

2024 Regular Session

SENATE BILL NO. 138

BY SENATOR OWEN

DENTISTRY. Provides relative to dentistry. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 37:753(C)(2)(b) and (I), 761(C), 786(A)(1) and (C), and
3 793(H)(2) and to enact R.S. 37:753(K), relative to dentistry; to provide relative to the
4 Louisiana State Board of Dentistry; to provide for board membership and terms of
5 office; to provide for board domicile; to provide for requirements of applications for
6 dental licenses; to provide for judicial review of adjudication; to provide relative to
7 anesthesia and sedation; to provide for an effective date; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:753(C)(2)(b) and (I), 761(C), 786(A)(1) and (C), and 793(H)(2)
11 are hereby amended and reenacted and R.S. 37:753(K) is hereby enacted to read as follows:

12 §753. Louisiana State Board of Dentistry; appointment of members; term of office;
13 vacancies; nominating meetings; quorum; domicile

14 * * *

15 C. Each member of the board shall be appointed by the governor as follows:

16 * * *

17 (2) Three dentists shall be appointed from the state at large to fill seats

1 designated as "At-Large Seats A, B, and C" in accordance with the following
2 requirements:

3 * * *

4 (b) One seat shall be designated as "At-Large Seat B" and shall be appointed
5 from a roster of all licensed dentists in the state and additionally shall be qualified
6 as a board-eligible or board-certified pediatric dentist. A vacancy occurring in
7 "At-Large Seat B" shall be filled by the governor without the necessity of a
8 nomination or other requirement, except that the appointee shall be licensed and
9 domiciled in the state and additionally shall be qualified as a board-eligible or
10 board-certified pediatric dentist.

11 * * *

12 I. The domicile of the board shall be the parish of ~~East Baton Rouge~~ Orleans,
13 but the board may locate its office in any parish in which it chooses.

14 * * *

15 K.(1) Notwithstanding the provisions of Subsection B and Subparagraph
16 (C)(2)(b) of this Section, the board member appointed and serving in "At-Large
17 Seat B" prior to implementation of Subparagraph (C)(2)(b) of this Section shall
18 continue to serve the duration of his five-year term as a temporary appointment
19 and shall be eligible to be appointed to a second five-year term as a temporary
20 appointment in addition to the board member appointed to serve in "At-Large
21 Seat B" pursuant to the requirements established by Subparagraph (C)(2)(b)
22 of this Section.

23 (2) During the period of temporary appointment, the board shall be
24 composed of sixteen members.

25 (3) Upon conclusion of the term of the temporary appointment of
26 "At-Large Seat B" provided for in this Subsection, this Subsection shall
27 terminate.

28 * * *

29 §761. Requirements of applicants for dental license

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C. An applicant who has successfully completed any national, regional, or independent third-party clinical dental licensing examination approved by the board and who otherwise satisfies all requirements for a dental license, including satisfactory completion of an examination in jurisprudence and a background check, may be granted a license by examination by applying for licensure in Louisiana within ~~three~~ **five** years following the successful completion of such clinical licensing examination.

* * *

§786. Judicial review of adjudication

A.(1) Where the board, whether through a disciplinary committee or the entire board, renders a decision in an administrative adjudication, the party aggrieved by it may resort to the ~~Nineteenth Judicial District in the parish of East Baton Rouge~~ **civil district court for the parish of Orleans** for judicial review. Any such appeals shall be filed in the court in the same manner as original suits are instituted therein. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy and would inflict irreparable injury.

* * *

C. All proceedings in the ~~Nineteenth Judicial District in the parish of East Baton Rouge~~ **civil district court for the parish of Orleans** and appellate courts arising under this Section are civil in nature and shall be heard summarily by the court without a jury, shall take precedence over other civil cases, and shall be tried in chambers or in open court, in and out of term.

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

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(2) A personal permit is not required when the dentist uses the services of a third-party medical doctor, third-party doctor of osteopathy who specializes in anesthesiology, third-party certified registered nurse anesthetist, or **a Louisiana licensed dentist with an appropriate sedation permit for the level of anesthesia to be achieved** ~~an oral and maxillofacial surgeon who is permitted by the board to administer moderate sedation, deep sedation, and general anesthesia.~~ Provided that the third-party anesthetist must remain on the premises of the dental facility until any patient given parenteral drugs is sufficiently recovered. However, when the requirement for obtaining a personal permit is waived by the board under the provisions of this Chapter with regard to the utilization of any third party provided for in this Paragraph, the dentist may utilize only the services of a third party previously determined by the board to be in compliance with the board's requirements for the administration of anesthesia in the dental facility following the initial inspection in relation to the application and equipment of the provider of anesthesia. Except for oral and maxillofacial surgeons, third-party anesthesia providers authorized pursuant to this Paragraph shall not be required to obtain a permit from the board or pay any fees or other assessments to the board.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Amanda Trapp.

DIGEST

SB 138 Original 2024 Regular Session Owen

Present law establishes the Louisiana State Board of Dentistry and provides for the appointment of members to the board.

Proposed law requires that one at-large seat be qualified as a board-eligible or board-certified pediatric dentist and provides for the term of board member currently appointed to the seat.

Present law establishes the domicile of the board in East Baton Rouge Parish.

Proposed law changes to domicile to Orleans Parish but provides the board may locate its office in any parish it chooses.

Present law establishes jurisdiction for judicial review of board adjudication in the 19th JDC in East Baton Rouge Parish.

Proposed law moves jurisdiction to the civil district court for Orleans Parish.

Present law establishes requirements for applicants for dental licensure.

Proposed law extends the time frame between when an applicant completes licensing examination and when he may be granted licensure from three to five years.

Present law provides for requirements for the use of anesthesia and sedation and requires a personal permit issued by the board in certain circumstances.

Proposed law authorizes dentists with appropriate sedation permits to administer anesthesia without a personal permit.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:753(C)(2)(b) and (I), 761(C), 786(A)(1) and (C), and 793(H)(2); adds R.S. 37:753(K))