

## 1 SENATE BILL NO. 178

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on Education and Health

4 on \_\_\_\_\_)

5 (Patron Prior to Substitute—Senator Locke)

6 *A BILL to amend and reenact § 54.1-2729.01 of the Code of Virginia, relating to dental assistants;*  
7 *supragingival scaling and coronal polishing; certification.*8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 54.1-2729.01 of the Code of Virginia is amended and reenacted as follows:**10 **§ 54.1-2729.01. Practice of dental assistants.**11 A. A person who is employed to assist a licensed dentist or dental hygienist by performing duties not  
12 otherwise restricted to the practice of a dentist, dental hygienist, or dental assistant II, as prescribed in  
13 regulations promulgated by the Board may practice as a dental assistant I.14 B. A person who (i) has met the educational and training requirements prescribed by the Board; (ii) holds  
15 a certification from a credentialing organization recognized by the American Dental Association; and (iii) has  
16 met any other qualifications for registration as prescribed in regulations promulgated by the Board may  
17 practice as a dental assistant II. A dental assistant II may perform duties not otherwise restricted to the  
18 practice of a dentist or dental hygienist under the direction of a licensed dentist that are reversible, intraoral  
19 procedures specified in regulations promulgated by the Board.20 *C. Notwithstanding subsections A and B, a dental assistant I or dental assistant II with a minimum of*  
21 *1,800 hours of clinical experience may obtain certification to provide additional treatments pursuant to*  
22 *subsection D, provided that:*23 *1. The dental assistant I or dental assistant II has undergone training and obtained certification (i) from a*  
24 *licensed dentist or licensed dental hygienist employed or engaged by a licensed dentist and implementing an*  
25 *education curriculum provided by a statewide association that is exempt under 26 U.S.C. § 501(c)(6) of the*  
26 *Internal Revenue Code and primarily represents dentists licensed in the Commonwealth, (ii) from a federal*  
27 *program approved by or associated with the Indian Health Service or while serving on active military duty,*  
28 *or (iii) from an existing dental assistant education program; and*29 *2. The licensed dentist who provides, supervises, or confirms the training of the dental assistant I or*  
30 *dental assistant II certifies under oath that the dental assistant I or dental assistant II has completed the*  
31 *training described in subdivision 1, as well as at least 20 supervised full-mouth supragingival scaling*

32 *procedures with consent of the patients. Documentation of such certification shall be maintained in writing*  
33 *or electronically by the licensed dentist and produced to the Board upon request. Such certifications and*  
34 *documentation thereof may be relied upon and maintained by subsequent employers of a dental assistant I or*  
35 *dental assistant II. A licensed dentist may certify any dental assistant I or dental assistant II who presents*  
36 *evidence of such training completed pursuant to clause (ii) of subdivision 1.*

37 *D. A dental assistant I or dental assistant II, upon obtaining certification and under indirect supervision*  
38 *of a licensed dentist, may perform (i) supragingival scaling with hand and ultrasonic scalers and (ii) coronal*  
39 *polishing.*

40 *E. A licensed dentist shall not indirectly supervise more than two dental assistants at any given time while*  
41 *such dental assistants are performing supragingival scaling or coronal polishing.*

42 **2. That regulations promulgated by the Board of Dentistry pursuant to this act shall be exempt from**  
43 **the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**