

By: Deuell

S.B. No. 726

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a dental hygienist to prescribe and administer fluoride varnish.

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) except as provided by Section 262.153, the
3 prescription of a drug, medication, or 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 if the individual is
16 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.

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

27 (a) A licensed dentist may delegate orally or in writing a

1 service, task, or procedure to a dental hygienist who is under the
2 supervision and responsibility of the dentist, if:

3 (1) the dental hygienist is licensed to perform the
4 service, task, or procedure;

5 (2) the supervising dentist examines the patient:

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

8 (B) during the 12 calendar months preceding the
9 date of performance of the service, task, or procedure by the dental
10 hygienist; and

11 (3) the dental hygienist does not:

12 (A) diagnose a dental disease or ailment;

13 (B) prescribe a treatment or a regimen;

14 (C) except as provided by Section 262.153,
15 prescribe, order, or dispense medication; or

16 (D) perform any procedure that is irreversible or
17 involves the intentional cutting of soft or hard tissue by any
18 means.

19 SECTION 3. Section 262.152, Occupations Code, is amended to
20 read as follows:

21 Sec. 262.152. PERFORMANCE OF DELEGATED DUTIES. Except as
22 provided by Section 262.153, a [A] dental hygienist shall practice
23 dental hygiene:

24 (1) in the dental office of a supervising dentist
25 licensed by the board; or

26 (2) in an alternate setting, including a nursing home,
27 the patient's home, a school, a hospital, a state institution, a

1 public health clinic, or another institution, under the supervision
2 of a supervising dentist.

3 SECTION 4. Subchapter D, Chapter 262, Occupations Code, is
4 amended by adding Section 262.153 to read as follows:

5 Sec. 262.153. LIMITED PRESCRIPTION PERMIT. (a) The board
6 by rule shall provide for issuance of a permit to a dental hygienist
7 to prescribe and administer fluoride varnish.

8 (b) To obtain a permit under this section, a dental
9 hygienist must meet the educational qualifications and provide
10 proof of competency in the administration of fluoride varnish as
11 required by the board after consultation with the advisory
12 committee.

13 (c) Rules adopted by the board under this section must
14 include rules that regulate the administration of fluoride varnish
15 by a dental hygienist who holds a permit under this section.

16 (d) A dental hygienist with a permit issued under this
17 section may prescribe and administer fluoride varnish without
18 supervision by a dentist.

19 SECTION 5. The State Board of Dental Examiners shall adopt
20 rules as required by Section 262.153, Occupations Code, as added by
21 this Act, not later than November 1, 2005.

22 SECTION 6. This Act takes effect September 1, 2005.