

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1457 Session of 2023

INTRODUCED BY MULLINS, HILL-EVANS, MADDEN, SANCHEZ AND CERRATO,  
JUNE 21, 2023

REFERRED TO COMMITTEE ON INSURANCE, JUNE 21, 2023

AN ACT

1 Amending the act of May 1, 1933 (P.L.216, No.76), entitled "An  
2 act relating to dentistry; defining and providing for the  
3 licensing and registration of dentists and dental hygienists,  
4 and for the revocation and suspension of such licenses and  
5 registrations, subject to appeal, and for their  
6 reinstatement; defining the powers and duties of the State  
7 Dental Council and Examining Board and the Department of  
8 Public Instruction; providing penalties; and repealing  
9 existing laws," further providing for definitions; providing  
10 for medical loss ratio; and making editorial changes.

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

13 Section 1. The act of May 1, 1933 (P.L.216, No.76), known as  
14 The Dental Law, is amended by adding sections to read:

15 Section 1.1. Definitions.--The following words and phrases  
16 when used in this act shall have the meanings given to them in  
17 this section unless the context clearly indicates otherwise:

18 "Analgesia." The diminution or elimination of pain in a  
19 conscious patient.

20 "Board." The State Board of Dentistry of the Commonwealth.

21 "Community-based clinic." An organized clinic offering  
22 primary health services to low-income individuals or to

1 residents in medically underserved areas or health professional  
2 shortage areas. The term includes a State health center, a  
3 nonprofit community-based clinic and a federally qualified  
4 health center.

5 "Conscious sedation." A minimally depressed level of  
6 consciousness which retains a patient's ability to independently  
7 and continuously maintain an airway and respond appropriately to  
8 physical stimulation or verbal command, produced by a  
9 pharmacologic or nonpharmacologic method, or combination  
10 thereof.

11 "Dental benefit plan." A benefits plan which pays or  
12 provides dental expense benefits for covered dental services and  
13 is delivered or issued for delivery by or through a dental  
14 carrier on a stand-alone basis. Some health insurers or health  
15 insurance plans integrate dental benefits and should be  
16 considered dental benefits plans for the purposes of this act  
17 and in the provisions therein.

18 "Dental hygienist." An individual who is legally licensed as  
19 such by the State Board of Dentistry to perform those  
20 educational, preventive and therapeutic services and procedures  
21 that licensed dental hygienists are educated to perform.  
22 Licensed dentists may assign to dental hygienists intra-oral  
23 procedures which the hygienists have been educated to perform  
24 and which require their professional competence and skill but  
25 which do not require the professional competence and skill of  
26 the dentist. Such assignments shall be under the supervision of  
27 a licensed dentist. Such performance of intra-oral procedures by  
28 licensed dental hygienists shall be in the private office of a  
29 dentist or public or private institution such as prescribed  
30 under section 11.9(b). Dental hygienists certified as public

1 health dental hygiene practitioners may perform intra-oral  
2 procedures without the assignment of a dentist pursuant to  
3 section 11.9. The foregoing shall not be construed as  
4 authorizing the assignment of diagnosing, treatment planning and  
5 writing prescriptions for drugs or writing authorizations for  
6 restorative, prosthetic or orthodontic appliances. The board  
7 shall issue rules setting forth the necessary education and  
8 defining the procedures that may be performed by dental  
9 hygienists licensed under this act including those procedures  
10 that may be performed under direct and general supervision.

11 "Dental services." Services for the diagnosis, prevention,  
12 treatment or cure of a dental condition, illness, injury or  
13 disease. The term does not include those services delivered by a  
14 provider that are billed as medical services.

15 "Expanded function dental assistant." An individual who  
16 holds a current valid certification under this act to perform  
17 reversible intra-oral procedures authorized by this act under  
18 the direct supervision of a licensed dentist and under an  
19 assignment of duties by a dentist, as defined in section 11.8.  
20 An expanded function dental assistant may, under direct  
21 supervision, perform those procedures specified in section 11.10  
22 and other reversible procedures not designated by this act to be  
23 performed by licensed dentists or dental hygienists. For  
24 purposes of this definition, "direct supervision" shall mean  
25 that a dentist is in the dental office or treatment facility,  
26 personally diagnoses the condition to be treated, personally  
27 authorizes the procedure and remains in the dental office or  
28 treatment facility while the procedure is being performed and,  
29 before dismissal of the patient, personally evaluates the work  
30 performed.

1 "Foreign dental schools." The dental schools which have not  
2 been approved by the Commission on Accreditation of the American  
3 Dental Association and are located in countries other than the  
4 United States or Canada.

5 "General anesthesia." A controlled state of unconsciousness,  
6 including deep sedation, accompanied by the partial or complete  
7 loss of protective reflexes which includes the patient's  
8 inability to independently maintain an airway and respond  
9 purposefully to physical stimulation or verbal command, produced  
10 by a pharmacologic or nonpharmacologic method, or combination  
11 thereof.

12 "Health care service plan." Any of the following:

13 (1) A hospital or medical insurance policy or certificate.

14 (2) A qualified higher deductible health plan.

15 (3) A health maintenance organization subscriber contract.

16 (4) A contract providing benefits for dental care whether  
17 such contract is pursuant to a medical insurance policy or  
18 certificate.

19 (5) A stand-alone dental plan, health maintenance provider  
20 contract or managed health care plan.

21 "Practice of dentistry." As defined in section 1.2.

22 "Public health dental hygiene practitioner." A licensed  
23 dental hygienist who may perform educational, preventive,  
24 therapeutic and intra-oral procedures which the hygienist is  
25 educated to perform and which require the hygienist's  
26 professional competence and skill but which do not require the  
27 professional competence and skill of a dentist without the  
28 authorization, assignment or examination of a dentist, and who  
29 is certified by the State Board of Dentistry as having satisfied  
30 the requirements of section 11.9. Public health dental hygiene

1 practitioners may only engage in professional practice in the  
2 practice sites enumerated in section 11.9(b).

3 "Restricted faculty license." A license granted to an  
4 individual for the limited purpose of teaching, including  
5 clinical teaching, in a dental school or advanced dental  
6 education program as a faculty member at an accredited dental  
7 school in this Commonwealth.

8 "Volunteer licensee." A license issued to qualified  
9 individuals who retire from active practice and seek to provide  
10 professional services as a volunteer in community-based clinics  
11 without remuneration.

12 Section 1.2. Practice of Dentistry.--A person engages in the  
13 "Practice of Dentistry," within the meaning of this act, who  
14 diagnoses, treats, operates on, or prescribes for any disease,  
15 pain or injury, or regulates any deformity or physical  
16 condition, of the human teeth, jaws or associated structures, or  
17 conducts a physical evaluation, or administers anesthetic  
18 agents, or uses ionizing radiation in the course of dental  
19 practice, or who fits, constructs and inserts any artificial  
20 appliance, plate or denture for the human teeth or jaws, or who  
21 holds himself or herself out as being able or legally authorized  
22 to do so. The term "Practice of Dentistry" includes the practice  
23 of dentistry under a restricted faculty license. The term  
24 "Practice of Dentistry" does not include:

25 (1) The practice of any of the healing arts by duly licensed  
26 practitioners.

27 (2) The extracting of teeth or relieving pain by a licensed  
28 physician or surgeon in emergencies, or the making of  
29 applications for such purposes.

30 (3) The practice of dentistry by a duly licensed

1 practitioner of dentistry of any other state or country, for the  
2 limited purpose of consultation with respect to any case under  
3 treatment in this Commonwealth, or of demonstrating before any  
4 duly authorized dental society in this Commonwealth.

5 (4) The practice of dentistry in clinical departments and  
6 laboratories of dental schools and their affiliated facilities  
7 approved by the board in the Commonwealth, by bona fide students  
8 pursuing a course of study leading to the degree of Doctor of  
9 Dental Surgery or Doctor of Dental Medicine.

10 (5) The practice of dentistry in a dental clinic operated  
11 not for profit for the duration of an internship, residency or  
12 other graduate training program approved by the American Dental  
13 Association Commission on Dental Accreditation or a dental  
14 anesthesiology training program that meets the standards of an  
15 accrediting body acceptable to the board, by persons having  
16 acquired the preliminary and professional education required for  
17 admission into the program, after notification to the board.

18 (6) The practice of dentistry in a clinical continuing  
19 education course offered by a dental school in this Commonwealth  
20 for a duration of twenty days or less, either continuous or in  
21 several sessions, where dentists licensed in the United States  
22 or other countries work under the direct supervision of dentists  
23 licensed by the Commonwealth, and delivered within the  
24 educational facilities of a dental school in this Commonwealth  
25 that is approved by the American Dental Association Commission  
26 on Dental Accreditation.

27 Section 2. Section 2 of the act is repealed:

28 [Section 2. Definitions.--A person engages in the "Practice  
29 of Dentistry," within the meaning of this act, who diagnoses,  
30 treats, operates on, or prescribes for any disease, pain or

1 injury, or regulates any deformity or physical condition, of the  
2 human teeth, jaws, or associated structures, or conducts a  
3 physical evaluation, or administers anesthetic agents, or uses  
4 ionizing radiation in the course of dental practice, or who  
5 fits, constructs, and inserts any artificial appliance, plate,  
6 or denture for the human teeth or jaws, or who holds himself or  
7 herself out as being able or legally authorized to do so. The  
8 term "Practice of Dentistry" includes the practice of dentistry  
9 under a restricted faculty license. The term "Practice of  
10 Dentistry" does not include:

11 (a) The practice of any of the healing arts by duly licensed  
12 practitioners.

13 (b) The extracting of teeth or relieving pain by a licensed  
14 physician or surgeon in emergencies, or the making of  
15 applications for such purposes.

16 (c) The practice of dentistry by a duly licensed  
17 practitioner of dentistry of any other state or country, for the  
18 limited purpose of consultation with respect to any case under  
19 treatment in this Commonwealth, or of demonstrating before any  
20 duly authorized dental society in this Commonwealth.

21 (e) The practice of dentistry in clinical departments and  
22 laboratories of dental schools and their affiliated facilities  
23 approved by the board in the Commonwealth, by bona fide students  
24 pursuing a course of study leading to the degree of Doctor of  
25 Dental Surgery or Doctor of Dental Medicine.

26 (f) The practice of dentistry in a dental clinic operated  
27 not for profit for the duration of an internship, residency or  
28 other graduate training program approved by the American Dental  
29 Association Commission on Dental Accreditation or a dental  
30 anesthesiology training program that meets the standards of an

1 accrediting body acceptable to the board, by persons having  
2 acquired the preliminary and professional education required for  
3 admission into the program, after notification to the board.

4 (g) The practice of dentistry in a clinical continuing  
5 education course offered by a dental school in this Commonwealth  
6 for a duration of twenty days or less, either continuous or in  
7 several sessions, where dentists licensed in the United States  
8 or other countries work under the direct supervision of dentists  
9 licensed by the Commonwealth, and delivered within the  
10 educational facilities of a dental school in this Commonwealth  
11 that is approved by the American Dental Association Commission  
12 on Dental Accreditation.

13 "Community-based Clinic" means an organized clinic offering  
14 primary health services to low-income individuals or to  
15 residents in medically underserved areas or health professional  
16 shortage areas. The term includes a State health center, a  
17 nonprofit community-based clinic and a federally qualified  
18 health center.

19 A "Dental Hygienist" is one who is legally licensed as such  
20 by the State Board of Dentistry to perform those educational,  
21 preventive, and therapeutic services and procedures that  
22 licensed dental hygienists are educated to perform. Licensed  
23 dentists may assign to dental hygienists intra-oral procedures  
24 which the hygienists have been educated to perform and which  
25 require their professional competence and skill but which do not  
26 require the professional competence and skill of the dentist.  
27 Such assignments shall be under the supervision of a licensed  
28 dentist. Such performance of intra-oral procedures by licensed  
29 dental hygienists shall be in the private office of a dentist or  
30 public or private institution such as prescribed under section

1 11.9(b). Dental hygienists certified as public health dental  
2 hygiene practitioners may perform intra-oral procedures without  
3 the assignment of a dentist pursuant to section 11.9. The  
4 foregoing shall not be construed as authorizing the assignment  
5 of diagnosing, treatment planning and writing prescriptions for  
6 drugs or writing authorizations for restorative, prosthetic, or  
7 orthodontic appliances. The board shall issue rules setting  
8 forth the necessary education and defining the procedures that  
9 may be performed by dental hygienists licensed under this act  
10 including those procedures that may be performed under direct  
11 and general supervision.

12 The word "board," as used in this act, means the State Board  
13 of Dentistry.

14 "General Anesthesia" is a controlled state of  
15 unconsciousness, including deep sedation, accompanied by the  
16 partial or complete loss of protective reflexes which includes  
17 the patient's inability to independently maintain an airway and  
18 respond purposefully to physical stimulation or verbal command,  
19 produced by a pharmacologic or nonpharmacologic method, or  
20 combination thereof.

21 "Analgesia" means the diminution or elimination of pain in  
22 the conscious patient.

23 "Conscious Sedation" means a minimally depressed level of  
24 consciousness which retains the patient's ability to  
25 independently and continuously maintain an airway and respond  
26 appropriately to physical stimulation or verbal command,  
27 produced by a pharmacologic or nonpharmacologic method, or  
28 combination thereof.

29 "Expanded Function Dental Assistant" means an individual who  
30 holds a current valid certification under this act to perform

1 reversible intraoral procedures authorized by this act under the  
2 direct supervision of a licensed dentist and under an assignment  
3 of duties by a dentist, as defined in section 11.8. An expanded  
4 function dental assistant may, under direct supervision, perform  
5 those procedures specified in section 11.10 and other reversible  
6 procedures not designated by this act to be performed by  
7 licensed dentists or dental hygienists. For purposes of this  
8 definition, "direct supervision" shall mean that a dentist is in  
9 the dental office or treatment facility, personally diagnoses  
10 the condition to be treated, personally authorizes the procedure  
11 and remains in the dental office or treatment facility while the  
12 procedure is being performed and, before dismissal of the  
13 patient, personally evaluates the work performed.

14 "Foreign dental schools" means the dental schools which have  
15 not been approved by the Commission on Accreditation of the  
16 American Dental Association and which are located in countries  
17 other than the United States or Canada.

18 "Public Health Dental Hygiene Practitioner" means a licensed  
19 dental hygienist who may perform educational, preventive,  
20 therapeutic and intra-oral procedures which the hygienist is  
21 educated to perform and which require the hygienist's  
22 professional competence and skill but which do not require the  
23 professional competence and skill of a dentist without the  
24 authorization, assignment or examination of a dentist, and who  
25 is certified by the State Board of Dentistry as having satisfied  
26 the requirements of section 11.9. Public health dental hygiene  
27 practitioners may only engage in professional practice in the  
28 practice sites enumerated in section 11.9(b).

29 "Restricted Faculty License" means a license granted to an  
30 individual for the limited purpose of teaching, including

1 clinical teaching, in a dental school or advanced dental  
2 education program as a faculty member at an accredited dental  
3 school in this Commonwealth.

4 "Volunteer License" means a license issued to qualified  
5 individuals who retire from active practice and seek to provide  
6 professional services as a volunteer in community-based clinics  
7 without remuneration.]

8 Section 3. The act is amended by adding a section to read:

9 Section 11.12. Medical Loss Ratio.--(a) A dental benefits  
10 plan or health care service plan that issues, sells, renews or  
11 offers a specialized health care service plan contract covering  
12 dental services shall file a medical loss ratio with the  
13 Insurance Department of the Commonwealth that is organized by  
14 market and product type and contains the same information  
15 required in the 2013 Federal Medical Loss Ratio Annual Reporting  
16 Form (CMS-10418).

17 (b) The medical loss ratio reporting year shall be for the  
18 calendar year during which dental coverage is provided by the  
19 plan. All terms used in the medical loss ratio annual report  
20 shall have the same meaning as used in 42 U.S.C. § 300gg-18  
21 (relating to bringing down the cost of health care coverage) and  
22 45 CFR Pt. 158 (relating to issuer use of premium revenue:  
23 reporting and rebate requirements).

24 (c) If data verification of the health care service plan's  
25 representations in the medical loss ratio annual report is  
26 deemed necessary, the Insurance Department shall provide the  
27 health care service plan with a notification 30 days before the  
28 commencement of the financial examination.

29 (d) The health care service plan shall have 30 days from the  
30 date of notification to submit to the Insurance Department all

1 requested data. The Insurance Commissioner may extend the time  
2 for a health care service plan to comply with this subdivision  
3 upon a finding of good cause.

4 (e) The Insurance Department shall make available to the  
5 public the medical loss ratio report and other data provided to  
6 the Insurance Department under this section.

7 (f) This section shall not apply to health care service  
8 plans for health care services under Medical Assistance, the  
9 Childrens' Health Insurance Plan or other State sponsored health  
10 programs.

11 (g) The Insurance Department shall assess an administrative  
12 penalty on a health insurer for a failure to comply with this  
13 section.

14 (h) Nothing in this section shall be construed to guarantee  
15 the rights of a health care practitioner to participate in a  
16 health insurer network in this Commonwealth nor require a health  
17 insurer to accept any willing health care provider to an  
18 insurance network.

19 (i) The Insurance Department shall promulgate rules and  
20 regulations to administer and enforce this section.

21 Section 4. This act shall take effect in 60 days.