

BILL ANALYSIS

Senate Research Center
79R5720 MSE-D

S.B. 726
By: Deuell
Health and Human Services
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Fluoride varnish is a unique fluoride delivery system for tooth decay prevention. There is virtually no ingestion of fluoride after its use and its application is simple and quick. It is well-documented that fluoride application reduces tooth decay rates.

Each year licensed dental hygienists volunteer to provide fluoride varnish to children in underserved populations. However, hygienists are not allowed to apply fluoride varnish unless under the supervision of a dentist, making it more difficult to provide this service for these children.

As proposed, S.B. 726 permits dental hygienists to apply for a limited prescription permit for the application of fluoride varnish without the supervision of a dentist.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTION 4 (Section 262.153, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 258.001, Occupations Code, to create an exception, as provided by Section 262.153, to the provision that a dentist may not delegate the prescription of a drug, medication, or work authorization to someone not licensed to be a dentist.

SECTION 2. Amends Section 262.151(a), Occupations Code, to create an exception, as provided by Section 262.153, to the provision that a licensed dentist may delegate a service, task, or procedure to a dental hygienist if the dental hygienist does not prescribe, order, or dispense medication.

SECTION 3. Amends Section 262.152, Occupations Code, to create an exception, as provided by Section 262.153, to the provision requiring a dental hygienist to practice dental hygiene either in the office of a supervising dentist or in certain other locations under the supervision of a supervising dentist.

SECTION 4. Amends Subchapter D, Chapter 262, Occupations Code, by adding Section 262.153, as follows:

Sec. 262.153. LIMITED PRESCRIPTION PERMIT. (a) Requires the State Board of Dental Examiners (board), by rule, to provide for issuance of a permit to a dental hygienist to prescribe and administer fluoride varnish.

(b) Requires a dental hygienist, to obtain a permit under this section, to meet the educational qualifications and provide proof of competency in the administration of fluoride varnish as required by the board after consultation with the Dental Hygiene Advisory Committee.

(c) Requires rules adopted by the board under this section to include rules that regulate the administration of fluoride varnish by a dental hygienist who holds a permit under this section.

(d) Authorizes a dental hygienist with a permit under this section to prescribe and administer fluoride varnish without supervision by a dentist.

SECTION 5. Requires the board to adopt rules as required by Section 262.153, Occupations Code, as added by this Act, not later than November 1, 2005

SECTION 6. Effective date: September 1, 2005.