

## **BILL ANALYSIS**

Senate Research Center

H.B. 3824  
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Health & Human Services  
5/18/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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. HB 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.

H.B. 3824 amends current law relating to the administration of a local anesthetic agent by a dental hygienist.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to Texas State Board of Dental Examiners in SECTION 3 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 258.001, Occupations Code, as follows:

Sec. 258.001. IMPERMISSIBLE DELEGATIONS. Prohibits a dentist from delegating:

- (1)-(2) makes no changes to these subdivisions;
- (3)-(4) makes nonsubstantive changes to these subdivisions;
- (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 Texas State Board of Dental Examiners (TSBDE)-approved certification examination relating to the administration of a local anesthetic agent;
    - (iii) either:
      - (a) has completed a TSBDE-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 TSBDE under Sub-subparagraph (a); and

(iv) complies with any applicable rules adopted by TSBDE 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. Amends Section 262.002(a), Occupations Code, to provide that a person practices dental hygiene if the person performs certain actions, including administers a local anesthetic agent under the authorization and supervision of a dentist in compliance with Section 258.001(5). Makes nonsubstantive changes.

SECTION 3. (a) Requires TSBDE, not later than January 1, 2024, to:

(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) Requires that a rule adopted under Subsection (a)(1) of this section 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. Effective date: September 1, 2023.