

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1257 Session of
2007INTRODUCED BY PASHINSKI, KORTZ, FREEMAN, JOSEPHS, MUNDY, JAMES
AND DENLINGER, MAY 21, 2007AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 4, 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 defining "dental hygienist" and~~ <—
10 ~~"board"; defining "independent dental hygiene practitioner";~~
11 ~~and providing for supervision and practice of dental~~
12 ~~hygienists and for independent dental hygiene practitioners.~~
13 FURTHER DEFINING "EXPANDED FUNCTION DENTAL ASSISTANT"; <—
14 DEFINING "CERTIFIED DENTAL ASSISTANT"; FURTHER PROVIDING FOR
15 GENERAL POWERS OF THE STATE BOARD OF DENTISTRY, FOR FEES, FOR
16 REASON FOR REFUSAL, REVOCATION OR SUSPENSION OF LICENSE OR
17 CERTIFICATE, FOR PENALTIES, FOR CIVIL PENALTIES, FOR RIGHT OF
18 DENTISTS TO PRACTICE AS DENTAL HYGIENISTS AND EXPANDED
19 FUNCTION DENTAL ASSISTANTS, FOR REPORTING OF MULTIPLE
20 LICENSURE OR CERTIFICATION AND FOR THE DEFINITION OF
21 "ASSIGNMENT OF DUTIES"; AND PROVIDING FOR SCOPE OF PRACTICE
22 OF EXPANDED FUNCTION DENTAL ASSISTANT AND FOR SCOPE OF
23 PRACTICE FOR CERTIFIED DENTAL ASSISTANT.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 ~~Section 1. The definitions of "dental hygienist" and "board"~~ <—
27 ~~in section 2 of the act of May 1, 1933 (P.L.216, No.76), known~~

~~as The Dental Law, amended February 9, 1984 (P.L.23, No.9), are amended and the section is amended by adding a definition to read:~~

~~Section 2. Definitions. * * *~~

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

~~The word "board," as used in this act, means the [State~~

~~Dental Council and Examining Board] State Board of Dentistry.~~

~~* * *~~

~~"Independent Dental Hygiene Practitioner" means a licensed dental hygienist who may perform educational, preventative, therapeutic and intra oral procedures which the hygienist is educated to perform and which requires the hygienist's professional competence and skill but which do not require the professional competence and skill of a dentist without the authorization, assignment or examination of a dentist, and who is certified by the State Board of Dentistry as having satisfied the requirements of section 11.9. Independent dental hygiene practitioners may only engage in professional practice in the practice sites enumerated under section 11.10(c).~~

~~Section 2. The act is amended by adding sections to read:~~

~~Section 11.9. Dental Hygienists; Supervision; Practice. (a) Classifications developed by the American Society of Anesthesiologists shall not be a factor in determining the level of supervision required by dental hygienists. The supervising dentist and the dental hygienist shall determine the appropriate level of supervision for each patient based on the patient's health and history.~~

~~(b) In addition to existing authority, a dental hygienist may perform the following in any setting under the general supervision of a dentist:~~

~~(1) Radiologic procedures.~~

~~(2) Debridement.~~

~~(3) Soft tissue curettage.~~

~~(4) Suture removal.~~

~~(5) Teeth filling.~~

~~(c) A dental hygienist may administer local anesthesia under~~

~~the following conditions:~~

~~(1) The dental hygienist holds a current license in good standing, is certified in basic life support and has provided the board documentation evidencing one of the following:~~

~~(i) Graduation within the five years immediately preceding the filing of the application from a dental hygiene school accredited by the American Dental Association's Commission on Dental Accreditation, which includes the successful completion of a course in the administration of local anesthesia.~~

~~(ii) Successful completion within the five years immediately preceding the filing of the application of a course consisting of a minimum of thirty hours of instruction in the administration of local anesthesia sponsored by an education program accredited by the American Dental Association's Commission on Dental Accreditation.~~

~~(iii) Possession of a current license or permit issued by the proper licensing authority of another state, territory or district, or by Canada, where the dental hygienist is authorized under the laws of that jurisdiction to administer local anesthesia, provided that the dental hygienist has been actively engaged in the administration of local anesthesia within the five years immediately preceding the filing of the application and that the applicable jurisdiction required, as a condition of receiving the license or permit, that the dental hygienist complete a course in the administration of local anesthesia accredited by the American Dental Association's Commission on Dental Accreditation or its Canadian counterpart.~~

~~(2) The dental hygienist has applied for and received a permit from the board and paid any required permit fee.~~

~~(d) In addition to other locations set forth in law, a~~

~~dental hygienist may provide dental services in free clinics.~~

~~Section 11.10. Independent Dental Hygiene Practitioners.~~

~~(a) An independent dental hygiene practitioner must be certified by the board upon meeting the following criteria:~~

~~(1) completion of one thousand eight hundred hours of practice under the supervision of a dentist; and~~

~~(2) purchase of a professional liability policy in an amount determined to be adequate by the board.~~

~~(b) Following certification by the board under subsection~~

~~(a), an independent dental hygiene practitioner may, without the supervision of a dentist:~~

~~(1) Perform any procedure a dental hygienist may perform.~~

~~(2) Order and administer fluoride treatments and products, to include fluoride varnish, home fluoride treatment and other such fluoride containing products as may be necessary to prevent dental caries.~~

~~(3) Order dental equipment.~~

~~(c) An independent dental hygiene practitioner shall limit the practitioner's professional practice to the following practice sites:~~

~~(1) Schools.~~

~~(2) Correctional facilities.~~

~~(3) Health care facilities.~~

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

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

~~(6) An "older adult daily living center" as defined in~~

~~section 2 of the act of July 11, 1990 (P.L.499, No.118), known
as the "Older Adult Daily Living Centers Licensing Act."~~

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

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

~~(9) Day care centers as defined in Articles IX and X of the
"Public Welfare Code."~~

~~(10) Facilities operating Head Start programs established by
the Omnibus Budget and Reconciliation Act of 1981 (Public Law
97-35, 95 Stat. 357).~~

~~(11) Free clinics.~~

~~(12) Other institutions the board deems appropriate.~~

~~Section 3. The State Board of Dentistry shall promulgate
regulations to implement the amendment or addition of sections
2, 11.9 and 11.10 of the act within 18 months of the effective
date of this act.~~

~~Section 4. This act shall take effect in 60 days.~~

SECTION 1. THE DEFINITION OF "EXPANDED FUNCTION DENTAL
ASSISTANT" IN SECTION 2 OF THE ACT OF MAY 1, 1933 (P.L.216,
NO.76), KNOWN AS THE DENTAL LAW, ADDED DECEMBER 27, 1994
(P.L.1361, NO.160), IS AMENDED AND THE SECTION IS AMENDED BY
ADDING A DEFINITION TO READ:

SECTION 2. DEFINITIONS.--* * *

"EXPANDED FUNCTION DENTAL ASSISTANT" MEANS AN INDIVIDUAL WHO
HOLDS A CURRENT VALID CERTIFICATION UNDER THIS ACT TO PERFORM
REVERSIBLE INTRAORAL PROCEDURES AUTHORIZED BY THIS ACT UNDER THE
DIRECT SUPERVISION OF A LICENSED DENTIST AND UNDER AN ASSIGNMENT
OF DUTIES BY A DENTIST, AS DEFINED IN SECTION 11.8. [SUCH

1 PROCEDURES INCLUDE, BUT ARE NOT LIMITED TO, PLACING AND REMOVING
2 RUBBER DAMS AND MATRICES, PLACING AND CONTOURING AMALGAM AND
3 OTHER RESTORATIVE MATERIALS AND OTHER REVERSIBLE PROCEDURES NOT
4 DESIGNATED BY THIS ACT TO BE PERFORMED ONLY BY LICENSED DENTISTS
5 OR DENTAL HYGIENISTS. EXPANDED FUNCTION DENTAL ASSISTANTS SHALL
6 NOT PERFORM THE FOLLOWING PROCEDURES:

7 (A) COMPLETE OR LIMITED EXAMINATION, DIAGNOSIS AND TREATMENT
8 PLANNING.

9 (B) SURGICAL OR CUTTING PROCEDURES OF HARD OR SOFT TISSUE.

10 (C) PRESCRIBING DRUGS, MEDICAMENTS OR WORK AUTHORIZATIONS.

11 (D) TAKING IMPRESSIONS OTHER THAN FOR STUDY MODELS OR
12 DIAGNOSTIC CASTS.

13 (E) FINAL INSPECTION AND APPROVAL OF RESTORATIVE AND OTHER
14 TREATMENT WHICH AFFECTS OCCLUSION AND ANY NECESSARY OCCLUSAL
15 ADJUSTMENTS.

16 (F) PERFORMING PULP CAPPING, PULPOTOMY AND OTHER ENDODONTIC
17 PROCEDURES.

18 (G) PLACEMENT AND INTRAORAL ADJUSTMENTS OF FIXED AND
19 REMOVABLE PROSTHETIC APPLIANCES.

20 (H) ADMINISTRATION OF LOCAL ANESTHESIA, PARENTERAL OR
21 INHALATIONAL SEDATION OR GENERAL ANESTHESIA.

22 EXPANDED FUNCTION DENTAL ASSISTANTS SHALL PERFORM UNDER THE
23 DIRECT SUPERVISION OF A DENTIST. DIRECT SUPERVISION MEANS THAT A
24 DENTIST IS IN THE DENTAL OFFICE OR TREATMENT FACILITY,
25 PERSONALLY DIAGNOSES THE CONDITION TO BE TREATED, PERSONALLY
26 AUTHORIZES THE PROCEDURE AND REMAINS IN THE DENTAL OFFICE OR
27 TREATMENT FACILITY WHILE THE PROCEDURE IS BEING PERFORMED BY THE
28 EXPANDED FUNCTION DENTAL ASSISTANT AND, BEFORE DISMISSAL OF THE
29 PATIENT, EVALUATES THE WORK PERFORMED BY THE EXPANDED FUNCTION
30 DENTAL ASSISTANT.] IN ADDITION, AN EXPANDED FUNCTION DENTAL

1 ASSISTANT MAY PERFORM THOSE PROCEDURES SPECIFIED IN SECTION
2 11.10 AND OTHER REVERSIBLE PROCEDURES NOT DESIGNATED BY THIS ACT
3 TO BE PERFORMED BY LICENSED DENTISTS OR DENTAL HYGIENISTS. FOR
4 PURPOSES OF THIS DEFINITION, "DIRECT SUPERVISION" SHALL MEAN
5 THAT A DENTIST IS IN THE DENTAL OFFICE OR TREATMENT FACILITY,
6 PERSONALLY DIAGNOSES THE CONDITION TO BE TREATED, PERSONALLY
7 AUTHORIZES THE PROCEDURE AND REMAINS IN THE DENTAL OFFICE OR
8 TREATMENT FACILITY WHILE THE PROCEDURE IS BEING PERFORMED AND,
9 BEFORE DISMISSAL OF THE PATIENT, EVALUATES THE WORK PERFORMED.

10 * * *

11 "CERTIFIED DENTAL ASSISTANT" MEANS AN INDIVIDUAL WHO MEETS
12 ALL OF THE QUALIFICATIONS SET FORTH IN SECTION 11.11 AND IS
13 CERTIFIED BY THE STATE BOARD OF DENTISTRY.

14 SECTION 2. SECTION 3(A), (B), (G) AND (M) OF THE ACT,
15 AMENDED DECEMBER 27, 1994 (P.L.1361, NO.160), ARE AMENDED AND
16 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

17 SECTION 3. GENERAL POWERS OF THE STATE BOARD OF DENTISTRY.--
18 THE STATE BOARD OF DENTISTRY (HEREINAFTER CALLED THE BOARD)
19 SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

20 (A) TO ESTABLISH AND ALTER, FROM TIME TO TIME, THE STANDARDS
21 OF PRELIMINARY AND PROFESSIONAL EDUCATION AND THE TRAINING
22 REQUIRED FOR LICENSURE TO PRACTICE DENTISTRY AND AS DENTAL
23 HYGIENISTS AND CERTIFICATION FOR EXPANDED FUNCTION DENTAL
24 ASSISTANTS AND CERTIFICATION FOR DENTAL ASSISTANTS.

25 (B) TO INVESTIGATE AND DETERMINE THE ACCEPTABILITY AND TO
26 APPROVE AND DISAPPROVE INSTITUTIONS AND COLLEGES OF THIS STATE
27 AND OF OTHER STATES AND COUNTRIES FOR THE EDUCATION OF STUDENTS
28 DESIRING TO BE LICENSED TO PRACTICE DENTISTRY OR AS DENTAL
29 HYGIENISTS OR TO BE CERTIFIED AS EXPANDED FUNCTION DENTAL
30 ASSISTANTS OR TO BE CERTIFIED DENTAL ASSISTANTS, AND TO REVOKE

1 APPROVALS WHERE SUCH INSTITUTIONS AND COLLEGES NO LONGER ARE
2 DEEMED PROPER.

3 * * *

4 (D.2) (1) TO PROVIDE FOR AND TO REGULATE THE CERTIFICATION,
5 AND TO CERTIFY AS DENTAL ASSISTANTS INDIVIDUALS WHO MEET THE
6 REQUIREMENTS UNDER CLAUSE (2).

7 (2) THE BOARD MAY ISSUE CERTIFICATION AS A DENTAL ASSISTANT
8 TO AN APPLICANT WHO SUBMITS AN APPLICATION APPROVED BY THE
9 BOARD, PAYS A FEE SET BY THE BOARD AND MEETS THE FOLLOWING
10 REQUIREMENTS:

11 (I) VERIFIES TO THE SATISFACTION OF THE BOARD AT LEAST THREE
12 THOUSAND FIVE HUNDRED HOURS OF CLINICAL EXPERIENCE PERFORMING
13 THE FUNCTIONS OF A DENTAL ASSISTANT.

14 (II) HOLDS A CURRENT CARDIOPULMONARY RESUSCITATION
15 CERTIFICATION.

16 (III) HAS SUCCESSFULLY PASSED THE DENTAL ASSISTANT NATIONAL
17 BOARD'S CERTIFIED DENTAL ASSISTANT EXAMINATION.

18 * * *

19 (G) TO PRESCRIBE THE PROFESSIONAL TITLE OR OTHER DESIGNATION
20 WHICH ANY PERSON LICENSED OR CERTIFIED UNDER THIS ACT MAY USE IN
21 CONNECTION WITH HIS OR HER NAME IN THE PRACTICE OF DENTISTRY OR
22 AS A DENTAL HYGIENIST OR AS AN EXPANDED FUNCTION DENTAL
23 ASSISTANT OR AS A CERTIFIED DENTAL ASSISTANT, TO REGULATE THE
24 USE OF THE SAME, AND TO PROSECUTE THOSE WHO ILLEGALLY USE THE
25 SAME.

26 * * *

27 (M) TO ADMINISTER AND ENFORCE THE LAWS OF THE COMMONWEALTH
28 RELATING TO THE PRACTICE OF DENTISTRY AND DENTAL HYGIENISTS AND
29 CERTIFIED EXPANDED FUNCTION DENTAL ASSISTANTS AND CERTIFIED
30 DENTAL ASSISTANTS, AND TO INSTRUCT AND REQUIRE ITS AGENTS TO

1 BRING PROSECUTIONS FOR UNAUTHORIZED AND UNLAWFUL PRACTICES.

2 * * *

3 SECTION 3. SECTIONS 4(A), 4.1, 10, 10.1, 11, 11.5 AND 11.8
4 OF THE ACT, AMENDED DECEMBER 27, 1994 (P.L.1361, NO.160), ARE
5 AMENDED TO READ:

6 SECTION 4. FEES.--(A) THE FEE FOR AN APPLICANT FOR
7 EXAMINATION AND LICENSURE TO PRACTICE DENTISTRY OR AS A DENTAL
8 HYGIENIST OR CERTIFICATION FOR AN EXPANDED FUNCTION DENTAL
9 ASSISTANT OR CERTIFICATION AS A DENTAL ASSISTANT IN THIS
10 COMMONWEALTH SHALL BE FIXED BY THE BOARD BY REGULATION. IT SHALL
11 BE THE DUTY OF ALL PERSONS NOW QUALIFIED AND ENGAGED IN THE
12 PRACTICE OF DENTISTRY AND DENTAL HYGIENE OR AS A CERTIFIED
13 EXPANDED FUNCTION DENTAL ASSISTANT OR CERTIFIED DENTAL
14 ASSISTANT, OR WHO SHALL HEREAFTER BE LICENSED OR CERTIFIED BY
15 THE BOARD, TO RENEW BIENNIALY WITH SAID BOARD, AND PAY FOR EACH
16 SUCH BIENNIAL RENEWAL A FEE WHICH SHALL BE FIXED BY THE BOARD BY
17 REGULATION.

18 * * *

19 SECTION 4.1. REASON FOR REFUSAL, REVOCATION OR SUSPENSION OF
20 LICENSE OR CERTIFICATE.--(A) THE BOARD SHALL HAVE AUTHORITY, BY
21 MAJORITY ACTION, TO REFUSE, REVOKE OR SUSPEND THE LICENSE OF ANY
22 DENTIST OR DENTAL HYGIENIST OR CERTIFICATE OF AN EXPANDED
23 FUNCTION DENTAL ASSISTANT OR CERTIFICATE OF A DENTAL ASSISTANT
24 FOR ANY OR ALL OF THE FOLLOWING REASONS:

25 (1) FAILING TO DEMONSTRATE THE QUALIFICATIONS OR STANDARDS
26 FOR A LICENSE CONTAINED IN THIS ACT OR REGULATIONS OF THE BOARD.

27 (2) MAKING MISLEADING, DECEPTIVE, UNTRUE OR FRAUDULENT
28 REPRESENTATIONS.

29 (3) PRACTICING FRAUD OR DECEIT IN OBTAINING A LICENSE TO
30 PRACTICE DENTISTRY OR DENTAL HYGIENE OR CERTIFICATE FOR EXPANDED

1 FUNCTION DENTAL ASSISTING OR CERTIFICATE OF DENTAL ASSISTING OR
2 MAKING A FALSE OR DECEPTIVE BIENNIAL RENEWAL WITH THE BOARD.

3 (4) HAVING BEEN FOUND GUILTY OF A CRIME OR MISDEMEANOR
4 INVOLVING MORAL TURPITUDE OR HAVING BEEN FOUND GUILTY OF A
5 FELONY IN VIOLATION OF THE LAWS OF THIS COMMONWEALTH OR ANY
6 OTHER STATE, TERRITORY OR COUNTRY. FOR PURPOSES OF THIS CLAUSE
7 (4), THE PHRASE "HAVING BEEN FOUND GUILTY" SHALL INCLUDE A
8 FINDING OR VERDICT OF GUILT, AN ADMISSION OF GUILT OR A PLEA OF
9 NOLO CONTENDERE.

10 (5) HAVING A LICENSE TO PRACTICE DENTISTRY OR DENTAL HYGIENE
11 OR CERTIFICATE FOR EXPANDED FUNCTION DENTAL ASSISTING OR
12 CERTIFICATE FOR DENTAL ASSISTING REVOKED, SUSPENDED OR HAVING
13 OTHER DISCIPLINARY ACTION IMPOSED OR CONSENTED TO BY THE PROPER
14 LICENSING AUTHORITY OF ANOTHER STATE, TERRITORY OR COUNTRY OR
15 HIS APPLICATION FOR LICENSE REFUSED, REVOKED OR SUSPENDED BY THE
16 PROPER LICENSING AUTHORITY OF ANOTHER STATE, TERRITORY OR
17 COUNTRY.

18 (6) VIOLATING ANY OF THE PROVISIONS OF THIS ACT OR OF A
19 LAWFUL REGULATION PROMULGATED BY THE BOARD OR VIOLATING A LAWFUL
20 ORDER OF THE BOARD PREVIOUSLY ENTERED BY THE BOARD IN A
21 DISCIPLINARY PROCEEDING.

22 (7) KNOWINGLY MAINTAINING A PROFESSIONAL CONNECTION OR
23 ASSOCIATION WITH ANY PERSON WHO IS IN VIOLATION OF THIS ACT OR
24 REGULATIONS OF THE BOARD OR KNOWINGLY AIDING, ASSISTING,
25 PROCURING OR ADVISING ANY UNLICENSED PERSON TO PRACTICE
26 DENTISTRY OR DENTAL HYGIENE OR UNCERTIFIED PERSON FOR EXPANDED
27 FUNCTION DENTAL ASSISTING OR UNCERTIFIED PERSON FOR CERTIFIED
28 DENTAL ASSISTING CONTRARY TO THIS ACT OR REGULATIONS OF THE
29 BOARD.

30 (8) ENGAGING IN UNPROFESSIONAL CONDUCT. FOR PURPOSES OF THIS

1 CLAUSE (8), UNPROFESSIONAL CONDUCT SHALL INCLUDE ANY DEPARTURE
2 FROM, OR FAILURE TO CONFORM TO, THE STANDARDS OF ACCEPTABLE AND
3 PREVAILING DENTAL OR DENTAL HYGIENE PRACTICE AND STANDARD OF
4 CARE FOR EXPANDED FUNCTION DENTAL ASSISTANTS AND CERTIFIED
5 DENTAL ASSISTANTS IN WHICH PROCEEDING ACTUAL INJURY TO THE
6 PATIENT NEED NOT BE ESTABLISHED.

7 (9) COMMITTING AN ACT OF GROSS NEGLIGENCE, MALPRACTICE OR
8 INCOMPETENCE OR REPEATED ACTS OF NEGLIGENCE, MALPRACTICE OR
9 INCOMPETENCE.

10 (10) ENGAGING IN FALSE, MISLEADING OR DECEPTIVE ADVERTISING.

11 (11) BEING UNABLE TO PRACTICE DENTISTRY OR AS A DENTAL
12 HYGIENIST OR AS AN EXPANDED FUNCTION DENTAL ASSISTANT OR AS A
13 CERTIFIED DENTAL ASSISTANT WITH REASONABLE SKILL AND SAFETY TO
14 PATIENTS BY REASON OF ILLNESS, DRUNKENNESS, EXCESSIVE USE OF
15 CONTROLLED SUBSTANCES, CHEMICALS OR ANY OTHER TYPE OF MATERIAL,
16 OR AS THE RESULT OF ANY MENTAL OR PHYSICAL CONDITION. IN
17 ENFORCING THIS CLAUSE (11), THE BOARD SHALL, UPON PROBABLE
18 CAUSE, HAVE AUTHORITY TO COMPEL A DENTIST, DENTAL HYGIENIST
19 [OR], EXPANDED FUNCTION DENTAL ASSISTANT OR CERTIFIED DENTAL
20 ASSISTANT TO SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION BY
21 PHYSICIANS DESIGNATED BY THE BOARD. FAILURE OF A DENTIST, DENTAL
22 HYGIENIST [OR], EXPANDED FUNCTION DENTAL ASSISTANT OR CERTIFIED
23 DENTAL ASSISTANT TO SUBMIT TO SUCH EXAMINATION WHEN DIRECTED BY
24 THE BOARD, UNLESS SUCH FAILURE IS DUE TO CIRCUMSTANCES BEYOND
25 HIS CONTROL, SHALL CONSTITUTE AN ADMISSION OF THE ALLEGATIONS
26 AGAINST HIM, CONSEQUENT UPON WHICH A DEFAULT AND FINAL ORDER MAY
27 BE ENTERED WITHOUT THE TAKING OF TESTIMONY OR PRESENTATION OF
28 EVIDENCE. A DENTIST, DENTAL HYGIENIST [OR], EXPANDED FUNCTION
29 DENTAL ASSISTANT OR CERTIFIED DENTAL ASSISTANT AFFECTED UNDER
30 THIS CLAUSE (11) SHALL, AT REASONABLE INTERVALS, BE AFFORDED AN

1 OPPORTUNITY TO DEMONSTRATE THAT HE OR SHE CAN RESUME A COMPETENT
2 PRACTICE OF DENTISTRY, DENTAL HYGIENE [OR] AS AN EXPANDED
3 FUNCTION DENTAL ASSISTANT OR AS A CERTIFIED DENTAL ASSISTANT
4 WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

5 (B) WHEN THE BOARD FINDS THAT THE LICENSE OR CERTIFICATE OF
6 ANY PERSON MAY BE REFUSED, REVOKED OR SUSPENDED UNDER THE TERMS
7 OF THIS SECTION, THE BOARD MAY:

8 (1) DENY THE APPLICATION FOR LICENSE OR CERTIFICATE.

9 (2) ADMINISTER A PUBLIC REPRIMAND.

10 (3) REVOKE, SUSPEND, LIMIT OR OTHERWISE RESTRICT A LICENSE
11 OR CERTIFICATE AS DETERMINED BY THE BOARD. UNLESS ORDERED TO DO
12 SO BY A COURT, THE BOARD SHALL NOT REINSTATE THE LICENSE OF A
13 PERSON TO PRACTICE DENTISTRY, OR AS A DENTAL HYGIENIST OR
14 CERTIFICATE OF AN EXPANDED FUNCTION DENTAL ASSISTANT OR
15 CERTIFICATE OF A DENTAL ASSISTANT, WHICH HAS BEEN REVOKED, AND
16 SUCH PERSON SHALL BE REQUIRED TO APPLY FOR A LICENSE OR
17 CERTIFICATE AFTER A FIVE-YEAR PERIOD IN ACCORDANCE WITH SECTION
18 3, IF HE OR SHE DESIRES TO PRACTICE AT ANY TIME AFTER SUCH
19 REVOCATION. ANY PERSON WHOSE LICENSE OR CERTIFICATE HAS BEEN
20 SUSPENDED OR REVOKED BECAUSE OF A FELONY CONVICTION UNDER THE
21 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED
22 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR SIMILAR LAW OF
23 ANOTHER JURISDICTION, MAY APPLY FOR REINSTATEMENT AFTER A PERIOD
24 OF AT LEAST TEN (10) YEARS HAS ELAPSED FROM THE DATE OF
25 CONVICTION. THE BOARD MAY REINSTATE THE LICENSE OR CERTIFICATE
26 IF THE BOARD IS SATISFIED THAT THE PERSON HAS MADE SIGNIFICANT
27 PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION SUCH
28 THAT HIS REINSTATEMENT SHOULD NOT BE EXPECTED TO CREATE A
29 SUBSTANTIAL RISK OF HARM TO THE HEALTH AND SAFETY OF HIS
30 PATIENTS OR THE PUBLIC OR A SUBSTANTIAL RISK OF FURTHER CRIMINAL

1 VIOLATIONS AND IF THE PERSON MEETS ALL OTHER LICENSING OR
2 CERTIFYING QUALIFICATIONS OF THIS ACT, INCLUDING THE EXAMINATION
3 REQUIREMENT.

4 (4) REQUIRE A LICENSEE OR CERTIFIED EXPANDED FUNCTION DENTAL
5 ASSISTANT OR CERTIFIED DENTAL ASSISTANT TO SUBMIT TO THE CARE,
6 COUNSELING OR TREATMENT OF A PHYSICIAN OR PSYCHOLOGIST
7 DESIGNATED BY THE BOARD.

8 (5) REQUIRE THAT A LICENSEE OR CERTIFIED EXPANDED FUNCTION
9 DENTAL ASSISTANT OR CERTIFIED DENTAL ASSISTANT SUCCESSFULLY
10 COMPLETE A COURSE OF EDUCATIONAL TRAINING AND TESTING AS
11 DIRECTED BY THE BOARD.

12 (6) RESTORE OR REISSUE, IN ITS DISCRETION, A LICENSE TO
13 PRACTICE DENTISTRY OR DENTAL HYGIENE OR CERTIFICATE FOR AN
14 EXPANDED FUNCTION DENTAL ASSISTANT OR DENTAL ASSISTANT AND
15 IMPOSE ANY DISCIPLINARY OR CORRECTIVE MEASURES WHICH IT MIGHT
16 ORIGINALLY HAVE IMPOSED.

17 (7) SUSPEND ENFORCEMENT OF ITS FINDINGS THEREOF AND PLACE A
18 LICENSEE OR CERTIFIED EXPANDED FUNCTION DENTAL ASSISTANT OR
19 CERTIFIED DENTAL ASSISTANT ON PROBATION WITH THE RIGHT TO VACATE
20 THE PROBATIONARY ORDER FOR NONCOMPLIANCE.

21 (8) ORDER ANY PERSON FOUND TO HAVE VIOLATED ANY PROVISION OF
22 THIS ACT OR THE REGULATIONS GOVERNING THE PRACTICE OF DENTISTRY
23 TO RESTORE TO ANY PATIENT AGGRIEVED BY AN UNLAWFUL ACT OR
24 PRACTICE, ANY MONEYS OR PROPERTY, REAL OR PERSONAL, ACQUIRED BY
25 MEANS OF SUCH ACT OR PRACTICE, PROVIDED THE BOARD SHALL NOT
26 ORDER RESTITUTION IN A DOLLAR AMOUNT GREATER THAN THOSE MONEYS
27 RECEIVED BY THE LICENSEE OR HIS AGENT.

28 (C) ALL ACTIONS OF THE BOARD SHALL BE TAKEN SUBJECT TO THE
29 RIGHT OF NOTICE, HEARING AND ADJUDICATION AND THE RIGHT OF
30 APPEAL THEREFROM IN ACCORDANCE WITH TITLE 2 OF THE PENNSYLVANIA

1 CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE LAW AND
2 PROCEDURE) .

3 (D) THE BOARD SHALL TEMPORARILY SUSPEND A LICENSE OR
4 CERTIFICATE UNDER CIRCUMSTANCES AS DETERMINED BY THE BOARD TO BE
5 AN IMMEDIATE AND CLEAR DANGER TO THE PUBLIC HEALTH OR SAFETY.
6 THE BOARD SHALL ISSUE AN ORDER TO THAT EFFECT WITHOUT A HEARING,
7 BUT UPON DUE NOTICE, TO THE LICENSEE OR CERTIFIED EXPANDED
8 FUNCTION DENTAL ASSISTANT OR CERTIFIED DENTAL ASSISTANT
9 CONCERNED AT HIS LAST KNOWN ADDRESS, WHICH SHALL INCLUDE A
10 WRITTEN STATEMENT OF ALL ALLEGATIONS AGAINST THE LICENSEE OR
11 CERTIFIED EXPANDED FUNCTION DENTAL ASSISTANT OR CERTIFIED DENTAL
12 ASSISTANT. THE PROVISIONS OF SUBSECTION (C) SHALL NOT APPLY TO
13 TEMPORARY SUSPENSION. THE BOARD SHALL THEREUPON COMMENCE FORMAL
14 ACTION TO SUSPEND, REVOKE OR RESTRICT THE LICENSE OR CERTIFICATE
15 OF THE PERSON CONCERNED AS OTHERWISE PROVIDED FOR IN THIS ACT.
16 ALL ACTIONS SHALL BE TAKEN PROMPTLY AND WITHOUT DELAY. WITHIN
17 THIRTY DAYS FOLLOWING THE ISSUANCE OF AN ORDER TEMPORARILY
18 SUSPENDING A LICENSE OR CERTIFICATE, THE BOARD SHALL CONDUCT, OR
19 CAUSE TO BE CONDUCTED, A PRELIMINARY HEARING TO DETERMINE THAT
20 THERE IS A PRIMA FACIE CASE SUPPORTING THE SUSPENSION. THE
21 PERSON WHOSE LICENSE OR CERTIFICATE HAS BEEN TEMPORARILY
22 SUSPENDED MAY BE PRESENT AT THE PRELIMINARY HEARING AND MAY BE
23 REPRESENTED BY COUNSEL, CROSS-EXAMINE WITNESSES, INSPECT
24 PHYSICAL EVIDENCE, CALL WITNESSES, OFFER EVIDENCE AND TESTIMONY
25 AND MAKE A RECORD OF THE PROCEEDINGS. IF IT IS DETERMINED THAT
26 THERE IS NOT A PRIMA FACIE CASE, THE SUSPENDED LICENSE OR
27 CERTIFICATE SHALL BE IMMEDIATELY RESTORED. THE TEMPORARY
28 SUSPENSION SHALL REMAIN IN EFFECT UNTIL VACATED BY THE BOARD,
29 BUT IN NO EVENT LONGER THAN ONE HUNDRED EIGHTY DAYS.

30 (E) THE BOARD SHALL REQUIRE A PERSON WHOSE LICENSE OR

1 CERTIFICATE HAS BEEN SUSPENDED OR REVOKED TO RETURN THE LICENSE
2 OR CERTIFICATE IN SUCH MANNER AS THE BOARD DIRECTS. FAILURE TO
3 DO SO SHALL BE A MISDEMEANOR OF THE THIRD DEGREE.

4 SECTION 10. PENALTIES.--(A) IT IS UNLAWFUL FOR ANY PERSON
5 TO PRACTICE DENTISTRY OR AS A DENTAL HYGIENIST OR AS AN EXPANDED
6 FUNCTION DENTAL ASSISTANT OR AS A CERTIFIED DENTAL ASSISTANT, OR
7 TO HOLD HIMSELF OR HERSELF OUT AS A PRACTITIONER OF OR ENTITLED
8 OR AUTHORIZED TO PRACTICE DENTISTRY OR AS A DENTAL HYGIENIST OR
9 AS AN EXPANDED FUNCTION DENTAL ASSISTANT OR AS A CERTIFIED
10 DENTAL ASSISTANT, OR TO ASSUME ANY TITLE OF "DENTIST," "DENTAL
11 SURGEON," "DENTAL HYGIENIST," EXPANDED FUNCTION DENTAL
12 ASSISTANT" OR "CERTIFIED DENTAL ASSISTANT" OR OTHER LETTERS OR
13 TITLES IN CONNECTION WITH HIS OR HER NAME WHICH IN ANY WAY
14 REPRESENT HIM OR HER AS BEING ENGAGED IN THE PRACTICE OF
15 DENTISTRY OR AS A DENTAL HYGIENIST OR AS AN EXPANDED FUNCTION
16 DENTAL ASSISTANT OR AS A CERTIFIED DENTAL ASSISTANT, OR
17 AUTHORIZED SO TO DO, UNLESS HE OR SHE HAS BEEN DULY LICENSED OR
18 CERTIFIED, AND AUTHORIZED TO ENGAGE IN SUCH PRACTICE UNDER THE
19 PROVISIONS OF THIS ACT. A PERSON WHO VIOLATES THIS SUBSECTION
20 COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON
21 CONVICTION, FOR A FIRST OFFENSE, BE SENTENCED TO A FINE NOT TO
22 EXCEED ONE THOUSAND DOLLARS (\$1,000) OR TO IMPRISONMENT FOR NOT
23 MORE THAN SIX MONTHS, OR BOTH. A SECOND OFFENSE SHALL BE SUBJECT
24 TO A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) OR
25 IMPRISONMENT FOR A TERM OF SIX MONTHS TO ONE YEAR, OR BOTH.

26 (B) IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE DENTISTRY OR
27 AS A DENTAL HYGIENIST OR AS AN EXPANDED FUNCTION DENTAL
28 ASSISTANT OR AS A CERTIFIED DENTAL ASSISTANT UNDER A NAME OTHER
29 THAN THAT ON HIS OR HER LICENSE AND BIENNIAL RENEWAL, OR TO
30 PRACTICE UNDER THE NAME ON HIS OR HER LICENSE AND BIENNIAL

1 RENEWAL WITH ANY ADDITION THERETO, EXCEPT A PURELY TECHNICAL
2 APPELLATION SUCH AS "DENTIST," "D.D.S.," "ORTHODONTIST" OR OTHER
3 WORD OR LETTERS PERTAINING STRICTLY TO THE PRACTICE OF
4 DENTISTRY, OR TO INDUCE ANY PERSON TO PRACTICE DENTISTRY OR AS A
5 DENTAL HYGIENIST OR AS AN EXPANDED FUNCTION DENTAL ASSISTANT OR
6 AS A CERTIFIED DENTAL ASSISTANT IN VIOLATION OF THIS ACT.

7 (C) IT IS UNLAWFUL FOR ANY PERSON TO SELL, OFFER TO SELL OR
8 BARTER OR EXCHANGE ANY DIPLOMA OR DOCUMENT CONFERRING OR
9 PURPORTING TO CONFER ANY DENTAL DEGREE OR ANY LICENSE OR
10 CERTIFICATE ISSUED ACCORDING TO LAW REGULATING THE LICENSING OF
11 DENTISTS OR DENTAL HYGIENISTS OR EXPANDED FUNCTION DENTAL
12 ASSISTANTS OR CERTIFIED DENTAL ASSISTANTS, OR TO ALTER ANY SUCH
13 DOCUMENT WITH FRAUDULENT INTENT, OR TO USE IT AS A LICENSE TO
14 PRACTICE DENTISTRY UNDER AN ASSUMED NAME, OR TO MAKE ANY FALSE
15 STATEMENT IN AN AFFIDAVIT RELATING TO OR IN AN APPLICATION FOR A
16 LICENSE.

17 (D) IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE DENTISTRY OR
18 AS A DENTAL HYGIENIST OR AS AN EXPANDED FUNCTION DENTAL
19 ASSISTANT OR AS A CERTIFIED DENTAL ASSISTANT UNLESS HIS OR HER
20 LICENSE OR CERTIFICATE AND BIENNIAL RENEWAL CERTIFICATE ARE
21 DISPLAYED IN THE OFFICE IN WHICH HE OR SHE IS PRACTICING
22 DENTISTRY OR AS A DENTAL HYGIENIST OR AS AN EXPANDED FUNCTION
23 DENTAL ASSISTANT OR AS A CERTIFIED DENTAL ASSISTANT.

24 (E) IT IS UNLAWFUL FOR A PERSON PRACTICING DENTISTRY TO
25 EMPLOY A PERSON AS A DENTAL HYGIENIST UNLESS SUCH PERSON IS
26 LICENSED AS A DENTAL HYGIENIST AS REQUIRED BY THIS ACT AND THE
27 RULES AND REGULATIONS OF THE BOARD OR TO EMPLOY A PERSON AS AN
28 EXPANDED FUNCTION DENTAL ASSISTANT UNLESS SUCH PERSON IS
29 CERTIFIED AS AN EXPANDED FUNCTION DENTAL ASSISTANT AS REQUIRED
30 BY THIS ACT AND THE RULES AND REGULATIONS OF THE BOARD. IT IS

1 UNLAWFUL FOR A PERSON PRACTICING DENTISTRY TO EMPLOY A PERSON AS
2 A CERTIFIED DENTAL ASSISTANT UNLESS SUCH PERSON IS CERTIFIED AS
3 A CERTIFIED DENTAL ASSISTANT AS REQUIRED BY THIS ACT AND THE
4 RULES AND REGULATIONS OF THE BOARD.

5 (F) IT IS UNLAWFUL FOR ANY DENTIST TO PERMIT ANY DENTAL
6 HYGIENIST OPERATING UNDER HIS GENERAL SUPERVISION TO PERFORM ANY
7 OPERATION OTHER THAN THOSE INCLUDED WITHIN PRACTICE AS A "DENTAL
8 HYGIENIST," AS DEFINED BY SECTION TWO OF THIS ACT. IT IS
9 UNLAWFUL FOR ANY DENTIST TO PERMIT ANY EXPANDED FUNCTION DENTAL
10 ASSISTANT OPERATING UNDER HIS OR HER DIRECT SUPERVISION TO
11 PERFORM ANY PROCEDURES OTHER THAN THOSE INCLUDED WITHIN THE
12 DEFINITION OF "EXPANDED FUNCTION DENTAL ASSISTANT." IT IS
13 UNLAWFUL FOR ANY DENTIST TO PERMIT ANY CERTIFIED DENTAL
14 ASSISTANT OPERATING UNDER HIS DIRECT SUPERVISION TO PERFORM ANY
15 PROCEDURES OTHER THAN THOSE INCLUDED WITHIN THE DEFINITION OF
16 "CERTIFIED DENTAL ASSISTANT."

17 (G) IT IS UNLAWFUL FOR ANY DENTAL HYGIENIST TO PERFORM ANY
18 OF THE OPERATIONS INCLUDED IN PRACTICE AS A "DENTAL HYGIENIST,"
19 AS DEFINED BY SECTION TWO OF THIS ACT, EXCEPT UNDER THE GENERAL
20 SUPERVISION OF A LICENSED DENTIST. IT IS UNLAWFUL FOR ANY
21 EXPANDED FUNCTION DENTAL ASSISTANT TO PERFORM ANY PROCEDURE
22 WITHIN THE DEFINITION OF "EXPANDED FUNCTION DENTAL ASSISTANT"
23 WHICH REQUIRES CERTIFICATION UNDER THIS ACT UNLESS SUCH
24 PROCEDURE IS PERFORMED UNDER THE DIRECT SUPERVISION OF A
25 LICENSED DENTIST. IT IS UNLAWFUL FOR ANY CERTIFIED DENTAL
26 ASSISTANT TO PERFORM ANY PROCEDURE WITHIN THE DEFINITION OF
27 "CERTIFIED DENTAL ASSISTANT" WHICH REQUIRES CERTIFICATION UNDER
28 THIS ACT UNLESS SUCH PROCEDURE IS PERFORMED UNDER THE DIRECT
29 SUPERVISION OF A LICENSED DENTIST.

30 (H) ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS

1 SECTION OTHER THAN SUBSECTION (A), OR ANY OTHER PROVISIONS OF
2 THIS ACT EXCEPT AS PROVIDED IN SUBSECTION (A), SHALL BE GUILTY
3 OF A MISDEMEANOR, AND, UPON CONVICTION THEREOF, SHALL BE
4 SENTENCED TO PAY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS, OR
5 TO SUFFER IMPRISONMENT NOT EXCEEDING SIX MONTHS, OR BOTH, IN THE
6 DISCRETION OF THE COURT.

7 SECTION 10.1. CIVIL PENALTIES.--IN ADDITION TO ANY OTHER
8 CIVIL REMEDY OR CRIMINAL PENALTY PROVIDED FOR IN THIS ACT, THE
9 BOARD, BY A VOTE OF THE MAJORITY OF THE MAXIMUM NUMBER OF THE
10 AUTHORIZED MEMBERSHIP OF THE BOARD AS PROVIDED BY LAW, OR BY A
11 VOTE OF THE MAJORITY OF THE DULY QUALIFIED AND CONFIRMED
12 MEMBERSHIP OR A MINIMUM OF SIX MEMBERS, WHICHEVER IS GREATER,
13 MAY LEVY A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS (\$1,000)
14 ON ANY CURRENT LICENSEE WHO VIOLATES ANY PROVISION OF THIS ACT
15 OR ON ANY PERSON WHO PRACTICES DENTISTRY OR AS A DENTAL
16 HYGIENIST OR AS AN EXPANDED FUNCTION DENTAL ASSISTANT OR AS A
17 CERTIFIED DENTAL ASSISTANT WITHOUT BEING PROPERLY LICENSED OR
18 CERTIFIED TO DO SO UNDER THIS ACT. THE BOARD SHALL LEVY THIS
19 PENALTY ONLY AFTER AFFORDING THE ACCUSED PARTY THE OPPORTUNITY
20 FOR A HEARING AS PROVIDED IN TITLE 2 OF THE PENNSYLVANIA
21 CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE LAW AND
22 PROCEDURE).

23 SECTION 11. RIGHT OF DENTISTS TO PRACTICE AS DENTAL
24 HYGIENISTS [AND AS], EXPANDED FUNCTION DENTAL ASSISTANTS AND
25 CERTIFIED DENTAL ASSISTANTS; DENTAL SUPPLIES; DEATH
26 CERTIFICATIONS.--NOTHING CONTAINED IN THIS ACT SHALL BE
27 CONSTRUED AS PROHIBITING A DULY LICENSED AND REGISTERED DENTIST
28 FROM PERFORMING THE WORK OF A DENTAL HYGIENIST OR AN EXPANDED
29 FUNCTION DENTAL ASSISTANT OR A CERTIFIED DENTAL ASSISTANT.
30 NOTHING CONTAINED IN THIS ACT OR ANY OTHER ACT SHALL BE

1 CONSTRUED AS PROHIBITING A DULY LICENSED DENTIST WHO IS A STAFF
2 MEMBER OF AN APPROVED HOSPITAL FROM EXECUTING A MEDICAL
3 CERTIFICATION IN CASE OF DEATH IF THE DENTIST ATTENDED THE
4 DECEASED DURING THE LAST ILLNESS, PROVIDED THE DEATH OCCURS IN
5 THE HOSPITAL AND THE DECEASED HAD BEEN ADMITTED ON THE DENTAL
6 SERVICE AND THE CIRCUMSTANCES ARE NOT SUCH AS TO REQUIRE A
7 REFERRAL TO THE CORONER UNDER THE PROVISIONS OF ANY OTHER ACT.
8 NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED TO PREVENT ANY
9 PERSON, COPARTNERSHIP, ASSOCIATION OR CORPORATION FROM
10 MANUFACTURING AND FURNISHING TO OR REPAIRING FOR, LICENSED
11 DENTISTS ARTIFICIAL TEETH, CROWNS, BRIDGES, PROSTHETIC WORK, AND
12 REGULATING APPLIANCES, BUT IT SHALL BE UNLAWFUL AND CONSTITUTE
13 THE PRACTICE OF DENTISTRY FOR ANY PERSON TO FIT, OR ATTEMPT TO
14 FIT, OR TO FURNISH TO OR REPAIR FOR ANY OTHER PERSON ARTIFICIAL
15 TEETH, CROWNS, BRIDGES, PROSTHETIC WORK, OR APPLIANCES.

16 SECTION 11.5. REPORTING OF MULTIPLE LICENSURE OR
17 CERTIFICATION.--ANY LICENSED DENTIST OR DENTAL HYGIENIST OR
18 CERTIFIED EXPANDED FUNCTION DENTAL ASSISTANT OR CERTIFIED DENTAL
19 ASSISTANT OF THIS COMMONWEALTH WHO IS ALSO LICENSED TO PRACTICE
20 DENTISTRY OR AS A DENTAL HYGIENIST OR A CERTIFIED EXPANDED
21 FUNCTION DENTAL ASSISTANT OR CERTIFIED DENTAL ASSISTANT IN ANY
22 OTHER STATE, TERRITORY OR COUNTRY SHALL REPORT THIS INFORMATION
23 TO THE BOARD ON THE BIENNIAL RENEWAL APPLICATION. ANY
24 DISCIPLINARY ACTION TAKEN IN OTHER STATES, TERRITORIES OR
25 COUNTRIES SHALL BE REPORTED TO THE BOARD ON THE BIENNIAL RENEWAL
26 APPLICATION OR WITHIN NINETY (90) DAYS OF DISPOSITION, WHICHEVER
27 IS SOONER. MULTIPLE LICENSURE OR CERTIFICATION SHALL BE NOTED BY
28 THE BOARD ON THE DENTIST'S, DENTAL HYGIENIST'S OR EXPANDED
29 FUNCTION DENTAL ASSISTANT'S OR CERTIFIED DENTAL ASSISTANT'S
30 RECORD, AND SUCH STATE, TERRITORY OR COUNTRY SHALL BE NOTIFIED

1 BY THE BOARD OF ANY DISCIPLINARY ACTIONS TAKEN AGAINST THE
2 DENTIST OR DENTAL HYGIENIST IN THIS COMMONWEALTH.

3 SECTION 11.8. ADDITIONAL DEFINITION.--AS USED IN THIS ACT,
4 "ASSIGNMENT OF DUTIES" SHALL MEAN THE ASSIGNMENT BY A DENTIST TO
5 ANOTHER PERSON OF SERVICES AND PROCEDURES WHICH ARE PERFORMED IN
6 THE OFFICE OF A DENTIST. A DENTIST MAY ASSIGN TO SUCH COMPETENT
7 PERSON OR PERSONS AS THE DENTIST DEEMS APPROPRIATE THOSE
8 SERVICES AND PROCEDURES PERFORMED IN THE DENTAL OFFICE IN WHICH
9 THE DENTIST IS PRACTICING BUT WHICH DO NOT REQUIRE THE
10 PROFESSIONAL COMPETENCE AND SKILL OF A DENTIST OR DENTAL
11 HYGIENIST OR EXPANDED FUNCTION DENTAL ASSISTANT[.] OR CERTIFIED
12 DENTAL ASSISTANT. SUCH SERVICES AND PROCEDURES MAY INCLUDE
13 PLACING AND REMOVING RUBBER DAMS AND MATRICES. SUCH ASSIGNMENT
14 OF SERVICES AND PROCEDURES SHALL BE UNDER THE DIRECT SUPERVISION
15 OF A LICENSED DENTIST. THIS SECTION SHALL NOT BE CONSTRUED AS
16 AUTHORIZING THE DELEGATION OR ASSIGNMENT OF DIAGNOSING,
17 TREATMENT PLANNING AND WRITING PRESCRIPTIONS FOR DRUGS OR
18 WRITING AUTHORIZATIONS FOR RESTORATIVE, PROSTHETIC OR
19 ORTHODONTIC APPLIANCES.

20 SECTION 4. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

21 SECTION 11.10. SCOPE OF PRACTICE FOR EXPANDED FUNCTION
22 DENTAL ASSISTANT.--(A) AN EXPANDED FUNCTION DENTAL ASSISTANT
23 MAY PERFORM THE FOLLOWING PROCEDURES:

24 (1) PLACING AND CONTOURING AMALGAM AND OTHER RESTORATIVE
25 MATERIALS.

26 (2) PERFORM CORONAL POLISHING.

27 (3) PERFORM FLUORIDE TREATMENTS, INCLUDING FLUORIDE VARNISH.

28 (4) TAKE IMPRESSIONS OF TEETH FOR ATHLETIC APPLIANCES.

29 (B) AN EXPANDED FUNCTION DENTAL ASSISTANT MAY NOT PERFORM
30 THE FOLLOWING PROCEDURES:

1 (1) COMPLETE OR LIMITED EXAMINATION, DIAGNOSIS AND TREATMENT
2 PLANNING.

3 (2) SURGICAL OR CUTTING PROCEDURES OF HARD OR SOFT TISSUE.

4 (3) PRESCRIBING DRUGS, MEDICAMENTS OR WORK AUTHORIZATIONS.

5 (4) TAKING IMPRESSIONS OTHER THAN FOR STUDY MODELS,
6 DIAGNOSTIC CASTS OR ATHLETIC APPLIANCES.

7 (5) FINAL INSPECTION AND APPROVAL OF RESTORATIVE AND OTHER
8 TREATMENT WHICH AFFECTS OCCLUSION AND ANY NECESSARY ~~OCCLUSIAL~~ <—
9 OCCLUSAL ADJUSTMENTS. <—

10 (6) PULP CAPPING, PULPOTOMY AND OTHER ENDODONTIC PROCEDURES.

11 (7) PLACEMENT AND INTRAORAL ADJUSTMENTS OF FIXED AND
12 REMOVABLE PROSTHETIC APPLIANCES.

13 (8) ADMINISTRATION OF LOCAL ANESTHESIA, PARENTERAL OR
14 INHALATIONAL SEDATION OR GENERAL ANESTHESIA.

15 SECTION 11.11. SCOPE OF PRACTICE FOR CERTIFIED DENTAL
16 ASSISTANT.--(A) A CERTIFIED DENTAL ASSISTANT IS AUTHORIZED TO
17 PERFORM REVERSIBLE INTRAORAL PROCEDURES UNDER THE DIRECT
18 SUPERVISION OF A LICENSED DENTIST AND UNDER AN ASSIGNMENT OF
19 DUTIES BY A DENTIST WHICH INCLUDE:

20 (1) CORONAL POLISHING FOR CHILDREN UP TO THE AGE OF
21 SEVENTEEN.

22 (2) FLUORIDE TREATMENTS, INCLUDING VARNISHES.

23 (3) TAKING IMPRESSIONS OF THE TEETH FOR ATHLETIC APPLIANCES.

24 (B) NOTWITHSTANDING ANY OTHER STATUTE OR REGULATION TO THE
25 CONTRARY, A CERTIFIED DENTAL ASSISTANT MAY PERFORM PROCEDURES
26 NOT DESIGNATED BY THIS ACT TO BE PERFORMED BY A LICENSED
27 DENTIST, DENTAL HYGIENIST OR EXPANDED FUNCTION DENTAL ASSISTANT.

28 (C) FOR PURPOSES OF THIS SECTION, "DIRECT SUPERVISION" SHALL
29 MEAN THAT A DENTIST IS IN THE DENTAL OFFICE OR TREATMENT
30 FACILITY, PERSONALLY DIAGNOSES THE CONDITION TO BE TREATED,

1 PERSONALLY AUTHORIZES THE PROCEDURE AND REMAINS IN THE DENTAL
2 OFFICE OR TREATMENT FACILITY WHILE THE PROCEDURE IS BEING
3 PERFORMED AND, BEFORE DISMISSAL OF THE PATIENT, EVALUATES THE
4 WORK PERFORMED.

5 SECTION 5. THE STATE BOARD OF DENTISTRY SHALL PROMULGATE
6 REGULATIONS TO IMPLEMENT THIS ACT WITHIN 18 MONTHS OF THE
7 EFFECTIVE DATE OF THIS ACT.

8 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.