

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

Anesthesia/Analgesia Administration  
(LAC 46:XXXIII.1503)

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.1503.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.1503 to bring Louisiana in line with the guidelines of the American Dental Association for nitrous oxide education, as our neighboring states have done and revises the requirement to 14 hours of didactic instruction and 6 clinically oriented experiences.

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

##### **§1503. Personal Permits for Sedation/Anesthesia**

A. – B. ...

B.1. In order to receive personal permit to administer nitrous oxide sedation, the dentist must show proof to the board of completion of a course on nitrous oxide sedation that consists of a minimum of ~~16~~ **14** hours of didactic instruction, plus ~~six~~ clinically-oriented experiences during which competency in nitrous oxide sedation techniques is demonstrated.

B.2. – F. ...

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 42:53 (January 2016), amended by the Department of Health, Board of Dentistry, LR 43:955 (May 2017), 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 15. Anesthesia/Analgesia Administration**

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 19 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 revise requirements LSBD licensees must meet prior to receiving a permit to administer nitrous oxide sedation.

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

The proposed rule change will not 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 rule change will directly affect dentists, as they will only have to complete 14 hours of didactic instruction for a nitrous oxide sedation course rather than the 16 required hours needed in order for a dentist to receive a permit. In addition, the proposed rule change will require a dentist to demonstrate competency in nitrous oxide sedation techniques in 6 clinically-oriented experiences in order to receive a permit. For reference, demonstrating clinical competency in nitrous oxide sedation techniques is currently required of licensees prior to receiving a permit, but there is no minimum amount of clinical experiences required prior to permitting.

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

The proposed rule change will not affect competition or employment.

Arthur Hickham, Jr.  
Executive Director

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

#### Continuing Education Requirements (LAC 46:XXXIII.1607)

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.1607.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.1607 to not require continuing education for all licensee's first renewal cycle, regardless of when the license was first obtained, but will require the licensees to complete the three-hour opioid management course and to maintain their CPR training.

#### 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 and the cardiopulmonary resuscitation course listed in §1611.F, shall not apply to:

A.2. – A.3. ...

3. dentists ~~in the first calendar year of their initial licensure;~~ renewing their license for the first time;

4. dental hygienists ~~in the first calendar year of their initial licensure.~~ renewing their license for the first time.

B. ...

~~C. Dentists renewing their licenses in the calendar year following their initial licensure must complete one half of the continuing education required under §1611.~~

~~D. Dental hygienists renewing their licenses in the calendar year following their initial licensure must complete one half of the continuing education required under §1613.~~

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), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), 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.

#### **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 16. Continuing Education Requirements**

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 19 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 change provides an exception to continuing education requirements for practitioners licensed by the LSBD renewing licensure for the first time.

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

The proposed rule change will not 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 rule change provides an exception for dentists and dental hygienists who are renewing licensure for the first time. With the proposed rule change, such practitioners will not be required to obtain continuing education for their first renewal cycle, regardless of when the license was first obtained, but they will be required to complete the three-hour opioid management course and to maintain their CPR training.

For reference, licensees currently renew every two years, with licensees whose surnames start with the letters A-L renewing in odd-numbered years and M-Z renewing in even-numbered years. As an example, the exception would apply when a licensee whose name begins with a letter in the A-L range first receives their license in an odd-numbered year must renew their license prior to the end of the year, even if they have held a license for only a few months. Licensees in this situation would be exempt from continuing education requirements, save the three-hour opioid management course and CPR training, for their first renewal.

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

The proposed rule change will not affect competition or employment.

Arthur Hickham, Jr.  
Executive Director

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

#### Continuing Education Requirements (LAC 46:XXXIII.1615)

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.1615.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.1615 to add the American Academy of Dental Hygiene (AADH) to the list of organizations that the Board will accept for licensee continuing education credit.

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

#### **§1615. Approved Courses**

A.1. – A.3

**4. American Academy of Dental Hygiene courses when set forth on official documentation;**

~~4~~ **5.** National Dental Association and its affiliate societies;

~~5~~ **6.** colleges and universities with dental programs which are accredited by the Commission on Dental Accreditation of the American Dental Association when continuing education courses are held under their auspices;

~~6~~ **7.** armed services and veterans administration dental departments;

~~7~~ **8.** national, state and district associations and/or societies of all specialties in dentistry recognized by the board, and study clubs approved by said specialty societies;

~~8~~ **9.** American Heart Association as a provider of cardiopulmonary resuscitation courses (Course "C" Basic Life Support for the Health Care Provider);

~~9~~ **10.** the American Red Cross as a provider of the cardiopulmonary resuscitation course Red Cross professional rescue course;

~~10~~ **11.** the Accreditation Council for Continuing Medical Education (ACCME).

B. – C. ...

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 20:662 (June 1994), amended LR 22:24 (January 1996), LR 24:1118 (June 1998), LR 35:1238 (July 2009), LR 38:817 (March 2012), 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:

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Arthur Hickham, Jr.  
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The proposed rule change adds continuing education courses approved or sponsored by the American Academy of Dental Hygiene (AADH) to the list of approved courses for providers licensed by the LSBD.

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

The proposed rule change will not 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 rule change will benefit persons licensed by the LA State Board of Dentistry, as they will now be allowed to receive continuing education credits for completing courses approved or sponsored by the American Academy of Dental Hygiene (AADH).

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

The proposed rule change will not affect competition or employment.

Arthur Hickham, Jr.  
Executive Director