

Adopt Den 401 through Den 403, as follows:

PART Den 401 DENTIST AND DENTAL HYGIENIST LICENSE RENEWAL

Den 401.01 License Renewal Procedure.

(a) All applications for license renewal shall be processed in accordance with Plc 308.09 through Plc 308.12.

(b) A dentist wishing to renew their license and shall have completed 40 hours of maintenance of continuing competence as required by Den 406.03(b).

(c) A dental hygienist wishing to renew their license shall have completed 20 hours of maintenance of continuing competence as required by Den 406.03(a).

(d) Renewal applicants whose licenses have lapsed shall not practice as a dentist or dental hygienist until their licenses have been reinstated by the OPLC.

Den 401.02 License Renewal Required Documents. Applicants for license renewal shall:

(a) If applying to renew a dentist license submit:

- (1) The “Universal Application for License Renewal”;
- (2) The “Dentist Addendum to the Universal Application for License Renewal”;
- (3) A detailed explanation of any of the “yes” answers to the yes or no questions on the “Universal Application for License Renewal” including but not limited to:
 - (1) Relevant court documents;
 - (2) Relevant malpractice claims or suits filed; and
 - (3) Relevant orders, settlements, or disciplinary documents, including the status of compliance with such documents; and
- (4) If holding a permit to administer general anesthesia, deep sedation, or moderate sedation, moderate sedation only or moderate sedation with a pediatric qualification, a current copy of the applicant’s ACLS, PALS, or both certificate as appropriate for the type of permit being renewed.

(b) If applying to renew a dental hygienist license submit :

- (1) The “Universal Application for License Renewal”;
- (2) The “Dental Hygienist Addendum to the Universal Application for License Renewal”;
- (3) A detailed explanation of any of the “yes” answers to the yes or no questions on the “Universal Application for License Renewal” including but not limited to:

- (1) Relevant court documents;
- (2) Relevant malpractice claims or suits filed; and
- (3) Relevant orders, settlements, or disciplinary documents, including the status of compliance with such documents; and
- (4) A current copy of the applicant's BLS-HCP certificate;

(c) All applicants for licensure shall submit the fee(s) required by Plc 1001.08(a) and Plc 1002.11.

Den 401.03 Application for Dental License Renewal.

(a) Each applicant for renewal of a license to practice as a dentist in the state of New Hampshire shall complete and submit the "Universal Application for License Renewal" as required by Plc 404.01(b)(1).

(b) Pursuant to RSA 126-A:5, XVIII-a.(a) and RSA 317-A:12-a, dentists shall complete, as part of their renewal application, the New Hampshire division of public health service's health professions survey issued by the state office of rural health and primary care, department of health and human services, pursuant to He-C 801.

(c) Dentists shall have the opportunity to opt out of the survey. Written notice of the opt-out opportunity shall be provided with the renewal application. The opt out form shall be available on the NH state office of rural health and primary care website at <https://www.dhhs.nh.gov/programs-services/health-care/rural-health-primary-care/health-professions-data-center>.

(d) Dentist's choosing to opt-out of the survey shall complete and submit the "New Hampshire Health Professions Survey Opt-Out Form," revised May 2022, to the state office of rural health and primary care, department of health and human services, via one of the following:

- (1) Mail;
- (2) Email;
- (3) Fax; or
- (4) Electronic submission.

(e) In addition to the information required in (a) above the applicant shall provide the following information on the "Dentist Addendum to the Application for License Renewal":

- (1) Whether the applicant's license is active or inactive;
- (2) The original date of New Hampshire licensure;
- (3) Whether the applicant has practiced in the current biennium;
- (4) Whether the applicant practices as a specialist;
- (5) A list of hospitals where the applicant holds a staff privilege, if any; and

(6) Whether the applicant has completed 40 hours of continuing education as required by Den 406.03(b).

Den 401.04 Application for Dental Hygienist License Renewal.

(a) Each applicant for renewal of a license to practice dental hygiene in the state of New Hampshire shall provide the information described in Plc 308.06 on the “Universal Application for License Renewal”.

(b) Pursuant to RSA 126-A:5, XVIII-a.(a) and RSA 317-A:12-a, hygienists shall complete, as part of their renewal application, the New Hampshire division of public health service’s health professions survey issued by the state office of rural health and primary care, department of health and human services, pursuant to He-C 801.

(c) Dental hygienists shall have the opportunity to opt out of the survey. Written notice of the opt-out opportunity shall be provided with the renewal application. The opt out form shall be available on the NH state office of rural health and primary care website at <https://www.dhhs.nh.gov/programs-services/health-care/rural-health-primary-care/health-professions-data-center>.

(d) Hygienists choosing to opt-out of the survey shall complete and submit the “New Hampshire Health Professions Survey Opt-Out Form,” revised May 2022, to the state office of rural health and primary care, department of health and human services, via one of the following:

- (1) Mail;
- (2) Email;
- (3) Fax; or
- (4) Electronic submission.

(e) In addition to the information required in (a) above the applicant shall provide the following information on the “Dental Hygienist Addendum to the Application for License Renewal”:

- (1) Whether the applicant’s hygienist license is active or inactive;
- (2) The original date of dental hygienist licensure;
- (3) Whether the applicant has practiced in the current biennium;
- (4) Whether the applicant practices under public health supervision, pursuant to Den 302.02, and the name of the program;
- (5) Whether the applicant administers nitrous oxide for dental patients in New Hampshire, and if yes, whether the applicant received a certification showing they are qualified to administer nitrous oxide;
- (6) Whether the applicant has completed 20 hours of continuing education within 2 years immediately preceding the application in accordance with Den 406.03(a);
- (7) Whether the applicant is an Expanded Function Dental Auxiliary (EFDA) pursuant to Den 302.07(b)(6), and if yes, has completed 10 CEU’s in this biennium in restorative dentistry; and

(8) Whether the applicant's BLS-HCP training is current.

Den 401.05 Renewal of Licensure. The OPLC shall renew the licenses of licensees who:

- (a) Have submitted the completed renewal application;
- (b) Have reported on the renewal application form their compliance with the maintenance of continuing competence obligations required by Den 406.03(a) for hygienists or Den 406.03(b) for dentists;
- (c) Are of good professional character, as evidenced by:
 - (1) The answers to the yes or no questions on the "Universal Application for License Renewal" described in Plc 308.06; and
 - (2) Any related documents submitted pursuant to Den 405.05; and
- (d) Paid all required fees.

Den 401.06 Inactive Status.

(a) A dentist or dental hygienist licensed under this chapter who does not actively engage in such practice in New Hampshire within 2 years, as evidenced by their answers to Den 402.03(e)(3) or Den 402.04(e)(3), of their previous biennial registration shall have their license transferred to an inactive list and shall be required to register biennially and pay the inactive registration fee as long as the licensee remains inactive.

(b) Any dentist or dental hygienist holding an inactive license shall be restored to active status by the OPLC by providing the following:

- (1) A written request to have the status of their license changed from inactive to active;
- (2) Proof of having completed 20 hours of continuing education for a dental hygienist required by Den 406.03(a) or 40 hours of continuing education for a dentist[s] as required by Den 406.03(b).
- (3) Payment of the fees required by Plc 1001.08 and Plc 1002.11;
- (4) If the licensee on inactive status has been practicing in another state, a letter of good standing from that state;

(c) A person's right to maintain a license with active status shall not be affected by any absence from active practice in New Hampshire while serving on active duty in the armed forces of the United States.

Den 401.07 Audit Procedure.

(a) During the biennium, at least 3% of active licensees shall be randomly audited by the board through the OPLC for compliance with Den 406.

(b) The board shall review the documents submitted to the OPLC to determine if those documents meet the requirements of Den 406.

(c) Documentation demonstrating completion of continuing education shall be as described in Den 406.03.

(d) If the documents submitted do not fulfill the requirements of Den 406.03, the board through the OPLC shall issue a notice of hearing to determine if the licensee meets the continuing education requirements.

(e) Failure to comply with the audit or demonstrate completion of continuing education requirements shall constitute misconduct under RSA 317-A:17

PART Den 402 PERMIT RENEWAL AND INSPECTION

Den 402.01 Renewal of Permits.

(a) All permits for renewal shall be processed in accordance with Plc 308.09 through Plc 308.12.

(b) Each 3rd biennial renewal after the initial permit is issued the facility shall:

(1) The dentist holding a facility permit or facility hosting permit for a particular dental facility shall have the facility inspected as described in (e) below; and

(2) The qualified dentist holding a permit to administer general anesthesia, deep sedation, and moderate sedation, moderate sedation only, or moderate sedation with pediatric qualification shall complete a simulated emergency management evaluation completed as described in (f) below. If an individual holds both a facility and qualified dentist anesthesia permit the emergency management evaluation shall be completed for both at the same time.

(c) The facility inspection and simulated emergency management evaluation shall be completed at the same time unless the qualified dentist holds only a general anesthesia, deep sedation, and moderate sedation permit, a moderate sedation only permit, or a moderate sedation permit with pediatric qualification.

(d) Each facility shall be inspected in accordance with Den 304.10 to ensure compliance with Den 304.07 and Den 304.09.

(f) Each dentist applying for an initial permit to administer general anesthesia, deep sedation, or moderate sedation, moderate sedation only, or moderate sedation with a pediatric qualification shall:

(1) Pass a simulated emergency management evaluation of their emergency procedures through scenario based drills with a qualified consultant contracted by the OPLC;

(2) Be evaluated upon completion of no less than 5 scenario based drills; and

(3) Pass a simulated emergency management evaluation assessing the following:

a. The dentist's response to the scenario presented; and

b. The staff assignment(s) and role(s) during the simulated emergency management evaluation.

(g) If the dentist fails to schedule and pass their facility inspection and simulated emergency management evaluation before midnight on the day their permit to practice is due to expire, their permit shall not be renewed and constitute misconduct pursuant to RSA 317-A:17.

PART Den 403 HOSTING FACILITY ONGOING REQUIREMENTS

Den 403.01 Attestation.

(a) Each dentist holding a hosting facility permit shall have each qualified provider who intends to administer general anesthesia, deep sedation, or moderate sedation at the hosting facility complete the attestation described in Den 403.01(e).

(b) The hosting facility shall, at least one week prior to allowing a qualified provider to administer general anesthesia, deep sedation, or moderate sedation submit to the OPLC, the completed, signed, and dated attestation required by (a) above.

(c) The attestation shall be valid until the facility permit expires at which time a new attestation shall be completed.

(d) The hosting facility shall, before the expiration of the attestation, have the qualified provider complete an updated attestation and submit the updated attestation to the OPLC.

(e) The attestation shall require the qualified provide to provide the following information:

(1) Full legal name;

(2) New Hampshire license type and license number;

(3) Business name and mailing address;

(4) Business telephone number; and

(5) A statement attesting to the fact that the qualified provider has all items listed in Den 304.07 in the facility each time the qualified provider administers general anesthesia, deep sedation, or moderate sedation.

(f) The signature and date under the following attestation:

(1) The information provided is true, complete, and not misleading to the best of the applicant's knowledge and belief;

(2) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and

(3) The applicant understands that knowingly providing false material information constitutes a misdemeanor under RSA 641:3 relative to falsification in official matters.

(g) If the relationship between the hosting facility and the qualified provider is terminated the hosting facility shall notify the OPLC of that termination within 15 days of the termination.

Readopt with amendment and renumber Den 401, effective 12/6/17 (Document #12428), as Den 404 to read as follows:

PART Den 40[+]4 ASSISTANTS

Den 40[+]4.01 Assistants' Duties.

(a) A dental assistant shall perform the following duties under general supervision, as defined in Den 101.1[+]5 and arranged by degree of supervision in Den 302.02:

- (1) [~~Sterilize instruments~~] **Process and sterilize instruments and perform infection control;**
- (2) Organize and arrange instruments on bracket tables;
- (3) Seat patient, place protective materials or garments including the lubrication of such patient's lips;
- (4) Reorganize instruments and equipment after the patient has departed **the healthcare facility;**
- (5) Process dental radiographs;
- (6) Function as a dental laboratory technician;
- (7) Perform tests on saliva;
- (8) Train or instruct groups or individual patients in techniques of oral hygiene and mouth care; and
- (9) Take [~~the blood pressure~~] **and record vital signs** of a patient.

(b) A dental assistant shall perform the following duties under direct supervision, as defined in Den 101.1[0]3 and arranged by degree of supervision in Den 302.02:

- (1) Retract a patient's cheek, tongue or other oral tissues during a dental operation;
- (2) Assist with the placement or removal of a rubber dam and accessories used for its placement and retention, as directed by an operating dentist during the course of a dental operation;
- (3) Remove such debris as is normally created or accumulated during the course of treatment being rendered by a licensed dentist by the use of vacuum devices, compressed air, mouth washes and water; and
- (4) Place cotton rolls and topical anesthesia prior to delivery of local anesthesia by a dentist or dental hygienist.

(c) Before qualifying to perform the duties delineated in Den 40[+]4.01 (d), any dental assistant, other than a certified dental assistant or graduate dental assistant, shall qualify in infection control in the dental office as stated in Den 302.06(b).

(d) A dental assistant shall perform the following duties pursuant to the definition of "Public Health Supervision" as set forth in Den 302.02 (d)(2) to assist a CPHDH:

- (1) Process and sterilize instruments and perform infection control;
- (2) Organize and arrange instruments on bracket tables;
- (3) Seat patient, place protective materials or garments including the lubrication of such patient's lips;
- (4) Reorganize instruments and equipment after the patient has departed the healthcare facility;
- (5) Process dental radiographs;
- (6) Train or instruct groups or individual patients in techniques of oral hygiene and mouth care;
- (7) Retract a patient's cheek, tongue or other oral tissues during a dental hygiene and remove such debris as is normally created or accumulated during the course of treatment being rendered by a CPHDH by the use of vacuum devices, compressed air, mouthwashes and water; and
- (8) Assist with the placement or removal of a rubber dam and accessories used for its placement and retention, as directed by an operating CPHDH during the course of a dental hygiene operation.

(e) If qualified pursuant to Den 302.06, a dental assistant shall be eligible to:

- ~~[(1) Take dental and medical histories;]~~
- ~~[(2)]~~**(1)** Apply topical fluoride after prophylaxis by a licensed professional;
- ~~[(3)]~~**(2)** Apply non-prescription topical anesthesia;
- ~~[(4)]~~**(3)** Apply non-prescription desensitizing agents to the cementum and dentin;
- ~~[(5) Take and record [blood pressure] vital signs;~~
- ~~[(6)]~~**(4)** Select impression trays, seat, hold, remove, and pour impressions for study models, single arch athletic mouthguards, and custom fluoride trays;
- ~~[(7)]~~**(5)** Insert athletic mouthguards;
- ~~[(8)]~~**(6)** Perform dental radiography;
- ~~[(9)]~~**(7)** Pit and fissure sealants;
- ~~[(10)]~~**(8)** Perform coronal polishing; and
- ~~[(11)]~~**(9)** Conduct preliminary oral inspection.

Den 40[4]4.02 Certified Dental Assistants' and Graduate Dental Assistants' Duties. Certified dental assistants as defined in Den 101.0[5]7 and graduate dental assistants as defined in Den 101.1[3]6 may, in addition to the duties of assistants, perform the following duties under direct supervision as defined in Den 101.11 and arranged by degree of supervision in Den 302.02:

- (a) Take dental and medical histories;
- (b) Place and remove rubber dams;
- (c) Place and remove matrices;
- (d) Apply topical fluoride after prophylaxis by a licensed professional;
- (e) Apply non-prescription topical anesthesia;
- (f) Apply non-prescription desensitizing agents to the cementum and dentin;
- (g) Take and record [~~blood pressure~~] **vital signs**;
- (h) Select impression trays, seat, hold, remove and pour impressions for study models, single arch athletic mouth guards, custom fluoride trays and whitening trays;
- (i) Insert athletic mouthguards;
- (j) Perform pulpal vitality testing procedures;
- (k) Remove sutures and dressings; and
- (l) After at least 400 hours of work experience in clinical dental assisting:
 - (1) Make final impressions;
 - (2) Place periodontal dressings;
 - (3) Place amalgam prior to condensing by a dentist;
 - (4) Place cavity liners and bases;
 - (5) Place and remove gingival retraction cord;
 - (6) Place and remove temporary restorations, not to include temporary crowns and bridges unless qualified pursuant to Den 302.06, and not to include the use of intraoral rotary instruments;
 - (7) Cement bands and bond brackets, not to include the use of rotary instruments to remove excess cement or bonding material;
 - (8) Make bite registrations when maximum intercuspation can be achieved; and
 - (9) Place and remove dry socket medications.

Readopt with amendment and renumber Den 401.03, effective 4/9/20 (Document #13021), as 404.03 to read as follows:

Den 40[+]4.03 Qualified Dental Assistants' Duties. Any dental assistant, who has qualified pursuant to Den 302.06, shall perform the following duties under direct supervision as defined in Den 101.1[+]3:

- (a) Dental radiography;
- (b) Pit and fissure sealants;
- (c) Orthodontic duties;
- (d) Fabrication of provisional crown and bridge restorations;
- (e) Coronal polishing;
- (f) Preliminary oral inspection;
- (g) Monitor nitrous oxide administration; and
- (h) In-office tooth whitening.

Readopt with amendment and renumber Den 402, effective 4/9/20 (Document #13021), as Den 405 to read as follows:

PART Den 40[2]5 HYGIENISTS

Den 40[2]5.01 Hygienists' Duties: A dental hygienist shall perform the following duties:

- (a) Under general supervision, as defined in Den 101.1[2]5:
 - (1) Perform all the duties a dental assistant may perform under Den 401.01 and all the duties a certified dental assistant and graduate dental assistant may perform under Den 401.02;
 - (2) Perform complete oral prophylaxis as appropriate, including the removal of subgingival biofilm, its by-products, and biofilm retentive calculus deposits by debridement, scaling, and root planning;
 - (3) Collect and assess medical and dental histories, including documentation of existing and relevant systemic conditions;
 - (4) Perform extraoral or intraoral assessment, including oral cancer screening, and document all findings;
 - (5) Assess the hard tissue and document all findings of existing conditions and deviations from normal;
 - (6) Assess periodontal structures and conditions and document all findings;

- (7) Assess occlusion and document all findings;
 - (8) Make a complete and accurate recording of all assessment findings regarding dental hygiene services relevant to patient care;
 - (9) Perform dental radiography;
 - (10) Perform comprehensive collection of patient data to identify the physical and oral health status;
 - (11) Assess and analyze data collected and determine the patient's dental hygiene treatment needs that a dental hygienist is qualified and licensed to treat;
 - (12) Establish a dental hygiene care plan that reflects the realistic goals and treatment strategies to facilitate optimal oral health;
 - (13) Implement a dental hygiene care plan and evaluate dental hygiene treatment for effectiveness;
 - (14) Place prescribed periodontal antimicrobial agents;
 - (15) Apply topical preventive and anesthetic agents, including silver diamine fluoride; and
 - (16) The administration, prescription, and dispensing of a fluoride supplement, topically applied fluoride, and chlorhexidine gluconate oral rinse;
- (b) Under indirect supervision as defined in Den 101.1[4]7, in-office tooth whitening;
- (c) Under direct supervision as defined in Den 101.1[4]3:
- (1) Remove excess restorative material extending beyond the margins of the preparation, to include the use of a low speed hand piece, if necessary;
 - (2) Place retraction cord;
 - (3) Place and remove periodontal dressings;
 - (4) Place temporary restorations, not to include temporary crowns and bridges, unless qualified pursuant to Den 302.05;
 - (5) Make cytological smears;
 - (6) Perform brush biopsies;
 - (7) Make final impressions;
 - (8) Place amalgam prior to condensing by a dentist;
 - (9) Place cavity liners and bases;
 - (10) Remove temporary restorations, not to include the use of rotary instruments;

- (11) Cement bands and bond brackets;
 - (12) Perform orthodontic duties, if qualified pursuant to Den 302.05;
 - (13) Fabricate provisional crown and bridge restorations, if qualified pursuant to Den 302.05;
 - (14) Administer local anesthesia, if qualified pursuant to Den 302.05;
 - (15) Monitor nitrous oxide inhalation administration, if qualified pursuant to Den 302.05; and
 - (16) Administer nitrous oxide if qualified pursuant to Den 302.05; and
- (d) Under public health supervision as defined in Den 101.2[4]8:
- (1) Collect and assess medical and dental histories, including preliminary inspection of the oral cavity and surrounding structures, and periodontal probing and charting;
 - (2) Perform complete oral prophylaxis as appropriate, including the removal of calciferous deposits and the removal of subgingival accretions and stains by scaling and root planning;
 - (3) ~~[Apply topical fluoride, including fluoride varnish]~~ **Administer, prescribe, and dispense fluoride supplement, topically applied fluoride, and chlorhexidine gluconate oral rinse;**
 - (4) Instruct in oral hygiene techniques;
 - (5) Administer fluoride rinse programs as follows:
 - a. Obtain consent from a legally responsible adult;
 - b. Train personnel in storage, dosage, safety, administration, and rinsing procedures; and
 - c. Have a legally authorized physician, dentist, advanced practice registered nurse, or physician assistant pursuant to RSA 318:42, II dilute concentrated fluoride solutions prior to dispensing;
 - (6) Place sealants when authorized by a dentist with an active license provided that:
 - a. Written informed consent shall be obtained from the patients' legal guardian; and
 - b. The supervising dentist and the hygienist shall be responsible for the sealants being indicated and correctly placed; and
 - (7) Make impressions, fabricate and deliver athletic mouthguards.

Readopt with amendment and renumber Den 402.02 and Den 402.03, effective 12/9/15 (Document #10991), as Den 405.02 and Den 405.03 to read as follows:

Den 40[2]5.02 Public Health Supervision Status.

(a) In order to obtain public health supervision status, a dental hygienist shall complete a [d] **“Dental [h] Hygienist [a] Application for [p] Public [h] Health [s] Supervision [s] Status, [to include] which requires the following:**

- (1) Applicant's **full legal** name and **New Hampshire** license number;
 - (2) Applicant's current business and residential addresses, telephone numbers, and primary email address either business or personal;
 - (3) The name of the public health supervision program where the applicant is employed;
 - (4) ~~[That-t]~~ **The applicant's answer in the affirmative that they** agree[s] to limit any duties to those outlined in Den 40[2]**3**;
 - (5) ~~[That-t]~~ **The applicant's answer in the affirmative that they** agree[s] to follow appropriate infection control guidelines as recommended by the Center for Disease Control and Prevention; and
 - (6) ~~[That-t]~~ **The applicant's answer in the affirmative that they** agree[s] to advise participants in the program that the services provided do not replace regular examination by a dentist;
- (b) The hygienist or supervising dentist shall send a summary of program results to the board at the one-year anniversary of the program's inception and each and every year after or, if the program lasts less than a year, at the end of the program; and
- (c) The form shall be signed and dated by the applicant and the supervising dentist of the program.

Den 40[2]**5.03** ~~[Program Application for]~~ **Public Health Supervision Program.**

(a) Each applicant for approval of a program under public health supervision shall provide the following on the "Application for Dental Program Approval under Public Health Supervision" form:

- (1) Supervising dentist's name and license number;
 - (2) Supervising dentist's primary business address, business telephone number, and primary email address either business or personal;
 - (3) Name of the program;
 - (4) Agency sponsoring the program;
 - (5) Date(s) of activity, as well as sites and population served;
 - (6) A description of the dental hygiene services to be provided; and
 - (7) The names and license numbers of hygienists working in the program~~[- to be updated whenever changes occur].~~
- (b) The form shall be signed and dated by the applicant and the supervising dentist of the program.

(c) The hygienist or supervising dentist shall send a summary of program results to the board at the one-year anniversary of the program's inception and each and every year after or, if the program lasts less than a year, at the end of the program.

(d) The hygienist or supervising dentist shall notify the OPLC within 30 days of any changes in the information provided on the "Application for Dental Program Approval Under Public Health Supervision" that occur.

Readopt with amendment and renumber Den 403, effective 3/7/15 (Document #10794), as Den 406 to read as follows:

PART Den 40[3]6 CONTINUING EDUCATION

Den 40[3]6.01 Purpose. The purpose of this section is to establish the minimum continuing education requirements as provided by RSA 317-A:12, XI.

Readopt with amendment and renumber Den 403.02, effective 12/6/17 (Document #12428), as Den 406.02 to read as follows:

Den 40[3]6.02 Definitions of Terms. The following definitions of terms shall apply to this part:

(a) "Certificate of CEU credit" means a document issued to a particular licensee by a provider certifying that the licensee has satisfactorily completed a program of continuing education;

(b) "Clinical dental care or dental hygiene care subjects" means those areas of study that deal with the performance of dental or dental hygiene services for patients;

(c) "Continuing education" means dental education designed to maintain professional competence in the practice of dental hygiene ~~[and]~~ or dentistry, improve professional skills, and preserve dental standards for the purpose of protecting the public health and welfare;

(d) "Continuing education unit" (CEU) means one hour of attendance at lectures, seminars and meetings, 30 minutes of attendance at clinical or laboratory participatory courses, or 20 minutes as a presenter of an original paper, essay, or formal lecture to a group of professionals, not including certification in a specialty; **and**

~~[(e) "Licensee" means any active or inactive licensed dental hygienist or dentist in the State of New Hampshire; and]~~

~~[(f)]~~**(e)** "Non-clinical subjects" means those areas of study related to personal development or practice management as related to dentistry or dental hygiene.

Readopt with amendment and renumber Den 403.03, effective 3/7/15 (Document #10794), as Den 406.03 to read as follows:

Den 40[3]6.03 Continuing Education Requirement.

(a) Dental hygienists with an active New Hampshire license shall complete a minimum of 20 CEUs of continuing education per biennium. **Of the 20 CEU's the dental hygienist shall have:**

(1) At least 15 CEUs [shall be] earned in clinical dental care subjects[~~, including successful completion of a BLS-HCP course as specified in Den 403.07(b).~~];

(2) Successfully completed a BLS-HCP course that includes a hands-on component as required by Den 406.07(b);

(3) At least 2 CEUs [shall be] earned in infection control in a [live or online] course which includes the center for disease control infection prevention and control guidelines and recommendations in its syllabus[-];

(4) [~~Starting April 1, 2020, a~~] At least 2 CEUs [shall be] earned in Medical Emergency Training[-]; and

(5) At least 10 CEU's in restorative dentistry in addition to the 20 CEU's required by (a) above if the hygienist has completed the "Expanded Function Dental Auxiliary" (FDA) course.

(b) Dentists with an active New Hampshire license shall complete a minimum of 40 CEUs of continuing education per biennium. **Of the 40 CEU's the dentist shall have:**

(1) At least 30 CEUs [shall be] earned in clinical dental care subjects[~~, including successful completion of a BLS-HCP course as specified in Den 403.07(b).~~];

(2) Successfully completed a BLS-HCP course that includes a hands-on component as required by Den 406.07(b);

(3) At least 2 CEUs [shall be] earned in infection control in a [live or online] course which includes the center for disease control infection prevention and control guidelines and recommendations in its syllabus[-];

(4) [~~Starting April 1, 2020, a~~] At least 2 CEUs [shall be] earned in Medical Emergency Training[-];

(5) Have a current PALS and ACLS certification if the dentist renewing their license holds a general anesthesia, deep sedation, and moderate sedation permit; and

(6) Have a current PALS and ACLS certification if the dentist renewing their license holds moderate sedation with pediatric qualification permit.

(7) Have a current ACLS certification if the dentist renewing their license holds moderate sedation only permit.

(c) Licensees required to register with the prescription drug monitoring program and who possess a valid drug enforcement administration number shall provide evidence of having completed[~~, as a condition for renewal]~~ **the following as part of their** renewal:

(1) Three CEUs in the area of pain management, addiction disorder, or a combination of both pain management and addiction disorder; or

(2) An online examination in the area of pain management, addiction disorder, or a combination of pain management and addiction disorders.

~~[(d) The CEUs completed during the 2 years preceding April 1st in the year of renewal shall conform to the criteria identified throughout these rules.]~~

~~[(e)](d)~~ One CEU shall be given for each hour of attendance at lectures, seminars, and meetings. ~~[For each hour of attendance at clinical or laboratory participatory courses, 2 CEUs shall be given.]~~ Successful completion of an entire course or segment of a course shall be required to receive continuing education credit for that course.

~~[(f)](e)~~ Each licensee shall retain all certificates ~~[and]~~ or documents as evidence of participation, as described in Den 40[3]6.06(d), in a continuing education program or course for a period of 3 years from the date of the program course. It shall be the responsibility of each course participant to assure that verification of course participation is attained. Upon request of the board, such documentation shall be made available to the board or its representative for random audit ~~[and]~~ or verification purposes.

~~[(g)](f)~~ Excess CEUs earned in one ~~[biennial registration]~~ **renewal** period shall not be carried forward into the next ~~[biennial registration]~~ **renewal** period for the purpose of fulfilling ~~[that biennium's]~~ continuing education requirement for licensure renewal.

~~[(h) Dental board members and hygiene committee members shall be given 3 CEUs per full year of membership on the board or the committee.]~~

~~— [(i) Anesthesia and sedation committee members shall be given 1 CEU per evaluation, with a maximum of 3 CEUs per year.]~~

~~[(j)](g)~~ Up to 3 CEUs shall be given for courses taken when initially obtaining a specialty.

[(h) Those dental hygienists and dentists, that have obtained their first license after graduation from an accredited college or university, shall be exempt from the continuing education requirement for the first biennial renewal after their initial license was granted.]

Repeal Den 403.04, effective 3/10/16 (Document #11053), as follows:

~~[Den 403.04 Renewal and Monitoring.~~

~~— [(a) Biennially, each active licensee shall submit to the board before April 1 a summary of continuing education indicating that the required number of CEUs were completed.]~~

~~— [(b) Active licensees who require an extension to complete the biennial continuing education requirement shall have until April 30th to meet the requirement and, pursuant to RSA 317 A:15, submit to the board:]~~

~~(1) A completed registration and license renewal form;~~

~~(2) A biennial registration fee; and~~

~~(3) A late biennial registration fee.~~

~~— (c) During the biennium, at least 3 percent of active licensees shall be randomly audited by the board for compliance with Den 403. Documentation demonstrating completion of continuing education shall be submitted to the board within 30 days after the licensee is notified of the audit. Academy of General Dentistry, specialty, NH Dental Society, and Dental Hygienists' Association printouts shall be acceptable. If the submitted documentation does not fulfill the requirements of Den 403, the licensee shall be notified and called for a hearing before the board to determine if the licensee has obtained the minimum requirement to maintain an active license.]~~

Readopt with amendment and renumber Den 403.05, effective 12/9/15 (Document #10991), as Den 406.04 to read as follows:

Den 40[3.05]**6.04** **Waivers of Continuing Education Requirements.** [(a)] A licensee seeking a waiver because of severe illness, incapacity, or other hardship of any requirement of this part shall submit a written petition to the board outlining the reasons the licensee was unable to satisfy the biennial continuing education requirement. Waivers shall be granted if the board finds that severe illness, incapacity, or other hardship prevented the licensee from satisfying the biennial continuing education requirement **pursuant to Den 201.02.**

~~[(b) Dental hygienists and dentists submitting applications for the first biennial licensure renewal after initial New Hampshire licensure shall be exempt from the continuing education requirement for that initial license period only.]~~

Readopt with amendment and renumber Den 403.06, effective 3/10/16 (Document #11053), as Den 406.05 to read as follows:

Den 40[3.06]**6.05** **Criteria of Acceptance of Continuing Education and Documentation of Completion.**

(a) The board shall not pre-approve courses.

(b) Each licensee shall select courses dealing with matters directly related to the practice of dentistry or dental hygiene.

(c) The licensee shall maintain records provided by the program sponsor **for a period no less than 3 years the date the course was completed.**

(d) ~~[The records]~~ **Documentation of completion of continuing education** shall contain the **following:**

- (1) Name of the licensee;
- (2) Full name of the course;
- (3) Date of the course;
- (4) Location where the course was given;
- (5) Duration of the course in days and hours;

(6) Name and mailing address of the provider; and

(7) Number of CEUs.

(e) Certificates or printouts from the following shall be acceptable:

(1) Academy of General Dentistry

(2) NH Dental Society, American Dental Association and their recognized specialty organizations; or

(3) Dental Hygienists' Association, NH Dental Hygienist Association or their sponsoring organization.

Readopt with amendment and renumber Den 403.07, effective 4/19/22 (Document #13366), as Den 406.06 to read as follows:

Den 40~~[3.07]~~**6.06** Categories of Credit.

(a) A licensee shall be entitled to obtain up to 100% of the required continuing education units CEUs in any or all of the following categories:

(1) Education and scientific courses sponsored or approved by the following:

- a. American Dental Association, component societies and constituent societies;
- b. Academy of General Dentistry;
- c. American Dental Hygienists Association, component societies, and constituent societies;
- d. State or local dental or dental hygiene professional associations or societies;
- e. Dental schools, medical schools, and dental hygiene schools;
- f. Hospital sponsored courses and conferences;
- g. Governmental health agencies and health institutions; and
- h. Postgraduate dental schools or postgraduate dental hygiene schools; and

(2) Courses required to maintain certification in any nationally recognized professional specialty board; and

(b) A licensee shall receive credit for 100% of required CEUs for passing the written portion of the American Board of Dental Examiners (ADEX), or other similar U.S. regional or state board clinical examination **or manikin examination** for dentists or dental hygienists.

(c) A licensee shall receive credit for 3 CEUs per biennium for successful completion of BLS-HCP course(s) given by an American Heart Association, Red Cross, National Safety Council, American Safety and Health Institute, American College of Emergency Physician, or Military Training Network qualified instructor, or sponsored or approved by organizations referenced in Den 40[3]6.07(a)(1). BLS-HCP shall be considered a clinical care subject. All BLS-HCP, ACLS, and PALS courses shall include a hands-on component.

~~[(d) A licensee shall receive credit for up to 15% of the required CEUs in the following categories:~~

~~(1) An original, dental related scientific paper written by the licensee and published in a peer reviewed scientific or professional journal; or~~

~~(2) An original presentation of a paper, essay, or formal lecture to a group of fellow professionals.~~

~~— (e) A licensee who holds a faculty or research appointment at an accredited dental school, dental hygiene school, or medical school shall receive credit for up to 20% of the required CEUs by teaching or performing research at least one full day per week per academic year.~~

~~— (f) A licensee shall receive credit for up to 20% of the required CEUs for a licensee's original presentation at a table clinic or exhibit at a regional or national meeting. Such activity shall be credited as 2 CEUs per original presentation.~~

~~— (g) A licensee shall receive credit for up to 20% of the required CEUs by participating in correspondence courses which require the successful completion of a written examination by the licensee to be scored by the provider of such programs.]~~

~~[(h)](d) A licensee shall receive credit for up to [50]75% of the required CEUs by participating in audio-visual or online programs or live webinars [which require the successful completion of a written examination by the licensee to be scored by the provider of such programs].~~

~~[(+)](e) A licensee shall receive credit for up to 10% of the required CEUs by attending regional or national meetings of the American Dental Association and its components, the Academy of General Dentistry, the American Dental Hygienists' Association, and the national and regional specialty organizations.~~

~~[(j)] A licensee who serves as expert consultant for the administrative prosecutions unit of the consumer protection bureau of the NH department of justice shall:~~

~~(1) Be credited with one clinical CEU for every 3 hours engaged as a consultant, up to 10 CEU's per biennium;~~

~~(2) Have an active New Hampshire dental or dental hygiene license; and~~

~~(3) Not be a member of the board.~~

~~— (k) A licensee shall receive credit for up to 20% of the required CEUs by participating in the Commission on Dental Competency Assessments (CDCA).]~~

APPENDIX I

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