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COMMITTEES

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INDEPENDENT REGULATORY  
REVIEW COMMISSION  
*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

August 27, 1998

ORIGINAL: 1959, 1960 & 1963

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John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor, 333 Market Street  
Harrisburg, PA 17101

Dear Chairman McGinley:

This is to advise you that the House Professional Licensure Committee was unable to convene a quorum in time to take formal committee action on Regulations 16A-464, 16A-465, and 16A-612. Committee members were forwarded copies of each regulation and asked that they forward to the Chairman any comments or suggestions.

The committee is submitting the recommendations included in the analyses of Regulations 16A-464, 16A-465, and 16A-612.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in cursive script that reads "Mario J. Civera".

Mario J. Civera, Chairman  
Professional Licensure Committee

MJC/sms  
Enclosures

CC: Norbert O. Gannon, D.D.S., Chairman  
State Board of Dentistry  
David M. DuTot, L.A., Chairman  
State Board of Landscape Architects  
The Honorable Yvette Kane  
Secretary of the Commonwealth

ORIGINAL: 1960

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STATE BOARD OF DENTISTRY

STATE BOARD OF DENTISTRY  
HEALTH COMMISSION

**PROPOSAL:** Regulation 16A-465 amends 49 PA Code, State Board of Dentistry, to implement expanded function dental assistants' provision of the Dental Law. The regulation is submitted as a proposed regulation. The committee has until August 31, 1998, to comment on the regulation.

**ANALYSIS:** The Dental Law was amended on December 27, 1994, to provide for Board certification and regulation of expanded function dental assistants (EFDA's). To date, approximately 1700 EFDA's have applied for a temporary permit.

The regulation outlines the professional education needed to qualify as an EFDA: graduation from an EFDA program at a two-year college or other accredited program offering an associate degree or graduation from a school of dental hygiene which included at least 75 hours of clinical and didactic instruction in restorative functions, or, completion of a certification program in expanding function dental assisting of at least 200 hours of clinical and didactic instruction from an accredited dental assisting program.

Temporary permit holders shall take the first EFDA examination. Temporary permit holders who fail to register for the first examination or who fail the first examination shall immediately cease practicing as an EFDA and return their temporary permits to the Board. Temporary permit holders who fail to appear for the examination due to illness or bereavement shall apply for a waiver within 10 days of the examination. Documentation from a physician must accompany the request for waiver.

The regulation lists the scope of practice as: placing and removing rubberdams, matrices, and wedges; applying cavity liners and bases; placing, condensing, carving, and contouring amalgam restorations; and placing and finishing composite resin restorations. EFDA's shall practice under the direct supervision of a dentist.

EFDA's are prohibited from examining, diagnosing or planning treatment; cutting hard or soft tissue; prescribing drugs, medicaments or lab authorization; evaluating or adjusting final occlusions, performing pulp capping, pulpotomy and other endodontic procedures; placing or adjusting fixed and removable prosthetic appliance and administering local anesthesia, parental or inhalational sedation, nitrous oxide analgesia or general anesthesia.

Unprofessional conduct by an EFDA would include: 1) practicing as an EFDA without the direct supervision of a dentist, 2) performing a service that the EFDA is not competent or authorized to perform, 3) physically, sexually or verbally abusing a patient; 4) failing to follow current infection-control recommendations issued by the Federal Centers for Disease Control, and 5) providing ionizing radiation in violation of Section 33.302 (relating to auxiliary personnel performing radiologic procedures).

**RECOMMENDATION:** It is recommended the committee take no position on the regulation until the public comments have been received and the regulation is submitted in final form.

However, the committee does recommend the following amendments:

1) Section 33.103 recognizes the NERB examinations for dentists and dental hygienists. However, no specific examination is identified for EFDA's. The committee is aware that the Board is working to identify an examination. However, should an examination not be approved at the time the Board submits the final regulation, it is recommend Section 33.103 be deleted and resubmitted as a separate regulation with an identified examination.

2) Section 33.120. In public comments received by the Board, Ms. Caperita raises the issue of what happens to a candidate who fails the first scheduled EFDA examination. While the regulation states that the candidate must return the temporary permit to the Board, the regulation is silent on whether the candidate can retake the examination. The committee recommends the Board insert language which addresses the retaking of the examination.

The committee also recommends Section 33.120 be amended to include the word "scheduled":

(a) Temporary permit holders shall register and take the first scheduled expanded function dental assistant examination.

(b) Temporary permit holders who fail to register for the first scheduled examination shall immediately cease practicing as an expanded function dental assistant in the Commonwealth and return their temporary permits to the Board.

© Temporary permit holders who fail the first scheduled examination shall, upon notice, immediately cease practicing as an expanded function dental assistant in the Commonwealth and return their temporary permits to the Board.

Democratic House Professional Licensure Committee

August 3, 1998