

By: Hughes

S.B. No. 2379

A BILL TO BE ENTITLED

AN ACT

relating to the administration of anesthesia by a certified registered nurse anesthetist on the order of a dentist.

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 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;

(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

1 soft tissue;

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

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

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

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

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

12 (H) the placement of any final restoration; or

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

19 (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, if a permit is required~~]; or

23 (C) a physician anesthesiologist licensed by the  
24 Texas Medical Board.

25 SECTION 2. Subchapter D, Chapter 258, Occupations Code, is  
26 amended by adding Section 258.158 to read as follows:

27 Sec. 258.158. ADMINISTRATION OF ANESTHESIA BY NURSE

1 ANESTHETIST. (a) The board and the Texas Board of Nursing shall  
2 jointly adopt rules governing the administration of anesthesia by a  
3 certified registered nurse anesthetist on the order of a dentist.

4 The rules must:

5 (1) for each category under Section 258.155(a),  
6 establish standards and requirements for the administration of  
7 anesthesia by a certified registered nurse anesthetist on the order  
8 of a dentist who does not hold a permit in that category; and

9 (2) authorize a dentist to order, and a certified  
10 registered nurse anesthetist to administer, anesthesia in  
11 accordance with the standards and requirements described by  
12 Subdivision (1).

13 (b) Rules adopted under Subsection (a) do not apply to the  
14 administration of anesthesia:

15 (1) in a licensed hospital or licensed ambulatory  
16 surgical center; or

17 (2) by a certified registered nurse anesthetist acting  
18 under the delegated authority of a dentist who holds a permit to  
19 administer the anesthesia.

20 SECTION 3. Not later than January 1, 2020, the State Board  
21 of Dental Examiners and the Texas Board of Nursing shall jointly  
22 adopt rules under Section 258.158, Occupations Code, as added by  
23 this Act.

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