

Notice of Rulemaking Hearing

Board of Dentistry

There will be a hearing before the Tennessee Board of Dentistry to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-5-105. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CST) on the 19th day of November, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

Substance of Proposed Rules

Amendments

Chapter 0460-01 General Rules

Chapter 0460-02 Rules Governing the Practice of Dentistry

Chapter 0460-03 Rules Governing Practice of Dental Hygienists

Chapter 0460-04 Rules Governing the Practice of Dental Assistants

Rule 0460-01-.04, Application Review, Approval, Denial, and Interviews, is amended by adding the following language as new paragraph (7):

- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements for licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the license, the applicant shall have the right to proceed according to rule 0460-01-.04 (4) (b).

Authority: T.C.A. §§ 63-5-105 and 63-5-111.

Rule 0460-01-.05 Continuing Education and C.P.R., is amended by deleting subparagraphs (1) (a), (1) (b), (1) (c) and (1) (d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (a), (1) (b), (1) (c) and (1) (d) shall read:

(1) (a) Beginning January 3, 2003, each licensed dentist must successfully complete forty (40) hours of continuing education in courses approved by the Board during the two (2) calendar years (January 1st of an odd-numbered year through December 31st of the subsequent even-numbered year) that precede the licensure renewal year. At least two (2) hours of the forty (40) hour requirement shall pertain to chemical dependency education.

1. Example – To renew a license that expires in 2008, a dentist will attest on the renewal application that he/she completed forty (40) hours of continuing education from January 1, 2005 to December 31, 2006.
2. Example – To renew a license that expires in 2009, a dentist will attest on the renewal application that he/she completed forty (40) hours of continuing education from January 1, 2007 to December 31, 2008.
3. Example – To renew a license that expires in 2010, a dentist will attest on the renewal application that he/she completed forty (40) hours of continuing education from January 1, 2007 to December 31, 2008.

(1) (b) Beginning January 3, 2003, each licensed dental hygienist must successfully complete thirty (30) hours of continuing education in courses approved by the Board during the two (2) calendar years (January 1st of an odd-numbered year through December 31st of the subsequent even-numbered year) that precede the licensure renewal year. At least two (2) hours of the thirty (30) hour requirement shall pertain to chemical dependency education.

1. Example – To renew a license that expires in 2008, a dental hygienist will attest on the renewal application that he/she completed thirty (30) hours of continuing education from January 1, 2005 to December 31, 2006.
2. Example – To renew a license that expires in 2009, a dental hygienist will attest on the renewal application that he/she completed thirty (30) hours of continuing education from January 1, 2007 to December 31, 2008.
3. Example – To renew a license that expires in 2010, a dental hygienist will attest on the renewal application that he/she completed thirty (30) hours of continuing education from January 1, 2007 to December 31, 2008.

(1) (c) Beginning January 3, 2003, each registered dental assistant must successfully complete twenty-four (24) hours of continuing education in courses approved by the Board during the two (2) calendar years (January 1st of an odd-numbered year through December 31st of the subsequent even-numbered year) that precede the registration renewal year. At least two (2) hours of the twenty-four (24) hour requirement shall pertain to chemical dependency education.

1. Example – To renew a registration that expires in 2008, a dental assistant will attest on the renewal application that he/she completed twenty-four (24) hours of continuing education from January 1, 2005 to December 31, 2006.
2. Example – To renew a registration that expires in 2009, a dental assistant will attest on the renewal application that he/she completed twenty-four (24) hours of continuing education from January 1, 2007 to December 31, 2008.
3. Example – To renew a registration that expires in 2010, a dental assistant will attest on the renewal application that he/she completed twenty-four (24) hours of continuing education from January 1, 2007 to December 31, 2008.

(1) (d) New licensees and new registrants are exempt from the provisions of subparagraphs (1) (a), (1) (b), and (1) (c) during their initial two (2) calendar year (January 1 - December 31) cycle, starting with an odd-numbered year if it is the year of initial licensure or registration, or starting with the odd-numbered year if it precedes an even-numbered initial licensure or registration year.

1. Example – An individual whose new license or registration was granted in 2008 is exempt from the continuing education requirements for the period beginning January 1, 2007 and ending December 31, 2008.
2. Example – An individual whose new license or registration was granted in 2009 is exempt from the continuing education requirements for the period beginning January 1, 2009 and ending December 31, 2010.
3. Example – An individual whose new license or registration was granted in 2010 is exempt from the continuing education requirements for the period beginning January 1, 2009 and ending December 31, 2010.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-117, and Public Chapter 340 of the Public Acts of 2007.

Rule 0460-01-.06, Disciplinary Actions, Civil Penalties, Procedures, Assessment of Costs, and Subpoenas, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

(1) (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:

1. During any period of probation and/or suspension; or
2. During any period of revocation, after which the licensee may petition for an order of compliance to reinstate the revoked license; or
3. As a prerequisite to the lifting of probation and/or suspension or as a prerequisite to the reinstatement of a revoked license; or
4. As a stand-alone requirement(s) in any disciplinary order.

Authority: T.C.A. §§ 63-5-105 and 63-5-124.

Rule 0460-02-.13, Free Health Clinic, Inactive Pro Bono and Volunteer Practice Requirements, is amended by deleting parts (1) (a) 3. and (2) (b) 1. in their entirety and substituting instead the following language, so that as amended, the new parts (1) (a) 3. and (2) (b) 1. shall read:

- (1) (a) 3. For dentists who have not been licensed in Tennessee, comply with all provisions of subparagraphs (1) (c), (1) (d), (1) (e), (1) (g) and (1) (h) of rule 0460-02-.01 and the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and
- (2) (b) 1. Obtain a license by complying with all provisions of subparagraphs (1) (c), (1) (d), (1) (e), (1) (g), (1) (h) and (2) (b) of rule 0460-02-.01 and the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and

Authority: T.C.A. §§ 63-5-105, 63-5-110, 63-5-132, and 63-5-134.

Rule 0460-03-.02, Criteria Approval Licensure Process (Reciprocity), is amended by deleting subparagraph (13) (a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (13) (a) shall read:

- (13) (a) Active, licensed practice of dental hygiene in a private office setting, or in post-graduate dental hygiene study or in service as a dental hygiene faculty member for three (3) of the five (5) years immediately preceding application. Temporary absences from employment during the three (3) year period may under individual circumstances not be considered as a disqualifying factor at the discretion of the Board.

Authority: T.C.A. §§ 63-5-105 and 63-5-114.

Rule 0460-03-.11, Free Health Clinic and Volunteer Practice Requirements, is amended by deleting part (1) (a) 3. in its entirety and substituting instead the following language, so that as amended, the new part (1) (a) 3. shall read:

- (1) (a) 3. For dental hygienists who have not been licensed in Tennessee, comply with all provisions of subparagraph (3) (b) and paragraphs (4), (5), (8) and (9) of rule 0460-03-.01; and

Authority: T.C.A. §§ 63-5-105, 63-5-114, and 63-5-134.

Rule 0460-04-.07, Registration Retirement and Reactivation, is amended by adding the following language as new subparagraph (2) (d):

- (2) (d) Comply with the continuing education provisions of rule 0460-01-.05 (6) applicable to reactivation of retired registrations.

Authority: T.C.A. §§ 63-5-105 and 63-5-107.

The notice of rulemaking set out herein was properly filed in the Department of State on the 21st day of September, , 2007. (FS 09-21-07; DBID 726-729)