

Guidance on COVID-19 for Dental Health Care Personnel
in Pennsylvania

On May 8, 2020, the Department of Health published REVISED Guidance (“DOH Guidance”) on COVID-19 for Dental Health Care Personnel (“DHCP”) in Pennsylvania to reflect Governor Wolf’s strategic phased reopening plan, particularly related to performing non-urgent procedures. Under the DOH Guidance, the Governor and the Secretary of Health revised their business closure orders issued on March 19, 2020, as amended, to remove the prohibition on “elective,” i.e., non-urgent and non-emergent, dental procedures. Under the REVISED Guidance, dental providers are instructed to apply their clinical judgment, along with their knowledge of the incidences of COVID-19 cases in their area, the needs of their patients and staff, and the availability of necessary supplies to assess whether to re-engage in the provision of non-urgent and non-emergent dental care.

Conversely, the most recent guidance from the Center for Disease Control (CDC) issued on May 4, 2020, continues to recommend that dentists postpone elective procedures, surgeries, and non-urgent dental visits, and that dental services should be limited to emergency visits only during the period of the pandemic.

Regulations of the State Board of Dentistry (“Board”) define unprofessional conduct under section 4.1(a)(8) of the Dental Law, 63 P.S. §123.1(a)(8), to include “failing to follow current infection-control recommendations issued by the Federal Centers for Disease Control or to ensure that auxiliary personnel and other supervisees follow these Federal guidelines,” 49 Pa. Code §33.211(a)(7).

The purpose of this statement is to clarify that for purposes of section 33.211(a)(7), Licensees are to follow both the DOH Guidance and the CDC guidance to the greatest degree possible. However, in resolving conflicts between the CDC recommendations and DOH Guidance, DOH Guidance, which is specific to Pennsylvania, should be followed. The CDC acknowledges that information is changing rapidly and instructs DHCP’s to “regularly consult their state dental boards or other regulating agencies for requirements specific to their jurisdictions.” A Licensee who adheres to this guidance will not be deemed in violation of section 33.211(a)(7).

Irrespective of the above, in all instances, if infection control protocols outlined by the CDC and OSHA cannot be followed, the procedure should not be done.