

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

Dental Hygienists  
(LAC 46:XXXIII.702)

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 promulgate LAC 46:XXXIII.702.

The Louisiana State Board of Dentistry is promulgating LAC 46:XXXIII.702 to allow dental hygienists with restrictions to perform dental hygiene in a licensed nursing home under general supervision.

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

#### **§702. General Supervision in Nursing Homes**

**A. Notwithstanding the limits in §701 on dental hygienists working under general supervision, a dental hygienist may work under the general supervision of a dentist in a licensed nursing home, as defined by R.S. 40:2009.2, if:**

- 1. The dental hygienist has at least five years of full-time practice of dental hygiene;**
- 2. The dental hygienist is employed by a Louisiana licensed dentist;**
- 3. The dental hygienist has taken six hours of continuing education on medical emergencies within the last two years or during the hygienist's last preceding licensure cycle; and**
- 4. the dental hygienist has current CPR certification  
and complies with the established protocols for emergencies  
which the supervising dentist has established;**

**B. A dental hygienist who qualifies under the preceding section is entitled to be referred to as a Public Health Dental Hygienist, and will have no limit on the number of days the hygienists may work under general supervision in a licensed nursing home but must adhere to all of the other restrictions and requirements set forth in Rule 701 except Rule 701.F.5.**

**C. The limit of a dentist supervising no more than two dental hygienists under general supervision shall not apply to Public Health Dental Hygienists working at a licensed nursing home.**

**D. The limitation in Rule 701 that a patient may not be seen twice consecutively under general supervision shall not apply to Public Health Dental Hygienists working at a licensed nursing home; however, the requirement that the supervising dentist has examined the patient of record not more than nine months prior to the date that the dental hygienist provides the dental hygiene services is still applicable.**

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 ( 2022)

### **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 7. Dental Hygienists**

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 23 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 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 promulgation of §702 will directly affect dental hygienists as they will now be allowed to work under general supervision of a dentist in a licensed nursing home if:

1. The dental hygienist has at least five years of full-time practice of dental hygiene;
2. The dental hygienist is employed by a Louisiana licensed dentist;
3. The dental hygienist has taken six hours of continuing education on medical emergencies within the last two years or during the hygienist's last preceding licensure cycle; and
4. The dental hygienist has current CPR certification and complies with the established protocols for emergencies which the supervising dentist has established.

The board estimates this will impact roughly 15 dental hygienists across the state and will remain within the Board's current capacity to implement.

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

The proposed rule promulgation will affect dental hygienists and their scope of practice within nursing homes. An increase in their regulated duties may lead to higher labor demand in the long-term, however, any observable effect on competition or employment in the following few years would be indeterminate and likely negligible.

Arthur Hickham, Jr.  
Executive Director