

Rulemaking Hearing Rules
Department of Health
Board of Dentistry
Division of Health Related Boards

Chapter 0460-01
General Rules

Chapter 0460-02
Rules Governing the Practice of Dentistry

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

Amendments

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

Continuing Education – Continuing education consists of dental 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.

- (a) Continuing dental 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 dental education should be a part of a life long continuum of learning.
- (b) Continuing dental education programs for dentists do not lead to eligibility for ethical announcements or certification in a specialty recognized by the American Dental Association. Accredited advanced dental education programs will be accepted for continuing dental education pursuant to Rule 0460-01-.05 (3) (d) 2.

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

Rule 0460-01-.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 parts (3) (d) 3., (3) (d) 4. and (3) (d) 5. 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) 5., (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 shall be granted for attendance at a state, regional or national dental meeting. A maximum of ten (10) continuing education credits may be earned in this category during the continuing education cycle that precedes the licensure or registration renewal year. 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 licensee participates as an examiner for the coronal polishing examination.

(3) (d) 5. Hour-for-hour of continuing education credit will be granted for courses in Advanced (ACLS) or Pediatric (PALS) Cardiac Life Support that are taught in accordance with the "Guidelines" of the American Heart Association or the American Red Cross or sponsored by the American Heart Association or the American Red Cross during the continuing education cycle that precedes the licensure or registration renewal year.

(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, during each continuing education cycle that precedes the licensure or registration renewal year, to presenters for each hour of an 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. Hour-for-hour credit will be granted for repeat presentations. This category is limited to a maximum of twenty (20) hours continuing education credit during each continuing education cycle that precedes the licensure or registration renewal year.

(4) (b) The hours necessary to obtain or maintain C.P.R. may be counted as continuing education hours.

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

Rule 0460-02-.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. §§ 63-5-105, and 63-5-108.

Rule 0460-02-.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 0460-02-.10 (2) (a)] he or she publishes. 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. §§ 63-1-145, 63-5-105, 63-5-108, and 63-5-124.

Rule 0460-05-.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, will issue continuing education credit hours for the course.
- (3) (g) The certification course will issue continuing education credit hours for the course.
- (4) (g) The certification course will issue continuing education credit hours for the course.
- (5) (g) The certification course will issue continuing education credit hours for the course.

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

Rule 0460-05-.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 will issue continuing education credit hours for the course.
- (3) (j) The school offering the sealant application certification course will issue continuing education credit hours for the course.
- (4) (f) The certification course, or dental assisting school, will issue continuing education credit hours for the course.
- (5) (g) The certification course will issue continuing education credit hours for the course.
- (6) (g) The certification course will issue continuing education credit hours for the course.
- (7) (f) The certification course, or dental assisting school, will issue continuing education credit hours for the course.

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

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 25th day of September, 2008, and will become effective on the 9th day of December, 2008. (FS 09-24-08; DBID 3458-3460)

Economic Impact Statement

- (1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:
 - (a) Dentists who practice as sole proprietors, or as members of a partnership or limited liability company, or as members of a professional corporation; and
 - (b) Dental practices which employ dentists, dental hygienists and dental assistants; and
 - (c) Dental practices which advertise; and
 - (d) Continuing education course providers
- (2) Identification and estimate of the number of small businesses subject to the proposed rule:

As of December 31, 2006, Tennessee had 3,379 licensed dentists, 3,553 licensed dental hygienists, and 4,961 registered dental assistants who were eligible for licensure and registration renewal.
- (3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance.
- (4) Statement of the probable effect on impacted small businesses and consumers:
 - (a) Continuing education course providers may have fewer licensees attending their courses if there are additional alternatives which are eligible for continuing education credit; and
 - (b) Dental practices which advertise may have to revise advertisements which have been previously developed and/or currently running.
 - (c) Dentists who practice as sole proprietors, or as members of a partnership or limited liability company or as members of a professional corporation may have reduced continuing education expenses.
 - (d) Dental practices which employ dentists, dental hygienists and dental assistants may have reduced continuing education expenses.
 - (e) Consumers will benefit from accurate advertisements that are not misleading.
- (5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:
 - (a) With regard to the proposed continuing education amendment, the Board does not believe there are less burdensome alternatives because establishing

alternative ways for licensees to earn continuing education credit is the less burdensome alternative.

(b) With regard to the proposed use of titles amendment, the Board does not believe there are less burdensome alternatives because the intent of T.C.A. § 63-1-145 (Public Chapter 467 of the Public Acts of 2005) requires the promulgation of this rule.

(6) Comparison of the proposed rule with any federal or state counterparts:

Federal The Board is not aware of any federal counterparts.

State The proposed rule amendment to award continuing education credit for writing and teaching is similar to rules at some of the other health-related licensing boards, committees, and councils. However, only the Board of Optometry has rules which award continuing education credit for courses necessary to achieve specialty certifications. The proposed rule amendment regarding use of titles will be promulgated at all of the health related licensing boards.

(7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

It is not possible to exempt the impacted small businesses from all or any part of the requirements contained in the proposed rule because the impacted small businesses are the Board's licensees. If there were to be an exemption, the proposed rule amendments would have no actual effect.