

New Hampshire Board of Dental Examiners
Declaratory Ruling: Clarification of “actively engaged in such practice”

This declaratory ruling is issued to the Petitioner with respect to the particular circumstances and facts discussed herein and represents a holding of the Board on those circumstances and facts for Petitioner only.

BACKGROUND

On April 7, 2015, the Board of Dental Examiners (“Board”) received a petition for declaratory ruling, pursuant to Den 214.01. On May 4, 2015, the Board voted to issue the following declaratory ruling.

FACTS

Ronald J. Hrinda, DMD, filed a petition for a declaratory ruling with the Board of Dental Examiners, pursuant to Den 207.01. In his petition, Dr. Hrinda advised that he currently holds an active dental license and had retired from dentistry as of December 31, 2014. He is a dental examiner for the Commission on Dental Competency Assessments (“CDCA”) and wishes to continue in that role beyond April of 2016 which is when he would have to renew his dental license. In order to continue in his role as a dental examiner for the CDCA, he must have an active license.

Dr. Hrinda seeks clarification from the Board regarding what actively engaging in the practice of dentistry means.

LAW

RSA 317-A:16 provides, in relevant part, as follows:

A dentist or dental hygienist licensed under this chapter who does not actively engage in such practice in New Hampshire within 2 years of his or her previous biennial registration shall have the licensee's name transferred to an inactive list and shall be required to register biennially and pay the inactive registration fee as long as the licensee remains inactive.

Den 101.01 provides as follows: “‘Active license’ means a New Hampshire license which has not been suspended, inactivated, revoked, or lapsed.”

RSA 317-A:20, Practice of Dentistry, specifies what conduct constitutes the practice of dentistry. Similarly, RSA 317-A:21-c, Practice of Dental Hygiene, specifies what conduct constitutes the practice of dental hygiene.

DECLARATORY RULING

At its May 4, 2015 meeting, the Board reviewed Dr. Hrinda's petition. It voted that "actively engaged in the practice of dentistry" means to have an unencumbered active license, as defined in Den 101.01, and to have satisfied at least one of those duties set forth in RSA 317-A:20 during the biennium. It also voted that "actively engaged in the practice of dental hygiene" means to have an unencumbered active license, as defined in Den 101.01, and to have satisfied at least one of those duties set forth in RSA 317-A:21-c during the biennium

Voted as approved by the Board on June 1, 2015

Signature: Constance N. Stratton
Constance N. Stratton, Executive Director
Authorized Representative for the Board