

**LOUISIANA STATE BOARD OF DENTISTRY
SUMMER UPDATE
AUGUST 2005**

Dear Licensees:

This update is intended to apprise you of the various changes that have occurred with the Louisiana State Board of Dentistry and in the Dental Practice Act over the past year. Please read this update carefully as some of the changes may have an impact on you and your practice. If you have any questions, please contact the board office at our toll free number 1-877-467-4488 or visit our website at www.lsbdb.org.

Numerous changes have occurred on the board over the last year. Presently, our sitting board members are: Dr. Vance L. Wascom (NODA), president, Dr. Dennis E. Donald (Southwest), vice president, Dr. James A. Pearce (Acadiana), secretary-treasurer, Dr. Charlie L. Wise (Bayou), Dr. Conrad "Butch" McVea, Jr. (Northshore), Dr. Louis J. Joseph (CENLA), Dr. Romell J. Madison (At-Large), Dr. Sam S. Vinci (At-Large), Dr. Charles T. McCabe, Jr. (NODA), Dr. Sam A. Trinca (Northeast), Dr. Pamela Daniel (At-Large), Dr. Charley M. Lester (Northwest), Dr. Lynn Philippe (Baton Rouge) and Mrs. Christine Guillaume, R.D.H. (dental hygienist).

During the past year, the board completed work with the Louisiana Dental Association Task Force on Enteral Conscious Sedation under the guidance of Representatives Sydnie Mae Durand and Monica Walker. The legislation was passed by the legislature and became law on August 15, 2005. That legislation is included below. It is considered a win-win situation for everybody. It requires dentists utilizing oral sedation to have a minimum amount of training and utilization of necessary equipment in their offices in order to safely administer this modality. All feel that this will protect the public while also being beneficial to dentists. A grace period of approximately 180 days is being allowed licensees to obtain the necessary training in order to receive their permit to administer oral sedation to either adults or pediatric patients.

During the past year the board re-worked its software for its licensing database and improved its website. Verifications can be performed on the website, and the Dental Practice Act may also be researched there as well. We intend to further improve the website by including frequently asked questions and other helpful information for the public and our licensees in the near future.

We will not be printing a new Dental Practice Act booklet this year. However, we will soon mail you a complete update of all changes to the Dental Practice Act since the last printing. The entire Federal Centers for Disease Control Recommendations for Dentistry which were amended on December 19, 2003 will also be available on our website in the near future. This will provide our licensees with an excellent resource on all matters relating to disease control in dentistry. They are much more extensive than the previously published guidelines.

In order to keep up with rising costs, the board will be proposing a rule change to increase license renewal fees slightly over the next year. The board has been operating at a loss for several years, and there have been no increases for quite some time. We hope this will not cause you any inconvenience. The anticipated increases are \$50 per year for dentists and \$25 per year for hygienists.

As you may have read in the American Dental Association Newsletter, big changes are taking place in regards to national clinical licensing examinations. The Louisiana State Board of Dentistry has been supportive of the creation of the ADEX exam and is also in the process of forming a regional testing agency with the Coalition of Independent Testing Agencies to administer the ADEX exam. The new regional testing agency will keep the same acronym (CITA), but the testing arm will be called the Council of Interstate Testing Agencies. At a recent meeting of the Louisiana Dental Association Board of Directors, the LDA voted to encourage the board to accept both the ADEX and the Western Regional Examining Board (WREB) examinations. The creation of a national clinical licensing examination will benefit all dentists and hygienists in this ever-growing mobile society we live in. More and more states will accept these exams than ever before.

Legislation which became effective on August 15, 2005 are follows:

Enteral Sedation

- §793. Nitrous oxide inhalation analgesia; enteral conscious sedation; parenteral sedation; deep sedation; general anesthesia; definitions; permits; credentials; reporting; fees; limitations; exceptions
- A. (1) As used in this Section, the following terms have the meanings ascribed to them unless the context clearly indicates otherwise:
- (a) – (c) . . .
 - (d) "Anxiolysis" is the reduction or elimination of anxiety through the perioperative use of medication before or during a dental procedure that produces a minimally depressed level of consciousness and maintains the patient's ability to maintain an airway independently and to respond appropriately to physical and verbal stimulation.
- (2) The following terms describing routes of administration shall have the meanings ascribed to them unless the context clearly indicates otherwise:
- (a) "Enteral" is any technique of drug administration in which the drug is absorbed through the gastrointestinal (GI) tract or oral mucosa. Examples are oral, rectal, and sublingual.
- B. (1) When nitrous oxide inhalation analgesia, enteral conscious sedation, parenteral conscious sedation, deep sedation, or general anesthesia are used in a dental practice, board authorization shall be obtained in compliance with board rules and regulations to insure that these procedures are performed in a properly staffed, designed, and equipped facility capable of handling procedure, problems, and emergency incidents thereto for the level of anesthesia administered. Adequacy of the

facility and competence of the anesthesia team shall be determined by the board through the use of qualified anesthesia consultants.

- (2) A dentist who administers nitrous oxide inhalation analgesia, enteral conscious sedation, parenteral conscious sedation, deep sedation, or general anesthesia in a dental practice shall receive a personal permit from the board for the deepest level of anesthesia/analgesia to be administered and shall be in compliance with board rules and regulations.
 - (3) When nitrous oxide inhalation analgesia, enteral conscious sedation, parenteral conscious sedation, deep sedation, or general anesthesia is administered in any dental office or facility, each office shall receive an office permit from the board for the deepest level of anesthesia/analgesia to be administered and must be in compliance with board rules and regulations.
 - (4) It has been determined that the perioperative titration of enteral medications with the intent to achieve a level of conscious sedation poses a potential overdosing threat due to the unpredictability of enteral absorption and may result in an alteration of the state of consciousness of a patient beyond the intent of the practitioner. Such potentially adverse consequences may require immediate intervention and appropriate training and equipment. No dentist licensed in Louisiana shall use any enteral medications to induce conscious sedation unless such dentist has obtained a permit as required by the provisions of the Dental Practice Act, R.S. 37:751 through 795. The use of enteral sedatives or narcotic analgesic medications within the maximum recommended dose (m.r.d.) for the purpose of providing anxiolysis shall not be deemed titration of enteral medication and shall not be prohibited by the Dental Practice Act.
 - (5) Permits shall not be required for the induction of anxiolysis on a patient in a dental practice. This shall include the administration of an enteral sedative, narcotic analgesic medication, or both, administered in doses appropriate for the unsupervised treatment of anxiety. Except in extremely unusual circumstances, the cumulative dose shall not exceed the m.r.d. as per the manufacturer's recommendation. It is understood that even at appropriate doses, a patient may occasionally drift into a state that is deeper than anxiolysis. As long as the intent was anxiolysis and all of the above guidelines were observed, this shall not automatically constitute a violation. A permit shall not be required for the perioperative use of medication for the purpose of providing anxiolysis. For a patient under the age of thirteen, the administration of more than one agent of any type, including nitrous oxide, shall be considered conscious sedation, not anxiolysis, and shall require a conscious sedation permit.
- C. The applicant shall comply with the board's rules and shall furnish the board with qualifying documents that substantiate his credentials relative to the permit requested.
- D. (1) Each licensed dentist or dental hygienist in the practice of dentistry or dental hygiene in this state shall submit a written report within a period of ten days to the board of any mortality or other incident which results in temporary or permanent physical or mental injury to a patient requiring hospitalization of the patient during or as a result of administration by the dentist or dental hygienist of local anesthesia, enteral sedation, nitrous oxide inhalation analgesia, parenteral conscious sedation, deep sedation, or general anesthesia.
- (2) The report shall include detailed information pertaining to the following:
- (a)-(b) . . .
 - (c) A description of all drugs and dosages administered.
- E. An initial authorization permit fee shall be charged, and an annual renewal fee may be charged by the board for each dentist and dental hygienist and facility making an application under this Section as set forth in the board's rules. Such fees shall be due and payable to the board at the same time as license renewal as provided for in R.S. 37:770 and 795.
- F. The authority for the administration of nitrous oxide inhalation analgesia, enteral conscious sedation, parenteral conscious sedation, deep sedation, and general anesthesia as described in this Section shall be limited to qualified dentists licensed by the board for use on dental patients.
- G. (1) The office permit is not required when the facility is part of a hospital or an outpatient surgical center which meets or exceeds the requirements set forth in Louisiana Administrative Code (Title 46-Professional and Occupational Standards-Part XXXIII Dental Health Professions:), Chapter 15. The reporting requirements of Subsection D of this Section shall apply to those practicing in a facility exempt from the office permit requirement.
- H. The board reserves the right to inspect the facilities and/or assess the personnel covered under this Section. This inspection/assessment shall be conducted by a qualified person or committee duly appointed by the board. Such inspection and/or assessment may occur when a permit is requested or have been issued in accordance with the board's rules.
- Section 2. R.S. 37:793 (A)(1)(i) is hereby repealed in its entirety.

LSBD OMNIBUS BILL

§ 751. Definitions; licensure; presumption

- A. As used in this Chapter:
- 1.-4. . . .
 5. "Dentistry" means the evaluation, diagnosis, prevention, or treatment, including nonsurgical, surgical, or related procedures, of diseases, disorders, or conditions of the oral cavity, maxillofacial areas or the adjacent and associated structures and their impact on the human body provided by a dentist within the scope of his education, training, and experience, in accordance with the ethics of the profession and applicable law.

§ 780. Hearing; notice; penalty; interest

- B. (1) The committee hearing the charge may cause the testimony adduced to be reduced to writing or stenographic record. Should the committee after due hearing find that the charges filed against the licensee or the unlicensed person are sustained by clear and convincing evidence, it may revoke, suspend, restrict, fine, place on probation, reprimand, or admonish, or any or all of the above the licensed dentist or licensed dental hygienist. The board may levy an administrative fine, but it

shall assess all costs of the committee, including but not limited to attorney fees, investigative fees and expenses, witness fees and expenses, and stenographic costs as set forth in the following paragraph against the licensee or the unlicensed person.

- (2) Any fine imposed pursuant to this Section shall not be less than five hundred dollars nor more than five thousand dollars for each offense
- (3) After the hearing wherein a charge is proven by clear and convincing evidence, and even if there is no fine imposed, the unlicensed person, the licensed dentist, or licensed dental hygienist shall pay, not later than the thirtieth day after the decision is made by the committee, all costs of the committee proceedings, including but not limited to stenographer fees, attorney fees, investigative fees and expenses, witness fees and expenses, and the per diem and expenses of the committee members. If, for any reason, the money portion of the committee's decision is not paid by the unlicensed person, licensed dentist, or licensed dental hygienist for fines and costs imposed pursuant to this Section, the board may recover any and all reasonable attorney's fees in association with the collection of them.
- (4) The committee shall release to the public the result of any decision rendered by it after it has become final.

§788. Violations

- B. (1)-(3) . . .
- (4) The fact that any unlicensed person engages in or performs or offers to engage in or perform any of the practices, acts, or operations set forth in R. S. 37:751 (A)(5) is prima facie evidence that such person is engaged in the illegal practice of dentistry or dental hygiene.

§795 Fees and costs

- B. Notwithstanding any other provision of this Chapter, the fees and costs established by the board shall be not less nor more than the range created by the following schedule:

(2)	Licenses, permits, and examinations for dentists	Minimum	Maximum
(a)	(i) Examination and licensing of dental applicants	\$300.00	\$1200.00
	(ii) Make-up examination per portion	\$150.00	\$250.00
(q)	Application and permitting for enteral conscious sedation	\$100.00	\$400.00
(r)	Renewal of enteral sedation permit	\$50.00	\$100.00
(s)	Application and permitting for pediatric conscious sedation permit	\$100.00	\$400.00
(t)	Renewal of pediatric conscious sedation permit	\$50.00	\$100.00
(3)	Licenses, permits, and examinations for dental hygienists		
(a)	(i) Examination and licensing of dental hygienist applicants	\$100.00	\$400.00
	(ii) Make-up examination per portion	\$50.00	\$100.00

**VOLUNTEER DENTAL LICENSES
A CONCURRENT RESOLUTION**

To direct the Louisiana State Board of Dentistry to formulate proposed legislation providing for a volunteer license, which would allow retired dentists to practice at nonprofit health care facilities for no remuneration.

Whereas, in order to protect the citizens of Louisiana, only qualified individuals are eligible to practice dentistry; and

Whereas, retired dentists in this state desire to donate their services to the indigent after retirement but are prohibited from doing so under current law; and

Whereas, such states as Wyoming, Arizona, Colorado, Florida, Idaho, Maine, Maryland, Minnesota, South Carolina, Virginia, Tennessee, Montana, Texas, Missouri, North Dakota, North Carolina, Pennsylvania, Ohio, Oklahoma, and South Carolina currently have laws which provide for limited retired dental practices; and

Whereas, the Louisiana State Board of Dentistry (board) is the proper licensing entity for dentists in this state; and

Whereas, the board should work in conjunction with the Louisiana Dental Association membership to examine the laws of other states and formulate legislation for licensure of retired dentists that is best for the citizens of Louisiana. Therefore, be it resolved that the Legislature of Louisiana does hereby direct the Louisiana State Board of Dentistry to formulate proposed legislation providing for a volunteer license, which would allow retired dentists to practice at nonprofit healthcare facilities for no remuneration.

Be it further resolved that the legislature directs the board to submit a written report of its findings and recommendations to the House and Senate Committees on Health and Welfare, the president of the Senate, and the speaker of the House of Representatives prior to February 1, 2006.

Be it further resolved, that a suitable copy of this Resolution be transmitted to the president of the Louisiana State Board of Dentistry and the president of the Louisiana Dental Association.

ADVERTISING VIOLATION EXPUNGEMENT

§ 776. Causes for nonissuance, suspension, revocation, or imposition of restrictions; expungement of first-time advertising offenses

- D. The board shall promulgate rules and regulations providing for the expungement of first-time advertising offenses from a licensee's record after a period of three years from the date of the offense;

provided however, the licensee has not had subsequent disciplinary actions of any kind taken against him by the board and the licensee has no disciplinary actions pending by the board.

Rules which became effective on April 20, 2005 are:

§304. Address of Dental Practice and Mailing Address

- A. Each dentist shall inform the Louisiana State Board of Dentistry of his official mailing address and all office addresses at which the dentist practices dentistry within 30 days of changing his official mailing address or commencing practice at each location.
- B. Failure of a dentist to notify the board within 30 days of any change of official mailing address or office move or relocation will result in the imposition of any one or more of the penalties set forth in R.S. 37:780(B).
- C. . . .

§306. Requirements of Applicants for Licensure by Credentials

- A. 1.-2. . . .
 - 3. has been in active practice, while possessing a nonrestricted license in another state, by working full-time as a dentist at a minimum of 1,000 hours per year for the preceding five years before applying for licensure in Louisiana or full-time dental education as a teacher for a minimum of three years immediately prior to applying for licensure; or has completed a two-year general dentistry residency program or successfully completed a residency program in one of the board-recognized dental specialties as defined in §301; the applicant completing the residency program must apply for licensure within 180 days of graduation from said specialty program or fellowship or work full-time as a dentist for five years before licensure;
- 4.-20. . . .
- B.-E. . . .

§507. High School Diploma Requirement

Repealed

§703. Address of Employment and Mailing Address

- A. Each dental hygienist shall inform the Louisiana State Board of Dentistry of his or her official mailing address and all office addresses at which the dental hygienist is employed as a dental hygienist and the name of the employing dentist. Failure of a dental hygienist to notify the board within 30 days of a change in the mailing address or address of employment as a dental hygienist and the name of the new employing dentist will result in the imposition of any one or more of the penalties set forth in R.S. 37:780(B).

§1515. Hospitals and Outpatient Surgical Centers; Exemption

- A. Office permits for the administration of anesthesia are not required when the procedure is being performed in a hospital or outpatient surgical center approved by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

If you have any questions, please call the board office. Wishing you continued success, I am

Yours very truly,

Vance L. Wascom
President