

BILL ANALYSIS

C.S.H.B. 1409
By: Thompson, Senfronia
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that Texas is one of only a handful of states that do not allow a dental hygienist to administer local anesthesia under the supervision of a dentist. C.S.H.B. 1409 seeks to bring Texas policy in line with other states by providing for such authority.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1409 amends the Occupations Code to authorize a dentist to delegate to an individual licensed as a dental hygienist the authority to administer a local anesthetic agent if the procedure is the administration of intraoral block or infiltration anesthesia under the authorization and direct supervision of a dentist, the dental hygienist has passed a certification examination approved by the State Board of Dental Examiners, and the dental hygienist has completed a course approved by the board to train dental hygienists to administer local anesthetic agents or has been licensed in good standing within the past year to administer local anesthetic agents by a branch of the U.S. armed forces or by another state. The bill includes the administration of intraoral block or infiltration anesthesia under the authorization and direct supervision of a dentist among the services that constitute the practice of dental hygiene and prohibits a dental hygienist from establishing an independent practice to provide services under the Dental Practice Act.

C.S.H.B. 1409 requires the board, not later than January 1, 2016, to prescribe by rule the requirements for a course to train dental hygienists to administer local anesthetic agents and to develop a procedure for the approval of such courses. The bill specifies that such rules must require that a course is accredited by the Commission on Dental Accreditation of the American Dental Association and offered in a classroom setting at an educational institution.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1409 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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;

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

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

(E) the making of an intraoral occlusal adjustment;

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

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

(H) the placement of any final restoration.

(b) A dentist may delegate ~~;~~ ~~or~~

~~[(4)]~~ the authority to an individual to administer a local anesthetic agent, inhalation sedative agent, parenteral sedative agent, or general anesthetic agent if the individual is ~~[not]~~ licensed as:

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

(2) [(B)] a certified registered nurse anesthetist licensed by the Texas Board of Nursing, only if the delegating dentist holds a permit issued by the board for the procedure being performed ~~;~~ if a permit is

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 258.001, Occupations Code, is amended to read as follows:

Sec. 258.001. ~~[IMPERMISSIBLE]~~
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(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;

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

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

(E) the making of an intraoral occlusal adjustment;

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(b) A dentist may delegate ~~;~~ ~~or~~

~~[(4)]~~ the authority to an individual to administer a local anesthetic agent, inhalation sedative agent, parenteral sedative agent, or general anesthetic agent if the individual is ~~[not]~~ licensed as:

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

(2) [(B)] a certified registered nurse anesthetist licensed by the Texas Board of Nursing, only if the delegating dentist holds a permit issued by the board for the procedure being performed ~~;~~ if a permit is

required; [Ø]

(3) [~~€~~] a physician anesthesiologist licensed by the Texas Medical Board; or

(4) a dental hygienist, only if:

(A) the procedure is the administration of a local anesthetic agent under Section 262.002(a)(6); and

(B) the dental hygienist:

(i) holds a baccalaureate degree conferred by a college or university acceptable to the board or equivalent education determined by the board;

(ii) has been licensed in good standing within the past year to administer local anesthetic agents:

(a) by a branch of the United States armed forces; or

(b) by another state; or

(iii) has passed a certification examination approved by the board.

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

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

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

(2) smoothes roughened root surfaces;

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

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

(5) makes dental x-rays; [~~and~~]

(6) administers intraoral, block, or infiltration anesthesia under the authorization and supervision of a dentist; and

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

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

SECTION 3. (a) The State Board of Dental Examiners, not later than January 1, 2016, shall:

required; [Ø]

(3) [~~€~~] a physician anesthesiologist licensed by the Texas Medical Board; or

(4) a dental hygienist, only if:

(A) the procedure is the administration of a local anesthetic agent under Section 262.002(a)(6);

(B) the dental hygienist has passed a certification examination approved by the board; and

(C) the dental hygienist:

(i) has completed a course approved by the board to train dental hygienists to administer local anesthetic agents; or

(ii) has been licensed in good standing within the past year to administer local anesthetic agents:

(a) by a branch of the United States armed forces; or

(b) by another state.

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

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

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

(2) smoothes roughened root surfaces;

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

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

(5) makes dental x-rays; [~~and~~]

(6) administers intraoral block or infiltration anesthesia under the authorization and ~~direct~~ supervision of a dentist; and

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

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

SECTION 3. Same as introduced version.

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

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

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

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

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

SECTION 4. This Act takes effect September 1, 2015.

SECTION 4. Same as introduced version.