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To: Mr. Arthur Hickham  
Executive Director  
Louisiana State Board of Dentistry

From: Jessica Weimer  
Louisiana Department of Justice  
Occupational Licensing Review Program

Date: April 21, 2026

Subject: Louisiana State Board of Dentistry  
Proposed Amendments to LAC 46:XXXIII.1611 & 1613  
Regarding Continuing Education Requirements for Relicensure of Dentists/Dental Hygienists

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## I. SUMMARY

The Louisiana State Board of Dentistry (the “**Board**”) proposes amending LAC 46:XXXIII.1611 & 1613 (the “**Proposed Amendments**”), regarding continuing education requirements for the relicensure of dentists and dental hygienists.

The Board published a Notice of Intent to promulgate the Proposed Amendments on February 20, 2026. The Notice invited written comments on these Proposed Amendments until March 10, 2026 and received none.<sup>1</sup>

Licensing, permitting, training, and continuing education requirements are barriers to market entry for individuals desiring to engage in a profession or occupation. Therefore, the Proposed Amendments may be considered occupational regulations with reasonably foreseeable anti-competitive effects.<sup>2</sup> Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on March 13, 2026. The OLRP invited public comments on the Proposed Amendments March 16, 2026 through March 30, 2026 and received no comments.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law.<sup>3</sup> An Occupational Regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market

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<sup>1</sup> Louisiana Register Vol 52, No. 2, February 20, 2026 pgs. 271-272

<sup>2</sup> LSA-R.S. 49:260 G(4)

<sup>3</sup> LSA-R.S. 49:260 (D) (2)

participants is excluded.”<sup>4</sup> The Louisiana Administrative Procedure Act (“APA”) defines a rule as an agency (Board) requirement for conduct or action prescribing the procedure or practice requirements of the agency (Board).<sup>5</sup> Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.<sup>6</sup>

As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:XXXIII §1611 & 1613 adhere to clearly articulated state policy and are within the Board’s statutory authority. Therefore, these amendments are approved for promulgation as drafted in accordance with the Louisiana APA.

## **II. ANALYSIS PROPOSED LAC 46:XXX.III 1611 &1613**

The Dental Practice Act, La. R.S. 37:751 *et seq.* (the “*Act*”), declares it unlawful for a person not licensed by the Board to practice dentistry in the state of Louisiana.<sup>7</sup> The legislature has therefore directed the Board to issue licenses, certificates, or authorities to all applicants who have been found to meet the necessary qualifications.<sup>8</sup> The Board is authorized to prescribe rules and regulations for the examination of candidates<sup>9</sup> and conduct examinations to ascertain qualifications and fitness of applicants for licensure as dentists and dental hygienists.<sup>10</sup> In particular, the Board is authorized to require and determine by rule, minimum requirements relative to continuing education for relicensure and certification of dentists and dental hygienists.<sup>11</sup> To these ends, the Board has discretion to impose such requirements and restrictions it considers proper and necessary to protect and promote the public health and welfare of Louisiana citizens.<sup>12</sup>

The Proposed Amendments permit dentists and dental hygienists to receive up to 3.5 hours of clinical continuing education credit per instance on a Medical Review Panel, with a maximum of seven hours annually. These amendments do not increase the total number of continuing education hours required for licensure renewal and instead expand the categories of qualifying activities.

The Proposed Amendments do not create barriers to entry or restrict the ability of licensees to compete in the market. Participation in Medical Review Panels is voluntary and not a condition of licensure or practice. Although access to such service opportunities may be limited, any potential competitive advantage is de minimus due to the capped number of credit hours and relatively small proportion these hours represent within the overall continuing education

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<sup>4</sup> LSA-R.S. 49:260 (G) (4)

<sup>5</sup> LSA-R.S. 49:951 (8)

<sup>6</sup> Black’s Law Dictionary, 12<sup>th</sup> Edition p. 116

<sup>7</sup> LSA R.S. 37:751(11); LSA R.S. 37:751(B)

<sup>8</sup> LSA-R.S. 37:760(A)(6)

<sup>9</sup> LSA-R.S. 37:760(A)(3)

<sup>10</sup>LSA-R.S. 37:760(A)(1)

<sup>11</sup>LSA-R.S. 37:760(A)(13)

<sup>12</sup>LSA R.S. 37:760(A)(8)

framework. Additionally, the current rules already provide continuing education credit for similar professional service activities, including board service and pro bono treatment, indicating that the Proposed Amendments are consistent with existing regulatory structure.

The Proposed Amendments may also provide a procompetitive benefit by encouraging participation in Medical Review Panels, which contribute to the efficient and informed resolution of medical malpractice claims. Improved panel participation may enhance the quality and consistency of these proceedings, thereby supporting the broader healthcare regulatory framework.

Finally, the Proposed Amendments align the Dental Board's continuing education framework with that of the Louisiana State Board of Medical Examiners, promoting consistency across related professions, particularly for dual licensed practitioners such as oral and maxillofacial surgeons.

### **III. Determination**

The Board is the state regulatory body granted the discretion to impose such requirements and restrictions it considers proper and necessary to protect and promote the public health and welfare of the citizens of Louisiana.<sup>13</sup> The Board has the statutory authority to prescribe rules and regulations for the examination of candidates<sup>14</sup> and conduct examinations to ascertain qualifications and fitness of applicants for licensure as dentists and dental hygienists.<sup>15</sup> Because the Proposed Amendments are within the Board's statutory authority and adhere to clearly articulated state policy of protecting the public health, safety, and welfare of the citizens of this state, the Proposed Amendments are approved as submitted and may be promulgated by the Board in accordance with the Louisiana APA.

OFFICE OF THE ATTORNEY GENERAL  
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<sup>13</sup> LSA-R.S. 37:760(A)(8)

<sup>14</sup> LSA-R.S. 37:760(A)(3)

<sup>15</sup> LSA-R.S. 37:760(A)(1)