

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

General Provisions
(LAC 46:XXXIII.105)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.105.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.105 to allow residents in accredited non-LSU post-doctoral programs to obtain a restricted dental license rather than a full license. There are currently no post-doctoral dental programs in Louisiana other than LSU, but the Board has been informed that there are plans to open one. This rule change will benefit residents in prospective residency programs who wish only to train in Louisiana and do not wish to have a full license in that it will save those residents some fees.

The rule change also does away with the requirement that LSU faculty members must switch from a restricted license to a full license within 2 years of being employed at LSU if the faculty member is eligible for a full license.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Profession Chapter 1. General Provisions

§105. Restricted Licensees

A. All applicants for a restricted license must successfully complete the Louisiana State Board of Dentistry examination in jurisprudence within 60 days of receiving said license, except those licenses issued for less than one year.

~~B. All recipients of restricted licenses who are members of the faculty of the LSU system, graduates of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, and otherwise meet all requirements for a general license must receive same within two years from receipt of the original restricted license by successfully completing the LSBOD clinical licensure examination or by credentials, provided that where a holder of a restricted license has been so licensed without interruption since January 1, 1990, he may continue to hold a restricted license without the necessity of meeting the requirements for a general license.~~

~~C.B. All applicants for restricted licenses who graduated from a dental school not accredited by an accreditation agency by the Commission on Dental Accreditation of the American Dental Association and who are part of the faculty of the LSU system, must submit with the restricted license application:~~

1. a certification from the LSU system showing that the applicant is or is expected to be a member of its faculty and verifying the competency of the applicant. The LSU system is responsible to notify the board as to any termination of employment of any faculty member or graduate student holding a restricted license; and

2. proof of completion of dental education;

a. if the applicant graduated from a dental school accredited by an accreditation agency that is recognized by the United States Department of Education, an original transcript showing such completion; or

b. 1. a letter from the dean of the dental school that he/she attended attesting to the applicant's successful completion of the course of study; and if the applicant graduated from a dental school not accredited by an accredited agency that is recognized by the US Department of Education, an original or certified true copy of proof of completion of dental education in the form of a transcript or education evaluation report;

~~2. a letter from the LSU system showing that the applicant is or is expected to be a member of its faculty, and verifying the competency of the applicant. The LSU system is responsible to notify the board as to any termination of employment of any faculty member or graduate student holding a restricted license.~~

~~D.C. Restricted licenses may be issued to residents and/or graduate students in the LSU system, or in other post-doctorate dental education programs in Louisiana that are accredited by an accredited agency that is recognized by the United States Department of Education, but those licenses are only valid during the time the applicant is a resident and/or graduate student in the LSU system, or in the post-doctorate dental education program in which the resident/graduate student was enrolled when the restricted license was granted.~~

D. All applicants for restricted licenses who are enrolled in post-doctoral dental education programs, must submit with the restricted license application;

1. a certification from the post-doctoral program showing that the applicant is or is expected to be enrolled in its program and verifying the competency of the applicant. The post-doctoral program is responsible to notify the board as to any termination of employment of any graduate student holding a restricted license; and

2. proof of completion of dental education;

a. if the applicant graduated from a dental school accredited by an accreditation agency that is recognized by the United States Department of Education, an original transcript showing such completion; or

b. if the applicant graduated from a dental school not accredited by an accredited agency that is recognized by the US Department of Education, an original or certified true copy of proof of completion of dental education in the form of a transcript or education evaluation report.

~~E. Oral surgery residents who attend medical school as a requirement of their residency training may keep their restricted license active during medical school, but may only work in the hospital, or its affiliates sponsoring the residency.~~

~~F. Part-time faculty of the LSU system shall be exempt from the licensure requirements of §105.B and C. However, part-time faculty in the LSU system shall be required to successfully complete the examination in jurisprudence as required in §105.A.~~

~~G. All LSU system faculty must possess either a restricted or unrestricted license.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 21:571 (June 1995), amended LR 22:23 (January 1996), LR 23:1529 (November 1997), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 38:2770 (November 2012), LR

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The proposed rulemaking will not have any foreseeable impact on small businesses.

Provider Impact Statement

The proposed rulemaking should not have any know or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect of the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comment

Interested persons may submit written comments on these proposed rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, Louisiana, 70821. Written comments must be submitted to and received by the Board within 20 days of the date of the publication of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the Board within 20 days of the date of the publication of this notice.

Public Hearing

A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur Hickham, Jr.
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Chapter 1. General Provisions**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will result in a one-time SGR expenditure of \$500 in FY 20 for the LA State Board of Dentistry (LSBD) to publish the notice of intent and proposed rule change in the Louisiana Register. The proposed rule change will not affect expenditures of local governmental units.

The proposed rule changes amend provisions for the issuance of restricted dental licenses by the LSBD.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will likely result in an indeterminable net SGR increase for the LSBD that is likely to be nominal. The rule revisions expand the ability for residents at non-LSU post-doctoral dental education programs to receive restricted licenses for educational purposes. The LSBD anticipates a post-doctoral program outside the auspices of the LSU system to open in the future that will initially be limited (ten or fewer applicants) with potential to expand. To the extent this occurs, each resident receiving a restricted license must remit \$200 for a full-year restricted license or \$100 for a six-month license. Because the number of new restricted licenses issued and the duration and timing of those licenses are unknown, the potential revenue increase is indeterminable.

The revenue increase associated with the additional restricted licensees may be offset from a potential revenue decrease associated with faculty at the LSU system no longer being required to attain full licensure if they meet the requirements, rather than practicing under a restricted license. It is unknown how many faculty this may affect, but to the extent it occurs, the LSBD will realize a reduction of \$240 per licensee (\$540 biennial dental license renewal fee minus \$150 annual restricted license fee for two years, or \$300). The total revenue decrease associated with this provision being removed is indeterminable and dependent upon LSU faculty choosing to utilize a restricted license rather than a full license.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change will directly affect any post-doctoral dental education program other than LSU, allowing residents in non-LSU programs to obtain a restricted dental license rather than a full license. The restricted license is less expensive than a full license (see Part II, paragraph 2) and allows residents to practice dentistry only within the residency program, but will still result in residents paying \$200 for a yearlong license or \$100 for a six-month license. There are currently no post-doctoral dental programs in Louisiana other than LSU, but the Board has been informed that there are plans to open one in the near future. The proposed rule change will benefit residents in prospective residency programs who wish only to train in Louisiana and do not wish to have a full license, as it will result in a fee savings for residents, though they will still have to remit the aforementioned fees for a restricted license.

The proposed rule change also repeals the requirement that LSU faculty members must switch from a restricted license to a full license within 2 years of being employed at LSU if the faculty member is eligible for a full license. This may result in a savings of license fees for some LSU faculty members, as the restricted license fee is lower than the full license fee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition or employment.

Arthur Hickham, Jr.
Executive Director