

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1257 Session of  
2007

INTRODUCED BY PASHINSKI, KORTZ, FREEMAN, JOSEPHS, MUNDY AND  
JAMES, MAY 21, 2007

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, SEPTEMBER 17, 2008

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"; ~~defining "certified dental assistant"; further~~ <—  
11 ~~providing for general powers of the State Board of Dentistry,~~  
12 ~~for fees, for reason for refusal, revocation or suspension of~~  
13 ~~license or certificate, for penalties, for civil penalties,~~  
14 ~~for right of dentists to practice as dental hygienists and~~  
15 ~~expanded function dental assistants, for reporting of~~  
16 ~~multiple licensure or certification and for the definition of~~  
17 ~~"assignment of duties"; and providing for scope of practice~~  
18 ~~of expanded function dental assistant and for scope of~~  
19 ~~practice for certified dental assistant.~~ FURTHER PROVIDING <—  
20 FOR THE STATE BOARD OF DENTISTRY; AND PROVIDING FOR SCOPE OF  
21 PRACTICE OF EXPANDED FUNCTION DENTAL ASSISTANT.

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

24 Section 1. The definition of "expanded function dental  
25 assistant" in section 2 of the act of May 1, 1933 (P.L.216,  
26 No.76), known as The Dental Law, added December 27, 1994

1 (P.L.1361, No.160), is amended ~~and the section is amended by~~ <—  
2 ~~adding a definition~~ to read:

3 Section 2. Definitions.--\* \* \*

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

15 (a) Complete or limited examination, diagnosis and treatment  
16 planning.

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

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

19 (d) Taking impressions other than for study models or  
20 diagnostic casts.

21 (e) Final inspection and approval of restorative and other  
22 treatment which affects occlusion and any necessary occlusal  
23 adjustments.

24 (f) Performing pulp capping, pulpotomy and other endodontic  
25 procedures.

26 (g) Placement and intraoral adjustments of fixed and  
27 removable prosthetic appliances.

28 (h) Administration of local anesthesia, parenteral or  
29 inhalational sedation or general anesthesia.

30 Expanded function dental assistants shall perform under the

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

19 \* \* \*

20 ~~"Certified Dental Assistant" means an individual who meets~~ <—  
21 ~~all of the qualifications set forth in section 11.11 and is~~  
22 ~~certified by the State Board of Dentistry.~~

23 ~~Section 2. Section 3(a), (b), (g) and (m) of the act,~~  
24 ~~amended December 27, 1994 (P.L.1361, No.160), are amended and~~  
25 ~~the section is amended by adding a subsection to read:~~

26 ~~Section 3. General Powers of the State Board of Dentistry.—~~  
27 ~~The State Board of Dentistry (hereinafter called the board)~~  
28 ~~shall have the following powers and duties:~~

29 ~~(a) To establish and alter, from time to time, the standards~~  
30 ~~of preliminary and professional education and the training~~

~~required for licensure to practice dentistry and as dental  
hygienists and certification for expanded function dental  
assistants and certification for dental assistants.~~

~~(b) To investigate and determine the acceptability and to  
approve and disapprove institutions and colleges of this State  
and of other states and countries for the education of students  
desiring to be licensed to practice dentistry or as dental  
hygienists or to be certified as expanded function dental  
assistants or to be certified dental assistants, and to revoke  
approvals where such institutions and colleges no longer are  
deemed proper.~~

~~\* \* \*~~

~~(d.2) (1) To provide for and to regulate the certification,  
and to certify as dental assistants individuals who meet the  
requirements under clause (2).~~

~~(2) The board may issue certification as a dental assistant  
to an applicant who submits an application approved by the  
board, pays a fee set by the board and meets the following  
requirements:~~

~~(i) Verifies to the satisfaction of the board at least three  
thousand five hundred hours of clinical experience performing  
the functions of a dental assistant.~~

~~(ii) Holds a current cardiopulmonary resuscitation  
certification.~~

~~(iii) Has successfully passed the dental assistant national  
board's certified dental assistant examination.~~

~~\* \* \*~~

~~(g) To prescribe the professional title or other designation  
which any person licensed or certified under this act may use in  
connection with his or her name in the practice of dentistry or~~

1 ~~as a dental hygienist or as an expanded function dental~~  
2 ~~assistant or as a certified dental assistant, to regulate the~~  
3 ~~use of the same, and to prosecute those who illegally use the~~  
4 ~~same.~~

5       \* \* \*

6       (m) ~~To administer and enforce the laws of the Commonwealth~~  
7 ~~relating to the practice of dentistry and dental hygienists and~~  
8 ~~certified expanded function dental assistants and certified~~  
9 ~~dental assistants, and to instruct and require its agents to~~  
10 ~~bring prosecutions for unauthorized and unlawful practices.~~

11       \* \* \*

12       Section 3. ~~Sections 4(a), 4.1, 10, 10.1, 11, 11.5 and 11.8~~  
13 ~~of the act, amended December 27, 1994 (P.L.1361, No.160), are~~  
14 ~~amended to read:~~

15       Section 4. Fees. (a) ~~The fee for an applicant for~~  
16 ~~examination and licensure to practice dentistry or as a dental~~  
17 ~~hygienist or certification for an expanded function dental~~  
18 ~~assistant or certification as a dental assistant in this~~  
19 ~~Commonwealth shall be fixed by the board by regulation. It shall~~  
20 ~~be the duty of all persons now qualified and engaged in the~~  
21 ~~practice of dentistry and dental hygiene or as a certified~~  
22 ~~expanded function dental assistant or certified dental~~  
23 ~~assistant, or who shall hereafter be licensed or certified by~~  
24 ~~the board, to renew biennially with said board, and pay for each~~  
25 ~~such biennial renewal a fee which shall be fixed by the board by~~  
26 ~~regulation.~~

27       \* \* \*

28       Section 4.1. Reason for Refusal, Revocation or Suspension of  
29 License or Certificate. (a) ~~The board shall have authority, by~~  
30 ~~majority action, to refuse, revoke or suspend the license of any~~

~~dentist or dental hygienist or certificate of an expanded  
function dental assistant or certificate of a dental assistant  
for any or all of the following reasons:~~

~~(1) Failing to demonstrate the qualifications or standards  
for a license contained in this act or regulations of the board.~~

~~(2) Making misleading, deceptive, untrue or fraudulent  
representations.~~

~~(3) Practicing fraud or deceit in obtaining a license to  
practice dentistry or dental hygiene or certificate for expanded  
function dental assisting or certificate of dental assisting or  
making a false or deceptive biennial renewal with the board.~~

~~(4) Having been found guilty of a crime or misdemeanor  
involving moral turpitude or having been found guilty of a  
felony in violation of the laws of this Commonwealth or any  
other state, territory or country. For purposes of this clause  
(4), the phrase "having been found guilty" shall include a  
finding or verdict of guilt, an admission of guilt or a plea of  
nolo contendere.~~

~~(5) Having a license to practice dentistry or dental hygiene  
or certificate for expanded function dental assisting or  
certificate for dental assisting revoked, suspended or having  
other disciplinary action imposed or consented to by the proper  
licensing authority of another state, territory or country or  
his application for license refused, revoked or suspended by the  
proper licensing authority of another state, territory or  
country.~~

~~(6) Violating any of the provisions of this act or of a  
lawful regulation promulgated by the board or violating a lawful  
order of the board previously entered by the board in a  
disciplinary proceeding.~~

~~(7) Knowingly maintaining a professional connection or association with any person who is in violation of this act or regulations of the board or knowingly aiding, assisting, procuring or advising any unlicensed person to practice dentistry or dental hygiene or uncertified person for expanded function dental assisting or uncertified person for certified dental assisting contrary to this act or regulations of the board.~~

~~(8) Engaging in unprofessional conduct. For purposes of this clause (8), unprofessional conduct shall include any departure from, or failure to conform to, the standards of acceptable and prevailing dental or dental hygiene practice and standard of care for expanded function dental assistants and certified dental assistants in which proceeding actual injury to the patient need not be established.~~

~~(9) Committing an act of gross negligence, malpractice or incompetence or repeated acts of negligence, malpractice or incompetence.~~

~~(10) Engaging in false, misleading or deceptive advertising.~~

~~(11) Being unable to practice dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of controlled substances, chemicals or any other type of material, or as the result of any mental or physical condition. In enforcing this clause (11), the board shall, upon probable cause, have authority to compel a dentist, dental hygienist [or], expanded function dental assistant or certified dental assistant to submit to a mental or physical examination by physicians designated by the board. Failure of a dentist, dental~~

1 ~~hygienist [or], expanded function dental assistant or certified~~  
2 ~~dental assistant to submit to such examination when directed by~~  
3 ~~the board, unless such failure is due to circumstances beyond~~  
4 ~~his control, shall constitute an admission of the allegations~~  
5 ~~against him, consequent upon which a default and final order may~~  
6 ~~be entered without the taking of testimony or presentation of~~  
7 ~~evidence. A dentist, dental hygienist [or], expanded function~~  
8 ~~dental assistant or certified dental assistant affected under~~  
9 ~~this clause (11) shall, at reasonable intervals, be afforded an~~  
10 ~~opportunity to demonstrate that he or she can resume a competent~~  
11 ~~practice of dentistry, dental hygiene [or], as an expanded~~  
12 ~~function dental assistant or as a certified dental assistant~~  
13 ~~with reasonable skill and safety to patients.~~

14 ~~(b) When the board finds that the license or certificate of~~  
15 ~~any person may be refused, revoked or suspended under the terms~~  
16 ~~of this section, the board may:~~

17 ~~(1) Deny the application for license or certificate.~~

18 ~~(2) Administer a public reprimand.~~

19 ~~(3) Revoke, suspend, limit or otherwise restrict a license~~  
20 ~~or certificate as determined by the board. Unless ordered to do~~  
21 ~~so by a court, the board shall not reinstate the license of a~~  
22 ~~person to practice dentistry, or as a dental hygienist or~~  
23 ~~certificate of an expanded function dental assistant or~~  
24 ~~certificate of a dental assistant, which has been revoked, and~~  
25 ~~such person shall be required to apply for a license or~~  
26 ~~certificate after a five year period in accordance with section~~  
27 ~~3, if he or she desires to practice at any time after such~~  
28 ~~revocation. Any person whose license or certificate has been~~  
29 ~~suspended or revoked because of a felony conviction under the~~  
30 ~~act of April 14, 1972 (P.L.233, No.64), known as "The Controlled~~

1 ~~Substance, Drug, Device and Cosmetic Act," or similar law of~~  
2 ~~another jurisdiction, may apply for reinstatement after a period~~  
3 ~~of at least ten (10) years has elapsed from the date of~~  
4 ~~conviction. The board may reinstate the license or certificate~~  
5 ~~if the board is satisfied that the person has made significant~~  
6 ~~progress in personal rehabilitation since the conviction such~~  
7 ~~that his reinstatement should not be expected to create a~~  
8 ~~substantial risk of harm to the health and safety of his~~  
9 ~~patients or the public or a substantial risk of further criminal~~  
10 ~~violations and if the person meets all other licensing or~~  
11 ~~certifying qualifications of this act, including the examination~~  
12 ~~requirement.~~

13 ~~(4) Require a licensee or certified expanded function dental~~  
14 ~~assistant or certified dental assistant to submit to the care,~~  
15 ~~counseling or treatment of a physician or psychologist~~  
16 ~~designated by the board.~~

17 ~~(5) Require that a licensee or certified expanded function~~  
18 ~~dental assistant or certified dental assistant successfully~~  
19 ~~complete a course of educational training and testing as~~  
20 ~~directed by the board.~~

21 ~~(6) Restore or reissue, in its discretion, a license to~~  
22 ~~practice dentistry or dental hygiene or certificate for an~~  
23 ~~expanded function dental assistant or dental assistant and~~  
24 ~~impose any disciplinary or corrective measures which it might~~  
25 ~~originally have imposed.~~

26 ~~(7) Suspend enforcement of its findings thereof and place a~~  
27 ~~licensee or certified expanded function dental assistant or~~  
28 ~~certified dental assistant on probation with the right to vacate~~  
29 ~~the probationary order for noncompliance.~~

30 ~~(8) Order any person found to have violated any provision of~~

~~this act or the regulations governing the practice of dentistry to restore to any patient aggrieved by an unlawful act or practice, any moneys or property, real or personal, acquired by means of such act or practice, provided the board shall not order restitution in a dollar amount greater than those moneys received by the licensee or his agent.~~

~~(c) All actions of the board shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).~~

~~(d) The board shall temporarily suspend a license or certificate under circumstances as determined by the board to be an immediate and clear danger to the public health or safety. The board shall issue an order to that effect without a hearing, but upon due notice, to the licensee or certified expanded function dental assistant or certified dental assistant concerned at his last known address, which shall include a written statement of all allegations against the licensee or certified expanded function dental assistant or certified dental assistant. The provisions of subsection (c) shall not apply to temporary suspension. The board shall thereupon commence formal action to suspend, revoke or restrict the license or certificate of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within thirty days following the issuance of an order temporarily suspending a license or certificate, the board shall conduct, or cause to be conducted, a preliminary hearing to determine that there is a prima facie case supporting the suspension. The person whose license or certificate has been temporarily~~

~~suspended may be present at the preliminary hearing and may be represented by counsel, cross examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license or certificate shall be immediately restored. The temporary suspension shall remain in effect until vacated by the board, but in no event longer than one hundred eighty days.~~

~~(c) The board shall require a person whose license or certificate has been suspended or revoked to return the license or certificate in such manner as the board directs. Failure to do so shall be a misdemeanor of the third degree.~~

~~Section 10. Penalties. (a) It is unlawful for any person to practice dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant, or to hold himself or herself out as a practitioner of or entitled or authorized to practice dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant, or to assume any title of "dentist," "dental surgeon," "dental hygienist," expanded function dental assistant" or "certified dental assistant" or other letters or titles in connection with his or her name which in any way represent him or her as being engaged in the practice of dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant, or authorized so to do, unless he or she has been duly licensed or certified, and authorized to engage in such practice under the provisions of this act. A person who violates this subsection commits a misdemeanor of the third degree and shall, upon conviction, for a first offense, be sentenced to a fine not to~~

~~exceed one thousand dollars (\$1,000) or to imprisonment for not more than six months, or both. A second offense shall be subject to a fine not to exceed two thousand dollars (\$2,000) or imprisonment for a term of six months to one year, or both.~~

~~(b) It is unlawful for any person to practice dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant under a name other than that on his or her license and biennial renewal, or to practice under the name on his or her license and biennial renewal with any addition thereto, except a purely technical appellation such as "Dentist," "D.D.S.," "Orthodontist" or other word or letters pertaining strictly to the practice of dentistry, or to induce any person to practice dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant in violation of this act.~~

~~(c) It is unlawful for any person to sell, offer to sell or barter or exchange any diploma or document conferring or purporting to confer any dental degree or any license or certificate issued according to law regulating the licensing of dentists or dental hygienists or expanded function dental assistants or certified dental assistants, or to alter any such document with fraudulent intent, or to use it as a license to practice dentistry under an assumed name, or to make any false statement in an affidavit relating to or in an application for a license.~~

~~(d) It is unlawful for any person to practice dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant unless his or her license or certificate and biennial renewal certificate are displayed in the office in which he or she is practicing~~

~~dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant.~~

~~(c) It is unlawful for a person practicing dentistry to employ a person as a dental hygienist unless such person is licensed as a dental hygienist as required by this act and the rules and regulations of the board or to employ a person as an expanded function dental assistant unless such person is certified as an expanded function dental assistant as required by this act and the rules and regulations of the board. It is unlawful for a person practicing dentistry to employ a person as a certified dental assistant unless such person is certified as a certified dental assistant as required by this act and the rules and regulations of the board.~~

~~(f) It is unlawful for any dentist to permit any dental hygienist operating under his general supervision to perform any operation other than those included within practice as a "Dental Hygienist," as defined by section two of this act. It is unlawful for any dentist to permit any expanded function dental assistant operating under his or her direct supervision to perform any procedures other than those included within the definition of "Expanded Function Dental Assistant." It is unlawful for any dentist to permit any certified dental assistant operating under his direct supervision to perform any procedures other than those included within the definition of "Certified Dental Assistant."~~

~~(g) It is unlawful for any dental hygienist to perform any of the operations included in practice as a "Dental Hygienist," as defined by section two of this act, except under the general supervision of a licensed dentist. It is unlawful for any expanded function dental assistant to perform any procedure~~

~~within the definition of "Expanded Function Dental Assistant" which requires certification under this act unless such procedure is performed under the direct supervision of a licensed dentist. It is unlawful for any certified dental assistant to perform any procedure within the definition of "Certified Dental Assistant" which requires certification under this act unless such procedure is performed under the direct supervision of a licensed dentist.~~

~~(h) Any person violating any of the provisions of this section other than subsection (a), or any other provisions of this act except as provided in subsection (a), shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to suffer imprisonment not exceeding six months, or both, in the discretion of the court.~~

~~Section 10.1. Civil Penalties. In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of six members, whichever is greater, may levy a civil penalty of up to one thousand dollars (\$1,000) on any current licensee who violates any provision of this act or on any person who practices dentistry or as a dental hygienist or as an expanded function dental assistant or as a certified dental assistant without being properly licensed or certified to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and~~

1 procedure).

2 ~~Section 11. Right of Dentists to Practice as Dental~~  
3 ~~Hygienists [and as], Expanded Function Dental Assistants and~~  
4 ~~Certified Dental Assistants; Dental Supplies; Death~~  
5 ~~Certifications. Nothing contained in this act shall be~~  
6 ~~construed as prohibiting a duly licensed and registered dentist~~  
7 ~~from performing the work of a dental hygienist or an expanded~~  
8 ~~function dental assistant or a certified dental assistant.~~

9 ~~Nothing contained in this act or any other act shall be~~  
10 ~~construed as prohibiting a duly licensed dentist who is a staff~~  
11 ~~member of an approved hospital from executing a medical~~  
12 ~~certification in case of death if the dentist attended the~~  
13 ~~deceased during the last illness, provided the death occurs in~~  
14 ~~the hospital and the deceased had been admitted on the dental~~  
15 ~~service and the circumstances are not such as to require a~~  
16 ~~referral to the coroner under the provisions of any other act.~~  
17 ~~Nothing contained in this act shall be construed to prevent any~~  
18 ~~person, copartnership, association or corporation from~~  
19 ~~manufacturing and furnishing to or repairing for, licensed~~  
20 ~~dentists artificial teeth, crowns, bridges, prosthetic work, and~~  
21 ~~regulating appliances, but it shall be unlawful and constitute~~  
22 ~~the practice of dentistry for any person to fit, or attempt to~~  
23 ~~fit, or to furnish to or repair for any other person artificial~~  
24 ~~teeth, crowns, bridges, prosthetic work, or appliances.~~

25 ~~Section 11.5. Reporting of Multiple Licensure or~~  
26 ~~Certification. Any licensed dentist or dental hygienist or~~  
27 ~~certified expanded function dental assistant or certified dental~~  
28 ~~assistant of this Commonwealth who is also licensed to practice~~  
29 ~~dentistry or as a dental hygienist or a certified expanded~~  
30 ~~function dental assistant or certified dental assistant in any~~

1 ~~other state, territory or country shall report this information~~  
2 ~~to the board on the biennial renewal application. Any~~  
3 ~~disciplinary action taken in other states, territories or~~  
4 ~~countries shall be reported to the board on the biennial renewal~~  
5 ~~application or within ninety (90) days of disposition, whichever~~  
6 ~~is sooner. Multiple licensure or certification shall be noted by~~  
7 ~~the board on the dentist's, dental hygienist's or expanded~~  
8 ~~function dental assistant's or certified dental assistant's~~  
9 ~~record, and such state, territory or country shall be notified~~  
10 ~~by the board of any disciplinary actions taken against the~~  
11 ~~dentist or dental hygienist in this Commonwealth.~~

12 ~~Section 11.8. Additional Definition. As used in this act,~~  
13 ~~"Assignment of Duties" shall mean the assignment by a dentist to~~  
14 ~~another person of services and procedures which are performed in~~  
15 ~~the office of a dentist. A dentist may assign to such competent~~  
16 ~~person or persons as the dentist deems appropriate those~~  
17 ~~services and procedures performed in the dental office in which~~  
18 ~~the dentist is practicing but which do not require the~~  
19 ~~professional competence and skill of a dentist or dental~~  
20 ~~hygienist or expanded function dental assistant[.] or certified~~  
21 ~~dental assistant. Such services and procedures may include~~  
22 ~~placing and removing rubber dams and matrices. Such assignment~~  
23 ~~of services and procedures shall be under the direct supervision~~  
24 ~~of a licensed dentist. This section shall not be construed as~~  
25 ~~authorizing the delegation or assignment of diagnosing,~~  
26 ~~treatment planning and writing prescriptions for drugs or~~  
27 ~~writing authorizations for restorative, prosthetic or~~  
28 ~~orthodontic appliances.~~

29 SECTION 2. SECTION 2.1(A) OF THE ACT, ADDED DECEMBER 20,  
30 1985 (P.L.513, NO.118), IS AMENDED TO READ:

<—

1       SECTION 2.1.   STATE BOARD OF DENTISTRY.--(A)   THE STATE BOARD  
2   OF DENTISTRY SHALL CONSIST OF THE SECRETARY OF HEALTH, OR HIS  
3   DESIGNEE, THE DIRECTOR OF THE BUREAU OF CONSUMER PROTECTION IN  
4   THE OFFICE OF THE ATTORNEY GENERAL, OR HIS DESIGNEE, THE  
5   COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS AND [TEN]  
6   TWELVE ADDITIONAL MEMBERS, WHO SHALL BE APPOINTED BY THE  
7   GOVERNOR WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE  
8   MEMBERS ELECTED TO THE SENATE. TWO MEMBERS SHALL REPRESENT THE  
9   PUBLIC AT LARGE. [SEVEN] EIGHT MEMBERS SHALL HAVE BEEN LICENSED  
10  AND ENGAGED IN THE ACTUAL PRACTICE OF DENTISTRY IN THIS  
11  COMMONWEALTH DURING A PERIOD OF NOT LESS THAN TEN YEARS  
12  IMMEDIATELY PRECEDING THEIR APPOINTMENT. ONE MEMBER SHALL BE A  
13  DENTAL HYGIENIST LICENSED TO PRACTICE DENTAL HYGIENE IN THIS  
14  COMMONWEALTH AND SHALL HAVE BEEN ENGAGED IN THE PRACTICE OF  
15  DENTAL HYGIENE FOR A PERIOD OF AT LEAST THREE YEARS IMMEDIATELY  
16  PRECEDING APPOINTMENT. ONE MEMBER SHALL BE AN EXPANDED FUNCTION  
17  DENTAL ASSISTANT.

18       \* \* \*

19       Section 4 3.   The act is amended by adding ~~sections~~ A SECTION   <—  
20  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 occlusal  
9 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~~ 4. The State Board of Dentistry shall promulgate <—  
6 regulations to implement this act within 18 months of the  
7 effective date of this ~~act~~ SECTION. <—

8       Section ~~6~~ 5. This act shall take effect in 60 days. <—