

**LOUISIANA STATE BOARD OF DENTISTRY
SUMMER UPDATE
JULY 2007**

Dear Licensees:

This update is intended to apprise you of the various changes that have occurred with the Louisiana State Board of Dentistry and 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.

Due to financial restraints, the board is no longer printing Dental Practice Act booklets. Rather, you may find the entire Dental Practice Act at our website.

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

The terms of Drs. Dennis Donald, Conrad P. McVea, Jr., James A. Pearce, and Vance L. Wascom expire on December 31, 2007. As such, we will be conducting nominating meetings in those districts during the month of September for appointments to sit on the Louisiana State Board of Dentistry.

The board has administered its final clinical licensing examination. The board has contracted with the Council of Interstate Testing Agencies to begin conducting clinical licensing examinations in Louisiana beginning early in 2008. All persons seeking a license in Louisiana may take any of the regional examinations in order to be licensed by examination in Louisiana. Those exams are 1. Council of Interstate Testing Agencies (CITA), 2. Central Regional Dental Testing Service (CRDTS), 3. American Dental Exam (ADEX), 4. Southern Regional Testing Agency (SRTA), 5. Northeast Regional Board (NERB), and 6. Western Regional Examining Board (WREB).

Upon successful completion of one of those examinations, an application fee of \$300 for dentists and \$150 for dental hygienists in addition to a \$50 fee for criminal background checks will be charged. The applicant must also successfully complete an examination in jurisprudence. The acceptance of these clinical licensing examinations by Louisiana allows many of our younger dentists to have more mobility than they have ever enjoyed in the past.

The board has made relatively few changes to the Dental Practice Act this year. Those changes are set forth below. Please read them and feel free to call the office if you have any questions.

§766. Dental hygienists, employment; operations limited

Any licensed dentist licensed in Louisiana of good standing, public school, or federal or state institution where health care is provided may employ a licensed dental hygienist who may perform such duties as may be authorized by the board. A licensed dental hygienist may operate under a licensed Louisiana dentist's direct or general supervision as defined in LAC 46:XXXIII.108, within the limits prescribed by the board in LAC 46:XXXIII.701. The licensed dental hygienist shall be responsible for providing notification to the board of the name and location of his employer.

§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 committee 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.

§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. The requirement of practicing full-time as a dentist at a minimum of one thousand hours per year for the preceding three years may be waived if the applicant agrees to teach full-time for two years in an accredited dental education program within the state of Louisiana. However, this license shall be rescinded should the dentist fail to complete his or her two year agreement with the school or institution.

§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. . . .
 - a. Licensing of dental applicants who have successfully completed an examination administered by another jurisdiction which is accepted by the board \$300.00
 - 2.-17. . . .
 18. retired volunteer dental license \$50.00
 19. application and permitting for enteral conscious sedation office permit \$100.00
 20. application and permitting for enteral conscious sedation personal permit \$100.00
 21. renewal of enteral conscious sedation permit for adult patients \$50.00
 22. renewal of enteral conscious sedation permit for pediatric patients \$50.00

§419. Licenses, Permits and Examinations (Dental Hygienist)

- A. For processing applications for licensure, permits, and examinations, the following fees shall be payable in advance to the board:
1. . . .
 - a. Licensing of dental hygiene applications who have successfully completed an examination administered by another jurisdiction which is accepted by the board \$150.00

§706. Requirements of Applicants for Licensure by Credentials (Hygienists)

- A. . . .
- 1.-2. . . .
 3. Has been in active practice or full-time dental hygiene education for a minimum of one year immediately prior to applying for licensure;
 - a. The requirement of practicing full-time as a dental hygienist at a minimum of one thousand hours per year for the preceding year may be waived if the applicant agrees to teach full-time for two years in an accredited dental education program within the state of Louisiana. However, this license shall be rescinded should the dental hygienist fail to complete his or her two year agreement with the school or institution.

§710. Administration of Local Anesthesia for Dental Purposes

- G. A licensed dental hygienist who has demonstrated competence to the satisfaction of the board may qualify for a special endorsement and may undertake the administration of local anesthesia by:
1. providing satisfactory documentation via affidavit provided by the board evidencing the administration of local anesthesia for a period of not less than six months upon a minimum of fifty patients with no adverse complications;
 2. substantiating the adequacy of training via affidavit provided by the board in the administration of local anesthesia; and
 3. agreeing in writing via affidavit provided by the board to administer local anesthesia as provided by these rules.

§1506. Conscious Sedation with Enteral Drugs

E. For adult patients, 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. For pediatric patients, the licensee must provide proof of current certification in Pediatric Life Support (PALS), or its equivalent.

The following applies to all health care providers. In short, it requires certain entities to report health care providers suffering impairment to their respective licensing boards unless the licensee cooperates with the profession’s well being committee.

§1745.2. Louisiana Health Care Professionals Reporting Act

This Part may be cited as the "Louisiana Health Care Professionals Reporting Act."

§1745.3. Legislative findings; purpose

- A. The legislature finds that:
- (1) Public confidence in high quality patient care is dependent on a workforce of competent health care professionals who meet the high standards of professional practice.
 - (2) Impaired health care professionals represent a threat to the public.
 - (3) State law does not currently require health care entities to report impaired health care professionals to professional licensing boards.
 - (4) An important function of professional licensing boards is to protect the public, who is at risk of receiving unsafe or inadequate care, from health care providers who are or may be impaired.
 - (5) It is the public policy of this state to require that health care entities timely report adverse action against health care professionals for impairment or possible impairment to professional licensing boards.
- B. The purpose of this Part is to require reporting of certain actions taken by health care entities in response to a determination of impairment or possible impairment to the appropriate professional licensing board.

§1745.4. Definitions

For the purposes of this Part, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

- (1) "Adverse action" includes reducing, restricting, suspending, revoking, denying, terminating, or failing to renew any of the following:
 - (a) Clinical privileges or membership in a health care entity.
 - (b) Employment or a contractual relationship with a health care entity.
 - (c) Enrollment or participation in a health care training program.
- (2) "Clinical privileges" includes privileges, membership on the medical staff, and such other circumstances pertaining to the furnishing of medical care under which a physician or other licensed health care professional is permitted to furnish such care or to engage in training in a health care training program.
- (3) "Department" means the Department of Health and Hospitals.
- (4) "Health care entity" includes a hospital, as defined in R.S. 40:2102, any institution or clinic licensed by the department, any entity that provides health care services and that follows a formal peer review process for the purpose of furthering quality health care, any hospitalization or care facilities maintained by a university or medical school, or any health care training program in which trainees are required to hold a license, permit, or other authority from a professional licensing board in order to participate in training.
- (5) "Health care professional" means:
 - (a) A person who possesses a current license, certificate, registration, or other authority from a professional licensing board to provide health care services in this state.
 - (b) Any person who is licensed or otherwise authorized by a professional licensing board to participate in a health care training program in this state.
- (6) "Health care training program" means any university, hospital, institution, or other entity that sponsors post-graduate health care training in which participants must possess a license, permit, or other authority from a professional licensing board to participate in training.
- (7) "Impaired" or "impairment" means dependency on, or the excessive use or abuse of alcohol or drugs that affect the central nervous system and which are capable of inducing physiological or psychological dependence.
- (8) "Professional licensing board" means the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, or the Louisiana State Board of Examiners of Psychologists.

§1745.5. Reporting of certain actions taken by health care entities; to whom to report; information to be reported; time frame for reporting

- A. Each health care entity shall report the actions described in this Section to the appropriate professional licensing board.
- B. Except as provided in Subsection C of this Section, a health care entity shall report each instance in which the health care entity:
 - (1) Takes an adverse action against a health care professional due to impairment or possible impairment.
 - (2) Accepts the surrender of clinical privileges, the resignation of employment or a contractual relationship, or the withdrawal from participation in a health care training program of or by a health care professional under any of the following conditions:
 - (a) While the health care professional is under investigation by the entity relating to impairment or possible impairment.
 - (b) In return for not conducting an investigation.
- C. A report shall not be required under this Section when a health care professional is granted a leave of absence for evaluation or treatment of impairment or possible impairment provided all of the following conditions are met:
 - (1) The individual cooperates with the institutional policy regarding the evaluation or treatment of such impairment or possible impairment.
 - (2) Any leave of absence granted is for six months or less.
 - (3) The individual agrees not to engage in any clinical activity while undergoing evaluation or treatment except insofar as approved by his or her addiction provider while undergoing treatment.
 - (4) The individual, if a physician, cooperates with the Physicians Health Program of the Louisiana State Board of Medical Examiners or, if a registered nurse, cooperates with the Recovering Nurses Program of the Louisiana State Board of Nursing or, if a dentist, cooperates with the Dentist Well-Being Committee program of the Louisiana Dental Association, as approved by the Louisiana State Board of Dentistry, or if a medical psychologist, cooperates with the Impaired Psychologist Program of the Louisiana State Board of Examiners of Psychologists.
- D. Such report shall be provided in writing and shall include but not be limited to the following:
 - (1) The name, address, telephone number, and category of license of the health care professional.
 - (2) The date and nature of the action taken and a description of the acts or omissions or other reasons for the action.
 - (3) Such other information respecting the circumstances of the action as the department or the professional licensing board deems appropriate.
- E. Such report shall be made to the appropriate professional licensing board within seventy-two hours of the adverse action, surrender, resignation or withdrawal.

§1745.6. Confidential nature of reports

- A. Notwithstanding the provisions of the Public Records Act, R.S. 44:1 et seq., reports received by professional licensing boards under the provisions of this Part shall be held confidential and shall not be deemed to be or be treated as public records.
- B. Such reports shall be privileged against disclosure or production pursuant to administrative or judicial subpoena.

§1745.7. Relief from liability for reporting

- A. There shall be no liability on the part of and no action for damages against any health care entity with respect to any report required under this Part, unless such report is made with knowledge of the falsity of the information contained therein.
- B. There shall be no liability on the part of and no action for damages against any person who serves as a director, officer, employee, agent, consultant, attorney, or who otherwise works for, is associated with, or represents a health care entity for reporting information required under this Part, unless such report is made with knowledge of the falsity of the information contained therein.
- C. A report made under this Part that includes disclosure of any peer review information shall not constitute a waiver of any legal or evidentiary privilege, nor form the basis of any claim or action for damages or injunctive relief of any kind or nature, including breach of confidentiality, invasion of privacy, or otherwise, nor deprive the person, health care entity, committee, or any peer review entity making disclosure, of the benefit of the immunities otherwise provided for in R.S. 13:3715.3.
- D. In any action brought against a health care entity or director, officer, employee, agent, consultant, attorney, or representative thereof for reporting information required under this Part the court shall, at the conclusion of the action, award to any such party defendant against any such claimant the cost of the action attributable to such claim, including actual attorney's fees, if the claim is found to be without merit.

§1745.8. Use of information

Any information reported by a health care entity as required in this Part is intended to be used solely by the professional licensing board in furtherance of their statutory obligations.

§2372.1. Authorization to obtain criminal history record information

- A. As used in this Section, the following terms shall have the following meaning:
 - (1) "Applicant" means an individual who has made application to the board for the issuance or reinstatement of any license, registration, certificate, permit, or any other designation deemed necessary to engage or assist in the practice of psychology that the board is authorized by law to issue.
 - (2) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.
 - (3) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision, and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.
 - (4) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.
 - (5) "Licensure" means the granting of any license, permit, certification, or registration that the board is authorized to issue.
- B. In addition to any other requirements established by regulation, the board may require an applicant, as a condition of licensure:
 - (1) To submit a full set of fingerprints, in a form and manner prescribed by the board.
 - (2) To permit the board to request and obtain state and national criminal history record information on the applicant.
 - (3) To collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.
- C. In accordance with the provisions and procedures prescribed by this Section, the board may request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.
- D. Upon request by the board and upon the board's submission of an applicant's fingerprints and such other identifying information as may be required, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within sixty days from receipt of any such request. The bureau may charge the board a processing fee for conducting and reporting on any such search.
- E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure under the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.
- F. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys for the purpose of evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

Section 2. R.S. 44:4.1(B)(21) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

- B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation: