

## **BOARD REGULATION NUMBER 61--MOBILE DENTAL FACILITIES**

*Purpose: To establish requirements for licensees operating mobile dental facilities within the State of Mississippi, all pursuant to Miss. Code Ann. § 73-9-13.*

### **1. Applicability**

This regulation applies to the Operator of a mobile dental facility dental operation.

### **2. Exemptions**

a. Mobile dental facilities operated by agencies of the State of Mississippi which do not charge or collect any fees whatsoever for services provided are exempt from the requirements of this regulation.

b. Mobile dental facilities contracted, operated, or deployed by the Federal or State military armed forces to provide dental services/treatment solely to Federal or State active duty military personnel, including military reservists, exclusively within the confines of the military base, armory, or installation within the State of Mississippi, are exempt from the requirements of this regulation. As used herein, the terms “military personnel” and “military reservists” do not include spouses and dependents.

### **3. Definitions As used herein, the following terms shall have the meanings specified:**

a. “Mobile dental facility” means any self-contained facility in which dentistry will be practiced, which may be moved, towed, or transported from one location to another. This includes, but is not limited to, a van or mobile home in which treatment will be provided.

b. “Operator” means the person or persons currently licensed to practice dentistry in the State of Mississippi who is providing the patient’s treatment while on the mobile dental facility. The Operator shall be present and held completely responsible for the quality of patient care at all times when clinical services are rendered.

c. “Owner” means an individual or corporate entity who has registered a mobile dental facility with the Board pursuant to the registration requirements of this regulation.

d. “Mobile dentistry” is defined as the delivery of dental services to patients of all ages in facilities not considered traditional land-based dental clinics, such facilities as heretofore defined. The Board herein references its current definition of dentistry as set forth in Miss. Code Ann. § 73-9-3, et. al., and all pertinent regulations regarding the provision of dental services to patients. Operators providing mobile dentistry are expected to adhere to the same ethics, laws, and regulations governing the provision of dental services to patients as would be expected of dentists providing the same dental services to patients in land-based dental clinics. Furthermore, any deviation from the standard of care in the provision of both mobile dentistry and land-based dentistry shall

be considered a violation of the Board's laws and regulations and subject to disciplinary action by this Board.

#### 4. Registration

a. In order to operate a mobile dental facility, the Operator must be an individual who is authorized to practice dentistry under the laws and regulations of this State, and must possess a current mobile dental office registration issued by the Board.

b. To become registered, the Operator must:

(1) Complete an application in the form and manner required by the Board.

(2) Pay an initial application fee, such fee as stipulated in Board Regulation 37.

(3) Provide the Board with evidence of compliance with the requirements of this regulation.

(4) With the registrant's initial application to the Board, submit proof from the Mississippi State Board of Health that licensee's radiographic equipment has been approved.

#### 5. Office Physical Address and Telephone Number

a. The Operator of a mobile dental facility shall maintain an official business or mailing address of record (hereinafter "official office address"), which shall not be a post office box and which shall be filed with the Board.

b. The Operator of a mobile dental facility shall maintain an official telephone number of record, which shall be filed with the Board. Furthermore, the telephone number for the mobile dental facility must have 911 capability.

c. The Board shall be notified within thirty (30) days of any change in the address or telephone number of record.

d. All written or printed documents available from or issued by the mobile dental facility shall contain the official office address and telephone number of record for the mobile dental facility.

e. All mobile dental facilities shall provide a written list to the state board of dental examiners outlining addresses associated with each service location, or locations the Operator plans to provide services from each mobile facility.

f. When not in transit, all dental and official records shall be maintained at the official office address.

#### 6. Written Procedures, Communication Facilities, Conformity with Requirements, and Driver Requirements

The Operator of a mobile dental facility shall ensure the following:

- a. There is a written procedure for emergency follow-up care for patients treated in the mobile dental facility, and such procedure includes arrangements for treatment in a dental facility that is established in the area where services were provided.
- b. With the registrant's initial application, the Board must be provided a list of names of dentists to whom the Operator of the mobile dental facility will refer patients for follow-up care, subject to the patient's right to choose another dental care provider. This list shall contain the dentist's full name, physical office address, telephone number, and an attached statement from each dentist so listed indicating that the dentist will be responsible for follow-up care. The list shall be updated when changes are made insofar as follow-up care dentists are concerned within 30-days. A dentist who agrees to provide follow-up care must be practicing and located in a land based dental office which provides dental services either in the county wherein the mobile dental facility provides services, or in an adjacent county to the location wherein such services are being provided. The dentist who agrees to provide follow-up care can also be the Operator provided that there is a qualifying mobile facility.
- c. The mobile dental facility has communication facilities that will enable the Operator thereof to contact necessary parties in the event of a medical or dental emergency. The mobile dental facility must have communication capabilities to be directly reached at the mobile facilities. This direct line shall be listed and viewable with ease for the public and MSBDE to contact at any time deemed necessary by MSBDE or a representative of MSBDE. This direct line cannot be associated with a switchboard that is maintained by a land-based clinic, or satellite location. The communication facilities must enable the patient or the parent or guardian of the patient treated to contact the Operator for emergency care, follow-up care, or information about treatment received. The provider who renders follow-up care must also be able to contact the Operator and receive treatment information, including radiographs.
- d. The mobile dental facility and the dental procedures performed comply with the laws and regulations of the State.
- e. No services are performed on minors without a signed consent form from the parent or guardian, which indicates:
  - (1) if the minor already has a dentist, the parent or guardian should continue to arrange dental care through that provider; and
  - (2) how the treatment of the child by the mobile dental facility may affect the future benefits that the child may receive under private insurance, Medicaid; or the Children's Health Insurance Program (CHIP).
- f. A mobile dental facility that accepts a patient and provides preventive treatment, including prophylaxis, radiographs, and fluoride, but does not follow-up with treatment when such treatment is clearly indicated, is considered to be abandoning the patient.

Arrangements must be made for treatment services by either the Operator or other licensee who agrees to provide follow-up care. If such arrangements are not made, the Operator will be construed to have committed unprofessional conduct pursuant to Miss. Code Ann. § 73-9-61 and shall be subject to disciplinary action by this Board.

#### 7. Physical Requirements and Inspection for Mobile Dental Facility

a. The Operator shall ensure that the mobile dental facility has the following:

- (1) Ready access to a ramp or lift;
- (2) A properly functioning sterilization system;
- (3) Ready access to an adequate supply of potable water, including hot water;
- (4) Ready access to toilet facilities; and
- (5) A covered galvanized, stainless steel, or other noncorrosive container for deposit of refuse and waste materials.
- (6) Medical waste disposal consistent with CDC guidelines.

b. All procedures must be in compliance with the current Recommended Infection-Control Practices for Dentistry as published by the federal Centers for Disease Control and Prevention (CDC).

c. The mobile dental facility shall be inspected by a Board member or a staff evaluator prior to receiving approval to operate by the Board, and the fee for such inspection shall be included in the initial application fee for a mobile dental facility.

d. Once approved the mobile dental facility shall be subject to periodic, unannounced audits by any Board member or a staff evaluator. Furthermore, a fee shall be assessed only for follow-up inspections of a failed inspection.

#### 8. Identification of Personnel, Notification of Changes in Written Procedures, and Display of Licenses

a. The Operator of a mobile dental facility shall identify and advise the Board in writing within thirty (30) days of any personnel change relative to all licensed dentists, and licensed dental hygienists, and all radiology permit holders associated with the mobile dental facility by providing the full name, address, telephone numbers, and license numbers, where applicable.

b. The Operator shall advise the Board in writing within thirty (30) days of any change in the written procedure for emergency follow-up care for patients treated in the mobile dental facility, including arrangements for treatment in a dental facility which is permanently established in the area. The permanent dental facility shall be identified in the written procedure.

c. Each dentist and dental hygienist providing dental services in the mobile dental facility shall prominently display his or her Mississippi dental or dental hygienist license in plain view of patients.

#### 9. Identification of Location of Services

a. Each Operator of a mobile dental facility shall maintain a written or electronic record detailing for each location where services are provided:

- (1) the street address of the service location;
- (2) the dates of each session;
- (3) the number of patients served; and
- (4) the types of dental services provided and quantity of each service provided.

b. The written or electronic record shall be made available to the Board or its representative within ten (10) days of a request.

c. Each mobile dental facility must possess all applicable county and city licenses or permits to operate at each location.

#### 10. Licensed Dentist in Charge

A mobile dental facility shall at all times be in the charge of a dentist currently licensed to practice dentistry in the State of Mississippi. The treating dentist currently licensed to practice dentistry in the State of Mississippi shall be present and held completely responsible for the quality of patient care at all times when clinical services are rendered.

#### 11. Information for Patients

a. During or at the conclusion of each patient's visit to the mobile dental facility, the patient shall be provided with an information sheet. If the patient has provided consent to an institutional facility to access the patient's dental health records, the institution shall also be provided with a copy of the information sheet. An institutional facility includes, but is not limited to, a long-term care facility or school.

b. The information sheet as required herein shall include the following:

- (1) Pertinent contact information as required by this regulation;
- (2) The name of the dentist and other dental staff who provided services;
- (3) A description of the treatment rendered, including billed service codes and fees associated with treatment, and tooth numbers when appropriate; and
- (4) If necessary, referral information to another dentist as required by this regulation.
- (5) A written process to obtain radiographs.

#### 12. Cessation of Operation

- a. Upon cessation of operation by the mobile dental facility, the Operator shall notify the Board within thirty (30) days of the last day of operation in writing of the final disposition of patient records and charts.
- b. If the mobile dental facility is sold, a new registration application must be filed with the Board.
- c. The Operator shall make reasonable arrangements with the active patients of the mobile dental facility for the transfer of the patient's records, including radiographs or copies thereof, to the succeeding practitioner or, at the written request of the patient, to the patient.
- d. As used in this section, "active patient" applies and refers to a person whom the mobile dental facility has examined, treated, cared for, or otherwise consulted with during the two-year (2) year period prior to discontinuation of practice, or moving from or leaving the community.

*Regulation Sixty-One adopted by the Mississippi State Board of Dental Examiners on February 25, 2005; amended May 6, 2005; amended August 7, 2009; amended May 13, 2011; amended February 3, 2012; amended April 5, 2019.*