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By:  Klick H.B. No. 2275

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;

(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 the authority 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; [~~or~~]

(3) [~~(C)~~]  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 preceding 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(a), Occupations Code, is amended 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.

SECTION 3.  (a) The State Board of Dental Examiners, not later than January 1, 2020, shall:

(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 be offered in a classroom setting at an educational institution accredited by the Commission on Dental Accreditation of the American Dental Association.

SECTION 4.  This Act takes effect September 1, 2019.