Bill as Introduced

HB 617-FN – AS INTRODUCED

2003 SESSION

03-0154
10/01

HOUSE BILL ***617-FN***

AN ACT relative to the licensure of dentists and regulation by the board of dental examiners.

SPONSORS: Rep. Langley, Rock 88

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes various changes to the law governing the regulation of dentists, including providing for licensure by endorsement and clarifying references to the secretary-treasurer.

This bill is a request of the board of dental examiners.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0154
10/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to the licensure of dentists and regulation by the board of dental examiners.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Board Duties; Dental Hygiene Members. Amend RSA 317-A:4, I(b) to read as follows:

(b) [~~The dental hygiene members shall assist the board in matters pertaining to dental hygiene and may examine candidates for dental hygiene licensure.~~] The dental hygiene members shall not examine applicants for the clinical practice of dentistry;

2 Board Officers. Amend RSA 317-A:4, II to read as follows:

II. The board shall choose one of its members as its president and one of its members as [~~secretary-treasurer~~] ***vice-president***. Five members shall constitute a quorum. The board shall meet once a year and at such other times and places as it may deem proper. A true record of all their official acts shall be made and preserved by the ***board's executive*** secretary. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings, which are subject to RSA 317-A:18.

3 Report, Receipts; Reference to Secretary-Treasurer Changed. Amend RSA 317-A:5 to read as follows:

317-A:5 Report; Receipts. The board shall make a biennial report of its proceedings to the governor and council in October, and all fees and fines received by the board shall be paid monthly by the [~~secretary-treasurer~~] ***executive secretary*** to the state treasurer.

4 New Section; License by Endorsement. Amend RSA 317-A by inserting after section 7 the following new section:

317-A:7-a License by Endorsement. Licensure by endorsement certification may be considered by the board for each applicant who holds a current, unrestricted license and registration certificate to practice dentistry or dental hygiene and who submits to the board the required credentials if, for the 3 years immediately preceding the application, the applicant:

I. Has maintained an active dental practice or practiced dental hygiene in one or more states; or

II. Has been in dental specialty training; or

III. Has been in active military service as a dentist; or

IV. Has been in any combination of these.

5 License; Reference to Secretary-Treasurer Changed. Amend RSA 317-A:10 to read as follows:

317-A:10 License. All licenses issued by the board shall be signed by all the members thereof and attested by its president and [~~secretary-treasurer~~] ***vice-president***.

6 Rulemaking; License by Endorsement. Amend RSA 317-A:12, III to read as follows:

III. The qualifications of applicants in addition to those requirements set by statute, ***including experience requirements for application for license by endorsement***;

7 Professional Misconduct; Guidelines. Amend the introductory paragraph of RSA 317-A:17, II(g) to read as follows:

(g) Failure to follow the current guidelines of the American Dental Association, ***as adopted or amended by the board,*** published in:

8 Professional Misconduct; Code of Ethics. Amend RSA 317-A:17, II(j) to read as follows:

(j) Knowingly or willfully violating any provision of this chapter, any substantive rule or order of the dental board, [~~the code of ethics of the New Hampshire Dental Society or the American Dental Association, or~~] any federal, state or local controlled drug law or other federal, state, or local laws or regulations pertaining to the practice of dentistry, ***and the code of ethics of the American Dental Association as reviewed and approval in rules of the board***.

9 Certificate of Good Standing; Reference to Secretary-Treasurer. Amend RSA 317-A:25 to read as follows:

317-A:25 Certificate of Good Standing. Any one who is licensed to practice dentistry or dental hygiene in this state, and of good professional character, and known to the dental board as such, who desires to change residence to another state, territory or country, shall, upon application to the dental board, receive a special certificate over the signature of the president and [~~secretary-treasurer~~] ***vice-president*** of the board, which shall attest such facts, and give the date upon which such person was licensed.

10 List of Dentists; Reference to Secretary-Treasurer. Amend RSA 317-A:29 to read as follows:

317-A:29 List of Dentists and Dental Hygienists. Any manager, proprietor, partnership, association, or corporation specified in RSA 317-A:28 shall, within 10 days after demand made by the [~~secretary-treasurer~~] ***vice-president*** of the board by registered mail, furnish to the [~~secretary-treasurer~~] ***vice-president*** the names and addresses of all persons practicing dentistry or dental hygiene in their or its place of business or under their or its control, together with a sworn statement showing by what license or authority said persons are practicing.

11 Disposal of Fines; Reference to Secretary-Treasurer. Amend RSA 317-A:35 to read as follows:

317-A:35 Disposal of Fines. All fines imposed and collected under this chapter shall be paid by the court or justice to the [~~secretary-treasurer~~] ***executive secretary*** of the board.

12 Effective Date. This act shall take effect July 1, 2003.

LBAO
03-0154
1/27/03

HB 617-FN - FISCAL NOTE

AN ACT relative to the licensure of dentists and regulation by the board of dental examiners.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Board of Dental Examiners. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Amendments

House Executive Departments and Administration
March 18, 2003
2003-0839h
10/03

Amendment to HB 617

Amend the introductory paragraph of RSA 317-A:7-a as inserted by section 4 of the bill by replacing it with the following:

317-A:7-a License by Endorsement. Licensure by endorsement may be considered by the board for each applicant who holds a current, unrestricted license and registration certificate to practice dentistry or dental hygiene and who submits to the board the required credentials if, for the 3 years immediately preceding the application, the applicant:

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 617 Date March 5, 2003

Committee ED+A

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
DR RAYMOND J JARVIS	2 INDUSTRIAL PARK DR	271-4661	DENTAL BOARD	✓	
DK JONES & RH REGNIER	230 WOOD (NCL	756-3440	WOODS	✓	

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 617-FN

BILL TITLE: relative to the licensure of dentists and regulation by the board of dental examiners.

DATE: March 5, 2003

LOB ROOM: 100 SH **Time Public Hearing Called to Order:** 9:35 AM

Time Adjourned: 10:05 AM

(please circle if present)

Committee Members: Reps. O'Neil, Hamel, Langer, Goulet, Zolla, N. Allan, Dexter, Hall, C. Robertson, Bergin, LaFlamme, Milligan, W. Field, Fitzgerald, Maybeck, Clayton, Schulze, DeJoie, Irwin, Pilotte and K. Sullivan.

Bill Sponsors: Rep. Langley, Rock 88

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Langley, sponsor. Introduced bill.
Dr. Ray Jarvis, representing Board of Dental Examiners. 2 Industrial Pk. Dr., Concord, 271-4561. Supports bill. Drafted by board. Board has become much more complicated and grown to 9 members. Now need a vice president. Includes license by endorsement. Doctor reports and receipts payment and State of NH has final say as to the Code of Ethics. Asked for an amendment in regard to Professional misconduct area. Line 19, page 1 – word "certification" is to be eliminated and such would complete the process.
Dennis Pellegrino, 230 Tigolx Rd., Stoddard, 756-3440, Representing NH Dental Society. Supports bill if amended as suggested above.

Respectfully submitted,

Ray F Langer

Rep. Ray Langer, Clerk

Testimony

NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS

2 Industrial Park Drive, Concord, NH 03301-8520
Tel. (603) 271-4561
In State Toll Free Telephone Number 1-800-852-3345, Ext. 4561
FAX #: (603) 271-6702
www.state.nh.us/dental
TDD Access: Relay NH 1-800-735-2964
Email: dentalboard@nhsa.state.nh.us

Raymond J. Jarvis, DMD
Executive Secretary

March 3, 2003

The Board of Dental Examiners' Position

House Bill 617

Pursuant to RSA 317-A (The Dental Practice Act) the Board of Dental Examiners is responsible for regulating the practice of dentistry in a manner that protects the public. To that end, the Board asked representative Jane Langley to sponsor HB 617 which proposes changes in RSA 317-A. The reason for the proposed changes are as follows:

RSA 317-A:4 I (b)

(b) [The dental hygiene members shall assist the board in matters pertaining to dental hygiene and may examine candidates for dental hygiene licensure.]The dental hygiene members shall not examine applicants for the clinical practice of dentistry;

Rationale – Dental hygienists on the Board have the same responsibilities as other Board members except they are not qualified to examine applicants in the clinical practice of dentistry.

RSA 317-A:4 II

II. The board shall choose one of its members as its president and one of its members as vice president [secretary-treasurer]. Five members shall constitute a quorum. The board shall meet once a year and at such other times and places as it may deem proper. A true record of all their official acts shall be made and preserved by the board's executive secretary. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings, which are subject to RSA 317-A:18.

Rationale – 1. A vice president is needed to assume the duties of the president in his/her absence. 2. The Board's executive secretary performs "secretary-treasurer" duties. The position of secretary-treasurer was established many years ago when the Board had only 3 members and no executive secretary.

RSA 317-A:5

Report; Receipts. The board shall make a biennial report of its proceedings to the governor and council in October, and all fees and fines received by the board shall be paid monthly by the executive secretary [-treasurer] to the state treasurer.

Rationale – The Board's executive secretary has this responsibility.

RSA 317-A:7 - a

(a) Licensure by endorsement certification may be considered by the board for each applicant who holds a current, unrestricted license and registration certificate to practice dentistry or dental hygiene and who submits to the board the required credentials if, for the 3 years immediately preceding the application, the applicant:

(1) Has maintained an active dental practice or practiced dental hygiene in one or more states; or

(2) Has been in dental specialty training; or

(3) Has been in active military dental service; or

(4) Has been in any combination thereof.

Rationale – Qualified dentists and dental hygienists have been licensed by endorsement in New Hampshire for many years. Authority has been inferred from RSA 317-A:8 and A:9. The above language is presently in the Board's administrative rules Den 301.01(i) and Den 301.02(i). The Joint Legislative Rules Committee has stated that this authority should be addressed in the Dental Practice Act, specifically in RSA 317-A:7-a and RSA 317-A:12 III.

RSA 317-A:10

License. All licenses issued by the said board shall be signed by all members thereof and attested by its president and vice president [secretary-treasurer].

Rationale – The Board believes this is neither a secretary-treasurer nor executive secretary function.

RSA 317-A:12 III Rulemaking Authority. The Board shall adopt rules, pursuant to RSA 541-A, relative to:

III. The qualifications of applicants in addition to those requirements set by statute, including experience requirements for application for licensure by endorsement.

Rationale – Same rational as RSA 317-A:7-a above.

RSA 317-A:17 II (g)

II. ...Misconduct sufficient to support adverse action shall include:

(g) Failure to follow the current guidelines of the American Dental Association, as adopted, in whole or in part, by the board, as published in:

(1) Infection Control Recommendations; and

(2) Recommendations in Radiographic Practices.

Rationale – On the advice of the Office of the Attorney General, this language has been added as a precaution to prevent a non-governmental agency creating New Hampshire law.

RSA 317-A:17 II (j)

(j) Knowingly or willfully violating any provision of this chapter, any substantive rule or order of the dental board, [the code of ethics of the New Hampshire Dental Society or the American Dental Association, or] any federal, state of local controlled drug law or other federal, state, or local laws or regulations pertaining to the practice of dentistry, and the code of ethics of the American Dental Association as reviewed and approved, in whole or in part, by the board.

Rationale – On the advice of the Office of the Attorney General, this language has been added as a precaution to prevent a non-governmental agency creating New Hampshire law.

RSA 317-A:25

Certificate of Good Standing. Any one who is licensed to practice dentistry or dental hygiene in this state, and of good professional character, and known to the dental board as such, who desires to change his residence to another state, territory or country, shall, upon application to the dental board, receive a special certificate over the signature of the president and vice president [secretary-treasurer] of said board, which shall attest such facts, and give the date upon which such person was licensed.

Rationale – The signatures of the president and vice president are appropriate for this testimony.

RSA 317-A:29

List of Dentists and Dental Hygienists. Any manager, proprietor, partnership, association, or corporation specified in RSA 317-A:28 shall, within ten days after demand made by the executive secretary [secretary-treasurer] of the board by registered mail, furnish to the executive secretary [secretary-treasurer] the names and addresses of all persons practicing dentistry or dental hygiene in their or its place of business or under their control, together with a sworn statement showing by what license or authority said persons are practicing.

Rationale – The Board's executive secretary performs this task.

RSA 317-A:35

Disposal of Fines. All fines imposed and collected under this chapter shall be paid by the court or justice to the executive secretary [-treasurer] of the board.

Rationale – Fines are made payable to "Treasurer, State of New Hampshire" and sent to the Board's administrative office. It is the executive secretary's responsibility to ensure they are deposited to the state in an appropriate bank.

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 617-FN

BILL TITLE: **relative to the licensure of dentists and regulation by the board of dental examiners.**

DATE: March 19, 2003

LOB ROOM: 100 SH

Amendments:

Sponsor: Rep. Goulet — OLS Document #: 0839h 2003

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Goulet

Seconded by Rep. Hamel

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ray F. Langer, Clerk

OFFICE OF THE HOUSE CLERK

2003 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: 617 Title: Amendment 0839H relative to the licensure of dentists, etc

PH Date: 3/5/03 Exec Session Date: 3/19/03

Motion: OTP EA Amendment #: 0839h

MEMBER	YEAS	NAYS
O'Neil. Michael. Chairman	18	
Hamel. Albert W. V Chairman	1	
Langer. Ray F	abs.	
Goulet. Maurice E	2	
Zolla. William R	3	
Allan. Nelson S	4	
Dexter. Judson K	5	
Hall. Charles Q	6	
Robertson. Carl G	7	
Bergin. Peter F	8	
LaFlamme. Paul G	9	
Milligan. Robert H	10	
Field. William D	11	
Fitzgerald. James M	12	
Mayberk. Margie	13	
Clayton. William K	abs	
Schulze. Joan H	14	
DeJoie. John	15	
Irwin. Anne-Marie	16	
Pilotte. Maurice L	17	
Sullivan. Francis B	abs	
	18-0	

TOTAL VOTE:

Printed: 1/6/2003

OFFICE OF THE HOUSE CLERK

2003 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB617 Title: relative to

PH Date: ____/____/____ Exec Session Date: 3/19/03

Motion: _____ Amendment #: 0839h

MEMBER	YEAS	NAYS
O'Neil, Michael, Chairman	18	
Hamel, Albert W, V Chairman	1	
Langer, Rav F	abs	
Goulet, Maurice E	2	
Zolla, William R	3	
Allan, Nelson S	4	
Dexter, Judson K	5	
Hall, Charles Q	6	
Robertson, Carl G	7	
Bergin, Peter F	8	
LaFlamme, Paul G	9	
Milligan, Robert H	10	
Field, William D	11	
Fitzgerald, James M	12	
Mayhew, Margie	13	
Clayton, William K	abs	
Schulze, Joan H	14	
DeJoie, John	15	
Irwin, Anne-Marie	16	
Pilotte, Maurice L	17	
Sullivan, Francis B	abs	
	18-0	

TOTAL VOTE:
Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Executive Departments and Administration**

BILL NUMBER: **HB 617-FN**

TITLE: relative to the licensure of dentists and regulation by the board of dental examiners.

DATE: March 19, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The amendment clarifies the eligibility of the board of dental examiners to license an individual by endorsement under statutory conditions. It establishes the opportunity for the board to elect a vice-president, which brings this board to parity with other state boards. These issues were brought by the board and are housekeeping in nature.

Vote 18-0.

Rep. Maurice E. Goulet
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Executive Departments and Administration

HB 617-FN, relative to the licensure of dentists and regulation by the board of dental examiners.

OUGHT TO PASS WITH AMENDMENT

Rep. Maurice E. Goulet for Executive Departments and Administration: The amendment clarifies the eligibility of the board of dental examiners to license an individual by endorsement under statutory conditions. It establishes the opportunity for the board to elect a vice-president, which brings this board to parity with other state boards. These issues were brought by the board and are housekeeping in nature. **Vote 18-0.**

"BLURB" HB 617-FN

The AMENDMENT CLARIFIES the ability of the Board of Dental Examiners to license an individual by endorsement under statutory conditions. It establishes the opportunity for the Board to elect a vice-president, which brings this Board to parity with other state boards.

These ISSUES were brought by the Board and are housekeeping IN NATURE.

motion: OTP/A

vote: 18-0

Maurice E Goulet