To: Attorney General Liz Murrill

Attn: Department of Justice, Occupational Licensing Review Program

From: Mr. Arthur Hickham

Executive Director, Louisiana State Board of Dentistry

Date: June 10, 2025

Subject: Rule .136

The Louisiana State Board of Dentistry is proposing LAC 46:XXXIII.136 for initial adoption:

1. Proposed initial adoption of the rule clarifies the responsibilities of dentists when responding to written requests for patient records submitted by the patient, a representative, a subsequent or concurrent healthcare provider, or the Board. It affirms that patients may be charged for copies in accordance with R.S. 40:1165.1 and that records must be provided within existing statutory timeframes. Proposed rule changes also requires that records be legible and radiographs be diagnostic and accessible without proprietary software. If original handwritten notes are illegible, a typed transcript must be included. These clarifications are intended to support the Board’s review of complaints and are not anticipated to create new costs or obligations for providers.

Include if Applicable: The Louisiana State Board of Dentistry requests an expedited review of the proposed rule based on the following circumstances: [Explain]. N/A

To facilitate the Department of Justice’s review of the proposed rule, Louisiana State Board of Dentistry provides answers to the following questions.

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation?

a. There are times when the Board is attempting to review a complaint and the records received from the licensee are illegible or the x-rays are not diagnostic. This also brings some clarity regarding patients requesting records.

2. Is the occupational regulation within the scope of the occupational licensing board’s general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.

3. Check all of the following that apply as reasons the occupational regulation is subject to review

[] Creates a barrier to market competition

[] Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder.

[] Reduces competition or excludes present or potential competitors from the occupation regulated by the board

[] Limits output or supply in this state of any good or service provided by the members of the regulated occupation.

[] Reduces the number of providers that can serve a particular set of customers

[] Other activity (please describe)

**None of these rule changes fit any of this criteria.**

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

No.

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.

The Board was aware of the issues and simply wanted to fix them by voting on these rule changes.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order?

No.

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.

All Board members voted in favor of these changes; all except one consumer member are active market participants.

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule?