



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Full Board

FROM: Frank Muñoz

SUBJECT: Proposed Amendment to the Regulations of the Commissioner of Education Relating to Continuing Education Requirements for Dentists and the Registration of Dental Residents

DATE: April 6, 2010

STRATEGIC GOAL: Goal 3

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Regents amend sections 61.15 and 61.18 of the Regulations of the Commissioner of Education, relating to mandatory continuing education in ethics and jurisprudence for dentists and the registration of dental residents?

Reason(s) for Consideration

Required by State statute.

Proposed Handling

The proposed amendment is before the Professional Practice Committee for permanent adoption at the April 2010 Regents meeting. A second emergency adoption is also necessary at the meeting to ensure that the emergency rule adopted at the January 2010 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule. A Statement of Facts and Circumstances Which Necessitate Emergency Action is attached.

Procedural History

At the January 2010 meeting, the Board of Regents adopted the proposed amendment as an emergency measure in order to implement the provisions of Chapter 436 of the Laws of 2009. A Notice of Proposed Rule Making was published in the State

Register on January 6, 2010. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

The purpose of the proposed amendment is to timely implement Chapter 436 of the Laws of 2009, which takes effect on January 1, 2010.

Existing regulations require all dentists to complete on a one-time basis, as part of the mandatory hours of acceptable formal continuing education, no fewer than three hours in a course approved by the department in dental jurisprudence and ethics. The proposed amendment authorizes a postgraduate student enrolled in an approved dental residency program to satisfy this requirement by taking an approved dental jurisprudence and ethics course during the period of their dental residency to implement the provisions of Chapter 436 of the Laws of 2009.

With regard to the registration of dental residents, Chapter 436 of the Laws of 2009 eliminates the need for a student in an approved dental residency program to obtain a limited permit in order to practice dentistry in connection with the residency program. Rather, the law requires dental residents to register with the department within 60 days from their entry into an approved residency program and to pay a residency registration fee established by the department, not to exceed the limited permit fee. The proposed amendment implements these changes.

Recommendation

VOTED: That subparagraph (v) of paragraph (1) of subdivision (c) of section 61.15 of the Regulations of the Commissioner of Education be amended; and that subdivision (d) of section 61.18 of the Regulations of the Commissioner of Education be added, as submitted, effective April 24, 2010, as an emergency action upon a finding by the Board of Regents that such action is necessary to ensure that the emergency rule adopted at the January 2010 Regents meeting, remains continuously in effect until the effective date of its adoption as a permanent rule to avoid disruption of the implementation of Chapter 436 of the Laws of 2009.

VOTED: That subparagraph (v) of paragraph (1) of subdivision (c) of section 61.15 of the Regulations of the Commissioner of Education be amended; and that subdivision (d) of section 61.18 of the Regulations of the Commissioner of Education be added, as submitted, effective May 12, 2010.

Timetable for Implementation

If adopted at the April 2010 Regents meeting as an emergency measure, the second emergency adoption will become effective on April 24, 2010. If confirmed at the April 2010 Regents meeting, the effective date of the permanent rule will be May 12, 2010.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6604-a, and 6605 of the Education Law.

1. Subparagraph (v) of paragraph (1) of subdivision (c) of section 61.15 of the Regulations of the Commissioner of Education is amended, effective May 12, 2010, as follows:

(v) [During] No later than the end of the first registration period for a licensed dentist beginning on or after January 1, 2008 in which completion of acceptable formal continuing education is required, a licensed dentist shall be required to have completed on a one-time basis, as part of the mandatory hours of acceptable continuing education required in this paragraph, no fewer than three hours in a course approved by the department in dental jurisprudence and ethics, which shall include the laws, rules, regulations and ethical principles relating to the practice of dentistry in New York State.

(a) . . .

(b) . . .

(c) . . .

(d) A postgraduate dental student enrolled in a New York state dental residency program in accordance with section 61.18 of this Part may satisfy the requirements of this subparagraph by taking an approved dental jurisprudence and ethics course during the period of his or her dental residency prior to initial licensure.

2. Section 61.18 of the Regulations of the Commissioner of Education is amended, effective May 12, 2010, by the addition of a new subdivision (d) to read as follows:

(d) In accordance with subdivision (5) of section 6605 of the Education Law, not later than 60 days after entry into an acceptable residency program, and annually

thereafter for the duration of such residency program, the dental resident shall register on a form acceptable to the department and pay to the department a residency registration fee in the amount prescribed for limited permit fees in subdivision (4) of section 6605 of the Education Law.