

By: Klick

H.B. No. 3824

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

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

22 (A) comprehensive examination or diagnosis and
23 treatment planning;

24 (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 that consists of at least 40
12 hours of didactic education and 30 hours of clinical education; or

13 (b) during the preceding year, was
14 authorized to administer a local anesthetic agent by:

15 (1) a branch of the United States
16 armed forces; or

17 (2) another state with clinical
18 and didactic education requirements substantially equivalent to
19 the requirements of a course approved by the board under
20 Sub-subparagraph (a); and

21 (iv) complies with any applicable rules
22 adopted by the board establishing minimum standards for the
23 administration of a local anesthetic agent;

24 (B) the delegating dentist is physically present
25 in the facility where the procedure is occurring and is
26 continuously aware of the patient's physical status and well-being;
27 and

1 (C) the patient to whom the local anesthetic
2 agent is administered is:

- 3 (i) at least 18 years of age; and
4 (ii) not sedated, or is sedated using only
5 nitrous oxide-oxygen inhalation.

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

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

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

13 (2) smoothes roughened root surfaces;

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

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

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

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

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

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

26 (1) prescribe by rule the requirements for a course to
27 train dental hygienists to administer a local anesthetic agent

1 consistent with Section 258.001, Occupations Code, as amended by
2 this Act;

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

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

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

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