

## **BILL ANALYSIS**

S.B. 455  
By: Shapiro  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

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.

S.B. 455 amends current law relating to the regulation of the practice of dental assistants, including the delegation of certain dental acts.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 455 amends the Occupations Code to add to the conditions that must be met for a licensed dentist to delegate a dental act to a qualified and trained dental assistant that the person to whom the act is delegated holds the appropriate certificate, if a certificate is required to perform the act. The bill clarifies that the dentist's authority to delegate such an act applies to a dental assistant acting under the dentist's general, in addition to direct, supervision.

S.B. 455 defines "coronal polishing" to mean the removal of plaque and extrinsic stain from exposed natural and restored tooth surfaces using an appropriate rotary instrument with rubber cup or brush and polishing agent, including the use of a toothbrush. The bill defines "interim treatment of a minor emergency dental condition" to mean a condition that arises unexpectedly, causes pain or discomfort to the patient, is considered reversible, does not require cutting hard or soft tissue, and in the opinion of the treating dentist, may be performed by a properly trained dental assistant.

S.B. 455 clarifies that for purposes of determining if a dentist is physically present in the office during a designated act, physical presence does not require the supervising dentist to be in the treatment room when the dental assistant performs the service as long as the dentist is in the dental office. The bill specifies that a dental assistant is under the general supervision, direction, and responsibility of a dentist if the dentist employs the dental assistant or is in charge of the dental assistant and is responsible for monitoring the services to be performed by the dental assistant.

S.B. 455 adds to the duties that a dental assistant who is not professionally licensed is authorized to perform under the direct supervision, direction, and responsibility of a dentist coronal polishing, if the dental assistant holds the appropriate certificate, and the application of fluoride varnish. The bill specifies the duties a dental assistant is authorized to perform under the general supervision, direction, and responsibility of a dentist, including the making of dental x-rays and

the provision of interim treatment of a minor emergency dental condition to an existing patient of the treating dentist. The bill requires a treating dentist who delegates the provision of interim treatment of a minor emergency dental condition to a dental assistant to delegate the procedure orally or in writing before the dental assistant performs the procedure, retain responsibility for the procedure, and schedule a follow-up appointment with the patient within a reasonable time. The bill authorizes a dental assistant who applies a pit and fissure sealant to cleanse the occlusal and smooth surfaces of the teeth immediately before and for the sole purpose of preparing the tooth area for the placement of the pit and fissure sealant or orthodontic bonding resin. The bill prohibits such a procedure performed by a dental assistant under supervision from being billed as a prophylaxis. The bill removes the limitations on a dental assistant's authority to apply a pit and fissure sealant only if the delegating dentist is a Medicaid provider or practices in an area determined to be underserved.

S.B. 455 decreases from 16 to eight the minimum number of hours of clinical and didactic education in pit and fissure sealants an applicant is required to complete through an accredited dental hygiene program to qualify for a pit and fissure sealant certificate.

S.B. 455 requires the State Board of Dental Examiners to issue a coronal polishing certificate to a qualified dental assistant. The bill requires an applicant to have at least two years' experience as a dental assistant and have successfully completed at least eight hours of clinical and didactic education in coronal polishing taken through an accredited and board-approved dental assisting program that includes specified courses and present proof to the board that the applicant graduated from an accredited and board-approved dental assisting program or received certification of completion of the requirements specified by the Dental Assisting National Board and approved by the board.

S.B. 455 requires a dental assistant to complete six hours of continuing education each year in areas covering dental assistant duties in order to renew a certificate. The bill requires a dental assistant holding two or more certificates to complete 12 hours of continuing education each year to renew all of the certificates held by the assistant. The bill authorizes a dental assistant to fulfill continuing education requirements through board-approved self-study, interactive computer courses, or lecture courses.

S.B. 455 repeals Sections 258.002(b), 265.004(d), and 265.005(j) and (k), Occupations Code, relating to a licensed dentist's authority to delegate the application of a pit and fissure sealant to a dental assistant, if the dentist is a Medicaid provider or the dentist practices in an area determined to be underserved by the Texas Department of Health, and continuing education requirements for a dental assistant to renew or maintain an x-ray certificate or a pit and fissure sealant certificate.

## **EFFECTIVE DATE**

September 1, 2009.