

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 914 Session of 2007

INTRODUCED BY BISHOP, NICKOL, BAKER, BOYD, CAPPELLI, CURRY, DePASQUALE, DONATUCCI, EVERETT, FREEMAN, GIBBONS, GINGRICH, GODSHALL, HENNESSEY, HESS, JAMES, JOSEPHS, W. KELLER, KIRKLAND, MACKERETH, MAJOR, MANN, McILHATTAN, R. MILLER, MURT, MYERS, O'NEILL, PARKER, PICKETT, RAPP, REICHLEY, ROAE, ROSS, SANTONI, SAYLOR, SHIMKUS, McILVAINE SMITH, STABACK, SURRA, TANGRETTI, TRUE, WALKO, WATSON, WHEATLEY, YOUNGBLOOD AND YUDICHAK, MARCH 22, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 22, 2007

AN ACT

1 Amending the act of May 1, 1933 (P.L.216, No.76), entitled "An
 2 act relating to dentistry; defining and providing for the
 3 licensing and registration of dentists and dental hygienists,
 4 and for the revocation and suspension of such licenses and
 5 registrations, subject to appeal, and for their
 6 reinstatement; defining the powers and duties of the State
 7 Dental Council and Examining Board and the Department of
 8 Public Instruction; providing penalties; and repealing
 9 existing laws," further providing for the definitions of
 10 "dental hygienist" and "board"; providing for the definition
 11 of "independent dental hygiene practitioner"; further
 12 providing for the general powers of the State Board of
 13 Dentistry and for radiologic procedures, education and
 14 training; and providing for the independent practice of
 15 dental hygienists.

16 The General Assembly of the Commonwealth of Pennsylvania
 17 hereby enacts as follows:

18 Section 1. The definitions of "dental hygienist" and "board"
 19 in section 2 of the act of May 1, 1933 (P.L.216, No.76), known
 20 as The Dental Law, amended February 9, 1984 (P.L.23, No.9), are
 21 amended and the section is amended by adding a definition to

1 read:

2 Section 2. Definitions.--* * *

3 A "Dental Hygienist" is one who is legally licensed as such
4 by the [said dental council and examining board] State Board of
5 Dentistry to perform those educational, preventive, and
6 therapeutic services and procedures that licensed dental
7 hygienists are educated to perform. Licensed dentists may assign
8 to [their employed] dental hygienists intra-oral procedures
9 which the hygienists have been educated to perform and which
10 require their professional competence and skill but which do not
11 require the professional competence and skill of the [employer-
12 dentist] dentist. Such assignments shall be under the
13 supervision of a licensed dentist. Such performance of intra-
14 oral procedures by licensed dental hygienists shall be in the
15 private office of a dentist or public or private institution
16 such as schools, hospitals, orphanages, and sanatoria or State
17 health cars. Dental hygienists certified as independent dental
18 hygiene practitioners may perform intra-oral procedures without
19 the assignment of a dentist under section 11.9. The foregoing
20 shall not be construed as authorizing the assignment of
21 diagnosing, treatment planning and writing prescriptions for
22 drugs or writing authorizations for restorative, prosthetic, or
23 orthodontic appliances. The board shall issue rules setting
24 forth the necessary education and defining the procedures that
25 may be performed by dental hygienists licensed under this act
26 including those procedures that may be performed under direct
27 and general supervision.

28 The word "board," as used in this act, means the [State
29 Dental Council and Examining Board] State Board of Dentistry.

30 * * *

1 "Independent Dental Hygiene Practitioner" means a licensed
2 dental hygienist who may perform educational, preventative,
3 therapeutic and intra-oral procedures which the hygienist is
4 educated to perform and which requires the hygienist's
5 professional competence and skill but which do not require the
6 professional competence and skill of a dentist without the
7 authorization, assignment or examination of a dentist, and who
8 is certified by the State Board of Dentistry as having satisfied
9 the requirements of section 11.9. Independent dental hygiene
10 practitioners may only engage in professional practice in the
11 practice sites enumerated under section 11.9(b).

12 Section 2. Section 3(d) of the act, amended December 27,
13 1994 (P.L.1361, No.160), is amended to read:

14 Section 3. General Powers of the State Board of Dentistry.--
15 The State Board of Dentistry (hereinafter called the board)
16 shall have the following powers and duties:

17 * * *

18 (d) To provide for and to regulate the licensing, and to
19 license as a dental hygienist, after examination, any duly
20 qualified person, not less than eighteen years of age, of good
21 moral character, not addicted to the use of intoxicating liquor
22 or narcotic drugs, who has obtained the required education[,
23 together with a certificate or diploma from an approved
24 institution or college] for the training of dental hygienists[.]
25 from an approved institution or college that meets or exceeds
26 the minimum standards established by an approved United States
27 Department of Education-recognized regional accrediting agency
28 or the American Dental Association Commission on Dental
29 Accreditation. The board shall, consistent with this act, adopt
30 regulations providing for the general supervision and practice

1 of dental hygienists under this act.

2 * * *

3 Section 3. Section 11.4(a) of the act, added December 20,
4 1985 (P.L.513, No.118), is amended and the section is amended by
5 adding subsections to read:

6 Section 11.4. Radiologic Procedures; Education and Training
7 Required.--(a) On and after January 1, 1987, no auxiliary
8 personnel except dental hygienists and independent dental
9 hygiene practitioners shall perform radiologic procedures on the
10 premises of the dentist unless such person is under the direct
11 supervision of a dentist who is on the premises at the time the
12 X-ray is taken and unless such person has passed an examination
13 approved by the board and administered in accordance with
14 section 812.1 of the act of April 9, 1929 (P.L.177, No.175)
15 known as "The Administrative Code of 1929."

16 * * *

17 (e) Notwithstanding the supervision requirements of this
18 act, an independent dental hygiene practitioner may perform
19 radiological procedures in any setting without supervision of a
20 dentist on or after the effective date of this subsection.

21 (f) A dental hygienist may perform radiologic procedures in
22 any setting under the general supervision of a licensed dentist.
23 For the purposes of this subsection, "general supervision" means
24 supervision by a dentist who examines the patient, develops a
25 dental treatment plan, authorizes the performance of the
26 radiologic services to be performed within one year of the
27 examination, and takes full professional responsibility for
28 performance of the dental hygienist.

29 Section 4. The act is amended by adding a section to read:

30 Section 11.9. Independent Dental Hygiene Practitioner.--(a)

1 Independent dental hygiene practitioners must satisfy and shall
2 be certified by the board upon meeting the following criteria:

3 (1) Completion of one thousand eight hundred hours of
4 practice under the supervision of a licensed dentist.

5 (2) Purchase of a malpractice policy in an amount determined
6 to be adequate by the board.

7 (b) The professional practice of an independent dental
8 hygiene practitioner shall be limited to the following practice
9 sites:

10 (1) Schools.

11 (2) Correctional facilities.

12 (3) "Health care facility" as defined in section 802.1 of
13 the act of July 19, 1979 (P.L.130, No.48), known as the "Health
14 Care Facilities Act."

15 (4) "Personal care home" as defined in section 1001 of the
16 act of June 13, 1967 (P.L.31, No.21), known as the "Public
17 Welfare Code."

18 (5) "Domiciliary care" as defined in section 2202-A of the
19 act of April 9, 1929 (P.L.177, No.175), known as "The
20 Administrative Code of 1929."

21 (6) An "older adult daily living center" as defined in
22 section 2 of the act of July 11, 1990 (P.L.499, No.118), known
23 as the "Older Adult Daily Living Centers Licensing Act."

24 (7) A "facility" as defined in section 3 of the act of June
25 18, 1984 (P.L.391, No.82), known as the "Continuing-Care
26 Provider Registration and Disclosure Act."

27 (8) A public or private institution under the jurisdiction
28 of a Federal, State or local agency.

29 (9) Other institutions the board deems appropriate.

30 Section 5. This act shall take effect in 60 days.