

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §114.2, pertaining to registration of dental assistants. The proposed amendment: (1) specifies that applications for registration or for renewal of registration must be submitted online; (2) specifies that dental assistants can obtain a duplicate registration from their online account; (3) removes language pertaining to the Dental Assistant Advisory Committee because the committee no longer exists; and (4) updates the rule to remove the requirement that dental assistant registration courses must teach the chemical processing of x-rays because traditional film x-rays have been replaced with digital x-rays. Furthermore, the original rule was written for mounting physical film into a Rinn mount. However, technology has replaced film x-rays with digital x-rays and therefore the proposed amendment updates the language to replace references of “mount” with “orient.”

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) the 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](mailto: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>

#### §114.2. Registration of Dental Assistants.

(a) A dental assistant may not position or expose dental x-rays unless the dental assistant holds a dental assistant radiology certificate issued by the State Board of Dental Examiners under this section.

(b) To be eligible for a dental assistant radiology certificate under this section, an applicant must present on or accompanying an application form approved by the State Board of Dental Examiners proof satisfactory to the Board that the applicant has:

(1) Paid all application, examination and licensing fees required by law and Board rules and regulations;

(2) Graduated from an accredited high school or holds a certificate of high school equivalency, General Equivalency Diploma (GED);

(3) Submitted fingerprints for the retrieval of criminal history record information;

(4) Successfully completed a current hands-on course in basic life support; and,

(5) Either:

(A) taken and passed a course of instruction and an examination administered by the State Board of Dental Examiners or its designated agent, that fulfills the requirements in subsection (h) of this section; or,

(B) if the applicant is certified as a dental assistant by the Dental Assisting National Board, taken and passed a jurisprudence examination administered by the State Board of Dental Examiners or its designated agent.

(c) The State Board of Dental Examiners has established a staggered dental assistant registration system comprised of initial registration periods followed by biennial registrations (i.e., renewals). The initial, staggered registration periods will range from 18 months to 30 months. The length of the initial registration period will be determined by the registrant's birth month, but will be no less than 18 months. The expiration of the initial registration will be based on the registrants' birth month.

(d) Subsequent to the initial registration period, a registered dental assistant's biennial renewal will occur on the first day of the month that follows the last month of the dental assistant initial registration period.

(1) Approximately 60 days prior to the expiration date of the initial dental assistant registration period, renewal notices will be mailed to all registered dental assistants who have that expiration date.

(2) A dental assistant registered under this section who wishes to renew his or her registration must:

(A) Pay a renewal fee set by Board rule;

(B) Submit proof that the applicant has successfully completed a current hands-on course in basic life support; and,

(C) Complete continuing education as required by §114.12 of this chapter.

(3) A registration expired for one year or more may not be renewed.

(4) Up to 6 hours of continuing education may be carried forward from the year preceding the current renewal period.

(e) Applications for registration or for renewal of registration must be submitted to the office of the State Board of Dental Examiners through the applicant's online Board account.

~~[(f) An application for registration is filed with the State Board of Dental Examiners when it is actually received, date stamped, and logged in by the State Board of Dental Examiners along with all required documentation and fees. An incomplete application for registration and fee will be returned to applicant within three working days with an explanation of additional documentation or information needed.]~~

(f) [(g)] A dental assistant shall display a current registration certificate in each office where the dental assistant provides services for which registration is required by this chapter. When a dental assistant provides such services at more than one location, a duplicate registration certificate issued by the Board may be displayed. [Photocopies are not acceptable.] The duplicate may be obtained from the State Board of Dental Examiners for a fee set by the Board, or a dental assistant may print the duplicate from his or her online Board account.

(g) [(h)] Radiology. Courses administered to fulfill the requirements of a Dental Assistant Radiology Certificate must cover the following course objectives [identified by the Dental Assistant Advisory Committee]:

(1) At the end of this course of instruction, the student should be able to:

(A) Apply principles of radiation safety in the operation of radiographic equipment.

(i) Explain factors affecting x-ray production.

(ii) Explain x-ray machine factors that influence radiation safety.

(iii) Identify differences between primary radiation and scattered (secondary) radiation.

(iv) Describe protocol in suspected x-ray machine malfunctions.

(B) Practice safety measures for patient protection.

(i) Explain major cause of unnecessary radiation exposure.

(ii) Identify short and long-term effects of radiation on cells and tissues.

(iii) Identify ways to reduce radiation exposure to patients.

(iv) Explain guidelines to determine frequency of radiation exposure.

(C) Practice safety measures for operator protection.

(i) Explain basic radiation physics and biology related to operator exposure.

(ii) Explain sources of radiation to operators while exposing radiographs.

(iii) Identify safety measures to reduce operator radiation exposure.

(D) Identify and select infection control techniques and barriers to minimize cross-contamination according to ADA/CDC guidelines.

(E) Utilize patient management techniques before, during, and after radiographic exposure.

(i) Address patient concerns regarding radiation exposure.

(ii) Select appropriate patient management techniques for radiographic exposure.

(F) Select appropriate intraoral radiographic technique.

(i) Identify appropriate armamentarium for radiographic techniques.

(ii) Select appropriate film size and film speed.

~~[(iii) Expose radiographs.]~~

~~[(G) Practice infection control procedures for radiographic processing.]~~

~~[(H) Prepare, maintain, and replenish radiographic solutions for manual and automatic processors.]~~

~~[(I) Process exposed intra- and extraoral radiographs manually and with automatic processors.]~~

~~[(i) Identify optimum conditions and procedures for processing radiographs.]~~

~~[(ii) Identify and correct errors related to radiographic processing and improper film handling.]~~

~~[(J) Store film and chemical agents used in radiographic procedures according to regulatory guidelines.]~~

~~[(K) Dispose of all chemical agents and other materials used in dental radiographic procedures.]~~

(G) ~~[(L)]~~ Orient ~~[Mount]~~ radiographs using facial view.

(i) Identify anatomical landmarks to aid in correct orientation ~~[mounting]~~.

~~[(ii) Match specific tooth views to specified tooth mount windows.]~~

~~[(iii) Utilize optimum viewing techniques.]~~

~~[(iv)]~~ (ii) Label the radiographic images ~~[mount]~~ appropriately.

~~[(M)]~~ (H) Identify anatomical structures, dental materials and patient characteristics observed on radiographs.

~~[(N)]~~ (I) Evaluate radiographs for diagnostic value.

(i) Identify diagnostically acceptable radiographs.

(ii) Identify and correct causes of errors on intraoral radiographs.

~~[(O)]~~ (J) Understand basic principles of extraoral radiology.

~~[(P)] Select the appropriate film and equipment.]~~

~~[(Q)]~~ (K) Prepare patient for exposure.

~~[(R)]~~ (L) Expose extraoral radiographs.

~~[(S)]~~ (M) Identify and correct causes of errors on extraoral radiographs.

~~[(T)]~~ (N) Explain the concept of digital radiography.

~~[(U)]~~ (O) Select appropriate equipment.

~~[(V)]~~ (P) Expose digital radiographs.

~~[(W)]~~ (Q) Identify and correct causes of errors on digital radiographs.

~~[(X)]~~ (R) Utilize quality assurance procedures in the dental office for radiographic procedures.

~~[(Y)]~~ (S) Prepare radiographs to comply with legal requirements for viewing and duplication.

(i) Explain methods for duplicating radiographs.

(ii) Explain reasons for exposing and retaining radiographs.

~~[(Z)]~~ (T) Comply with HIPAA/Patient Privacy Rules and Regulations.

(2) Infection control. At the end of this course of instruction, the student should be able to:

(A) Follow standards and guidelines of occupational safety for dental office personnel.

(i) Utilize regulations in the OSHA/CDC Bloodborne Pathogens Standard.

(ii) Utilize regulations in the OSHA/CDC Hazard Communication Standard.

(B) Identify infectious diseases in the dental setting and available immunizations.

(C) Prevent cross-contamination and disease transmission in the dental setting.

- (i) Perform proper hand washing.
  - (ii) Use disposable items whenever possible.
  - (iii) Utilize barrier techniques and personal protective equipment (PPE).
- (D) Perform disinfection procedures.
- (i) Select appropriate PPE.
  - (ii) Select, prepare and use chemical agents following manufacturer's directions.
  - (iii) Prepare surfaces for disinfection.
  - (iv) Disinfect the treatment room, darkroom, instrument processing area, and all associated equipment.
- (E) Perform sterilization procedures.
- (i) Select appropriate PPE.
  - (ii) Prepare dental instruments and equipment for sterilization.
  - (iii) Apply appropriate method for sterilization of dental instruments, equipment and supplies.
  - (iv) Label and store all instruments properly.
  - (v) Monitor effectiveness of sterilization process for dental instruments, equipment and supplies.
- (F) Maintain infection control of dental unit and equipment.
- (G) Practice safety measures when handling all hazardous materials.
- (i) Identify and dispose of biohazardous waste.
  - (ii) Identify and dispose of non-regulated waste.
  - (iii) Identify and manage potential chemical and physical hazards in accordance with MSDS sheets.
- (H) Practice infection control in handling and transporting dental items.
- (i) Select appropriate PPE.
  - (ii) Identify conditions for potential cross-contamination.
  - (iii) Select and apply appropriate disinfectant.
  - (iv) Label biohazardous material.
- (I) Utilize and maintain a quality assurance program for infection control throughout the dental setting.
- (3) Jurisprudence. At the end of this course of instruction, the student should be able to:

- (A) State the mission, philosophy and composition of the State Board of Dental Examiners.
- (B) Differentiate between the Texas Occupations Code and the rules of the State Board of Dental Examiners.
- (C) Comply with Texas law and the rules of the State Board of Dental Examiners as they relate to dental assistant duties.

(h) ~~[(+)]~~ This subsection as well as subsections (j) and (k) of this section apply to certificates issued on or after September 1, 2009. A dental assistant who holds a certificate of registration issued under this chapter shall display the person's current certificate of registration in each office in which the person makes dental x-rays. If the person makes dental x-rays at more than one location, the person may display a duplicate of the original registration certificate obtained from the Board on payment of a duplicate certificate fee set by the Board, or the person may print the duplicate from his or her online Board account.

(i) ~~[(+)]~~ A dental assistant who holds a certificate of registration issued under this chapter shall timely notify the Board of:

- (1) any change of address of the registrant's place of business;
- (2) any change of the registrant's employer; and
- (3) any change of the registrant's mailing address.

(j) ~~[(+)]~~ The Board may issue a registration to a dental assistant applicant who is a Military service member, Military veteran, or Military spouse in compliance with §101.6 of this title (relating to Dental Licensing for Military Service Members, Military Veterans and Military Spouses).

(k) ~~[(+)]~~ An applicant for registration is ineligible if they are in violation of a board order at the time of application.