88R6172 BEE-F

By:  Clardy H.B. No. 1930

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 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; or

(4)  the authority to an individual to administer a local anesthetic agent, inhalation sedative agent, parenteral sedative agent, or general anesthetic agent, including as a teledentistry dental service as that term is defined by Section 111.001, if the individual is not licensed as:

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

(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

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

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

Sec. 258.158.  ADMINISTRATION OF ANESTHESIA BY NURSE ANESTHETIST. (a) The board and the Texas Board of Nursing shall jointly adopt rules governing the administration of anesthesia by a certified registered nurse anesthetist on the order of a dentist. The rules must:

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

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

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

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

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

SECTION 3.  Not later than January 1, 2024, the State Board of Dental Examiners and the Texas Board of Nursing shall jointly adopt rules under Section 258.158, Occupations Code, as added by this Act.

SECTION 4.  This Act takes effect September 1, 2023.