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Sequence Number: 07-31-20
Notice ID(s): 3132-3134
File Date: 7/27/2020

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Dentistry
Division:	
Contact Person:	Paetria Morgan
Address:	665 Mainstream Drive, Nashville, Tennessee 37243
Phone:	(615) 741-1611
Email:	Paetria.Morgan@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	710 James Robertson Parkway, Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
Phone:	(615) 741-6350
Email:	Tina.M.Harris2@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Iris Conference Room
City:	Nashville, Tennessee
Zip:	37228
Hearing Date :	10/8/2020
Hearing Time:	9:00 A.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

This rulemaking hearing will be held in person. In the event that an in-person hearing is prohibited or otherwise inappropriate because of COVID19, this rulemaking hearing will be held via webex on the date and time listed above.

Please find the information below to access the Webex:

WebEx address: <https://tngov.webex.com/tngov/onstage/g.php?MTID=e89b7034e85caf0db1a9100bdb2f9fd03>
Event Number:161 503 4575
Event Password: dental100820

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0460-01	General Rules
Rule Number	Rule Title
0460-01-.01	Definitions

Chapter Number	Chapter Title
0460-02	Rules Governing the Practice of Dentistry
Rule Number	Rule Title
0460-02-.03	Limited and Educational Limited Licensure Process
0460-02-.06	Specialty Certification
0460-02-.07	Anesthesia and Sedation

Chapter Number	Chapter Title
0460-03	Rules Governing the Practice of Dental Hygienists
Rule Number	Rule Title
0460-03-.13	Prescriptive Authority Certification

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://sos-tn-gov-files.s3.amazonaws.com/forms/Rulemaking%20Guidelines_September2016.pdf.

Chapter 0460-01
Rules Governing the General Rules

Amendments

Rule 0460-01-.01 Definitions is amended by adding new paragraph (7) and re-numbering the remaining paragraphs so that as amended the new paragraph shall read:

- (7) Dental Anesthesiology – The specialty of dentistry and discipline of anesthesiology encompassing the art and science of managing pain, anxiety and overall patient health during dental, oral maxillofacial and adjunctive surgical or diagnostic procedures throughout the entire perioperative period. The specialty is dedicated to promoting patient safety as well as access to care for all dental patients, including the very young and patients with special health care needs.

Authority: T.C.A. §§ 63-5-101, 63-5-105, 63-5-107, 63-5-108, 63-5-111 through 63-5-113, and 63-5-117.

Chapter 0460-02
Rules Governing the Practice of Dentistry

Amendments

Rule 0460-02-.03 Limited and Educational Limited Licensure Process is amended by deleting subparagraph (3)(c) and substituting instead the following language, so that as amended, the new subparagraph shall read:

- (3)
 - (c) Shall possess an active license which is in good standing in at least one (1) other state;
and

Authority: T.C.A. §§ 4-3-1011, 4-5-202, 4-5-204, 63-5-105, 63-5-107, 63-5-110, 63-5-111, and 63-5-124.

Rule 0460-02-.06 Specialty Certification is amended by adding new subparagraph (1)(a) and re-numbering the remaining subparagraphs so that as amended the new subparagraph shall read:

- (1) Recognized Specialties - The Board recognizes and will issue specialty certification in the following branches of dentistry:
 - (a) Dental Anesthesiology

Rule 0460-02-.06 Specialty Certification is amended by adding new paragraph (4) and re-numbering the remaining paragraphs so that as amended the new paragraph shall read:

- (4) Dental Anesthesiology- An applicant must submit certification of successful completion of at least two (2) years of postgraduate training in Dental Anesthesiology at the university level in a program approved by the Council on Dental Education of the American Dental Association and the Board. Such evidence shall include either a transcript which indicates completion of the postgraduate training in Dental Anesthesiology or a certificate of completion letter from the director of the program on letterhead submitted directly from the school to the Board Administrative Office.

Authority: T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-110, 63-5-112, 63-5-113, and 63-5-122.

Rule 0460-02-.07 Anesthesia and Sedation is amended by deleting subparagraph (b) of paragraph (11) and

substituting instead the following language so that as amended the new subparagraph (b) shall read:

- (b) The Anesthesia Consultants shall be:
1. A periodontist;
 2. A pediatric dentist;
 3. A general dentist;
 4. Two (2) oral and maxillofacial surgeons;
 5. A dentist anesthesiologist; and
 6. A rotating member who is a licensed general dentist or specialty dentist with a valid comprehensive conscious sedation or deep sedation/general anesthesia permit. The term of the rotating member will be two (2) years.

T.C.A. §§ 63-5-105, 63-5-107, 63-5-108, 63-5-112, 63-5-115, 63-5-117, 63-5-122, and 63-5-124.

Chapter 0460-03
Rules Governing the Practice of Dental Hygienists

0460-03-.13 New Rule
Prescriptive Authority Certification

New Table of Contents

0460-03-.01	Licensure Process
0460-03-.02	Criteria Approval Licensure Process (Reciprocity)
0460-03-.03	Educational Licensure Process
0460-03-.04	Licensure Exemption Process
0460-03-.05	Examinations
0460-03-.06	Nitrous Oxide Certification
0460-03-.07	Licensure Renewal
0460-03-.08	Licensure Retirement and Reactivation
0460-03-.09	Scope of Practice
0460-03-.10	Restorative and Prosthetic Certifications
0460-03-.11	Free Health Clinic and Volunteer Practice Requirements
0460-03-.12	Administration of Local Anesthesia Certification
0460-03-.13	Prescriptive Authority Certification

Rule 0460-03-.13 Prescriptive Authority Certification

0460-03-.03 .A licensed dental hygienist in Tennessee must obtain certification to prescribe fluoride agents, topical oral anesthetic agents, and nonsystemic oral antimicrobials to any patient.

- (1) Application and Qualifications for Certification
- (a) Tennessee licensed dental hygienists are eligible to take a Board-approved prescriptive authority certification course. The Board-approved course must include dosage and writing recommendations and the limitations of dental hygiene prescribing authority pursuant to T.C.A. 63-5-108, effective July 1, 2020.
 - (b) Tennessee licensed dental hygienists, who have successfully completed a comparable dental hygiene training program on prescriptive authority in another state, which is comparable to the Board-approved course, are eligible to apply directly to the Board for certification in prescriptive

authority without additional training, provided the course is determined by the Board consultant to be equivalent to the Board-approved course in Tennessee. The information regarding content of the course and proof of completion must be sent directly from the course provider to the Board's administrative office. If a certification or permit was issued by the other state, verification of the certification or permit must be received directly from the other board. If it is determined that the course is not equivalent, the licensed dental hygienist will be required to comply with the provisions of subparagraph (1)(a) before certification can be issued.

- (c) Tennessee licensed dental hygienists applying for a prescriptive authority certification must have actively practiced as a licensed dental hygienist for no less than 1600 hours.
- (d) Tennessee licensed dental hygienists applying for a prescriptive authority certification must submit proof of successful completion of a two (2) hour pharmacology continuing education course.

(2) Prescriptive Authority Certification

- (a) Licensed dental hygienists with a prescriptive authority certification shall be limited to prescribing fluoride agents, topical oral anesthetic agents, and nonsystemic oral antimicrobials that are not controlled substances under state and federal drug laws; and do not require a license from the federal drug enforcement agency.
- (b) Licensed dental hygienists with a prescriptive authority certification shall only prescribe for patients under the general supervision of a licensed dentist, as provided in T.C.A. 63-5-115 (b) (2). A prescription written by a dental hygienist under this section must be reviewed by a dentist within 30 days.
- (c) Licensed dental hygienists with a prescriptive authority certification shall prominently display, at their place of employment, the current certification, which is received upon licensure and renewal.
- (d) A prescriptive authority certification is only valid as long as the licensed dental hygienist has a current license to practice dental hygiene. If the license expires or is retired, the certification is also considered expired or retired and the dental hygienist may not prescribe fluoride agents, topical oral anesthetic agents, and nonsystemic oral antimicrobials to any patient until the license is renewed, reinstated or reactivated.

(3) Allowable Percentages of Prescribed Agents

- (a) Topical anti-caries treatments using sodium fluoride unless otherwise stated:
 - 1. Toothpastes – 1.1 percent (or stannous fluoride 0.4 percent);
 - 2. Topical gels – 1.1 percent (or stannous fluoride 0.4 percent);
 - 3. Oral rinses – 0.05 percent, 0.2 percent, 0.44 percent, 0.5 percent or oral rinse concentrate at 0.63 percent stannous fluoride;
 - 4. Fluoride varnish – 5 percent;
 - 5. Prophy paste – 1.25 percent and;
 - 6. Fluoride paste – 5 percent
- (b) Topical oral anesthetic agent:
 - 1. Up to 20 percent benzocaine;

2. Up to 2 percent viscous lidocaine and;
3. Cetacaine to include 14 percent benzocaine, 2 percent butamben and 2 percent tetracaine hydrochloride

(c) Nonsystemic oral antimicrobials/topical anti-infectives:

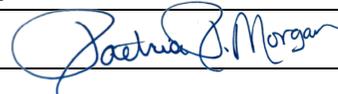
1. Chlorhexidine gluconate rinses – 0.12 percent;
2. Arestin- minocycline hydrochloride microspheres, 1mg inserted into periodontal sulcus and;
3. Atridox – doxycycline hyclate 10% gel inserted into periodontal sulcus

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

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: July 27, 2020

Signature: _____



Name of Officer: Paetria Morgan

Senior Associate General Counsel

Title of Officer: Department of Health

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Tre Hargett
Secretary of State

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