

BILL ANALYSIS

C.S.H.B. 3824
By: Klick
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Dental hygienists in Texas have long sought delegated authority with respect to the administration of a local anesthetic. Every state, except Texas and Delaware, Washington D.C., and the military, allows this authority to be delegated by a dentist. C.S.H.B. 3824 seeks to implement the agreement reached between dentists and dental hygienists by allowing a dentist to delegate to a dental hygienist the authority to administer a local anesthetic agent to a patient under certain circumstances. Among other provisions, the bill requires the delegating dentist to be physically present in the facility and aware of the patient's status and well-being, requires the dental hygienist to complete specific training or have specific experience, and requires the State Board of Dental Examiners to promulgate the rules regarding the delegation.

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 rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTIONS 1 and 3 of this bill.

ANALYSIS

C.S.H.B. 3824 amends the Occupations Code to authorize a dentist to delegate to a dental hygienist the authority to administer a local anesthetic agent under the following conditions:

- the dental hygienist administers the local anesthetic agent by infiltration for purposes of a procedure the dental hygienist is authorized to perform;
- the dental hygienist has passed a certification examination that is approved by the State Board of Dental Examiners (SBDE) relating to the administration of a local anesthetic agent;
- the dental hygienist either has completed a SBDE-approved course of study designed to train dental hygienists to administer a local anesthetic agent by infiltration or, during the preceding year, was authorized to administer a local anesthetic agent by a branch of the U.S. armed forces or another state with clinical and didactic education requirements substantially equivalent to the requirements of such a SBDE-approved course;
- the dental hygienist complies with any applicable rules adopted by the SBDE establishing minimum standards for the administration of a local anesthetic agent;
- the delegating dentist is physically present in the facility where the procedure is occurring and is continuously aware of the patient's physical status and well-being; and
- the patient to whom the local anesthetic agent is administered is at least 18 years of age and is either not sedated or is sedated using only nitrous oxide-oxygen inhalation.

The bill accordingly includes the administration of a local anesthetic agent under the authorization and supervision of a dentist in compliance with these conditions in the scope of practice of dental hygiene.

C.S.H.B. 3824 requires the SBDE to do the following not later than January 1, 2024:

- prescribe by rule the requirements for a course to train dental hygienists to administer a local anesthetic agent consistent with the bill's requirements;
- develop a procedure for the approval of such training courses; and
- adopt rules to administer the bill's provisions, including rules to establish the minimum standards for the administration of a local anesthetic agent by a dental hygienist consistent with those provisions.

A rule adopted to prescribe the requirements for the training course 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

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3824 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute include among the conditions that must be satisfied for a dentist to delegate the authority to administer a local anesthetic agent to a dental hygienist the condition that the dental hygienist either was authorized to administer a local anesthetic agent by a branch of the U.S. armed forces or certain other states during the preceding year or has completed a SBDE-approved course of study designed to train dental hygienists to administer a local anesthetic agent by infiltration, the substitute omits a requirement from the introduced that the SBDE-approved course of study consist of at least 40 hours of didactic education and 30 hours of clinical education.