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Subject: Continuing Education; Elections; and Use of Lasers in a Dental Setting

History: 4985

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	08/28/2020	Proposed Reg Published in SR		
-	01/12/2021	Received by Lt. Gov & Speaker		05/12/2021
H	01/12/2021	Referred to Committee		
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-	05/12/2021	Approved by: Expiration Date		
-	05/28/2021	Effective Date unless otherwise provided for in the Regulation		

Document No. 4985
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-15-40(G)

- 39-5. Registration of Licenses or Certificates
- 39-6. Annual Election of the Board.
- 39-9. Use of Lasers in a Dental Setting. (New)

Synopsis:

The South Carolina Board of Dentistry proposes to amend: R.39-5(F)(1) regarding obtaining continuing education online; R.39-5(F)(3) regarding continuing education requirements related to CPR; and R.39-6 regarding elections. The Board further proposes to add a regulation regarding the use of lasers in a dental setting.

A Notice of Drafting was published in the *State Register* on July 24, 2020.

Instructions:

Replace regulations as shown below. All other items and sections remain unchanged.

Text:

39-5. Registration of Licenses or Certificates.

A. Every licensed dentist or dental hygienist and every registered technician shall keep the Board informed of their current mailing address.

B. The Board will notify any dentist, dental hygienist or technician of the expiration of his/her license or certificate.

C. Any person whose license or certificate has expired and who wishes to have the same reinstated must notify the Board of this in writing. Such notification must set forth the reasons for seeking to have the same reinstated and the reasons why the same has expired. Thereafter the Board may require a reexamination of the person whose license or certificate has expired or may require the person to appear before the Board and explain why the license or certificate has expired.

D. In Section 40-15-170 of the Code of Laws of South Carolina, 1976, there is a requirement that affects your license: "The license of a dentist or dental hygienist who does not either reside or practice in South Carolina for a period of six successive years shall be deemed inactive. Provided, that the time spent in active service by any person in the armed forces or public health service of the United States or with the Veterans' Administration shall not be construed as absence from or failure to practice in the State. Relicensing after an absence of over six years can be made at the discretion of the Board upon proof of high professional fitness and moral character."

E. Relicensing can be made at the discretion of the Board upon proof of high professional fitness and moral character.

F. Each licensed dentist, licensed dental hygienist and registered dental technician shall complete as a requirement for relicensure the following accredited continuing education on a two-year continuous cycle basis. The licensee/registrant shall certify on the relicensure/registration form that he/she has taken and can verify the required number of hours specified below. Verification shall be in the form of a record of courses taken, continuing hours earned, the date, sponsor and subject matter of the courses. This material shall be maintained for a period of three years from the date of verification to the Board upon licensure/reregistration and, upon request of the State Board or its representative, the licensee/registrant shall provide

documentation in the form of certificates or attendance or letters from course sponsors as proof of attendance.

(1) All dentists shall complete a minimum of fourteen (14) continuing education hours per year or twenty-eight (28) continuing education hours over two (2) years; dental hygienists shall complete a minimum of seven (7) continuing education hours per year or fourteen (14) over two (2) years; dental technicians shall complete a minimum of four (4) continuing education hours per year or eight (8) continuing education hours over two (2) years, in order to be eligible for relicensure or reregistration. Upon licensure by examination of this State, dentists, dental hygienists and dental technicians shall be exempt from continuing education requirements for the first relicensure period. Fifty percent (50%) of the required continuing education hours must be obtained via live, in-person attendance. Interactive webinars are considered live or in-person continuing education hours. The remaining fifty percent (50%) of the required continuing education hours can be earned via online computer seminars.

(a) All licensed dentists and dental hygienists must have at least two (2) hours of their required continuing education be dedicated to sterilization and infection control.

(b) It is the responsibility of all dentists to ensure that their auxiliary staff who may be exposed to blood and other body fluids require and provide two (2) hours biennially of continuing education on sterilization and infection control and maintain records of such training.

(2) The continuing education hours must be courses related to the procedures approved for each licensee/registrant such as

- (a) medical and scientific subjects;
- (b) clinical and technical subjects;
- (c) risk management and infection control;
- (d) dental radiology;
- (e) CPR, diet and nutrition.

(3) All dentists and dental hygienists must have completed an approved CPR course within two (2) years of licensure or renewal. Thereafter, all dentists and dental hygienists must be recertified in CPR once every two (2) years. Yearly recertification is not required, but can be used as continuing education hours any time.

(4) Programs that meet the general requirement of Section 2 may be developed and/or endorsed by organizations and agencies such as:

(a) the American Dental Association, Academy of General Dentistry, American Dental Hygienists' Association, American Dental Assistants' Association, National Association of Dental Laboratories, or their local societies and associations;

(b) national, state, local, district dental specialty organizations recognized by the American Dental Association;

(c) dental colleges or schools accredited by the American Dental Association;

(d) other organizations, schools, and agencies approved by the State Board of Dentistry.

(5) Each dentist, dental hygienist and dental technician licensed/registered by the Board who is not exempt from this regulation, at the time of filing his application for renewal of his license/registration, shall certify on the reregistration form that he/she has taken and can verify the required number of hours. A record of the courses taken, continuing education hours earned, date, sponsor, and subject matter shall be retained for a minimum of three (3) years from the date of attendance. Upon request, the applicant shall provide documentation in the form of certificates of attendance or letters from course sponsors, to the Board as proof of attendance.

(6) Failure to comply with this mandatory continuing education requirement may result in disciplinary action by the Board against the applicant.

(7) In individual cases involving extraordinary hardship or extenuating circumstances, disability or illness, all or any part of the requirements may be waived, modified or extended by the Board. Any applicant shall be eligible for waiver or extension who, upon written application to the Board and for good cause shown, demonstrates that they are unable to participate in a sufficient number of regular continuing educational programs for licensure/registration.

(8) The Board shall have the authority to decide if a course meets its accreditation criterion, if a question arises.

39-6. Annual Election of the Board.

Dentists qualified to vote in accordance with the Board's records will be noticed in March of the upcoming Congressionally-assigned board seat elections. Nominations of candidates shall be made to the Board by written petition signed by not less than fifteen dentists qualified to vote in the election. Any person who is nominated by valid petition may withdraw his name by written notice to the Board. If only one candidate is nominated, he shall be declared elected. If more than one candidate is nominated, ballots shall be prepared with the names of the nominees in alphabetical order. The candidate receiving the majority of the ballots received by the Board, in the allotted time, will be declared elected. Voters will be allowed approximately ten days to cast their ballot.

Dental hygienists qualified to vote in accordance with the Board's records will be noticed in March of the appropriate year (once every six years) of the Board seat election. Nominations of candidates shall be made to the Board by written petition signed by not less than fifteen dental hygienists qualified to vote in the election. Nominations must be received by the Board within thirty days from the date of the notice announcing the election. Any person who is nominated by valid petition may withdraw their name by written notice to the Board. If only one candidate is nominated, she shall be declared elected. If more than one candidate is nominated, ballots shall be prepared with the names of the nominees in alphabetical order. The candidate receiving the majority of the ballots received by the Board in the allotted time will be declared elected. Voters will be allowed approximately ten days to cast their ballots.

Annual elections for officers of the Board shall be conducted by the Board at the first meeting held in each calendar year.

39-9. Use of Lasers in a Dental Setting.

A. The requirements contained herein do not apply to the use of non-adjustable laser units used for the purposes of diagnosis and curing.

B. Only a dentist may employ a laser capable of the removal of hard and/or soft tissue in the treatment of a dental patient.

C. A dental hygienist may only use a laser under the direct supervision of a dentist, and the hygienist's use of the laser must be limited to pocket disinfection at settings that preclude hard and soft tissue removal, except for incidental gingival curettage.

D. Use of a laser:

(1) Prior to utilizing a laser, a licensee must first successfully complete training that covers, at a minimum, laser physics, safety, and appropriate use of the laser. A licensee must also complete an interactive training that addresses operation of the specific laser(s) utilized in the practice. The initial training must include a minimum of 12 hours of instruction and must be obtained through a course provided or recognized by any of the following organizations (or a successor organization):

(a) The Commission on Dental Accreditation (CODA);

(b) The American Dental Association (ADA) Continuing Education Recognition Program (CERP);

(c) The Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE); or

(d) The American Medical Association (AMA).

A dental licensee who has more than three (3) years of experience using lasers is exempt from the training requirements set forth in Reg. 39-9 provided that the three (3) years of experience is obtained prior to January 1, 2021.

(2) A licensee utilizing a laser, other than what is described in Section A, must maintain evidence of training as required herein and submit such evidence to the Board upon request.

(3) All lasers must be used in accordance with accepted safety guidelines

E. When utilizing a laser pursuant to this Section, the licensee must document the following information, at a minimum, in the patient's record:

- (1) the type of laser utilized, to include the wavelength of the laser;
- (2) the settings used, such as pulse or continuous wave, and the power setting;
- (3) local anesthesia used, if any; and
- (4) the procedure attempted/performed, including details as to whether hard or soft tissue was removed.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The South Carolina Board of Dentistry proposes to amend: R.39-5(F)(1) regarding obtaining continuing education online; R.39-5(F)(3) regarding continuing education requirements related to CPR; and R.39-6 regarding elections. The Board also proposes to establish standards for the use of lasers in a dental setting.