



OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

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ATTORNEY GENERAL

September 27, 1973

OPINION LETTER NO. 304

Reuben R. Rhoades, D.D.S.
Secretary, Missouri Dental Board
213 Adams Street
Jefferson City, Missouri 65101

Dear Dr. Rhoades:

This letter is in response to your request for an official opinion from this office as to whether proposed Rule No. 3, A-5 which further defines the services a dental hygienist may render is within the authority of the Missouri Dental Board to promulgate.

Proposed Rule No. 3, A-5 reads as follows:

"A. A registered and currently licensed dentist may delegate to a registered and currently licensed dental hygienist the performance of any procedures or acts to be performed under his supervision, except the following:

* * *

5. Administration of any anesthetic other than a topical, except a hygienist may administer an infiltration anesthetic or perform a soft tissue curettage if she has completed advanced certified training. A hygienist may administer an infiltration anesthetic and perform soft tissue curettage if her employer dentist certifies to the Missouri Dental Board by a notarized statement that she is sufficiently qualified."

Dr. Reuben R. Rhoades

Section 332.091, RSMo 1969, provides:

"Any person 'practices as a dental hygienist' within the meaning of this chapter who under the supervision of a currently registered and licensed dentist, undertakes to or does remove hard and soft deposits from teeth, polishes natural and restored surfaces of teeth, polishes restorations of teeth, performs clinical examinations of teeth and surrounding tissues for diagnosis by a currently licensed and registered dentist, and who performs such other procedures as may be delegated by the employer-dentist in accordance with rules and regulations promulgated by the board."

It is the opinion of this office after reviewing the proposed regulation and the statutory authority conferred on the board by the legislature that proposed Rule No. 3, A-5 is within the authority of the board to promulgate. The purpose of the legislature in enacting the Dental Practice Act was to protect the public from unqualified individuals. The requirements of Rule No. 3, A-5 clearly do not conflict with this purpose since it insures that any hygienist who administers an anesthetic or performs a soft tissue curettage is especially trained in these procedures. Further, it is to be noted that this rule is not in conflict with Section 332.311, RSMo 1969, which requires that a dental hygienist shall only work under the continuous supervision of a duly registered and currently licensed dentist since the employer dentist is responsible for the performance and continuous supervision of these procedures.

By this opinion, this office is not expressing any views on the validity or the authority of the Missouri Dental Board to promulgate any other rule and regulation.

Very truly yours,



JOHN C. DANFORTH
Attorney General