

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Anesthesia/Analgesia Administration
(LAC 46:XXXIII.322 and 1502)

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.322 and 1502.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.322 to allow a dentist to apply for an expungement of a consent decree for a first time CDC inspection violation(s).

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.1502 to allow dentists to not have to obtain an office or personal permit for a nitrous oxide analgesia permit because the board deemed this permit unnecessary.

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

§322. Expungement of Disciplinary Actions

A1. – A.4. ...

B. A dentist may apply for the expungement of a first time CDC inspection violation provided:

1. a period of three years has elapsed from the date the consent decree was executed by the board president or order issued after a disciplinary hearing;

2. the dentist has not had any subsequent disciplinary actions of any kind taken against him by the board or any other licensing or certifying agency since the initial CDC inspection violation in question;

3. has no disciplinary actions or investigations pending at the time of request;

4. the board will retain all records relative to the first violation, and it may use same in connection with future disciplinary proceedings, if any.

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 33:2562 (December 2007), amended LR

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

§1502. Types of Permits

A1-2. ...

B. In order for anyone to perform any type of sedation or general anesthesia beyond minimal sedation **or nitrous oxide analgesia** in conjunction with dental procedures in a dental office or in any facility in which dentistry is being performed, an office permit must have been issued by the board for that location, subject to the exceptions in R.S. 37:793(H). The office permit must be for the level of sedation or general anesthesia equal to or higher than the level to be performed. No office or personal permit is required for minimal sedation ~~by means other than nitrous oxide inhalation.~~ **and no office permit is required for nitrous oxide analgesia.**

C. ...

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), 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 TITLES:
Chapter 3. Dentists
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 21 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.

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

As a result of no longer requiring an office permit for nitrous oxide analgesia, the board anticipates an underminalable reduction of permit revenue collections.

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

The proposed rule change for expungements of a consent decree of a first time CDC inspection violation(s) will directly affect any dentist who signed a consent decree in the past. For a fee, dentists will now be allowed to have a consent decree for first time CDC inspection violation(s) expunged with the board and it will not show on his or her public record with the board.

The proposed rule change for not requiring an office or personal permit for nitrous oxide analgesia will directly affect any dentist who was going to apply for a nitrous oxide analgesia office or personal permit.

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

The proposed rule change will not affect competition or employment.

Arthur Hickham, Jr.
Executive Director