

federal petition upon finalization of the state post-conviction proceedings. Counsel shall provide such advice a sufficient period prior to the finalization of state post-conviction proceedings to allow the client to take adequate steps to protect his rights to federal review.

38. Counsel shall take all necessary steps to preserve the client's right to federal review.

39. Adequate representation in federal habeas corpus proceedings will include an investigation of whether state post-conviction counsel provided ineffective assistance in failing to adequately raise a meritorious claim of ineffective assistance of trial or appellate counsel. Just as trial counsel is poorly placed to investigate or litigate his or her own ineffectiveness, state post-conviction counsel may be similarly limited.

40. When counsel's representation terminates, counsel shall cooperate with the client and any succeeding counsel in the transmission of the record, transcripts, file, and other information pertinent to post-conviction proceedings. Counsel should notify the client when the case assignment is concluded.

41. Counsel should closely monitor the client's competence in post-conviction proceedings, having regard to the requirement that the client be sufficiently competent to be lawfully executed and should investigate and litigate this issue where it is possible that the client does not meet the necessary degree of competence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 43:1958 (October 2017).

§2143. Supervision, Review and Consultation

A. Supervision of the Defense Team

1. Primary responsibility for the supervision of the defense team and the team's compliance with these standards rests with lead counsel. Lead counsel shall establish a system for communication, feedback and supervision of the defense team that shall ensure that the team provides high quality representation and that any deficiencies in compliance with the guidelines or standards are promptly identified and remedied. Lead counsel should ensure that all team members are aware of their obligations under the guidelines and performance standards.

2. Primary responsibility for the supervision of experts rests with lead counsel, though this responsibility may be delegated to other counsel who are more directly responsible for working with a particular expert. Counsel supervising an expert shall ensure that appropriate funding is secured and maintained for the expert's services, that the expert performs the requested services in a timely fashion and to a high quality and that the expert's services are promptly invoiced and paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Public Defender Board, LR 43:1961 (October 2017).

James T. Dixon, Jr.
State Public Defender

RULE

Department of Health Behavior Analyst Board

Continuing Education—Licensed Behavior Analysts and State-Certified Assistant Behavior Analysts (LAC 46:VIII.Chapter 8)

This Rule establishes the requirements for each licensed behavior analyst and state-certified assistant behavior analyst to complete continuing education hours within biennial reporting periods beginning in December 2016. Continuing education is an ongoing process consisting of learning activities that increase professional development.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VIII. Behavior Analysts

Chapter 8. Continuing Education Requirements for Licensed Behavior Analysts and State- Certified Assistant Behavior Analysts

§803. Requirements

A. For the reporting periods that begin December 2016 and henceforth, 32 credits of continuing professional development will be required in the biennial reporting period for licensed behavior analysts and 20 credits for state-certified assistant behavior analysts. Certificants/licenseses should not repeat a continuing education event in order to obtain additional continuing credits. The hours must conform to the distribution listed below.

B. ...

C. Certificants/licenseses can accumulate continuing professional development credits in seven categories:

1. academic:

a. completion of graduate-level college or university courses. Course content must be entirely behavior analytic. Courses must be from a United States or Canadian institution of higher education fully or provisionally accredited by a regional, state, provincial or national accrediting body, or approved by the board;

b. one academic semester credit is equivalent to 15 hours of continuing education and one academic quarter credit is equivalent to 10 hours of continuing education. Any portion or all of the required number of hours of continuing education may be applied from this category during any two-year certification/licensure period;

c. required documentation is a course syllabus and official transcript;

2. traditional approved events:

a. completion of events sponsored by providers approved by the Behavior Analyst Certification Board (BACB). Any portion or all of the total required number of hours of continuing education may be applied from this category during any two-year certification/licensure period;

b. required documentation is a certificate or letter from the approved continuing education (ACE) provider;

3. non-approved events:

a. completion or instruction of a seminar, colloquium, presentation, conference event, workshop or

symposium not approved by the BACB, only if they relate directly to the practice of behavior analysis. A maximum of 25 percent of the total required number of hours of continuing education may be applied from this category during any two-year certification/licensure period;

b. required documentation is an attestation signed and dated by the certificant/licensee;

c. approval of these events is at the discretion of the board;

4. instruction of continuing education events:

a. instruction by the certificant/licensee of category 1 or 2 continuing education events, on a one-time basis for each event, provided that the certificant/licensee was present for the complete event. A maximum of 50 percent of the total required number of hours of continuing education may come from this category during any two-year certification/licensure period;

b. required documentation is a letter from the department chair on letterhead from the university at which a course was taught or a letter from the approved continuing education (ACE) provider's coordinator;

5. BACB events:

a. credentialing events or activities initiated and pre-approved for CEU by the BACB;

b. a maximum of 25 percent of the total required number of hours of continuing education may come from this category during any two-year certification/licensure reporting period;

c. required documentation is a copy of the email sent from the BACB to the certificant/licensee which states participant has completed the BACB event/activity as well as shows the number of CEUs earned for completion. It is important that the date in which the email was received is displayed, as the CEUs are only valid towards the reporting period in which they were received;

6. passing BACB exam:

a. passing, during the second year of the applicant's certification/licensure period, the BACB examination appropriate to the type of renewal. LBA's may only take the BCBA examination; SCABA's may only take the BCaBA examination for continuing education credit. Passing the appropriate examination shall satisfy the continuing education requirement for the current certification/licensure period;

b. required documentation is a verification letter of passing score from the BACB;

7. scholarly activities:

a. publication of an ABA article in a peer-reviewed journal or service as reviewer or action editor of an ABA article for a peer reviewed journal. A maximum of 25 percent of the total required number of hours of continuing education may come from this category during any two-year certification/licensure period. The credit will only be applied to the reporting period when the article was published or reviewed:

i. one publication = 8 hr.;

ii. one review = 1 hr.;

b. required documentation is a final publication listing certificant/licensee as author, editorial decision letter (for action editor activity), or letter of attestation from action editor (for reviewer activity).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1514 (September 2016), amended LR 43:1961 (October 2017).

§805. Extensions/Exemptions

A. Certificants/licensees on extended active military service outside the state of Louisiana during the applicable reporting period and who do not engage in delivering behavior analysis services within the state of Louisiana may be granted an extension or an exemption if the board receives a timely confirmation of such status.

B. Certificants/licensees who are unable to fulfill the requirement because of illness or other personal hardship may be granted an extension or an exemption if timely confirmation of such status is received by the board.

C. Behavior analysts or state-certified assistant behavior analysts are exempt from continuing professional development requirements for the remainder of the year for which their license or certification is initially granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1514 (September 2016), amended LR 43:1962 (October 2017).

§807. Noncompliance

A. ...

B. Failure to fulfill the requirements of the continuing professional development rule shall cause the certificate/license to lapse pursuant to §401 of this Part.

C. If the certificant/licensee fails to meet continuing professional development requirements by the appropriate date, the certificate/license shall be regarded as lapsed at the close of business December 31 of the year for which the certificant/licensee is seeking renewal.

D. The Behavior Analyst Board shall serve written notice of noncompliance on a certificant/licensee determined to be in noncompliance. The notice will invite the certificant/licensee to request a hearing with the board or its representative to claim an exemption or to show compliance. All hearings shall be requested by the certificant/licensee and scheduled by the board in compliance with any time limitations of the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1515 (September 2016), amended LR 43:1962 (October 2017).

§809. Reinstatement

A. For a period of two years from the date of lapse of the certificate/license, the certificate/license may be renewed, at the approval of the board, upon proof of fulfilling all continuing professional development requirements applicable through the date of reinstatement and upon payment of all fees due under R.S. 37:3714.

B. After a period of two years from the date of lapse of the certificate/license, the certificant/licensee may be renewed, at the approval of the board, if all applicable requirements have been met, along with payment of a fee equivalent to the application fee and renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713-3714.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board; LR 42:1515 (September 2016), amended LR 43:1962 (October 2017).

Rhonda Boe
Executive Director

1710#001

RULE

**Department of Health
Board of Dentistry**

Fees and Costs; Anesthesia/Analgesia
Administration; and Continuing Education
(LAC 46:XXXIII.122, 128, 301, 411, and 1511)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health, Board of Dentistry has amended LAC 46:XXXIII.122, 128, 301, 411, and 1511.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§122. Scopes of Practice

A. The board approves of the following specialties:

- 1. - 7. ...
- 8. prosthodontics;
- 9. oral and maxillofacial radiology;
- 10. any other area of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full-time years and which program is accredited by an accreditation agency that is recognized by the United States Department of Education.

B. - C. ...

1. The board finds that terms implying that a dentist is a specialist in some field of dentistry are terms of art indicating that the dentist has completed an accredited post-doctoral educational program in that field of at least two years. Therefore, a licensed dentist seeking specialty recognition must have successfully completed a post-doctoral program in a specialty area of dentistry consisting of at least two full-time years and which is accredited by an accreditation agency that is recognized by the United States Department of Education.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 28:1776 (August 2002), LR 28:2512 (December 2002), amended by the Department of Health, Board of Dentistry, LR 43:1963 (October 2017).

**§128. Provisional Licensure for Dental Healthcare
Workers Providing Gratuitous Services**

A. - A.3. ...

B. The Board of Dentistry may grant a provisional license not to exceed 60 days in duration for any dentist or dental hygienist who is in good standing in the state of their licensure and who wishes to provide gratuitous services to

patients as part of a continuing education course in which the dental healthcare provider is enrolled as a participant and which services are provided as part of the continuing education course provided.

1. The applicant is verified by the board to be in good standing in the state of licensure where the applicant is licensed.

2. The applicant provides satisfactory documentation to the board that the dental healthcare provider is assigned to provide gratuitous services as part of a continuing education course that meets the requirements of LAC XXXIII.1615.

3. The applicant agrees to render services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of dental services within the state of Louisiana, except that the provider of the continuing education course may accept payment from the dental healthcare provider for the continuing education course.

C. The board may renew this provisional license for no more than an additional 60 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(6) and (8) and R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 32:1227 (July 2006), amended by the Department of Health, Board of Dentistry, LR 43:1963 (October 2017).

Chapter 3. Dentists

§301. Advertising and Soliciting by Dentists

A. - B. ...

C. Approved Specialties. The board approves only the following specialties:

- 1. - 7. ...
- 8. prosthodontics;
- 9. oral and maxillofacial radiology;
- 10. any other area of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full time years and which program is accredited by an accreditation agency that is recognized by the United States Department of Education.

D. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), repromulgated LR 23:199 (February 1997), amended LR 23:1524 (November 1997), LR 25:509 (March 1999), LR 25:1476 (August 1999), LR 26:690 (April 2000), LR 27:1890 (November 2001), LR 28:1776 (August 2002), LR 28:2512 (December 2002), LR 30:2305 (October 2004), LR 32:243 (February 2006), LR 37:2150 (July 2011), amended by the Department of Health, Board of Dentistry, LR 43:1963 (October 2017).

Chapter 4. Fees and Costs

Subchapter B. General Fees and Costs

§411. Miscellaneous Fees and Costs

A. - A.9. ...

- 10. unbound copy of Dental Practice Act—\$25;
- 11. preapproval of advertising—\$150 per advertisement or per page of a website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:795.