

ADOPTED RULE
Document# 13260
Filed: 9/10/21
Effective: 9/10/21
Expires: 3/9/22

COVER SHEET FOR EMERGENCY RULE

Document Number 13260

Rule Number Plc 1002.10

1. Agency Name & Address:
Office of Professional Licensure and Certification
7 Eagle Square
Concord, NH 03301

2. RSA Authority: RSA 310-A:1-d, (h)(1)
3. Federal Authority: _____
4. Type of Action:
Adoption X
Amendment _____
Repeal _____

5. Date of Filing: September 10, 2021

6. Short Title: Anesthesia/Sedation Inspection Fees for Dentists

7. Contact person for copies and questions:

Name: **Gretchen Hamel**
Address: **OPLC**
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Concord, NH 03301

Title: **Program Specialist IV**
Phone #: **Please contact via email:**
Gretchen.R.Hamel1@oplcnh.gov

****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: 9/10/21

Signature: 

Name: Lindsey B. Courtney

Title: Executive Director

*("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.)

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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 301.08 currently establishes fees for the NH Board of Dental Examiners. The fees required for dentists seeking to administer anesthesia and sedation are not specified in this schedule. The fees required for the comprehensive evaluation and facility inspection thus need to be adopted to standardize the fees and to provide notice to applicants, as well as being set at an adequate level to ensure fair compensation for, and recruitment/retention of, inspectors.

The Board's authority to adopt rules to establish fees was repealed by 2021, 197:43, effective July 1, 2021. The Executive Director of the OPLC has authority to adopt fees under RSA 310-A:1-d, II(h)(1).

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

The Executive Director has been advised by the AGO to adopt an emergency rule to set standardized fees for anesthesia and sedation inspections.

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

If this rule were not adopted, inspection fees could not be lawfully charged, so inspections would not be conducted, thereby creating a lack of licensed anesthesia and service providers.

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.

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Emergency Rule 09-10-21 1

Adopt Plc 1002.10 to read as follows:

Plc 1002.10 Inspection Fees for General Anesthesia and Sedation Permits. The following inspection fees shall apply to professions regulated by the board of dental examiners under RSA 317-A:

Table 1002.10 Inspection Fees for General Anesthesia, Sedation Permits

Category	Fee
General anesthesia, deep sedation, and moderate sedation	
Comprehensive evaluation under Den 304.05	\$750
Site visit under Den 304.05	\$300

APPENDIX

Rule	State Statute Implemented
Plc 1002.10	RSA 310-A:1-e