

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Den 500 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 310-A:82</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: **Ethical and Professional Duties**

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 is proposing to adopt, repeal, or readopt with amendment various parts of Den 500. The Board is proposing the following changes:

- **Readopt with amendment Den 401.01 describing ethical duties to update the American Dental Association Principles of Ethics and Code of Professional Conduct to the most recent revision, update the Code of Ethics of the American Dental Hygienists' Association to the most recent adoption, and change the number of days a dentist has to report patient mortality associated with dental treatment from 20 days to 15 days;**
- **Readopt with amendment Den 502.01 describing misconduct by changing the heading from "Professional Misconduct" to "Controlled Substance Misconduct";**
- **Repeal Den 503.02 describing licensees obligation to obey the ethical standards;**
- **Readopt with amendment Den 503.03 renumbering as Den 503.02 providing definitions removing the definitions of "Administer", "Addiction", "Dose unit", "Prescription", "Treatment plan" which have been relocated to Den 100; and**
- **Adopt Den 503.08 providing the ongoing requirements of the use of general anesthesia, deep sedation, and moderate sedation, moderate sedation only, or moderate sedation with pediatric qualifications.**

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

These rules affect dentists and dental hygienists.

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

RULE	STATUTE
Den 501.01	RSA 317-A:12, VI
Den 502.01	RSA 318-B:33
Den 503	RSA 317-A:12, VI, XIII; RSA 318-B:41, I(a)(2), II

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@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, September 19, 2024 at 4:00 pm.

Fax

E-mail

Other format
(specify):

9. Public hearing scheduled for:

Date and Time: **Monday, September 9, 2024 at 9:00 p.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 # 24:140, dated 7/12/2024

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

There is no difference in cost when comparing the proposed rules to the existing rules.
Not applicable Den 503.08 as this is a new rule.

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 are clarifying and technical in nature and do not have a cost or benefit to State funds, State citizens, political subdivisions, or independently owned businesses.

A. To State general or State special funds:
None

B. To State citizens and political subdivisions:
None

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.