

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

Fees and Costs; Anesthesia/Analgesia Administration;  
Continuing Education Requirements  
(LAC 46:XXXIII.122, .128, .301, .411, and .1511)

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.122, .128, .301, .411, and .1511.

The current rule of the Louisiana State Board of Dentistry only recognizes 9 of the American Dental Association's approved areas of specialties. The changes to LAC 46:XXXIII.122 and .301 will now allow the board to recognize any specialty of area of dentistry for which a dentist has completed an accredited, two year full time residency.

The changes to LAC 46:XXXIII.128 will allow dentists licensed in another state but not licensed in Louisiana to participate in "hands on" continuing education courses in Louisiana as long as the patient on whom the work is being done is not charged a fee.

The Louisiana State Board of dentistry is changing LAC 46:XXXIII.411 to set the amount the exact fee of a preapproval of advertisements because the amount was never set in the rule, there was just a range listed in R.S. 37:795.

Finally, LAC 46:XXXIII.1511 currently sets forth certain requirements in order to perform different levels of sedation in a dental office. The level of sedation that currently reads "moderate sedation with parenteral drugs" is changed to read simply "moderate sedation" to make it clear that the requirements apply to all moderate sedation, not just moderate sedation with parenteral drugs.

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

#### **§122. Scopes of Practice**

A. ~~The board has reviewed and approved the "Standards for Advanced Specialty Education Programs" set forth by the Commission on Dental Accreditation of the American Dental Association and~~ approves of the following specialties:

A.1. – A.7. ...

8. prosthodontics; ~~and~~

9. oral and maxillofacial radiology;

**10. any other area of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full time years and which program is accredited by an accreditation agency that is recognized by the United States Department of Education.**

B. – C. ...

1. **The board finds that terms implying that a dentist is a specialist in some field of dentistry are terms of art indicating that the dentist has completed an accredited post-doctoral educational program in that field of at least two years. The**~~Therefore, a~~ licensed dentist seeking specialty recognition must have successfully completed a ~~an~~ ADA-accredited post-doctoral program ~~for each~~ **in a specialty—area of dentistry consisting of at least two full time years and which is accredited by an accreditation agency that is recognized by the United States Department of Education.**

C.2. – C.5. ...

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 28:1776 (August 2002), LR 28:2512 (December 2002), LR

## **§128. Provisional Licensure for Dental Healthcare Workers Providing Gratuitous Services**

A.1. – A.3. ...

**B. The Board of Dentistry may grant a provisional license not to exceed 60 days in duration for any dentist or dental hygienist who is in good standing in the state of their licensure and who wishes to provide gratuitous services to patients as part of a continuing education course in which the dental healthcare provider is enrolled as a participant and which services are provided as part of the continuing education course provided:**

**1. the applicant is verified by the board to be in good standing in the state of licensure where the applicant is licensed;**

**2. the applicant provides satisfactory documentation to the board that the dental healthcare provider is assigned to provide gratuitous services as part of a continuing education course that meets the requirements of LAC XXXIII 1615;**

**3. the applicant agrees to render services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of dental services within the state of Louisiana, except that the provider of the continuing education course may accept payment from the dental healthcare provider for the continuing education course.**

~~B.C.~~ The board may renew this provisional license for no more than an additional 60 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(6) and (8) and R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 32:1227 (July 2006), amended LR

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

**§301. Advertising and Soliciting by Dentists**

A. – B. ...

C. Approved Specialties. The board ~~has reviewed and approved the "Standards for Advanced Specialty Education Programs" set forth by the Commission on Dental Accreditation of the American Dental Association and~~ approves only the following specialties:

C.1. – C.7. ...

8. prosthodontics; ~~and~~

9. oral and maxillofacial radiology;

**10. any other area of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full time years and which program is accredited by an accreditation agency that is recognized by the United States Department of Education.**

D. – J. ...

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

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), repromulgated LR 23:199 (February 1997), amended LR 23:1524 (November 1997), LR 25:509 (March 1999), LR 25:1476 (August 1999), LR 26:690 (April 2000), LR 27:1890 (November 2001), LR 28:1776 (August 2002), LR 28:2512 (December 2002), LR 30:2305 (October 2004), LR 32:243 (February 2006), LR 37:2150 (July 2011); LR

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**  
**Part XXXIII. Dental Health Profession**  
**Chapter 4. Fees and Costs**  
**Subchapter A. General Provision**

**§411. Miscellaneous Fees and Costs**

A.1. – A.9. . . .

10. unbound copy of Dental Practice Act--\$25.00;

**11. preapproval of advertising—\$150.00 per advertisement or per page of a website.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) 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 19:207 (February 1993), LR 28:1778 (August 2002), LR

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**  
**Part XXXIII. Dental Health Profession**  
**Chapter 15. Anesthesia/Analgesia Administration**

**§1511. Required Facilities, Personnel and Equipment for Sedation Procedures**

A.1. – B. ...

B.1. The authorized dentist must ensure that every patient receiving nitrous oxide inhalation analgesia, moderate sedation ~~with parenteral drugs~~, deep sedation, or general anesthesia is constantly attended.

2. Direct supervision by the authorized dentist is required when nitrous oxide inhalation analgesia, moderate sedation ~~with parenteral drugs~~, deep sedation, or general anesthesia is being administered.

B.3. ...

4. When moderate sedation ~~with parenteral or enteral drugs~~ is being administered one auxiliary who is currently certified in basic life support must be available to assist the dentist in an emergency.

B.5. ...

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 42:55 (January 2016), amended 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, One Canal Place, Suite 2680, 365 Canal Street, New Orleans, Louisiana, 70130. 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

