DENTAL LAW - POWERS OF STATE BOARD OF DENTISTRY, RADIOLOGIC PROCEDURES, EDUCATION AND TRAINING AND PRACTICE OF PUBLIC HEALTH DENTAL HYGIENE PRACTITIONERS

Act of Jul. 20, 2007, P.L. 327, No. 51 Cl. 63

Session of 2007
No. 2007-51

SB 455

AN ACT

Amending the act of May 1, 1933 (P.L.216, No.76), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," further providing for the definitions of "dental hygienist" and "board"; providing for the definition of "public health dental hygiene practitioner"; further providing for the general powers of the State Board of Dentistry and for radiologic procedures, education and training; and providing for the practice of public health dental hygiene practitioners.

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

Section 1. The definitions of "dental hygienist" and "board" 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 sanitoria or State health cars.] **prescribed under section 11.9(b). Dental hygienists certified as public health dental hygiene practitioners may perform intra-oral procedures without the assignment of a dentist pursuant to 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.**

* * *

"Public Health Dental Hygiene Practitioner" means a licensed dental hygienist who may perform educational, preventive, therapeutic and intra-oral procedures which the hygienist is educated to perform and which require 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. Public health dental hygiene practitioners may only engage in professional practice in the practice sites enumerated in section 11.9(b).

Section 2. Section 3(d) and (j.2) of the act, amended or added December 27, 1994 (P.L.1361, No.160) and July 11, 1996 (P.L.657, No.113), are amended to read:

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

* * *

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

* * *

(j.2) (1) To adopt, promulgate and enforce rules and regulations establishing requirements for continuing dental education to be met by persons licensed or certified under this act. The board shall approve sponsors of continuing education courses within one year of the effective date of regulations adopted to enforce this subsection. No credit may be given for courses in office management or practice building. The board may waive all or part of the continuing education requirement to a licensee who shows to the satisfaction of the board that he or she was unable to complete the requirement due to illness, emergency or hardship.

(2) The following requirements shall be satisfactorily completed in accordance with board regulations as a precedent to biennial renewal of a license or certification:

(i) Thirty credit hours for a person licensed to practice dentistry.

(ii) Twenty credit hours for a person licensed to practice dental hygiene. **For a public health dental hygiene practitioner, five hours shall be public health-related courses.**

(iii) Ten credit hours for a person certified to practice expanded function dental assisting.

(3) For the purposes of this subsection, one credit hour shall be defined as one clock hour of instruction.

* * *

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

Section 11.4. Radiologic Procedures; Education and Training Required.--(a) On and after January 1, 1987, no auxiliary personnel **except dental hygienists and public health dental hygiene practitioners** shall perform radiologic procedures on the premises

of the dentist unless such person is under the direct supervision of a dentist who is on the premises at the time the X-ray is taken and unless such person has passed an examination approved by the board and administered in accordance with section 812.1 of the act of April 9, 1929 (P.L.177, No.175) known as "The Administrative Code of 1929."

* * *

(e) Notwithstanding the supervision requirements of this act, a public health dental hygiene practitioner may perform radiological procedures in any setting without supervision of a dentist on or after the effective date of this subsection.

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

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

Section 11.9. Public Health Dental Hygiene Practitioner.--(a) Public Health dental hygiene practitioners must satisfy and shall be certified by the board upon meeting the following criteria:

(1) Met the requirements for a dental hygienist license and successfully passed the required examination for a dental hygienist.

(2) Completion of three thousand six hundred hours of practice under the supervision of a licensed dentist.

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

(b) The professional practice of a public health dental hygiene practitioner shall be limited to the following practice sites:

(1) Schools.

(2) Correctional facilities.

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

(4) "Personal care home" 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 federally qualified health center.

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

(10) Other institutions the board deems appropriate.

(c) The public health dental hygiene practitioner shall refer the patient to a licensed dentist on an annual basis. The failure to see a dentist as referred shall not prevent the patient from continuing to receive treatment from the public health dental hygiene practitioner.

(d) A school dental hygienist who is licensed as a public health dental hygiene practitioner and who, as a certified education specialist, is required to obtain continuing professional education under this act and under section 1205.2 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949,"

shall be permitted to submit evidence of the completion of education courses approved for their certification by the school district.

Section 5. The provisions of 49 Pa. Code § 33.205(d)(1) (relating to practice as a dental hygienist) are abrogated.

Section 6. This act shall take effect in 60 days.

APPROVED--The 20th day of July, A. D. 2007.

EDWARD G. RENDELL