

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

AS AMENDED ON THIRD CONSIDERATION, JUNE 25, 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 "public health dental hygiene practitioner"; further
12 providing for the general powers of the State Board of
13 Dentistry and for radiologic procedures, education and
14 training; and providing for the practice of public health
15 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.--* * *

24 A "Dental Hygienist" is one who is legally licensed as such

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

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

28 * * *

29 "Public Health Dental Hygiene Practitioner" means a licensed
30 dental hygienist who may perform educational, preventative,

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

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

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

16 * * *

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

1 * * *

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

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

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

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

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

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

25 * * *

26 Section 3. Section 11.4(a) of the act, added December 20,
27 1985 (P.L.513, No.118), is amended and the section is amended by
28 adding subsections to read:

29 Section 11.4. Radiologic Procedures; Education and Training
30 Required.--(a) On and after January 1, 1987, no auxiliary

1 personnel except dental hygienists and public health dental
2 hygiene practitioners shall perform radiologic procedures on the
3 premises of the dentist unless such person is under the direct
4 supervision of a dentist who is on the premises at the time the
5 X-ray is taken and unless such person has passed an examination
6 approved by the board and administered in accordance with
7 section 812.1 of the act of April 9, 1929 (P.L.177, No.175)
8 known as "The Administrative Code of 1929."

9 * * *

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

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

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

23 Section 11.9. Public Health Dental Hygiene Practitioner.--

24 (a) Public Health dental hygiene practitioners must satisfy and
25 shall be certified by the board upon meeting the following
26 criteria:

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

30 (2) Completion of three thousand six hundred hours of

1 practice under the supervision of a licensed dentist.

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

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

7 (1) Schools.

8 (2) Correctional facilities.

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

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

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

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

21 (7) A "facility" as defined in section 3 of the act of June
22 18, 1984 (P.L.391, No.82), known as the "Continuing-Care
23 Provider Registration and Disclosure Act."

24 (8) A federally qualified health center.

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

27 (10) Other institutions the board deems appropriate.

28 (c) The public health dental ~~hygienist~~ HYGIENE PRACTITIONER ←
29 shall refer the patient to a licensed dentist on an annual
30 basis. The failure to see a dentist as referred shall not

1 prevent the patient from continuing to receive treatment from
2 the public health dental ~~hygienist~~ HYGIENE PRACTITIONER. <—

3 (d) A school dental hygienist who is licensed as a public
4 health dental ~~hygienist~~ HYGIENE PRACTITIONER and who, as a <—
5 certified education specialist is required to obtain continuing
6 professional education under this act and under section 1205.2
7 of the act of March 10, 1949 (P.L.30, No.14), known as the
8 "Public School Code of 1949," shall be permitted to submit
9 evidence of the completion of education courses approved for
10 their certification by the school district.

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

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