

Expansion of Scope of Practice to Provide Assistance in Responding to COVID-19

Dentists and Oral Surgeons

On May 6, 2020, Governor Tom Wolf signed an [Order of the Governor of the Commonwealth of Pennsylvania to Enhance Protections for Health Care Professionals](#) (the “Executive Order”). Its purpose is to afford health care practitioners protection against liability for good faith actions taken in response to the call to supplement the health care provider workforce battling COVID-19.

During the course of the pandemic and the disaster declaration associated with it, the Wolf Administration has used its authority under the declaration to suspend a number of regulations and regulatory statutes. The effect of several of the suspensions is to expand the scope of practice and to relax supervision requirements for numerous health care licensees, allowing these professionals to perform acts they would not otherwise be authorized to perform in the ordinary course of their practice.

More specifically, as set forth in the Executive Order, “temporary suspension[s] of portions of 63 P.S. §§ 42.2, 271.2, 422.2, 625.101-625.1106, and 49 Pa. Code §§ 18.502, 18.509, 25.702, 25.709, 33.208” have been granted “to provide opportunities to trained health care practitioners, not currently on the front lines of the pandemic response, with the opportunity to assist in response efforts if they so desire. The expansion of the scope of practice of Dentists, Oral Surgeons, Athletic Trainers, Chiropractors and Podiatrists would permit MDs and DOs to delegate certain practices to these practitioners to support the efforts to expand the response needed in hospitals, emergency departments, nursing homes and long-term care facilities during the COVID-19 disaster emergency.” For **dentists and oral surgeons**, the effect of these suspensions is as follows:

Dentists and oral surgeons (DDS and DMD) may perform the following tasks for the duration of the emergency declaration: triage; providing care in hospital and health systems; accepting emergency referrals from hospitals and health systems; collecting throat cultures; performing nasal swab testing; prescribing, administering and dispensing medications without regard to the requirement that such prescribing occur in the course of a dentist’s professional practice, or the requirement that such prescribing be within the scope of a dentist-patient relationship; conduct examinations and take medical histories in conjunction with prescribing, without regard to the requirement that such examination focus on the patient’s dental problems, and without regard to the requirement that an entry be made in the patient’s dental record; ordering a renewal or refill of an emergency prescription without regard to the requirements that the dentist give the patient a dental examination and take a medical history; oral surgeons who hold unrestricted anesthesia permits can assist in stabilizing patients; performing other tasks lawfully delegated by an M.D. or D.O.

A licensee’s obligation to competently perform their duties consistent with their level of training, education and experience is a guiding principle that is both constant and unwavering. Neither the Executive Order nor the temporary suspensions alters that obligation. Moreover, when performing tasks to aid in the COVID-19 response that are outside of their normal scope of practice, licensees (and those working towards licensure) shall not undertake any activity for which they are not already licensed or authorized to perform without first obtaining the appropriate training and support to perform those tasks competently.

The Executive Order shall remain in effect for the duration of the disaster emergency.