

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §103.2, pertaining to hygiene licensure by examination. The proposed rule reflects that CDCA-WREB-CITA (a dental exam administrator) and the American Board of Dental Examiners (developer of the ADEX licensure exams) have combined under a single entity: the American Board of Dental Examiners. The proposed rule also corrects a grammatical error.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

Legal counsel for the Board has reviewed the proposed rule and has found it to be within the Board's authority to adopt.

<rule>

§103.2. Licensure by ~~[for]~~ Examination.

(a) In addition to the general qualifications for licensure contained in §103.1 of this chapter (relating to General Qualifications for Licensure), an applicant for dental hygienist licensure by examination must present proof that the applicant has taken and passed the appropriate live patient or hands-on simulation clinical examination administered by a regional examining board designated by the Board.

(b) Designated regional examining boards.

(1) The following regional examining boards have been designated as acceptable by the Board as of the effective dates shown:

(A) American Board of Dental Examiners (ADEX) [~~The Commission on Dental Competency Assessments The Western Regional Examining Board The Council of Interstate Testing Agencies (CDCA WREB CITA)~~], August 1, 2022; and

(B) Central Regional Dental Testing Service-States Resources for Testing and Assessments (CRDTS-SRTA), January 6, 2025.

(2) Examination results will be accepted for seven years from the date of the examination.

(c) Remediation.

(1) If an applicant for Texas dental hygienist licensure fails three dental hygiene live patient or hands-on simulation clinical examination attempts, the applicant must complete 40 hours of a clinical remediation course through a CODA-accredited dental hygiene program approved by Board staff.

(2) If an applicant fails four or more dental hygiene live patient or hands-on simulation clinical examination attempts, the applicant must complete 150 hours of a clinical remediation course through a CODA-accredited dental hygiene program approved by Board staff.

(3) All programs of clinical remediation require prior approval by Board staff. Applicants will be responsible for locating, identifying and obtaining approval from Board staff prior to registration for any program.

(4) Re-examination must be accomplished within 18 months of the date Board staff approves a remediation program for the applicant.