

The State Board of Dental Examiners (Board) proposes this new rule 22 TAC §114.8, concerning the retired status of a dental assistant registration. This rule will allow registered dental assistants to apply to the Board to retire their registrations and also to reinstate their retired registrations.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does require an increase in fees paid to the agency by requiring a registered dental assistant to pay a fee for reinstating a retired registration; (5) the proposed rule does create a new regulation in that it requires registered dental assistants to apply to the Board to retire their registrations or to reinstate their retired registrations; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

COST TO REGULATED PERSONS: The Board finds that the provisions of Texas Government Code Section 2001.0045(b) do not apply to the proposal because the estimated costs associated with the proposal are necessary to protect the health, safety, and welfare of the people of Texas, as provided in Section 2001.045(c)(6).

Comments on the proposed amendment may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to [official\\_rules\\_comments@tsbde.texas.gov](mailto:official_rules_comments@tsbde.texas.gov) for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

Legal counsel for the Board has reviewed the proposed rule and has found it to be within the Board's authority to adopt.

<rule>

#### §114.8. Retired Registration Status.

##### (a) Application.

(1) A holder of a valid and current Texas dental assistant registration may apply to the Board to have the registration placed on retired status.

(2) A registered dental assistant must apply to the Board for retired status, on a form prescribed by the Board, before the expiration date of the person's Texas registration.

(3) The Board shall deny a request to place a registration on retired status if there are any current or pending complaints or disciplinary actions against the registered dental assistant.

(b) Reinstatement. The Board may reinstate a retired Texas dental assistant registration to active status, provided the registered dental assistant submits an application for reinstatement on a form prescribed by the Board, pays the appropriate fees due at the time application is made, and meets the requirements of this subsection.

(1) A registered dental assistant who, at the time of application for reinstatement, is practicing as a registered dental assistant in another state, or territory outside of the United States, or had practiced as a registered dental assistant actively within the two years immediately preceding the date of application, shall provide:

(A) verification of registration and disciplinary history from all state board(s) of dentistry where the registered dental assistant has held a registration;

(B) proof of active practice within the two years preceding the application;

(C) proof that the registered dental assistant has taken and passed the Texas jurisprudence assessment administered by the Board or an entity designated by the Board within one year immediately prior to application;

(D) proof of successful completion of a current hands-on course in basic life support;

(E) proof of completion of 6 hours of continuing education, taken within the 12 months preceding the date the application is received by the Board. All hours shall be taken in accordance with the requirements for continuing education as mandated by §114.12 of this chapter (relating to Continuing Education for Certificate Holders); and

(F) proof of submission of fingerprints for the retrieval of criminal history record information.

(2) A registered dental assistant who has not actively practiced for at least two years immediately preceding the request for reinstatement of a retired registration shall provide:

(A) verification of registration and disciplinary history from all state board(s) of dentistry where the registered dental assistant has held a registration;

(B) proof that the registered dental assistant has taken and passed the Texas jurisprudence assessment administered by the Board or an entity designated by the Board within one year immediately prior to application;

(C) proof of successful completion of a current hands-on course in basic life support;

(D) proof of completion of 12 hours of continuing education, of which a minimum of 6 hours must be clinical (hands-on). All hours must have been taken within the 12 months preceding the date the application is received by the Board and shall be taken in accordance with the requirements for continuing education as mandated by §114.12 of this chapter; and

(E) proof of submission of fingerprints for the retrieval of criminal history record information.

(3) A registered dental assistant who applies to reenter active practice must comply with all other applicable provisions of the Dental Practice Act and Board rules.

(4) A registered dental assistant who applies to reenter active practice must have been in compliance or satisfied all conditions of any Board order that may have been in effect at the time retired status was granted.

(5) The Board may, in its discretion as necessary to safeguard public health and safety, require compliance with other reasonable conditions in considering a request to reenter active practice.