

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

Dental Hygienists  
(LAC 46:XXXIII.701)

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 LAC 46:XXXIII.701.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.701 to allow hygienists working in FQHCs to operate under general supervision with the same limits as those in privately owned dental offices. When the rules allowing hygienists to work under general supervision in private dental offices were implemented, general supervision was allowed in public institutions or schools or in an office owned by a Louisiana licensed dentist. Federally Qualified Health Clinics are not public institutions and they are not generally owned by Louisiana licensed dentists, yet they employ dentists. Thus, under the current rule, FQHC's are not allowed to have hygienists work under general supervision. The rule change would allow FQHC's to have hygienists work under the general supervision of a dentist, just as they are currently allowed to do in private dental offices and in public institutions.

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

#### **§701. Authorized Duties**

A. – G. ...

1. ~~No entity other than a public institution or school supervised by a Louisiana licensed dentist, or an office owned by a dentist or group of dentists licensed in Louisiana, may employ dental hygienists to provide treatment for patients of record under general supervision.~~ **No entity may employ dental hygienists to provide treatment for patients of record under general supervision other than:**

**a. a public institution that has supervision by a Louisiana licensed dentist;**

**b. a nonprofit entity that meets the statutory, regulatory and program requirements for grantees supported under Section 330 of the Public Health Service Act (42 U.S.C. §254b or its successor) and that has supervision by a Louisiana licensed dentist;**

**c. a school that has supervision by a Louisiana licensed dentist, or**

**d. an office owned by a dentist or group of dentists licensed in Louisiana.**

2. ...

3. No duly licensed and registered dentist ~~in a private practice~~ shall supervise a dental hygienist for more than five consecutive business days or for more than 20 total days in any calendar year. These limits do not apply to a hygienist working at a school or public institution.

4. – 6. ...

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 14:791 (November 1988), amended LR 15:965 (November 1989), LR 19:206 (February 1993), LR 22:22 (January 1996), LR 22:1217 (December 1996), LR 24:1116 (June 1998), LR 27:1892 (November 2001), LR 32:2056 (November 2006), LR 37:590 (February 2011), LR 37:1406 (May 2011), amended by the Department of Health, Board of Dentistry LR 43:48 (January 2017),

### **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**

##### **RULES TITLE: Authorized Duties**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY).
  
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY).
  
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (SUMMARY).
  
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (SUMMARY).

Arthur Hickham, Jr.  
Executive Director