

AN ACT

relating to the administration of a local anesthetic agent by a dental hygienist.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 258.001, Occupations Code, is amended to read as follows:

Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not delegate:

(1) an act to an individual who, by board order, is prohibited from performing the act;

(2) any of the following acts to a person not licensed as a dentist or dental hygienist:

(A) the removal of calculus, deposits, or accretions from the natural and restored surfaces of exposed human teeth and restorations in the human mouth;

(B) root planing or the smoothing and polishing of roughened root surfaces or exposed human teeth; or

(C) any other act the delegation of which is prohibited by board rule;

(3) any of the following acts to a person not licensed as a dentist:

(A) comprehensive examination or diagnosis and treatment planning;

(B) a surgical or cutting procedure on hard or

1 soft tissue;

2 (C) the prescription of a drug, medication, or
3 work authorization;

4 (D) the taking of an impression for a final
5 restoration, appliance, or prosthesis;

6 (E) the making of an intraoral occlusal
7 adjustment;

8 (F) direct pulp capping, pulpotomy, or any other
9 endodontic procedure;

10 (G) the final placement and intraoral adjustment
11 of a fixed or removable appliance; or

12 (H) the placement of any final restoration; ~~[or]~~

13 (4) the authority to an individual to administer a
14 local anesthetic agent, inhalation sedative agent, parenteral
15 sedative agent, or general anesthetic agent, including as a
16 teledentistry dental service as that term is defined by Section
17 [111.001](#), if the individual is not licensed as:

18 (A) a dentist with a permit issued by the board
19 for the procedure being performed, if a permit is required;

20 (B) a certified registered nurse anesthetist
21 licensed by the Texas Board of Nursing, only if the delegating
22 dentist holds a permit issued by the board for the procedure being
23 performed, if a permit is required; or

24 (C) a physician anesthesiologist licensed by the
25 Texas Medical Board; or

26 (5) the authority to a dental hygienist to administer
27 a local anesthetic agent unless:

1 (A) the dental hygienist:
2 (i) administers the local anesthetic agent
3 by infiltration for purposes of a procedure the dental hygienist is
4 authorized to perform;
5 (ii) has passed a board-approved
6 certification examination relating to the administration of a local
7 anesthetic agent;
8 (iii) either:
9 (a) has completed a board-approved
10 course of study designed to train dental hygienists to administer a
11 local anesthetic agent by infiltration; or
12 (b) during the preceding year, was
13 authorized to administer a local anesthetic agent by:
14 (1) a branch of the United States
15 armed forces; or
16 (2) another state with clinical
17 and didactic education requirements substantially equivalent to
18 the requirements of a course approved by the board under
19 Sub-subparagraph (a); and
20 (iv) complies with any applicable rules
21 adopted by the board establishing minimum standards for the
22 administration of a local anesthetic agent;
23 (B) the delegating dentist is physically present
24 in the facility where the procedure is occurring and is
25 continuously aware of the patient's physical status and well-being;
26 and
27 (C) the patient to whom the local anesthetic

1 agent is administered is:

2 (i) at least 18 years of age; and

3 (ii) not sedated, or is sedated using only

4 nitrous oxide-oxygen inhalation.

5 SECTION 2. Section 262.002(a), Occupations Code, is amended
6 to read as follows:

7 (a) A person practices dental hygiene if the person:

8 (1) removes accumulated matter, tartar, deposits,
9 accretions, or stains, other than mottled enamel stains, from the
10 natural and restored surface of exposed human teeth and
11 restorations in the human mouth;

12 (2) smoothes roughened root surfaces;

13 (3) polishes exposed human teeth, restorations in the
14 human mouth, or roughened root surfaces;

15 (4) topically applies drugs to the surface tissues of
16 the human mouth or the exposed surface of human teeth;

17 (5) makes dental x-rays; ~~and~~

18 (6) administers a local anesthetic agent under the
19 authorization and supervision of a dentist in compliance with
20 Section 258.001(5); and

21 (7) performs any other service, task, or procedure
22 prescribed by board rule.

23 SECTION 3. (a) Not later than January 1, 2024, the State
24 Board of Dental Examiners shall:

25 (1) prescribe by rule the requirements for a course to
26 train dental hygienists to administer a local anesthetic agent
27 consistent with Section 258.001, Occupations Code, as amended by

1 this Act;

2 (2) develop a procedure for the approval of courses
3 described by Subdivision (1) of this subsection; and

4 (3) adopt rules to administer Sections 258.001 and
5 262.002, Occupations Code, as amended by this Act, including rules
6 to establish the minimum standards for the administration of a
7 local anesthetic agent by a dental hygienist consistent with those
8 sections.

9 (b) A rule adopted under Subsection (a)(1) of this section
10 must require that a course be offered in a classroom setting at an
11 educational institution accredited by the Commission on Dental
12 Accreditation of the American Dental Association.

13 SECTION 4. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3824 was passed by the House on May 12, 2023, by the following vote: Yeas 133, Nays 7, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3824 was passed by the Senate on May 24, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor