) AS USED IN THIS PART:

(A) "ACTIVE PATIENT" MEANS A PERSON WHO HAS RECEIVED ANY TYPE OF DENTAL CARE IN A MOBILE DENTAL FACILITY IN THE PRECEDING 24 MONTHS.

(B) "ASSESSMENT OF A PATIENT" MEANS A LIMITED CLINICAL INSPECTION THAT IS PERFORMED TO IDENTIFY POSSIBLE SIGNS OF ORAL OR SYSTEMIC DISEASE, MALFORMATION, OR INJURY, AND THE POTENTIAL NEED FOR REFERRAL FOR DIAGNOSIS AND TREATMENT.

1 (C) "BOARD OF DENTISTRY" MEANS THE BOARD CREATED UNDER PART
2 166.

3 (D) "CLINICAL EVALUATION" MEANS A DIAGNOSTIC SERVICE PROVIDED
4 BY A DENTIST THAT INCLUDES A COMPLETE INTRA- AND EXTRA-ORAL
5 INSPECTION, MAY INCLUDE OTHER MODALITIES OF EXAMINATION TO IDENTIFY
6 SIGNS OF ORAL OR SYSTEMIC DISEASE, MALFORMATION, OR INJURY, AND MAY
7 INCLUDE THE COMPLETION OF DIAGNOSIS AND TREATMENT PLANNING TO
8 DETERMINE THE TREATMENT NEEDS OF AN INDIVIDUAL PATIENT.

9 (E) "COMPREHENSIVE DENTAL SERVICES" MEANS CLINICAL EVALUATION,
10 INCLUDING DIAGNOSIS AND TREATMENT PLANNING; IMAGERY SERVICES; AND
11 INDICATED TREATMENT THAT MAY INCLUDE PREVENTATIVE, RESTORATIVE, AND
12 SURGICAL PROCEDURES THAT ARE CONSIDERED NECESSARY FOR AN INDIVIDUAL
13 PATIENT.

14 (F) "DENTAL HOME" MEANS A NETWORK OF INDIVIDUALIZED CARE BASED
15 ON RISK ASSESSMENT, THAT INCLUDES ORAL HEALTH EDUCATION, DENTAL
16 SCREENINGS, PREVENTATIVE DENTAL SERVICES, DIAGNOSTIC SERVICES,
17 COMPREHENSIVE DENTAL SERVICES, AND EMERGENCY SERVICES.

18 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF LICENSING AND
19 REGULATORY AFFAIRS.

20 (H) "IMAGERY" MEANS VISUALIZATION OF ORAL AND FACIAL
21 STRUCTURES USING SPECIALIZED INSTRUMENTS AND TECHNIQUES FOR
22 DIAGNOSTIC PURPOSES.

23 (I) "MEMORANDUM OF AGREEMENT" MEANS WRITTEN DOCUMENTATION OF
24 AN AGREEMENT BETWEEN PARTIES TO WORK TOGETHER COOPERATIVELY ON AN
25 AGREED-UPON PROJECT OR MEET AN AGREED-UPON OBJECTIVE. THE PURPOSE
26 OF A MEMORANDUM OF AGREEMENT IS TO HAVE A WRITTEN UNDERSTANDING OF
27 THE AGREEMENT BETWEEN THE PARTIES. A MEMORANDUM OF AGREEMENT SERVES

1 AS A LEGAL DOCUMENT THAT IS BINDING AND HOLDS THE PARTIES
2 RESPONSIBLE TO THEIR COMMITMENT ALONG WITH DESCRIBING THE TERMS AND
3 DETAILS OF THE COOPERATIVE AGREEMENT. A MEMORANDUM OF AGREEMENT MAY
4 BE USED BETWEEN AGENCIES, THE PUBLIC, THE FEDERAL OR STATE
5 GOVERNMENT, COMMUNITIES, AND INDIVIDUALS.

6 (J) "MOBILE DENTAL FACILITY" MEANS EITHER OF THE FOLLOWING:

7 (i) A SELF-CONTAINED, INTACT FACILITY IN WHICH DENTISTRY OR
8 DENTAL HYGIENE IS PRACTICED THAT MAY BE TRANSPORTED FROM 1 LOCATION
9 TO ANOTHER.

10 (ii) ANY FACILITY WHERE DENTAL SERVICES ARE RENDERED USING
11 PORTABLE EQUIPMENT.

12 (K) "OPERATOR" MEANS EITHER OF THE FOLLOWING:

13 (i) AN INDIVIDUAL WITH A VALID, CURRENT LICENSE TO PRACTICE
14 DENTISTRY OR DENTAL HYGIENE IN THIS STATE WHO UTILIZES AND HOLDS A
15 PERMIT UNDER THIS PART FOR A MOBILE DENTAL FACILITY.

16 (ii) A NONPROFIT OR FOR-PROFIT CORPORATION OR ANY GOVERNMENTAL
17 AGENCY CONTRACTING WITH INDIVIDUALS LICENSED TO PRACTICE DENTISTRY
18 IN THIS STATE OR DENTAL HYGIENISTS LICENSED IN THIS STATE, WHO
19 UTILIZES AND HOLDS A PERMIT UNDER THIS PART FOR A MOBILE DENTAL
20 FACILITY.

21 (L) "PREVENTATIVE DENTAL SERVICES" MEANS DENTAL SERVICES THAT
22 INCLUDE, BUT ARE NOT LIMITED TO, SCREENING OF A PATIENT, ASSESSMENT
23 OF A PATIENT, PROPHYLAXIS, FLUORIDE TREATMENTS, AND APPLICATION OF
24 SEALANTS. IMAGERY STUDIES ARE NOT PREVENTATIVE DENTAL SERVICES.

25 (M) "SCREENING OF A PATIENT" MEANS SCREENING, INCLUDING STATE-
26 OR FEDERALLY MANDATED SCREENING, TO DETERMINE AN INDIVIDUAL'S NEED
27 TO BE SEEN BY A DENTIST FOR DIAGNOSIS.

House Bill No. 4865 (H-2) as amended December 11, 2013

1 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
2 PRINCIPLES OF CONSTRUCTION APPLICABLE TO THIS PART.

3 SEC. 21603. (1) AN OPERATOR SHALL OBTAIN A PERMIT UNDER THIS
4 PART FOR A MOBILE DENTAL FACILITY BEFORE OFFERING DENTAL SERVICES
5 AT THE FACILITY.

6 (2) A MOBILE DENTAL FACILITY SHALL HAVE AN OPERATOR IN CHARGE
7 AT ALL TIMES.

8 (3) AN OPERATOR MAY CONTRACT OR EMPLOY OTHER DENTISTS, DENTAL
9 HYGIENISTS, OR DENTAL ASSISTANTS TO WORK IN A MOBILE DENTAL
10 FACILITY.

11 (4) AN OPERATOR MAY HOLD A PERMIT FOR 1 OR MORE MOBILE DENTAL
12 FACILITIES.

13 SEC. 21605. (1) AN INDIVIDUAL OR ENTITY SEEKING A PERMIT TO
14 OPERATE A MOBILE DENTAL FACILITY SHALL SUBMIT AN APPLICATION ON A
15 FORM PROVIDED BY THE DEPARTMENT.

16 (2) AN APPLICATION SUBMITTED TO THE DEPARTMENT UNDER
17 SUBSECTION (1) SHALL INCLUDE A REGISTRATION FEE IN AN AMOUNT
18 DETERMINED BY THE DEPARTMENT BUT NOT MORE THAN THE COST OF A DENTAL
19 LICENSE RENEWAL FEE.

20 (3) A PERMIT IS VALID FOR 3 YEARS AND AN APPLICATION FOR
21 RENEWAL MAY BE SUBMITTED NOT LATER THAN THE LAST DAY OF THE MONTH
22 IN WHICH THE PERMIT EXPIRES UPON SUBMISSION OF PROOF TO THE
23 DEPARTMENT OF COMPLIANCE WITH THE REQUIREMENTS OF THIS PART. A
24 PERMIT APPLICATION THAT IS NOT TIMELY FILED IS SUBJECT TO A LATE
25 FEE IN AN AMOUNT DETERMINED BY THE DEPARTMENT AS THE ADDITIONAL
26 COST OF PROCESSING THE LATE RENEWAL[, BUT NOT MORE THAN A DENTAL
LICENSE LATE RENEWAL FEE].

27 (4) A PERMIT SHALL NOT BE ISSUED UNLESS THE APPLYING

1 INDIVIDUAL OR ENTITY IS IN COMPLIANCE WITH ALL APPLICABLE
2 REQUIREMENTS OF THIS PART.

3 (5) A PERMIT ISSUED UNDER THIS PART IS NOT TRANSFERRABLE. IF
4 THE OPERATOR OF THE MOBILE DENTAL FACILITY CHANGES, THE PERMIT IS
5 NO LONGER VALID. HOWEVER, IF AN APPLICATION FOR A NEW PERMIT TO
6 CONTINUE OPERATING THE MOBILE DENTAL FACILITY IS SUBMITTED NOT
7 LATER THAN 30 DAYS AFTER THE CHANGE OF OPERATOR, THE FORMER PERMIT
8 IS VALID AS AN INTERIM PERMIT UNTIL THE APPLICATION IS APPROVED OR
9 DENIED, BUT NOT LONGER THAN 90 DAYS.

10 (6) THE DEPARTMENT SHALL EITHER APPROVE OR DENY AN APPLICATION
11 FOR A PERMIT UNDER THIS PART NOT LATER THAN 60 DAYS AFTER RECEIVING
12 THE APPLICATION.

13 SEC. 21607. (1) AN APPLICANT SHALL PROVIDE WITH THE
14 APPLICATION FOR A PERMIT UNDER THIS PART, AND SUBSEQUENTLY, WITHIN
15 10 DAYS AFTER A REQUEST FROM THE DEPARTMENT, ALL OF THE FOLLOWING
16 INFORMATION, AS APPLICABLE:

17 (A) A LIST OF EACH DENTIST, DENTAL HYGIENIST, AND DENTAL
18 ASSISTANT WHO WILL PROVIDE CARE AT OR WITHIN THE MOBILE DENTAL
19 FACILITY, INCLUDING, AT A MINIMUM, EACH INDIVIDUAL'S NAME, ADDRESS,
20 TELEPHONE NUMBER, AND STATE OCCUPATIONAL LICENSE NUMBER.

21 (B) A WRITTEN PLAN AND PROCEDURE FOR PROVIDING EMERGENCY
22 FOLLOW-UP CARE TO EACH PATIENT TREATED AT THE MOBILE DENTAL
23 FACILITY.

24 (C) IF THE OPERATOR DOES NOT PROVIDE FOR FOLLOW-UP SERVICES AT
25 A SITE WITHIN A REASONABLE DISTANCE FOR THE PATIENT, A SIGNED
26 MEMORANDUM OF AGREEMENT BETWEEN THE OPERATOR AND AT LEAST 1 DENTIST
27 OR PARTY WHO CAN ARRANGE FOR OR PROVIDE FOLLOW-UP SERVICES AT A

House Bill No. 4865 (H-2) as amended December 11, 2013

1 SITE WITHIN A REASONABLE DISTANCE FOR THE PATIENT. THE MEMORANDUM
2 OF AGREEMENT SHALL STATE THAT THE CONTRACTING DENTIST OR PARTY WILL
3 ACCEPT [REFERRALS OF PATIENTS TREATED AT THE MOBILE DENTAL FACILITY. THE
AGREEMENT TO ACCEPT A REFERRAL DOES NOT REQUIRE THE DENTIST OR PARTY TO
TREAT THE PATIENT.]

4 (D) IF THE OPERATOR PROVIDES ONLY PREVENTATIVE DENTAL
5 SERVICES, A SIGNED MEMORANDUM OF AGREEMENT FOR REFERRAL FOR
6 COMPREHENSIVE DENTAL SERVICES BETWEEN THE OPERATOR AND AT LEAST 1
7 DENTIST OR PARTY WHO CAN ARRANGE FOR OR PROVIDE COMPREHENSIVE
8 DENTAL SERVICES TO THE PATIENT WITHIN A REASONABLE DISTANCE FOR THE
9 PATIENT.

10 (E) PROOF OF GENERAL LIABILITY INSURANCE COVERING THE MOBILE
11 DENTAL FACILITY THAT IS ISSUED BY A LICENSED INSURANCE CARRIER
12 AUTHORIZED TO DO BUSINESS IN THIS STATE.

13 (2) AN OPERATOR SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

14 (A) COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS,
15 REGULATIONS, AND ORDINANCES, INCLUDING, BUT NOT LIMITED TO, THOSE
16 CONCERNING RADIOGRAPHIC EQUIPMENT, FLAMMABILITY, SANITATION,
17 ZONING, AND CONSTRUCTION STANDARDS, INCLUDING STANDARDS RELATING TO
18 REQUIRED ACCESS FOR PERSONS WITH DISABILITIES.

19 (B) MAINTAIN CONTINUOUSLY AVAILABLE AT THE MOBILE DENTAL
20 FACILITY A COMMUNICATION DEVICE FOR MAKING AND RECEIVING TELEPHONE
21 CALLS AND SUMMONING EMERGENCY SERVICES.

22 (C) MAKE IMMEDIATELY AVAILABLE, UPON REQUEST FROM ANY PERSON,
23 A COPY OF THE LICENSE OF EACH DENTIST, DENTAL HYGIENIST, OR DENTAL
24 ASSISTANT WORKING AT THE MOBILE DENTAL FACILITY.

25 (D) MAKE IMMEDIATELY AVAILABLE, AT THE MOBILE DENTAL FACILITY,
26 UPON REQUEST FROM ANY PERSON, A COPY OF THE PERMIT REQUIRED UNDER
27 THIS PART.

1 (3) THE OPERATOR OF A MOBILE DENTAL FACILITY AND THE
2 OPERATOR'S AGENTS AND EMPLOYEES SHALL COMPLY WITH ALL FEDERAL,
3 STATE, AND LOCAL LAWS, ADMINISTRATIVE RULES, REGULATIONS, AND
4 ORDINANCES APPLICABLE TO THE MOBILE DENTAL FACILITY AND TO THE
5 INDIVIDUALS AND ENTITIES THAT PROVIDE THE PREVENTATIVE DENTAL
6 SERVICES OR COMPREHENSIVE DENTAL SERVICES AT THE MOBILE DENTAL
7 FACILITY, INCLUDING, BUT NOT LIMITED TO, THOSE CONCERNING
8 SANITATION, INFECTIOUS WASTE MANAGEMENT AND DISPOSAL, OCCUPATIONAL
9 SAFETY, AND DISEASE PREVENTION.

10 (4) A MOBILE DENTAL FACILITY SHALL HAVE READY ACCESS TO ALL OF
11 THE FOLLOWING FUNCTIONAL EQUIPMENT:

12 (A) AN INSTRUMENT STERILIZATION SYSTEM.

13 (B) POTABLE HOT AND COLD WATER, HAND SANITIZER, OR BOTH.

14 (C) TOILET FACILITIES.

15 (D) SMOKE AND CARBON MONOXIDE DETECTORS, AS APPLICABLE.

16 (E) RADIOGRAPHIC EQUIPMENT PROPERLY REGISTERED AND INSPECTED,
17 AS APPLICABLE, BY THE STATE.

18 (F) A COMMUNICATION DEVICE CONTINUOUSLY AVAILABLE FOR MAKING
19 AND RECEIVING TELEPHONE CALLS AND SUMMONING EMERGENCY SERVICES.

20 (5) A MOBILE DENTAL FACILITY SHALL HAVE READY ACCESS TO THE
21 FOLLOWING DENTAL EQUIPMENT:

22 (A) PROPER LIGHTING.

23 (B) PORTABLE SUCTION.

24 (C) HAND PIECES.

25 (D) DENTAL INSTRUMENTS.

26 (E) SUPPLIES.

27 (6) EXCEPT AS PROVIDED IN SUBSECTION (7) OR (8), A DENTIST

House Bill No. 4865 (H-2) as amended December 11, 2013

1 LICENSED UNDER THIS ACT SHALL BE PRESENT IN THE MOBILE DENTAL
2 FACILITY AT ANY TIME COMPREHENSIVE DENTAL SERVICES THAT ARE NOT
3 PREVENTATIVE DENTAL SERVICES ARE PERFORMED ON A PATIENT. A DENTIST
4 LICENSED UNDER THIS ACT NEED NOT BE PRESENT WHEN A MOBILE DENTAL
5 FACILITY PROVIDES ONLY PREVENTATIVE DENTAL SERVICES.

6 (7) IF A MOBILE DENTAL FACILITY IS PART OF A PROGRAM THAT
7 PROVIDES COMPREHENSIVE DENTAL SERVICES [OR] IS ESTABLISHED UNDER A
8 MEMORANDUM OF AGREEMENT THAT PROVIDES FOR REFERRAL FOR
9 COMPREHENSIVE DENTAL SERVICES, THE MOBILE DENTAL FACILITY MAY
10 PROVIDE IMAGERY SERVICES WITHOUT A DENTIST PRESENT.

11 (8) IF A MOBILE DENTAL FACILITY IS PART OF A PROGRAM THAT
12 PROVIDES PREVENTATIVE DENTAL SERVICES TO A NURSING HOME, ASSISTED
13 LIVING CENTER, OR OTHER SIMILAR SETTING, THE MOBILE DENTAL FACILITY
14 MAY, WITH THE PERMISSION OF THE SUPERVISING DENTIST, PROVIDE
15 IMAGERY SERVICES WITHOUT A DENTIST PRESENT.

16 SEC. 21609. (1) THE OPERATOR OR HIS OR HER DESIGNEE SHALL
17 ESTABLISH A WRITTEN TREATMENT PLAN FOR, AND PROVIDE A COPY TO, EACH
18 PATIENT WHO RECEIVES DENTAL SERVICES AT A MOBILE DENTAL FACILITY.

19 (2) THE WRITTEN TREATMENT PLAN REQUIRED UNDER SUBSECTION (1)
20 SHALL ADDRESS COMPREHENSIVE DENTAL SERVICES TO BE PROVIDED EITHER
21 BY THE MOBILE DENTAL FACILITY OR THROUGH AN AFFILIATED DENTIST,
22 DENTAL OFFICE, OR PARTY WHO CAN ARRANGE FOR OR PROVIDE THOSE
23 SERVICES UNDER A MEMORANDUM OF AGREEMENT WITH THE OPERATOR OF THE
24 MOBILE DENTAL FACILITY.

25 (3) IF THE WRITTEN TREATMENT PLAN REQUIRED UNDER SUBSECTION
26 (1) CANNOT BE COMPLETED DURING THE PATIENT'S INITIAL VISIT TO THE
27 MOBILE DENTAL FACILITY, THE OPERATOR OR HIS OR HER DESIGNEE SHALL

1 MAKE A REASONABLE ATTEMPT TO REFER THE PATIENT TO A DENTIST OR
2 PARTY WHO CAN ARRANGE FOR OR PROVIDE SERVICES UNDER A MEMORANDUM OF
3 AGREEMENT UNTIL THE TREATMENT PLAN IS COMPLETED OR THE PATIENT
4 CEASES TREATMENT. IF THE PATIENT IS A MINOR OR INCAPACITATED
5 PERSON, THE MOBILE OPERATOR SHALL ALSO ATTEMPT TO CONTACT A PARENT
6 OR GUARDIAN AND INFORM HIM OR HER OF THE REFERRAL. IF THE OPERATOR
7 OR HIS OR HER DESIGNEE IS UNABLE TO MAKE ARRANGEMENTS FOR CONTINUED
8 TREATMENT, HE OR SHE SHALL PLACE WRITTEN DOCUMENTATION OF THE
9 ATTEMPTS IN THE PATIENT RECORD AND MAKE THE DOCUMENTATION AVAILABLE
10 TO THE DEPARTMENT UPON REQUEST. A COPY OF THE DOCUMENTATION SHALL
11 BE SENT TO THE PATIENT. FAILURE OF THE OPERATOR OR HIS OR HER
12 DESIGNEE TO COMPLY WITH THIS SUBSECTION IS CAUSE FOR DISCIPLINARY
13 ACTION BY THE BOARD OF DENTISTRY.

14 (4) THE OPERATOR SHALL OBTAIN THE PATIENT'S WRITTEN CONSENT,
15 OR THE CONSENT OF A PARENT OR GUARDIAN OF A PATIENT WHO IS A MINOR
16 OR LEGALLY INCAPABLE OF CONSENT, BEFORE PROVIDING ANY DENTAL
17 SERVICES TO A PATIENT AT A MOBILE DENTAL FACILITY.

18 (5) THE FORM FOR THE WRITTEN CONSENT REQUIRED UNDER SUBSECTION
19 (4) SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:

20 (A) THE NAME OF THE MOBILE DENTAL FACILITY PROVIDING DENTAL
21 SERVICES.

22 (B) THE PERMANENT ADDRESS OF THE MOBILE DENTAL OPERATOR.

23 (C) THE TELEPHONE NUMBER THAT A PATIENT MAY CALL 24 HOURS A
24 DAY FOR EMERGENCY CALLS.

25 (D) A LIST OF THE SERVICES TO BE PROVIDED.

26 (E) A STATEMENT INDICATING THAT THE PATIENT, PARENT, OR
27 GUARDIAN UNDERSTANDS THAT TREATMENT MAY BE OBTAINED AT THE

1 PATIENT'S DENTAL HOME RATHER THAN AT A MOBILE DENTAL FACILITY AND
2 THAT OBTAINING DUPLICATE SERVICES AT A MOBILE DENTAL FACILITY MAY
3 AFFECT BENEFITS THAT HE OR SHE RECEIVES FROM PRIVATE INSURANCE, A
4 STATE OR FEDERAL PROGRAM, OR OTHER THIRD-PARTY PROVIDER OF DENTAL
5 BENEFITS.

6 (6) IF THE PATIENT IS A MINOR OR INCAPACITATED PERSON, THE
7 WRITTEN CONSENT FORM REQUIRED UNDER SUBSECTION (4) SHALL ALSO
8 INCLUDE A REQUEST FOR THE NAME OR CONTACT INFORMATION FOR THE
9 DENTIST OR DENTAL OFFICE THAT PROVIDED DENTAL SERVICES IN THE PAST
10 12 MONTHS.

11 (7) EACH PERSON RECEIVING DENTAL SERVICES AT A MOBILE DENTAL
12 FACILITY SHALL RECEIVE ALL OF THE FOLLOWING INFORMATION:

13 (A) THE NAME OF THE DENTIST, DENTAL HYGIENIST, DENTAL
14 ASSISTANT, OR PARTY WHO ARRANGED FOR OR PROVIDED THE DENTAL
15 SERVICES TO THE PATIENT.

16 (B) THE TELEPHONE NUMBER OR EMERGENCY CONTACT NUMBER TO REACH
17 THE MOBILE DENTAL FACILITY OR OPERATOR, OR BOTH, IN CASE OF
18 EMERGENCY.

19 (C) A LIST OF THE DENTAL SERVICES RENDERED.

20 (D) A DESCRIPTION OF ANY FURTHER DENTAL SERVICES THAT ARE
21 ADVISABLE OR THAT HAVE BEEN SCHEDULED.

22 (E) A REFERRAL TO A SPECIALIST, DENTIST, OR PARTY WHO CAN
23 ARRANGE FOR OR PROVIDE COMPREHENSIVE DENTAL SERVICES IF THE MOBILE
24 DENTAL FACILITY IS UNABLE TO PROVIDE THE NECESSARY COMPREHENSIVE
25 DENTAL SERVICES. UPON REQUEST OF THE DENTIST OR PARTY WHO ACCEPTS
26 THE REFERRAL, THE OPERATOR SHALL TRANSMIT ALL IMAGERY RECORDS THE
27 MOBILE DENTAL FACILITY OBTAINED FOR THE PATIENT.

1 (F) A COPY OF THE CONSENT FORM REQUIRED UNDER THIS SECTION
2 AUTHORIZING ADDITIONAL TREATMENT.

3 (G) UPON REQUEST, A COPY OF ANY OF THE PATIENT'S DIAGNOSTIC
4 IMAGING MATERIALS.

5 (8) AN OPERATOR WHO FAILS TO COMPLY WITH APPLICABLE FEDERAL,
6 STATE, OR LOCAL LAWS AND RULES GOVERNING THE PRACTICE OF DENTISTRY,
7 DENTAL HYGIENE, OR ANY OF THE REQUIREMENTS OF THIS ARTICLE IS
8 SUBJECT TO DISCIPLINARY ACTION FOR UNETHICAL OR UNPROFESSIONAL
9 CONDUCT AND MAY BE SUBJECT TO DISCIPLINARY ACTION BY THE DEPARTMENT
10 OR BOARD OF DENTISTRY, AS APPLICABLE.

11 SEC. 21611. (1) THE OPERATOR SHALL SUBMIT AN ANNUAL REPORT ON
12 ACTIVITIES PERFORMED AT THE MOBILE DENTAL FACILITY FOR MEDICAID AND
13 UNINSURED PATIENTS DURING THE 1-YEAR PERIOD FOLLOWING APPROVAL OF
14 THE APPLICATION UNDER THIS PART AND FOR EACH 1-YEAR PERIOD
15 THEREAFTER. THE REPORT SHALL BE SUBMITTED TO THE DEPARTMENT OF
16 COMMUNITY HEALTH NOT LATER THAN 60 DAYS AFTER THE EXPIRATION OF
17 EACH 1-YEAR PERIOD. MOBILE OPERATORS THAT SUBMIT REPORTS AS PART OF
18 A STATE DESIGNATED OR FUNDED ORAL HEALTH PREVENTION PROGRAM WITH
19 OVERSIGHT FROM THE DEPARTMENT OF COMMUNITY HEALTH ARE EXEMPT FROM
20 THE ANNUAL REPORTING REQUIREMENT UNDER THIS SUBSECTION.

21 (2) AN ANNUAL REPORT REQUIRED UNDER SUBSECTION (1) SHALL
22 INCLUDE ALL OF THE FOLLOWING INFORMATION:

23 (A) A LIST OF ALL LOCATIONS, INCLUDING STREET ADDRESS, CITY,
24 AND STATE, WHERE ANY LEVEL OF DENTAL SERVICE WAS PROVIDED.

25 (B) THE DATES WHEN DENTAL SERVICES WERE PROVIDED.

26 (C) THE TOTAL NUMBER OF PATIENTS TREATED AT EACH LOCATION.

27 (D) THE TOTAL NUMBER AND TYPES OF DENTAL SERVICES PROVIDED.

1 SEC. 21613. (1) THE OPERATOR OR HIS OR HER DESIGNEE SHALL
2 NOTIFY THE DEPARTMENT AND THE BOARD OF DENTISTRY NOT LATER THAN 30
3 DAYS AFTER ANY OF THE FOLLOWING OCCURRENCES:

4 (A) A CHANGE IN OWNERSHIP OF THE MOBILE DENTAL FACILITY.

5 (B) A CHANGE IN A MEMORANDUM OF AGREEMENT REQUIRED UNDER
6 SECTION 21607.

7 (C) A CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF THE MOBILE
8 DENTAL FACILITY.

9 (D) CESSATION OF OPERATION OF THE MOBILE DENTAL FACILITY.

10 (E) ANY MEMORANDUM OF AGREEMENT ENTERED INTO AFTER OBTAINING A
11 PERMIT UNDER THIS PART.

12 (2) UPON CESSATION OF OPERATION OF A MOBILE DENTAL FACILITY,
13 THE OPERATOR SHALL DO ALL OF THE FOLLOWING:

14 (A) PROVIDE WRITTEN NOTICE TO ALL TREATMENT VENUES AND, UPON
15 REQUEST, PROVIDE EVIDENCE OF THE WRITTEN NOTICE TO THE BOARD OF
16 DENTISTRY.

17 (B) PROVIDE FOR AVAILABILITY OF EACH ACTIVE PATIENT'S DENTAL
18 RECORDS BY 1 OF THE FOLLOWING METHODS:

19 (i) MAKE THE DENTAL RECORDS AVAILABLE TO THE PATIENT OR THE
20 PATIENT'S PARENT OR GUARDIAN FROM THE MOBILE DENTAL FACILITY FOR
21 180 DAYS AFTER THE MOBILE DENTAL FACILITY CEASES OPERATION AND,
22 UPON HIS OR HER REQUEST, TRANSFER THE RECORDS TO THE ACTIVE
23 PATIENT, THE PATIENT'S PARENT OR GUARDIAN, OR ANOTHER DENTIST.

24 (ii) TRANSFER THE RECORDS TO ANOTHER DENTIST.

25 (C) NOTIFY EACH ACTIVE PATIENT OR THE PATIENT'S PARENT OR
26 GUARDIAN THAT THE DENTAL RECORDS ARE AVAILABLE AS REQUIRED UNDER
27 SUBDIVISION (B), INCLUDING THE NAME AND CONTACT INFORMATION FOR THE

1 DENTIST IF THE RECORDS HAVE BEEN TRANSFERRED.

2 (D) UPON REQUEST FROM THE DEPARTMENT, PROVIDE DOCUMENTATION
3 THAT A REASONABLE ATTEMPT WAS MADE TO CONTACT EACH ACTIVE PATIENT
4 OR THE ACTIVE PATIENT'S PARENT OR GUARDIAN TO PROVIDE INFORMATION
5 CONCERNING STORAGE AND RETRIEVAL OF THE PATIENT'S RECORDS.

6 SEC. 21615. (1) A MOBILE DENTAL FACILITY AND ANY INDIVIDUAL OR
7 ENTITY OWNING, OPERATING, OR PROVIDING SERVICES AT THE MOBILE
8 DENTAL FACILITY ARE EXEMPT FROM THIS PART IF THE MOBILE DENTAL
9 FACILITY IS USED SOLELY TO PROVIDE SERVICES THAT ARE RENDERED
10 WITHOUT COMPENSATION.

11 (2) IF A PROVISION IN THIS PART CONFLICTS WITH A FEDERAL LAW
12 REGULATING NURSING HOMES, THE FEDERAL LAW PREVAILS.

13 (3) THE BOARD OF DENTISTRY MAY PROMULGATE RULES TO IMPLEMENT
14 THIS PART.

15 SEC. 21617. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
16 THIRD-PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
17 BENEFITS FOR SERVICES RENDERED BY A MOBILE DENTAL FACILITY.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.