

## BOARDS AND COMMISSIONS

### Board of Dentistry

#### (Amendment)

#### 201 KAR 8:571. Registration of dental assistants.

RELATES TO: KRS 214.615, 313.030, 313.045, 313.050, 313.080, 313.130

STATUTORY AUTHORITY: KRS 214.615(2), 313.021(1)(a), (b), (c), 313.030(3), 313.045

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.045(1) requires the board to promulgate administrative regulations relating to requirements and procedures for registration, duties, training, and standards of practice for dental assistants. This administrative regulation establishes the requirements and procedures for registration, duties, training, and standards of practice for dental assistants.

#### Section 1. Definitions.

(1) "Coronal polishing" means a procedure that is the final stage of a dental prophylaxis on the clinical crown of the tooth after a dentist or a hygienist has verified there is no calcareous material.

(2) "Dental assistant" ~~means~~mean a person who is directly involved with the care and treatment of a patient under the direct supervision of a dentist and performs reversible procedures delegated by a dentist licensed in the Commonwealth.

Section 2. Supervision Requirements. A dental assistant operating under this administrative regulation shall be under the direct supervision of a Kentucky licensed dentist at all times while in the performance of patient care and treatment. The supervising dentist shall accept sole responsibility for the actions of the dental assistant.

Section 3. General Registration ~~[Requirements]~~ and Documentation~~[General Training]~~ Requirements.

(1) A dentist licensed in the Commonwealth shall register all dental assistants in ~~their~~his or her practice on the Application for Renewal of Dental Licensure incorporated by reference in 201 KAR 8:532~~[201 KAR 8:530]~~.

(2) A dental assistant shall maintain certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the guidelines set forth by the American Heart Association, as incorporated by reference in 201 KAR 8:532. The supervising dentist shall retain the current CPR certification of each dental assistant in their~~the~~ personnel file.

~~(3) The supervising dentist shall maintain a [for the registered dental assistant the following:]~~

~~[(a)] [A copy of the certificate of completion issued for the completion of the Coronal Polishing Course if the course has been taken by the dental assistant;]~~

~~[(b)] [A copy of the certificate of completion issued for the completion of the Radiation Safety Course if the course has been taken by the dental assistant;]~~

~~[(c)] [A copy of the certificate of completion issued for the completion of the Radiation Techniques Course if the course has been taken by the dental assistant;]~~

~~[(d)] [A copy of the certificate of completion issued for the completion of the Starting Intravenous Access Lines if the course has been taken by the dental assistant;]~~

~~[(e)] [A copy of proof of having current certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the guidelines set forth by the American Heart Association, as incorporated by reference in 201 KAR 8:531; and]~~

~~[(f)] [A] statement of the competency of procedures delegated to the dental assistant from the Delegated Duties List that includes the name of the:~~

~~(a) [1.] Individual trained; and~~

(b) ~~[2.]~~ Licensee attesting to the competency of the dental assistant.

Section 4. ~~[Section 3.]~~ Coronal Polishing Requirements.

(1) A registered dental assistant may perform coronal polishing only if the assistant has: ~~If coronal polishing is performed by a registered dental assistant, the assistant shall have~~:

- (a) Completed the training described in subsection (2) of this section; and
- (b) Obtained a certificate from the authorized institution.

(2) The required training shall consist of an eight (8) hour course taught at an institution of dental education accredited by the Council on Dental Accreditation to include the following:

- (a) Overview of the dental team;
- (b) Dental ethics, jurisprudence, and legal understanding of procedures allowed by each dental team member;
- (c) Management of patient records, maintenance of patient privacy, and completion of proper charting;
- (d) Infection control, universal precaution, and transfer of disease;
- (e) Personal protective equipment and overview of Occupational Safety and Health Administration requirements;
- (f) Definition of plaque, types of stain, calculus, and related terminology and topics;
- (g) Dental tissues surrounding the teeth and dental anatomy and nomenclature;
- (h) Ergonomics of proper positioning of patient and dental assistant;
- (i) General principles of dental instrumentation;
- (j) Rationale for performing coronal polishing;
- (k) Abrasive agents;
- (l) Coronal polishing armamentarium;
- (m) Warnings of trauma that can be caused by improper techniques in polishing;
- (n) Clinical coronal polishing technique and demonstration;
- (o) Reading component consisting of the topics established in subsection (2)(a) to (n) of this section;
- (p) Passing score of seventy-five (75) percent or higher on a written comprehensive examination covering the material listed in this section~~[, which shall be passed by a score of seventy five (75) percent or higher]~~; and
- (q) Passing score on a clinical competency examination performed on a live patient and supervised by a licensed dentist.

(3) The supervising dentist shall retain in the personnel file for the registered dental assistant a copy of the certificate issued for completion of the Coronal Polishing Course.

~~[(p)] [Completion of the reading component as required by subsection (3) of this section; and]~~

~~[(q)] [Clinical competency examination supervised by a dentist licensed in Kentucky, which shall be performed on a live patient.]~~

~~[(3)] [A required reading component for each course shall be prepared by each institution offering coronal polishing education that shall:]~~

~~[(a)] [Consist of the topics established in subsection (2)(a) to (n) of this section;]~~

~~[(b)] [Be provided to the applicant prior to the course described in subsection (2) of this section; and]~~

~~[(c)] [Be reviewed and approved by the board based on the requirements of subsection (2)(a) to (n) of this section.]~~

~~[(4)] [The institutions of dental education approved to offer the coronal polishing course in Kentucky shall be:]~~

~~[(a)] [University of Louisville School of Dentistry;]~~

~~[(b)] [University of Kentucky College of Dentistry;]~~

~~[(c)] [Western Kentucky University Dental Hygiene Program; and]~~

~~[(d)] [Kentucky Community Technical College System Dental Hygiene or Dental Assisting Programs.]~~

~~[(5)] [An institution of dental education from a state outside of Kentucky meeting the standards of the institutions listed in subsection (4) of this section shall be approved upon request to the Kentucky Board of Dentistry.]~~

Section 5. ~~[Section 4.]~~ X-rays by Registered Dental Assistants.

(1) A registered dental assistant may take x-rays only if the assistant has~~[under the direct supervision of a dentist licensed in Kentucky. If a registered dental assistant takes x-rays under the direct supervision of a dentist licensed in Kentucky, the dental assistant shall have]~~ completed ten (10) hours of training as follows:

(a) ~~[(1)]~~ A six (6) hour course in dental radiography safety; and

(b) ~~[(2)]~~ A Four (4) course in dental radiography technique; or

(c) Four (4) hours of instruction in dental radiography technique ~~[while]~~ under the employment and supervision of the dentist in the office~~[ or a four (4) hour course in radiography technique].~~

(2) The supervising dentist shall retain in the personnel file for the registered dental assistant a copy of the certificates issued for completion of courses in dental radiography safety and technique.

Section 6. ~~[Section 5.]~~ Requirements for Starting Intravenous Access Lines.

(1) A registered dental assistant in Kentucky may only start intravenous (IV) access lines if the assistant:

(a) Does so ~~[An individual registered as a dental assistant in Kentucky and not subject to disciplinary action under KRS Chapter 313 who desires to start intravenous (IV) access lines while]~~ under the direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board; and

(b) Complete ~~[shall submit documentation to the licensed dentist for whom the registered dental assistant will be providing services proving successful completion of]~~ a board-approved course in starting IV access lines that includes~~[based on]:~~

1. ~~[(a)]~~ Patient Safety Techniques;

2. ~~[(b)]~~ Anatomy and physiology of the patient;

3. ~~[(c)]~~ Techniques in starting and maintaining an IV access line; and

4. ~~[(d)]~~ Appropriate methods of discontinuing an IV access line.

(2) The supervising dentist shall retain in the personnel file for the registered dental assistant a copy of the certificate issued for completion of the Starting Intravenous Access Lines Course. ~~[A registered dental assistant shall not start an IV access line if the individual has not completed a Board approved course in IV access lines.]~~

~~[Section 6.] [A dental assistant operating under this administrative regulation shall be under the direct supervision of the dentist licensed in the Commonwealth. The dentist licensed in the Commonwealth shall accept sole responsibility for the actions of the dental assistant or dental auxiliary personnel while in the performance of duties in the dental office.]~~

Section 7. Incorporation by Reference.

(1) "Delegated Duties~~[Duty]~~ List", October 2022~~[May 2014]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

*JEFF ALLEN, Executive Director*

APPROVED BY AGENCY: November 14, 2022

FILED WITH LRC: November 15, 2022 at 11:50 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this Amendment shall be held on January 25, 2023 at 4:00pm, Eastern Time at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed Amendment. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed Amendment. Written comments shall be accepted through January 31, 2023. Send written notification of intent to be heard at the public hearing, or written comments on the proposed Amendment to the contact person below.

**CONTACT PERSON:** Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email [jeffrey.allen@ky.gov](mailto:jeffrey.allen@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Jeff Allen**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This regulation establishes requirements for registering dental assistants in Kentucky.

**(b) The necessity of this administrative regulation:**

KRS 313.045(1) requires the board to promulgate administrative regulations related to dental assistants.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

This administrative regulation establishes requirements for registering dental assistants in Kentucky.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation establishes requirements for registering dental assistants in conformity with its authorizing statute.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

This amendment includes minor clarifications of the existing requirements for registering dental assistants.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment is necessary in order to clarify some registration and expanded duty requirements.

**(c) How the amendment conforms to the content of the authorizing statutes:**

This administrative regulation updates the requirements for registering dental assistants in conformity with its authorizing statute.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment clarifies the requirements to register dental assistants, thereby reducing non-compliance and improving public safety.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

This regulation will primarily affect the approximately 3,000 dentists in Kentucky and the dental assistants they employ.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

Each dental assistant will continue to be registered in accordance with applicable law and administrative regulations. No additional actions are required as a result of this amendment.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

No additional costs will be accrued as a result of this amendment.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

The amendment will result in a healthier patient population and the avoidance of potentially costly violations of applicable law and administrative regulations.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

No cost.

**(b) On a continuing basis:**

No cost.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

? Not applicable.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

No increase is needed.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

No fees or other costs are associated with this amendment.

**(9) TIERING: Is tiering applied?**

No; this amendment impacts all similarly situated entities equally.

## FISCAL NOTE

**(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

None, other than the board itself.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 313.045

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

None.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

None.

**(c) How much will it cost to administer this program for the first year?**

No cost.

**(d) How much will it cost to administer this program for subsequent years?**

No cost.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):**None.

**Expenditures (+/-):**None.

**Other Explanation:**

Not applicable.

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

None

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

None

**(c) How much will it cost the regulated entities for the first year?**

Nothing.

**(d) How much will it cost the regulated entities for subsequent years?**

Nothing.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Cost Savings (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This amendment will not have a major economic impact.