

Notice of Rulemaking Hearing

Board of Dentistry - 0460

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. (CDT) on the 22nd day of March, 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

Rule 0460-1-.01, Definitions, is amended by adding the following language as a new, appropriately numbered and alphabetized paragraph:

Continuing Education – Continuing education consists of educational activities designed to review existing concepts and techniques, to convey information beyond the basic dental education and to update knowledge on advances in scientific, clinical and non-clinical practice related subject matter, including evidence-based dentistry. The objective is to improve the knowledge, skills and ability of the individual to provide the highest quality of service to the public and the profession. All continuing dental education should strengthen the habits of critical inquiry and balanced judgment that denote the truly professional and scientific person and should make it possible for new knowledge to be incorporated into the practice of dentistry as it becomes available. Continuing education programs are designed for part-time enrollment and are usually of short duration, although longer programs with structured, sequential curricula may also be included within this definition. Continuing education should be a part of a life long continuum of learning.

Authority: T.C.A. § 4-5-202, 4-5-204, 63-5-105, and 63-5-107.

Rule 0460-1-.05, Continuing Education and C.P.R., is amended by deleting subparagraph (1) (e) and substituting instead the following language, and is further amended by deleting subparagraph (3) (d) but not its parts and substituting instead the following language, and is further amended by deleting part (3) (d) 3. and part (3) (d) 4. in their entirety and substituting instead the following language, and is further amended by adding the following language as new parts (3) (d) 6. and (3) (d) 7., and is further amended by deleting subparagraph (4) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (e), the new subparagraph (3) (d) but not its parts, the new parts (3) (d) 3., (3) (d) 4., (3) (d) 6. and (3) (d) 7., and the new subparagraph (4) (b) shall read:

- (1) (e) The Board approves courses for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once in a continuing education cycle toward the required hourly total regardless of the number of times the course is attended or completed by any individual licensee.
- (3) (d) The following courses and/or activities need not receive prior approval and shall constitute Board approved continuing education:
 - (3) (d) 3. Five (5) hours of continuing education credit during any calendar year with a maximum of ten (10) hours of continuing education credit 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 or registration renewal year shall be given for general attendance at state, regional, or national dental meetings. These hours are in addition to any continuing education courses attended at any of those meetings.
 - (3) (d) 4. Participation at examinations
 - (i) Four (4) hours of continuing education credit shall be awarded each time a licensee participates as an examiner for S.R.T.A.
 - (ii) One (1) hour of continuing education credit shall be awarded each time a board member participates as an examiner for the coronal polishing examination.
 - (3) (d) 6. Twenty (20) hours of continuing education credit will be awarded for authorship of publications relevant to the practice of dentistry (e.g. a book, a chapter of a book or an article or paper published in a professional peer reviewed journal).
 - (3) (d) 7. Four (4) hours of continuing education credit shall be awarded to presenters for each hour of the course for the initial presentation of a formal continuing education course that is a didactic and/or a participatory presentation to review or update knowledge of new or existing concepts and techniques. No hours are awarded for subsequent presentations.
- (4) (b) The hours necessary to obtain or maintain C.P.R. may be counted as continuing education hours.

Authority: T.C.A. § 4-5-202, 4-5-204, 63-5-105, 63-5-107, and 63-5-117.

Rule 0460-2-.07, Anesthesia and Sedation, is amended by deleting part (7) (a) 2. in its entirety and renumbering the remaining parts accordingly.

Authority: T.C.A. § 4-5-202, 4-5-204, 63-5-105, and 63-5-108.

Rule 0460-2-.10, Advertising, is amended by inserting the following language as new paragraph (7) and renumbering the current paragraph (7) as paragraph (8):

- (7) Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the titles "Dentist," "Doctor of Dental Surgery," "D.D.S.," "Doctor of Dental Medicine," or "D.M.D." and to practice dentistry, as defined in T.C.A. §§ 63-5-108. Any person licensed by the

Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 0460-2-.10 (2) (a)] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the dentist to disciplinary action pursuant to T.C.A. § 63-5-124 (a) (1), (a) (3), and (a) (19).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-5-105, 63-5-108, and 63-5-124.

Rule 0460-5-.02, Schools, Programs, and Courses for the Dental Hygienist, is amended by deleting subparagraphs (2) (g), (3) (g), (4) (g) and (5) (g) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (2) (g), (3) (g), (4) (g) and (5) (g) shall read:

- (2) (g) The certification course, or dental hygiene school, may issue continuing education credit hours for the course.
- (3) (g) The certification course may issue continuing education credit hours for the course.
- (4) (g) The certification course may issue continuing education credit hours for the course.
- (5) (g) The certification course may issue continuing education credit hours for the course.

Authority: T.C.A. § 4-5-202, 4-5-204, 63-5-107, and 63-5-108.

Rule 0460-5-.03, Schools, Programs, and Courses for the Registered Dental Assistant, is amended by deleting subparagraph (2) (g) in its entirety and substituting instead the following language, and is further amended by inserting the following language as new subparagraph (3) (j) and renumbering the existing subparagraph (3) (j) as subparagraph (3) (k), and is further amended by deleting subparagraphs (4) (f), (5) (g), (6) (g) and (7) (f) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (2) (g), (3) (j), (4) (f), (5) (g), (6) (g) and (7) (f) shall read:

- (2) (g) The school offering the coronal polishing certification course may issue continuing education credit hours for the course.
- (3) (j) The school offering the sealant application certification course may issue continuing education credit hours for the course.
- (4) (f) The certification course, or dental assisting school, may issue continuing education credit hours for the course.
- (5) (g) The certification course may issue continuing education credit hours for the course.
- (6) (g) The certification course may issue continuing education credit hours for the course.
- (7) (f) The certification course, or dental assisting school, may issue continuing education credit hours for the course.

Authority: T.C.A. § 4-5-202, 4-5-204, 63-5-107, and 63-5-108.

The notice of rulemaking set out herein was properly filed in the Department of State on the 11th day of January, 2007. (01-06-07)