

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4865

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:

1
2
3
4
5
6
7
8
9

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

1 FOR REFERRAL FOR DIAGNOSIS AND TREATMENT.

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

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

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

17 (F) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

18 (G) "IMAGERY" MEANS VISUALIZATION OF ORAL AND FACIAL
19 STRUCTURES USING SPECIALIZED INSTRUMENTS AND TECHNIQUES FOR
20 DIAGNOSTIC PURPOSES.

21 (H) "MEMORANDUM OF AGREEMENT" MEANS WRITTEN DOCUMENTATION OF
22 AN AGREEMENT BETWEEN PARTIES TO WORK TOGETHER COOPERATIVELY ON AN
23 AGREED-UPON PROJECT OR MEET AN AGREED-UPON OBJECTIVE. THE PURPOSE
24 OF A MEMORANDUM OF AGREEMENT IS TO HAVE A WRITTEN UNDERSTANDING OF
25 THE AGREEMENT BETWEEN THE PARTIES. A MEMORANDUM OF AGREEMENT SERVES
26 AS A LEGAL DOCUMENT THAT IS BINDING AND HOLDS THE PARTIES
27 RESPONSIBLE TO THEIR COMMITMENT ALONG WITH DESCRIBING THE TERMS AND

1 DETAILS OF THE COOPERATIVE AGREEMENT. A MEMORANDUM OF AGREEMENT MAY
2 BE USED BETWEEN AGENCIES, THE PUBLIC, THE FEDERAL OR STATE
3 GOVERNMENT, COMMUNITIES, AND INDIVIDUALS.

4 (I) "MOBILE DENTAL FACILITY" MEANS EITHER OF THE FOLLOWING:

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

8 (ii) A SITE USED ON A TEMPORARY BASIS TO PROVIDE DENTAL
9 SERVICES USING PORTABLE EQUIPMENT.

10 (J) "OPERATOR" MEANS EITHER OF THE FOLLOWING:

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

14 (ii) A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR
15 ANY GOVERNMENTAL AGENCY CONTRACTING WITH INDIVIDUALS LICENSED TO
16 PRACTICE DENTISTRY IN THIS STATE OR DENTAL HYGIENISTS LICENSED IN
17 THIS STATE, THAT UTILIZES AND HOLDS A PERMIT UNDER THIS PART FOR A
18 MOBILE DENTAL FACILITY.

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

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

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

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

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

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

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

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

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

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

26 (4) A PERMIT SHALL NOT BE ISSUED UNLESS THE APPLYING
27 INDIVIDUAL OR ENTITY IS IN COMPLIANCE WITH ALL APPLICABLE

1 REQUIREMENTS OF THIS PART.

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

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

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

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

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

23 (C) IF THE OPERATOR DOES NOT PROVIDE FOR FOLLOW-UP SERVICES AT
24 A SITE WITHIN A REASONABLE DISTANCE FOR THE PATIENT AND IS NOT
25 EXEMPT UNDER SECTION 21611, A SIGNED MEMORANDUM OF AGREEMENT
26 BETWEEN THE OPERATOR AND AT LEAST 1 DENTIST OR PARTY WHO CAN
27 ARRANGE FOR OR PROVIDE FOLLOW-UP SERVICES AT A SITE WITHIN A

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

6 (D) IF THE OPERATOR PROVIDES ONLY PREVENTATIVE DENTAL SERVICES
7 AND IS NOT EXEMPT UNDER SECTION 21611, A SIGNED MEMORANDUM OF
8 AGREEMENT FOR REFERRAL FOR COMPREHENSIVE DENTAL SERVICES BETWEEN
9 THE OPERATOR AND AT LEAST 1 DENTIST OR PARTY WHO CAN ARRANGE FOR OR
10 PROVIDE COMPREHENSIVE DENTAL SERVICES TO THE PATIENT WITHIN A
11 REASONABLE DISTANCE FOR THE PATIENT.

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

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

16 (A) COMPLY WITH ALL FEDERAL, STATE, AND LOCAL LAWS,
17 REGULATIONS, AND ORDINANCES APPLICABLE TO THE OPERATION OF A MOBILE
18 DENTAL FACILITY, INCLUDING, BUT NOT LIMITED TO, THOSE CONCERNING
19 RADIOGRAPHIC EQUIPMENT, FLAMMABILITY, SANITATION, ZONING, AND
20 CONSTRUCTION STANDARDS, INCLUDING STANDARDS RELATING TO REQUIRED
21 ACCESS FOR PERSONS WITH DISABILITIES.

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

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

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

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

13 (4) AN OPERATOR SHALL NOT PROVIDE DENTAL SERVICES AT A MOBILE
14 DENTAL FACILITY UNLESS IT IS EQUIPPED WITH, OR THERE IS APPROPRIATE
15 ACCESS TO, ALL OF THE FOLLOWING FUNCTIONAL EQUIPMENT:

16 (A) AN INSTRUMENT STERILIZATION SYSTEM.

17 (B) POTABLE HOT AND COLD WATER OR HAND SANITIZER.

18 (C) TOILET FACILITIES.

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

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

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

24 (5) AN OPERATOR SHALL NOT PROVIDE DENTAL SERVICES AT A MOBILE
25 DENTAL FACILITY UNLESS IT IS EQUIPPED WITH, OR THERE IS APPROPRIATE
26 ACCESS TO, ALL OF THE FOLLOWING:

27 (A) PROPER LIGHTING.

1 (B) PORTABLE SUCTION.

2 (C) HAND PIECES.

3 (D) DENTAL INSTRUMENTS.

4 (E) SUPPLIES.

5 (6) EXCEPT AS PROVIDED IN SUBSECTION (7) OR (8), A DENTIST
6 LICENSED UNDER THIS ACT SHALL BE PRESENT IN THE MOBILE DENTAL
7 FACILITY AT ANY TIME COMPREHENSIVE DENTAL SERVICES THAT ARE NOT
8 PREVENTATIVE DENTAL SERVICES ARE PERFORMED ON A PATIENT. A DENTIST
9 LICENSED UNDER THIS ACT NEED NOT BE PRESENT AT A MOBILE DENTAL
10 FACILITY WHEN ONLY PREVENTATIVE DENTAL SERVICES ARE BEING PROVIDED.

11 (7) IF A MOBILE DENTAL FACILITY IS PART OF A PROGRAM THAT
12 PROVIDES COMPREHENSIVE DENTAL SERVICES OR IS ESTABLISHED UNDER A
13 MEMORANDUM OF AGREEMENT THAT PROVIDES FOR REFERRAL FOR
14 COMPREHENSIVE DENTAL SERVICES, IMAGERY SERVICES MAY BE PROVIDED AT
15 THE MOBILE DENTAL FACILITY WITHOUT A DENTIST PRESENT.

16 (8) IF A MOBILE DENTAL FACILITY IS PART OF A PROGRAM THAT
17 PROVIDES PREVENTATIVE DENTAL SERVICES TO A NURSING HOME, ASSISTED
18 LIVING CENTER, OR OTHER SIMILAR SETTING, IMAGERY SERVICES MAY BE
19 PROVIDED WITHOUT A DENTIST PRESENT IF THE PERSON TAKING THE IMAGES
20 OBTAINS PERMISSION FROM THE SUPERVISING DENTIST.

21 SEC. 21609. (1) THE OPERATOR OR HIS OR HER DESIGNEE SHALL
22 ESTABLISH A WRITTEN TREATMENT PLAN FOR, AND PROVIDE A COPY TO, EACH
23 PATIENT WHO RECEIVES DENTAL SERVICES AT A MOBILE DENTAL FACILITY.
24 IF A PATIENT RECEIVES DENTAL SERVICES IN A NURSING HOME, A WRITTEN
25 TREATMENT PLAN SHALL BE GIVEN TO THE NURSING HOME FOR INCLUSION IN
26 THE PATIENT'S HEALTH CHART.

27 (2) THE WRITTEN TREATMENT PLAN REQUIRED UNDER SUBSECTION (1)

1 SHALL ADDRESS COMPREHENSIVE DENTAL SERVICES TO BE PROVIDED EITHER
2 AT THE MOBILE DENTAL FACILITY OR THROUGH AN AFFILIATED DENTIST,
3 DENTAL OFFICE, OR PARTY WHO CAN ARRANGE FOR OR PROVIDE THOSE
4 SERVICES UNDER A MEMORANDUM OF AGREEMENT WITH THE OPERATOR OF THE
5 MOBILE DENTAL FACILITY.

6 (3) IF THE WRITTEN TREATMENT PLAN REQUIRED UNDER SUBSECTION
7 (1) WILL NOT BE COMPLETED AT THE MOBILE DENTAL FACILITY, THE
8 OPERATOR OR HIS OR HER DESIGNEE SHALL MAKE A REASONABLE ATTEMPT TO
9 REFER THE PATIENT TO A DENTIST OR PARTY WHO CAN ARRANGE FOR OR
10 PROVIDE SERVICES UNDER A MEMORANDUM OF AGREEMENT UNTIL THE
11 TREATMENT PLAN IS COMPLETED OR THE PATIENT CEASES TREATMENT. IF THE
12 PATIENT IS A MINOR OR INCAPACITATED PERSON, THE OPERATOR OR HIS OR
13 HER DESIGNEE SHALL ALSO ATTEMPT TO CONTACT A PARENT OR GUARDIAN AND
14 INFORM HIM OR HER OF THE REFERRAL. IF THE OPERATOR OR HIS OR HER
15 DESIGNEE IS UNABLE TO MAKE ARRANGEMENTS FOR CONTINUED TREATMENT, HE
16 OR SHE SHALL PLACE WRITTEN DOCUMENTATION OF THE ATTEMPTS IN THE
17 PATIENT RECORD AND MAKE THE DOCUMENTATION AVAILABLE TO THE
18 DEPARTMENT UPON REQUEST. A COPY OF THE DOCUMENTATION SHALL BE SENT
19 TO THE PATIENT. IF A PATIENT RECEIVED DENTAL SERVICES IN A NURSING
20 HOME, A COPY OF THE DOCUMENTATION SHALL BE SENT TO THE NURSING HOME
21 FOR INCLUSION IN THE PATIENT'S HEALTH CHART. FAILURE OF THE
22 OPERATOR OR HIS OR HER DESIGNEE TO COMPLY WITH THIS SUBSECTION IS
23 CAUSE FOR DISCIPLINARY ACTION BY THE DEPARTMENT.

24 (4) THE OPERATOR SHALL OBTAIN THE PATIENT'S WRITTEN CONSENT,
25 OR THE CONSENT OF A PARENT OR GUARDIAN OF A PATIENT WHO IS A MINOR
26 OR LEGALLY INCAPABLE OF CONSENT, BEFORE PROVIDING ANY DENTAL
27 SERVICES TO A PATIENT AT A MOBILE DENTAL FACILITY. IF A PATIENT

1 RECEIVES DENTAL SERVICES IN A NURSING HOME, THE OPERATOR SHALL
2 OBTAIN A DOCTOR'S ORDER FROM THE PATIENT'S ATTENDING PHYSICIAN OR
3 THE MEDICAL DIRECTOR OF THE NURSING HOME BEFORE PROVIDING ANY
4 DENTAL SERVICES TO A PATIENT AT A MOBILE DENTAL FACILITY.

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

7 (A) THE NAME OF THE OPERATOR.

8 (B) THE PERMANENT ADDRESS OF THE OPERATOR.

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

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

12 (E) A STATEMENT INDICATING THAT THE PATIENT, PARENT, OR
13 GUARDIAN UNDERSTANDS THAT TREATMENT MAY BE OBTAINED AT THE
14 PATIENT'S DENTAL HOME RATHER THAN AT A MOBILE DENTAL FACILITY AND
15 THAT OBTAINING DUPLICATE SERVICES AT A MOBILE DENTAL FACILITY MAY
16 AFFECT BENEFITS THAT HE OR SHE RECEIVES FROM PRIVATE INSURANCE, A
17 STATE OR FEDERAL PROGRAM, OR OTHER THIRD-PARTY PROVIDER OF DENTAL
18 BENEFITS.

19 (6) IF THE PATIENT IS A MINOR OR INCAPACITATED PERSON, THE
20 WRITTEN CONSENT FORM REQUIRED UNDER SUBSECTION (4) SHALL ALSO
21 INCLUDE A REQUEST FOR THE NAME OR CONTACT INFORMATION FOR THE
22 DENTIST OR DENTAL OFFICE THAT PROVIDED DENTAL SERVICES IN THE PAST
23 12 MONTHS.

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

26 (A) THE NAME OF THE DENTIST, DENTAL HYGIENIST, DENTAL
27 ASSISTANT, OR PARTY WHO ARRANGED FOR OR PROVIDED THE DENTAL

1 SERVICES TO THE PATIENT.

2 (B) THE TELEPHONE NUMBER OR EMERGENCY CONTACT NUMBER TO REACH
3 THE MOBILE DENTAL FACILITY OR OPERATOR IN CASE OF EMERGENCY.

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

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

7 (E) A REFERRAL TO A SPECIALIST, DENTIST, OR PARTY WHO CAN
8 ARRANGE FOR OR PROVIDE COMPREHENSIVE DENTAL SERVICES IF DENTAL
9 SERVICES CANNOT BE PROVIDED AT THE MOBILE DENTAL FACILITY. UPON
10 REQUEST OF THE DENTIST OR PARTY WHO ACCEPTS THE REFERRAL, THE
11 OPERATOR SHALL TRANSMIT ALL IMAGERY RECORDS TAKEN OF THE PATIENT AT
12 THE MOBILE DENTAL FACILITY.

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

15 (8) AN OPERATOR WHO FAILS TO COMPLY WITH FEDERAL, STATE, OR
16 LOCAL LAWS AND RULES APPLICABLE TO THE MOBILE DENTAL FACILITY OR
17 ANY OF THE REQUIREMENTS OF THIS PART IS SUBJECT TO DISCIPLINARY
18 ACTION BY THE DEPARTMENT.

19 SEC. 21611. IF THE OPERATOR HAS A MEMORANDUM OF AGREEMENT DUE
20 TO ITS STATUS AS A STATE OF MICHIGAN DESIGNATED OR FUNDED ORAL
21 HEALTH PREVENTION PROGRAM WITH OVERSIGHT FROM THE DEPARTMENT, THE
22 OPERATOR IS EXEMPT FROM ANY REQUIREMENT CONCERNING A MEMORANDUM OF
23 AGREEMENT UNDER THIS PART.

24 SEC. 21613. (1) THE OPERATOR OR HIS OR HER DESIGNEE SHALL
25 NOTIFY THE DEPARTMENT NOT LATER THAN 30 DAYS AFTER ANY OF THE
26 FOLLOWING OCCURRENCES:

27 (A) A CHANGE IN THE MOBILE DENTAL FACILITY OPERATOR.

1 (B) A CHANGE IN A MEMORANDUM OF AGREEMENT REQUIRED UNDER
2 SECTION 21607.

3 (C) A CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF THE MOBILE
4 DENTAL FACILITY OPERATOR.

5 (D) CESSATION OF OPERATION OF A MOBILE DENTAL FACILITY.

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

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

10 (A) PROVIDE WRITTEN NOTICE TO ALL TREATMENT VENUES AND, UPON
11 REQUEST, PROVIDE EVIDENCE OF THE WRITTEN NOTICE TO THE DEPARTMENT.

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

14 (i) MAKE THE DENTAL RECORDS AVAILABLE TO THE PATIENT OR THE
15 PATIENT'S PARENT OR GUARDIAN FOR 180 DAYS AFTER THE MOBILE DENTAL
16 FACILITY CEASES OPERATION AND, UPON HIS OR HER REQUEST, TRANSFER
17 THE RECORDS TO THE ACTIVE PATIENT, THE PATIENT'S PARENT OR
18 GUARDIAN, OR ANOTHER DENTIST.

19 (ii) TRANSFER THE RECORDS TO ANOTHER DENTIST.

20 (C) NOTIFY EACH ACTIVE PATIENT OR THE PATIENT'S PARENT OR
21 GUARDIAN THAT THE DENTAL RECORDS ARE AVAILABLE AS REQUIRED UNDER
22 SUBDIVISION (B), INCLUDING THE NAME AND CONTACT INFORMATION FOR THE
23 DENTIST IF THE RECORDS HAVE BEEN TRANSFERRED.

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

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

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

7 (3) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS
8 PART.

9 SEC. 21617. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
10 THIRD-PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
11 BENEFITS FOR SERVICES RENDERED AT A MOBILE DENTAL FACILITY.

12 Enacting section 1. This amendatory act takes effect on April
13 1, 2015.