

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Dentistry

3 (New Administrative Regulation)

4 201 KAR 8:610. Dental Community Health Workers.

5 RELATES TO: KRS 309.460, KRS 309.462, KRS 309.464, KRS 313.021.

6 STATUTORY AUTHORITY: KRS 313.021(1)(a), KRS 313.060(1).

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.021(1)(c) requires the board to
8 promulgate administrative regulations relating to requirements and procedures for registration,
9 duties, training, and standards for any license or registration the board may establish. This
10 administrative regulation establishes the requirements, scope, and procedures for certified
11 community health workers operating in a dental health setting.

12 Section 1. Definitions.

13 (1) "Certified Community Health Worker" is defined by KRS 309.460(2).

14 (2) "Dental Community Health Worker" means a Certified Community Health Worker
15 engaged in patient management of oral health and dental care.

16 Section 2. Supervision and Scope.

17 (1) A dental community health worker operating under this administrative regulation shall
18 be under the oversight and scope of the ordering dentist at all times in the performance of patient
19 management.

20 (2) While under the direction of the ordering dentist, a dental community health worker shall
21 be authorized to:

- 1 (a) Support diverse patient populations by attending dental visits of the dentally vulnerable
2 and support follow-up activities for future care or referrals to other providers;
- 3 (b) Provide culturally appropriate dental health education and information to diverse
4 communities;
- 5 (c) Provide care coordination, case management, and system navigation services regarding
6 dental care providers and dental insurance coverage and eligibility;
- 7 (d) Provide coaching and social support to patients and caregivers regarding oral health
8 practices and behaviors for children, patients with special healthcare needs, and dependent elderly
9 patients;
- 10 (e) Conduct oral screenings or risk assessments for chronic dental conditions, including caries
11 and periodontal disease; and
- 12 (f) Encourage patient and provider participation in community-wide oral health events.

APPROVED: 08/14/2024

A handwritten signature in black ink, appearing to be 'JA', with a long horizontal flourish extending to the right.

JEFFREY ALLEN, Executive Director

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2024 at 3:00 p.m., Eastern Time at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email jeffrey.allen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 8:610

Contact Person: Jeffrey Allen

Phone: (502) 429-7280

Email: Jeffrey.allen@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation clarifies the role and authority of licensed dentists when working as an ordering provider to registered community health workers under KRS 205.648 and 907 KAR 3:310.

(b) The necessity of this administrative regulation: KRS 313.021(1)(a) requires the board to exercise the administrative functions of the Commonwealth in the regulation of the profession of dentistry. KRS 205.648 and 907 KAR 3:310 identifies dentists as one of several healthcare professionals that may serve as an ordering provider to community health workers. Therefore, the board wishes to add to our own regulations in 201 KAR Chapter 8 to compliment and clarify the aforementioned rules as it specifically applies to dentists and dental practice.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 313.021(1)(a) requires the board to exercise the administrative functions of the Commonwealth in the regulation of the profession of dentistry.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Dentists licensed by the Board of Dentistry will better understand the scope of their responsibilities when working with community health workers registered by the Office of Community Health Workers, thereby minimizing mistakes and maximizing their benefit to health and welfare of the people of the Commonwealth.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will primarily affect dentists licensed by the Board of Dentistry who serve as operating providers to community health workers certified by the Office of Community Health Workers. While approximately 3,000 dentists are currently licensed in Kentucky, only a fraction of them are expected to be operating providers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional actions will be required of dentists, community health workers or any other regulated entity.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost associated with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Dentists licensed by the Board of Dentistry will better understand the scope of their responsibilities when working with community health workers registered by the Office of Community Health Workers.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional cost.

(b) On a continuing basis: No additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional source of funding is necessary to implement this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is required.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does establish fees and does not impact existing fees.

(9) TIERING: Is tiering applied? No; this administrative regulation impacts all similarly situated entities equally.

FISCAL IMPACT STATEMENT

201 KAR 8:610

Contact Person: Jeffrey Allen

Phone: (502) 429-7280

Email: jeffrey.allen@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 313.021.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Board of Dentistry is the promulgating agency. The Office of Community Health Workers and the Department of Medicaid Services are relevant to this regulation but no changes or additional actions on their part should be required.

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No change.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are likely to be affected.

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No change.

(4) Identify additional regulated entities not listed in questions (2) or (3): None.

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No change.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation has no fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: This administrative regulation has no fiscal impact as it does not require any new revenues or expenditures from any entity or individual.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) No, this administrative regulation would not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: This administrative regulation has no fiscal impact as it does not require any revenues or expenditures.