

Regular Session, 2012
HOUSE BILL NO. 639
BY REPRESENTATIVE PATRICK WILLIAMS

ACT No. 407

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AN ACT

To amend and reenact R.S. 37:791(B) and to enact R.S. 37:770(F), 791(A)(3) and (4), and 795(B)(2)(v) and (3)(m), relative to the well-being program for dentists and dental hygienists; to provide for the assessment and collection of a fee to be used for the treatment of dentists and dental hygienists suffering from mental illness, physical deficiencies, or substance abuse; to provide for the limitation of liability of the Louisiana State Board of Dentistry and certain other specified people involved in the identification, investigation, and treatment of dentists and dental hygienists suffering from certain illnesses or deficiencies; to authorize the recovery of the cost of defending a frivolous lawsuit under certain circumstances; to establish minimum and maximum fees to be collected from dentists and dental hygienists to support the well-being program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:791(B) is hereby amended and reenacted and R.S. 37:770(F), 791(A)(3) and (4), and 795(B)(2)(v) and (3)(m) are hereby enacted to read as follows:

§770. Renewals; requirements

* * *

F. In addition to all other applicable fees and costs attendant to the issuance, renewal, or reinstatement of any license, certificate, permit, or registration issued to a dentist by the board pursuant to this Part, the board shall charge and collect a fee

1 from each dentist and each dental hygienist in an amount set by the board to be
 2 utilized for the identification, monitoring, and assistance of, and procurement of
 3 treatment for, dentists and dental hygienists suffering from substance abuse,
 4 chemical dependency, psychiatric conditions, or physical deficiencies resulting in
 5 behavior such as defined in R.S. 37:776(A)(5) and (17) and 777(A)(5) and (24)
 6 which may interfere with their ability to practice dentistry or dental hygiene with
 7 reasonable skill and safety.

8 (1) The fee established in this Subsection shall be due and payable at the
 9 time of application for the issuance, renewal, or reinstatement of any license, permit,
 10 certificate, or registration.

11 (2) The fee established in this Subsection shall not be collected from a
 12 dentist seeking issuance or renewal of a retired volunteer license.

13 * * *

14 §791. Protected action and communication

15 A. There shall be no liability on the part of and no action for damages
 16 against:

17 * * *

18 (3) Any nonprofit corporation, foundation, or organization that enters into
 19 any agreement with the board related to the operation of any committee or program
 20 to identify, investigate, counsel, monitor, or assist any licensed physician who suffers
 21 or may suffer from alcohol or substance abuse or a physical or mental condition
 22 which could compromise such dentist's fitness and ability to practice dentistry with
 23 reasonable skill and safety to patients, for any investigation, action, report,
 24 recommendation, decision, or opinion undertaken, performed, or made in connection
 25 with or on behalf of such committee or program, without malice and in the
 26 reasonable belief that such investigation, action, report, recommendation, decision,
 27 or opinion was warranted.

28 (4) Any person who serves as a director, trustee, officer, employee,
 29 consultant, or attorney for or who otherwise works for or is associated with any

1	(2)	Licenses, permits, and examinations for dentists		
2		* * *		
3		<u>(v) Fee to support well-being program</u>	<u>\$ 25.00</u>	<u>50.00</u>
4	(3)	Licenses, permits, and examinations		
5		for dental hygienists		
6		* * *		
7		<u>(m) Fee to support well-being program</u>	<u>\$ 5.00</u>	<u>15.00</u>
8		* * *		

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____