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To: Mr. Arthur Hickham
Executive Director
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From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: October 27, 2025

Subject: Louisiana State Board of Dentistry
Proposed Amendments to LAC 46:XXXIII.1709, 1711, & 1713
Regarding Examination of Dentists and Dental Hygienists

I. SUMMARY

The Louisiana State Board of Dentistry (the “**Board**”) proposes amending LAC 46: XXXIII.1709, 1711, and 1713 (the “**Proposed Amendments**”), regarding examination of dentists and dental hygienists.¹ The Proposed Amendments (i) establish that the Board now only accepts the American Board of Dental Examiners (the “**ADEX**”) dental examination for initial licensure by examination for dentists, (ii) clarify that the Board only accepts the ADEX for initial licensure by examination for dental hygienists, and (iii) repeal the Board’s acceptance of other regional or national independent third party clinical examinations.

The Board published a Notice of Intent to promulgate the Proposed Amendments on September 20, 2025.² The Notice invited written comments on these Proposed Amendments until October 10, 2025, and received none.

Licensing, permitting, and examination 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.³ 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 October 10, 2025. The OLRP invited public comments on the Proposed Amendments October 10, 2025, through October 23, 2025, and received no comments.

¹ Louisiana Register, Vol. 51, No. 9, at pgs. 1474-1475

² Id.

³ La. R.S. 49:260 G(4)

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.⁴ 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 participants is excluded.”⁵ 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).⁶ 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.⁷

As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:XXXIII §§1709 and 1713 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.

Additionally, the OLRP has determined the Board’s Proposed Amendment to LAC46:XXXIII §1711 does not constitute an occupational regulation with any reasonably foreseeable anti-competitive effects. Therefore, the Board may proceed with promulgation as drafted in accordance with the Louisiana APA without any further input from the OLRP.

II. ANALYSIS

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.⁸ 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.⁹ The Board is authorized to prescribe rules and regulations for the examination of candidates¹⁰ and conduct examinations to ascertain qualifications and fitness of applicants for licensure as dentists and dental hygienists.¹¹ 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.¹²

A. Proposed LAC 46:XXXIII.1709- Examination of Dentists

The Board proposes amending §1709 to align with the Board’s current practice of only accepting the ADEX examination for initial licensure by examination for dentists.

⁴ LSA-R.S. 49:260 (D) (2)

⁵ LSA-R.S. 49:260 (G) (4)

⁶ LSA-R.S. 49:951 (8)

⁷ Black’s Law Dictionary, 12th Edition p. 116

⁸ LSA R.S. 37:751(11); LSA R.S. 37:751(B)

⁹ LSA-R.S. 37:760(A)(6)

¹⁰ LSA-R.S. 37:760(A)(3)

¹¹ LSA-R.S. 37:760(A)(1)

¹² LSA R.S. 37:760(A)(8)

The current version of §1709 states the Board accepts examination scores for initial licensure for examinations conducted by one of the following regional agencies: Council of Interstate Testing Agencies (CITA), (ii) Central Regional Dental Testing Service (CRDTS), (iii) Northeast Regional Examining Board (NERB), (iv) Southern Regional Testing Agency (STRA), and (v) Western Regional Examining Board (WREB).

Over the years, the five regional agencies have consolidated to form two agencies. In 2015, the NERB became The Commission on Dental Competency Assessments (CDCA) before merging with the WREB to form the CDCA-WREB. In 2022, the CDCA-WREB merged with CITA to form CDCA-WREB-CITA. The two remaining regional agencies, STRA and CRDTS, merged in 2025.

Currently, CDCA-WREB-CITA is the only entity responsible for administering the ADEX examination.¹³ Historically, Southern Regional Testing Agency (STRA) also administered the ADEX. However, as of August 10, 2015, STRA decided to no longer administer the ADEX.¹⁴

The Board has the statutory authority to prescribe rules and regulations for the examination of candidates¹⁵ and conduct examinations to ascertain qualifications and fitness of applicants for licenses as dentists and dental hygienists.¹⁶ Accordingly, it falls within the Board's statutory authority to designate the ADEX examination as the sole examination accepted for initial licensure in the State of Louisiana.

Licensing, permitting, and examination requirements may act as barriers to market entry by reducing the pool of eligible practitioners. By solely requiring the ADEX examination for initial licensure, the Proposed Amendment may create a barrier to market entry by limiting options for new applicants who might otherwise qualify through other equivalent examinations. Additionally, since the CDCA-WREB-CITA is the only agency that administers the ADEX examination, the Proposed Amendment may also create a barrier for those applicants who live far from testing locations. Thus, while the Proposed Amendment is likely ensuring standardized competency, it may discourage new applicants and reduce the pool of incoming dentists, thereby having an anti-competitive effect.

Moreover, by adopting a single, nationally recognized examination, the Board ensures that every new licensee meets the same minimum competency threshold. This consistency reduces variability in testing quality and helps ensure that all new dentists possess the skills necessary for safe and effective practice. Thus, the Proposed Amendment would help ensure that only qualified, well-trained professionals enter the practice of dentistry, thereby directly supporting the public health, safety, and welfare.

¹³ [CDCA-WREB-CITA, ADEX finalize merger | American Board of Dental Examiners](#)

¹⁴ Louisiana State Board of Dentistry. (2015, August 21). Special Meeting. Retrieved from [Microsoft Word - Minutes--DRAFT](#)

¹⁵ LSA-R.S. 37:760(A)(3)

¹⁶ LSA-R.S. 37:760(A)(1)

The OLRP finds that the Proposed Amendment to §1709 is within the Board's statutory authority and adheres to clearly articulated state policy. Therefore, the Board may promulgate this rule in accordance with the Louisiana APA.

B. Proposed LAC 46:XXXIII.1711- Examination of Dental Hygienists

The Board proposes amending §1711 to align with the Board's current practice of only accepting the ADEX examination for initial licensure by examination for dental hygienists.

The current version of §1711 states the Board accepts the ADEX examination and examinations conducted by the CITA for initial licensure.

The Proposed Amendment removes any reference of examinations conducted by CITA from the rule. As stated above, CITA merged with CDCA-WREB to form CDCA-WREB-CITA in 2022. Additionally, CDCA-WREB-CITA is the only entity that administers ADEX examinations.

The Board has the statutory authority to prescribe rules and regulations for the examination of candidates¹⁷ and conduct examinations to ascertain qualifications and fitness of applicants for licenses as dental hygienists.¹⁸ As such, it is within the Board's statutory authority to solely accept the ADEX examination for initial licensure.

Moreover, the Proposed Amendment clarifies that the Board only accepts the ADEX examination for initial licensure and eliminates outdated language that references the acceptance of examinations conducted by CITA. While examination requirements may create barriers to market entry, this revision merely reflects current testing realities and does not have any reasonably foreseeable anti-competitive effects, as CITA no longer exists as a separate entity.

Therefore, the Board may proceed with promulgating the Proposed Amendment without further input from the OLRP.

C. Proposed LAC 46:XXXIII.1713- Board Approved Regional or National Independent Third-Party Clinical Examinations

The Board proposes amending §1713 to repeal the Board's acceptance of other regional or national independent third-party clinical examinations.

The current version of §1713 permits the Board to accept passing scores from approved testing agencies and establishes a list of subject matter areas that agencies must evaluate during clinical examinations.

The Board asserts that §1713 is no longer necessary given that the ADEX is the sole accepted examination moving forward. The repeal also aligns with the Board's current practice of only accepting ADEX examinations for initial licensure for dentists and dental hygienists.

¹⁷ LSA-R.S. 37:760(A)(3)

¹⁸ LSA-R.S. 37:760(A)(1)

The Board has the statutory authority to prescribe rules and regulations for the examination of candidates¹⁹ and conduct examinations to ascertain qualifications and fitness of applicants for licensure as dentists and dental hygienists.²⁰ Accordingly, it falls within the Board's statutory authority to repeal its acceptance of other regional or national independent third-party clinical examinations.

As discussed above, while the adoption of a single, nationally recognized examination helps ensure standardized competency, it may discourage new applicants and reduce the pool of incoming practitioners, thereby having an anti-competitive effect.

Moreover, by solely requiring the ADEX examination for initial licensure, the Proposed Amendment decreases the variability in testing quality and helps ensure that all new dentists and dental hygienists possess the skills necessary for safe and effective practice. Thus, the Proposed Amendment would help ensure that only qualified, well-trained professionals enter dental practice, thereby directly supporting the public health, safety, and welfare.

The OLRP finds that the Proposed Amendment to §1713 is within the Board's statutory authority and adheres to clearly articulated state policy. Therefore, the Board may promulgate this rule in accordance with the Louisiana APA.

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.²¹ The Board has the statutory authority to prescribe rules and regulations for the examination of candidates²² and conduct examinations to ascertain qualifications and fitness of applicants for licensure as dentists and dental hygienists.²³ Because the Proposed Amendments to §§1709 and 1713 are within the Board's statutory authority and adhere to the 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 to the Attorney General and may be adopted by the Board in accordance with the Louisiana APA.

Additionally, as the Attorney General has determined the Proposed Amendment to §1711 is not an occupational regulation with any reasonably foreseeable anti-competitive effects, the Board may proceed with promulgation of this amendment without any further input from the OLRP.

¹⁹ LSA-R.S. 37:760(A)(3)

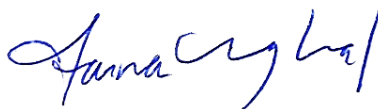
²⁰ LSA-R.S. 37:760(A)(1)

²¹ La. R.S. 37:760(A)(8)

²² LSA-R.S. 37:760(A)(3)

²³ LSA-R.S. 37:760(A)(1)

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM

A handwritten signature in blue ink, appearing to read "Farra Mughal".

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