

**LOUISIANA STATE BOARD OF DENTISTRY  
SUMMER UPDATE  
AUGUST 2010**

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 877.467.4488 or visit our website at [www.lsbdo.org](http://www.lsbdo.org) where you can find numerous applications as well as the Dental Practice Act itself. As you know we no longer print the Dental Practice Act, but copies may be purchased for \$25.00 unbound and \$35.00 bound.

Our Board is switching to a new computer program which will allow our licensees to renew their licenses on-line. We anticipate having this ready for renewals at the end of this year. Licensees whose last name begins with the letters M-Z will be renewing their dental and dental hygiene licenses at the end of this year. There is more on this below.

Presently sitting on the Louisiana State Board of Dentistry are: Dr. Charles T. McCabe, Jr., President (NODA), Dr. Romell J. Madison, Vice-President (At Large), Dr. David L. Melancon, Secretary-Treasurer (Bayou), Dr. H.O. Blackwood, III (Northwest), Christine Guillaume, R.D.H. (At Large), Dr. Wilton Guillory, Jr. (Central), Dr. Dean Manning (Southwest), Dr. Frank Martello (NODA), Dr. Rusty Mayer (Northlake), Dr. Conrad P. McVea, III (At Large), Dr. James A. Moreau, Jr. (At Large), Dr. Lynn Philippe, (Baton Rouge), Dr. John Taylor (Acadiana), and Dr. Samuel A. Trinca (Northeast).

The terms of Ms. Guillaume, Dr. Melancon, and Dr. McCabe will expire on December 31, 2010. As such, a ballot will be mailed to all licensed hygienists in the state in the month of September, and a nominating meeting will be conducted in Houma and New Orleans during the month of September as well.

Our staff consists of: C. Barry Ogden (Executive Director), Erin Conner (Director of Licensing), Diana Chenevert (Licensing Secretary), John Roth (Office Coordinator), Caroline Perez (Receptionist), and Rachel Daniel (Administrative Assistant). Ms. Linda Foto retired on June 1, 2010 as the Licensing Director.

The clinical licensing examinations conducted by the Council of Interstate Testing Agencies (CITA) continues to improve. The Regional Testing Agency has continued to grow over the last several years and is now accepted in many states. Our gratitude goes out to all the Louisiana dentists and dental hygienists who participate in these clinical examinations as graders.

As related in the past, we have had numerous problems obtaining results from criminal background checks because of unsatisfactory fingerprints. Many applicants for licensure have found an easier path by reporting to the state police headquarters in Baton Rouge personally and having their fingerprints taken there. There is an extra fee, but we normally receive the results within 5 days unless there is a problem. If you are seeking licensure in Louisiana, you may wish to utilize this service rather than the standard method of obtaining background checks because there have been huge delays in the process in the past. This is a legislative requirement and is found in the Dental Practice Act at R.S. 37:763.1.

The Board presented no legislation during the 2010 Regular Session of the Louisiana Legislature. However, other parties introduced legislation which amended the Dental Practice Act in several particulars. As many of you know the controversy over Mobile Dentistry has been going on for almost two years now. The Board has been caught between opposing philosophies, and now faces a possible termination. Let me give you a brief history of what resulted in Act 917.

In December of 2008, the Board was first apprised of the fact that dentists were going to schools and performing Mobile Dentistry in these schools. Various members of the dental profession thought this new delivery modality to be outrageous and filed a Bill to completely ban Mobile Dentistry in schools. However, the Legislature amended that Bill and created Act No. 429 of the 2009 Legislative Session directing the Board of Dentistry to adopt rules and regulations providing for various regulations and requirements for Mobile Dentistry. In its attempt to satisfy the mandates of that Act, the Board discussed all issues relating to Mobile Dentistry as well as informed consent and safety regulations. The Board heard debate from all sides of the issue on March 6, 2009, May 30, 2009, July 10, 2009, August 13, 2009, August 14, 2009, December 12, 2009, and March 5, 2010. The Board attempted to promulgate these rules on two different occasions. However, after receiving comments from the Federal Trade Commission and the Department of Health and Hospitals Secretary, Alan Levine, and numerous other parties, the Board made a decision to delete a phone call requirement prior to treatment, thus starting a new rule making timeline. This angered many of the opponents of Mobile Dentistry and House Bill 440 was introduced into the 2010 Regular Session which became Act 917. Although the Board has worked diligently on this issue and has put in hundreds of man hours, the Board may be terminated by the Governor after January 1, 2011 if new rules are not in effect. Please bear in mind that Mobile Dentistry has been actively pursued in Louisiana for over a decade and there have been no complaints. Much of the debate in Baton Rouge caused many people from other walks of life to believe that the Board was allowing "third world dentistry" and that we were "playing with the lives of our children". Nothing could be further from the truth. Again, let me state that there have been no complaints since this new delivery modality has begun. **DUE TO THE FACT THAT ACT NO. 917 MAY TERMINATE THE DENTAL BOARD, PLEASE BE AWARE THAT YOU SHOULD RENEW YOUR**

**LICENSE PRIOR TO THE END OF YEAR. IF THE BOARD IS TERMINATED AT THE BEGINNING OF NEXT YEAR, WE WILL HAVE NO AUTHORITY TO ISSUE ANY PERMITS OR LICENSES. THIS MAY RESULT IN OUR LICENSEES NOT BEING ABLE TO OBTAIN MALPRACTICE INSURANCE AND LOSING HOSPITAL PRIVILEGES. ADDITIONALLY, STUDENTS GRADUATING FROM THE LOUISIANA STATE UNIVERSITY SCHOOL OF DENTISTRY, UNIVERSITY OF LOUISIANA MONROE, AND SOUTHERN UNIVERSITY SHREVEPORT MAY HAVE TO GO TO ANOTHER STATE IN ORDER TO OBTAIN A LICENSE.** This is a tragedy that should never have been allowed to occur. Again, I reiterate for your own good make sure your license is renewed before the end of the year. Do not wait until the last minute.

The Board promulgated Rule 313 "Portable and Mobile Dentistry" as a Notice of Intent in the May 20, 2010 edition of the Louisiana Register. If no one seeks a legislative oversight committee hearing on this proposed rule it will become effective August 20, 2010. If someone calls for an oversight committee hearing on this rule, there is a strong likelihood that the Board will not be able to meet the mandated date of December 31, 2010 to have these rules in place. Thus, there is a good possibility that the Board will be disbanded. It would be in the best interests of all involved parties for the Dental Association to work with the Board and allow Rule 313 to go forward as promulgated on May 20, 2010. Further refinement of the rule can take place after it has been through the process. Is it truly advisable to lose a Board with hundreds of years of experience because of one telephone requirement? I don't think so. I really believe we can work together and put this predicament behind us. I hope we can.

Another change was made to the Dental Practice Act under Act No. 111 which will allow large group practices to advertise their practices in a way that is different from everyone else. The Board has never felt that making law for just one or two people was advisable. Nevertheless, the Bill passed, resulting in a change to R.S.37:775(13) which is also printed below.

A third Bill amending the Dental Practice Act is Act No. 612 which now allows dentists to be employed by Federally Qualified Health Care centers. This is the first time in the history of the dental profession in the state of Louisiana that dentists may be employed (and therefore share fees) with persons not licensed to practice dentistry. You must be the judge as to whether you think that is a good idea or not.

The last piece of Legislation affecting the Dental Practice Act is Act No. 66 which authorizes dental hygienists to administer nitrous oxide inhalation analgesia after completion of approved training. This is a procedure the dental hygienists have been seeking for many years and they have finally achieved their goal. Congratulations to the LDHA for their tireless efforts and their years' long quest for this authorization.

Aside from the more controversial issues the Board faced this year, the Board did find some time to make some improvements to the Rules within the Dental Practice Act.

Rule 116 "Reconsideration of Adverse Sanctions" now limits to three attempts to request a Reconsideration of Adverse Sanctions. This is intended to avoid abuse and save time and energy.

Rules 1611 and 1613 relate to a relaxation of the continuing education requirements for dentists and hygienists. Now, half of the clinical hours may be obtained 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 the course. This should save all licensees a great deal of time and money.

Rule 1713 "Board Approved Regional or National Independent Third Party Clinical Examinations" sets forth the requirements our Board places on all clinical licensing examinations to be acceptable to us.

Don't forget, if you are renewing your license at the end of this year; make sure you do so before the end of the year. We will have the computers ready to renew your licenses on-line in the near future. We suggest that when you update your information on your renewal that you also include your email address so that we can send out blast emails when important matters need to be disseminated. I cannot express the importance of this. Fortunately, this on-line renewal comes at a time when we may need it most. You will still be able to renew the old way if you prefer. You will be able to download an application from our website or you can ask us and we will mail you one. Be on the lookout for a post-card from us in the fall reminding those who need to renew their licenses to do so.

Wishing you the best of luck, I am

Yours truly,

C. Barry Ogden  
Executive Director

**ACT 917**

**§796. Louisiana State Board of Dentistry; adoption of rules relating to the providing of dental services at mobile dental clinics and locations other than the dental office**

\* \* \*

- E. The rules provided for by this Section shall be adopted by January 1, 2011.
- F. Notwithstanding any other provision of law to the contrary, the failure to adopt rules as provided by the provisions of Subsection B of this Section by January 1, 2011, shall be grounds for the immediate removal of the members of the Louisiana State Board of Dentistry.

**ACT 111**

**§775. Unprofessional conduct defined**

As used in this Chapter, "unprofessional conduct" means:

\* \* \*

- (13) Notwithstanding any provision of this Section, when it is required by this Section that an advertisement include the name of the advertising dentist as it appears on the license or renewal certificate of the dentist or the specialties of all dentists practicing within or under the name of a corporation, company, association, limited liability company, or trade name be disclosed in the advertisement, such requirement shall be deemed to be sufficiently satisfied if the names and specialties of all dentists practicing in, with or under the said corporation, company, association, limited liability company, or trade name are made available on an Internet web site fully disclosed in the advertisement, or are provided without delay to any individual requesting such information by contacting the advertiser at a telephone number also disclosed in the advertisement. Whether the advertisement is run by the corporation, company, association, limited liability company, or trade name, or any individual member practicing therein, all dentists practicing in, with or under the corporation, company, association, limited liability company, or trade name shall be responsible for the content of the advertisement.

**ACT 612**

**§797. Employment or contracting with certain nonprofit entities**

No provision in this Chapter shall be construed to prohibit any person licensed under the provisions of this Chapter from being an employee or independent contractor of 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.

**ACT 66**

**§793. Nitrous oxide inhalation analgesia; enteral conscious sedation; parenteral sedation; deep sedation; general anesthesia; definitions; permits; credentials; reporting; fees; limitations; exceptions**

\* \* \*

- B. The following terms describing routes of administration shall have the meanings ascribed to them unless the context clearly indicates otherwise:

\* \* \*

- (5) A dental hygienist who administers nitrous oxide inhalation analgesia in a dental practice shall receive a personal permit from the board and shall be in compliance with board rules and regulations which shall include educational requirements.

\* \* \*

- G. The authority for the administration of anesthetic and sedative agents as described in this Section shall be limited as follows:

- (1) The administration of enteral conscious sedation, parenteral conscious sedation, deep sedation, and general anesthesia shall be limited to qualified dentists licensed by the board for use on dental patients.
- (2) The administration of nitrous oxide inhalation analgesia shall be limited to qualified dentists and dental hygienists licensed by the board for use on dental patients. Dental hygienists shall administer nitrous oxide inhalation analgesia only under the direct supervision of a dentist licensed by the Louisiana State Board of Dentistry to whom the board has issued a permit to administer nitrous oxide inhalation analgesia.

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**RULES WHICH BECAME EFFECTIVE JANUARY 20, 2010**

**§116. Reconsideration of Adverse Sanctions**

A.-H. . . .

- I. A licensee may request a reconsideration of adverse sanctions a maximum of three (3) times for the same disciplinary matter. Any applications beyond this limit will be considered at the discretion of the board.

**RULES WHICH ARE TENTATIVELY EFFECTIVE AUGUST 20, 2010**

**§1611. Continuing Education Requirements for Relicensure of Dentists**

- A. . . .
- B. At least one-half of the minimum credit hours (20) must be attained through clinical courses pertaining to the actual delivery of dental services to patients. At least ten of these twenty hours must be attained by personally attending clinical courses. 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.-K. . . .

**§1613. Continuing Education Requirements for Relicensure of Dental Hygienists**

- A. . . .
- B. At least one-half of the minimum credit hours (12) must be attained through clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients. At least six of these twelve hours must be attained by personally attending clinical courses. 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.- K. . . .

**§1713. Board Approved Regional or National Independent Third Party Clinical Examinations**

- A. The board may accept passing scores from board approved testing agencies which administer reliable, accurate, and valid examinations and in which the board has the option of representation on both the board of directors and the examination review committee or equivalent committees and allow for the board's input into the examination development and administration.
- B. 1. The clinical examination shall include procedures performed on human subjects as part of the assessment of restorative and periodontal clinical competencies and shall have included evaluations in at least four of the following subject matter areas:
  - a. periodontics, clinical abilities testing;
  - b. endodontics, clinical abilities testing;
  - c. amalgam preparation and restoration;
  - d. anterior composite preparation and restoration;
  - e. posterior ceramic or composite preparation and restoration;
  - f. cast gold, clinical abilities testing;
  - g. prosthetics, written or clinical abilities testing;
  - h. oral diagnosis, written or clinical abilities testing; or
  - i. oral surgery, written or clinical abilities testing.
- 2. In addition to the foregoing requirements, the examination shall include:
  - a. anonymity between candidates and examination raters;
  - b. standardization and calibration of raters; and
  - c. a mechanism for post examination analysis.
- 3. The board shall accept scores upon such examination for a period of three years following the date of such examinations. Each applicant shall arrange for and ensure the submission to the board office the applicant's scores.

**§312. Mobile Dental Clinics**

Repealed

**§313. Portable and Mobile Dentistry**

- A. Definitions.
  - 1. *Mobile Dental Clinic* or *Mobile Dental Unit* means any self-contained facility in which dentistry will be practiced which may be moved, towed, or transported from one location to another using fixed dental equipment and plumbing.
  - 2. *Portable Dental Clinic* means the use of portable dental delivery equipment which is set-up on site to provide dental services at locations other than a Mobile Dental Clinic or Mobile Dental Unit and other than a dental office and uses non-fixed dental equipment and plumbing.
  - 3. *Mobile Operator* means a dentist licensed in Louisiana who has registered a Mobile Dental Clinic or Mobile Dental Unit with the dental board pursuant to these rules and who provides dental services in a Mobile Dental Clinic or Mobile Dental Unit either directly and/or through Louisiana licensed dentist associates.

4. *Portable Operator* means a dentist licensed in Louisiana providing dental services at a location other than a Mobile Dental Clinic or Mobile Dental Unit and other than a fixed dental office either directly and/or through Louisiana licensed dentist associates.
5. A *Mobile Operator Permit* is an authorization given to a Louisiana licensed dentist for the physical use of a mobile dental clinic or mobile dental unit in which to provide dental services. The Mobile permit is required of the owner of the operation and does not apply to any dentist employed or contracted with the owner of the Operation.
6. A *Portable Operator Permit* is an authorization given to a Louisiana licensed dentist to provide dental services at locations other than a Mobile Dental Clinic or Mobile Dental Unit and other than a dental office. The Portable Operator Permit is required of the owner of the Operation and does not apply to any dentist employed or contracted with the owner of the Operation.
7. *Operator* is a licensed Louisiana dentist that has a current Mobile or Portable Operator Permit.
8. *Operation* is the activity conducted by Mobile or Portable Operators.

B. Exemptions.

1. Exempt from the requirements of these regulations for portable or mobile dentistry and for the use of a Mobile Dental Clinic, Mobile Dental Unit, or Portable Dental Clinic are all federal, state, or local governmental agencies.
2. Dentists licensed to practice in Louisiana who have not registered with the Board to operate a mobile dental facility or a portable dental operation may provide dental services through the use of dental instruments, materials, and equipment taken out of a dental office without registering if the service is provided as emergency treatment for their patients of record.
3. The services are limited to dental sealants, screenings, cleanings, radiographs, and fluoride treatments provided that such services are performed at no charge to the patient, the patient's parent or guardian, or any third-party payor.

C. Application and Criteria for Permit.

1. To own Mobile or Portable Operations a dentist must be licensed in Louisiana, in good standing with the dental board, and must have a Mobile Operator Permit, a Portable Operator Permit, or both.
2. A dentist licensed in Louisiana desiring to obtain a Mobile Operator Permit from the dental board in order to provide dental services in a Mobile Dental Clinic or Mobile Dental Unit, shall apply to the dental board for a Mobile Operator Permit on an application form to be provided by the dental board and by providing evidence of compliance with the requirements of this section and paying all appropriate fees.
3. A dentist licensed in Louisiana desiring to obtain a Portable Operator Permit to provide dental services at locations other than his office, shall apply to the dental board for a Portable Operator Permit on an application form to be provided by the dental board and by providing evidence of compliance with the requirements of this section and paying all appropriate fees.
4. Any Louisiana licensed dentist with an existing portable or mobile dental practice shall be entitled to continue operating their portable or mobile dental practice under the prior existing dental board regulations until the necessary permits are granted so long as all application and supporting documentation are submitted for the new permits within 60 days of this rule taking effect.
5. All Mobile or Portable Operations must conform to all existing and applicable Dental Practice Act rules and regulations, federal, state, and local laws, regulations, and ordinances including those relative to radiographic equipment, flammability, construction, sanitation, zoning, OSHA regulations, and applicable Federal Centers for Disease Control Guidelines and Prevention, Louisiana Department of Health and Hospital regulations including those for medical waste transportation, and the applicant possesses any applicable parish and city licenses or permits to operate the unit.
6. Each Mobile Dental Clinic or Mobile Dental Unit shall:
  - a. Have ready access to a ramp or lift if necessary;
  - b. Have a properly functioning sterilization system;
  - c. Have ready access to an adequate supply of potable water;
  - d. Have ready access to toilet facilities if necessary;
  - e. Have a covered galvanized, stainless steel, or other non-corrosive container for deposit of refuse and waste materials;
  - f. Have an emergency kit available at all times;
  - g. Have portable oxygen available at all times;
  - h. Have sharps containers and red biohazard bags available on site;
  - i. Have properly functioning radiograph equipment producing fully developed x-rays of diagnostic quality;
  - j. Have suction equipment to achieve a minimum level of 3 cubic feet per minute.
7. Each Portable Dental Clinic shall:
  - a. Have ready access to an adequate supply of potable water;
  - b. Have ready access to toilet facilities if necessary;
  - c. Have a covered galvanized, stainless steel, or other non-corrosive container for deposit of refuse and waste materials;
  - d. Have an emergency kit available at all times;
  - e. Have portable oxygen available at all times;

- f. Have sharps containers and red biohazard bags available on site;
  - g. Have a properly functioning sterilization system;
  - h. Have properly functioning radiograph equipment producing fully developed x-rays of diagnostic quality;
  - i. Have suction equipment to achieve a minimum level of 3 cubic feet per minute.
8. The Mobile Dental Clinic, Mobile Dental Unit, or Portable Dental Clinic shall be inspected in a timely fashion by a dental board member or a staff evaluator prior to receiving approval to operate.
  9. During operations the Mobile Dental Clinic, Mobile Dental Unit, or Portable Dental Clinic shall prominently display all applicable licenses and permits in compliance with section 104 of these rules. These documents may be kept in a notebook labeled Licenses and Permits. Copies of licenses and permits are acceptable.
  10. Transferability. Neither the Mobile or Portable permits are transferable.
  11. Renewal. Mobile or Portable permits expire at the same time as the Operator's dental license but shall be renewed at the time the Operator renews his or her dental license by completing the renewal form and paying all applicable fees.
- D. Record Keeping. The Operator or operation shall maintain an official business or mailing and actual, physical address of record which shall not be a post office box except where mail is deliverable to a post office box only and a 24 hour emergency telephone number which shall be filed with the Board. The dental board shall be notified within thirty (30) days of any change in the address of record. All written or printed, or electronic documents available from or issued by the Operator or operation shall contain the official address of record of the Operator or operation. When not in transit, all dental and official records, printed or electronic shall be maintained or available at the official office address of record, in conformity with all record-keeping requirements and provide at no cost within 24 hours via electronic means or 72 hours by other means upon receipt of a HIPAA compliant request with a satisfactory release.
- E. Practice Standards.
1. All Operators and dentists providing care in Mobile Dental Clinics, Mobile Dental Units, or Portable Dental Clinics shall maintain and uphold the prevailing standard of dental care.
  2. Anesthesia in all operations shall be limited to local anesthetics only.
  3. An Operator or operation must have communication facilities immediately available which will enable the Operator thereof to contact necessary parties in the event of a medical or dental emergency including 911 capabilities.
  4. An Operator or operation which accepts a patient and provides preventative treatment, including prophylaxis, radiographs, and fluoride shall make appropriate referrals for follow-up treatment when indicated in the dentist's professional judgment and is subject to the prevailing standard of dental care.
  5. An Operator or operation must ensure that all dental services are provided in a clean, sanitary place, and in compliance with applicable Federal Centers for Disease Control and Prevention Guidelines, the Dental Practice Act and regulations, federal, state, and local laws, regulations, and ordinances including those relative to radiographic equipment, flammability, construction, sanitation, zoning, Louisiana Department of Health and Hospital regulations including those for medical waste transportation, and the applicant possesses any applicable parish and city licenses or permits to operate the unit.
  6. An Operator shall identify and advise the dental board within thirty (30) days of any personnel change relative to all licensed dentists and dental hygienists, associated with the provision of dental services by providing their full names, addresses, telephone numbers, and license numbers.
  7. At all times the Mobile or Portable dental activities shall be under the supervision of the dentist with the Operator permit or any dentist working in that practice subject to direct and general supervision stipulations found in rule 701. Any dentist or dental hygienist rendering services shall be licensed and in good standing with the dental board.
  8. Although the operator and operation is responsible for providing emergency follow-up care, the Operator or operation must certify and provide the dental board a copy of a written agreement for emergency follow-up care for patients treated at said locations and the agreement is to include identification of and arrangements for treatment in a dental facility which is permanently established within 25 miles of the treatment site. When the operator has demonstrated no emergency facility is available within the area, the board may grant a distance waiver of this rule to promote and foster access to dental care.
  9. When radiographs are to be made by the Operator or operation, a lead apron which includes a thyroid collar shall be utilized and adequate protection for the x-ray technician shall be utilized.
  10. There shall be a designated room with a minimum of 100 square feet where portable dentistry will occur and other children will not be present either during or immediately after dental procedures. Also prior to providing treatment a surgical preprocedural rinse shall be administered to the patient.
- F. Cessation of Operations.
1. Upon cessation of the operation, the Operator shall notify the dental board within thirty (30) days of the last day of operation in writing of the final disposition of patient records and charts.
  2. If the operation is sold, a new registration application must be filed with the board.
  3. Upon choosing to discontinue practice or services, the Operator or operation shall notify within 30 days all patients where and how they may obtain their dental records.

4. The Operator or operation shall make reasonable arrangements with the active patients of the operation for the transfer of the patients' records, including radiographs or diagnostic quality copies thereof, to the succeeding practitioner or, at the written request of the patient, to the patient.
  5. As used in this section "active patient" applies and refers to a person whom the operation has examined, treated, cared for, or otherwise consulted with during the two-year period prior to discontinuation of practice, or moving.
- G. Consent Forms for Minors. No services may be performed on minors without a signed consent form from the parent or guardian, which includes the following:
1. A statement that if the minor already has a dentist, the parent or guardian should continue to arrange dental care through that provider.
  2. A statement that a parent or guardian may attend all dental visits and the form provides a telephone number and address where the parent or guardian can contact the Operator's office if they wish to be at the school, facility or site when the minor is being treated. If the parent or guardian contacts the Operator's office requesting to be present at the dental visit when their child is being treated, then the Operator shall notify the parent or guardian when dental care is to be rendered so the parent or guardian can be present.
  3. A telephone number for emergency services.
  4. The telephone number of the parent or guardian. If the parent or guardian fails to include a contact phone number, then no dental services can be provided to that minor.
  5. The consent form shall be provided in duplicate in order for the parent or guardian to be provided a copy.
  6. Confirmation that the patient, parent or legal guardian further understands treatment through such mobile dental or portable dental providers may affect future Medicaid and insurance benefits for the patient for one year.
- H. Information for Patients.
1. When appropriate, during or at the conclusion of each patient's visit to the operation, the patient shall be provided with an information sheet and a mailed copy to the patient's home. If the patient has provided consent to an institutional facility to access the patient's dental health records, the institution shall also be provided with a copy of the information sheet. An institutional facility includes, but is not limited to, a long-term care facility or school.
  2. The information sheet as required herein shall include the following:
    - a. 24 hour toll free as well as an in-state telephone number and address where the parent, guardian, or patient can contact the Operator 's office for questions or emergency dental care;
    - b. the name of the dentist who provided services;
    - c. a description of the treatment rendered;
    - d. referral information if necessary.
- I. Standards for Equipment.
1. The equipment and supplies shall be of a type and condition that allows the dentist providing dental services to meet the prevailing standard of dental care.
  2. The equipment and supplies shall be subject to inspection by any dental board member, staff member or agent of the dental board.
- J. Inspection of Mobile and Portable Operations.
1. Inspections of Mobile Dental Clinics, Mobile Dental Units, or a Portable Operator location of service may be conducted by any dental board member, staff member, or agent of the dental board.
  2. The operator shall provide notice to the board no later than 24 hours before providing dental services at a school. Said notice shall disclose the date, time, identity of all dental health care providers and the location. If the location is a school, the operator shall notify the principal of the school in writing before services are commenced that the dental team is required by law to allow board inspectors on campus in order to conduct unannounced inspections. That notification letter will include the principal's name and phone number and a copy of it will be sent to the board prior to commencing services at any given school.
  3. The dental board shall be provided with a list of all sites, including addresses where the Operator shall conduct Mobile or Portable activities, at the time the permit is applied for and it shall be updated as necessary every thirty (30) days.
- K. Disposal of Infectious Waste. An Operator or operation must handle and dispose of all waste in accordance with § 1001 of the board's rules. The transporting of any biohazardous wastes shall be done in compliance with the Louisiana Department of Health and Hospital regulations for the handling and transportation of medical waste.
- L. Non Resident Management and Administration Rules.
1. Any Operator or operation that contracts with or engages any company or entity ("administrative company") to provide management or administrative services shall not enter into a relationship which causes the dentist or his business entity to be in violation of LSA R.S. 37:776 (A)(9) which provides as follows:
    - (a) Division of fees or other remuneration or consideration with any person not licensed to practice dentistry in Louisiana, or an agreement to divide and share fees received for dental services with any non-dentists in return for referral of patients to the licensed dentists, whether or not the patient or legal representative is aware of the arrangement. However, this Paragraph shall not forbid dentists licensed in Louisiana from practicing in a partnership or professional corporation and sharing professional fees or forbid a dentist licensed in Louisiana from employing another dentist licensed in Louisiana. In addition, no dentist licensed in

Louisiana shall share professional fees with a dentist whose license is either suspended or revoked during said period of suspension or revocation.

and LSA R.S. 37:776 (A)(10) which provides as follows:

- (a) Employing, procuring, inducing, aiding, or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry or to possess an ownership interest of any kind in a dental practice, but the person practiced upon shall not be an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of this provision.
2. The operator must provide to the board proof that the administrative company is authorized to conduct business in the State and has a valid Certificate of Good Standing issued by the Louisiana Secretary of State.
3. An administrative company shall not be permitted to perform any duties or services that are exclusively a Louisiana licensed dentist's responsibility under the Louisiana Dental Practice Act, including the following:
  - a. Own a mobile or portable dental practice;
  - b. Provide dental care;
  - c. Determine what dental services should or should not be offered to a patient;
  - d. Establish infection control procedures and standards;
  - e. Determine patient charges and collection policies;
  - f. Determine when a patient should or should not be referred and where the patient shall be referred;
  - g. Establish HIPAA standards;
  - h. Select and employ associated dentists and dental staff.

**M. Miscellaneous Provisions**

1. All dental health care providers of mobile or portable dentistry shall wear in a conspicuous place on their person a name tag identifying them and their position (D.D.S., R.D.H., EDDA, or D.A.).
2. All mobile or portable dentistry providers shall have written protocols for each of the following areas which shall be kept at the operator's office and with all applicable licenses and permits.
  - a. Sterilization procedures, including where dedicated and observable sterilization areas are located.
  - b. Transportation of all waste materials, instruments and equipment.

**§314. Provision of Dental Services at Locations Other Than Dental Office**

Repealed