

BOARDS AND COMMISSIONS
Board of Dentistry
(Amended After Comments)

201 KAR 8:520. Fees and fines.

RELATES TO: KRS 218A.205(3)(e)4., 313.022, 313.030, 313.100(2)(c)

STATUTORY AUTHORITY: KRS 218A.205(3)(e)4., 313.022(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.022(1) requires the board to promulgate administrative regulations to prescribe a reasonable schedule of fees, charges, and fines. This administrative regulation establishes fees, charges, and fines for the issuance, renewal, and reinstatement of licenses, for services and materials provided by the board, for investigations, and for infractions.

Section 1. Dentists. (1) The initial licensure fee for a ~~[general]~~-dental license applied for in the first year of the biennial license period ~~[a nonrenewal year]~~ shall be \$325.

(2) The initial licensure fee for a ~~[general]~~dental license applied for in the second year of the biennial license period ~~[a renewal year]~~ shall be \$175.

(3) The renewal fee for a ~~[general]~~dental license appropriately renewed ~~[on or]~~ before the expiration of the license shall be \$295.

(4) The ~~[renewal]~~reinstatement fee for an expired ~~[a general]~~dental license reinstated ~~[renewed]~~ between January 1 and January 15 of the year following the expiration of the license shall be ~~\$575~~**[280 in addition to the renewal fee]**.

(5) The ~~[renewal]~~reinstatement fee for an expired ~~[a general]~~dental license reinstated ~~[renewed]~~ between January 16 and January 31 of the year following the expiration of the license shall be ~~\$835~~**[560 in addition to the renewal fee]**.

(6) The ~~[renewal]~~reinstatement fee for an expired ~~[a general]~~dental license reinstated ~~[renewed]~~ on or after February 1 of the year following the expiration of the license shall be ~~\$1,1415~~**[1,420 in addition to the renewal fee]**.

(7) The reinstatement fee for a properly retired dental license shall be \$325~~[initial licensure fee and renewal fee for a charitable limited dental license shall be twenty-five (25) dollars]~~.~~[The initial fee for a dental anesthesia or sedation permit shall be \$250.~~

~~(8) The renewal fee for a dental anesthesia or sedation permit shall be seventy-five (75) dollars and is in addition to the renewal fee for a general dental license.~~

~~(9) The initial fee for an anesthesia or sedation facility certificate shall be \$250.~~

~~(10) The renewal fee for an anesthesia or sedation facility certificate shall be seventy-five (75) dollars.~~

~~(8)[(41)] The initial licensure fee for a dental specialty license~~~~[application fee]~~ shall be \$100.

~~(9)[(42)] The renewal fee for a dental specialty license~~ **properly renewed before the expiration of the license** ~~[renewal fee]~~ shall be fifty (50) dollars **[and is]** in addition to the renewal fee for a **standard** ~~[general]~~dental license.

~~(10)[(43)] The reinstatement fee for~~ **an expired** ~~[reinstatement of]~~ a ~~[properly]~~**[retired]** ~~[general]~~dental **specialty** license shall be **fifty (50) dollars in addition to the reinstatement fee for an expired standard dental license** ~~[\$325]~~~~[350]~~.

~~(11)[(44)] The reinstatement fee for~~ ~~[reinstatement of]~~ a **properly** ~~[properly]~~retired dental specialty license shall be fifty (50) dollars **[and is]** in addition to the reinstatement ~~[renewal]~~fee for a **retired** ~~standard~~ ~~[general]~~dental license.

(12) The initial licensure fee and renewal fee for a charitable limited dental license shall be twenty-five (25) dollars.

(13) The initial fee for a dental anesthesia or sedation permit shall be \$250.

(14)~~(13)~~ The renewal fee for a dental anesthesia or sedation permit **properly renewed before the expiration of the permit** shall be seventy-five (75) dollars.

(15) The reinstatement fee for an expired dental anesthesia or sedation permit shall be seventy-five (75) dollars.

Section 2. Dental Hygienists. (1) The initial licensure fee for a dental hygiene license applied for in the first year of the biennial license period ~~[a nonrenewal year]~~ shall be \$125.

(2) The initial licensure fee for a dental hygiene license applied for in the second year of the biennial license period ~~[a renewal year]~~ shall be seventy-five (75) dollars.

(3) The renewal fee for a dental hygiene license appropriately renewed ~~[on or]~~ before the expiration of the license shall be \$110.

(4) The ~~[renewal]~~reinstatement fee for an expired dental hygiene license reinstated ~~[renewed]~~ between January 1 and January 15 of the year following the expiration of the license shall be \$240~~[130 in addition to the renewal fee]~~.

(5) The ~~[renewal]~~reinstatement fee for an expired dental hygiene license reinstated ~~[renewed]~~ between January 16 and January 31 of the year following the expiration of the license shall be \$370~~[260 in addition to the renewal fee]~~.

(6) The ~~[renewal]~~reinstatement fee for an expired dental hygiene license reinstated ~~[renewed]~~ on or after February 1 of the year following the expiration of the license shall be \$630~~[520 in addition to the renewal fee]~~.

(7) The initial licensure fee and renewal fee for a charitable limited dental hygiene license shall be twenty-five (25) dollars.

(8) The initial registration fee to administer local anesthesia ~~[registration fee]~~ shall be fifty (50) dollars.

(9)~~(8)~~ The initial registration fee to practice under [dental hygiene]-general supervision ~~[registration fee]~~ shall be fifty (50) dollars.

(10)~~(9)~~ The initial registration fee to administer an [dental hygiene] intravenous access line ~~[registration fee]~~ shall be fifty (50) dollars.

(11)~~(10)~~ The initial registration fee to perform [dental hygiene] laser debridement ~~[registration fee]~~ shall be fifty (50) dollars.

(12)~~(11)~~ The initial registration fee to be a public health registered dental hygienist shall be fifty (50) dollars.

(13) The reinstatement fee for ~~[reinstatement of] a [properly]~~ **properly** retired dental hygiene license shall be \$125.

Section 3. Anesthesia and Sedation Facilities. (1) The initial certification fee for an anesthesia or sedation facility shall be \$250.

(2) The renewal fee for an anesthesia or sedation facility certificate shall be seventy-five (75) dollars.

(3) The reinstatement fee for an expired anesthesia or sedation facility certificate reinstated between January 1 and January 15 of the year following the expiration of the certificate shall be \$125~~[50 in addition to the renewal fee]~~.

(4) The reinstatement fee for an expired anesthesia or sedation facility certificate reinstated between January 16 and January 31 of the year following the expiration of the certificate shall be \$175~~[100 in addition to the renewal fee]~~.

(5) The reinstatement fee for an expired anesthesia or sedation facility certificate reinstated on or after February 1 of the year following the expiration of the certificate shall be \$225~~[150 in addition to the renewal fee]~~.

Section 4. Dental Laboratories. (1) The initial registration fee for a commercial dental laboratory shall be \$150.

(2) The renewal fee for a dental laboratory registration appropriately renewed on or before the expiration of the registration shall be \$150.

(3) The reinstatement fee for an expired dental laboratory registration reinstated between August 1 and August 15 following the expiration of the certificate shall be \$250~~100 in addition to the renewal fee~~.

(4) The reinstatement fee for an expired dental laboratory registration reinstated between August 16 and August 31 following the expiration of the certificate shall be \$300~~150 in addition to the renewal fee~~.

(5) The reinstatement fee for an expired dental laboratory registration reinstated on or after September 1 following the expiration of the certificate shall be \$350~~200 in addition to the renewal fee~~.

Section 5. General Fees. (1) The fee for the verification of a license shall be forty (40) dollars.

(2) ~~The fee for a duplicate license shall be twenty-five (25) dollars.~~

~~(3)~~ The fee for a contact list for either currently licensed dentists, currently licensed dental hygienists, or currently registered dental assistants shall be:

(a) \$100 for lists obtained for not-for-profit use; and

(b) \$1,000 for lists obtained for profit use.

~~(3)~~~~(4)~~ ~~The fee for a query of the National Practitioner Data Bank shall be twenty-five (25) dollars.~~

~~(5)~~ The fee for any returned check or rejected electronic payment shall be ~~twenty-five (25) dollars~~ equal to the fee charged to the board by the bank.

Section 6.~~[Section 4.]~~ General Fines. (1) **The payment of reinstatement fees shall not be construed to exempt licensees and other entities regulated by the board from additional penalties associated with practicing or operating without an appropriate license, permit, or registration.**

(2) Fines shall be determined [may be agreed to] by settlement or agreed order [agreement or as listed in this section.] as negotiated by the Law Enforcement Committee or as issued by a hearing panel in accordance with KRS 313.100.

~~(2) The costs of a disciplinary action taken as a result of a hearing shall be equal to the amount of all actual and necessary costs associated with the hearing.~~

~~(3) If a licensee is found to be deficient on hours following a continuing education audit, the fine shall be \$200 per hour deficient not to exceed \$5,000.~~

~~(4) The fine for failure of a follow-up infection control inspection shall be \$500.~~

~~(5) The fine for failure of a follow-up anesthesia or sedation facility inspection, performed no sooner than thirty (30) days following an initial failed inspection, shall be \$1,500.~~

Section 7.~~[Section 5.]~~ All fines and fees paid to the board shall be nonrefundable.

JEFF ALLEN, Executive Director

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeff Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation sets amounts for the various fees and fines issued by the board.

(b) The necessity of this administrative regulation: KRS 313.022(1) requires the board to promulgate administrative regulations regarding fees and fines.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes a schedule of reasonable fees, fines, and other charges that do not exceed the national average of other state dental boards, as required by statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes standardized fees and fines in conformity with its authorizing statute.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment provides language to clarify fee structures and categories.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary in order to minimize confusion about fee structures and improve conformity with KRS 313.030(4).

(c) How the amendment conforms to the content of the authorizing statutes: This amendment updates and clarifies the schedule of fees and fines in conformity with its authorizing statute.

(d) How the amendment will assist in the effective administration of the statutes: The amendment ensures that the schedule of fees and fines issued by the board is clear, appropriate, and uniformly applied in compliance with applicable law.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will primarily affect the approximately six thousand dentists and dental hygienists licensed in Kentucky, as well as future applicants for such licenses. Dental labs doing business in Kentucky will also be affected.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it an amendment, including:

(a) List the actions that each of the related entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation will continue to require that entities pay all applicable fee(s). The vast majority of entities will experience no changes as a result of the amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The costs for most entities will be unchanged as a result of this amendment. Exceptions include the establishment of a \$25 limited license fee for out of state providers performing charitable work in Kentucky as well as various penalties for the late renewal of sedation facilities and dental labs, which range from \$50 to \$200. Also, licensees who pay fines associated with settlement agreements or administrative hearings will

no longer need to conform to a mandatory fine schedule. Instead, these punitive costs will be determined on a case-by-case basis.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All entities will benefit from the transparency and detail this amendment adds to the existing administrative regulation, thereby reducing non-compliance and associated costs.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No added costs are anticipated as a result of the amendment.

(b) On a continuing basis: Added costs as a result of this amendment are anticipated to be negligible or nonexistent.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? Licensure fees will fund implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The new fee categories will generate minimal revenue but should still cover the negligible expenses associated with implementation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Yes, this administrative regulation is specifically intended to provide a fee schedule in accordance with its authorizing statute.

(9) TIERING: Is tiering applied? No, this amendment impacts all similarly situated practitioners equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? None.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 313.022.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not expected to alter the revenue generated by the existing administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not expected to alter the revenue generated by the existing administrative regulation.

(c) How much will it cost to administer this program for the first year? This amendment is not expected to alter the costs associated with the existing administrative regulation.

(d) How much will it cost to administer this program for subsequent years? This amendment is not expected to alter the costs associated with the existing administrative regulation.

Note: If specific dollar amounts cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None expected. Any increase in revenue from fees should be negligible and will likely be offset by a decrease in revenue from fines as a result of improved compliance.

Expenditures (+/-): None expected.

Other explanation: Not applicable.