

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1257 Session of
2007

INTRODUCED BY PASHINSKI AND KORTZ, MAY 21, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 21, 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 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

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

20 Section 2. Definitions.--* * *

21 A "Dental Hygienist" is one who is legally licensed as such
22 by the [said dental council and examining board] State Board of
23 Dentistry to perform those educational, preventive, and

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

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

25 * * *

26 "Independent Dental Hygiene Practitioner" means a licensed
27 dental hygienist who may perform educational, preventative,
28 therapeutic and intra-oral procedures which the hygienist is
29 educated to perform and which requires the hygienist's
30 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.

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

3 (10) Facilities operating Head Start programs established by
4 the Omnibus Budget and Reconciliation Act of 1981 (Public Law
5 97-35, 95 Stat. 357).

6 (11) Free clinics.

7 (12) Other institutions the board deems appropriate.

8 Section 3. The State Board of Dentistry shall promulgate
9 regulations to implement the amendment or addition of sections
10 2, 11.9 and 11.10 of the act within 18 months of the effective
11 date of this act.

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