

BILL ANALYSIS

Senate Research Center
79R9898 MXM-F

C.S.S.B. 632
By: Nelson
Health & Human Services
3/16/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As a result of the Sunset process, S.B. 263, 78th Legislature, Regular Session, created a set of new requirements for dental assistants who take dental x-rays. The goal was to ensure public safety by standardizing the level of knowledge among dental assistants taking dental x-rays. However, concerns have arisen over the implementation of these requirements.

C.S.S.B. 632 builds upon previous legislation to address these concerns while ensuring public safety. A dental assistant is required to be examined after taking a course covering the procedures for making dental x-rays, infection control, and jurisprudence, and is not allowed to make x-rays unless the assistant has a certificate of registration. The Board of Dental Examiners (board), in consultation with a committee of dental professionals and educators, must set the objectives of the course and examination and the procedures to ensure the examination's integrity, and develop a program to ensure the compliance of courses and examinations with board rule. The board must also perform a study on the feasibility of allowing the course and examination to be available through the Internet. Schools accredited by the Commission on Dental Accreditation or dental industry organizations are required to develop and administer the courses and examinations based on board-specified criteria.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTION 2 (Section 265.005, Occupations Code) of this bill. Rulemaking authority previously granted to the State Board of Dental Examiners is modified in SECTION 2 (Section 265.005, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 258.054, Occupations Code, by adding Subsection (c) to prohibit a dentist from authorizing a dental assistant to make a dental x-ray unless the dental assistant holds an x-ray certificate issued under Section 265.005.

SECTION 2. Amends Section 265.005, Occupations Code, as follows:

(a) No changes made.

(b)(1) Requires a dental assistant, to qualify for a certificate of registration, to pass an examination under this section after completing a course covering certain topics, rather than to pass an examination administered by the State Board of Dental Examiners (board) covering certain topics.

(2) Alternatively requires the dental assistant, to qualify for a certificate of registration, to both complete a course and pass an examination, rather than just pass an examination administered by the board, covering jurisprudence and to be certified as a dental assistant by the Dental Assisting National Board.

(c) Requires the course and the examination as described by Subsection (b)(1), rather than just the jurisprudence portion of the examination, to be tailored to a dental assistant's responsibilities and role in a dental office. Deletes a reference to registration fees set by the board. Redesignated from existing Subsection (d).

(d) Requires, rather than authorizes, the board to create an advisory committee consisting of certain persons to advise the board in adopting rules under Subsection (e), rather than in developing the examination. Deletes the requirement that the board develop the examination or contract with another person the board determines has the expertise and resources to develop the examination. Redesignated from existing Subsection (e).

(e) Requires the board by rule to set objectives for developing the examination and course under Subsection (b)(1) and procedures to ensure the examination's integrity.

(f) Requires the course and examination under Subsection (b)(1) to comply with board rules and be administered by certain entities.

(g) Requires the board, in consultation with the advisory committee, to develop a program to ensure that courses and examinations developed or administered under this section comply with board rules. Deletes reference to an examination administered by the board or by a testing service under an agreement with the board.

(h) Redesignated from existing Subsection (g).

(i) Requires the curriculum of a mandatory continuing education program, developed by the board by rule, to cover dental assistant duties, rather than standards of care, procedures for infectious disease control, and the requirements of this subtitle. Redesignated from existing Subsection (h).

(j) Authorizes a person to fulfill continuing education requirements through board-approved self-study, interactive computer courses, or lecture courses. Creates this subsection from existing text.

SECTION 3. (a) Requires the board to study the feasibility of providing through the Internet the course and examination described by Section 265.005(b)(1), Occupations Code, as amended by this Act.

(b) Requires the board to consider certain factors in its study.

(c) Requires the board, not later than November 1, 2006, to report on the results of the study to the lieutenant governor and the speaker of the house of representatives.

SECTION 4. Makes application of Section 265.005, Occupations Code, as amended by this Act, prospective to certificates renewed on or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2006.