

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

General Provisions; Dentists; Fees and Costs
(LAC 46:XXXIII.120, .306, & .419)

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.120, .306, and .419.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.120 to conform with Louisiana legislature statutes, La. R.S. 37:3651 and 37:1751, which will allow the board to issue a license or to someone who is a dependent of someone in the military or of a healthcare worker a permit pending normal licensure if an application for full, normal licensure has been completed and the board is unable to issue a full license within 30 calendar year days of receiving the application and would be valid for 30 days but could not be extended beyond the next meeting of the Board.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.306 to now allow dentists who receive their license by credentials to practice outside of Louisiana.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.419 conform with Louisiana legislature statute which will allow the Louisiana State Board of Dentistry to issue a retired volunteer license to hygienists. The retired volunteer license will allow a hygienist to provide care only on a gratuitous basis for a fee of \$35.00.

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

§120. Temporary Licenses and Permits Pending Normal Licenses

A. – J.3. ...

K. Permits Pending Normal Licenses. For applicants who qualify under the provisions of R.S. 37:3651 or R.S. 37:1751, a permit pending normal licensure may be issued if an application for full, normal licensure has been completed and the board is unable to issue a full license within 30 calendar days of receiving the completed application. The permit pending normal licensure is valid for 30 days and may be extended by the board beyond 30 days, but in no event beyond the next meeting of the board. The permit pending normal licensure expires automatically upon the occurrence of any one of the following:

- 1. 30 days have passed from the issuance of the permit pending normal license without an extension from the board; in no event may the permit pending normal licensure be extended beyond the next meeting of the board.**
- 2. a determination by the board that the applicant is not qualified for a normal, permanent license.**
- 3. the issuance of a normal, permanent license by the board.**

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 24:1114 (June 1998), amended LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 33:2652 (December 2007), LR 33:2652 (December 2007), LR 38:2771 (November 2012), LR 39:2279 (August 2013), LR 41:1285 (July 2015), LR

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XXXIII. Dental Health Profession
Chapter 3. Dentists

§306. Requirements of Applicants for Dental Licensure by Credentials

A.1. – B. ...

~~C. The holder of a license issued under this section shall establish a practice location and actively practice dentistry, as defined in R.S. 37:751, in Louisiana within one year from the date the license is issued. The license issued under this section shall be void upon a finding by the board that the licensee fails to limit the licensee's practice to Louisiana or that the licensee no longer actively practices dentistry in Louisiana. However, when a dentist licensed under this section faces possible board action to void the dentist's license for failure to limit the dentist's practice to Louisiana, if the dentist demonstrates to the board that out-of-state practice actions were in connection with formal contract or employment arrangements for the dentist to provide needed clinical dental care to patients who are part of an identified ethnic or racial minority group living in a region of the other state with low access to dental care, the board, in its discretion, may waive the in-state limitations on the out-of-state practice for a maximum of 12 months.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 31:927 (April 2005), LR 32:243 (February 2006), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:67 (January 2009), amended LR 37:1405 (May 2011), LR 37:3515 (December 2011), repromulgated LR 38:355 (February 2012), amended LR 39:87 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XXXIII. Dental Health Profession
Chapter 4. Fees and Costs
Subchapter D. Fees for Dental Hygienists

§419. Licenses, Permits and Examinations (Dental Hygienists)

A.1. – A.13. ...

14. annual fee to support well-being program—\$15;₂

15. retired volunteer hygiene license--\$35.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760 (8), R.S. 37:768, and R.S. 37:795.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1527 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:243 (February 2006), LR 33:846 (May 2007), LR 34:2564 (December 2008), repromulgated LR 35:68 (January 2009), amended LR 37:590 (February 2011), LR:37:2151 (July 2011), LR 39:2278 (August 2013), LR

Family Impact Statement

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

Poverty 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.

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 TITLES: Chapter 1. General Provisions; Chapter 3. Dentists;
Chapter 4. Fees and Costs
Subchapter D. Fees for Dental Hygienists**

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 22 for the LA State Board of Dentistry (LSBD) to publish the notice of intent and proposed rule revision in the Louisiana Register. The proposed rule change will not affect implementation costs (savings) to state or local governmental units.

The proposed rule change allows the Board to issue temporary licenses and permits pending normal licenses to certain qualifying individuals, to remove a restriction on dentists receiving licensure by credentials from practicing outside Louisiana and establish a fee for a retired voluntary hygienist license.

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

The proposed rule change will not materially affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (SUMMARY).

The proposed change to §120 is meant to conform to the recently passed statutes by the Louisiana legislature and will and will benefit dependents of military personnel and of healthcare workers to make it easier for them to be issued a “permit pending normal license” in Louisiana that would expire within 30 days. This rule is not anticipated to materially change the number of licensees statewide and is estimated to impact four applicants per year.

The proposed change to §306 will benefit dentists who receive their license by credentials to practice outside of Louisiana.

The proposed change to §419 is also to conform to the recently passed statutes passed by the Louisiana legislature and will benefit a dental hygienist who would like to seek a retired voluntary hygiene license to provide care on a gratuitous basis for a fee of \$35.00. The Board estimates that there could be 3 to 5 dental hygienists per year that may would apply for the retired voluntary license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (SUMMARY).

The proposed rule changes should not impact competition or employment.

Arthur Hickham, Jr.
Executive Director