Agency Name: Board of Dentistry - Labor, Licensing and Regulation

Statutory Authority: 40-1-70 and 40-15-40

Document Number: 4573

Proposed in State Register Volume and Issue: 39/7

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Medical Affairs Committee

120 Day Review Expiration Date for Automatic Approval: 05/11/2016

Final in State Register Volume and Issue: 40/5

Status: Final

Subject: Continuing Education in Sterilization and Infection Control

History: 4573

By Date Action Description Jt. Res. No. Expiration Date

- 07/24/2015 Proposed Reg Published in SR

- 01/12/2016 Received by Lt. Gov & Speaker 05/11/2016

H 01/12/2016 Referred to Committee

S 01/13/2016 Referred to Committee

H 03/23/2016 Resolution Introduced to Approve 5145

- 05/11/2016 Approved by: Expiration Date

- 05/27/2016 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4573

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**BOARD OF DENTISTRY**

CHAPTER 39

Statutory Authority: 1976 Code Sections 40‑1‑70 and 40-15-40

39-5. Registration of Licenses or Certificates

39-10. Sanitary Standards

**Synopsis:**

 The South Carolina Board of Dentistry amends Regulations 39-5 and 39-10 to comport with federal infection control standards.

 A Notice of Drafting was published on May 22, 2015 in the *State Register*.

**Instructions:**

 Regulations 39-5 and 39-10 are amended as shown below.

**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.

 (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 three (3) years of licensure or renewal. Thereafter, all dentists and dental hygienists must be recertified in CPR once every three 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.

39-10. Sanitary Standards.

 A. All dental offices and dental laboratories shall provide and maintain sanitary facilities and conditions in accordance with the following regulations:

 (1) All dental practices shall conform to and comply with the current recommendations and guidelines of the Centers for Disease Control and Prevention (C.D.C.) relating to infection control practices for dentistry and/or dental offices.

 (2) It is the responsibility of all dentists and dental hygienists licensed by the State and all other personnel who are utilized by a licensed dentist and who assist in a dental practice and may be exposed to body fluids such as blood or saliva to maintain familiarity with these recommendations and guidelines.

 (3) Premises:

 (a) The premises shall be kept neat and clean, and free of accumulated rubbish and substances of a similar nature which create a public health nuisance.

 (b) The premises shall be kept free of all insects and vermin. Proper methods for their eradication or control shall be utilized.

 (c) Water of a safe, sanitary quality, from a source approved by the health officer, shall be piped under pressure and in an approved manner, to all equipment and fixtures where the use of water is required.

 (d) All plumbing shall be in accordance with the local plumbing ordinances.

 (4) Housekeeping:

 (a) Comfortable and sanitary conditions for patients and employees shall be maintained constantly.

 (b) All liquid and human waste, including floor wash water, shall be disposed of through trapped drains into a public sanitary sewer system in localities where such system is available. In localities where a public sanitary system is not available, liquid and human waste shall be disposed of through trapped drains in a manner approved by the health officer.

 (5) Toilet Facilities:

 (a) There shall be adequate toilet facilities on the premises of every dental office. They shall conform to standards of the State Board of Health.

 (6) Sterilization:

 (a) All instruments or equipment used in the treatment of dental patients shall be sterilized according to usage, i.e., autoclave, boiling water sterilization, or cold sterilizer solutions as indicated.

 (b) Each facility shall ensure compliance by all personnel with existing federal and state infection control procedures.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

 These regulations are amended to comport with federal infection control standards.