

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Fees and Costs; Anesthesia/Analgesia Administration;
Continuing Education Requirements
(LAC 46:XXXIII.134, .306, .706, .1505, .1607, .1611, .1613, .1709, and .1711)

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.134, .306, .706, .1505, .1607, .1611, .1613, .1709, and .1711.

The Louisiana State Board of Dentistry is promulgating LAC 46:XXXIII.134 to comply with Act 76 of the 2017 Regular Session of the legislature, which requires the Board to adopt rules to comply with the mandates of the Act, which requires prescribers of opioids to check a patient's records in the Prescription Monitoring Program under certain circumstances.

The changes to LAC 46:XXXIII.306, .706, .1709, and .1711 will provide dentists and hygienists who have failed a licensing exam three times or more a potential avenue to become licensed in Louisiana.

LAC 46:XXXIII.1505 currently provides certain continuing education requirements for the renewal of a sedation permit. The proposed rule changes change the requirements and move those requirements to LAC 46:XXXIII.1611, so this rule is to be repealed.

The changes to LAC 46:XXXIII.1607 relate to the opioid continuing education mandated by Act 76 of the 2017 Regular Session of the legislature. LAC 46:XXXIII.1611 decreases the continuing education requirements for licensure renewal by dentists. The changes also change the continuing education requirements for a sedation permit renewal, which requirements are being moved into this rule from LAC 46:XXXIII.1505, which is being deleted by the proposed changes. These changes also add opioid continuing requirement that is mandated by Act 76 of the 2017 Regular Session of the legislature. Further, the changes to LAC 46:XXXIII.1613 decreases the continuing education requirements for licensure renewal by hygienists.

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

§134. Prescription Monitoring Program

- A. Pursuant to R.S. 40:973(A), all dentists who have obtained a controlled dangerous substance license issued by the Board of Pharmacy shall automatically be enrolled in the Prescription Monitoring Program established in R.S. 40:1001 et seq.**
- B. A prescriber or his delegate shall access and review the patient's record in the Prescription Monitoring Program and review the patient's record at least every ninety days if the patient's course of treatment continues for more than ninety days. The requirement established in this section shall not apply in the following instances:**
- 1. The drug is prescribed or administered to a hospice patient or to any other patient who has been diagnosed as terminally ill.**
 - 2. The drug is prescribed or administered for the treatment of cancer-related chronic or intractable pain.**
 - 3. The drug is ordered or administered to a patient being treated in a hospital.**
 - 4. The Prescription Monitoring Program is inaccessible or not functioning properly due to an internal or external electronic issue. However, the prescriber or his delegate shall check the Prescription Monitoring Program once the electronic accessibility has been restored and note the cause for the delay in the patient's chart.**
 - 5. No more than a single seven-day supply of the drug is prescribed or administered to a patient.**
- C. Failure to comply with this rule shall constitute a violation of R.S. 37:776(A)(6) and or 37:776(A)(24) and may subject the dentist to punishment, penalty, sanction or remediation as provided for in the Dental Practice Act.**

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

**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. – A.2. ...

3. currently possesses a nonrestricted license in another state as defined in R.S. 37:751(A)(~~1~~2);

4.a. – 5. ...

6. has not failed any clinical licensure examination a total of three or more times. This number includes the accumulation of all examinations taken regardless of the testing agency. This number excludes failures of clinical examinations taken prior to an applicant's final year of dental school. A make-up examination counts as an examination; **This prohibition may be overcome if the applicant meets all of the other requirements of this Rule, including the successful completion of an initial licensure examination that included procedures on a live patient, and:**

1. has been actively practicing with an unrestricted dental license for 5 years in another state as defined in R.S. 37:751(A)(2), has not had any discipline by the dental board in any state, and meets in person with the full board, and thereafter a majority of the full board votes to overcome this prohibition; or

2. following the last failure of a clinical licensure examination, completes a dental post-doctoral program of a minimum of one year which is accredited by an accreditation agency that is recognized by the United States Department of Education, meets in person with the full board, and thereafter a majority of the full board votes to overcome this prohibition.

A.7. – C.

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), LR

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XXXIII. Dental Health Profession
Chapter 7. Dental Hygienists

§706. Requirements of Applicants for Licensure by Credentials (Hygienists)

A.1. – A.2. ...

3. currently possesses a nonrestricted license in another state as defined in R.S. 37:751(A)(~~1~~2);

4.a. – 5. ...

6. has not failed any clinical licensure examination a total of three or more times. This number includes the accumulation of all examinations taken regardless of the testing agency. A make-up examination counts as an examination; **This prohibition may be overcome if the applicant meets all of the other requirements of this Rule, including the successful completion of an initial licensure examination that included procedures on a live patient, and has been actively practicing with an unrestricted license for 5 years in another state as defined in R.S. 37:751(A)(2), has not had any discipline by any dental board and meets in person with the full board, and thereafter the full board votes with a majority to overcome this prohibition;**

A.7. – B. ...

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 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996), LR 24:1117 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 28:1778 (August 2002), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:68 (January 2009), amended LR 39:88 (January 2013), LR

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

§1505. Personal Permit Renewals

Repealed

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 42:54 (January 2016), amended by the Department of Health, Board of Dentistry, LR 43:956 (May 2017), repealed LR

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Profession Chapter 16. Continuing Education Requirements

§1607. Exemptions

A. Continuing education requirements, other than the three hour opioid management course listed in §1611(A)(3), shall not apply to:

A.1. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 24:1117 (June 1998), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 41:1284 (July 2015), LR

§1611. Continuing Education Requirements for Relicensure of Dentists

A. Unless exempted under §1607, each dentist shall complete a minimum of ~~40~~ **30** hours of continuing education during each renewal period for the renewal of his/her license to practice dentistry. **by taking courses approved as set forth in §1615 in the following amounts:**

1. 20 hours of personally attended clinical courses pertaining to the actual delivery of dental services to patients;

2. 10 hours of clinical courses pertaining to the actual delivery of dental services to patients that may be done in person, online or via correspondence; if done online or via correspondence the courses must require the successful completion of a written examination at the conclusion of the course.

3. Three of the 30 hours listed in part 1 and 2 must include an opioid management course which includes training on drug diversion, best practice prescribing of controlled substances or appropriate treatment for addiction. Successful completion of this three hour requirement once during a dentist's career shall satisfy this requirement in full. A dentist can become exempt from this requirement by submitting to the board a certification form attesting that he has not prescribed, administered, or dispensed a controlled dangerous substance during the entire renewal period.

~~B. At least one-half of the minimum credit hours (20) must be attained through clinical courses pertaining to the actual delivery of dental services to patients. At least 10 of these 20 hours must be attained by personally attending clinical courses. Ten of these twenty hours may be attained by completing ADA or AGD certified internet or correspondence courses which are clinical in nature and require successful completion of a written examination at the conclusion of said course.~~

~~C. No more than 20 of the required 40 hours can be completed from the following:~~

~~1. practice management courses;~~

~~2. audio and/or video tapes and those journals requiring completion of a written examination to secure proof of hours.~~

⊖ **B.** Continuing education ordered as a result of disciplinary matters shall not serve as credit for mandatory continuing education unless specifically authorized in a consent decree or in an order issued by the board.

⊖ **C.** Past and present dentist members of the Louisiana State Board of Dentistry are allowed four hours of continuing dental education credit for each meeting of the American Association of Dental Examiners attended by said past or present dentist member.

⊖ **D.** No credit will be given for activities directed primarily to persons preparing for licensure in Louisiana.

⊖ **E.** Dentists who are on staffs of hospitals accredited by the Joint Commission on Accreditation of Health Care Organizations may receive continuing education credit for those continuing education courses provided by said hospital.

⊖ **F.** Dentists will be awarded three clinical credit hours for successful completion of Cardiopulmonary Resuscitation Course "C", Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course. When being audited for compliance with cardiopulmonary resuscitation course completion, a photocopy of the CPR card evidencing successful completion of the course for each year shall be appended to the form.

⊖ **G.1.** Dentists who successfully complete certification courses in advanced cardiac life support continuing education will be awarded up to 16 hours of clinical continuing dental education. However, dentists completing the shorter recertification course in advanced cardiac life support will be awarded 3 hours of clinical continuing dental education.

⊖ **G.2.** ...

~~3. Only one cardiopulmonary resuscitation course per renewal period may be counted toward the continuing education requirement.~~

⊖ **H.** In order to renew permits for the administration of deep sedation, ~~parenteral sedation, and enteral or moderate~~ sedation, each licensee shall complete a ~~board approved~~ **an in person adult sedation course of a minimum of twelve hours** pertinent to the level of their sedation permit no less than once every ~~six~~ **four** years. **If the permit has a pediatric certification, then the aforementioned twelve hours must address pediatric sedation. If the holder of a permit with a pediatric certification sedates persons above the age of 12 as well as persons below the age of 13, the permit holder must take both the adult and the pediatric sedation courses for a total of 24 in person hours. If the holder of the permit with a pediatric certification sedates only persons below the age of 13, and signs a certification to that effect, then only the 12 hour in person pediatric sedation course is necessary. These hours will count towards the requirement of §1611(A)(1). The CPR, ACLS, and PALS courses required in §§1503 and 1504 do not count toward the requirements set forth in this Section.** ~~1.~~ Recertification for deep sedation or general anesthesia as required by the American Association of Oral and Maxillofacial Surgeons every five years shall satisfy this requirement.

~~2. For the renewal of enteral conscious sedation, parenteral conscious sedation, deep sedation or general anesthesia permits, the licensee must personally attend the appropriate continuing education course. Online or correspondence courses for the renewal of enteral conscious sedation, parenteral conscious sedation, deep sedation or general anesthesia permits will not be accepted.~~

⊖ **I.** Dentists successfully completing the calibration training for the administration of the clinical licensing examination administered by the Council of Interstate Testing Agencies (CITA) may be awarded up to 20 hours of clinical continuing education per each renewal period.

⊖ **J.** Louisiana licensed dentists shall be eligible for three hours of clinical continuing education for treating a donated dental service patient (pro bono) from a Louisiana State Board of Dentistry approved agency. The maximum number of hours will be no more than six in any two year biennial renewal period, and verification of treatment from the agency is mandatory in order to obtain these continuing education credits.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661(June 1994), amended LR 21:569 (June 1995), LR 22:24 (January 1996), LR 22:1216 (December 1996), LR 23:1526 (November 1997), LR 24:1117 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:244 (February 2006), LR 35:1237 (July 2009), LR 36:2038 (September 2010), LR 37:2151 (July 2011), LR 37:3515 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:817 (March 2012), LR 38:1959 (August 2012), LR39:1282 (May 2013), by the Department of Health, Board of Dentistry, LR 43:956 (May 2017), LR

§1613. Continuing Education Requirements for Relicensure of Dental Hygienists

A. Unless exempted under §1607, each dental hygienist shall complete a minimum of ~~24~~ **20** hours of continuing education during each renewal period for the renewal of his/her license to practice dental hygiene: **by taking courses approved as set forth in §1615 in the following amounts:**

1. 12 hours of personally attended clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients;

2. 8 hours of clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients that may be done in person, online or via correspondence; if done online or via correspondence the courses must require the successful completion of a written examination at the conclusion of the course.

~~B. At least one-half of the minimum credit hours (12) must be attained through clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients. At least six of these twelve hours must be attained by personally attending clinical courses. Six of these twelve hours may be attained by completing ADA, AGD, or ADHA certified internet or correspondence courses which are clinical in nature and require successful completion of a written examination at the conclusion of said course.~~

~~C. No more than 12 of the required 24 hours can be completed from the following:~~

- ~~1. practice management courses;~~
- ~~2. audio and/or video tapes and those journals requiring completion of a written examination to secure proof of hours.~~

~~D. B.~~ Continuing education ordered as a result of disciplinary matters shall not serve as credit for mandatory continuing education unless specifically authorized in a consent decree or in an order issued by the board.

~~E. C.~~ Dental hygienists are allowed continuing education credit for courses sponsored and/or approved for dentist's continuing education.

~~F. D.~~ Past and present dental hygiene members of the Louisiana State Board of Dentistry are allowed four hours of continuing dental hygiene education credit for each meeting of the American Association of Dental Examiners attended by said past or present dental hygiene member.

~~G. E.~~ No credit will be given for activities directed primarily to persons preparing for licensure in Louisiana.

~~H. F.~~ Dental hygienists who are on staffs of hospitals accredited by the Joint Commission on Accreditation of Health Care Organizations may receive continuing education credit for those continuing education courses provided by said hospital.

~~I. G.~~ Dental hygienists will be awarded three clinical credit hours for successful completion of Cardiopulmonary Resuscitation Course "C," Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course. When being audited for compliance with cardiopulmonary resuscitation course completion, a photocopy of the CPR card evidencing successful completion of the course for each year shall be appended to the form.

~~J. H.~~ Dental hygienists who successfully complete a continuing education course as set forth in §710, Administration of Local Anesthesia for Dental Purposes, will be awarded 72 hours of clinical continuing dental hygiene education. However, these hours may not be carried over to a subsequent renewal

period and will count only toward the renewal of their license during the period in which they attended the course.

¶ I. Dental hygienists successfully completing the calibration training for the administration of the clinical licensing examination administered by the Council of Interstate Testing Agencies (CITA) may be awarded up to 12 hours of clinical continuing education per each renewal period.

¶ J. Louisiana licensed dental hygienists shall be eligible for two hours of clinical continuing education for treating a donated dental service patient (pro bono) from a Louisiana State Board of Dentistry approved agency. The maximum number of hours will be no more than four in any two year biennial renewal period, and verification of treatment from the agency is mandatory in order to obtain these continuing education credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:570 (June 1995), LR 22:24 (January 1996), LR 22:1217 (December 1996), LR 23:1526 (November 1997), LR 24:1118 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:245 (February 2006), LR 35:1237 (July 2009), LR 36:2039 (September 2010), LR 39:86 (January 2013), LR

Title 46
PROFESSIONAL AND OCCUPATIONAL
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Part XXXIII. Dental Health Profession
Chapter 17. Licensure Examination

§1709. Examination of Dentists

A.1. – E. ...

F. Notwithstanding any other law to the contrary or any examination manual of any of the testing agencies listed in Subsection C of this Section, no candidate for licensure in the state of Louisiana will be granted same if said candidate has failed any clinical licensing examination for a total of three times. This number includes the accumulation of all examinations taken regardless of the testing agency. This number excludes failures of clinical examinations taken prior to an applicant's final year of dental school. A make-up examination counts as an examination. **This prohibition may be overcome if the applicant meets all of the other requirements of this Rule, including the successful completion of one of the examinations listed on part C of this Rule, and:**

1. has been actively practicing with an unrestricted dental license for 5 years in another state as defined in R.S. 37:751(A)(2), has not had any discipline by the dental board in any state, and meets in person with the full board, and thereafter a majority of the full board votes to overcome this prohibition; or

2. following the last failure of a clinical licensure examination, completes a dental post-doctoral program of a minimum of one year which is accredited by an accreditation agency that is recognized by the United States Department of Education, meets in person with the full board, and thereafter a majority of the full board votes to overcome this prohibition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), amended LR 28:2513 (December 2002), LR 33:2654 (December 2007), LR 37:1407 (May 2011), LR 37:2151 (July 2011), LR 37:3516 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:1959 (August 2012), LR 39:86 (January 2013), LR 39:1282 (May 2013), LR 40:783 (April 2014), amended by the Board of Dentistry, LR 42:1622 (October 2016), LR

§1711. Examination of Dental Hygienists

A.1. – E.

F. Notwithstanding any other law to the contrary or any examination manual of any of the testing agencies, no candidate for licensure in the state of Louisiana will be granted same if said candidate has failed any clinical licensing examination for a total of three times. This number includes the accumulation of all examinations taken regardless of the testing agency. A make-up examination counts as an examination. **This prohibition may be overcome if the applicant meets all of the other requirements of this Rule, including the successful completion of an initial licensure examination that included procedures on a live patient, has been actively practicing with an unrestricted license for 5 years in another state as defined in R.S. 37:751(A)(2) and meets in person with the full board, and thereafter the full board votes with a majority to overcome this prohibition.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), amended LR 28:1779 (August 2002), LR 33:2654 (December 2007), LR 37:1407 (May 2011), LR 37:2151 (July 2011), LR 37:3516 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:1960 (August 2012), amended by the Department of Health, Board of Dentistry, LR 42:1662 (October 2016), 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

