

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

Dentists; Continuing Education Requirements  
(LAC 46:XXXIII.103, .306, .706, and .710)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.103, .306, .706, and .710.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.103 to allow the waiving of this requirement if the applicant for a dental license meets with the board and is determined to be qualified by other means to practice dentistry in this state.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.306 to conform to the recently amended statute La. R.S. 37:761 (C) by the Louisiana legislature and will benefit applicants for dental and licensure by credentials as they will now be allowed to successfully complete an initial licensure examination in a United States jurisdiction that includes a hand skills assessment rather than a procedure on a live patient

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.706 to conform to the recently amended statute La. R.S. 37:761 (C) by the Louisiana legislature and will benefit applicants for dental hygiene licensure by credentials as they will now be allowed to successfully complete an initial licensure examination in a United States jurisdiction that includes a hand skills assessment rather than a procedure on a live patient

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.710 because not all states allow hygienists to perform local anesthesia; if a hygienist moves to one of those states, then wants to come back to Louisiana after two years or more, it is felt that additional training in local anesthesia is not necessary.

### Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Profession Chapter 1. General Provisions

#### §103. Evidence of Graduation

A.1. ...

2. An applicant for a dental license who did not attend an accredited dental school or dental college must successfully complete a post-graduate CODA-approved program in either general dentistry or one of the board approved specialties listed in §122. **The board may waive this requirement if the applicant meets with the board and is determined by the board to be qualified by other means to practice dentistry in this state.**

A.2.a. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry, LR 10:88 (February 1984), amended by the Department of Health and Hospitals, Board of Dentistry, LR 24:1112 (June 1998), LR 26:488 (March 2000), LR 27:1890 (November 2001), LR 38:2770 (November 2012), repromulgated LR 39:87 (January 2013), amended LR

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**  
**Part XXXIII. Dental Health Profession**  
**Chapter 3. Dentists**

**§306. Requirements of Applicants for Dental Licensure by Credentials**

A.1. – A.4.d.

5. successfully completed an initial clinical licensure examination in a United States jurisdiction that included ~~a hand skills assessment procedure on a live patient;~~

A.6.a. – B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 31:927 (April 2005), LR 32:243 (February 2006), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:67 (January 2009), amended LR 37:1405 (May 2011), LR 37:3515 (December 2011), repromulgated LR 38:355 (February 2012), amended LR 39:87 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR 48:299 (February 2022), LR

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

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

A.1. – A.4.b.

5. successfully completed an initial clinical licensure examination in a United States jurisdiction that included a hand skills assessment procedure on a live patient;

A.6. – B. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996), LR 24:1117 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 28:1778 (August 2002), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:68 (January 2009), amended LR 39:88 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR

**§710. Administration of Local Anesthesia for Dental Purposes**

A. – D. ...

E. A dental hygienist who has been licensed and trained in a course equivalent to §710.B and C to administer local anesthesia in another state may qualify, at the discretion of the board, to be permitted to administer local anesthesia in Louisiana by presenting written documentation of such licensure and training to the board and documentation of experience ~~in the previous two years and by gaining approval of the board through the interview process.~~ Factors to be considered are whether the dental hygienist had satisfactorily completed a course at a dental hygiene school approved by the Commission on Dental Accreditation or by having successfully completed a continuing education course in local anesthesia comparable to the requirements set forth in §710.B and C.

F. – H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1292 (July 1998), amended LR 25:1476 (August 1999), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 27:1892 (November 2001), LR 28:1779 (August 2002), LR 30:2306 (October 2004), LR 33:847 (May 2007), LR 42:58 (January 2016), LR

### **Family Impact Statement**

There will be no family impact in regard to issues set forth in R.S. 49:972.

### **Poverty Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

### **Provider Impact Statement**

The proposed rulemaking should not have any know or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect of the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### **Public Comment**

Interested persons may submit written comments on these proposed rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, Louisiana, 70821. Written comments must be submitted to and received by the Board within 20 days of the date of the publication of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the Board within 20 days of the date of the publication of this notice.

## Public Hearing

A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur Hickham, Jr.  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### **RULE TITLES: Chapter 1. General Provision; Chapter 3. Dentists; & Chapter 7. Dental Hygienists**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY).

The proposed rule change will result in a one-time SGR expenditure of \$500 in FY 23 for the LA State Board of Dentistry (LSBD) to publish the notice of intent and proposed rule revision in the Louisiana Register. The proposed rule change will not affect expenditures of local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY).

To the extent that the proposed changes to §103 increase the number of eligible applicants for a dental license, the LSBD may collect increased revenue in application fees. The magnitude of any such impact is indeterminable, but the board estimates there could be 3 to 5 foreign trained graduates per year affected by the rule change. The proposed rule change will not affect revenue collections for local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NON-GOVERNMENTAL GROUPS (SUMMARY).

The proposed changes to §306 and §706 are meant to conform to the recently amended statute La. R.S. 37:761 (C) by the Louisiana legislature and will benefit applicants for dental and dental hygiene licensure by credentials as they will now be allowed to successfully complete an initial licensure examination in a United States jurisdiction that includes a hand skills assessment rather than a procedure on a live patient.

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

The proposed changes to §103 will allow a foreign trained graduate who obtains a master's degree from an accredited dental school that is not in general dentistry or in one of the specialties listed in §122 to apply for a dental license. By amending the rule, the Louisiana State Board of Dentistry board will have the discretion to waive the requirement if the applicant for a dental license meets with the board and is determined by the board to be qualified by other means to practice in this state. The Board estimates that there could be 3 to 5 foreign trained graduates per year effected by this rule change.

The proposed changes to §710 will remove the requirement for a dental hygienist applying to administer local anesthesia to provide documentation of experience for the previous two years and removing the requirement for the dental hygienist to gain approval of the board through the interview process. The Louisiana State Board of Dentistry is amending this rule because not all states allow hygienists to perform local anesthesia; if a hygienist moves to one of those states, then wants to come back to Louisiana after two years or more, it is felt that additional training in local anesthesia is not necessary. The Board estimates that there could 2 to 3 dental hygienists per year effected by this rule change.

Arthur Hickham, Jr.  
Executive Director