

**Q & A regarding a proposed change in the Dental Practice Act - Section 40-15-175  
Restricted Instructor's Licenses; renewal and revocation.**

**1-Why is the proposed change to the "Restricted Instructor License" section of the Dental Practice Act being considered?**

*The need to update the Dental Practice Act has been recognized and discussed for a considerable period of time. In the past MUSC has had faculty leave because they could not participate in faculty practice under the current law. Additionally, MUSC has had faculty members trained in foreign dental schools, who, even though they have completed a CODA accredited specialty residencies in the United States, were barred from faculty practice. Additionally they could not have a SCDEA license, which is an impediment if they are covering students. MUSC is now recruiting for two leadership positions. In one case, a distinguished individual has chosen not to apply for a residency program director position due to this issue. There are currently approximately 200 vacant funded full time faculty positions in the United States. Many states have or are currently changing their practice acts to be more competitive in recruiting. Current South Carolina law puts MUSC at a competitive disadvantage.*

**2-Is there anywhere outside of the academic setting that a restricted instructor's licensee would be able to practice?**

*No.*

**3-What happens when the restricted instructor's licensee is no longer a full time employee of the academic institution regarding the ability to practice in S.C.?**

*The faculty license is immediately terminated.*

**4-Is it hoped that this current push to change the practice act will enable a hire for a current faculty search at MUSC?**

*The legislative process may not move quickly enough to affect the current searches. Hopefully it will position MUSC for the future.*

**5-Is MUSC having trouble finding United States licensed dentists to apply for jobs?**

*The current practice act has limited the field of candidates.*

**6-Are those licensed outside the United States willing to work for less money?**

*It is doubtful. Without the change in the practice act, it may well cost MUSC more money to hire a desirable candidate because they cannot supplement their salaries with faculty practice.*

**7-How many other states have this or similar language in place?**

*A number of states have this or similar language in place or are considering changing. South Carolina's proposed language is modeled after the North Carolina legislation.*

**8- Are there any concerns that hiring those outside the United States has an impact on the domestic workforce?**

*No. Under this legislation, the impact would be limited to academic institutions. There are 200 full time paid positions available at US dental schools that have not been filled.*

## Proposed change in the Dental Practice Act - Section 40-15-175 Restricted Instructor's Licenses; renewal and revocation

(Additions in red underline, deletions stricken through)

**SECTION 40-15-175.** Restricted instructor's licenses; limitations; renewal and revocation.

(A) The State Board of Dentistry may issue a restricted instructor's license to a dentist who:

(1) ~~holds a valid license in another state;~~ is licensed to practice dentistry in the United States or in any country, territory, or other recognized jurisdiction;

(2) has met or been approved under the credentialing standards of a dental school or an academic medical center with which the person is to be affiliated; such dental school or academic medical center shall be accredited by the American Dental Association's Commission on Accreditation or the Joint Commission on Accreditation of Health Care Organizers;

(2) ~~(3)~~ (3) has not been refused a license or had a license revoked in ~~this State, another state or territory of the United States, or the District of Columbia;~~ the United States or in any country, territory, or other recognized jurisdiction;

~~(3)~~ (4) passes an examination on jurisprudence as prescribed by the board; and

~~(4)~~ (5) is teaching dental medicine in South Carolina full-time at the Medical University of South Carolina College of Dental Medicine, an American Dental Association accredited dental auxiliary program at a technical college in this State, or at a board-recognized hospital based residency program situated in this State.

(B) A dentist with a restricted instructor's license is authorized to practice at or on behalf of the Medical University of South Carolina College of Dental Medicine, an American Dental Association accredited technical college, or at a board-recognized hospital based residency program situated in this State. The holder of a restricted instructor's license may practice general dentistry or in his or her area of specialty, but only in a clinic or office affiliated with the dental school, with a dental auxiliary program of a technical college, or with a hospital-based residency program. A restricted instructor's license issued to a faculty member under this section terminates immediately and automatically, without any further action by the board, if the holder ceases to be a faculty member at the dental school, at a dental auxiliary program of a technical college, or at a board-recognized hospital based residency program in this State.

(C) A restricted instructor's license must be renewed annually in accordance with procedures and fees as established by the board in regulation.

(D) A dentist holding a restricted instructor's license issued pursuant to this section is subject to the provisions of this chapter and regulations promulgated under this chapter unless otherwise provided for in this section. The board may revoke a restricted instructor's license for a violation of this chapter or regulations promulgated under this chapter or if the holder fails to supply the board, within ten days of its request, with information as to his or her current status and activities in the teaching program.

HISTORY: 1994 Act No. 507, Section 1; 2008 Act No. 207, Section 1.