
DIGEST

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HB 363 Engrossed

2020 Regular Session

Duplessis

Abstract: Provides for the licensure of retired dental hygienists who provide volunteer dental services.

Proposed law permits the La. State Board of Dentistry (LSBD) to issue a retired volunteer dental hygienist license to an applicant whose practice consists of voluntary care, as defined by LSBD rule. Further provides that the applicant who wishes to practice dental hygiene shall submit an application to the board with a notarized statement that they shall not accept any form of remuneration directly or indirectly for providing dental hygiene services.

Proposed law requires the applicant to:

- (1) Maintain, for at least 10 years prior to retirement, full licensure in good standing in La. without disciplinary action.
- (2) Have held an active status dental hygiene license in good standing in La. within one year prior to the date of application for a retired volunteer's license; however, the board may waive the one year requirement.
- (3) Be of good moral character, and affirm that the applicant has no felony convictions, or other criminal convictions that would affect the applicant's ability to render competent care.

Proposed law provides limitation of liability to any dental hygienist holding a retired volunteer license to practice dental hygiene who in good faith gratuitously renders health care to a patient unless the damages were caused by the gross negligence or willful or wanton misconduct of the dental hygienist. Further exempts from the limitation of liability a dental hygienist holding a retired volunteer license who treats a patient in a private clinic where payment by the patient is expected and the patient or the patient's private insurer pays the clinic or the clinic owner for the treatment, even if the dental hygienist holding the volunteer license is providing the treatment without being remunerated.

Proposed law provides that the facility or licensed retired volunteer dental hygienist shall make the patient receiving dental hygiene services aware of such limitation of liability by written notice.

Proposed law requires all documentation and certification, including any plan to reestablish competency, be submitted to the board for review.

Proposed law requires the LSBD to deny issuance of a retired volunteer license to a person who is not qualified under proposed law to hold a retired volunteer license.

Proposed law provides that if the holder of a retired volunteer dental license who practices dental hygiene other than as authorized in proposed law shall be guilty of a felony with each day's violation constituting a separate offense which may result in a suspension or revocation of the volunteer license after notice to the licensee.

Proposed law provides that a retired volunteer dental hygiene licensee may apply to the board for a return to active licensure status by filing an application in the form and manner prescribed by the board and meeting all requirements of present law and proposed law. Licensees who desire to change a retired volunteer license to an active license and who have not practiced at least one year immediately preceding application for an active license shall document and certify to the board how they have maintained their professional ability, skills, and knowledge.

Proposed law requires the retired volunteer status of a licensee be plainly indicated on the face of any retired volunteer license pursuant to proposed law.

Proposed law provides that a retired volunteer dental hygienist who does not practice more than 250 hours in a calendar year shall not be required to comply with LSBD continuing education requirements. Further provides that a retired volunteer dental hygienist shall maintain his CPR training.

Proposed law permits the board to charge an administrative fee for issuing a retired volunteer license pursuant to proposed law which shall be \$35. However, a dental hygienist who possesses an active La. license and who desires to convert the active license to a volunteer license shall not have to pay an administrative fee for such change.

Proposed law provides that a retired volunteer license shall be valid for a period of two years and shall expire according to proposed law.

(Adds R.S. 37:764.1 and 795(B)(1)(o))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Deletes the previous requirement for a retired volunteer dental hygienist to maintain compliance with LSBD continuing education requirements and CPR training.
2. Exempts a retired volunteer dental hygienist who does not practice more than 250 hours in a calendar from maintaining continuing education requirements, but requires a retired volunteer dental hygienist to maintain his CPR training.