

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.

Text of section effective until September 01, 2018

Sec. 265.001. REGISTRATION. The board may adopt and enforce rules requiring the registration of dental assistants as necessary to protect the public health and safety.

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.

Text of section effective on September 01, 2018

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.

For expiration of this section, see Subsection (p).

Sec. 265.005. X-RAY CERTIFICATE. (a) A dental assistant may not make dental x-rays unless the dental assistant holds a certificate of registration issued by the board under this section.

(b) To qualify for a certificate of registration, a dental assistant must pay a fee in an amount determined by the board and:

(1) pass an examination administered under this section on completion of a course covering:

(A) the procedure for making dental x-rays;

(B) jurisprudence; and

(C) infection control; or

(2) complete a course and pass an examination covering

the subject described by Subdivision (1)(B) and be certified as a dental assistant by the Dental Assisting National Board if the board determines that the requirements for certification by that board are sufficient to protect the public.

(c) The course and examination described by Subsection (b)(1) must be tailored to a dental assistant's responsibilities and role in a dental office.

(d) A course and examination described by Subsection (b) may be offered through self-study, interactive computer courses, or lecture courses and may be offered through the Internet. The course and examination must comply with rules adopted under Subsection (f) and be approved by the board.

(e) The board shall create an advisory committee consisting of dentists, dental assistants, and dental assistant educators to advise the board in adopting rules under Subsection (f).

(f) The board by rule shall set:

(1) objectives for the examination and course under Subsection (b)(1); and

(2) procedures to ensure the examination's integrity.

(g) The course and examination under Subsection (b)(1) shall comply with board rules. Any school or program accredited by the Commission on Dental Accreditation of the American Dental Association or any dental industry professional organization may offer a course and examination that complies with board rules.

(h) The board, in consultation with the advisory committee, shall develop a program to ensure that courses and examinations developed or administered under this section comply with board rules.

(i) A certificate of registration issued under this section must be renewed annually. Except as otherwise provided by this subsection, the board may not require a person who has successfully completed the course and examination required under Subsection (b) to complete an additional course or examination to renew the registration. The board may require a person to complete a new course and examination if the person fails to renew the person's certificate of registration before the second anniversary of the date the certificate expired.

(j) Repealed by Acts 2009, 81st Leg., R.S., Ch. 476, Sec. 8(3), eff. September 1, 2009.

(k) Repealed by Acts 2009, 81st Leg., R.S., Ch. 476, Sec. 8(3), eff. September 1, 2009.

(l) A dental assistant who is hired as a dental assistant for the first time and who has not previously been issued a certificate under this section may make dental x-rays without complying with this section until the first anniversary of the date on which the dental assistant is hired.

(m) A dental assistant who holds a certificate of registration issued under this section shall display the person's current certificate of registration in each office in which the person makes dental x-rays. If the person makes dental x-rays at more than one location, the person may display a duplicate of the original registration certificate obtained from the board on payment of a duplicate certificate fee set by the board.

(n) A dental assistant who holds a certificate of registration issued under this section shall timely notify the board of:

(1) any change of address of the person's place of business;

(2) any change of employers; and

(3) any change of the person's mailing address.

(o) An initial certificate of registration issued under this section expires on the 30th day after the date the certificate is issued if the holder of the certificate fails to pay the required certificate fee on or before that date.

(p) This section expires September 1, 2018.

Added by Acts 2003, 78th Leg., ch. 17, Sec. 25, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 810 (S.B. 610), Sec. 9, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 476 (S.B. 455), Sec. 8(3), eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 772 (S.B. 887), Sec. 8, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 40, eff.

September 1, 2017.

For expiration of this section, see Subsection (d).

Sec. 265.007. CONTINUING EDUCATION FOR CERTIFICATE HOLDERS.

(a) To renew a certificate issued under this chapter, a dental assistant must complete six hours of continuing education each year in areas covering dental assistant duties.

(b) A dental assistant holding two or more certificates authorized by this chapter is required to complete 12 hours of continuing education each year to renew all of the certificates held by the assistant.

(c) A dental assistant may fulfill continuing education requirements through board-approved self-study, interactive computer courses, or lecture courses.

(d) This section expires September 1, 2018.

Added by Acts 2009, 81st Leg., R.S., Ch. 476 (S.B. 455), Sec. 7, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 295 (S.B. 313), Sec. 41, 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.