

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

333.21609 Written treatment plan; written consent or doctor's order; information to be received by person receiving dental services; failure to comply with federal, state, or local laws and rules.

Sec. 21609. (1) The operator or his or her designee shall establish a written treatment plan for, and provide a copy to, each patient who receives dental services at a mobile dental facility. If a patient receives dental services in a nursing home, a written treatment plan shall be given to the nursing home for inclusion in the patient's health chart.

(2) The written treatment plan required under subsection (1) shall address comprehensive dental services to be provided either at the mobile dental facility or through an affiliated dentist, dental office, or party who can arrange for or provide those services under a memorandum of agreement with the operator of the mobile dental facility.

(3) If the written treatment plan required under subsection (1) will not be completed at the mobile dental facility, the operator or his or her designee shall make a reasonable attempt to refer the patient to a dentist or party who can arrange for or provide services under a memorandum of agreement until the treatment plan is completed or the patient ceases treatment. If the patient is a minor or incapacitated person, the operator or his or her designee shall also attempt to contact a parent or guardian and inform him or her of the referral. If the operator or his or her designee is unable to make arrangements for continued treatment, he or she shall place written documentation of the attempts in the patient record and make the documentation available to the department upon request. A copy of the documentation shall be sent to the patient. If a patient received dental services in a nursing home, a copy of the documentation shall be sent to the nursing home for inclusion in the patient's health chart. Failure of the operator or his or her designee to comply with this subsection is cause for disciplinary action by the department.

(4) The operator shall obtain the patient's written consent, or the consent of a parent or guardian of a patient who is a minor or legally incapable of consent, before providing any dental services to a patient at a mobile dental facility. However, if a patient receives dental services in a nursing home, the operator may obtain a doctor's order from the patient's attending physician or the medical director of the nursing home in lieu of any other required consent before providing any dental services to a patient at a mobile dental facility.

(5) The form for the written consent required under subsection (4) shall include, at a minimum, all of the following:

- (a) The name of the operator.
- (b) The permanent address of the operator.
- (c) The telephone number that a patient may call 24 hours a day for emergency calls.
- (d) A list of the services to be provided.
- (e) A statement indicating that the patient, parent, or guardian understands that treatment may be obtained at the patient's dental home rather than at a mobile dental facility and that obtaining duplicate services at a mobile dental facility may affect benefits that he or she receives from private insurance, a state or federal program, or other third-party provider of dental benefits.

(6) If the patient is a minor or incapacitated person, the written consent form required under subsection (4) shall also include a request for the name or contact information for the dentist or dental office that provided dental services in the past 12 months.

(7) Each person receiving dental services at a mobile dental facility shall receive all of the following information:

- (a) The name of the dentist, dental hygienist, dental assistant, or party who arranged for or provided the dental services to the patient.
- (b) The telephone number or emergency contact number to reach the mobile dental facility or operator in case of emergency.
- (c) A list of the dental services rendered.
- (d) A description of any further dental services that are advisable or that have been scheduled.
- (e) A referral to a specialist, dentist, or party who can arrange for or provide comprehensive dental services if dental services cannot be provided at the mobile dental facility. Upon request of the dentist or party who accepts the referral, the operator shall transmit all imagery records taken of the patient at the mobile dental facility.
- (f) A copy of the consent form required under this section authorizing additional treatment.

(8) An operator who fails to comply with federal, state, or local laws and rules applicable to the mobile dental facility or any of the requirements of this part is subject to disciplinary action by the department.

History: Add. 2014, Act 100, Eff. Apr. 1, 2015.