

APPENDIX II-C

**RULEMAKING NOTICE FORM**

Notice Number \_\_\_\_\_ Rule Number Den 301 various

<p>1. Agency Name &amp; Address: <b>Board of Dental Examiners c/o Office of Professional Licensure &amp; Certification 7 Eagle Square Concord, NH 03301</b></p>	<p>2. RSA Authority: <u><b>RSA 317-A:12, III; RSA 541-A:16, I(b) intro.</b></u></p> <p>3. Federal Authority: <u><b>n/a</b></u></p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u><b>X</b></u></p>
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5. Short Title: **Application for Dental and Dental Hygienist Licensure, Fees, and Reinstatement of Licensure**

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

**Den 301.01 describes the application for dental hygienist licensure and the documents to accompany that form and is being readopted with amendment. The existing rule indicates that the form must be filed with the Board and is being updated to have the form filed with the Office of Professional Licensure and Certification and retains the emergency rules that allow for dental hygienists and dentists to continue to utilize the manikin examination. In addition, the requirement to submit documents to obtain a federal and State of NH criminal background check is being added in accordance with RSA 317-A:8-a that become effective on July 1, 2019.**

**Den 301.02 describes the application for licensure to practice dentistry in the State of NH and the documents to accompany that form and is being readopted with amendment. The existing rule indicates that the form must be filed with the Board and is being updated to have the form filed with the Office of Professional Licensure and Certification and retains the emergency rules that allow for dental hygienists and dentists to continue to utilize the manikin examination. In addition, the requirement to submit documents to obtain a federal and State of NH criminal background check is being added in accordance with RSA 317-A:8-a that become effective on July 1, 2019.**

**Den 301.06 describes the license activation of a dentist or dental hygienist with an inactive license and is being readopted with amendment to add the requirement that documents be submitted to obtain a federal and State of NH criminal background check in accordance with RSA 317-A:8-a that become effective on July 1, 2019.**

**Den 301.08 describes the fees of the Board and is being readopted with amendment to remove fees currently established in an interim rule by the Executive Director of the Office of Professional Licensure and Certification, in Plc 1000.**

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**Den 301.12 describes reinstatement of lapsed licenses for dentists and dental hygienists and is being readopted with amendment to add the requirement that documents be submitted to obtain a federal and State of NH criminal background check in accordance with RSA 317-A:8-a that become effective on July 1, 2019.**

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

**Those individuals affected by the adoption of these rules are dentists and dental hygienists applying for initial licensure, reactivation of a license, and reinstatement of a lapsed license.**

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

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Den 301.01	RSA 317-A:12, III; RSA 541-A:16, I(b) intro.
Den 301.01(k)	RSA 317-A:12, III, and IV
Den 301.01(i)	RSA 317-A:12, III and IV
Den 301.02	RSA 317-A:12, III; RSA 541-A:16, I(b) intro.
Den 301.02(h)(1)	RSA 317-A:12, III and IV
Den 301.02(o)	RSA 318-B:33, II
Den 301.06	RSA 317-A:12, III; RSA 317-A:12, XIV; RSA 317-A:16
Den 301.08	RSA 317-A:12, III; RSA 317-A:12, XIV; RSA 541-A:16, I(b) intro.
Den 301.12	RSA 317-A:15-a

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

Name: **Tina M. Kelley**

Title: **Program Specialist IV**

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

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

Fax#: **(603) 271-0597**

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

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

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8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **February 7, 2022 at the conclusion of the public hearing**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, February 7, 2022 at 3:30 p.m.**

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

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

FIS # 21:126, dated 12-14-2021

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

When compared to the existing rules, the proposed rules will increase costs to certain citizens and increase revenue to the State.

**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 amendment to the rules adds the requirement for dentists and dental hygienists to obtain a federal bureau of investigation and state criminal background check for initial and reinstatement licensure. The cost to obtain an FBI and State background check is determined by the NH State Police. Currently the NH State Police charge \$48.25 to obtain both the FBI and State background checks. To the extent costs are incurred, such costs would be mandated by rule. It is undeterminable how many applicants for licensure will be submitted to OPLC.

The rule will also update the rule to current statutory practices, remove the acceptance of cash as a form of payment, and to remove fees that the Office of Professional Licensure has adopted through interim rules, Plc 1001.

The removal of various fees is based on OPLC adopting interim rules addressing these fees, see Plc 1001.

**A. To State general or State special funds:**

The State criminal records fund would have a revenue increase due to the new requirement for background checks. Any savings or benefit from the removal of various fees in this rule is attributable to PLC 1001. There will be no impact on the State general fund.

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**B. To State citizens and political subdivisions:**

State citizens who are dentist or dental hygienists would have an increase cost due to the new requirement to obtain a federal bureau of investigation and state criminal background check for initial and reinstatement licensure. There would be no fiscal impact on political subdivisions.

**C. To independently owned businesses:**

Independent businesses that cover their employees' background checks may incur additional indeterminable administrative expense for these employees.

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 or responsibility to any political subdivision in any way.**