

SENATE BILL NO. 178

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute—Senator Locke)

A BILL to amend and reenact § 54.1-2729.01 of the Code of Virginia, relating to dental assistants; supragingival scaling and coronal polishing; certification.

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2729.01 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2729.01. Practice of dental assistants.**

A. A person who is employed to assist a licensed dentist or dental hygienist by performing duties not otherwise restricted to the practice of a dentist, dental hygienist, or dental assistant II, as prescribed in regulations promulgated by the Board may practice as a dental assistant I.

B. A person who (i) has met the educational and training requirements prescribed by the Board; (ii) holds a certification from a credentialing organization recognized by the American Dental Association; and (iii) has met any other qualifications for registration as prescribed in regulations promulgated by the Board may practice as a dental assistant II. A dental assistant II may perform duties not otherwise restricted to the practice of a dentist or dental hygienist under the direction of a licensed dentist that are reversible, intraoral procedures specified in regulations promulgated by the Board.

C. Notwithstanding subsections A and B, a dental assistant I or dental assistant II with a minimum of 1,800 hours of clinical experience may obtain certification to provide additional treatments pursuant to subsection D, provided that:

1. The dental assistant I or dental assistant II has undergone training and obtained certification (i) from a licensed dentist or licensed dental hygienist employed or engaged by a licensed dentist and implementing an education curriculum provided by a statewide association that is exempt under 26 U.S.C. § 501(c)(6) of the Internal Revenue Code and primarily represents dentists licensed in the Commonwealth, (ii) from a federal program approved by or associated with the Indian Health Service or while serving on active military duty, or (iii) from an existing dental assistant education program; and

2. The licensed dentist who provides, supervises, or confirms the training of the dental assistant I or dental assistant II certifies under oath that the dental assistant I or dental assistant II has completed the 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).**