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Sequence Number: 04-14-13
Rule ID(s): 5476
File Date: 4/17/13
Effective Date: 7/16/13

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Board of Dentistry
Division:	
Contact Person:	Jennifer L. Putnam, Assistant General Counsel
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0460-01	General Rules
Rule Number	Rule Title
0460-01-.02	Fees

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 0460-01-.02 Fees is amended by deleting subparagraphs (1)(a), (1)(b) and (1)(g) in their entirety and substituting instead the following language, by deleting subparagraph (1)(l) in its entirety, and by inserting a new subparagraph (1)(h) and renumbering the remaining subparagraphs appropriately, so that as amended, the new subparagraphs (1)(a), (1)(b), (1)(g), and (1)(h) shall read:

- | | | |
|-----|--|----------|
| (a) | Licensure Application Fee - Payable each time an application for licensure is filed. This fee also applies to dual degree and criteria (reciprocity) licensure applicants. | \$400.00 |
| (b) | Limited and Educational Limited Licensure Fee - Payable each time an application for a limited or an educational limited license is filed. | \$150.00 |
| (g) | Licensure Renewal Fee – Payable biennially by all licensees excluding Limited, Educational Limited and Inactive Pro Bono licenses. | \$250.00 |
| (h) | Limited and Educational Limited Licensure Renewal Fee - Payable biennially. | \$ 50.00 |

Rule 0460-01-.02 Fees is further amended by deleting subparagraph (2)(e) in its entirety, and substituting instead the following language, and by deleting subparagraph (2)(j) in its entirety, so that as amended, the new subparagraph shall read:

- | | | |
|-----|---|----------|
| (e) | Licensure Renewal Fee - Payable biennially by all licensees, including criteria approved and educational licensees. | \$100.00 |
|-----|---|----------|

Rule 0460-01-.02 Fees is further amended by deleting subparagraph (3)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph shall read:

- | | | |
|-----|---|----------|
| (b) | Registration Renewal Fee – Payable biennially by all registrants. | \$ 50.00 |
|-----|---|----------|

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-5-105, 63-5-107, 63-5-107(c), 63-5-108, 63-5-112, 63-5-114, 63-5-115, 63-5-117, and 63-5-124.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Charles E. Holt, Jr.	X				
James L. Smith	X				
Mary R. Warner	X				
Nadim J. Jubran	X				
John M. Douglass	X				
Mary Ellen Vaughn	X				
Lawrence Hsia	X				
Randall P. Prince	X				
Michael P. Tabor	X				
Betty Lynn Richert	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Dentistry on 01/13/2013, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/07/12

Rulemaking Hearing(s) Conducted on: (add more dates). 01/13/13

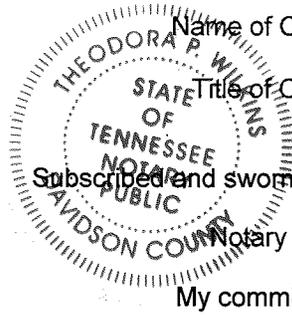
Date: Jennifer L. Putnam

Signature: 3/20/13

Name of Officer: Jennifer L. Putnam

Assistant General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: 3/20/13

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/3/15

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

RECOGNIZ

Robert E. Cooper, Jr.
Attorney General and Reporter

4-5-13
Date

Department of State Use Only

Filed with the Department of State on: 4/17/13

Effective on: 7/16/13

Tre Hargett
Secretary of State

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Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

No written or public comments were submitted at this hearing.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Regulatory Flexibility Act Analysis of Impact on Small Businesses

- (1) The proposed rule amendments do not overlap, duplicate, or conflict with other federal, state, and local governmental rules.
- (2) The language of the proposed rule amendments is clear, concise, and lacks ambiguity.
- (3) The proposed rule amendments do not institute new compliance or reporting requirements for small businesses.
- (4) The rule amendments do not establish schedules or deadlines for compliance and/or reporting requirements for small businesses.
- (5) The rule amendments clarify existing requirements and do not institute new compliance or reporting requirements for small businesses.
- (6) The rule amendments do not establish new performance standards for small businesses and do not establish design or operational standards.
- (7) The proposed rule amendments do not create unnecessary entry barriers or other effects that stifle entrepreneurial activity.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Name of Board, Committee or Council: Tennessee Board of Dentistry

Rulemaking hearing date: January 31, 2013

- 1. Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:**

The proposed rule amendments only affect licensed dentists, dental hygienists and dental assistants. The proposed rules reduce existing fee requirements and, as such, there are no additional costs or direct benefit to any small businesses.

- 2. Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:**

The proposed rules only reduce existing fees and, as such, do not require reporting, recordkeeping or other administrative costs in order to comply with the proposed rule.

- 3. Statement of the probable effect on impacted small businesses and consumers:**

These rules do not impact small businesses or consumers. The rules reduce licensure fee amounts for dentists, dental hygienists and dental assistants applying for licensure.

- 4. Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:**

The Board of Dentistry does not believe there are less burdensome alternatives to the proposed rule amendment. The rules are positive in that they provide a lesser financial burden on applicants and are not burdensome to small businesses.

- 5. Comparison of the proposed rule with any federal or state counterparts:**

Federal: The Board of Dentistry is not aware of any federal entity that regulates the practice of Dentistry.

State: After reviewing the rules for other states in the southeastern region of the United States, it has been determined that other states either have rules that are consistent with the proposed rule amendments or do not address the specific topics covered by the proposed rule amendments.

- 6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.**

An exemption of small businesses is not applicable as the proposed rules only reduce existing fees and, as such, do not impact small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rule amendments are not expected to have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

0460-01-.02 (1) (a) Fees – This rule is amended so that the dental licensure application fee does not apply to limited or educational limited licensure applicants.

0460-01-.02 (1) (b) Fees – This rule is amended so that limited and educational limited licensure applicants are no longer required to pay the licensure application fee, but are required to pay a limited and educational limited licensure fee each time an application for such is filed.

0460-01-.02 (1) (g) Fees – This rule is amended to reduce the licensure renewal fee of all licensees excluding limited, educational limited and inactive pro bono licenses from \$300.00 to \$250.00.

0460-01-.02 (1) (h) Fees – This rule is created to require the licensure renewal fee of limited and educational limited licenses to be \$50.00.

0460-01-.02 (1) (l) Fees – This rule is amended by deleting in its entirety, the requirement of an examination fee in the amount \$875.00.

0460-01-.02 (2) (e) Fees – This rule is amended to reduce the licensure renewal fee of dental hygienists from \$190.00 to 100.00.

0460-01-.02 (2) (j) Fees – This rule is amended by deleting in its entirety, the requirement of an administration of local anesthesia certification fee in the amount \$50.00.

0460-01-.02 (3) (b) Fees – This rule is amended to reduce the registration renewal fee of dental assistants from \$135.00 to 50.00

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Office of General Counsel is unaware of any federal law or regulation or any state law or regulation mandating promulgation of such rule.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Applicants for licensure and current licensees will be directly affected by this rule. Neither the American Dental Association nor the Tennessee Dental Association expressed rejection of the proposed amendments.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no Attorney General opinions or judicial rulings directly related to these rules.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The proposed rule amendments may provide a minimal decrease in state government revenues.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Jennifer L. Putnam, Assistant General Counsel, Tennessee Department of Health and Dea Smith, Director, Board of Dentistry.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Jennifer L. Putnam, Assistant General Counsel, Tennessee Department of Health and Dea Smith, Director, Board of Dentistry.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Jennifer L. Putnam, Assistant General Counsel, Tennessee Department of Health, 220 Athens Way, Suite 210, Nashville, TN 37243, (615)741-1611, jennifer.putnam@tn.gov ; Dea Smith, Director, Board of Dentistry, 227 French Landing, Suite 300, Nashville, Tennessee 37243, (615) 532-5077; dea.smith@tn.gov.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

Jennifer Putnam will supply any additional information requested by the committee.