

By: Klick

H.B. No. 2348

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 ~~[, or~~

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

17 (1) [(A)] a dentist, with a permit issued by the board  
18 for the procedure being performed ~~[,]~~ 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 ~~[,]~~ 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:

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

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

3           (C) the dental hygienist:

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

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

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

11                         (b) by another state.

12           SECTION 2. Section 262.002(a), Occupations Code, is amended  
13 to read as follows:

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

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

19                 (2) smoothes roughened root surfaces;

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

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

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

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

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

3           SECTION 3. (a) Not later than January 1, 2022, the State  
4 Board of Dental Examiners shall:

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

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

9           (b) A rule adopted under Subsection (a) of this section must  
10 require that a course be offered in a classroom setting at an  
11 educational institution accredited by the Commission on Dental  
12 Accreditation of the American Dental Association.

13           SECTION 4. This Act takes effect September 1, 2021.