

BILL ANALYSIS

Senate Research Center

S.B. 455
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, some parts of Texas have a shortage of dental hygienists and dentists must perform most dental services. Allowing dental assistants who have been trained and certified to perform certain procedures will allow dental hygienists and dentists to focus their time on more complex procedures. Permitting dental assistants to perform additional services for which they are trained and qualified, under supervision of a dentist, will improve access to care for dental patients.

As proposed, S.B. 455 authorizes dentists to delegate certain procedures to be performed by dental assistants and provides certain supervisory regulations. S.B. 455 also requires certain dental qualifications in order to receive a coronal polishing certificate issued by the Texas State Board of Dental Examiners. S.B. 455 repeals statutes relating to certain mandatory continuing education programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Board of Dental Examiners in SECTION 10 (Section 265.007, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 258.002, Occupations Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Authorizes a licensed dentist to delegate to a qualified and trained dental assistant acting under the dentist's general supervision any dental act designated by this chapter for delegation under general supervision if in the opinion of the delegating dentist, the act can be properly and safely performed by the person to whom the dental act is delegated, and is performed in a customary manner and is not in violation of this subtitle or any other statute, and the person to whom the dental act is delegated does not represent to the public that the person is authorized to practice dentistry. Deletes existing text relating to certain dental procedures.

(d) Requires the dental assistant, if a dental assistant is required to hold a certificate under this subtitle to perform a dental act, to hold the certificate before the act is delegated.

SECTION 2. Amends Chapter 265, Occupations Code, by adding Section 265.0001, as follows:

Sec. 265.0001. DEFINITIONS. Defines "coronal polishing" and "interim treatment of a minor emergency dental condition."

SECTION 3. Amends Section 265.002, Occupation Code, as follows:

Sec. 265.002. SUPERVISION, DIRECTION, AND RESPONSIBILITY. (a) Creates this subsection from existing text.

(b) Provides that in this subtitle, a dental assistant is under the general supervision of a dentist if the dentist is responsible for monitoring the services to be performed by the dental assistant. Provides that the dentist is not required to

be physically present in the dental office when the dental assistant performs a delegated dental act under general supervision.

SECTION 4. Amends Section 265.003, Occupation Code, as follows:

Sec. 265.003. PERMITTED DUTIES. (a) Authorizes a dental assistant who is not professionally licensed to be employed by and work in the office of a licensed and practicing dentist and to perform one or more delegated dental acts under the direct supervision, direction, and responsibility of the dentist, including application of a pit and fissure sealant, if the dental assistant is certified to apply a pit and fissure sealant under Section 265.004; coronal polishing, if the dental assistant is certified to perform coronal polishing under Section 265.006; and application of fluoride varnish.

(b) Authorizes a dental assistant who is not professionally licensed to be employed by and work in the office of a licensed and practicing dentist, and to perform certain delegated dental acts under the general supervision, direction, and responsibility of the dentist, including making dental x-rays in compliance with Section 265.005 (X-Ray Certificate), or providing interim treatment of a minor emergency dental condition to an existing patient of the treating dentist, if the treating dentist delegates the procedure orally or in writing before the dental assistant performs the procedure. Deletes existing text relating to certain conditions that must be met before a dental assistant is authorized to apply a pit and fissure sealant.

(c) Provides that the dental acts permitted under this section are not considered to be the practice of dental hygiene as described by Section 262.002 (Practice of Dental Hygiene).

SECTION 5. Amends Section 265.004(b), Occupations Code, to require an applicant, to qualify for a certificate, to have at least two years experience as a dental assistant and to have successfully completed a minimum of eight, rather than 16, hours of clinical and didactic education in pit and fissure sealants taken through an accredited dental hygiene program or a dental assisting program accredited by the Commission on Dental Accreditation of the American Dental Association (commission) and approved by the Texas State Board of Dental Examiners (TSBDE).

SECTION 6. Amends Chapter 265, Occupations Code, by adding Section 265.006, as follows:

Sec. 265.006. CORONAL POLISHING CERTIFICATE. (a) Requires TSBDE to issue a coronal polishing certificate to a dental assistant who qualifies under this section.

(b) Requires an applicant, to qualify for a coronal polishing certificate, to have at least two years experience as a dental assistant and:

(1) have successfully completed at least eight hours of clinical and didactic education in coronal polishing taken through a dental assisting program accredited by the commission and approved by TSBDE that includes certain courses on coronal polishing, among other requirements; or

(2) present proof to TSBDE that the assistant has graduated from a dental assisting program accredited by the commission and approved by TSBDE that includes specific didactic course work and clinical training, or received certification of completion of the requirements specified by the Dental Assisting National Board and approved by TSBDE.

SECTION 7. Amends Chapter 265, Occupations Code, by adding Section 265.007, as follows:

Sec. 265.007. CONTINUING EDUCATION FOR CERTIFICATE HOLDERS. (a) Requires a dental assistant, to renew a certificate issued under this chapter, to complete at least six hours, but not more than 12 hours, of continuing education each year in areas

covering dental assistant duties. Provides that a dental assistant holding more than one certificate authorized by this chapter is not required to complete more than the minimum required hours for one certificate.

(b) Authorizes a dental assistant to fulfill continuing education requirements through TSBDE-approved self-study, interactive computer courses, or lecture courses.

SECTION 8. Repealer: Section 265.004(d) (relating to a completion of six hours of continuing education), Occupations Code.

Repealer: Section 265.005(j) (relating to mandatory continuing education program for certificate holders), Occupations Code.

Repealer: Section 265.005(k) (relating to renewal of a certificate), Occupations Code.

SECTION 9. Makes application of Section 265.004(b), Occupations Code, of this Act prospective.

SECTION 10. (a) Makes application of Section 265.007, Occupations Code, of this Act prospective.

(b) Requires TSBDE to adopt rules under Section 265.007, Occupations Code, as added by this Act, not later than January 1, 2010.

SECTION 11. Effective date: September 1, 2009.