H.B. No. 3824

AN ACT

relating to the administration of a local anesthetic agent by a dental hygienist.

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; or

(5)  the authority to a dental hygienist to administer a local anesthetic agent unless:

(A)  the dental hygienist:

(i)  administers the local anesthetic agent by infiltration for purposes of a procedure the dental hygienist is authorized to perform;

(ii)  has passed a board-approved certification examination relating to the administration of a local anesthetic agent;

(iii)  either:

(a)  has completed a board-approved course of study designed to train dental hygienists to administer a local anesthetic agent by infiltration; or

(b)  during the preceding year, was authorized to administer a local anesthetic agent by:

(1)  a branch of the United States armed forces; or

(2)  another state with clinical and didactic education requirements substantially equivalent to the requirements of a course approved by the board under Sub-subparagraph (a); and

(iv)  complies with any applicable rules adopted by the board establishing minimum standards for the administration of a local anesthetic agent;

(B)  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

(C)  the patient to whom the local anesthetic agent is administered is:

(i)  at least 18 years of age; and

(ii)  not sedated, or is sedated using only nitrous oxide-oxygen inhalation.

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 a local anesthetic agent under the authorization and supervision of a dentist in compliance with Section 258.001(5); and

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

SECTION 3.  (a) Not later than January 1, 2024, the State Board of Dental Examiners shall:

(1)  prescribe by rule the requirements for a course to train dental hygienists to administer a local anesthetic agent consistent with Section 258.001, Occupations Code, as amended by this Act;

(2)  develop a procedure for the approval of courses described by Subdivision (1) of this subsection; and

(3)  adopt rules to administer Sections 258.001 and 262.002, Occupations Code, as amended by this Act, including rules to establish the minimum standards for the administration of a local anesthetic agent by a dental hygienist consistent with those sections.

(b)  A rule adopted under Subsection (a)(1) 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, 2023.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

    President of the Senate Speaker of the House

I certify that H.B. No. 3824 was passed by the House on May 12, 2023, by the following vote:  Yeas 133, Nays 7, 2 present, not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Clerk of the House

I certify that H.B. No. 3824 was passed by the Senate on May 24, 2023, by the following vote:  Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

           \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                  Governor