

# STATE BOARD OF DENTAL EXAMINERS

*S.B. 313 Schwertner (Burkett) — Sunset Bill*

*H.B. 2561 S. Thompson (V. Taylor) — Prescription Monitoring Program*

*Staff Contact: Sarah Kirkle*

## **Governance**

- Institute new leadership by sweeping the board and reduce the size of the board from 15 to 11 members to include six dentists, three hygienists, and two public members.
- Allow the board's statutory advisory groups to expire and direct the board to establish clearer processes for stakeholder input in rule.
- Update the standard Sunset across-the-board provisions regarding conflicts of interest and board member training and ensure board members are adequately trained on their responsibilities and the limits of their authority.

## **Dental Anesthesia**

- Authorize the board to conduct risk-based inspections of dentists administering parenteral anesthesia in office settings, including pre-permit, random, and compliance inspections, and require dentists who obtain a new anesthesia permit be inspected within one year of initial permit issuance.
- Establish permits for four levels of anesthesia and the administration of nitrous oxide, and require the board to establish corresponding minimum standards, education, and training.
- Define pediatric and high-risk patients and require additional training on anesthesia administration for those patients.
- Require the board to ensure dentists with an anesthesia permit maintain written emergency management plans and preparedness protocols, and to develop rules establishing minimum emergency preparedness standards and training necessary before administering anesthesia.
- Require the board to develop an online exam covering anesthesia rules and regulations and require dentists holding an anesthesia permit take the exam once every five years.
- Require the board to adopt rules requiring dentists to notify the board, upon issuance or renewal of an anesthesia permit, if they practice in more than one location.
- Require the board to establish rules providing the minimum components of a pre-operative checklist and for dentists to use that checklist before administering anesthesia.
- Require the use of capnography for level four deep sedation procedures.

- Create a standing advisory committee on dental anesthesia to review de-identified data, inform findings and trends related to dental anesthesia, and annually report any findings and recommended changes to board rules or statute.
- Direct the board to track and quarterly report anesthesia-related data and to make publicly available on its website aggregate enforcement data by fiscal year and type of license. (Management action – nonstatutory)
- The Sunset Commission requested the agency appoint an independent 5- to 10-member blue ribbon panel to review de-identified data, including confidential investigative information, related to dental anesthesia deaths and mishaps over the last five years, and to evaluate emergency protocols. The panel made recommendations to the Legislature and the Sunset Commission at its January 11, 2017 meeting and many of the recommendations were incorporated into S.B. 313. (Management action – nonstatutory)

### **Dental Assistants**

- Deregulate the dental assistant certificate programs for coronal polishing and pit and fissure sealants.
- Improve the administration of x-ray and nitrous oxide monitoring registration programs through efficiencies in licensing and renewal processes.

### **Prescription Monitoring Program**

- Beginning September 1, 2019, require dentists to check the Prescription Monitoring Program database before prescribing certain controlled substances, with certain exceptions. (H.B. 2561)
- Require the dental board to develop guidelines for responsible prescribing of certain controlled substances and to monitor prescribing patterns of licensees, and allow the board to open investigations based on information obtained from the Prescription Monitoring Program. (H.B. 2561)
- Require the dental board to provide licensee information to the pharmacy board, and require the pharmacy board to use this information to automatically register practitioners in the Prescription Monitoring Program. (H.B. 2561)

### **Licensing and Enforcement**

- Clarify the use and role of board members at informal settlement conferences and provide more detailed language on structure and conduct of informal proceedings.
- Create a state dental review committee consisting of nine governor-appointed members, including six dentists, two dental hygienists, and one registered dental assistant, to serve at informal settlement conferences on a rotating basis.
- Require the board to monitor licensees for adverse licensure actions in other states.
- Authorize the board to deny applications to renew a license if an applicant is not compliant with a board order.
- Authorize the board to require evaluations of licensees and applicants suspected of impairment and require confidentiality for information relating to the evaluation and participation in treatment programs.

- Clarify the board's authority to issue subpoenas and to deny or take disciplinary action against an authorization, permit, registration, or license issued by the board.
- Allow the board to deliberate initial licensure decisions in closed sessions to better protect confidential information.
- Prohibit anonymous complaints and ensure complainant confidentiality.
- Remove unnecessary qualifications required of applicants for licensure or registration.
- Authorize the board to renew licenses and permits on an annual or biennial basis.
- Allow the board to appoint a custodian of abandoned dental records.
- Direct the board to make data on the board's enforcement activity publicly available on its website. (Management action – nonstatutory)
- Direct the board to stagger registration and certificate renewals. (Management action – nonstatutory)

**Continue**

- Continue the State Board of Dental Examiners for 12 years.