

## **BILL ANALYSIS**

Senate Research Center  
81R2058 MSE-F

S.B. 97  
By: Van de Putte  
Health & Human Services  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, a dentist is authorized to send a dental hygienist to a nursing home and school-based clinics. There are, however, many at-risk pre-school age children who do not see a dentist regularly. Younger children, if taught dental hygiene at an early age, have a better chance at combating tooth decay if they are allowed to be seen in a community health clinic, accompanied by a parent or during a dental hygienist visit to a Head Start facility.

The federal Early Periodic Screening, Diagnosis, and Treatment Act (EPSDT), along with the *Frew* settlement, requires that children who qualify for Medicaid be seen regularly for prevention screening.

This bill authorizes a dentist to delegate to a dental hygienist duties at a community health clinic or a Head Start facility, including providing basic oral hygiene, tooth decay prevention, and fluoride treatment. The bill requires a dental hygienist to document the treatment provided and refer the client to the dentist. This documentation, when provided to the dentist for billing purposes, would create a dental record for Medicaid that will help the state comply with EPSDT and the *Frew* settlement.

As proposed, S.B. 97 amends current law relating to the authority of a dental hygienist to provide services in certain facilities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 262.1515, Occupations Code, to read as follows:

Sec. 262.1515. DELEGATION OF DUTIES TO DENTAL HYGIENIST PRACTICING IN CERTAIN FACILITIES AND PROGRAMS.

SECTION 2. Amends Sections 262.1515(a), (c), and (e), Occupations Code, as follows:

(a) Authorizes a licensed dentist to delegate a service, task, or procedure, pursuant to this section, to a dental hygienist, without complying with Section 262.151(a)(2) (relating to the authorization of a dentist to delegate to a certain dental hygienist if the dentist examines the patient at a certain time) if the dental hygienist has at least two years experience in the practice of dental hygiene, and the service, task, or procedure is performed in certain locations, including a Head Start program as defined by Section 72.001 (Definition), Human Resources Code, or a community health center as defined by Section 136.002 (Definitions), Human Resources Code.

(c) Authorizes a dental hygienist to only perform delegated tasks or procedures with respect to a patient for one year unless the patient has been examined by a dentist in compliance with Section 262.151(a)(2), rather than prohibiting a dental hygienist from performing a second set of delegated tasks or procedures until the patient has been examined by a dentist in compliance with Section 262.151(a)(2).

(e) Requires the facility or program under Subsection (a)(2), rather than the nursing facility or school-based health center, to note each delegated service, task, or procedure performed by the dental hygienist under this section in the patient's medical records.

SECTION 3. Amends Section 262.152, Occupations Code, to require a dental hygienist to practice hygiene in a certain manner, except as provided by Section 262.1515.

SECTION 4. Effective date: September 1, 2009.