

ACT No. 407

2017 Regular Session

HOUSE BILL NO. 210

BY REPRESENTATIVE COUSSAN

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

* * *

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

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

9 * * *

10 H. Any person licensed ~~under~~ pursuant to this Section may apply to the
 11 board for a return to active licensure status by filing an application in the form and
 12 manner prescribed by the board and meeting all requirements of this Chapter.
 13 Licensees who desire to change a retired volunteer license to an active license and
 14 who have not practiced ~~at least one year out of the five years~~ within the year
 15 immediately preceding application for an active license shall document and certify
 16 to the board how they have maintained their professional ability, skills, and
 17 knowledge and shall be subject, at the board's discretion, to the provisions of LAC
 18 46:XXXIII.124.

19 * * *

20 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

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____