

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Den 404
1. Agency Name & Address: Board of Dental Examiners c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301	2. RSA Authority: RSA 317-A:12, XII and XIV 3. Federal Authority: n/a 4. Type of Action: Adoption X Repeal _____ Readoption _____ Readoption w/amendment _____	
5. Short Title: Revocation, Suspension, Other Sanctions, Non-Disciplinary, and Substance Abuse Recovery Program		

6. (a) Summary of what the rule says and of any proposed amendments:

The Board of Dental Examiners is proposing to adopt:

- (1) Den 404.01 describing what actions by a licensee constitute misconduct;**
- (2) Den 404.02 describing what sanctions are available to the Board if misconduct is determined to have been committed by the licensee;**
- (3) Adopt 404.03 describing the procedure for imposing the sanctions allowed in Den 404.02;**
- (4) Den 404.04 describes the criteria the Board will use when determining sanctions;**
- (5) Den 404.05 describes the imposition of fines any limits on dollar amounts; and**
- (6) Den 404.06 describes the imposition of expenses relating to discipline enforcement on a licensee who has been determined by the Board to have committed misconduct.**

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

The groups affected are those licensed by the Board of Dental Examiners and members of the general 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 404.01	RSA 317-A:17, II
Den 404.02	RSA 317-A:17, III
Den 404.03	RSA 317-A:18
Den 404.04	RSA 317-A:12, XIV
Den 404.05	RSA 317-A:12, XII; RSA 317-A:17III(f)
Den 404.06	RSA 317-A:12, XII; RSA 317-A:17III(f)

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

Name: **Tina Kelley**

Title: **Program Specialist IV**

Address: **Office of Professional
Licensure and Certification
7 Eagle Square
Concord, NH 03301**

Phone #: **(603) 271-5247**

Fax#: **None**

E-mail: **OPLC-Rules@oplcnh.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, December 14, 2023 at 4:00 pm.**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, December 4, 2023 at 9:00 p.m.**
Office of Professional Licensure and Certification
Place: **7 Eagle Square**
Concord NH 03301

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

FIS # 23:250 , dated 10-12-2023

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable as these are new rules.

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 establish dental license revocation, suspensions and sanctions to licensees who violate the laws and rules governing the dental profession. The proposed rules impose new fines and penalties, which could increase revenue to the OPLC Fund by an indeterminable amount as well as increase costs to certain state citizens to the extent they violate the law and rules, and a penalty is imposed. The Board of Dental Examiners is unable to estimate the amount of new penalties that would be collected by violation of the rules and laws.

- A. To State general or State special funds:**
The proposed rule may increase the revenue in the OPLC fund by an indeterminable amount. However, this will not impact the State general fund as the OPLC is a self-funded agency.
- B. To State citizens and political subdivisions:**
See #3 above. There will be no impact to political subdivisions.
- C. To independently owned businesses:**
None

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.