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COMMITTEE REPORT

May 25, 2016

**S. 1036**

Introduced by Senator Cleary

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Read the first time February 25, 2016.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 1036) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑15‑176 so as to provide the State Board of Dentistry may issue restricted dental, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund or federal funds. This bill would increase other fund expenditures by the Department of Labor, Licensing and Regulation’s State Board of Dentistry; however, new other fund license fees authorized by this bill would be used to offset those expenditures. The increase in other fund expenditures will depend upon the fee amounts set by regulation and is therefore undetermined.

This bill authorizes a new category of restricted dental auxiliary instructor’s license and authorizes fees to be set by regulation. This bill would increase other fund revenues collected and retained by the Department of Labor, Licensing and Regulation. As the fee has not yet been established or approved, the amount of revenue that would be collected is undetermined at this time.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill adds Section 40-15-176 authorizing the State Board of Dentistry to issue a new restricted dental auxiliary instructor’s license to dentists who meet certain specified criteria and to charge fees set by regulation. The bill provides additional criteria by which a dentist may qualify to receive a restricted dental instructor’s license and authorizes biennial renewal rather than annual renewal of these two instructor’s licenses.

The Department of Labor, Licensing and Regulation reports that this bill would have no expenditure impact on the general fund or federal funds. The expenditure impact on other fund is expected to be minimal and would be offset by the new fees authorized in the bill. The total other fund expenditure increase will depend upon the fee amount to be set by regulation and is therefore undetermined.

**State Reve**n**ue**

This bill adds Section 40-15-176, which authorizes the State Board of Dentistry to issue a restricted dental auxiliary instructor’s license which must be renewed biennially in accordance with the fee schedule established by the Board of Dentistry in regulation. This bill also amends Section 40-15-175, which states that restricted dental instructor’s licenses must be renewed biennially instead of annually.

The State Board of Dentistry does not have sufficient data to determine the number of restricted dental auxiliary instructor’s licenses that may be issued as a result of this bill. Additionally, since this bill creates a new license, the fees have not been set in regulation. Therefore, the revenue impact of Section 40-15-176 is undetermined. Any revenue generated from this new license would be allocated to the State Board of Dentistry.

Based on data from the State Board of Dentistry, there were 16 active dental restricted instructor’s licenses in FY 2014-15. Renewal fees of $4,480 for this license were collected by the State Board of Dentistry in FY 2014-15. Under the proposed bill all licenses in this category will renew biennially with an expiration date of March 1 in odd-numbered years. Therefore, the State Board of Dentistry would experience a decline of $4,480 in revenues in FY 2016-17 and in every odd-numbered fiscal year thereafter. But the shortfall would be reversed in the following even-numbered year.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑15‑176 SO AS TO PROVIDE THE STATE BOARD OF DENTISTRY MAY ISSUE RESTRICTED DENTAL AUXILIARY INSTRUCTORS’ LICENSES TO DENTISTS WHO MEET CERTAIN REQUIREMENTS, TO PROVIDE LICENSED DENTAL AUXILIARY INSTRUCTORS MAY PRACTICE DENTISTRY IN LIMITED CIRCUMSTANCES ASSOCIATED WITH CERTAIN ACCREDITED DENTAL AUXILIARY PROGRAMS OF TECHNICAL COLLEGES, AND TO PROVIDE FOR THE RENEWAL AND REVOCATION OF RESTRICTED DENTAL AUXILIARY LICENSES; AND TO AMEND SECTION 40‑15‑175, RELATING TO RESTRICTED INSTRUCTORS’ LICENSES ISSUED BY THE BOARD, SO AS TO REVISE CRITERIA FOR LICENSURE AND REQUIRE RENEWAL BIENNIALLY INSTEAD OF ANNUALLY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 15, Title 40 of the 1976 Code is amended by adding:

“Section 40‑15‑176. (A) The State Board of Dentistry may issue a restricted dental auxiliary instructor’s license to a dentist who:

(1) holds a valid license in another state;

(2) has not been refused a license or had a license revoked in this State, another state or territory of the United States, or the District of Columbia;

(3) passes an examination on jurisprudence as prescribed by the board; and

(4) is teaching dental medicine in South Carolina full‑time at a Commission on Dental Accreditation (CODA) accredited dental auxiliary program at a technical college in this State.

(B) A dentist with a restricted dental auxiliary instructor’s license is authorized to practice at or on behalf of a CODA‑accredited technical college. The holder of a restricted dental auxiliary instructor’s license may practice general dentistry or in his or her area of specialty, but only in a clinic or office affiliated with a dental auxiliary program of a technical college. A restricted dental auxiliary instructor’s license issued to a faculty member under this section terminates immediately and automatically, without any further action by the board, if the holder ceases to be a faculty member at a dental auxiliary program of a technical college.

(C) A restricted dental auxiliary instructor’s license must be renewed biennially in accordance with procedures and fees as established by the board in regulation.

(D) A dentist holding a restricted dental auxiliary instructor’s license issued pursuant to this section is subject to the provisions of this chapter and regulations promulgated pursuant to this chapter unless otherwise provided for in this section. The board may revoke a restricted dental auxiliary instructor’s license for a violation of this chapter or regulations promulgated pursuant to this chapter or if the holder fails to supply the board, within ten days of its request, with information as to his or her current status and activities in the teaching program.”

SECTION 2. Section 40‑15‑175 of the 1976 Code is amended to read:

“Section 40‑15‑175. (A) The State Board of Dentistry may issue a restricted instructor’s license to a dentist who:

(1) holds a valid license to practice dentistry in another state, country, or territory;

(2) has met or been approved under the credentialing standards of the Medical University of South Carolina College of Dental Medicine or at a board‑recognized, hospital‑based residency program which must be situated in this State and with which the person is to be affiliated;

(3) has successfully completed:

(a) the final two years of a program leading to the doctor of dental surgery degree (D.D.S.) or doctor of dental medicine degree (D.M.D.) at an accredited dental school approved by the board;

(b) at least a two‑year Commission on Dental Accreditation (CODA) approved advanced education program in a dental specialty recognized by the American Dental Association; or

(c) has successfully completed at least a two‑year CODA‑approved advanced education program in general dentistry;

(~~2~~4) has not been refused a license or had a license revoked in this State~~,~~ or another state ~~or territory of the United States, or the District of Columbia~~, country, or territory;

(~~3~~5) passes an examination on jurisprudence as prescribed by the board; and

(~~4~~6) is teaching dental medicine in South Carolina full‑time at the Medical University of South Carolina College of Dental Medicine~~, an American Dental Association accredited dental auxiliary program at a technical college in this State,~~ or at a board‑recognized, ~~hospital based~~ hospital‑based residency program situated in this State.

(B) A dentist with a restricted instructor’s license is authorized to practice at or on behalf of the Medical University of South Carolina College of Dental Medicine~~, an American Dental Association accredited technical college,~~ or at a board‑recognized, ~~hospital based~~ hospital‑based residency program situated in this State. The holder of a restricted instructor’s license may practice general dentistry or in his ~~or her~~ area of specialty, but only in a clinic or office affiliated with the dental school~~, with a dental auxiliary program of a technical college,~~ or with a hospital‑based residency program. A restricted instructor’s license issued to a faculty member under this section terminates immediately and automatically, without any further action by the board, if the holder ceases to be a faculty member at the dental school~~, at a dental auxiliary program of a technical college,~~ or at a board‑recognized, ~~hospital based~~ hospital‑based residency program in this State.

(C) A restricted instructor’s license must be renewed ~~annually~~ biennially in accordance with procedures and fees as established by the board in regulation.

(D) A dentist holding a restricted instructor’s license issued pursuant to this section is subject to the provisions of this chapter and regulations promulgated under this chapter unless otherwise provided for in this section. The board may revoke a restricted instructor’s license for a violation of this chapter or regulations promulgated under this chapter or if the holder fails to supply the board, within ten days of its request, with information as to his or her current status and activities in the teaching program.”

SECTION 3. This act takes effect upon approval by the Governor.

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