

## **BOARDS AND COMMISSIONS**

### **Board of Dentistry**

#### **(New Administrative Regulation)**

#### **201 KAR 8:601. Mobile Dental Facilities and Portable Dental Units.**

RELATES TO: KRS 313.021, 313.022.

STATUTORY AUTHORITY: KRS 218A.205(3), 313.022, 313.060(1).

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.021(1)(a) requires the board to govern mobile dental facilities and portable dental units. KRS 313.021(1)(c) requires the board to promulgate administrative regulations for any license or registration created by the board. KRS 313.022(1) requires the board to promulgate administrative regulations to prescribe a reasonable schedule of fees, charges, and fines. This administrative regulation establishes requirements for the issuance and renewal of registrations for mobile dental facilities and portable dental units by the board.

##### **Section 1. Definitions.**

- (1) "Mobile dental facility" means a self-contained facility in which dentistry is practiced and that may be towed, moved, or transported from one (1) location to another.
- (2) "Portable dental unit" means a non-facility in which dental equipment used in the practice of dentistry is transported and used on a temporary basis at an out-of-office location.
- (3) "Registration holder" means a dentist or employer of a dentist which is the principal operator of a mobile dental facility or portable dental unit registered pursuant to this administrative regulation.

##### **Section 2. Scope and Applicability.**

- (1) The practice of dentistry and dental hygiene conducted via mobile dental facility or portable dental unit shall be held to the same standard of care and scope of practice requirements as any other patient encounter provided for under KRS Chapter 313 and 201 KAR Chapter 8.
- (2) Mobile dental facilities and portable dental units engaged exclusively in charitable dental practices as governed by 201 KAR 8:581 shall be exempt from Sections 3(2)(b) and 7(2)(b) of this administrative regulation.
- (3) Public health programs governed by KRS 313.040 (8) and 201 KAR 8:562 Section 15 shall be exempt from the requirements of this administrative regulation.
- (4) Any violations of KRS Chapter 313 or 201 KAR Chapter 8 related to the operation of a mobile dental facility or portable dental unit shall be subject to disciplinary action pursuant to KRS 313:080 and 313:100.

##### **Section 3. Registration of Mobile Dental Facilities and Portable Dental Units.**

- (1) Each mobile dental facility or portable dental unit doing business in Kentucky shall be registered with the board and abide by the provisions of this administrative regulation.
- (2) To register a mobile dental facility or portable dental unit, the intended registration holder shall:
  - (a) Submit a completed and signed Application for Mobile Dental Facility or Portable Dental Unit Registration, which shall contain:
    1. The name of the intended registration holder;
    2. An official business or mailing address of record, which shall not be a post office box;
    3. An official phone number and email address of record; and
    4. The name and license number of any individual(s) licensed with the board who are providing services on behalf of or in partnership with the registration holder.

(b) Pay the fee required by 201 KAR 8:520.

#### Section 4. Emergency and Follow Up Care.

- (1) Unless an accommodation is issued by the board, a mobile dental facility or portable dental unit shall maintain a signed agreement with a fixed general practice or pediatric dental office within seventy (70) miles of the treatment location that will accept timely referrals for follow up and emergency care.
- (2) At the conclusion of each patient's visit, the mobile dental facility or portable dental unit shall provide each patient with an information sheet that contains:
  - (a) Contact information that allows the patient to reach the registration holder or dentist of record for emergency care, follow-up care, access to dental records, or information about treatment received;
  - (b) The name of the dentist or dental hygienist, or both, who provided services;
  - (c) A description of the diagnostic findings, the treatment rendered; and
  - (d) A plan for follow-up care, including contact information to a dental office as provided for in subsection (1) of this Section.
- (3) A mobile dental facility or portable dental unit that accepts a patient and provides preventive treatment, including prophylaxis, radiographs, and fluoride, but does not provide referral information for comprehensive treatment when such treatment is indicated, shall be considered in violation of this Section.

#### Section 5. Patient Records and Communications.

- (1) Mobile dental facilities and portable dental units shall maintain:
  - (a) A written or electronic record detailing the location where services are provided, the dates of each session, and the services administered;
  - (b) Patient records of prior treatment to have readily available during subsequent treatment visits; and
  - (c) All dental and official records at the address of record when not in transit.
- (2) Mobile dental facilities and portable dental units shall maintain a reliable means of communication onsite and at the address of record to:
  - (a) Contact necessary parties in the event of a medical or dental emergency;
  - (b) Allow the patient or the parent or guardian of the patient treated to contact the provider for emergency care, follow-up care, or information about treatment received; and
  - (c) Allow a provider who renders follow-up care to request and receive treatment information, including radiographs.
- (3) Mobile dental facilities and portable dental units doing business in Kentucky shall not perform services on minors without a signed consent form from the parent or guardian, which shall indicate 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 private and public insurance plans.

#### Section 6. General Operating Requirements. Mobile dental facilities and portable dental units shall:

- (1) Operate under the supervision of a Kentucky-licensed dentist, who shall be responsible for all aspects of patient care.
- (2) Display in or on the mobile dental facility or portable dental unit a current valid registration issued pursuant to this administrative regulation in a manner which is readily observable by patients or visitors;
- (3) Conform to all applicable federal, state, and local laws, regulations, and ordinances dealing with radiographic equipment, flammability, construction, sanitation, zoning,

infectious waste management, universal precautions, Occupational Safety and Health Administration guidelines, and Centers for Disease Control and Prevention protocols; and (4) Be driven or transported by a driver possessing a valid driver's license appropriate for the operation of the vehicle.

#### Section 7. Registration Renewal and Reinstatement.

- (1) Each mobile dental facility and portable dental unit registration shall expire on December 31 of even-numbered years.
- (2) A registration holder desiring renewal of an active mobile dental facility or portable dental unit registration shall:
  - (a) Submit a completed Application for Renewal of Mobile Dental Facility or Portable Dental Unit; and
  - (b) Pay the fee required by 201 KAR 8:520.
- (3) A registration holder desiring reinstatement of a mobile dental facility or portable dental unit registration that has expired within ninety (90) days shall:
  - (a) Submit a completed Application for Renewal of Mobile Dental Facility or Portable Dental Unit; and
  - (b) Pay the fee required by 201 KAR 8:520.
- (4) A registration holder desiring reinstatement of a mobile dental facility or portable dental unit registration that has been expired for more than 90 days shall:
  - (a) Reapply for registration as required by Section 3(2) of this administrative regulation; and
  - (b) Be subject to disciplinary action pursuant to KRS 313:080 and 313:100.

#### Section 8. Notification Requirements.

- (1) The registration holder shall notify the board of any changes to the information required by Section 3(2)(a) of this administrative regulation within thirty (30) days of the change.
- (2) If ownership of the mobile dental facility or portable dental unit changes, the prior registration is invalid, and a new application shall be submitted to the board prior to continued operation of the mobile dental facility or portable dental unit.
- (3) If a mobile dental facility or portable dental unit ceases operations, the registration holder shall notify the board within thirty (30) days after the last day of operation and report on the disposition of patient records.

#### Section 9. Incorporation by Reference.

- (1) The following material shall be incorporated by reference:
    - (a) "Application for Mobile Dental Facility or Portable Dental Unit Registration," Sept. 2021; and
    - (b) "Application for Renewal of Mobile Dental Facility or Portable Dental Unit Registration," Sept. 2021.
  - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's website at <http://dentistry.ky.gov>.
- (49 Ky.R. 948, 1761; eff. 3-9-2023.)

*JEFFREY ALLEN, Executive Director*

APPROVED BY AGENCY: September 12, 2022

FILED WITH LRC: September 13, 2022 at 2:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this Amendment shall be held on November 22, 2022 at 4:00 p.m. Eastern Time at the Kentucky Board of

Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed Amendment. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed Amendment. Written comments shall be accepted through November 30, 2022. Send written notification of intent to be heard at the public hearing, or written comments on the proposed Amendment to the contact person below.

CONTACT PERSON: Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email [jeffrey.allen@ky.gov](mailto:jeffrey.allen@ky.gov).