

AUG 11 2020

APPENDIX II-K

ADOPTED RULE
DOCUMENT # <u>13251</u>
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EXPIRES <u>2-7-22</u>

COVER SHEET FOR EMERGENCY RULE

Document Number 13251

Rule Number Den 304.05

1. Agency Name & Address: Board of Dental Examiners The Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301	2. RSA Authority: <u>RSA 317-A:12, XII-a</u>
	3. Federal Authority: _____
	4. Type of Action: Adoption _____ Amendment <u>X</u> Repeal _____
5. Date of Filing: <u>August 11, 2021</u>	

6. Short Title: Manner of Payment of Anesthesia/Sedation Inspection Fee

7. Contact person for copies and questions:

Name: <u>Jessica M. Whelehan</u>	Title: <u>Board Administrator</u>
Address: <u>Office of Professional Licensure and Certification 7 Eagle Square, Concord, NH 03301</u>	Phone #: <u>603-271-2855</u>
	Fax#: _____
	E-mail: <u>Jessica.m.whelehan@oplc.nh.gov</u>

****PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.

9. A summary of the effect if the rule were not adopted.

10. A description of those affected.

***PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET** and all attachments along with 2 copies of the emergency rule to the Office of Legislative Services, Administrative Rules.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an emergency rule is necessary.

Date: 11th Aug 2021

Signature: [Signature]

Name: DR. PUNEET KOCHHAR

Title: PRESIDENT, NH BOARD OF DENTAL EXAMINERS

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.

Den 304.05 establishes the general anesthesia, deep sedation, and moderate sedation permit applications procedures and evaluations.

The existing rules requires that “[t]hird party fees shall be paid directly to the third party at the time of the facility inspection or comprehensive evaluation.” In order to ensure fair and efficient administration, the collection and processing of fees would be more appropriately handled in advance and separate to the inspection and evaluation by the Office of Professional Licensure and Certification, which is ready and able to assume this responsibility.

Without the enactment of this emergency rule, there is a threat of both substantial fiscal harm to applicants due to inconsistent fees, and imminent peril to public health and safety due to the inability to complete the comprehensive evaluations and facility inspections.

The NH Board of Dental Examiners, at their August 9, 2021, voted unanimously to approve an Emergency Rule to transfer responsibility for the administration of these fees to the Office of Professional Licensure and Certification.

9. A summary of the effect if the rule were not adopted.

If this rule were not adopted, fees would continue to be collected by the inspector at the time of the inspection, which can lead to inconsistent practice and an appearance of potential impropriety.

10. A description of those affected.

This rule affects business owners, dentists, and members of the public who would be delayed in or unable to secure services.

Doc. # 13251 (app. 8-11-21)
Emergency Rule Expires: 2-7-22

Emergency Rule 8/9/2021

CHAPTER Den 300 LICENSING REQUIREMENTS

PART Den 304 USE OF GENERAL ANESTHESIA AND SEDATION BY DENTISTS

Amend Den 304.05(f), effective 12-6-17 (Document #12428), cited and to read as follows:

Den 304.05 General Anesthesia, Deep Sedation and Moderate Sedation, and Moderate Sedation Only Permit Application Procedures and Evaluations.

- (f) The following requirements for inspection or evaluation fees shall apply:
- (1) Fees for inspections and evaluations shall be borne by the dentist examined;
 - (2) If the facility inspection or comprehensive evaluation cannot be completed because the dentist is unprepared, the full fee shall remain owed;
 - (3) ~~Third party fees shall be paid directly to the third party at the time of the facility inspection or comprehensive evaluation~~ Office of Professional Licensure and Certification at the time of scheduling of the facility inspection or comprehensive evaluation;
 - (4) Payment of all required fees shall be noted on the inspection or evaluation report for the evaluation to be satisfactory;
 - (5) Following an unsatisfactory facility inspection or comprehensive evaluation, a second inspection or evaluation shall require a second full fee; and
 - (6) The board shall take action for failure to pay required inspection and evaluation fees, pursuant to Den 304.05(f).

APPENDIX

RULE	STATE OR FEDERAL STATUTE THE RULE IMPLEMENTS
Den 304.05(f)	RSA 317-A:9, RSA 541-A:18