

OCCUPATIONS CODE
TITLE 3. HEALTH PROFESSIONS
SUBTITLE D. DENTISTRY
CHAPTER 265. REGULATION OF DENTAL ASSISTANTS

Sec. 265.0001. DEFINITIONS. In this chapter:

(1) "Coronal polishing" means the removal of plaque and extrinsic stain from exposed natural and restored tooth surfaces using an appropriate rotary instrument with rubber cup or brush and polishing agent, including the use of a toothbrush.

(2) "Interim treatment of a minor emergency dental condition" means treatment of a condition that:

- (A) arises unexpectedly;
- (B) causes pain or discomfort to the patient;
- (C) is considered reversible;
- (D) does not require cutting hard or soft tissue;

and

(E) in the opinion of the treating dentist, may be performed by a properly trained dental assistant.

Added by Acts 2009, 81st Leg., R.S., Ch. 476 (S.B. 455), Sec. 2, eff. September 1, 2009.

Sec. 265.001. REGISTRATION REQUIRED FOR CERTAIN DENTAL ACTS. (a) Unless the dental assistant is registered under this chapter, a dental assistant may not:

- (1) make a dental x-ray; or
- (2) monitor the administration of nitrous oxide.

(b) The board may adopt and enforce rules requiring a dental assistant to register with the board to perform other dental acts as necessary to protect the public health and safety.

(c) The board shall maximize the efficient administration of this chapter by:

(1) developing a system to track the number of registrations held by a dental assistant under this chapter; and

(2) coordinating the times at which a dental assistant's registrations must be renewed so that the times of registration, payment, notice, and imposition of penalties for late

payment are similar and the administrative burden to the board and to the dental assistant is reduced.

(d) Notwithstanding Subsection (a)(1), a dental assistant who is hired as a dental assistant for the first time and who has not previously been issued a registration to make dental x-rays may make dental x-rays without complying with this chapter until the first anniversary of the date the dental assistant is hired.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 37, eff. September 1, 2018.

Sec. 265.0015. ELIGIBILITY REQUIREMENTS FOR REGISTRATION.

(a) The board by rule shall establish the requirements for each type of registration issued under this chapter, including requiring a dental assistant to:

(1) hold a high school diploma or its equivalent;

(2) complete an educational program approved by the board that provides instruction on:

(A) a dental act that requires a registration under this chapter;

(B) basic life support;

(C) infection control; and

(D) jurisprudence;

(3) pass an examination approved or administered by the board; and

(4) meet any additional qualifications established by the board.

(b) The board may approve courses of instruction and examinations that are provided by private entities for the purposes of this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 38, eff. September 1, 2017.

Sec. 265.0016. FEES. The board shall set and collect fees in amounts that are reasonable and necessary to cover the costs of administering this chapter, including registration and renewal

fees.

Added by Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 38, eff. September 1, 2017.

Sec. 265.0017. REGISTRATION EXPIRATION AND RENEWAL. (a) A registration under this chapter is valid for two years.

(b) A dental assistant may renew a registration by paying the required renewal fee and complying with any other renewal requirements established by the board.

(c) A dental assistant whose registration has expired may not engage in an activity that requires registration until the registration has been renewed.

(d) The board by rule may adopt a system under which registrations expire on various dates during the year. For the year in which the expiration date is changed, the board shall prorate registration fees on a monthly basis so that each registration holder pays only that portion of the registration fee that is allocable to the number of months during which the registration is valid. On renewal of the registration on the new expiration date, the total renewal fee is payable.

Added by Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 38, eff. September 1, 2017.

Sec. 265.002. SUPERVISION, DIRECTION, AND RESPONSIBILITY.

(a) In this subtitle, a dental assistant is under the direct supervision, direction, and responsibility of a dentist if the dentist:

(1) employs the dental assistant or is in charge of the dental assistant; and

(2) is physically present in the dental office when the dental assistant performs a delegated dental act.

(b) For purposes of Subsection (a)(2), physical presence does not require that the supervising dentist be in the treatment room when the dental assistant performs the service as long as the dentist is in the dental office.

(c) In this subtitle, a dental assistant is under the general supervision, direction, and responsibility of a dentist if

the dentist:

(1) employs the dental assistant or is in charge of the dental assistant; and

(2) is responsible for supervising the services to be performed by the dental assistant.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 476 (S.B. 455), Sec. 3, eff. September 1, 2009.

Sec. 265.003. PERMITTED DUTIES. (a) A dental assistant who is not registered under this chapter may be employed by and work in the office of a licensed and practicing dentist and perform one or more delegated dental acts under:

(1) the direct supervision, direction, and responsibility of the dentist, including the application of fluoride varnish; or

(2) the general supervision, direction, and responsibility of the dentist, limited to:

(A) the making of dental x-rays in compliance with Section 265.001(d); and

(B) the provision of interim treatment of a minor emergency dental condition to an existing patient of the treating dentist.

(a-1) A treating dentist who delegates the provision of interim treatment of a minor emergency dental condition to a dental assistant under Subsection (a)(2) shall:

(1) delegate the procedure orally or in writing before the dental assistant performs the procedure;

(2) retain responsibility for the procedure; and

(3) schedule a follow-up appointment with the patient within a reasonable time.

(b) Repealed by Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 48(8), eff. September 1, 2017.

(c) A delegating dentist remains responsible for the dental acts of a registered or nonregistered dental assistant performing the delegated dental acts.

(d) A dental assistant to whom a delegation is made may not represent to the public that the dental assistant is authorized to practice dentistry or dental hygiene.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1470, Sec. 4.03, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1144, Sec. 2, eff. June 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 476 (S.B. 455), Sec. 4, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 39, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 48(8), eff. September 1, 2017.

Sec. 265.008. CONTINUING EDUCATION REQUIRED FOR REGISTRATION RENEWAL. The board by rule shall establish continuing education requirements for dental assistants registered under this chapter, including a minimum number of hours of continuing education required to renew a registration.

Added by Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 42, eff. September 1, 2017.