

MOBILE DENTAL FACILITY

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House Bill 4865

Sponsor: Rep. Peter MacGregor

Committee: Health Policy

Complete to 10-14-13

A SUMMARY OF HOUSE BILL 4865 AS INTRODUCED 6-20-13

The bill would:

- Regulate mobile dental facilities.
- Require a permit issued by LARA.
- Require mobile dental facilities to comply with state and federal laws regarding infectious waste management and disposal and sanitation.
- Require certain information be provided to patients.
- Require an annual report by each operator of a mobile dental facility.
- Subject regulated dental professionals to administrative discipline for certain conduct.
- Define terms.

House Bill 4865 would create Part 216, entitled "Mobile Dental Facility," within Article 17 (Facilities and Agencies) of the Public Health Code. The bill requires the Department of Licensing and Regulatory Affairs (LARA) to provide oversight of mobile dental facilities via a permitting and annual reporting process. An operator of a mobile dental facility would have to obtain a permit before offering dental services at the facility. The facility would have to have an operator in charge at all times. An operator may contract or employ other dentists, dental hygienists, or dental assistants to work in the mobile facility and the operator could hold a permit for multiple mobile dental facilities.

"Mobile dental facility" is defined to mean either a facility where dental services are rendered using portable equipment or a self-contained, intact facility in which dentistry or dental hygiene is practiced that may be transported from one location to another.

An "operator" would mean a dentist with a current and valid Michigan license who utilizes and holds a mobile dental facility permit. The term would also include a Michigan nonprofit corporation or any governmental agency which holds a permit for a mobile dental facility and which contracts with individuals licensed to practice dentistry or dental hygiene in the state.

A brief description of the bill follows:

Permits

- LARA would establish a permit application and renewal process, determine registration fees, and late renewal fees. (The fees are not established in the bill,

but could not exceed actual costs of regulation). Applications would have to be approved or denied within 60 days of receipt.

- Compliance by an operator with all applicable requirements of Part 216 would be required for permit approval.
- Permits would not be transferable, but could be used as an interim permit while the new operator of an existing facility applied for a new permit.
- Applications would have to include certain information as specified in the bill, such as a list of each dentist, dental hygienist, or dental assistant providing services within the mobile dental facility as well as driver license information and driving history of any individual driving the mobile facility or transporting the portable equipment. Information regarding the provision of follow-up services would also have to be provided to LARA with the permit application.

Requirements of Operators

- Compliance with all applicable federal, state, and local laws, regulations, and ordinances concerning such things as radiographic equipment, flammability, sanitation, zoning, and construction standards (including access for persons with disabilities) and also to state, federal, and local laws and administrative rules and regulations pertaining to sanitation, infectious waste management and disposal, occupational safety, and disease prevention.
- Maintaining onsite availability of a communication device for making and receiving telephone calls and summoning emergency services.
- Having ready access to certain equipment such as an instrument sterilization system.
- Require a licensed dentist to be present at any time comprehensive dental services are performed, but not if only preventive dental services are performed.
- Establish a written treatment plan for each patient, and provide the patient with a copy. The plan would include the need for follow-up treatments either at the mobile facility or with an affiliated dentist or dental office. Subsequent treatments would have to be scheduled in intervals not exceeding 90 days until done or the patient ceases treatment. Documentation of attempts to arrange follow-up treatment would be placed in the patient's file and a copy sent to the patient. Failure to comply with this provision would be grounds for disciplinary action by the Board of Dentistry (the bill does not specify the type of action the Board could take, such as fine or license sanctions).
- Obtain written consent of patients prior to providing dental services. Parents or guardians of minors or incapacitated individuals could provide consent. Certain information would be required to be on the consent form.
- Provide certain information to be provided to patients.
- Comply with applicable federal, state, or local laws and rules governing the practice of dentistry, dental hygiene, or any requirements of Article 17; failure to comply would be grounds for disciplinary action by LARA or Board of Dentistry, as applicable.
- Issue an annual report as specified in the bill, including the total number of patients treated at each location and the types of services provided.

- Report changes in ownership, address, phone number, or memorandum of agreement (contracts with other dentists for follow-up care, etc.), or cessation of operations within 30 days to both LARA and the Board of Dentistry.
- Establish a process by which a mobile dental facility would be dissolved upon cessation of operation.

FISCAL IMPACT:

House Bill 4865 would have a neutral fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) because the legislation would authorize LARA to establish registration fees that LARA determines are sufficient to offset the administrative and enforcement costs of regulating mobile dental facilities under the bill.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.