

2017 Regular Session

HOUSE BILL NO. 210

BY REPRESENTATIVE COUSSAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DENTISTRY/DENTISTS: Provides for the licensure of retired volunteer dentists

1 AN ACT

2 To amend and reenact R.S. 37:761.1(A), (D), (F), and (H), relative to retired volunteer
3 dentists; to authorize the licensure of retired dentists who provide voluntary dental
4 services; to provide for a limitation of liability for retired volunteer dentists and an
5 exception to the limitation of liability; to repeal minimum work requirements; to
6 provide for a return to active licensure status; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:761.1(A), (D), (F), and (H) are hereby amended and reenacted to
9 read as follows:

10 §761.1. Retired volunteer dental license; issuance; applicant's requirements;
11 ~~validity~~; limitation of liability; denial; violations; status change; continuing
12 dental education

13 A. The board may issue a retired volunteer dental license to an applicant to
14 practice dentistry ~~in a community health care clinic as defined in R.S.~~
15 ~~9:2799.5(D)(1)~~; if the dentist's practice consists only of voluntary care, as defined by
16 board rule. Holders of a retired volunteer dental license shall submit with the
17 application to the board a notarized statement that they shall not accept any form of
18 remuneration directly or indirectly for providing dental services. Any application
19 for licensure ~~under~~ pursuant to this Section shall be in the form and manner

1 designated by the board. ~~The provisions of R.S. 9:2799.5 shall apply to all licenses~~
2 ~~issued under this Section.~~

3 * * *

4 D.(1) ~~A retired volunteer license shall be valid for a period of one year and~~
5 ~~shall expire annually on June thirtieth.~~ No dentist holding a retired volunteer license
6 to practice dentistry who in good faith gratuitously renders health care to a patient
7 shall be liable for any civil damages as a result of any act or omission in rendering
8 the care or services or as a result of any act or failure to act to provide or arrange for
9 further medical or dental treatment or care to any person receiving the services,
10 unless the damages were caused by the gross negligence or willful or wanton
11 misconduct of the dentist.

12 (2) This Subsection shall not apply if the dentist holding a retired volunteer
13 license treats a patient in a private clinic where payment by the patient is expected
14 and the patient or the patient's private insurer pays the clinic or the clinic owner for
15 the treatment, even if the dentist holding the volunteer license is providing the
16 treatment without being remunerated.

17 * * *

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

26 * * *

27 H. Any person licensed ~~under~~ pursuant to this Section may apply to the
28 board for a return to active licensure status by filing an application in the form and
29 manner prescribed by the board and meeting all requirements of this Chapter.

1 Licensees who desire to change a retired volunteer license to an active license and
 2 who have not practiced ~~at least one year out of the five years~~ within the year
 3 immediately preceding application for an active license shall document and certify
 4 to the board how they have maintained their professional ability, skills, and
 5 knowledge and shall be subject, at the board's discretion, to the provisions of LAC
 6 46:XXXIII.124.

7 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 210 Original 2017 Regular Session Coussan

Abstract: Provides for the licensure of retired dentists who provide voluntary dental services.

Present law authorizes the La. State Board of Dentistry (LSBD) to issue a retired volunteer dental license to an applicant to practice dentistry in a community healthcare clinic.

Proposed law expands eligibility for the license to any applicant if the dentist's practice consists only of voluntary care, as defined by LSBD rule.

Present law provides that the provisions of present law relative to a limitation of liability for gratuitous service by a healthcare provider in a community healthcare clinic or community pharmacy applies to an individual practicing pursuant to a retired volunteer dentist license issued by the LSBD.

Proposed law repeals present law and extends the limitation of liability to any dentist holding a retired volunteer license to practice dentistry 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 dentist. Further exempts from the limitation of liability a dentist 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 dentist holding the volunteer license is providing the treatment without being remunerated.

Present law requires the holder of the retired volunteer dental license to practice a minimum, on average, of eight hours per month. Further requires the license to be automatically revoked if the community healthcare clinic at which the retired volunteer dentist seeks to practice permanently ceases operation unless the licensee begins practicing in another community healthcare clinic for the required minimum number of hours per month within 90 days.

Proposed law repeals present law.

Present law authorizes any person licensed as a retired volunteer dentist to apply for a return to active licensure status. Further requires licensees who have not practiced at least one year out of the five years immediately preceding the application for an active license to document

and certify to the LSBDB how they have maintained their professional ability, skills, and knowledge.

Proposed law retains present law but changes the time period for practice to one year immediately preceding the application for an active license.

(Amends R.S. 37:761.1(A), (D), (F), and (H))