

By: Van de Putte

S.B. No. 536

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of dental hygiene.

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) 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; or

(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 soft tissue;

1 (C) the prescription of a drug, medication, or  
2 work authorization;

3 (D) the taking of an impression for a final  
4 restoration, appliance, or prosthesis;

5 (E) the making of an intraoral occlusal  
6 adjustment;

7 (F) direct pulp capping, pulpotomy, or any other  
8 endodontic procedure;

9 (G) the final placement and intraoral adjustment  
10 of a fixed or removable appliance; or

11 (H) the placement of any final restoration.

12 (b) A dentist may delegate ~~to~~

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 (1) ~~(A)~~ a dentist, with a permit issued by the board  
18 for the procedure being performed ~~to~~ if a permit is required;

19 (2) ~~(B)~~ a certified registered nurse anesthetist  
20 licensed by the Texas Board of Nursing, only if the delegating  
21 dentist holds a permit issued by the board for the procedure being  
22 performed ~~to~~ if a permit is required; ~~or~~

23 (3) ~~(C)~~ a physician anesthesiologist licensed by  
24 the Texas Medical Board; or

25 (4) a dental hygienist, only if the procedure is the  
26 administration of a local anesthetic agent under Section  
27 262.002(a)(6).

1 SECTION 2. Section 262.002, Occupations Code, is amended by  
2 amending Subsection (a) and adding Subsection (c) to read as  
3 follows:

4 (a) A person practices dental hygiene if the person:

5 (1) removes accumulated matter, tartar, deposits,  
6 accretions, or stains, other than mottled enamel stains, from the  
7 natural and restored surface of exposed human teeth and  
8 restorations in the human mouth;

9 (2) smoothes roughened root surfaces;

10 (3) polishes exposed human teeth, restorations in the  
11 human mouth, or roughened root surfaces;

12 (4) topically applies drugs to the surface tissues of  
13 the human mouth or the exposed surface of human teeth;

14 (5) makes dental x-rays; ~~and~~

15 (6) administers intraoral, block, or infiltration  
16 anesthesia under direct supervision as required by this subtitle  
17 after completion of a board-approved course; and

18 (7) performs any other service, task, or procedure  
19 prescribed by board rule.

20 (c) A dental hygienist may not establish an independent  
21 practice to provide services authorized by this subtitle.

22 SECTION 3. (a) The State Board of Dental Examiners, not  
23 later than January 1, 2010, shall:

24 (1) prescribe by rule the requirements for a course to  
25 train dental hygienists to administer local anesthetic agents; and

26 (2) develop a procedure for the approval of courses  
27 described by Subdivision (1).

1           (b) A rule adopted under Subsection (a) of this section must  
2 require that a course is:

3                   (1) accredited by the Commission on Dental  
4 Accreditation of the American Dental Association; and

5                   (2) offered in a classroom setting at an educational  
6 institution.

7           SECTION 4. This Act takes effect September 1, 2009.