

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Dentists; Continuing Education Requirements (LAC 46:XXXIII.322 and .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.322 and .1607.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.322 because the rule previously only allowed dentists to apply for a first-time advertising violation after three years, provided the dentist fulfilled the other requirements set forth in §322. The rule change will now allow dentists to apply for expungement of advertising violations after five years, provided the dentist has fulfilled the other requirements set forth in §322.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.1607 to set forth the guidelines that a holder of a retired volunteer dental who practices not more than two hundred fifty hours in a calendar year shall be exempt from all continuing education requirements except for the completion of a cardiopulmonary resuscitation course. The proposed rule change will also set forth that for any dentist who holds an anesthesia permit and seeks a retired volunteer dental license, the continuing education requirements set forth in §1611 (H) will be required.

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

§322. Expungement of Disciplinary Actions

A. A dentist may apply for the expungement of ~~a first-time~~ advertising violations s provided:

1. a period of ~~five~~ 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 advertising violations s in question;

A.3. ...

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

B1. – B.4. ...

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 by Department of Health, Board of Dentistry, LR 46:1676 (December 2020), repromulgated LR 47:42 (January 2021), amended LR

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

§1607. Exemptions

A.1. – A.4

5. dentists holding a retired volunteer dental license pursuant to R.S. 37:761.1 who work fewer than 250 hours per calendar year during the renewal period; however, if the dentist holding the retired volunteer dental license maintains a sedation permit, the requirements of §1611.H still apply.

B. ...

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 45:1762 (December 2019), 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 3. Dentists; 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 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 expenditures of local governmental units.

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

The proposed rule change is not anticipated to alter penalty fee collections or disciplinary processes as no dentist has been reprimanded by the Board of Dentistry for advertising violations since 2014. Additionally, the Board of Dentistry does not administer nor receive revenue from continuing education coursework.

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

The proposed rule change for expungements of advertising violations will directly affect any dentist who had an advertising decree in the past. The rule previously only allowed dentists to apply for a first-time advertising violation after three years, provided the dentist fulfilled the other requirements set forth in LAC 46:XXXIII.322. The rule change will now allow dentists to apply for expungement of advertising violations after five years, provided the dentist has fulfilled the other requirements set forth in LAC 46:XXXIII.322.

The proposed rule change will benefit any persons seeking a retired volunteer dental license who practices not more than 250 hours a year as they will now be exempt from continuing education requirements except for the completion of a cardiopulmonary resuscitation course. The proposed rule change will also set forth that any dentist who holds an anesthesia permit and seeks a retired volunteer dental license, the continuing education requirements set forth in §1611 (H) and the completion of a cardiopulmonary resuscitation course will be required.

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

The proposed rule change will not affect competition or employment. Proposed rule change is intended to encourage more retired dentists to perform charitable work by reducing licensure burdens, but is unlikely to influence provider labor markets significantly.

Arthur Hickham, Jr.
Executive Director