

**CHAPTER 114 EXTENSION OF DUTIES OF  
AUXILIARY PERSONNEL--DENTAL  
ASSISTANTS**

**§114.1 Permitted Duties**

(a) A dentist may delegate to a dental assistant the authority to perform only acts or procedures that are reversible. An act or procedure that is reversible is capable of being reversed or corrected.

(b) A dentist may not delegate or otherwise authorize a dental assistant to perform any task for which a certificate is required under this section, unless the dental assistant holds the required certificate.

(c) A dental assistant may perform tasks under a dentist's general or direct supervision. For the purposes of this section:

(1) "General supervision" means that the dentist employs or is in charge of the dental assistant and is responsible for supervising the services to be performed by the dental assistant. The dentist may or may not be present on the premises when the dental assistant performs the procedures.

(2) "Direct supervision" means that the dentist employs or is in charge of the dental assistant and is physically present in the office when the task is performed. Physical presence does not require that the supervising dentist be in the treatment room when the dental assistant performs the service as long as the dentist is in the dental office.

(d) The dentist shall remain responsible for any delegated act.

(e) The clinical tasks that a dental assistant can perform under general supervision are limited to:

(1) the making of dental x-rays in compliance with the Occupations Code, §265.005; and

(2) the provision of interim treatment of a minor emergency dental condition to an existing patient of the treating dentist in accordance with the Occupations Code, §265.003(a-1). For purposes of this paragraph only, "existing patient" means a patient that the supervising dentist has examined in the twelve (12) months prior to the interim treatment.

**§114.2 Registration of Dental Assistants**

(a) A dental assistant may not position or expose dental x-rays unless the dental assistant holds a dental assistant radiology certificate issued by the State Board of Dental

Examiners under this section.

(b) To be eligible for a dental assistant radiology certificate under this section, an applicant must present on or accompanying an application form approved by the State Board of Dental Examiners proof satisfactory to the Board that the applicant has:

(1) Paid all application, examination and licensing fees required by law and Board rules and regulations;

(2) Successfully completed a current course in basic life support; and,

(3) Either:

(A) taken and passed a course of instruction and an examination administered by the State Board of Dental Examiners or its designated agent, that fulfills the requirements in subsection (h) of this section; or,

(B) if the applicant is certified as a dental assistant by the Dental Assisting National Board, taken and passed a jurisprudence examination administered by the State Board of Dental Examiners or its designated agent.

(c) The State Board of Dental Examiners has established a staggered dental assistant registration system comprised of initial registration periods followed by annual registrations (i.e., renewals). The initial, staggered registration periods will range from 6 months to 17 months. Each dental assistant for whom an initial certificate of registration is issued will be assigned a computer-generated check digit. The length of the initial registration period will be according to the assigned check digit as follows:

(1) a dental assistant assigned to check digit 1 will be registered for 6 months;

(2) a dental assistant assigned to check digit 2 will be registered for 7 months;

(3) a dental assistant assigned to check digit 3 will be registered for 8 months;

(4) a dental assistant assigned to check digit 4 will be registered for 9 months;

(5) a dental assistant assigned to check digit 5 will be registered for 11 months;

(6) a dental assistant assigned to check digit 6 will be registered for 12 months;

(7) a dental assistant assigned to check digit 7 will be registered for 13 months;

(8) a dental assistant assigned to check digit 8 will be registered for 14 months;

(9) a dental assistant assigned to check digit 9 will be registered for 15 months; and

(10) a dental assistant assigned to check digit 10 will be registered for 17 months.

(11) Initial dental assistant registration fees will be prorated according to the number of months in the initial registration period.

(d) Subsequent to the initial registration period, a registered dental assistant's annual renewal will occur on the first day of the month that follows the last month of the dental assistant initial registration period.

(1) Approximately 60 days prior to the expiration date of the initial dental assistant registration period, renewal notices will be mailed to all registered dental assistants who have that expiration date.

(2) A dental assistant registered under this section who wishes to renew his or her registration must:

(A) Pay a renewal fee set by Board rule;

(B) Submit proof that the applicant has successfully completed a current course in basic life support; and,

(C) For certificates that expire before September 1, 2009, complete at least six (6) hours of continuing education in the previous registration year.

(i) The continuing education curriculum must cover dental assistant duties.

(ii) The continuing education requirement may be met through self-study, interactive computer courses, or lecture courses as offered or endorsed by continuing education providers listed in §104.2 of this title; or

(D) For certificates that expire on or after September 1, 2009, complete continuing education as required by §114.12 of this chapter.

(3) A registration expired for one year or more may not be renewed.

(e) Applications for registration or for renewal of registration must be submitted to the office of the State

Board of Dental Examiners.

(f) An application for registration is filed with the State Board of Dental Examiners when it is actually received, date-stamped, and logged-in by the State Board of Dental Examiners along with all required documentation and fees. An incomplete application for registration and fee will be returned to applicant within three working days with an explanation of additional documentation or information needed.

(g) A dental assistant shall display a current registration certificate in each office where the dental assistant provides services for which registration is required by this chapter. When a dental assistant provides such services at more than one location, a duplicate registration certificate issued by the Board may be displayed. Photocopies are not acceptable. The duplicate may be obtained from the State Board of Dental Examiners for a fee set by the Board.

(h) Radiology. Courses administered to fulfill the requirements of a Dental Assistant Radiology Certificate must cover the following course objectives identified by the Dental Assistant Advisory Committee:

(1) At the end of this course of instruction, the student should be able to:

(A) Apply principles of radiation safety in the operation of radiographic equipment.

(i) Explain factors affecting x-ray production.

(ii) Explain x-ray machine factors that influence radiation safety.

(iii) Identify differences between primary radiation and scattered (secondary) radiation.

(iv) Describe protocol in suspected x-ray machine malfunctions.

(B) Practice safety measures for patient protection.

(i) Explain major cause of unnecessary radiation exposure.

(ii) Identify short and long-term effects of radiation on cells and tissues.

(iii) Identify ways to reduce radiation exposure to patients.

(iv) Explain guidelines to determine frequency of

radiation exposure.

(C) Practice safety measures for operator protection.

(i) Explain basic radiation physics and biology related to operator exposure.

(ii) Explain sources of radiation to operators while exposing radiographs.

(iii) Identify safety measures to reduce operator radiation exposure.

(D) Identify and select infection control techniques and barriers to minimize cross-contamination according to ADA/CDC guidelines.

(E) Utilize patient management techniques before, during, and after radiographic exposure.

(i) Address patient concerns regarding radiation exposure.

(ii) Select appropriate patient management techniques for radiographic exposure.

(F) Select appropriate intraoral radiographic technique.

(i) Identify appropriate armamentarium for radiographic techniques.

(ii) Select appropriate film size and film speed.

(iii) Expose radiographs.

(G) Practice infection control procedures for radiographic processing.

(H) Prepare, maintain, and replenish radiographic solutions for manual and automatic processors.

(I) Process exposed intra- and extraoral radiographs manually and with automatic processors.

(i) Identify optimum conditions and procedures for processing radiographs.

(ii) Identify and correct errors related to radiographic processing and improper film handling.

(J) Store film and chemical agents used in radiographic procedures according to regulatory guidelines.

(K) Dispose of all chemical agents and other materials

used in dental radiographic procedures.

(L) Mount radiographs using facial view.

(i) Identify anatomical landmarks to aid in correct mounting.

(ii) Match specific tooth views to specified tooth mount windows.

(iii) Utilize optimum viewing techniques.

(iv) Label the radiographic mount appropriately.

(M) Identify anatomical structures, dental materials and patient characteristics observed on radiographs.

(N) Evaluate radiographs for diagnostic value.

(i) Identify diagnostically acceptable radiographs.

(ii) Identify and correct causes of errors on intraoral radiographs.

(O) Understand basic principles of extraoral radiology.

(P) Select the appropriate film and equipment.

(Q) Prepare patient for exposure.

(R) Expose extraoral radiographs.

(S) Identify and correct causes of errors on extraoral radiographs.

(T) Explain the concept of digital radiography.

(U) Select appropriate equipment.

(V) Expose digital radiographs.

(W) Identify and correct causes of errors on digital radiographs.

(X) Utilize quality assurance procedures in the dental office for radiographic procedures.

(Y) Prepare radiographs to comply with legal requirements for viewing and duplication.

(i) Explain methods for duplicating radiographs.

(ii) Explain reasons for exposing and retaining radiographs.

(Z) Comply with HIPAA/Patient Privacy Rules and Regulations.

(2) Infection control. At the end of this course of instruction, the student should be able to:

(A) Follow standards and guidelines of occupational safety for dental office personnel.

(i) Utilize regulations in the OSHA/CDC Bloodborne Pathogens Standard.

(ii) Utilize regulations in the OSHA/CDC Hazard Communication Standard.

(B) Identify infectious diseases in the dental setting and available immunizations.

(C) Prevent cross-contamination and disease transmission in the dental setting.

(i) Perform proper hand washing.

(ii) Use disposable items whenever possible.

(iii) Utilize barrier techniques and personal protective equipment (PPE).

(D) Perform disinfection procedures.

(i) Select appropriate PPE.

(ii) Select, prepare and use chemical agents following manufacturer's directions.

(iii) Prepare surfaces for disinfection.

(iv) Disinfect the treatment room, darkroom, instrument processing area, and all associated equipment.

(E) Perform sterilization procedures.

(i) Select appropriate PPE.

(ii) Prepare dental instruments and equipment for sterilization.

(iii) Apply appropriate method for sterilization of dental instruments, equipment and supplies.

(iv) Label and store all instruments properly.

(v) Monitor effectiveness of sterilization process for dental instruments, equipment and supplies.

(F) Maintain infection control of dental unit and equipment.

(G) Practice safety measures when handling all hazardous materials.

(i) Identify and dispose of biohazardous waste.

(ii) Identify and dispose of non-regulated waste.

(iii) Identify and manage potential chemical and physical hazards in accordance with MSDS sheets.

(H) Practice infection control in handling and transporting dental items.

(i) Select appropriate PPE.

(ii) Identify conditions for potential cross-contamination.

(iii) Select and apply appropriate disinfectant.

(iv) Label biohazardous material.

(I) Utilize and maintain a quality assurance program for infection control throughout the dental setting.

(3) Jurisprudence. At the end of this course of instruction, the student should be able to:

(A) State the mission, philosophy and composition of the State Board of Dental Examiners.

(B) Differentiate between the Texas Occupations Code and the rules of the State Board of Dental Examiners.

(C) Comply with Texas law and the rules of the State Board of Dental Examiners as they relate to dental assistant duties.

(i) This subsection as well as subsections (j) and (k) of this section apply to certificates issued on or after September 1, 2009. A dental assistant who holds a certificate of registration issued under this chapter shall display the person's current certificate of registration in each office in which the person makes dental x-rays. If the person makes dental x-rays at more than one location, the person may display a duplicate of the original registration certificate obtained from the Board on payment of a duplicate certificate fee set by the Board.

(j) A dental assistant who holds a certificate of registration issued under this chapter shall timely notify the Board of:

(1) any change of address of the registrant's place of business;

(2) any change of the registrant's employer; and

(3) any change of the registrant's mailing address.

(k) An initial certificate of registration issued under this section expires on the 30th day after the date the certificate is issued if the holder of the certificate fails to pay the required certificate fee on or before that date.

(l) The Board may issue a registration to a dental assistant applicant who is a Military service member, Military veteran, or Military spouse in compliance with §101.6 of this title (relating to Dental Licensing for Military Service Members, Military Veterans and Military Spouses).

#### **§114.3 Pit and Fissure Sealant Certificate**

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Didactic education" requires the presentation and instruction of theory and scientific principles.

(2) "Clinical education" requires providing care to patient(s) under the direct supervision of a dentist or dental hygienist instructor.

(3) "Direct Supervision" requires that the instructor responsible for the procedure shall be physically present during patient care and shall be aware of the patient's physical status and well-being.

(b) This subsection applies only to applications for certification received by the Board before September 1, 2009. A Texas-licensed dentist who is enrolled as a Medicaid Provider with appropriate state agencies, or who practices in an area determined to be underserved by the Department of State Health Services, may delegate the application of a pit and fissure sealant to a dental assistant, if the dental assistant:

(1) is employed by and works under the direct supervision of the licensed dentist; and

(2) is certified pursuant to subsection (f) of this section.

(c) This subsection applies only to applications for certification received by the Board on or after September 1, 2009. A Texas-licensed dentist may delegate the application of pit and fissure sealant to a dental assistant, if the dental assistant is certified pursuant to subsection (f) of this section.

(d) In addition to application of pit and fissure sealants a dental assistant certified in this section may use a rubber prophylaxis cup and appropriate polishing materials to cleanse the occlusal and smooth surfaces of teeth that will be sealed or to prepare teeth for application of orthodontic bonding resins. Cleansing is intended only to prepare the teeth for the application of sealants or bonding resins and should not exceed the amount needed to do so.

(e) The dentist may not bill for a cleansing provided hereunder as a prophylaxis.

(f) A dental assistant wishing to obtain certification under this section must:

(1) Pay an application fee set by board rule;

(2) And on a form prescribed by the Board provide proof that the applicant has:

(A) At least two years of experience as a dental assistant;

(B) Successfully completed a current course in basic life support; and

(C) Complete a minimum of 16 hours of education for certificates issued under applications received by the Board before September 1, 2009 or complete a minimum of 8 hours of education for certificates issued under applications received by the Board on or after September 1, 2009. To fulfill this requirement, the education must include clinical and didactic education in pit and fissure sealants taken through a CODA-accredited dental hygiene or dental assisting program approved by the Board whose course of instruction includes:

(i) infection control;

(ii) cardiopulmonary resuscitation;

(iii) treatment of medical emergencies;

(iv) microbiology;

(v) chemistry;

(vi) dental anatomy;

- (vii) ethics related to pit and fissure sealants;
- (viii) jurisprudence related to pit and fissure sealants; and
- (ix) the correct application of sealants, including the actual clinical application of sealants.

(g) Before January 1 of each year, a dental assistant registered under this section who wishes to renew that registration must:

- (1) Pay a renewal fee set by board rule; and
- (2) Submit proof that the applicant has successfully completed a current course in basic life support; and either
- (3) For certificates issued under applications filed before September 1, 2009, the dental assistant must complete at least six (6) hours of continuing education in technical and scientific coursework in the previous calendar year.

(A) The terms "technical" and "scientific", as applied to continuing education, shall mean that courses have significant intellectual or practical content and are designed to directly enhance the practitioner's knowledge and skill in providing clinical care to the individual patient.

(B) Dental assistants shall select and participate in continuing education courses offered by or endorsed by:

- (i) dental schools, dental hygiene schools, or dental assisting schools that have been accredited by the Commission on Dental Accreditation of the American Dental Association; or,
- (ii) nationally recognized dental, dental hygiene or dental assisting organizations.

(C) No more than three (3) hours of the required continuing education coursework may be in self-study; or

(4) For certificates issued under applications filed on or after September 1, 2009, the dental assistant must complete continuing education requirements in accordance with §114.12 of this chapter.

**§114.4 Monitoring the Administration of Nitrous Oxide**

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Dental industry professional organization"--any organization, the primary mission of which is to represent and support dentists, dental hygienists, and/or dental assistants;

(2) "Didactic education" requires the presentation and instruction of theory and scientific principles.

(3) "Direct Supervision" requires that the dentist responsible for the procedure shall be physically present during patient care and shall be aware of the patient's physical status and well-being.

(b) A Texas-licensed dentist may delegate the monitoring of the administration of nitrous oxide to a dental assistant, if the dental assistant:

- (1) works under the direct supervision of the licensed dentist; and
- (2) is certified pursuant to subsection (c) of this section.

(c) A dental assistant wishing to obtain certification under this section must:

- (1) Pay an application fee set by board rule; and
- (2) On a form prescribed by the board, provide proof that the applicant has:

(A) Successfully completed a current course in basic life support; and,

(B) Completed a minimum of 8 hours of didactic education and testing in monitoring the administration of nitrous oxide taken through a CODA-accredited dental, dental hygiene or dental assisting program, approved by the board, whose course of instruction includes:

- (i) Texas Jurisprudence, including but not limited to: anesthesia standard of care, anesthesia/analgesia, enteral conscious sedation, and this rule, regarding monitoring the administration of nitrous oxide;
- (ii) Dental anatomy and physiology;
- (iii) Pharmacology;
- (iv) Sedation equipment;
- (v) Infection control;
- (vi) Patient monitoring; and

(vii) Recognition and management of medical emergencies.

(d) The jurisprudence assessment may be completed to satisfy the requirements set out in subsection (c)(2)(B)(i) of this section.

(e) A program seeking to offer a course in monitoring the administration of nitrous oxide must submit a written request for approval to the board demonstrating that it meets the requirements set forth in subsection (c)(2)(B) of this section. Additionally, all courses must include a mandatory competency evaluation with a minimum of 50 test items. Course documentation must be maintained by the course provider for no less than three years.

(f) Approved courses may be offered at annual meetings of dental industry professional organizations.

(g) Courses taken to satisfy the requirements of this section are valid for five (5) years from the date of course completion for certification purposes.

#### **§114.5 Coronal Polishing Certificate**

(a) The following term, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise: "Coronal polishing" means the removal of plaque and extrinsic stain from exposed natural and restored tooth surfaces using an appropriate rotary instrument with rubber cup or brush and polishing agent. This includes the use of a toothbrush.

(b) A Texas-licensed dentist may delegate coronal polishing to a dental assistant if the dental assistant:

(1) works under the direct supervision of the licensed dentist; and

(2) is certified pursuant to subsection (d) of this section.

(c) The delegated duty of polishing by a dental assistant may not be billed as a prophylaxis.

(d) A dental assistant seeking certification under this section must:

(1) pay an application fee set by board rule; and

(2) on a form prescribed by the Board, provide proof that the applicant has:

(A) at least two years experience as a dental assistant; and either

(B) completed a minimum of eight (8) hours of clinical and didactic education in coronal polishing taken through a dental school, dental hygiene school, or dental assisting program accredited by the Commission on Dental Accreditation of the American Dental Association and approved by the Board. The education must include courses on:

(i) oral anatomy and tooth morphology relating to retention of plaque and stain;

(ii) indications, contraindications, and complications of coronal polishing;

(iii) principles of coronal polishing, including armamentarium, operator and patient positioning, technique, and polishing agents;

(iv) infection control procedures;

(v) polishing coronal surfaces of teeth; and

(vi) jurisprudence relating to coronal polishing; or

(C) present proof to the Board that the assistant has either:

(i) graduated from a dental assisting program accredited by the Commission on Dental Accreditation of the American Dental Association and approved by the board that includes specific didactic course work and clinical training in coronal polishing; or

(ii) received certification of completion of requirements specified by the Dental Assisting National Board and approved by the Board.

#### **§114.6 General Qualifications for Registration or Certification**

(a) Any person who desires to provide dental assistant services requiring registration or certification must obtain the proper registration or certification issued by the Board before providing the services, except as provided in Texas Occupations Code §265.005(l) and §114.11 of this chapter.

(b) Any applicant for registration or certification must meet the requirements of this chapter.

(c) To be eligible for registration or certification, an applicant must provide with an application form approved by the Board satisfactory proof to the Board that the applicant:

(1) has fulfilled all requirements for registration or certification outlined in this chapter;

(2) has met the requirements of §101.8 of this title;

(3) has not had any disciplinary action taken in this state or any other jurisdiction;

(4) has successfully completed a current course in basic life support;

(5) has taken and passed the jurisprudence assessment administered by the Board or an entity designated by the Board within one year immediately prior to application; and

(6) has paid all application, examination and fees required by law and Board rules and regulations.

(d) Applications for dental assistant registration and certification must be delivered to the office of the State Board of Dental Examiners.

(e) An application for dental assistant registration or certification is filed with the Board when it is actually received, date-stamped, and logged-in by the Board along with all required documentation and fees. An incomplete application will be returned to the applicant with an explanation of additional documentation or information needed.

(f) The Board may refuse to issue registration or certificate or may issue a conditional registration or certificate to any individual who does not meet the requirements of subsections (c)(2) or (c)(3) of this section, or who:

(1) presents to the Board fraudulent or false evidence of the person's qualification for registration or certification;

(2) is guilty of any illegality, fraud, or deception during the process to secure a registration or certification;

(3) is habitually intoxicated or is addicted to drugs;

(4) commits a dishonest or illegal practice in or connected to dentistry;

(5) is convicted of a felony under federal law or law of this state; or

(6) is found to have violated a law of this state relating to the practice of dentistry within the 12 months preceding the date the person filed an application for a registration or certification.

(g) If the Board chooses to issue a conditional registration or certificate, the individual may be required to enter into an agreed settlement order with the Board at the time the registration or certificate is issued. In determining whether to issue a conditional registration or certificate, the Board shall consider the following factors, as applicable:

(1) the nature and seriousness of the crime or violation;

(2) the relationship of the crime or violation to the purposes for requiring a registration/certification to engage in the occupation;

(3) the extent to which a registration/certification might offer an opportunity to engage in further criminal activity or violations of the same type as that in which the person previously had been involved;

(4) the relationship of the crime or violation to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the registered occupation;

(5) the extent and nature of the person's past criminal activity or disciplinary history;

(6) the age of the person when the crime or violation was committed;

(7) the amount of time that has elapsed since the person's last criminal activity or violation;

(8) the conduct and work activity of the person before and after the criminal activity or violation;

(9) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and

(10) other evidence of the person's fitness, including letters of recommendation from:

(A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;

(B) the sheriff or chief of police in the community where the person resides; and

(C) any other person in contact with the convicted person.

(11) The applicant shall, to the extent possible, obtain and provide to the Board the recommendations of the



prosecution, law enforcement, and correctional authorities. The applicant shall also furnish proof in such form as may be required by the Board that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted or received a deferred order or in all administrative cases in which the applicant has been the subject of a final disciplinary action.

(12) The order may include limitations including, but not limited to, practice limitations, stipulations, compliance with court ordered conditions, notification to employer or any other requirements the Board recommends to ensure public safety.

(13) In the event an applicant is uncertain whether he or she is qualified to obtain a dental assistant registration or certification due to criminal conduct, the applicant may request a Criminal History Evaluation Letter in accordance with §114.9 of this chapter, prior to application.

(14) Should the individual violate the terms of his or her conditional registration or certificate, the Board may take additional disciplinary action against the individual.

(h) An applicant whose application is denied by the Board may appeal the decision to the State Office of Administrative Hearings.

(i) An individual whose application for dental assistant registration/certification is denied is not eligible to file another application for registration/certification until the expiration of one year from the date of denial or the date of the Board's order denying the application for registration/certification, whichever date is later.

#### **§114.9 Criminal History Evaluation Letter**

(a) A person enrolled or planning to enroll in an educational program that prepares the person for initial certification as a dental assistant and who has reason to believe that he or she may be ineligible for licensure due to a conviction or deferred adjudication for a felony or a misdemeanor offense, may petition the Board for a Criminal History Evaluation Letter.

(b) The requestor must submit a petition that includes:

(1) a statement by the requestor indicating the reason(s) and basis of potential ineligibility;

(2) any applicable court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records and evidence of completion of probation;

(3) any other documentation requested by the Board; and

(4) the required fee.

(c) An investigation of the requestor's eligibility shall be conducted.

(d) If the Board determines that a ground for ineligibility does not exist, it shall notify the requestor in writing of the Board's determination on each ground of potential ineligibility.

(e) If the Board determines that the requestor is ineligible for a license, it shall issue a letter setting out each basis for potential ineligibility and the Board's determination as to eligibility. In the absence of new evidence known to but not disclosed by the requestor or not reasonably available to the Board at the time the letter is issued, the Board's ruling on the request determines the requestor's eligibility with respect to the grounds for potential ineligibility set out in the letter.

(f) The Board shall provide notice under subsection (d) of this section or issue a letter under subsection (e) of this section no later than the ninetieth (90th) day after the date the Board receives the request.

(g) The Board shall charge a person requesting an evaluation a fee not to exceed \$100.00 to cover the cost of administering this section. The fee shall be non-refundable.

#### **§114.10 Dishonorable Conduct**

The dishonorable conduct section is intended to protect the public from dangerous, unethical, and illegal conduct of licensees and registrants. The purpose of this section is to identify unprofessional or dishonorable behaviors of a dental assistant which the Board believes are likely to pose a threat to the public. Actual injury to a patient need not be established for a dental assistant to be in violation of this section. Behavior constituting dishonorable conduct includes, but is not limited to:

(1) Criminal conduct--including but not limited to conviction of a misdemeanor involving fraud or a felony under federal law or the law of any state as outlined in Chapter 101 of this title.

(2) Deception or misrepresentation--engages in deception or misrepresentation:

- (A) in soliciting or obtaining patronage; or
- (B) in obtaining a fee.
- (3) Fraud in obtaining a license, registration, or certification--obtains a registration or certification by fraud or misrepresentation or participates in a conspiracy to procure a license, registration, or certification for an unqualified person.
- (4) Misconduct involving drugs or alcohol--actions or conduct that include, but are not limited to:
  - (A) providing dental services to a patient while the dental assistant is impaired through the use of drugs, narcotics, or alcohol;
  - (B) addicted to or habitually intemperate in the use of alcoholic beverages or drugs; or
  - (C) improperly obtained, possessed, or used habit-forming drugs or narcotics.
- (5) Failure to comply with applicable laws, rules, regulations, and orders--violates or refuses to comply with a law relating to the regulation of dentists, dental hygienists, or dental assistants; fails to cooperate with a Board investigation; or fails to comply with the terms of a Board Order.
- (6) Inability to practice safely--is physically or mentally incapable of practicing in a manner that is safe for the person's dental patients.
- (7) Discipline of a licensee or registrant by another state board--holds a license, registration, or certificate to practice dentistry, dental hygiene, or dental assisting in another state and the examining board of that state:
  - (A) reprimands the person;
  - (B) suspends or revokes the person's license, registration, or certificate or places the person on probation; or
  - (C) imposes another restriction on the person's practice.
- (8) Unprofessional conduct--engages in conduct that has become established through professional experience as likely to disgrace, degrade, or bring discredit upon the licensee/registrant or the dental profession.

#### **§114.11 Exemption**

- (a) A dental assistant will not be considered to be positioning, exposing, or otherwise making dental x-rays

if the dental assistant only performs radiological procedures:

- (1) In the course of training or for other educational purposes; and,
  - (2) Is at all times under the direct supervision of the employer dentist.
- (b) A dental assistant performing radiological procedures under this section in the course of on-the-job training may only do so for a period of one year.

#### **§114.12 Continuing Education for Certificate Holders**

- (a) To renew a certificate issued under this chapter, a dental assistant must complete six (6) hours of continuing education each year in areas covering dental assistant duties.
- (b) A dental assistant holding two or more certificates authorized by this chapter is required to complete twelve (12) hours of continuing education each year to renew all of the certificates held by the assistant.
- (c) A dental assistant may fulfill the continuing education requirement through board-approved self-study, interactive computer courses, or lecture courses.
- (d) Dental assistants shall select and participate in continuing education courses offered by or endorsed by:
  - (1) dental schools, dental hygiene schools, or dental assisting schools that have been accredited by the Commission on Dental Accreditation of the American Dental Association; or
  - (2) nationally recognized dental, dental hygiene or dental assisting organizations.

#### **§114.21 Requirements for Dental Assistant Registration Courses and Examinations**

- (a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:
  - (1) "Dental industry professional organization"--any organization, the primary mission of which is to represent and support dentists, dental hygienists, and/or dental assistants;
  - (2) "Dental Assistant Advisory Committee"--a committee consisting of dental professionals and educators, created by the Board under the authority of