

Comments of the Independent Regulatory Review Commission



State Board of Dentistry Regulation #16A-4624 (IRRC #2908)

Expanded Function Dental Assistant Scope of Practice and Continuing Education

November 16, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the September 17, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Dentistry (Board) to respond to all comments received from us or any other source.

1. Section 33.205a. Practice as an expanded function dental assistant. – Clarity; Implementation procedures.

The regulation amends this section to include additional dental procedures that expanded function dental assistants (EFDAs) are permitted to and restricted from performing, in accordance with changes made to the Dental Law through Act 19 of 2010 (Act).

Subsection (a)

Subsection (a)(1)(viii) permits EFDAs to perform “coronal polishing.” A commentator questions whether this type of polishing would also include air polishing. To improve clarity, we recommend that the final-form regulation define “coronal polishing.”

Subsection (b)

Subsection (b) provides a list of restricted EFDA practices. Two commentators recommend that this subsection also include language to prohibit EFDA performance of additional dental procedures, including periodontal instrumentation and “prophylaxis, scaling (supragingival and subgingival), as it pertains to the practice of dental hygiene, root planning or periodontal probing.” The Pennsylvania Association of Dental Hygienists points out that these latter functions fall under the scope of practice of dental hygienists.

We recognize that the Act explicitly states the procedures EFDAs cannot practice. Are the additional restrictions proposed by commentators consistent with those contained in the Act? If so, has the Board considered including them in the regulation?

2. Section 33.402. Continuing education subject areas. – Fiscal impact; Reasonableness; Need; Implementation procedures.

Subsection (g) adds a new continuing education requirement for EFDAs. Specifically, Subsection (g) requires EFDAs to complete three of 10 continuing education hours in coronal polishing. We raise six issues.

First, some commentators object to the imposition of this requirement, and suggest that given the level of training and education EFDAs already receive, this requirement is unnecessary. The Board should explain not only the need for EFDAs to complete continuing education in this subject matter, but also how the Board determined that 3 hours was an appropriate amount of training.

Second, Subsection (g)(1) states that EFDAs certified by March 31, 2011 must complete this new requirement during the biennial renewal period of April 1, 2011 to March 31, 2013. Several commentators assert that many EFDAs certified by this date already received coronal polishing training once the Act became effective. The House Professional Licensure Committee (HPLC) questions whether the Board would accept training hours in coronal polishing completed prior to April 1, 2011. We agree with the HPLC and commentators, and ask the Board to clarify whether coronal polishing training received by certified EFDAs prior to this period would satisfy this requirement.

Third, are there existing certified EFDAs who would not have completed coronal polishing training? If so, in order to accommodate these EFDAs, we recommend that instead of applying the current biennial renewal period, that the final-form regulation allow EFDAs certified by March 31, 2011 to complete their coronal polishing continuing education hours prior to March 31, 2013.

Fourth, two individual commentators question whether there are enough existing coronal polishing training providers to allow existing EFDAs to meet the March 31, 2013 deadline. The Board should clarify this issue.

Fifth, Subsection (g)(2) establishes that EFDAs certified after March 31, 2011 may complete their coronal polishing continuing education during the first complete biennial renewal period after their certification is granted. However, many EFDAs certified after this date will already have received this training as part of their formal education. As a result, the Pennsylvania Dental Association (PDA) indicates this subsection is unnecessary and should be removed. In the alternative, PDA recommends imposing this requirement only on those EFDAs who graduate from accredited EFDA programs during this current biennial renewal period. Has the Board considered this option?

Finally, the Board indicates that implementation of this regulation will not impose costs on the regulated community. (Regulatory Analysis Form #17). However, Subsection (g)(3) states that EFDAs may not complete their coronal polishing continuing education hours online or through distance education. Do accredited schools and providers offer this training at no cost to certified

EFDAs? The Board should provide further explanation of the potential fiscal impact that may result from this new continuing education requirement.