

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 Iris 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 16<sup>th</sup> day of January, 2009.

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:

Thomas M. Miller, Assistant General Counsel, Office of General Counsel, Department of Health, 220 Athens Way, Suite 210, Nashville, TN 37243, (615) 741-1611.

Substance of Proposed Rules

Amendments

Chapter 0460-01  
General Rules

Chapter 0460-02  
Rules Governing the Practice of Dentistry

Chapter 0460-03  
Rules Governing the Practice of Dental Hygienists

Chapter 0460-04  
Rules Governing the Practice of Dental Assistants

Chapter 0460-05  
General Rules Governing Schools, Programs and Courses  
For Dentists, Dental Hygienists, and Registered Dental Assistants

Rule 0460-01-.05, Continuing Education and C.P.R., is amended by deleting paragraph (1) (a) in its entirety and substituting the following language, so that as amended, the new subparagraph (1) (a) shall read:

(1) Continuing Education – Hours Required

- (a) Beginning January 1, 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. Dentists who hold limited or comprehensive conscious sedation or deep sedation/general anesthesia permits must also obtain a minimum of four (4) hours of continuing education in the subject of anesthesia and/or sedation as required by rule 0460-02-.07(8)(c) as part of the required forty (40) hours of continuing education for dental licensure.

1. Example – To renew a license that expires in 2005, a dentist will attest on the renewal application that he/she completed forty (40) hours of continuing education from January 1, 2003 to December 31, 2004.
2. Example – To renew a license that expires in 2006, a dentist will attest on the renewal application that he/she completed forty (40) hours of continuing education from January 1, 2003 to December 31, 2004.
3. Example – To renew a license that expires in 2007, 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.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-112, and 63-5-117.

Rule 0460-02-.06, Specialty Certification, is amended by deleting paragraph (8) (c) in its entirety and substituting the following language to paragraph (8) (c), so that as amended, the new paragraph (8) (c) shall read:

- (c) The Tennessee Board of Dentistry determines that the dental practice of Oral and Maxillofacial Surgery includes the following procedures which the Board finds are included in the curricula of dental schools accredited by the American Dental Association, Commission on Dental Accreditation, post-graduate training programs or continuing education courses:
  1. Rhinoplasty;
  2. Blepharoplasty;
  3. Rytidectomy;
  4. Submental liposuction;
  5. Laser resurfacing;
  6. Browlift, either open or endoscopic technique;
  7. Platysmal muscle plication;
  8. Dermabrasion;
  9. Otoplasty;
  10. Lip augmentation; and
  11. Botox (or generic equivalent) injections.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-112, and 63-5-122.

Rule 0460-02-.07, Anesthesia and Sedation, is amended by deleting paragraph (4) (d) in its entirety and substituting the following language, so that as amended, the new subparagraph (4) (d) shall read:

- (d) All equipment for the administration of nitrous oxide must be designed specifically to guarantee that an oxygen concentration of no less than thirty percent (30%) can be administered to the patient.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-112, and 63-5-122.

Rule 0460-02-.07, Anesthesia and Sedation, is amended by deleting paragraph (5) (a) in its entirety and substituting the following language, so that as amended, the new paragraph (5) (a) shall read:

- (5) Antianxiety premedication (anxiolysis).
  - (a) The regulation and monitoring of this modality of treatment are the responsibility of the ordering dentist. The drugs used should carry a margin of safety wide enough to never render unintended loss of consciousness. If the administration is for antianxiety purposes, the appropriate initial dosing of a single enteral drug is no more than the maximum recommended dose (MRD) of a drug that can be prescribed for non-monitored home use. The co-administration of nitrous oxide is allowed. If the MRD is exceeded then a limited conscious sedation permit is required.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-112, 63-5-122, and 63-5-124.

Rule 0460-02-.07, Anesthesia and Sedation, is amended by deleting subparagraph (6) (a) 1. (ii) in its entirety and substituting the following language, so that as amended, the new subparagraph (6) (a) 1. (ii) shall read:

- (ii) Completion of a continuing education course which consists of a minimum of twenty four (24) hours of didactic instruction plus ten (10) clinically-oriented experiences which provide competency in enteral and/or combination inhalation-enteral conscious sedation. These ten (10) cases must include at least three (3) live clinical dental experiences managed by participants in groups no larger than five (5). The remaining cases may include simulations and/or video presentation, but must include one (1) experience in returning (rescuing) a patient from deep to conscious sedation. The course content must be consistent with that described for an approved continuing education program in these techniques in the ADA Guidelines for Teaching the Pain Control and Sedation to Dentists and Dental Students, October 2007 edition, or its successor publication.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-112, and 63-5-117.

Rule 0460-02-.07, Anesthesia and Sedation, is amended by deleting paragraph (6) (b) 5. in its entirety and substituting the following language, so that as amended, the new subparagraph (6) (b) 5. shall read:

- (i) Direct clinical observation of the patient must be continuous;
- (ii) Interval recording of blood pressure and pulse must occur;
- (iii) Oxygen saturation must be evaluated continuously by a pulse oximeter;
- (iv) The patient must be monitored during recovery by trained personnel until stable for discharge;
- (v) If monitoring procedures are prevented by the patient's age, physical resistance or emotional condition, the reason(s) should be documented; and
- (vi) If a patient enters a deeper level of sedation than the dentist is qualified to provide, the dentist must stop the dental procedure until the patient returns to the intended level of sedation.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-112, and 63-5-124.

Rule 0460-02-.07, Anesthesia and Sedation, is amended by deleting paragraph (8) (b) in its entirety, adding paragraph (c), and substituting the following language, so that as amended, the new paragraphs (8) (b) and (c) shall read:

- (b) Certify attendance every two (2) years at a board approved course comparable to ACLS or PALS and devoted specifically to the prevention and management of emergencies associated with conscious sedation or deep sedation/general anesthesia; and
- (c) Obtain a minimum of four (4) hours of continuing education in the subject of anesthesia and/or sedation as part of the required forty (40) hours of continuing education for dental licensure. ACLS or PALS certification shall not be included as any part of the required four (4) hours.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-112, and 63-5-117.

Rule 0460-02-.11, Regulated Areas of Practice, is amended by adding paragraph (7), so that as amended, the new paragraph (7) shall read:

- (7) Derma Fillers – A dentist may incorporate the use of derma fillers into their practice of dentistry provided the dentist has credentials and/or education minimally equivalent to successful completion of a course by a Food and Drug Administration (FDA) approved manufacturer of the derma filler product being used. This rule does not restrict the practice of dentists who practice Oral and Maxillofacial Surgery.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-107, 63-5-108, 63-5-109, 63-5-116, 63-5-122, and 63-5-124.

Rule 0460-03-.09, Scope of Practice, is amended by deleting subparagraph (1) (ww) in its entirety, adding subparagraph (xx), and substituting the following language, so that as amended the new subparagraphs (1) (ww) and (1) (xx) shall read as follows:

- (ww) The use of lasers for periodontal diagnosis and treatment under the supervision of a Tennessee licensed dentist.
- (xx) Other duties specifically approved by the Board at a regularly scheduled meeting of the Board.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-115, 63-5-116, and 63-5-124.

Rule 0460-03-.09, Scope of Practice, is amended by deleting subparagraph (7) (l) in its entirety.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, and 63-5-115.

Rule 0460-04-.04, Coronal Polishing Certification, is amended by deleting paragraph (2) in its entirety but not the subparts and substituting the following language, so that as amended, the new paragraph (2) shall read:

- (2) Qualifications – To be considered for issuance of a coronal polishing certification, an applicant must be registered as a dental assistant in Tennessee prior to applying for admission to an education course in coronal polishing. The sequence of the certification process is as follows:

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-111, and 63-5-115.

Rule 0460-05-.03, Schools, Programs and Courses for the Registered Dental Assistant, is amended by adding a new subparagraph (2) (c) 1. and renumbering the existing four (4) subparts currently numbered as 1. through 4. to subparts 2. through 5., so that as amended, the new subparagraph (2) (c) 1. shall read:

- 1. Only those students who are currently registered with the Board as dental assistants shall be allowed to attend the certification course.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-111, and 63-5-115.

The notice of rulemaking set out herein was properly filed in the Department of State on the 26th day of November, 2008. (FS 11-42-08; DBID 961-965)