

1-1 By: Klick (Senate Sponsor - Hughes) H.B. No. 3824
 1-2 (In the Senate - Received from the House May 15, 2023;
 1-3 May 16, 2023, read first time and referred to Committee on Health &
 1-4 Human Services; May 21, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 21, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the administration of a local anesthetic agent by a
 1-20 dental hygienist.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 258.001, Occupations Code, is amended to
 1-23 read as follows:

1-24 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not
 1-25 delegate:

1-26 (1) an act to an individual who, by board order, is
 1-27 prohibited from performing the act;

1-28 (2) any of the following acts to a person not licensed
 1-29 as a dentist or dental hygienist:

1-30 (A) the removal of calculus, deposits, or
 1-31 accretions from the natural and restored surfaces of exposed human
 1-32 teeth and restorations in the human mouth;

1-33 (B) root planing or the smoothing and polishing
 1-34 of roughened root surfaces or exposed human teeth; or

1-35 (C) any other act the delegation of which is
 1-36 prohibited by board rule;

1-37 (3) any of the following acts to a person not licensed
 1-38 as a dentist:

1-39 (A) comprehensive examination or diagnosis and
 1-40 treatment planning;

1-41 (B) a surgical or cutting procedure on hard or
 1-42 soft tissue;

1-43 (C) the prescription of a drug, medication, or
 1-44 work authorization;

1-45 (D) the taking of an impression for a final
 1-46 restoration, appliance, or prosthesis;

1-47 (E) the making of an intraoral occlusal
 1-48 adjustment;

1-49 (F) direct pulp capping, pulpotomy, or any other
 1-50 endodontic procedure;

1-51 (G) the final placement and intraoral adjustment
 1-52 of a fixed or removable appliance; or

1-53 (H) the placement of any final restoration; ~~or~~

1-54 (4) the authority to an individual to administer a
 1-55 local anesthetic agent, inhalation sedative agent, parenteral
 1-56 sedative agent, or general anesthetic agent, including as a
 1-57 teledentistry dental service as that term is defined by Section
 1-58 111.001, if the individual is not licensed as:

1-59 (A) a dentist with a permit issued by the board
 1-60 for the procedure being performed, if a permit is required;

1-61 (B) a certified registered nurse anesthetist

2-1 licensed by the Texas Board of Nursing, only if the delegating
 2-2 dentist holds a permit issued by the board for the procedure being
 2-3 performed, if a permit is required; or
 2-4 (C) a physician anesthesiologist licensed by the
 2-5 Texas Medical Board; or
 2-6 (5) the authority to a dental hygienist to administer
 2-7 a local anesthetic agent unless:
 2-8 (A) the dental hygienist:
 2-9 (i) administers the local anesthetic agent
 2-10 by infiltration for purposes of a procedure the dental hygienist is
 2-11 authorized to perform;
 2-12 (ii) has passed a board-approved
 2-13 certification examination relating to the administration of a local
 2-14 anesthetic agent;
 2-15 (iii) either:
 2-16 (a) has completed a board-approved
 2-17 course of study designed to train dental hygienists to administer a
 2-18 local anesthetic agent by infiltration; or
 2-19 (b) during the preceding year, was
 2-20 authorized to administer a local anesthetic agent by:
 2-21 (1) a branch of the United States
 2-22 armed forces; or
 2-23 (2) another state with clinical
 2-24 and didactic education requirements substantially equivalent to
 2-25 the requirements of a course approved by the board under
 2-26 Sub-subparagraph (a); and
 2-27 (iv) complies with any applicable rules
 2-28 adopted by the board establishing minimum standards for the
 2-29 administration of a local anesthetic agent;
 2-30 (B) the delegating dentist is physically present
 2-31 in the facility where the procedure is occurring and is
 2-32 continuously aware of the patient's physical status and well-being;
 2-33 and
 2-34 (C) the patient to whom the local anesthetic
 2-35 agent is administered is:
 2-36 (i) at least 18 years of age; and
 2-37 (ii) not sedated, or is sedated using only
 2-38 nitrous oxide-oxygen inhalation.
 2-39 SECTION 2. Section 262.002(a), Occupations Code, is amended
 2-40 to read as follows:
 2-41 (a) A person practices dental hygiene if the person:
 2-42 (1) removes accumulated matter, tartar, deposits,
 2-43 accretions, or stains, other than mottled enamel stains, from the
 2-44 natural and restored surface of exposed human teeth and
 2-45 restorations in the human mouth;
 2-46 (2) smoothes roughened root surfaces;
 2-47 (3) polishes exposed human teeth, restorations in the
 2-48 human mouth, or roughened root surfaces;
 2-49 (4) topically applies drugs to the surface tissues of
 2-50 the human mouth or the exposed surface of human teeth;
 2-51 (5) makes dental x-rays; ~~and~~
 2-52 (6) administers a local anesthetic agent under the
 2-53 authorization and supervision of a dentist in compliance with
 2-54 Section 258.001(5); and
 2-55 (7) performs any other service, task, or procedure
 2-56 prescribed by board rule.
 2-57 SECTION 3. (a) Not later than January 1, 2024, the State
 2-58 Board of Dental Examiners shall:
 2-59 (1) prescribe by rule the requirements for a course to
 2-60 train dental hygienists to administer a local anesthetic agent
 2-61 consistent with Section 258.001, Occupations Code, as amended by
 2-62 this Act;
 2-63 (2) develop a procedure for the approval of courses
 2-64 described by Subdivision (1) of this subsection; and
 2-65 (3) adopt rules to administer Sections 258.001 and
 2-66 262.002, Occupations Code, as amended by this Act, including rules
 2-67 to establish the minimum standards for the administration of a
 2-68 local anesthetic agent by a dental hygienist consistent with those
 2-69 sections.

3-1 (b) A rule adopted under Subsection (a)(1) of this section
3-2 must require that a course be offered in a classroom setting at an
3-3 educational institution accredited by the Commission on Dental
3-4 Accreditation of the American Dental Association.

3-5 SECTION 4. This Act takes effect September 1, 2023.

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