

STATE OF THE STATES

September 2019-June 2020



DANB's compilation of state dental assisting requirements — on its website and in its state publications — is one of the most comprehensive resources available on this topic. The updates below highlight recent state legislative and regulatory changes that are of interest to stakeholders of DANB and the DALE Foundation.

Alaska

The Alaska Board of Dental Examiners adopted a rule, effective March 5, 2020, requiring that dental assistants who hold a restorative functions certificate complete, in each two-year renewal period, two hours of approved continuing education relating to materials or techniques used for restoration of teeth. The new rule also specifies that a restorative function certificate lapsed more than two years may not be renewed.

Arkansas

The Arkansas State Board of Dental Examiners (ASBDE) adopted a rule in May 2019 adding application of silver diamine fluoride to the list of functions that may be performed by dental hygienists and may not be performed by dental assistants.

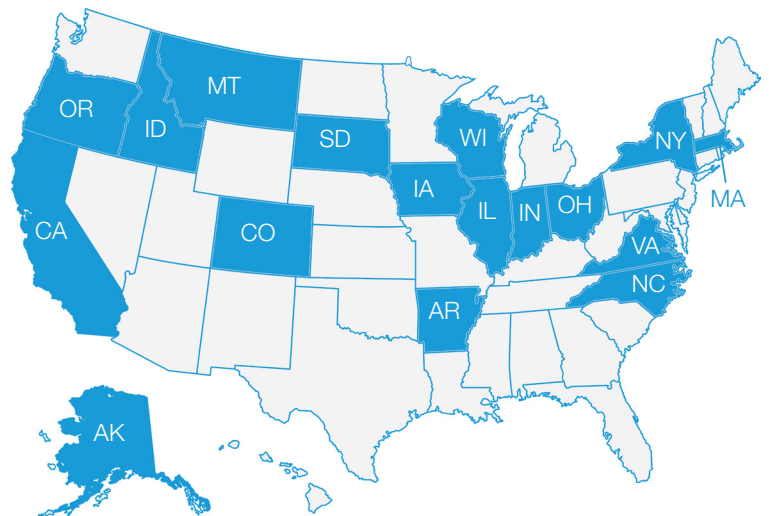
In April 2019, Arkansas' governor signed a bill (SB 451) establishing that a person shall not be eligible for a license from the ASBDE if the person has been found guilty or pleaded guilty or nolo contendere to a crime listed in statute. Conviction for any of the crimes listed shall also be grounds for revocation or suspension of credentials issued by the Board, including a dental assisting permit.

California

In October 2019, California's governor signed AB 1519, making a series of changes to the California dental practice act. The changes included language that updates California statutes to reflect that the California Registered Dental Assistant (RDA) exam and the law and ethics exam required for registration have been combined into one exam.

Colorado

The Colorado Dental Board adopted a rule, effective July 1, 2019, modifying its definition of Basic Life Support (BLS). The new definition of BLS is as follows: "Basic Life Support, or BLS, generally refers to the type of care that first-responders, healthcare providers and public safety professionals provide to anyone who is experiencing cardiac arrest, respiratory distress or an obstructed airway. It requires knowledge and skills in cardiopulmonary resuscitation (CPR),



using automated external defibrillators (AED) and relieving airway obstructions in patients of every age.

"BLS training courses shall be consistent with the most current science and treatment recommendations from the International Liaison Committee on Resuscitation (ILCOR), Consensus on Science and Treatment Recommendations (CoSTR), and the American Heart Association Guidelines for CPR and Emergency Cardiovascular Care (ECC)."

Idaho

In connection with a statewide rewrite of all rules, the Idaho State Board of Dentistry adopted a new set of rules effective March 20, 2020, which will be considered temporary until all new rules are approved in the 2021 legislative session. In the current rule, the section previously outlining a dental assistant's scope of practice and requirements for performing expanded functions has been stricken and replaced with this text: "Dental assistants are authorized to perform dental services for which they are trained unless prohibited by these rules. Dental assistants must be directly supervised by a dentist when performing intraoral procedures except when providing palliative care as directed by the supervising dentist." The rule includes a list of prohibited duties.



Illinois

In July 2019, the Illinois legislature enacted a law (SB 167) amending the requirements for a dental assistant to perform restorative functions, to include placing, carving and finishing of amalgam restorations; placing, packing and finishing of composite restorations; and placing interim restorations. Previously, the law specified that, to perform these functions, dental assistants must have 4,000 hours of direct patient care experience and complete either a structured training program from a CODA-accredited program or a structured program meeting statutory requirements offered by a state-wide dental association. The new law amends this provision so that a dental assistant must either complete a structured training program from a CODA-accredited program or have 4,000 hours of direct patient care experience and complete the alternative educational pathway.

Indiana

In March 2020, Indiana's governor signed a bill allowing dental hygienists or dental assistants who have met specific requirements to administer nitrous oxide under the direct supervision of a licensed dentist. To qualify, a dental assistant or hygienist must have:

- been employed in a dental practice for at least one year or graduated from a program accredited by the Commission on Dental Accreditation, and
- satisfactorily completed a three-hour didactic nitrous oxide administration course containing curriculum on pharmacology, biochemistry, anatomy of nitrous oxide administration, emergency procedures, and the mechanics of operating a nitrous unit, accredited by the Commission on Dental Accreditation, and
- demonstrated clinical competency on at least five patients under the direct supervision of a licensed Indiana dentist whose license is in good standing.

The licensed Indiana dentist supervising the clinical competency shall provide to the dental hygienist or dental assistant a signed affidavit certifying the competency. Upon receipt of the affidavit provided to a dental hygienist or dental assistant, the provider of an educational program or curriculum shall issue a certificate of completion, which must be publicly displayed in the dental office of the dental hygienist or dental assistant.

Before permitting a dental hygienist or dental assistant to administer nitrous oxide, the supervising dentist shall:

- verify that the dental hygienist or dental assistant has completed the requirements, and
- determine the maximum percent dosage of nitrous oxide to be administered to the patient, and
- ensure that any administration or monitoring of nitrous oxide by dental hygienists or dental assistants is done in accordance with relevant guidelines and standards developed by the American Dental Association or the American Academy of Pediatric Dentistry.

Iowa

Effective August 21, 2019, the Iowa Dental Board amended its rules related to sedation and nitrous oxide. In addition to updating requirements for administering sedation and nitrous oxide services in dental offices, the new rules clarify that a dental assistant may act as a patient monitor during sedation procedures.

In September 2019, the Iowa Dental Board adopted a series of amendments to reorganize and update its expanded functions rules for dental assistants.

The adopted amendments add these functions to the list of duties that may be performed under direct supervision by a registered dental assistant:

- Placement and removal of dry socket medication
- Placement of periodontal dressings
- Testing pulp vitality
- Preliminary charting of existing dental restorations and teeth
- Phlebotomy
- Glucose testing

The new rules specify that a Basic or Certified Level 1 expanded functions provider may receive a provisional restoration under general supervision.

The following functions were either added to the list of duties that may be delegated to Basic or Certified Level 1 providers under direct supervision or were amended and clarified:

- Applying cavity liners and bases, desensitizing agents and bonding systems, to include the placement of orthodontic brackets, following the determination of location by the supervising dentist
- Fabrication, temporary cementation and removal of provisional restorations



- Placement of Class 1 temporary filling materials
- Monitoring patients receiving nitrous oxide inhalation analgesia, which may include increasing oxygen levels as needed, pursuant to the following: (a) a dentist shall induce a patient and establish maintenance level; (b) a dental assistant may make adjustments that decrease the nitrous oxide concentration during the administration of nitrous oxide; (c) a dental assistant may turn off oxygen delivery at the completion of the dental procedure

The following functions were either added to the list of duties that may be delegated to Certified Level 2 providers under direct supervision or were amended and clarified:

- Placement and shaping of adhesive restorative materials following preparation of a tooth by a dentist
- Placement of intracoronal temporary fillings following preparation of a tooth by a dentist
- Fitting of stainless steel crowns on primary posterior teeth, and cementation after fit verification by the dentist
- Extraoral adjustment to acrylic dentures without making any adjustments to the prosthetic teeth
- Polishing of adhesive restorative material using a slow-speed handpiece

Massachusetts

Effective December 1, 2019, all new dental assistant applicants seeking to become licensed in Massachusetts must take and pass the Board's ethics and jurisprudence exam.

Montana

The Montana Board of Dentistry adopted rules in March 2020 to implement a new law, passed in the 2019 legislative session, that allows dental assistants holding DANB's Certified Dental Assistant (CDA) certification to perform duties under the general supervision of a dentist. The rule specifies that dental auxiliaries holding DANB CDA certification and working under the general supervision of a licensed dentist may perform the same duties that a dental assistant working under direct supervision may perform and prohibits them from performing the following functions:

- initiating, adjusting and monitoring nitrous oxide flow for a patient who has been prescribed and administered nitrous oxide by a licensed dentist
- applying silver diamine fluoride agents
- placing and removing rubber dams

- placing and removing matrices
- polishing amalgam restorations
- applying topical anesthetic agents

The new rule allows a holder of CDA certification working under the general supervision of a licensed dentist to perform placement of pit and fissure sealants following an in-person comprehensive oral examination or periodic examination within the preceding 30 days. The new rule also specifies that holders of CDA certification may perform radiography procedures under general supervision.

Note: A correction was made to information for Montana on 8/7/2020.

New York

In October 2019, a bill was signed into law adding a requirement that candidates for a New York dental assisting license be of good moral character and changing the title of the New York dental assisting license from "certified dental assistant" to "registered dental assistant." The new law also raised the minimum age for dental assistants from 17 to 18 and made minor adjustments to the language defining the exam required for registration.

North Carolina

The North Carolina State Board of Dental Examiners adopted a rule, effective October 1, 2019, allowing a Dental Assistant II to assist a Limited Supervision Hygienist in providing oral hygiene instruction, applying sealants, applying topical fluorides, applying fluoride varnishes, and while the hygienist is performing prophylaxis; the treatment must be provided to children in school-based oral health programs under the School-Based Oral Health Initiative of North Carolina, and a licensed North Carolina dentist must have examined the patient, ordered the treatment and agreed to provide the patient with any additional treatment necessary as a result of the treatment rendered.

The Board adopted a rule, effective February 1, 2020, allowing a Public Health Hygienist to supervise a Dental Assistant II who assists in procedures the Public Health Hygienist performs in authorized settings.

Ohio

The Ohio Board of Dentistry adopted new rules to implement a law enacted in the 2017-2018 legislative session that allowed Expanded Function Dental Auxiliaries (EFDAs) to perform specified functions by authorization of a dentist with a teledentistry permit when the supervising dentist is not physically present. The law specified that a hygienist or EFDA



can perform placement of interim therapeutic restorations or application of silver diamine fluoride only after completing a board-approved course in the function. The rules outline the requirements for a dentist to obtain a teledentistry permit, which include attesting that any dental hygienist or EFDA who performs placement of interim therapeutic restorations and application of silver diamine fluoride has completed the required courses. The new rules also define the content requirements for courses in both functions.

Oregon

New rules became effective January 1, 2020, allowing candidates for the Oregon Expanded Function Dental Assistant (EFDA) certificate to pass DANB's Infection Control (ICE) or CDA exam in lieu of the state-specific Oregon Basic exam. Passing the Oregon Basic exam or DANB's national ICE or CDA exam is the first of two exam components in one of several pathways to earn the EFDA certificate.

The new rule also allows a candidate for the Expanded Function Orthodontic Dental Assistant (EFODA) certificate to pass DANB's ICE, CDA or Certified Orthodontic Assistant (COA) exam instead of the Oregon Basic exam to meet the first component of the relevant EFODA pathway.

Pathways for the Expanded Function Preventive Dental Assistant (EFPDA) certificate were modified, allowing candidates to pass DANB's ICE exam instead of the Oregon Basic exam to meet the requirements of the first component and to pass one of three exams — the Oregon EFDA exam, DANB Certified Preventive Functions Dental Assistant (CPFDA) exam or DANB Coronal Polishing (CP) exam — to meet the requirements of the second component.

The same rule package also made the following changes:

- Added a new educational pathway to earn the Oregon Anesthesia Dental Assistant certificate
- Removed "Take jaw registrations or oral impressions for supplying artificial teeth as substitutes for natural teeth, except diagnostic or opposing models or for the fabrication of temporary or provisional restorations or appliances" from the prohibited functions list
- Added permission for an EFDA to fabricate and place fixed partial dentures (bridges)
- Adjusted radiography requirements language to account for digital radiography and made minor adjustments to language for anesthesia monitor requirements

South Dakota

The South Dakota State Board of Dentistry updated its rules to clarify duties that may be performed by registered and unregistered dental assistants, effective December 4, 2019.

The new rules create two separate lists of prohibited functions — one for unregistered dental assistants and one for registered dental assistants.

Under the new rules, unregistered dental assistants may not perform the following functions:

- Placing sealants
- Placing nonsurgical retraction materials for gingival displacement
- Fabricating provisional restorations
- Using electronic instruments for caries detection
- Adjusting dentures or partials
- Intraoral use of rotary hand instruments or ultrasonic instruments
- Any duty or procedure that falls outside of the relevant education, training, and experience of the dental assistant
- Any procedure that cannot be performed by a registered dental assistant
- Other duties or procedures prohibited by the board

(Former rules allowed an unregistered dental assistant to perform coronal polishing and placement of sealants.)

Under the new rules, registered dental assistants may not perform these functions:

- Irreversible procedures
- Cutting of hard or soft tissue
- Using lasers that are capable of altering, cutting, burning or damaging hard or soft tissue
- Intraoral placing, finishing and adjusting of final restorations
- Establishing a final diagnosis or treatment plan
- Supra- and subgingival scaling and periodontal probing as it pertains to dental hygiene and those procedures allocated to dental hygienists with the exception of placing sealants and coronal polishing



- Any procedure that falls outside of the relevant education, training, and experience of the registered dental assistant
- Other procedures prohibited by the board

The same rule limits performance of the following to registered dental assistants who have met specific requirements outlined elsewhere in rule:

- Injecting medication (through an intravenous site; may also be performed by unregistered dental assistant meeting requirements)
- Administering nitrous oxide analgesia (permit required, RDAs only)
- Monitoring patients under general anesthesia, deep sedation, or moderate sedation (permit required; an unregistered dental assistant may also qualify for permit)
- Applying x-radiation to human teeth and supporting structures (separate radiography registration required)

The new rules also contain a list of functions that an unregistered dental assistant may perform if the dentist is not present in the clinic (subject to the supervising dentist exercising full responsibility, having prior knowledge of and having authorized the dental assistant to perform the function):

- Making impressions or obtaining digital records for casts and appliances
- Creating or delivering vacuum-formed orthodontic retainers
- Taking photographs extraorally or intraorally
- Cutting long or broken wires
- Removing loose bands, clasps, or brackets on orthodontic appliances or retainers
- Removing and replacing existing ligature ties and arch wires on orthodontic appliances
- Removing existing and replacing lost or missing elastic orthodontic separators
- Recementing existing provisional restorations
- Manipulating dental software for designing restorations
- Duties or procedures that involve infection control
- Taking vital signs and updating health history

The new rules add a section about infection control that requires dental assistants and RDAs to be knowledgeable in the OSHA Hazard Communications Standard, the OSHA Bloodborne Pathogens Standard, and the CDC Guidelines for Infection Control in Dental Healthcare Settings (2003).

The new rule also expands the approval criteria for dental assisting programs that may be used to qualify for RDA registration beyond those that are CODA-accredited to include those that are in the process of applying for CODA accreditation.

The rule allows dental assisting students to perform dental assisting duties or expanded functions under the supervision of faculty in state-approved dental assisting programs.

Virginia

The Virginia Board of Dentistry adopted a rule in December 2019 modifying the renewal schedule for Dental Assistant II registration. Before 2022, those renewing Dental Assistant II registration will renew annually on or before March 31. Beginning in January 2022, renewing Dental Assistants II will renew registration in their birth month. The rule includes a prorated fee schedule for 2021.

Wisconsin

In September 2019, amendments to the Wisconsin Dentistry Examining Board rules became effective. These amendments adjusted the language related to functions that may not be delegated to dental assistants (referred to in rule as “unlicensed persons”). The new rule indicates that a procedure may not be delegated if it is “intended, interpreted, or represented to be preliminary assessments, dental hygiene treatment planning, oral screenings, supragingival, or subgingival calculus removal.”

The new rule also repealed a provision specifying that an unlicensed person may remove plaque or materia alba with a mechanical device.

The former rule specified that a dentist must provide training to the unlicensed person prior to delegating a remediable dental procedure or function. The new rule added language indicating that a dentist may provide training to or “verify the competency of” the unlicensed person in the performance of the procedure.