2017 Regular Session

HOUSE BILL NO. 210

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## BY REPRESENTATIVE COUSSAN

2	To amend and reenact R.S. 37:761.1(A), (D), (F), and (H) and to enact R.S. 37:761.1(L),
3	relative to retired volunteer dentists; to authorize the licensure of retired dentists who
4	provide voluntary dental services; to provide for a limitation of liability for retired
5	volunteer dentists and an exception to the limitation of liability; to repeal minimum
6	work requirements; to provide for a return to active licensure status; and to provide
7	for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 37:761.1(A), (D), (F), and (H) are hereby amended and reenacted and
10	R.S. 37:761.1(L) is hereby enacted to read as follows:
11	§761.1. Retired volunteer dental license; issuance; applicant's requirements;
12	validity; limitation of liability; denial; violations; status change; continuing
13	dental education
14	A. The board may issue a retired volunteer dental license to an applicant to
15	practice dentistry in a community health care clinic as defined in R.S.
16	9:2799.5(D)(1). if the dentist's practice consists only of voluntary care, as defined by
17	board rule. Holders of a retired volunteer dental license shall submit with the
18	application to the board a notarized statement that they shall not accept any form of
19	remuneration directly or indirectly for providing dental services. Any application
20	for licensure under pursuant to this Section shall be in the form and manner
21	designated by the board. The provisions of R.S. 9:2799.5 shall apply to all licenses
22	issued under this Section.
23	* * *

AN ACT

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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D.(1) A retired volunteer license shall be valid for a period of one year and

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2	shall expire annually on June thirtieth. No dentist holding a retired volunteer license
3	to practice dentistry who in good faith gratuitously renders health care to a patient
4	shall be liable for any civil damages as a result of any act or omission in rendering
5	the care or services or as a result of any act or failure to act to provide or arrange for
6	further medical or dental treatment or care to any person receiving the services,
7	unless the damages were caused by the gross negligence or willful or wanton
8	misconduct of the dentist.
9	(2) This Subsection shall not apply if the dentist holding a retired volunteer
10	license treats a patient in a private clinic where payment by the patient is expected
11	and the patient or the patient's private insurer pays the clinic or the clinic owner for
12	the treatment, even if the dentist holding the volunteer license is providing the
13	treatment without being remunerated.
14	(3)(a) The provisions of this Subsection shall be applicable only if the person
15	receiving the health care services receives prior notice from the facility where the
16	licensed retired volunteer dentist is providing services of the limitation of liability
17	provided for in this Subsection.
18	(b) Either at the initial screening of a person or at the time health care
19	services are provided, the facility or the licensed retired volunteer dentist providing
20	the services shall inform such person of the limitation of liability by distributing to
21	such person a written notice. Such notice shall also be posted at a prominent place
22	where patients entering the facility will see it. The notice shall read substantially as
23	follows: "NOTICE - If you are injured here because of things we do or fail to do,
24	you do not have the same legal recourse as you would have against other health care
25	providers."
26	(c) The posted notice shall be printed in type size sufficient to be easily read
27	by patients upon entering the facility.
28	(d) Failure to follow notice procedures as provided in this Subsection shall
29	negate the limitation of liability.
30	* * *

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F. The board shall deny issuance of a retired volunteer dental license to a person who is not qualified under pursuant to this Section to hold a retired volunteer dental license. The holder of the retired volunteer dental license shall practice a minimum, on average, eight hours per month. If the community health care clinic at which a retired volunteer dentist seeks to practice permanently ceases operation, the license issued under this Section shall be automatically revoked unless the licensee begins practicing in another community health care clinic for the required minimum number of hours per month within ninety days.

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H. Any person licensed under pursuant to this Section 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 this Chapter. Licensees who desire to change a retired volunteer license to an active license and who have not practiced at least one year out of the five years within the 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 and shall be subject, at the board's discretion, to the provisions of LAC 46:XXXIII.124.

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L. A retired volunteer license shall be valid for a period of two years and shall expire as provided by law.

SPEAKER OF THE HOUSE OF REPRESENTATIVES
PRESIDENT OF THE SENATE
TRESIDENT OF THE SERVICE

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: