

BILL ANALYSIS

Senate Research Center

H.B. 3670
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Permitting dental assistants to perform additional services for which they are trained and qualified, under supervision of a dentist, will increase access to care for patients of Texas dentists.

H.B. 3670 authorizes additional services to be performed by dental assistants, specifies the type of supervision required with respect to the assistants, provides for certain certificates to be issued to qualified dental assistants by the Texas State Board of Dental Examiners, provides for continuing education of the assistants, and repeals certain sections no longer applicable.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 258.002(a), Occupations Code, to authorize a licensed dentist to delegate to a qualified and trained dental assistant acting under the dentist's general or direct supervision any dental act that a reasonable and prudent dentist would find is within the scope of sound dental judgment to delegate if certain criteria are met, including if the person to whom the dental act is delegated holds the appropriate certificate, if a certificate is required to perform the act. Makes nonsubstantive changes.

SECTION 2. Amends Chapter 265, Occupations Code, by adding Section 265.0001, as follows:

Sec. 265.0001. DEFINITIONS. Defines "coronal polishing" and "interim treatment of a minor emergency dental condition."

SECTION 3. Amends Section 265.002, Occupation Code, as follows:

Sec. 265.002. SUPERVISION, DIRECTION, AND RESPONSIBILITY. (a) Creates this subsection from existing text.

(b) Provides that for the purposes of Subsection (a)(2) (relating to a dentist being physically present in the dental office when the assistant performs the dental act), physical presence does not require that the supervising dentist be in the treatment room when the dental assistant performs the service as long as the dentist is in the dental office.

(c) Provides that in this subtitle, a dental assistant is under the general supervision, direction, and responsibility of a dentist if the dentist employs the dental assistant or is in charge of the dental assistant and is responsible for supervising the services to be performed by the dental assistant.

SECTION 4. Amends Section 265.003, Occupation Code, as follows:

Sec. 265.003. PERMITTED DUTIES. (a) Authorizes a dental assistant who is not professionally licensed to be employed by and work in the office of a licensed and practicing dentist and to perform one or more delegated dental acts under the direct

supervision, direction, and responsibility of the dentist, including the application of a pit and fissure sealant; coronal polishing, if the dental assistant hold a certificate under Section 265.006; and the application of fluoride varnish; or the general supervision, direction, and responsibility of the dentist, limited to the making of dental x-rays in compliance with Section 265.005 (X-Ray Certificate) and the provision of interim treatment of a minor emergency dental condition to an existing patient of the treating dentist.

(a-1) Requires a treating dentist who delegates the provision of interim treatment of a minor emergency dental condition to a dental assistant under Subsection (a)(2)(B) (relating to a dental practice in an area determined to be underserved by the Texas Department of Health) to delegate the procedure orally or in writing before the dental assistant performs the procedure, retain responsibility for the procedure, and schedule a follow-up appointment with the patient within a reasonable time.

(b) Authorizes a dental assistant who applies a pit and fissure sealant under Subsection (a) to cleanse the occlusal and smooth surfaces of the teeth immediately before and for the sole purpose of preparing the tooth area for the placement of the pit and fissure sealant or orthodontic bonding resin. Prohibits a procedure performed by a dental assistant under this subsection from being billed as a prophylaxis. Deletes existing text authorizing a dental assistant to apply a pit and fissure sealant under Subsection (a) only if certain conditions are met.

SECTION 5. Amends Section 265.004(b), Occupations Code, to require an applicant, to qualify for a certificate, to have at least two years experience as a dental assistant and to have successfully completed a minimum of eight, rather than 16, hours of clinical and didactic education in pit and fissure sealants taken through an accredited dental hygiene program or a dental assisting program accredited by the Commission on Dental Accreditation of the American Dental Association (commission) and approved by the Texas State Board of Dental Examiners (TSBDE).

SECTION 6. Amends Chapter 265, Occupations Code, by adding Section 265.006, as follows:

Sec. 265.006. CORONAL POLISHING CERTIFICATE. (a) Requires TSBDE to issue a coronal polishing certificate to a dental assistant who qualifies under this section.

(b) Requires an applicant, to qualify for a coronal polishing certificate, to have at least two years experience as a dental assistant and:

(1) have successfully completed at least eight hours of clinical and didactic education in coronal polishing taken through a dental assisting program accredited by the commission and approved by TSBDE that includes certain courses; or

(2) present proof to TSBDE that the assistant has graduated from a dental assisting program accredited by the commission and approved by TSBDE that includes specific didactic course work and clinical training, or received certification of completion of the Dental Assisting National Board and approved by TSBDE.

SECTION 7. Amends Chapter 265, Occupations Code, by adding Section 265.007, as follows:

Sec. 265.007. CONTINUING EDUCATION FOR CERTIFICATE HOLDERS. (a) Requires a dental assistant, to renew a certificate issued under this chapter, to complete six hours of continuing education each year in areas covering dental assistant duties.

(b) Provides that a dental assistant holding two or more certificates authorized by this chapter is required to complete 12 hours of continuing education each year to renew all of the certificates held by the assistant.

(c) Authorizes a dental assistant to fulfill continuing education requirements through TSBDE-approved self-study, interactive computer courses, or lecture courses.

SECTION 8. Repealer: Section 258.002(b) (relating to authorizing a licensed dentist to delegate the application of a pit and fissure sealant to a dental assistant), Occupations Code.

Repealer: Section 265.004(d) (relating to a completion of six hours of continuing education), Occupations Code.

Repealer: Section 265.005(j) (relating to mandatory continuing education program for certificate holders), Occupations Code.

Repealer: Section 265.005(k) (relating to renewal of a certificate), Occupations Code.

SECTION 9. Makes application of Section 265.004(b), Occupations Code, of this Act prospective.

SECTION 10. Makes application of Section 265.007, Occupations Code, of this Act prospective.

SECTION 11. Effective date: September 1, 2009.