

September 12, 2023

Ms. Casey Nichols
Executive Director
1601 Congress Avenue
Suite 8.600
Austin, Texas 78701

Dear Ms. Nichols and Texas State Board of Dental Examiners Members,

As the current President of the Texas Dental Hygienists' Association (TDHA), representing Texas licensed dental hygienists, the association appreciates the opportunity to provide comments on the pending rules regarding the administration of local infiltration anesthesia by dental hygienists.

The passage of HB 3824 allows dental hygienists by delegation and direct supervision of a dentist to administer infiltration anesthetic to patients 18 years or older that are not sedated except by nitrous oxide inhalation. Since 1971, other states have permitted licensed dental hygienists to administer local anesthesia under supervision. Research shows that properly educated dental hygienists can and have administered local anesthetic to patients safely and effectively without patients being harmed. Included in this letter are our recommendations for the draft rules, as well as background information and answers to questions related to these recommendations.

Local Infiltration Anesthesia Education and Certification

Requirements:

- 1) Be a dental hygienist with an active Texas license and/or a dental hygiene student enrolled in a Texas CODA dental hygiene course of study.
- 2) Successful completion of 32 hours of TSBDE-approved didactic and clinical education through a CODA-accredited educational institution that includes both didactic and clinical training.
- 3) Pass a TSBDE-approved certification examination relating to the administration of local infiltration anesthesia.
- 4) A Texas-licensed dental hygienist previously authorized to administer a local anesthetic by a branch of the US military or in another state. Applicant will need to provide TSBDE with written documentation of substantially equivalent education and training.
- 5) Hold a current course completion card from the American Heart Association's Basic Life Support for Healthcare Providers.

Responses/comments regarding educational requirements:

- 1) [How many hours of didactic and clinical instruction should the rule require?](#)

The local anesthetic dental hygiene curriculum or CE course shall be for dental hygienists who are licensed in Texas or students currently enrolled in a CODA-accredited dental hygiene program. The instruction shall consist of 32 hours of formal education in the administration of local anesthetic agents, to include 20 hours of didactic education and 12 hours of clinical education. The coursework shall be taught by faculty members of CODA-accredited institutions who hold a current Texas dental license or a Texas local anesthetic certificate.

The didactic requirements (20 hours) shall include, but not be limited to coursework in anatomy, physiology, neurophysiology, infection control and safety procedures, systemic complications, medical emergencies, drug interactions and incompatibilities, recommended dosages, preparation of armamentarium and recordkeeping for administering local anesthetic via infiltration.

The clinical education requirements (12 hours) shall include in-person coursework to include, but not be limited to: selection of the armamentarium for administering local anesthetic agents, demonstration of proper infection control techniques and proper disposal of sharps, assessment of a patient's health status, taking and assessing vital signs, monitoring the patient's physical status, and supervised demonstration of the proper injection techniques for the administration of local anesthetic by infiltration on a live patient.

Currently, there are three other states that allow licensed dental hygienists to administer anesthetic via infiltration only. They are Alabama, New York, and South Carolina. Among these states the requirements for local anesthetic certification vary significantly ([ADHA-Local-Anesthesia-Chart-2023_2023-05-30-1.pdf](#))

2) What examination requirements should the rule include?

The dental hygienist or dental hygiene student must pass a TSBDE-approved certification examination relating to the administration of a local anesthetic agent by infiltration. The certification examination shall be administered by the CODA-accredited institution after the dental hygienist or dental hygiene student has successfully completed the local anesthetic curriculum or CE course of study.

Each dental hygienist or dental hygiene student must pass a TSBDE-approved examination on the material covered in the didactic section of the training with a minimum passing score of 75% before continuing to the clinical section of the training on a live patient.

Remediation may be offered to candidates who do not pass the didactic portion of the course. It must be done prior to the clinical training. The clinical competency exam must include a demonstration of satisfactorily performing local anesthetic infiltration injections on a live patient.

3) Should the rule require dental hygienists to renew their local infiltration anesthesia certificate?

No. Local anesthetic by infiltration certification should be automatically renewed biennially with the license renewal for a dental hygienist in good standing who has no

registered incidents involving the administration of local anesthetic by infiltration on the *Report of Patient Death or Injury Requiring Hospitalization*.

- 4) Should dental hygienists with local infiltration anesthesia certificates complete certain continuing education courses as part of their biennial license renewal?

No. Additional CE hours pertaining specifically to local infiltration anesthesia should not be required by a dental hygienist after initial certification.

- 5) Should 22 TAC §108.6 (Report of Patient Death or Injury Requiring Hospitalization) require a dental hygienist to submit a report to the Board when a patient death or hospitalization may have occurred as a possible consequence of a patient receiving local infiltration anesthesia?

Yes. While we realize this is not necessarily able to be addressed in these particular draft rules, we do believe that dental hygienists should report any patient death or hospitalization due to a patient receiving local infiltration anesthesia by a licensed dental hygienist. All incidents should be included in the TSBDE's *Advisory Committee on Dental Anesthesia* yearly *Report and Recommendations* as referenced in the Texas Occupation Code Chapter 258 Subchapter E and 22 Texas Administrative Code §100.12, regarding local anesthesia-related patient deaths or incidents involving the administration of local anesthesia by dentists and dental hygienists.

Thank you for the opportunity to participate in the rule-making process. TDHA's mission is to maintain the highest quality standards of care for patients. We want individuals to prioritize prevention and are committed to quality educational standards and training for all dental hygienists. We look forward to working collaboratively with TSBDE to create an environment where patients can receive compassionate and comprehensive oral care from highly trained and competent dental hygiene professionals.

Sincerely,



Cathy Nobles, RDH, FADHA
President, Texas Dental Hygienists' Association
President@texasdha.org
Csquared705@mac.com
972-523-5763

References/Research articles documenting safety

The link and article below contain multiple citations of documents regarding the safety of dental hygienists administering local anesthesia. TDHA reached out to ADHA for information about judgements against a dental hygienist related to local anesthesia. Their response stated that any judgement is recorded in a state's board of dentistry minutes and are published/posted for the public. To ADHA's knowledge, there have never been any incidents brought before a state board against a dental hygienist related to the administration of local anesthesia.

Boynes SG, Basset K, Royer R, DiMarco AC, Johnston A, Newkirk S, Bastin MR, Nuth LK, Hawkins M, Malamed SF. Research Demonstrates the Safety of Local Anesthesia Administration by Dental Hygienists. Dimensions of Dental Hygiene. Jun 16,2023.

<https://dimensionsofdentalhygiene.com/article/research-demonstrates-the-safety-of-local-anesthesia-administration-by-dental-hygienists/>

Liability Insurance follow-up

Dental hygienists are not legally required to have malpractice insurance in Texas. The dentist's malpractice insurance will NOT cover a dental hygienist administering LA should a case be brought against the practice. Currently, ADHA does not collect data on liability insurance. This data will need to be collected through a survey of its members. The article below discusses why a dental hygienist should have malpractice insurance.

<https://www.todaysrdh.com/is-malpractice-liability-insurance-necessary-for-dental-hygienists/>