

By: Laubenberg

H.B. No. 1432

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of dental assistants who make dental x-rays.

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

SECTION 1. Section 265.005, Occupations Code, is amended to read as follows:

Sec. 265.005. X-RAY PERMIT [~~CERTIFICATE~~]. (a) A dental assistant may not make dental x-rays unless the dental assistant holds a permit [~~certificate of registration~~] issued by the board under this section. A dentist may not permit a dental assistant to make dental x-rays unless the dental assistant and the dentist are in compliance with this section.

(b) To qualify for a permit [~~certificate of registration~~], a dental assistant must pay a fee in an amount sufficient to cover the cost of issuing the permit [~~determined by the board~~] and must:

(1) pass an examination administered by the board covering[+]

[~~(A)~~] the procedure for making dental x-rays;

[~~(B)~~] jurisprudence; and

[~~(C)~~] infection control;] or

(2) [~~pass an examination administered by the board covering the subject described by Subdivision (1)(B) and~~] be

certified as a dental assistant by the Dental Assisting National Board if the board determines that the requirements for

1 certification by that board are sufficient to protect the public.

2 (c) ~~[The board shall set the registration fee for a dental~~  
3 ~~assistant who qualifies under Subsection (b)(1) in an amount~~  
4 ~~greater than the amount of the registration fee for a dental~~  
5 ~~assistant who qualifies under Subsection (b)(2)].~~

6 ~~[(d) The portion of the examination described by Subsection~~  
7 ~~(b)(1)(B) must be tailored to a dental assistant's responsibilities~~  
8 ~~and role in a dental office].~~

9 ~~[(e) The board shall develop the examination or contract~~  
10 ~~with another person the board determines has the expertise and~~  
11 ~~resources to develop the examination.]~~ The board shall ~~[may]~~  
12 create an advisory committee consisting of dentists ~~[dental~~  
13 ~~industry professionals and educators]~~ to advise the board in  
14 developing the examination required by Subsection (b). Any study  
15 guide or reference materials adopted or provided by the board for  
16 use in preparing for the examination must be approved by the  
17 advisory committee. The study guide or materials must be relevant  
18 to the examination, be targeted to the educational level of the  
19 typical person taking the examination, and be available on the  
20 Internet. All of the examination questions must be taken from the  
21 study guide and reference materials.

22 (d) [(f)] The examination shall be administered by the  
23 board or by a testing service under an agreement with the board.  
24 The examination must be available on the Internet.

25 (e) The objective of the examination must be to provide  
26 evidence to the board that the dental assistant has acceptable  
27 knowledge of a dental assistant's permitted duties regarding the

1 making of dental x-rays. The examination must be offered in English  
2 and Spanish. The examination must be designed so that at least 90  
3 percent of the dental assistants taking the examination may be  
4 expected to successfully complete the examination with a score of  
5 at least 80 percent.

6 ~~(f) [(g) A certificate of registration issued under this~~  
7 ~~section must be renewed annually.~~

8 [(h)] The board by rule shall approve ~~[develop a]~~ mandatory  
9 continuing education courses ~~[program]~~ for permit holders ~~[of~~  
10 ~~certificates of registration]~~. The board may not require a person  
11 to complete more than six ~~[12]~~ hours of continuing education  
12 annually. Continuing education may be through self-study or  
13 interactive computer courses. The courses approved by the board  
14 must include courses on procedures for infection control, making  
15 dental x-rays, and the laws governing the duties of dental  
16 assistants. A permit holder must complete courses on infection  
17 control and the laws governing the duties of dental assistants not  
18 later than the first anniversary of the date of receiving a permit.  
19 After that date, the permit holder may complete other continuing  
20 education courses that include subjects within the scope of a  
21 dental assistant's permitted duties.

22 (g) A dentist employing a dental assistant shall maintain on  
23 file in the dentist's office a statement that:

24 (1) the dental assistant has been trained in infection  
25 control and the laws governing the duties of dental assistants; and

26 (2) the dental assistant is in compliance with the  
27 continuing education requirements of this section.

1       (h) The statement required by Subsection (g) must be  
2 completed not later than the first anniversary of the date a permit  
3 holder begins employment with a dentist and annually after that  
4 date as long as the dental assistant remains in the employment of  
5 the dentist.

6       (i) Except as otherwise provided by this subsection, a  
7 dental assistant holding a permit under this section is not  
8 required to renew the permit. A dental assistant who does not  
9 practice as a dental assistant for at least two years must apply for  
10 and receive a new permit under this section to be authorized to make  
11 dental x-rays. [The curriculum must cover standards of care,  
12 procedures for infectious disease control, and the requirements of  
13 this subtitle. A person may not renew a certificate of registration  
14 unless the person complies with the continuing education  
15 requirements.]

16       SECTION 2. (a) A dentist who employs a dental assistant on  
17 the effective date of this Act and who is required to complete and  
18 maintain a statement under Sections 265.005(g) and (h), Occupations  
19 Code, as added by this Act, must complete the required statement not  
20 later than September 1, 2006.

21       (b) A dental assistant who, on the effective date of this  
22 Act, holds a certificate of registration issued under Section  
23 265.005, Occupations Code, as that section existed immediately  
24 before the effective date of this Act, may continue to make dental  
25 x-rays under the certificate until the State Board of Dental  
26 Examiners issues the dental assistant a permit as authorized by  
27 this Act. The dental assistant is not required to retake an

1 examination required by Section 265.005, Occupations Code, as  
2 amended by this Act.

3 (c) The State Board of Dental Examiners shall appoint the  
4 advisory committee required under Section 265.005, Occupations  
5 Code, as amended by this Act, not later than January 1, 2006. Any  
6 advisory committee established under Section 265.005, Occupations  
7 Code, as that section existed immediately before the effective date  
8 of this Act, is abolished on the effective date of this Act.

9 SECTION 3. This Act takes effect September 1, 2005.