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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

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March 15, 2000

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REGULATORY REVIEW COMMISSION

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

This is to inform you that the House Professional Licensure Committee held a meeting on March 15, 2000, and voted to approve Regulation 16A-465 and Regulation 16A-576.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in cursive script that reads "Mario J. Civera".

Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: Norbert O. Gannon, D.D.S., Chairman
State Board of Dentistry
Brian V. Harpster, V.M.D., Chairman
State Board of Veterinary Medicine
Honorable Kim H. Pizzingrilli, Secretary of the Commonwealth
Department of State

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Regulation 16A-465

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State Board of Dentistry

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PROPOSAL: Regulation 16A-465 amends 49 PA Code, State Board of Dentistry, to implement expanded function dental assistants' provision of the Dental Law. The regulation Final Rulemaking and was delivered to the House Professional Licensure Committee on February 29, 2000. The committee has until March 20, 2000, to approve or disapprove the regulation.

ANALYSIS: The Dental Law was amended on December 27, 1994, to provide for Board certification and regulation of expanded function dental assistants (EFDA's). To date, the Board has issued approximately 1700 EFDA temporary permits.

The regulation outlines the professional education needed to qualify as an EFDA: graduation from an EFDA program at a two-year college or other accredited program offering an associate degree or graduation from a school of dental hygiene which included at least 75 hours of clinical and didactic instruction in restorative functions, or, completion of a certification program in expanding function dental assisting of at least 200 hours of clinical and didactic instruction from an accredited dental assisting program.

Candidates for certification will be required to pass both a written and clinical examination approved by the Board. Passing scores will be recognized for up to five years from the date the scores are reported to the Board. After five years, passing scores will be accepted only if the candidate has been engaged in post graduate training or practicing as an EFDA in another jurisdiction.

Temporary permit holders will be required to register for and achieve a passing score on the first EFDA certification examination. Unless granted a waiver by the Board, failure to register or to sit for the examination will be deemed a failure. Waiver requests must be filed with the Board within ten days of the examination date. Appropriate documentation must accompany the request. If a waiver is not granted, or upon failure of the examination, a temporary permit holder must immediately cease practicing as an EFDA and return the temporary permit to the Board.

The regulation lists the scope of practice as: placing and removing rubberdams, matrices, and wedges; applying cavity liners and bases; placing, condensing, carving and contouring amalgam restorations; and placing and finishing composite resin restorations. EFDA's shall practice under the direct supervision of a dentist.

EFDA's are prohibited from examining, diagnosing or planning treatment; cutting hard or soft tissue; prescribing drugs, medicaments or lab authorization; approving final occlusions, performing pulp capping, pulpotomy and other endodontic procedures; performing final placement/cementation of fixed and removable prosthetic appliance,

administering local anesthesia, parental or inhalational sedation, nitrous oxide analgesia or general anesthesia, and taking impressions other than for study models or diagnostic casts.

Unprofessional conduct by an EFDA would include: 1) practicing as an EFDA without the direct supervision of a dentist, 2) performing a service that the EFDA is not competent or authorized to perform, 3) physically, sexually or verbally abusing a patient; 4) failing to follow current infection-control recommendations issued by the Federal Centers for Disease Control, and 5) providing ionizing radiation in violation of Section 33.302 (relating to auxiliary personnel performing radiologic procedures).

In reviewing the proposed regulations, the Committee noted that the Board had not yet identified a specific examination for EFDAs, and recommended that should an examination not be identified by the time the final regulation was submitted, then Section 33.103 should be deleted and resubmitted as a separate regulation when an examination had been identified. The Board has not yet identified an examination, but has elected to retain Section 33.103. The Board states that Section 33.103 would need to be amended as part of the comprehensive coverage of the entire rulemaking package as it pertains to EFDAs. To leave this gap would be to cause more ambiguity than adding the new subsection (c). The EFDA examination will, in all likelihood, be similar to the radiologic procedure examination for auxiliary personnel at Sec. 33.301, which is given by a third party testing administrator under contract with the Bureau. The proposed language is similar to that of existing Sec. 33.301 and is more useful than identifying a particular contractor.

The Committee further recommended that language be inserted to clarify that a temporary permit holder can retake the examination. The Board states that this additional language would be unnecessary and duplicative. The legislature, in providing for EFDAs, provided for no limitation on the ability of anyone, whether a temporary permit holder or not, to take the examination as many times as the applicant chooses.

Finally, the Committee recommended that in Section 33.120, the word "scheduled" be inserted in all references to the first EFDA examination. The Board has not adopted this suggestion, on the basis that if the examination is not held as scheduled, a literal reading may result in temporary permit holders having to cease practice and return their temporary permits, contrary to legislative intent.

RECOMMENDATION: It is recommended the Committee approve the regulation.

House of Representatives
Professional Licensure Committee
March 13, 2000