

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 455 Session of 2007

INTRODUCED BY VANCE, EARLL, BOSCOLA, FONTANA, MADIGAN, O'PAKE, ORIE, PUNT, RAFFERTY, STACK, M. WHITE, WONDERLING, CORMAN, BROWNE, KITCHEN AND McILHINNEY, MARCH 14, 2007

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, JUNE 6, 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 providing for the definitions of
10 "dental hygienist" and "board"; providing for the definition
11 of ~~"independent"~~ "PUBLIC HEALTH dental hygiene practitioner"; <—
12 further providing for the general powers of the State Board
13 of Dentistry and for radiologic procedures, education and
14 training; and providing for the ~~independent~~ practice of <—
15 PUBLIC HEALTH dental hygienists. <—

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

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

23 Section 2. Definitions.--* * *

1 A "Dental Hygienist" is one who is legally licensed as such
2 by the [said dental council and examining board] State Board of
3 Dentistry to perform those educational, preventive, and
4 therapeutic services and procedures that licensed dental
5 hygienists are educated to perform. Licensed dentists may assign
6 to [their employed] dental hygienists intra-oral procedures
7 which the hygienists have been educated to perform and which
8 require their professional competence and skill but which do not
9 require the professional competence and skill of the [employer-
10 dentist] dentist. Such assignments shall be under the
11 supervision of a licensed dentist. Such performance of intra-
12 oral procedures by licensed dental hygienists shall be in the
13 private office of a dentist or public or private institution
14 such as [schools, hospitals, orphanages, and sanitoria or State <—
15 health cars.] PRESCRIBED UNDER SECTION 11.9(B). Dental <—
16 hygienists certified as ~~independent~~ PUBLIC HEALTH dental hygiene <—
17 practitioners may perform intra-oral procedures without the
18 assignment of a dentist pursuant to section 11.9. The foregoing
19 shall not be construed as authorizing the assignment of
20 diagnosing, treatment planning and writing prescriptions for
21 drugs or writing authorizations for restorative, prosthetic, or
22 orthodontic appliances. The board shall issue rules setting
23 forth the necessary education and defining the procedures that
24 may be performed by dental hygienists licensed under this act
25 including those procedures that may be performed under direct
26 and general supervision.

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

29 * * *

30 ~~"Independent"~~ "PUBLIC HEALTH Dental Hygiene Practitioner" <—

1 means a licensed dental hygienist who may perform educational,
2 preventative, therapeutic and intra-oral procedures which the
3 hygienist is educated to perform and which requires the
4 hygienist's professional competence and skill but which do not
5 require the professional competence and skill of a dentist
6 without the authorization, assignment or examination of a
7 dentist, and who is certified by the State Board of Dentistry as
8 having satisfied the requirements of section 11.9. Independent <—
9 PUBLIC HEALTH dental hygiene practitioners may only engage in <—
10 professional practice in the practice sites enumerated in
11 section 11.9(b).

12 ~~Section 2. Section 3(d) of the act, amended December 27,~~ <—
13 ~~1994 (P.L.1361, No.160), is amended to read:~~

14 SECTION 2. SECTION 3(D) AND (J.2) OF THE ACT, AMENDED OR <—
15 ADDED DECEMBER 27, 1994 (P.L.1361, NO.160) AND JULY 11, 1996
16 (P.L.657, NO.113), ARE AMENDED 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 * * *

21 (d) To provide for and to regulate the licensing, and to
22 license as a dental hygienist, after examination, any duly
23 qualified person, not less than eighteen years of age, of good
24 moral character, not addicted to the use of intoxicating liquor
25 or narcotic drugs, who has obtained the required education[,
26 together with a certificate or diploma from an approved
27 institution or college] for the training of dental hygienists[.]
28 from an approved institution or college that meets or exceeds
29 the minimum standards established by an approved United States
30 Department of Education-recognized regional accrediting agency

1 or the American Dental Association Commission on Dental
2 Accreditation. The board shall, consistent with this act, adopt
3 regulations providing for the general supervision and practice
4 of dental hygienists under this act.

5 * * *

6 (J.2) (1) TO ADOPT, PROMULGATE AND ENFORCE RULES AND <—
7 REGULATIONS ESTABLISHING REQUIREMENTS FOR CONTINUING DENTAL
8 EDUCATION TO BE MET BY PERSONS LICENSED OR CERTIFIED UNDER THIS
9 ACT. THE BOARD SHALL APPROVE SPONSORS OF CONTINUING EDUCATION
10 COURSES WITHIN ONE YEAR OF THE EFFECTIVE DATE OF REGULATIONS
11 ADOPTED TO ENFORCE THIS SUBSECTION. NO CREDIT MAY BE GIVEN FOR
12 COURSES IN OFFICE MANAGEMENT OR PRACTICE BUILDING. THE BOARD MAY
13 WAIVE ALL OR PART OF THE CONTINUING EDUCATION REQUIREMENT TO A
14 LICENSEE WHO SHOWS TO THE SATISFACTION OF THE BOARD THAT HE OR
15 SHE WAS UNABLE TO COMPLETE THE REQUIREMENT DUE TO ILLNESS,
16 EMERGENCY OR HARDSHIP.

17 (2) THE FOLLOWING REQUIREMENTS SHALL BE SATISFACTORILY
18 COMPLETED IN ACCORDANCE WITH BOARD REGULATIONS AS A PRECEDENT TO
19 BIENNIAL RENEWAL OF A LICENSE OR CERTIFICATION:

20 (I) THIRTY CREDIT HOURS FOR A PERSON LICENSED TO PRACTICE
21 DENTISTRY.

22 (II) TWENTY CREDIT HOURS FOR A PERSON LICENSED TO PRACTICE
23 DENTAL HYGIENE. FOR A PUBLIC HEALTH DENTAL HYGIENIST, FIVE
24 HOURS SHALL BE PUBLIC HEALTH-RELATED COURSES.

25 (III) TEN CREDIT HOURS FOR A PERSON CERTIFIED TO PRACTICE
26 EXPANDED FUNCTION DENTAL ASSISTING.

27 (3) FOR THE PURPOSES OF THIS SUBSECTION, ONE CREDIT HOUR
28 SHALL BE DEFINED AS ONE CLOCK HOUR OF INSTRUCTION.

29 * * *

30 Section 3. Section 11.4(a) of the act, added December 20,

1 1985 (P.L.513, No.118), is amended and the section is amended by
2 adding subsections to read:

3 Section 11.4. Radiologic Procedures; Education and Training
4 Required.--(a) On and after January 1, 1987, no auxiliary
5 personnel except dental hygienists and independent PUBLIC HEALTH <—
6 dental hygiene practitioners shall perform radiologic procedures
7 on the premises of the dentist unless such person is under the
8 direct supervision of a dentist who is on the premises at the
9 time the X-ray is taken and unless such person has passed an
10 examination approved by the board and administered in accordance
11 with section 812.1 of the act of April 9, 1929 (P.L.177, No.175)
12 known as "The Administrative Code of 1929."

13 * * *

14 (e) Notwithstanding the supervision requirements of this
15 act, an-independent A PUBLIC HEALTH dental hygiene practitioner <—
16 may perform radiological procedures in any setting without
17 supervision of a dentist on or after the effective date of this
18 subsection.

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

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

28 Section 11.9. Independent PUBLIC HEALTH Dental Hygiene <—
29 Practitioner.--(a) Independent PUBLIC HEALTH dental hygiene <—
30 practitioners must satisfy and shall be certified by the board

1 upon meeting the following criteria:

2 ~~(1) Completion of one thousand eight hundred hours of~~ <—

3 (1) MET THE REQUIREMENTS FOR A DENTAL HYGIENIST LICENSE AND <—
4 SUCCESSFULLY PASSED THE REQUIRED EXAMINATION FOR A DENTAL
5 HYGIENIST.

6 (2) COMPLETION OF THREE THOUSAND SIX HUNDRED HOURS OF
7 practice under the supervision of a licensed dentist.

8 ~~(2)~~ (3) Purchase of a malpractice policy in an amount <—
9 determined to be adequate by the board.

10 (b) The professional practice of an independent A PUBLIC <—
11 HEALTH dental hygiene practitioner shall be limited to the
12 following practice sites:

13 (1) Schools.

14 (2) Correctional facilities.

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

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

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

24 (6) An "older adult daily living center" as defined in
25 section 2 of the act of July 11, 1990 (P.L.499, No.118), known
26 as the "Older Adult Daily Living Centers Licensing Act."

27 (7) A "facility" as defined in section 3 of the act of June
28 18, 1984 (P.L.391, No.82), known as the "Continuing-Care
29 Provider Registration and Disclosure Act."

30 (8) A FEDERALLY QUALIFIED HEALTH CENTER. <—

