

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Den 400 various

<p>1. Agency Name & Address:</p> <p>Board of Dental Examiners c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 317-A:12, III, IV, & XIV</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Repeal <u>X</u></p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Ongoing Requirements**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

The Board of Dental Examiners (Board) is proposing to adopt, repeal, or readopt with amendment various rules in Chapter Den 400 on ongoing requirements. The Board is proposing the following changes to Chapter Den 400:

- **Adopt Den 401.01 describing the license renewal procedure including the amount of continuing education required for renewal;**
- **Adopt Den 401.02 describing the documents required to renew a license;**
- **Adopt Den 401.03 describing the applications required to renew a dental license including the rural health survey required by the NH State Office of Rural Health and Primary Care;**
- **Adopt Den 401.04 describing the applications required to renew a dental hygienist license including the rural health survey required by the NH State Office of Rural Health and Primary Care;**
- **Adopt Den 401.05 describing the criteria by which the Office of Professional Licensure and Certification (OPLC) shall renew a license;**
- **Adopt Den 401.06 describing the inactive status of a dentist or dental hygienist;**
- **Adopt Den 401.07 describing the continuing education audit procedure;**

- **Adopt Den 402.01 describing the renewal of a facility or facility hosting permit and the renewal of a permit to administer general anesthesia, deep sedation, and moderate sedation, moderate sedation only, or moderate sedation with pediatric qualification;**
- **Adopt Den 403 describing the attestation each dentist holding a hosting facility permit is required to have signed by each qualified provider providing anesthesia services at the facility and the requirements regarding the submission of the attestation to the OPLC;**
- **Readopt with amendment Den 404.01 formerly Den 401.01 describing the duties of a dental assistant. The rule is being amended to:**
 - **Clarify the duty of sterilizing instruments to include process and performing infection control;**
 - **Clarify the duty of reorganizing dental instruments and equipment;**
 - **Expand taking blood pressure to include take and record vital signs;**
 - **Remove from the qualified dental assistant the duty of “take dental and medical history” and “take and record blood pressure” as these allowed by any assistant even though they may not meet the requirements of Den 302.06; and**
 - **Make various editorial changes;**
- **Readopt with amendment Den 404.02 formerly Den 401.02 describing certified dental assistants’ and graduate dental assistants’ duties. The rule is being amended to change “take and record blood pressure” to “take and record vital signs” and correct rule citations;**
- **Readopt with amendment Den 404.03 formerly Den 401.03 describing qualified dental assistants’ duties. The rule is being amended to correct rule citations;**
- **Readopt with amendment Den 405.01 formerly Den 402.01 describing the dental hygienists’ duties. The rule is being amended to change one of the duties allow to be performed by a dental hygienist under public health supervision form “apply topical fluoride, including fluoride varnish” to “administer, prescribe, and dispense fluoride supplement, topically applied fluoride, and chlorhexidine gluconate oral rinse” and correct various rule citations;**
- **Readopt with amendment Den 405.02 formerly Den 402.02 describing public health supervision status of a dental hygienist. The rule is being amended to make various editorial changes;**
- **Readopt with amendment Den 405.03 formerly Den 402.03 describing the public health supervision program. The rule is being amended to remove the requirement to update the names and license numbers of hygienists working in the program whenever a change occurs and add that the hygienist or supervising dentist notify the OPLC within 30 days of any change in information on the “Application for Dental Program Approval under Public health Supervision”;**
- **Readopt with amendment Den 406.01 formerly Den 403.01 describing the purpose of Den 406 on continuing education. The rule is being amended to correct the rules number;**

- **Readopt with amendment Den 406.02 formerly Den 403.02 describing definitions and terms that apply to PART Den 406. The rule is being amended to remove the definition of “Licensee” and make various editorial changes;**
- **Readopt with amendment Den 406.03 formerly Den 403.03 describing continuing education requirements. The rule is being amended to:**
 - **Require dental hygienists to have as part of the required 20 hours of continuing education BLS-HCP course that includes a hands-on component and have at least 10 CEU’s in restorative dentistry in addition to the 20 hours if the hygienist has completed the “Expanded Function Dental Auxiliary” course;**
 - **Require dentists to have completed as part of the required 40 hours of continuing education BLS-HCP course that includes a hands-on component;**
 - **Require dentists who hold a general anesthesia, deep sedation, and moderate sedation permit to have a current PALS and ACLS certification;**
 - **Require dentists who hold a moderate sedation permit with pediatric qualification to have a current PALS and ACLS certificate;**
 - **Require a dentist who holds a moderate sedation only permit to have a current ACLS certification;**
 - **Remove the requirement to have completed all CEU requirements 2 years preceding the April 1st renewal;**
 - **Remove the limited 2 CEU’s for clinical or laboratory participatory courses;**
 - **Remove the allowance for 3 CEU’s for participation as a board member and the 1 CEU for being an anesthesia and sedation committee member;**
 - **Add an exemption from continuing education for those dentists and dental hygienists who are renewing a license for the first time after graduation from a college or university; and**
 - **Make various editorial and rule citation changes;**
- **Repeal Den 403.04 describing renewal and monitoring and requiring the submission of a summary of continuing education taken each biennial renewal period and obtaining an extension to complete continuing education;**
- **Readopt with amendment Den 406.04 formerly Den 403.05 describing waivers of continuing education programs. The rule is being amended to remove the exemption of continuing education for those dentists and dental hygienists renewing a license for the first time;**
- **Readopt with amendment Den 406.05 formerly Den 403.06 describing criteria of acceptance of continuing education and documentation of that continuing education. The rule is being amended to require the retention of continuing education records for no less than 3 years, clearly describe the certificates or printouts showing completion of continuing education, and make various editorial changes; and**
- **Readopt with amendment Den 406.06 formerly Den 403.07 describing categories of continuing education credit. The rule is being amended to**
 - **Allow 100% of continuing education requirements for taking and passing the manikin examination;**
 - **Remove all but 2 of the percentages of continuing education to be earned in specific areas;**
 - **Change the percentage allowed for credit in audio-visual, online programs, and live webinars and increased the amount allowing in those areas from 50% to 75%; and**

- **Leave the 10% limit for continuing education earned by attending regional or national meetings.**

6. (b) Brief description of the groups affected:

These rules affect dentists, dental hygienists, those who hold facility permits to administer general anesthesia, deep sedation, and moderate sedation, moderate sedation only, or moderate sedation with pediatric qualifications, dental assistants, the Board, the OPLC, and the public.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTE
Den 401.01	RSA 317-A:12, XIV; RSA 317-A:13
Den 401.02	RSA 317-A:12, III; RSA 317-A:12, XIV
Den 401.03	RSA 317-A:12, XIV; RSA 317-A:12-a
Den 401.04	RSA 317-A:12, XIV; RSA 317-A:12-a
Den 401.05	RSA 317-A:12, XIV
Den 401.06	RSA 317-A:12, III; RSA 317-A:12, XIV; RSA 317-A:16
Den 401.07	RSA 317-A:12; RSA 317-A:12, XIV; RSA 317-A:20, II
Den 402.01	RSA 317-A:12, XII-a; RSA 317-A:12, XIV; RSA 317-A:20, II
Den 403.01	RSA 317-A:12, XII-a(c)
Den 404.01 (formerly Den 401.01)	RSA 317-A:12, XII-b
Den 404.02 (formerly Den 401.02)	RSA 317-A:12, XII-b
Den 404.03 (formerly Den 401.03)	RSA 317-A:12, XII-b
Den 405.01 (formerly Den 402.01)	RSA 317-A:21-c; RSA 317-A:12, XII-b
Den 405.02 (formerly Den 402.02)	RSA 317-A:12, I
Den 405.03 (formerly Den 402.03)	RSA 317-A:12, I
Den 406.01 (formerly Den 403.01)	RSA 317-A:12, XI
Den 406.02 (formerly Den 403.02)	RSA 317-A:12, XI
Den 406.03 (formerly Den 403.03)	RSA 317-A:12, XI
Den 403.04 (repeal)	RSA 317-A:12, XI
Den 406.04 (formerly Den 403.05)	RSA 317-A:12, XI
Den 406.05 (formerly Den 403.06)	RSA 317-A:12, XI
Den 406.06 (formerly Den 403.07)	RSA 317-A:12, XI

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina M. Kelley** Title: **Rules Coordinator**

Mailing Address: **Office of Professional Licensure & Certification** Phone #: **(603) 271-2855**

7 Eagle Square Fax#: **None**
Concord, NH 03301

E-mail: **OPLC-Rules@oplc.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:
Thursday, April 17, 2025 at 4:00 p.m.

☐ Fax

☒ E-mail

☐ Other format
(specify):

9. Public hearing scheduled for:

Date and Time: **Monday, April 7, 2025 at 9:00 a.m.**
Physical Location: **Office of Professional Licensure and Certification
7 Eagle Square
Concord, NH 03301**
Electronic Access (if applicable): **n/a**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 24:256, dated 12/23/2024

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
When compared to the existing rules, the proposed rules may impact costs to certain state citizens and independently owned businesses.
2. **Cite the Federal mandate. Identify the impact on state funds:**
No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**
The proposed rules may have the following fiscal impact on dentists and dental hygienists:
 - There may be an increased cost to a dental hygienist who has completed and additional 10 CEU's in restorative dentistry if they have completed an expanded function dental auxiliary course.
 - There may be an increased cost to dentists who hold one of the anesthesia permits, as they will be required to obtain PALS and ACLS or just ACLS.
 - There may be a cost savings to new graduates based on the exemption from continuing education for renewing their license for the first time after graduation.
 - There may be a cost savings to dentists and hygienists from the removal of the limit on certain types of continuing education.

These costs and savings are indeterminable.

A. **To State general or State special funds:**
None

B. **To State citizens and political subdivisions:**
State citizens who are, or will become, dentists or hygienists may experience the costs or benefits described in #3 above. There will be no additional cost or benefit to political subdivisions.

C. To independently owned businesses:

There may be additional costs to independently owned businesses that decided to cover the cost of renewals for employees or of the continuing education.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.