

No. 1994-160

AN ACT

SB 1752

Amending the act of May 1, 1933 (P.L.216, No.76), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," regulating the practice of expanded function dental assistants; and further providing for the powers of the State Board of Dentistry, for fees, for discipline, for penalties, for dentists' privileges, for multiple licensure and for assignment of duties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2 of the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, is amended by adding a definition to read:

Section 2. Definitions.—* * *

"Expanded Function Dental Assistant" means an individual who holds a current valid certification under this act to perform reversible intraoral procedures authorized by this act under the direct supervision of a licensed dentist and under an assignment of duties by a dentist, as defined in section 11.8. Such procedures include, but are not limited to, placing and removing rubber dams and matrices, placing and contouring amalgam and other restorative materials and other reversible procedures not designated by this act to be performed only by licensed dentists or dental hygienists. Expanded function dental assistants shall not perform the following procedures:

- (a) Complete or limited examination, diagnosis and treatment planning.***
- (b) Surgical or cutting procedures of hard or soft tissue.***
- (c) Prescribing drugs, medicaments or work authorizations.***
- (d) Taking impressions other than for study models or diagnostic casts.***
- (e) Final inspection and approval of restorative and other treatment which affects occlusion and any necessary occlusal adjustments.***
- (f) Performing pulp capping, pulpotomy and other endodontic procedures.***
- (g) Placement and intraoral adjustments of fixed and removable prosthetic appliances.***
- (h) Administration of local anesthesia, parenteral or inhalational sedation or general anesthesia.***

Expanded function dental assistants shall perform under the direct supervision of a dentist. Direct supervision means that a dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the

expanded function dental assistant and, before dismissal of the patient, evaluates the work performed by the expanded function dental assistant.

Section 2. Sections 3, 4 and 4.1 of the act, amended or added December 20, 1985 (P.L.513, No.118), are amended to read:

Section 3. General Powers of the State Board of Dentistry.—The State Board of Dentistry (hereinafter called the board) shall have the following powers and duties:

(a) To establish and alter, from time to time, the standards of preliminary and professional education and the training required for licensure to practice dentistry and as dental hygienists *and certification for expanded function dental assistants.*

(b) To investigate and determine the acceptability and to approve and disapprove institutions and colleges of this State and of other states and countries for the education of students desiring to be licensed to practice dentistry or as dental hygienists *or to be certified as expanded function dental assistants*, and to revoke approvals where such institutions and colleges no longer are deemed proper.

(c) To provide for and to regulate the licensing, and to license to practice dentistry, after examination, any duly qualified applicant, at least twenty-one years of age, of good moral character, not addicted to the use of intoxicating liquor or narcotic drugs, who has obtained the required education, together with a diploma from an approved institution or college conferring upon him or her the degree of doctor of dental surgery or other established dental degree. The board shall not issue a license to an applicant who has been convicted of a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of an offense under the laws of another jurisdiction which if committed in this Commonwealth would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act," unless: (1) at least ten (10) years have elapsed from the date of conviction, (2) the applicant satisfactorily demonstrates to the board that he has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of his patients or the public or a substantial risk of further criminal violations, and (3) the applicant otherwise satisfies the qualifications contained in or authorized by this act. As used in this section the term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere.

(d) To provide for and to regulate the licensing, and to license as a dental hygienist, after examination, any duly qualified person, not less than eighteen years of age, of good moral character, not addicted to the use of intoxicating liquor or narcotic drugs, who has obtained the required education, together with a certificate or diploma from an approved institution or college for the training of dental hygienists. The board shall, consistent with this act, adopt regulations providing for the general supervision and practice of dental hygienists under this act.

(d.1) (1) To provide for and to regulate the certification and to certify as an expanded function dental assistant any duly qualified ~~person~~, not less than eighteen years of age, of good moral character, not addicted to the use of intoxicating liquor or narcotic drugs, who has:

(i) (A) graduated from an expanded function dental assisting program at an accredited two-year college or other accredited institution which offers an associate degree;

(B) graduated from an accredited dental hygiene program which required the successful completion of at least seventy-five hours of clinical and didactic instruction in restorative functions; or

(C) completed a certification program in expanded function dental assisting of at least two hundred hours clinical and didactic instruction from an accredited dental assisting program; and

(ii) passed an examination adopted by the board pursuant to ~~subsection~~ (e).

(2) A person who on the effective date of this clause has been practicing as an expanded function dental assistant for at least five consecutive years prior to the effective date of this amendatory act and who presents a validation from the person's current dentist-employer may qualify for certification without satisfying the education requirements set forth in subclause (i) if the person passes the examination required by subclause (ii).

*(e) To prescribe the subjects, character, manner, time and place of examinations and the filing of applications for examinations, and to conduct and provide for the conduct of the examinations in accordance with section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929"; to make written reports of such examinations, which reports shall be preserved in the Department of State for a period of not less than five years; to collect such fees for such examinations as may be fixed according to regulation; and to issue licenses **and certificates** to such applicants as successfully pass such examination.*

(f) To accept and endorse, as valid in this Commonwealth, licenses to practice dentistry or as dental hygienists issued by another state or territory or by Canada, and to accept as properly qualified any applicant who has been examined and certified by the National Dental Examining Board, upon the payment of such fees as prescribed according to law for applicants in this State: Provided, That the standards of such other state, territory or of Canada or of such national board are, in the opinion of the board, equal to the standards of this Commonwealth: And provided further, That such other state, territory or Canada shall recognize and endorse, as valid in such state or territory or in Canada, licenses issued by this Commonwealth.

(f.1) To accept and endorse, as valid in this Commonwealth, credentials to perform as an expanded function dental assistant issued by another state or territory or by Canada: Provided, That the standards of such other state or territory or of Canada are, in the opinion of the board, equal to the

standards of this Commonwealth: And provided further, That such other state or territory or Canada shall recognize and endorse, as valid in such state or territory or in Canada, certificates issued by this Commonwealth.

(g) To prescribe the professional title or other designation which any person licensed *or certified* under this act may use in connection with his or her name in the practice of dentistry or as a dental hygienist *or as an expanded function dental assistant*, to regulate the use of the same, and to prosecute those who illegally use the same.

(h) To investigate and conduct hearings, either before the membership of the board or committees thereof, and to discipline and prosecute those guilty of illegal practices.

(i) To suspend, revoke or refuse to grant licenses *or certificates* as further provided for in section 4.1.

(j) To provide for, regulate, and require biennial renewals of all persons licensed *or certified* in accordance with the provisions of this act; to prescribe the form of such [license] renewals; to require, as a condition precedent to such biennial renewal, the payment of such biennial renewal fee as shall be fixed by regulation of the board; to issue biennial renewals to such persons; and to suspend or revoke the license *or certificate* of such persons as fail, refuse or neglect to renew biennially, or pay such fee.

(k) To keep a record of all licenses, *certificates* and biennial renewals, and to prescribe the form of such record.

(l) To submit biennially to the Department of State an estimate of the financial requirements of the board for administrative, investigative, legal, and miscellaneous expenses.

(m) To administer and enforce the laws of the Commonwealth relating to the practice of dentistry and dental hygienists *and certified expanded function dental assistants*, and to instruct and require its agents to bring prosecutions for unauthorized and unlawful practices.

(n) To keep minutes and records of all its transactions and proceedings.

(o) To adopt, promulgate, and enforce such rules and regulations as may be deemed necessary by the board and proper to carry into effect the powers hereby conferred.

(p) To hold at least four meetings a year for the conduct of its business upon giving public notice of such meetings in the manner provided by law.

(q) To submit annually to the Appropriations Committees of the House of Representatives and the Senate, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the Department of State.

(r) To submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

(s) To provide for the licensing of graduates of foreign dental schools in accordance with section 6.2.

(t) To purchase and publish, other than in the legal section, in a newspaper of general circulation in the area where the disciplined dentist conducts or recently conducted his or her practice, notice of all final disciplinary decisions which impose discipline amounting to more than a reprimand. The board shall not be required to comply with the provisions of this subsection in those cases in which the board places a dentist in a probationary program for drug or alcohol abuse or where, in the board's opinion, publication of the disciplinary decision would be detrimental to the licensee's rehabilitation and recovery.

Section 4. Fees.—(a) The fee for an applicant for examination and licensure to practice dentistry or as a dental hygienist *or certification for an expanded function dental assistant* in this Commonwealth shall be fixed by the board by regulation. It shall be the duty of all persons now qualified and engaged in the practice of dentistry and dental hygiene *or as a certified expanded function dental assistant*, or who shall hereafter be licensed *or certified* by the board, to renew biennially with said board, and pay for each such biennial renewal a fee which shall be fixed by the board by regulation.

(b) All fees required pursuant to this act shall be fixed by the board by regulation and shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

(c) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the board and subject to the "Regulatory Review Act," shall increase the fees by regulation in an amount that adequate revenues are raised to meet the required enforcement effort.

(d) All fees, fines and penalties collected under the provisions of this act shall be paid into the Professional Licensure Augmentation Account established pursuant to and for use in accordance with the act of July 1, 1978 (P.L.700, No.124), known as the "Bureau of Professional and Occupational Affairs Fee Act."

Section 4.1. Reason for Refusal, Revocation or Suspension of License *or Certificate*.—(a) The board shall have authority, by majority action, to refuse, revoke or suspend the license of any dentist or dental hygienist *or certificate of an expanded function dental assistant* for any or all of the following reasons:

(1) Failing to demonstrate the qualifications or standards for a license contained in this act or regulations of the board.

(2) Making misleading, deceptive, untrue or fraudulent representations.

(3) Practicing fraud or deceit in obtaining a license to practice dentistry or dental hygiene *or certificate for expanded function dental assisting* or making a false or deceptive biennial renewal with the board.

(4) Having been found guilty of a crime or misdemeanor involving moral turpitude or having been found guilty of a felony in violation of the laws of this Commonwealth or any other state, territory or country. For purposes of this clause (4), the phrase "having been found guilty" shall include a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere.

(5) Having a license to practice dentistry or dental hygiene *or certificate for expanded function dental assisting* revoked, suspended or having other disciplinary action imposed or consented to by the proper licensing authority of another state, territory or country or his application for license refused, revoked or suspended by the proper licensing authority of another state, territory or country.

(6) Violating any of the provisions of this act or of a lawful regulation promulgated by the board or violating a lawful order of the board previously entered by the board in a disciplinary proceeding.

(7) Knowingly maintaining a professional connection or association with any person who is in violation of this act or regulations of the board or knowingly aiding, assisting, procuring or advising any unlicensed person to practice dentistry or dental hygiene *or uncertified person for expanded function dental assisting* contrary to this act or regulations of the board.

(8) Engaging in unprofessional conduct. For purposes of this clause (8), unprofessional conduct shall include any departure from, or failure to conform to, the standards of acceptable and prevailing dental or dental hygiene practice *and standard of care for expanded function dental assistants* in which proceeding actual injury to the patient need not be established.

(9) Committing an act of gross negligence, malpractice or incompetence or repeated acts of negligence, malpractice or incompetence.

(10) Engaging in false, misleading or deceptive advertising.

(11) Being unable to practice dentistry or as a dental hygienist *or as an expanded function dental assistant* with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of controlled substances, chemicals or any other type of material, or as the result of any mental or physical condition. In enforcing this clause (11), the board shall, upon probable cause, have authority to compel a dentist [or], dental hygienist *or expanded function dental assistant* to submit to a mental or physical examination by physicians designated by the board. Failure of a dentist [or], dental hygienist *or expanded function dental assistant* to submit to such examination when directed by the board, unless such failure is due to circumstances beyond his control, shall constitute an admission of the allegations against him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A dentist [or], dental hygienist *or expanded function dental assistant* affected

under this clause (11) shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume a competent practice of dentistry [or], dental hygiene *or as an expanded function dental assistant* with reasonable skill and safety to patients.

(b) When the board finds that the license *or certificate* of any person may be refused, revoked or suspended under the terms of this section, the board may:

- (1) Deny the application for license *or certificate*.
- (2) Administer a public reprimand.
- (3) Revoke, suspend, limit or otherwise restrict a license *or certificate* as determined by the board. Unless ordered to do so by a court, the board shall not reinstate the license of a person to practice dentistry, or as a dental hygienist *or certificate of an expanded function dental assistant*, which has been revoked, and such person shall be required to apply for a license *or certificate* after a five-year period in accordance with section 3, if he or she desires to practice at any time after such revocation. Any person whose license *or certificate* has been suspended or revoked because of a felony conviction under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or similar law of another jurisdiction, may apply for reinstatement after a period of at least ten (10) years has elapsed from the date of conviction. The board may reinstate the license *or certificate* if the board is satisfied that the person has made significant progress in personal rehabilitation since the conviction such that his reinstatement should not be expected to create a substantial risk of harm to the health and safety of his patients or the public or a substantial risk of further criminal violations and if the person meets all other licensing *or certifying* qualifications of this act, including the examination requirement.
- (4) Require a licensee *or certified expanded function dental assistant* to submit to the care, counseling or treatment of a physician or psychologist designated by the board.
- (5) Require that a licensee *or certified expanded function dental assistant* successfully complete a course of educational training and testing as directed by the board.
- (6) Restore or reissue, in its discretion, a license to practice dentistry or dental hygiene *or certificate for an expanded function dental assistant* and impose any disciplinary or corrective measures which it might originally have imposed.
- (7) Suspend enforcement of its findings thereof and place a licensee *or certified expanded function dental assistant* on probation with the right to vacate the probationary order for noncompliance.
- (8) Order any person found to have violated any provision of this act or the regulations governing the practice of dentistry to restore to any patient aggrieved by an unlawful act or practice, any moneys or property, real or personal, acquired by means of such act or practice, provided the board shall

not order restitution in a dollar amount greater than those moneys received by the licensee or his agent.

(c) All actions of the board shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(d) The board shall temporarily suspend a license *or certificate* under circumstances as determined by the board to be an immediate and clear danger to the public health or safety. The board shall issue an order to that effect without a hearing, but upon due notice, to the licensee *or certified expanded function dental assistant* concerned at his last known address, which shall include a written statement of all allegations against the licensee *or certified expanded function dental assistant*. The provisions of subsection (c) shall not apply to temporary suspension. The board shall thereupon commence formal action to suspend, revoke or restrict the license *or certificate* of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within thirty days following the issuance of an order temporarily suspending a license *or certificate*, the board shall conduct, or cause to be conducted, a preliminary hearing to determine that there is a prima facie case supporting the suspension. The [licensee] *person* whose license *or certificate* has been temporarily suspended may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license *or certificate* shall be immediately restored. The temporary suspension shall remain in effect until vacated by the board, but in no event longer than one hundred eighty days.

(e) The board shall require a person whose license *or certificate* has been suspended or revoked to return the license *or certificate* in such manner as the board directs. Failure to do so shall be a misdemeanor of the third degree.

Section 3. Section 5 of the act, amended April 30, 1937 (P.L.554, No.136) and repealed in part April 28, 1978 (P.L.202, No.53), is amended to read:

Section 5. Hearing on Suspensions and Revocation of Licenses [and], Registrations *and Certificates*; Appeals.—Before the license of any licensee or any registration *or certificate* is suspended or revoked by the board, a written copy of the complaint made shall be furnished to the licensee [or], registrant *and certificate holder* against whom the same is directed and an opportunity be afforded him or her to be heard before the board, personally and by counsel. At least ten days' written notice of the time and place of such hearing shall be given the licensee [or], registrant *or certificate holder* by registered mail addressed to the post office address as shown on the annual registration or other record or information in possession of the board.

Section 4. Section 5.1 of the act, added May 2, 1985 (P.L.18, No.8), is amended to read:

Section 5.1. Automatic Suspension.—A license *or certificate* issued under this act shall automatically be suspended upon the legal commitment to an institution of a licensee *or certificate holder* because of mental incompetency from any cause upon filing with the board a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as “The Controlled Substance, Drug, Device and Cosmetic Act,” or conviction of an offense under the laws of another jurisdiction, which, if committed in Pennsylvania, would be a felony under “The Controlled Substance, Drug, Device and Cosmetic Act.” As used in this section the term “conviction” shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this section shall not be stayed pending any appeal of a conviction. Restoration of such license *or certificate* shall be made as in the case of revocation or suspension of such license *or certificate*.

Section 5. Sections 10, 10.1, 11 and 11.5 of the act, amended or added December 20, 1985 (P.L.513, No.118), are amended to read:

Section 10. Penalties.—(a) It is unlawful for any person to practice dentistry or as a dental hygienist *or as an expanded function dental assistant*, or to hold himself or herself out as a practitioner of or entitled or authorized to practice dentistry or as a dental hygienist *or as an expanded function dental assistant*, or to assume any title of “dentist,” “dental surgeon,” “dental hygienist[”],” *expanded function dental assistant*” or other letters or titles in connection with his or her name which in any way represent him or her as being engaged in the practice of dentistry or as a dental hygienist *or as an expanded function dental assistant*, or authorized so to do, unless he or she has been duly licensed *or certified*, and authorized to engage in such practice under the provisions of this act. A person who violates this subsection commits a misdemeanor of the third degree and shall, upon conviction, for a first offense, be sentenced to a fine not to exceed one thousand dollars (\$1,000) or to imprisonment for not more than six months, or both. A second offense shall be subject to a fine not to exceed two thousand dollars (\$2,000) or imprisonment for a term of six months to one year, or both.

(b) It is unlawful for any person to practice dentistry or as a dental hygienist *or as an expanded function dental assistant* under a name other than that on his or her license and biennial renewal, or to practice under the name on his or her license and biennial renewal with any addition thereto, except a purely technical appellation such as “Dentist,” “D.D.S.,” “Orthodontist” or other word or letters pertaining strictly to the practice of dentistry, or to induce any person to practice dentistry or as a dental hygienist *or as an expanded function dental assistant* in violation of this act.

(c) It is unlawful for any person to sell, offer to sell or barter or exchange any diploma or document conferring or purporting to confer any dental

degree or any license *or certificate* issued according to law regulating the licensing of dentists or dental hygienists *or expanded function dental assistants*, or to alter any such document with fraudulent intent, or to use it as a license to practice dentistry under an assumed name, or to make any false statement in an affidavit relating to or in an application for a license.

(d) It is unlawful for any person to practice dentistry or as a dental hygienist *or as an expanded function dental assistant* unless his or her license *or certificate* and biennial renewal certificate are displayed in the office in which he or she is practicing dentistry or as a dental hygienist *or as an expanded function dental assistant*.

(e) It is unlawful for a person practicing dentistry to employ a person as a dental hygienist unless such person is licensed as a dental hygienist as required by this act and the rules and regulations of the board[.] *or to employ a person as an expanded function dental assistant unless such person is certified as an expanded function dental assistant as required by this act and the rules and regulations of the board.*

(f) It is unlawful for any dentist to permit any dental hygienist operating under his general supervision to perform any operation other than those included within practice as a "Dental Hygienist," as defined by section two of this act. *It is unlawful for any dentist to permit any expanded function dental assistant operating under his or her direct supervision to perform any procedures other than those included within the definition of "Expanded Function Dental Assistant."*

(g) It is unlawful for any dental hygienist to perform any of the operations included in practice as a "Dental Hygienist," as defined by section two of this act, except under the general supervision of a licensed dentist. *It is unlawful for any expanded function dental assistant to perform any procedure within the definition of "Expanded Function Dental Assistant" which requires certification under this act unless such procedure is performed under the direct supervision of a licensed dentist.*

(h) Any person violating any of the provisions of this section other than subsection (a), or any other provisions of this act except as provided in subsection (a), shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to suffer imprisonment not exceeding six months, or both, in the discretion of the court.

Section 10.1. Civil Penalties.—In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of six members, whichever is greater, may levy a civil penalty of up to one thousand dollars (\$1,000) on any current licensee who violates any provision of this act or on any person who practices dentistry or as a dental hygienist *or as an expanded function dental assistant* without being properly licensed *or certified* to do so under this act.

The board shall levy this penalty only after affording the accused party the opportunity for a hearing as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

Section 11. Right of Dentists to Practice as Dental Hygienists *and as Expanded Function Dental Assistants*; Dental Supplies; Death Certifications.—Nothing contained in this act shall be construed as prohibiting a duly licensed and registered dentist from performing the work of a dental hygienist *or an expanded function dental assistant*. Nothing contained in this act or any other act shall be construed as prohibiting a duly licensed dentist who is a staff member of an approved hospital from executing a medical certification in case of death if the dentist attended the deceased during the last illness, provided the death occurs in the hospital and the deceased had been admitted on the dental service and the circumstances are not such as to require a referral to the coroner under the provisions of any other act. Nothing contained in this act shall be construed to prevent any person, copartnership, association or corporation from manufacturing and furnishing to or repairing for, licensed dentists artificial teeth, crowns, bridges, prosthetic work, and regulating appliances, but it shall be unlawful and constitute the practice of dentistry for any person to fit, or attempt to fit, or to furnish to or repair for any other person artificial teeth, crowns, bridges, prosthetic work, or appliances.

Section 11.5. Reporting of Multiple Licensure *or Certification*.—Any licensed dentist or dental hygienist *or certified expanded function dental assistant* of this Commonwealth who is also licensed to practice dentistry or as a dental hygienist *or a certified expanded function dental assistant* in any other state, territory or country shall report this information to the board on the biennial renewal application. Any disciplinary action taken in other states, territories or countries shall be reported to the board on the biennial renewal application or within ninety (90) days of disposition, whichever is sooner. Multiple licensure *or certification* shall be noted by the board on the dentist's [or], dental hygienist's *or expanded function dental assistant's* record, and such state, territory or country shall be notified by the board of any disciplinary actions taken against the dentist or dental hygienist in this Commonwealth.

Section 6. The act is amended by adding sections to read:

Section 11.7. Temporary Permits for Expanded Function Dental Assistants.—(a) *Until a certification examination is developed and administered by a professional testing organization, the board shall issue temporary permits to expanded function dental assistants who meet the requirements of section 3(d.1), excluding subclause (ii) of clause (1).*

(b) *Temporary permits shall be valid until the results of the first certification examination pursuant to section 3(d.1) have been announced. A temporary permit shall expire if the holder fails the certification examination. An appropriate fee for a temporary permit shall be established by the board by regulation. If they are not in violation of any other*

provision of the act and have satisfied the requirements of section 3(d.1), holders of temporary permits shall qualify for admission to the licensing examination and shall apply for the next regularly scheduled certification examination.

Section 11.8. Additional Definition.—As used in this act, “Assignment of Duties” shall mean the assignment by a dentist to another person of services and procedures which are performed in the office of a dentist. A dentist may assign to such competent person or persons as the dentist deems appropriate those services and procedures performed in the dental office in which the dentist is practicing but which do not require the professional competence and skill of a dentist or dental hygienist or expanded function dental assistant. Such assignment of services and procedures shall be under the direct supervision of a licensed dentist. This section shall not be construed as authorizing the delegation or assignment of diagnosing, treatment planning and writing prescriptions for drugs or writing authorizations for restorative, prosthetic or orthodontic appliances.

Section 7. This act shall take effect immediately.

APPROVED—The 27th day of December, A.D. 1994.

ROBERT P. CASEY