

Senator **Stephen H. Urquhart** proposes the following substitute bill:

DENTAL HYGIENIST PRACTICE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill amends provisions related to the practice of dental hygiene.

Highlighted Provisions:

This bill:

- ▶ modifies the scope of practice for a licensed dental hygienist; and
- ▶ modifies unlawful conduct standards for a licensed dental hygienist.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-69-102, as enacted by Laws of Utah 1996, Chapter 116

58-69-501, as enacted by Laws of Utah 1996, Chapter 116

58-69-801, as enacted by Laws of Utah 1996, Chapter 116

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-69-102** is amended to read:



26 **58-69-102. Definitions.**

27 In addition to the definitions in Section 58-1-102, as used in this chapter:

28 (1) "Board" means the Dentist and Dental Hygienist Licensing Board created in
29 Section 58-69-201.

30 (2) "Dental assistant" means an unlicensed individual who engages in, directly or
31 indirectly, supervised acts and duties as defined by division rule made in collaboration with the
32 board.

33 (3) "Direct supervision" means the supervising dentist is present and available for
34 face-to-face communication with the person being supervised when and where professional
35 services are being provided.

36 (4) "General supervision" means that the supervising dentist is available for
37 consultation regarding work the supervising dentist has authorized, without regard as to
38 whether the supervising dentist is located on the same premises as the person being supervised.

39 (5) "Indirect supervision" means that the supervising dentist is present within the
40 facility in which the person being supervised is providing services and is available to provide
41 immediate face-to-face communication with the person being supervised.

42 [~~7~~] (6) "Practice of dental hygiene" means, regarding humans:

43 (a) under the general supervision of a dentist, or under a written agreement with a
44 dentist licensed under this chapter, as provided in Section 58-69-801, to:

45 (i) perform preliminary clinical examination of human teeth and gums;

46 (ii) make preliminary instrumental examination of patients' teeth;

47 (iii) expose dental radiographs;

48 (iv) assess dental hygiene status and collaborate with the supervising dentist regarding
49 a dental hygiene treatment plan for a patient;

50 (v) remove deposits, accumulations, calculus, and concretions from the surfaces of
51 human teeth;

52 (vi) remove toxins and debris from subgingival surfaces;

53 (vii) provide dental hygiene care in accordance with a dentist's treatment plan for a
54 patient;

55 (viii) take impressions of teeth or jaws except for impressions or registrations to supply
56 artificial teeth as substitutes for natural teeth; or

- 57 (ix) engage in other practices of dental hygiene as defined by division rule;
- 58 (b) under the indirect supervision of a dentist to administer in accordance with
- 59 standards and ethics of the professions of dentistry and dental hygiene:
- 60 (i) local anesthesia; or
- 61 (ii) nitrous oxide analgesia;
- 62 (c) to represent oneself by any title, degree, or in any other way as being a dental
- 63 hygienist; or
- 64 (d) to direct a dental assistant when the supervising dentist is not on the premises.
- 65 ~~[(6)]~~ (7) "Practice of dentistry" means the following, regarding humans:
- 66 (a) to offer, undertake, or represent that a person will undertake by any means or
- 67 method to:
- 68 (i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease,
- 69 pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process,
- 70 gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region;
- 71 (ii) take an appropriate history and physical consistent with the level of professional
- 72 service to be provided and the available resources in the facility in which the service is to be
- 73 provided;
- 74 (iii) take impressions or registrations;
- 75 (iv) supply artificial teeth as substitutes for natural teeth;
- 76 (v) remove deposits, accumulations, calculus, and concretions from the surfaces of
- 77 teeth; and
- 78 (vi) correct or attempt to correct malposition of teeth;
- 79 (b) to administer anesthetics necessary or proper in the practice of dentistry only as
- 80 allowed by an anesthesia permit obtained from the division;
- 81 (c) to administer and prescribe drugs related to and appropriate in the practice of
- 82 dentistry;
- 83 (d) to supervise the practice of a dental hygienist or dental assistant as established by
- 84 division rule made in collaboration with the board; or
- 85 (e) to represent oneself by any title, degree, or in any other way that one is a dentist.
- 86 (8) "Public health setting" means:
- 87 (a) an individual's residence, if the individual is unable to leave the residence;

- 88 (b) a school, as part of a school-based program;
- 89 (c) a nursing home;
- 90 (d) an assisted living or long-term care facility;
- 91 (e) a community health center;
- 92 (f) a federally-qualified health center; or
- 93 (g) a mobile dental health program that employs a dentist who is licensed under this
- 94 chapter.

95 ~~[(8)]~~ (9) "Supervising dentist" means a licensed dentist who has agreed to provide
96 supervision of a dental hygienist or unlicensed individual in accordance with the provisions of
97 this chapter.

98 ~~[(9)]~~ (10) "Unlawful conduct" ~~[is as]~~ means the same as that term is defined in Sections
99 58-1-501 and 58-69-501.

100 ~~[(10)]~~ (11) "Unprofessional conduct" ~~[is as]~~ means the same as that term is defined in
101 Sections 58-1-501 and 58-69-502 and as may be further defined by rule.

102 Section 2. Section **58-69-501** is amended to read:

103 **58-69-501. Unlawful conduct.**

104 "Unlawful conduct" includes, in addition to the definition in Section **58-1-501**:

105 (1) administering anesthesia or analgesia in the practice of dentistry or dental hygiene
106 if the individual does not hold a current permit issued by the division authorizing that
107 individual to administer the type of anesthesia or analgesia used;

108 (2) practice of dental hygiene by a licensed dental hygienist when not under the
109 supervision of a dentist, or under a written agreement with a dentist who is licensed under this
110 chapter and who is a Utah resident, in accordance with the provisions of this chapter; or

111 (3) directing or interfering with a licensed dentist's judgment and competent practice of
112 dentistry.

113 Section 3. Section **58-69-801** is amended to read:

114 **58-69-801. Dental hygienist -- Limitations on practice.**

115 A dental hygienist licensed under this chapter may only practice dental hygiene:

116 (1) in an accredited dental or dental hygienist school to teach and demonstrate the
117 practice of dental hygiene;

118 (2) for a public health agency;

119 (3) under the supervision of a dentist, for an employee leasing company or temporary
 120 personnel service company providing employees to a dentist or other person lawfully providing
 121 dental services:

122 (a) under the indirect supervision of a dentist licensed under this chapter at any time
 123 the dental hygienist is administering an anesthetic or analgesia as permitted under this chapter
 124 or division rules made under this chapter;

125 (b) under the general supervision of a dentist licensed under this chapter within the
 126 office of the supervising dentist and upon patients of record of the supervising dentist; and

127 (c) under the general supervision of a dentist licensed under this chapter, and the
 128 practice is conducted outside of the office of the supervising dentist, if:

129 (i) the dental hygiene work performed is authorized by the supervising dentist as a part
 130 of and in accordance with the supervising dentist's current treatment plan for the patient;

131 (ii) no anesthetic or analgesia is used;

132 (iii) the supervising dentist has determined the patient's general health and oral health
 133 are so that the dental hygiene work can be performed under general supervision and with an
 134 acceptable level of risk or injury as determined by the supervising dentist;

135 (iv) the supervising dentist accepts responsibility for the dental hygiene work
 136 performed under general supervision; and

137 (v) (A) the dental hygienist's work is performed on a patient who is homebound or
 138 within a hospital, nursing home, or public health agency or institution; and

139 (B) the patient is the supervising dentist's patient of record and the dentist has
 140 examined the patient within six months prior to the patient's receiving treatment from a dental
 141 hygienist under this Subsection[-] (3); and

142 (4) under a written agreement with a dentist who is licensed under this chapter and who
 143 is a Utah resident if:

144 (a) the dental hygienist practices in a public health setting;

145 (b) the dentist is available in person, by phone, or by electronic communication;

146 (c) the agreement provides that the dental hygienist shall refer a patient with a dental
 147 need \hat{H} → **beyond the dental hygienist's scope of practice** ← \hat{H} to a licensed dentist; and

148 (d) the dental hygienist obtains from each patient an informed consent form that
 149 provides that treatment by a dental hygienist is not a substitute for a dental examination by a

150 dentist.