

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 602** Session of
2009

INTRODUCED BY PASHINSKI, YUDICHAK, BEYER, BRENNAN, BROOKS,
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GOODMAN, PICKETT, HENNESSEY, PRESTON, BRIGGS, DeWEESE,
SANTARSIERO, DePASQUALE, VULAKOVICH, FRANKEL, REICHLEY,
GEORGE AND FREEMAN, FEBRUARY 24, 2009

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 17, 2009

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 "expanded function dental
10 assistant"; further providing for the State Board of
11 Dentistry; and providing for scope of practice of expanded
12 function dental assistant.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definition of "expanded function dental
16 assistant" in section 2 of the act of May 1, 1933 (P.L.216, No.
17 76), known as The Dental Law, added December 27, 1994 (P.L.1361,
18 No.160), is amended to read:

19 Section 2. Definitions.--* * *

1 "Expanded Function Dental Assistant" means an individual who
2 holds a current valid certification under this act to perform
3 reversible intraoral procedures authorized by this act under the
4 direct supervision of a licensed dentist and under an assignment
5 of duties by a dentist, as defined in section 11.8. [Such
6 procedures include, but are not limited to, placing and removing
7 rubber dams and matrices, placing and contouring amalgam and
8 other restorative materials and other reversible procedures not
9 designated by this act to be performed only by licensed dentists
10 or dental hygienists. Expanded function dental assistants shall
11 not perform the following procedures:

12 (a) Complete or limited examination, diagnosis and treatment
13 planning.

14 (b) Surgical or cutting procedures of hard or soft tissue.

15 (c) Prescribing drugs, medicaments or work authorizations.

16 (d) Taking impressions other than for study models or
17 diagnostic casts.

18 (e) Final inspection and approval of restorative and other
19 treatment which affects occlusion and any necessary occlusal
20 adjustments.

21 (f) Performing pulp capping, pulpotomy and other endodontic
22 procedures.

23 (g) Placement and intraoral adjustments of fixed and
24 removable prosthetic appliances.

25 (h) Administration of local anesthesia, parenteral or
26 inhalational sedation or general anesthesia.

27 Expanded function dental assistants shall perform under the
28 direct supervision of a dentist. Direct supervision means that a
29 dentist is in the dental office or treatment facility,
30 personally diagnoses the condition to be treated, personally

1 authorizes the procedure and remains in the dental office or
2 treatment facility while the procedure is being performed by the
3 expanded function dental assistant and, before dismissal of the
4 patient, evaluates the work performed by the expanded function
5 dental assistant.] In addition, an AN expanded function dental ←
6 assistant may UNDER DIRECT SUPERVISION perform those procedures ←
7 specified in section 11.10 and other reversible procedures not
8 designated by this act to be performed by licensed dentists or
9 dental hygienists. For purposes of this definition, "direct
10 supervision" shall mean that a dentist is in the dental office
11 or treatment facility, personally diagnoses the condition to be
12 treated, personally authorizes the procedure and remains in the
13 dental office or treatment facility while the procedure is being
14 performed and, before dismissal of the patient, personally
15 evaluates the work performed.

16 * * *

17 Section 2. Section 2.1(a) of the act, added December 20,
18 1985 (P.L.513, No.118), is amended to read:

19 Section 2.1. State Board of Dentistry.--(a) The State Board
20 of Dentistry shall consist of the Secretary of Health, or his
21 designee, the Director of the Bureau of Consumer Protection in
22 the Office of the Attorney General, or his designee, the
23 Commissioner of Professional and Occupational Affairs and [ten]
24 twelve additional members, who shall be appointed by the
25 Governor with the advice and consent of a majority of the
26 members elected to the Senate. Two members shall represent the
27 public at large. [Seven] Eight members shall have been licensed
28 and engaged in the actual practice of dentistry in this
29 Commonwealth during a period of not less than ten years
30 immediately preceding their appointment. One member shall be a

1 dental hygienist licensed to practice dental hygiene in this
2 Commonwealth and shall have been engaged in the practice of
3 dental hygiene for a period of at least three years immediately
4 preceding appointment. One member shall be an expanded function
5 dental assistant WHO IS AUTHORIZED UNDER THIS ACT AS AN EXPANDED ←
6 FUNCTION DENTAL ASSISTANT, HAS BEEN ENGAGED IN THE PRACTICE OF
7 EXPANDED FUNCTION DENTAL ASSISTING IN THIS COMMONWEALTH
8 CONTINUOUSLY FOR AT LEAST THREE YEARS PRIOR TO APPOINTMENT AND
9 DOES NOT PRACTICE AS A DENTAL HYGIENIST.

10 * * *

11 Section 3. The act is amended by adding a section to read:

12 Section 11.10. Scope of Practice for Expanded Function

13 Dental Assistant.--(a) An expanded function dental assistant
14 may perform the following procedures:

15 (1) Placing and contouring amalgam and other restorative
16 materials.

17 (2) Perform coronal polishing.

18 (3) Perform fluoride treatments, including fluoride varnish.

19 (4) Take impressions of teeth for athletic appliances.

20 (b) An expanded function dental assistant may not perform
21 the following procedures:

22 (1) Complete or limited examination, diagnosis and treatment
23 planning.

24 (2) Surgical or cutting procedures of hard or soft tissue.

25 (3) Prescribing drugs, medicaments or work authorizations.

26 (4) Taking impressions other than for study models,
27 diagnostic casts or athletic appliances.

28 (5) Final inspection and approval of restorative and other
29 treatment which affects occlusion and any necessary occlusal
30 adjustments.

1 (6) Pulp capping, pulpotomy and other endodontic procedures.

2 (7) Placement and intraoral adjustments of fixed and
3 removable prosthetic appliances.

4 (8) Administration of local anesthesia, parenteral or
5 inhalational sedation or general anesthesia.

6 Section 4. The State Board of Dentistry shall promulgate
7 regulations to implement this act within 18 months of the
8 effective date of this section.

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