

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 210

2017 Regular Session

Coussan

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

Synopsis of Senate Amendments

1. Provides that a retired volunteer dentist license is valid for two years.
2. Requires notice of limited liability be given to persons receiving dental care from licensed retired volunteer dentists.
3. Establishes the domicile of the LSBDD in New Orleans.
4. Establishes venue for appeals of decisions by the LSBDD as the parish in which the appellant is domiciled.
5. Adds two consumer members to the LSBDD.
6. Requires a performance audit to be conducted by the legislative auditor no later than Feb. 1, 2018.
7. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Present law establishes the La. State Board of Dentistry (LSBD) and provides for board membership.

Proposed law retains present law and adds two additional consumer members comprising one certified public accountant and one member of the public. Further provides for the qualifications and duties of the two consumer members.

Present law requires each board member to be actively engaged in the practice of dentistry or the practice of dental hygiene at the time of appointment.

Proposed law retains present law but provides an exception for the two consumer members.

Present law establishes the domicile of the LSBDD as the city of New Orleans. Further provides, as of Jan. 1, 2018, the domicile will be the parish of East Baton Rouge.

Proposed law maintains the domicile as the city of New Orleans.

Present law authorizes the LSBDD to issue a retired volunteer dental license to an applicant to practice dentistry in a community healthcare clinic. Further provides that the license is valid for a period of one year and expires annually on June thirtieth.

Proposed law extends the period of validity to two years and set the expiration date as provided in law.

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

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.

Proposed law provides that the limited liability shall be applicable only if the person receiving the healthcare services is given notice of the limitation of liability.

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 LSBDD 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.

Present law provides that judicial review of a decision of the board shall be in the civil district court for the parish of Orleans. Further provides, as of Jan. 1, 2018, venue will be in the 19th Judicial District in the parish of East Baton Rouge.

Proposed law changes the venue to the district court for the parish in which the appellant is domiciled.

Proposed law requires a performance audit to be conducted by the legislative auditor and submitted to the legislature no later than Feb. 1, 2018.

(Amends R.S. 37:753(B), (C)(4), (I), and (J), 761.1(A), (D), (F), and (H), and 786(A)(1) and (C); Adds R.S. 37:753(C)(5) and (K) and 761.1(L); Repeals R.S. 37:753(I) and 786(A)(1) and (C) as amended by Act No. 866 of the 2014 R. S.)