

**LOUISIANA STATE BOARD OF DENTISTRY
SUMMER UPDATE
JULY 2006**

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 web site at www.lsbdb.org.

Presently, sitting on the Louisiana State Board of Dentistry are Dr. Dennis E. Donald (Southwest), President, Dr. James A. Pearce (Acadiana), Vice president, Dr. Sam A. Trinca (Northeast), Secretary-Treasurer, Dr. Pamela Daniel (At-large), Christine Guillaume, R.D.H. (dental hygienist), Dr. Louis Joseph (CENLA), Dr. Charley M. Lester (Northwest), Dr. Romell J. Madison (At-large), Dr. Charles T. McCabe, Jr. (NODA), Dr. Conrad P. McVea, Jr. (Northlake), Dr. David L. Melancon (Bayou), Dr. Lynn Philippe (Baton Rouge), Dr. Sam S. Vinci (At-large), and Dr. Vance L. Wascom (NODA).

The Louisiana State Board of Dentistry staff consists of C. Barry Ogden (executive director), Mrs. Linda Foto (director of licensing), Ms. Erin Conner (administrative coordinator), John Roth (administrative coordinator), Carolyn M. Perez (administrative coordinator), and Diana Chenevert (administrative coordinator). Our office is fully functioning from 8:00 AM to 4:30 PM Monday through Friday. Fortunately, our office received no damage during Hurricanes Katrina or Rita and you may feel free to stop by any time you wish.

The legislative and rulemaking changes below are quite significant. Some of the highlights of the legislation are general supervision for dental hygienists, national clinical licensing examination acceptance, and the new status of licensure for volunteer dentists.

We anticipate printing new Dental Practice Act booklet for your convenience this year.

We have worked extremely well with the Louisiana Dental Association during the past year. We worked with them to help pass general supervision and the volunteer dentists bill. They in turn helped us with our own legislation.

The Louisiana State Board of Dentistry will now accept applicants for licensure by examination who have taken any of the regional examinations throughout the United States which are ADEX, CITA, CRDTS, NERB, SRTA, and WREB. Our board will continue to administer our independent examination for one more calendar year in order to give LSU students time to prepare for the new clinical licensing examination which will be administered by CITA (Council of Interstate Testing Agencies). Our acceptance of these other examinations and the administration by CITA will allow our younger dentists greater mobility than they have ever experienced before.

The regulations regarding general supervision are found below in Rule 701

The volunteer licensing bill is appreciated for those dentists who wish to provide gratuitous services to those needing dental services but cannot afford them.

We hope to send your renewal packages out around Thanksgiving this year. **Please make certain that we have your correct addresses on file if you have moved since either of the hurricanes.**

LEGISLATION

§ 753. Louisiana State Board of Dentistry; appointment of members; term of office; vacancies; nominating meetings; quorum; domicile

A.-B. . . .

C. Each member of the board shall be appointed by the governor as follows:

(1)-(3) . . .

(4) In the event the governor declares a state of emergency, all nominating procedures may be delayed for a period of not longer than one hundred eighty days from the date the emergency was first declared by the governor.

§ 756. Receipts and disbursements of board

A. All fees received by the board under this Chapter shall be paid to the secretary-treasurer. Disbursements made by the board shall be signed by the president and the secretary-treasurer. In the absence of either the president or secretary-treasurer, the vice president or any employee empowered by the board by majority vote is authorized to sign all disbursements with the remaining authorized signatory.

§ 760. Powers and duties of the board

A. The board shall exercise, subject to the provisions of this Chapter, the following powers and duties:

(1) Conduct examinations to ascertain qualifications and fitness of applicants for licenses as dentists and dental hygienists. The board may employ dentists and dental hygienists licensed in any state or territory of the United States as defined in R.S. 37:751 (A)(1) to participate as examiners to assist the board in conducting clinical licensing examinations. Board members may also participate as examiners for other national or regional clinical testing agencies.

(2)-(14)

(15) Require and determine, by rule, requirements for expedited provisional licenses when a state of emergency has been declared by the governor or the United States government.

§ 761. Requirements of applicants for dental license

A.-B. . . .

C. An applicant who has successfully completed any national, regional, or independent third-party clinical dental licensing examination approved by the board that shall include procedures performed on human subjects as part of the assessment of restorative clinical competencies and who otherwise satisfies all requirements for a dental license, including satisfactory completion of an examination in jurisprudence and a background check, may be granted a license by examination by applying for licensure in Louisiana within one year following the successful completion of such clinical licensing examination.

§ 761.1. Retired volunteer dental license; issuance; applicant's requirements; validity; denial; violations; status change; continuing dental education

A. The board may issue a retired volunteer dental license to an applicant to practice dentistry in a community health care clinic as defined in R.S. 9:2799.5(D)(1). Holders of a retired volunteer dental license shall submit with the application to the board a notarized statement that they shall not accept any form of remuneration directly or indirectly for providing dental services. Any application for licensure under this Section shall be in the form and manner designated by the board. The provisions of R.S. 9:2799.5 shall apply to all licenses issued under this Section.

B. The applicant for licensure shall meet all of the following conditions:

(1) The applicant shall maintain, for at least ten years prior to retirement, full licensure in good standing in Louisiana without disciplinary action that restricted the applicant's license or resulted in the applicant's license being placed on probation, suspended, restricted, revoked, surrendered, resigned, or otherwise allowed to lapse or expire in lieu of disciplinary action being taken.

(2) The applicant shall have held an active status dental license in good standing in Louisiana within one year prior to the date of application for a retired volunteer dental license; however, the board may waive the one-year requirement in the event that the applicant demonstrates that he possesses the knowledge and skills requisite to the practice of dentistry by successfully completing such examinations required by the board.

(3) The applicant shall be of good moral character and affirm that the applicant has no felony convictions or other criminal convictions that would affect the applicant's ability to render competent care.

C. For purposes of this Section, a person shall be considered retired from practice if the person's license has been surrendered or allowed to expire with the intention of ceasing to practice as a dentist for remuneration.

D. A retired volunteer license shall be valid for a period of one year and shall expire annually on June thirtieth.

E. All documentation and certification shall be submitted to the board for review. Any plan to reestablish competency shall be submitted to and pre-approved by the board. Demonstration of professional ability, skills, and knowledge may be accomplished by successfully completing a reentry program at an accredited dental institution, which will certify the licensee's proficiency meets or exceeds the competency level required of a graduating student in his senior year from the institution.

F. The board shall deny issuance of a retired volunteer dental license to a person who is not qualified under this Section to hold a retired volunteer dental license. The holder of the retired volunteer dental license shall practice a minimum, on average, eight hours per month. If the community health care clinic at which a retired volunteer dentist seeks to practice permanently ceases operation, the license issued under this Section shall be automatically revoked unless the licensee begins practicing in another community health care clinic for the required minimum number of hours per month within ninety days.

G. The holder of a license under this Section who practices dentistry other than as authorized in this Section shall be guilty of a felony with each day's violation constituting a separate offense. Upon proof of practice other than as authorized in this Section or of a violation of R.S. 37:776, the board may suspend or revoke the retired volunteer dental license after notice to the licensee. For violations of the dental practice act or rules adopted under the act that are applicable to practice under this Section, the board shall have the same authority to investigate and impose sanctions on retired volunteer license holders as it has for those holding an active license.

H. Any person licensed under this Section may apply to the board for a return to active licensure status by filing an application in the form and manner prescribed by the board and meeting all requirements of this Chapter. Licensees who desire to change a retired volunteer license to an active license and who have not practiced at least one year out of the five years immediately preceding application for an active license shall document and certify to the board how they have maintained their professional ability, skills, and knowledge and shall be subject, at the board's discretion, to the provisions of LAC 46:XXXIII.124.

I. The retired volunteer status of a licensee shall be plainly indicated on the face of any retired volunteer license issued under this Section.

J. Holders of a retired volunteer dental license shall comply with the continuing dental education requirements adopted by the board which shall include cardiopulmonary resuscitation (CPR) training.

K. The board may charge an administrative fee for issuing a retired volunteer dental license pursuant to this Section. However, a dentist who possesses an active Louisiana license and who desires to convert the active license to a retired volunteer dental license shall not pay an administrative fee for the conversion.

§ 764. Dental hygienist; application for license

A.-C. . . .

D. An applicant who has successfully completed any national, regional, or independent third-party clinical dental hygiene licensing examination approved by the board that shall include procedures performed on human subjects as part of the assessment of clinical competencies and who otherwise satisfies all requirements for a dental hygiene license, including satisfactory completion of an examination in jurisprudence and a background check, may be granted a license by examination by applying for licensure in Louisiana within one year following the successful completion of such clinical licensing examination.

§ 766. Hygienists, employment; operations limited

Any licensed dentist licensed in Louisiana of good standing, public institution, or school authority may employ a licensed hygienist who may perform such duties as may be authorized by the board. A registered dental hygienist may operate under a licensed Louisiana dentist's direct or general supervision as defined in LAC 46:XXXIII.108. The licensed hygienist shall be responsible for providing notification to the board of the name and location of his employer.

§ 771.1 Dentist fees; discount to an uninsured individual; effect on a dentist's contracted reimbursement amount

A. Notwithstanding any state or federal provisions to the contrary, a contracted dentist licensed to practice dentistry by the Louisiana State Board of Dentistry may offer a discount for dental care services rendered to an uninsured individual. Any such discount granted by a contracted dentist to an uninsured individual shall not reduce the contracted reimbursement amount between a dentist and a health or dental insurance issuer for dental care services rendered to the issuer's enrollees, insureds, and subscribers.

B. For the purposes of this Section:

(1) "Contracted dentist" means a dentist licensed to practice dentistry by the Louisiana State Board of Dentistry who has executed a direct, specific contract with a health insurance issuer.

(2) "Contracted reimbursement amount" means the quantity of remuneration a health or dental insurance issuer has agreed to pay a dentist for rendering dental care services in a direct, specific agreement between a dentist and a health or dental insurance issuer.

(3) "Enrollee," "insured," or "subscriber" means an individual who is enrolled or insured by a health or dental insurance issuer or who is subscribed to a dental services contractor for dental insurance coverage or prepaid dental services.

(4) "Health or dental insurance issuer" means any entity that offers health or dental insurance coverage through a policy, contract, dental benefit plan, or certificate of insurance subject to state law that regulates the business of insurance. For purposes of this Section, a "health or dental insurance issuer" shall include but not be limited to a dental service contractor as defined and certified pursuant to Part XXXIII of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950.

§ 795. Fees and costs

A. . . .

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:

	Minimum	Maximum
(1) Miscellaneous fees and costs		
(a)-(k) . . .		
(1) Retired volunteer dental license	\$50.00	\$200.00
(2) Licenses, permits, and examinations for dentists		
(a) (i)-(ii) . . .		
(iii) Licensing of dental applicants who have successfully completed an examination administered by another jurisdiction which is accepted by the board	\$300.00	\$800.00
(iv) Provisional dental license during emergency	\$100.00	\$300.00
(3) Licenses, permits, and examinations for dental hygienists		
(a) (i)-(ii) . . .		
(iii) Licensing of dental hygiene applicants who have successfully completed an examination administered by another jurisdiction which is accepted by the board	\$100.00	\$500.00
(iv) Provisional dental hygiene license during emergency	\$100.00	\$300.00

C. All Louisiana candidates for licensure who take national or regional clinical licensing examinations shall pay the examination fees directly to the examining agency administering such clinical examinations.

RULES

§ 128 Provisional licensure for dental healthcare workers providing gratuitous services

- A. The board of dentistry may grant a provisional license not to exceed sixty days in duration for any dentist or dental hygienist who is in good standing in the state of their licensure and who wishes to provide gratuitous services to the citizens of Louisiana at sites specified by the Department of Health and Hospitals provided:
1. The applicant is verified by the board to be in good standing in the state of licensure where the applicant is licensed;
 2. The applicant provides satisfactory documentation to the board that the dental healthcare provider is assigned to provide gratuitous services at sites specified by the Department of Health and Hospitals;
 3. The applicant agrees to render services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of dental services within the state of Louisiana.
- B. The board may renew this provisional license for no more than an additional sixty days.

Effective January 20, 2006

§301. Advertising and Soliciting by Dentists

- A.-B. . . .
- C. Approved Specialties. The board has reviewed and approved the "Standards for Advanced Specialty Education Programs" set forth by the Commission on Dental Accreditation of the American Dental Association and approves only the following specialties: 1. dental public health; 2. endodontics; 3. oral and maxillofacial surgery; 4. oral pathology; 5. orthodontics and dentofacial orthopedics; 6. pediatric dentistry; 7. periodontics; 8. prosthodontics; and 9. oral and maxillofacial radiology.
- D.-K. . . .

Effective February 20, 2006

§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 three 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 one hundred eighty days of graduation from said specialty program or fellowship or work full-time as a dentist for three years before licensure;

A. 4.-E. . . .

Effective February 20, 2006

§415. Licenses, Permits, and Examinations (Dentists)

- A. For processing applications for licensure, permits, and examinations, the following non-refundable fees shall be payable in advance to the board:

1.-16. . . .		
17. Clinical licensing examination makeup fee		
per portion	\$150.00	

Effective February 20, 2006

§419 Licenses, Permits, and Examinations (Dental Hygienists)

- A. For processing applications for licensure, permits, and examinations, the following non-refundable fees shall be payable in advance to the board:

1.- 10. . . .		
11. Clinical licensing examination makeup fee		
per portion	\$50.00	

Effective February 20, 2006

§501. Authorized Duties

- A.-B. 19. . . .
20. Exception: A dental assistant who has been employed by a licensed, practicing dentist and has worked as a dental assistant prior to July 30, 1992, may continue performing the following duties without registering as an expanded duty dental assistant. These duties must also be performed under the direct, on-premises supervision of the dentist:
- a. apply cavity liners, excluding capping of exposed pulpal tissue;
 - b. place, wedge or remove matrices for restoration by the dentist;
 - c. place and remove periodontal dressings;
 - d. place and remove retraction cords.

Effective February 20, 2006

§ 701 Authorized Duties

- E. In accordance with Act 744 of the regular session of the Louisiana legislature, effective June 29, 2006, dental hygienists may work under the general supervision of dentists licensed to practice in the state of Louisiana.
- F. Under general supervision, a dental hygienist may provide to patients of record, for not more than five (5) consecutive business days, all dental hygiene services (except local anesthesia and root planning which must be under direct supervision) if all of the following conditions are satisfied:
 - (1) The dental hygienist has at least three (3) years, or an equivalent amount of experience, in the practice of dental hygiene;
 - (2) the dental hygienist has current CPR certification and complies with the established protocols for emergencies which the supervising dentist has established;
 - (3) The supervising dentist has examined the patient of record not more than nine (9) months prior to the date that the dental hygienist provides the dental hygiene services;
 - (4) The dental hygienist provides dental hygiene services to the patient of record in accordance with a written treatment protocol prescribed by the supervising dentist for the patient;
 - (5) The patient of record is notified in advance of the appointment that the supervising dentist will be absent from the location;
 - (6) No licensed dental hygienist, under general supervision, may delegate or supervise any dental hygiene duties for an expanded duty dental assistant; and,
 - (7) The dentist is responsible for all actions of the dental hygienist during treatment of patients under general supervision.
- G. The following limitations also apply to the practice of dental hygiene under general supervision:
 - (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.
 - (2) No duly licensed and registered dentist shall supervise more than two (2) dental hygienists under general supervision at any one time.
 - (3) No duly licensed and registered dentist shall supervise a dental hygienist for more than five (5) consecutive business days or for more than twenty total (20) days in any calendar year.
 - (4) No patient can be seen twice consecutively under general supervision.
 - (5) An examination fee must not be charged if a patient is seen under general supervision.
 - (6) No person shall practice dental hygiene in a manner which is separate or independent from a supervising dentist, or establish or maintain an office or a practice that is primarily devoted to providing dental hygiene services.

Effective July 20, 2006

§1506. Conscious Sedation with Enteral Drugs

- A. In order to administer enteral conscious sedation, the dentist shall:
 - 1. Comply with all requirements of this Chapter;
 - 2. Utilize a working pulse oximeter on patients;
 - 3. Maintain a proper record keeping mechanism in addition to a controlled substance log;
 - 4. Utilize an accurate scale on pediatric patients (anyone under the age of thirteen).
- B. Drugs for enteral conscious sedation must be administered in a dental office and the patient must be observed by a qualified office staff member with training and credentials to perform the specific tasks concomitant with the procedure being administered. Continuous monitoring with pulse oximetry must be initiated with early signs of conscious sedation and continued until the patient is alert. A precordial, pretracheal stethoscope must be available to assist intraoperatively in the monitoring of heart and respiratory rates. A sphygmomanometer shall be immediately available and utilized as needed throughout the procedure. Drugs for anxiolysis may be administered off premises prior to the dental procedure.
- C. For those licensees who have received permits to administer pediatric enteral conscious sedation prior to the effective date of this rule, said licensee shall satisfactorily complete a Board approved course in the administration of pediatric enteral conscious sedation before the permit is renewed concurrently with the license renewal. However, a grace period of one hundred eighty days after the renewal of one's license shall be granted to the licensee if good cause can be shown that a course was not available.
- D. The licensee must provide proof of current certification in cardiopulmonary resuscitation, Course "C," Basic Life Support for the Health Care Provider as defined by the American Heart Association or its equivalent.

Effective February 20, 2006

§1507. General Anesthesia/Deep Sedation

- A. When general anesthesia or deep sedation are administered, the provisions of this Subsection apply:
 - 1. no dentist shall administer general anesthesia or deep sedation unless said dentist has received authorization by the board evidenced by receipt of a permit from the board.
 - 2. in order to receive authorization the dentist must show and produce evidence that he complies with the following provisions:
 - a. completion of an oral and maxillofacial surgery training program accredited by the Commission on Dental Accreditation of the American Dental Association which includes anesthesiology and related academic subjects as required in §1509 of this Chapter; or successful completion of a program which complies with Part II of the American Dental Association Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dental Education at the Advanced level.
 - b. provide proof of current certification in the cardiopulmonary resuscitation course "Advanced Cardiac Life Support" as defined by the American Heart Association, or its equivalent.

Effective October 20, 2006

§1509. Minimal Educational Requirements for the Granting of Permits to Administer Nitrous Oxide Inhalation Analgesia, Conscious Sedation with Parenteral or Enteral Drugs and General Anesthesia/Deep Sedation

- A.-B. . . .
- C. Conscious Sedation with Enteral Drugs
 - 1. To be granted an unrestricted (adults and children) permit to administer conscious sedation with enteral drugs, the applicant must submit verification of formal post-doctoral training in the use of enteral conscious sedation on both pediatric and adult patients or satisfactory completion of a board approved course which includes a minimum of 16 hours of didactic training and a component on handling emergencies incident to the administration of conscious sedation.
 - 2. To be granted a restricted permit (adults only) to administer conscious sedation with enteral drugs, the applicant must submit verification of formal post-doctoral training in the use of enteral conscious sedation on adult patients or

satisfactory completion of a board approved course which includes a minimum of 8 hours of didactic training and a component on handling emergencies incident to the administration of conscious sedation.

D. Deep Sedation and General Anesthesia

Successful completion of an American Dental Association accredited program in oral and maxillofacial surgery or a program which meets or exceeds the specifications outlined in Part II of the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry adopted by the American Dental Association.

Effective February 20, 2006

§1511. Required Facilities, Personnel and Equipment for Sedation Procedures

A.-A. 7d . . .

e. Pulse oximeter when parenteral or enteral conscious sedation on a patient is performed.

A.8-B.3 . . .

4. When conscious sedation with parenteral or enteral drugs is being administered one auxiliary who is currently certified in basic life support must be available to assist the dentist in an emergency.

5. . . .

Effective February 20, 2006

§ 1611 Continuing Education Requirements for Relicensure Of Dentists

A. . . .

B. At least one-half of the minimum credit hours (20) must be attained by personally attending clinical courses pertaining to the actual delivery of dental services to patients. However, ten of these twenty hours may be attained by completing ADA or AGD certified internet or correspondence courses which are clinical in nature and require successful completion of a written examination at the conclusion of said course.

C.-J. . . .

K. In order to renew permits for the administration of deep sedation, parenteral sedation, and enteral sedation, each licensee shall complete a board approved course pertinent to the level of their sedation permit no less than once every five years.

1. Recertification for deep sedation or general anesthesia as required by the American Association of Oral and Maxillofacial Surgeons every five years shall satisfy this requirement.

Effective February 20, 2006

§ 1613 Continuing Education Requirements for Relicensure of Dental Hygienists

A. . . .

B. At least one-half of the minimum credit hours (12) must be attained by personally attending clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients. However, six of these twelve hours may be attained by completing ADA, AGD, or ADHA certified internet or correspondence courses which are clinical in nature and require successful completion of a written examination at the conclusion of said course.

C.-J. . . .

Effective February 20, 2006

§1703. Candidate's Manual for the Dental Licensure Examination of the Louisiana State Board of Dentistry

A. This manual is too voluminous to print and LAC 46:XXXIII.1703 is intended to put the public on notice that the board utilizes examination manuals which are revised every year. A copy is on file may be obtained from the board office.

Effective February 20, 2006

§1705. Candidate's Manual for the Dental Hygiene Licensure Examination of the Louisiana State Board of Dentistry

A. This manual is too voluminous to print and LAC 46:XXXIII.1705 is intended to put the public on notice that the board utilizes examination manuals which are revised every year. A copy may be obtained from the board office.

Effective February 20, 2006

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

Yours very truly,

Dennis E. Donald, D.D.S.
President