

By: Reyna

H.B. No. 2597

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a dental hygienist to administer a local anesthetic agent.

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) except as provided by Subdivision (5), the
14 authority to an individual to administer a local anesthetic agent,
15 inhalation sedative agent, parenteral sedative agent, or general
16 anesthetic agent if the individual is not licensed as:

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

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

23 (C) a physician anesthesiologist licensed by the
24 Texas State Board of Medical Examiners; or

25 (5) the authority to a dental hygienist to administer
26 a local anesthetic agent unless the dental hygienist is certified
27 by the board to administer a local anesthetic agent under the

1 supervision of a dentist or a physician licensed in this state.

2 SECTION 2. Section 262.151(a), Occupations Code, is amended
3 to read as follows:

4 (a) A licensed dentist may delegate orally or in writing a
5 service, task, or procedure to a dental hygienist who is under the
6 supervision and responsibility of the dentist, if:

7 (1) the dental hygienist:

8 (A) is licensed to perform the service, task, or
9 procedure; and

10 (B) holds any necessary certification issued by
11 the board;

12 (2) the supervising dentist examines the patient:

13 (A) at the time the service, task, or procedure
14 is performed by the dental hygienist; or

15 (B) during the 12 calendar months preceding the
16 date of performance of the service, task, or procedure by the dental
17 hygienist; and

18 (3) the dental hygienist does not:

19 (A) diagnose a dental disease or ailment;

20 (B) prescribe a treatment or a regimen;

21 (C) prescribe, order, or dispense medication; or

22 (D) perform any procedure that is irreversible or
23 involves the intentional cutting of soft or hard tissue by any
24 means.

25 SECTION 3. Subchapter D, Chapter 262, Occupations Code, is
26 amended by adding Section 262.154 to read as follows:

27 Sec. 262.154. CERTIFICATION TO ADMINISTER LOCAL ANESTHETIC

1 AGENT. (a) The board by rule shall provide for issuance of a
2 certificate to a dental hygienist to administer a local anesthetic
3 agent.

4 (b) To obtain a certificate under this section, a dental
5 hygienist must meet the educational qualifications and provide
6 proof of competency in the administration of local anesthetic
7 agents as required by the board after consultation with the
8 advisory committee.

9 (c) Rules adopted by the board under this section must
10 include rules that regulate the administration of a local
11 anesthetic agent by a dental hygienist who holds a certificate
12 under this section, including rules that provide for supervision of
13 the dental hygienist by a dentist or physician licensed in this
14 state.

15 SECTION 4. (a) This Act takes effect September 1, 2003.

16 (b) The State Board of Dental Examiners shall adopt rules
17 required by Section 262.154, Occupations Code, as added by this
18 Act, not later than January 1, 2004.