

BILL ANALYSIS

C.S.H.B. 3670
By: Hopson
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Permitting a dental assistant to perform additional services for which the assistant is trained and qualified under the supervision of a dentist will increase access to dental care for patients in Texas.

C.S.H.B. 3670 authorizes additional services to be performed by a dental assistant, specifies the type of supervision required for an assistant to perform these additional services, provides for certain certificates to be issued by the Texas State Board of Dental Examiners to a qualified dental assistant, provides for continuing education for a dental assistant, and repeals certain provisions that are no longer applicable.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3670 amends the Occupations Code to add to the conditions that must be met for a licensed dentist to delegate a dental act to a qualified and trained dental assistant that the person to whom the act is delegated holds the appropriate certificate, if a certificate is required to perform the act. The bill clarifies that the dentist's authority to delegate such an act applies to a dental assistant acting under the dentist's general, in addition to direct, supervision.

C.S.H.B. 3670 defines "coronal polishing" to mean the removal of plaque and extrinsic stain from exposed natural and restored tooth surfaces using an appropriate rotary instrument with rubber cup or brush and polishing agent, including the use of a toothbrush. The bill defines "interim treatment of a minor emergency dental condition" to mean a condition that arises unexpectedly, causes pain or discomfort to the patient, is considered reversible, does not require cutting hard or soft tissue, and in the opinion of the treating dentist, may be performed by a properly trained dental assistant.

C.S.H.B. 3670 clarifies that for purposes of determining if a dentist is physically present in the office during a designated act, physical presence does not require the supervising dentist to be in the treatment room when the dental assistant performs the service as long as the dentist is in the dental office. The bill specifies that a dental assistant is under the general supervision, direction, and responsibility of a dentist if the dentist employs the dental assistant or is in charge of the dental assistant and is responsible for monitoring the services to be performed by the dental assistant.

C.S.H.B. 3670 adds to the duties that a dental assistant who is not professionally licensed is authorized to perform under the direct supervision, direction, and responsibility of a dentist, coronal polishing, if the dental assistant holds the appropriate certificate, and the application of fluoride. The bill specifies the duties a dental assistant is authorized to perform under the general

supervision, direction, and responsibility of a dentist, including the making of dental x-rays and the provision of interim treatment of a minor emergency dental condition to an existing patient of the treating dentist. The bill requires a treating dentist who delegates the provision of interim treatment of a minor emergency dental condition to a dental assistant to delegate the procedure orally or in writing before the dental assistant performs the procedure, retain responsibility for the procedure, and schedule a follow-up appointment with the patient within a reasonable time. The bill authorizes a dental assistant who applies a pit and fissure sealant to cleanse the occlusal and smooth surfaces of the teeth immediately before and for the sole purpose of preparing the tooth area for the placement of the pit and fissure sealant or orthodontic bonding resin. The bill prohibits such a procedure performed by a dental assistant under supervision from being billed as a prophylaxis. The bill removes the limitations on a dental assistant's authority to apply a pit and fissure sealant only if the delegating dentist is a Medicaid provider or practices in an area determined to be underserved.

C.S.H.B. 3670 decreases from 16 to 12 the number of hours of clinical and didactic education in pit and fissure sealants an applicant is required to complete through an accredited dental hygiene program to qualify for a pit and fissure sealant certificate.

C.S.H.B. 3670 requires the State Board of Dental Examiners to issue a coronal polishing certificate to a qualified dental assistant. The bill requires an applicant to have at least two years' experience as a dental assistant and have successfully completed at least 12 hours of clinical and didactic education in coronal polishing taken through an accredited and board-approved dental assisting program that includes specified courses and present proof to the board that the applicant graduated from an accredited and board-approved dental assisting program or received certification of completion of the requirements specified by the Dental Assisting National Board and approved by the board.

C.S.H.B. 3670 requires a dental assistant to complete six hours of continuing education each year in areas covering dental assistant duties in order to renew a certificate. The bill requires a dental assistant holding two or more certificates to complete 12 hours of continuing education each year to renew all of the certificates held by the assistant. The bill authorizes a dental assistant to fulfill continuing education requirements through board-approved self-study, interactive computer courses, or lecture courses.

C.S.H.B. 3670 repeals Sections 258.002(b), 265.004(d), and 265.005(j) and (k), Occupations Code, relating to a licensed dentist's authority to delegate the application of a pit and fissure sealant to a dental assistant if the dentist is a Medicaid provider or the dentist practices in an area determined to be underserved by the Texas Department of Health, and continuing education requirements for a dental assistant to renew or maintain an x-ray certificate or a pit and fissure sealant certificate.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3670 differs from the original by making nonsubstantive technical corrections to conform to drafting conventions.

C.S.H.B. 3670 differs from the original to include within the meaning of "interim treatment of a minor emergency dental condition" the treatment of a condition that in the opinion of the treating dentist, may be performed by a properly trained dental assistant.

C.S.H.B. 3670 differs from the original by specifying that provisions relating to what constitutes a dentist's physical presence are for purposes of determining if a dental assistant is under the

direct supervision, direction, and responsibility, rather than general supervision, direction, and responsibility of a dentist. The substitute adds as a condition not in the original for purposes of determining if a dental assistant is under the general supervision, direction, and responsibility of a dentist the fact that the dentist employs the dental assistant or is in charge of the dental assistant. The substitute omits a provision in the original that specifies that the dentist is not required to be physically present in the dental office when the dental assistant performs a delegated dental act under general supervision.

C.S.H.B. 3670 omits a requirement included in the original that a dental assistant be certified to apply a pit and fissure sealant as a delegated act under direct supervision. The substitute adds a provision not in the original requiring a treating dentist who delegates the provision of interim treatment of a minor emergency detail condition to a dental assistant to retain responsibility for the procedure and schedule a follow-up appointment with the patient within a reasonable time.

C.S.H.B. 3670 differs from the original by authorizing a dental assistant who applies a pit and fissure sealant as a delegated act to perform certain tasks to prepare the tooth area for the sealant or bonding resin.

C.S.H.B. 3670 differs from the original by omitting the clarification that delegated dental acts authorized to be performed by a dental assistant are not considered to be the practice of dental hygiene. The substitute differs from the original by changing the minimum number of hours of clinical and didactic education a dental assistant is required to have successfully completed in pit and fissure sealants and coronal polishing from 16 to 12, rather than from 16 to 8 as in the original.

C.S.H.B. 3670 differs from the original by clarifying that a dental assistant holding two or more certificates is required to complete 12 hours of continuing education each year to renew all of the certificates held by the assistant, whereas the original requires a dental assistant to complete at least six, but not more than 12, hours and specifies that a dental assistant holding more than one certificate is not required to complete more than the minimum required hours for one certificate. The substitute makes technical corrections not in the original and repeals Section 258.002(b), Occupations Code.