DENTAL HYGIENIST PRACTICE AMENDMENTS

2015 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart
House Sponsor: ____________

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:

In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Board" means the Dentist and Dental Hygienist Licensing Board created in Section 58-69-201.

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

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

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

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

(6) "Practice of dental hygiene" means, regarding humans:

(a) under the general supervision of a dentist, or under an agreement with a dentist or a government entity as provided in Section 58-69-801, to:

(i) perform preliminary clinical examination of human teeth and gums;
(ii) make preliminary instrumental examination of patients' teeth;
(iii) expose dental radiographs;
(iv) assess dental hygiene status and collaborate with the supervising dentist regarding a dental hygiene treatment plan for a patient;
(v) remove deposits, accumulations, calculus, and concretions from the surfaces of human teeth;
(vi) remove toxins and debris from subgingival surfaces;
(vii) provide dental hygiene care in accordance with a dentist's treatment plan for a patient;
(viii) take impressions of teeth or jaws except for impressions or registrations to supply artificial teeth as substitutes for natural teeth; or
(ix) engage in other practices of dental hygiene as defined by division rule;
(b) under the indirect supervision of a dentist to administer in accordance with
standards and ethics of the professions of dentistry and dental hygiene:

(i) local anesthesia; or

(ii) nitrous oxide analgesia;

(c) to represent oneself by any title, degree, or in any other way as being a dental hygienist; or

(d) to direct a dental assistant when the supervising dentist is not on the premises.

[(6)] (7) "Practice of dentistry" means the following, regarding humans:

(a) to offer, undertake, or represent that a person will undertake by any means or method to:

(i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease, pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region;

(ii) take an appropriate history and physical consistent with the level of professional service to be provided and the available resources in the facility in which the service is to be provided;

(iii) take impressions or registrations;

(iv) supply artificial teeth as substitutes for natural teeth;

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

(vi) correct or attempt to correct malposition of teeth;

(b) to administer anesthetics necessary or proper in the practice of dentistry only as allowed by an anesthesia permit obtained from the division;

(c) to administer and prescribe drugs related to and appropriate in the practice of dentistry;

(d) to supervise the practice of a dental hygienist or dental assistant as established by division rule made in collaboration with the board; or

(e) to represent oneself by any title, degree, or in any other way that one is a dentist.

(8) "Public health setting" means:

(a) an individual's residence, if the individual is unable to leave the residence;

(b) a school;

(c) a nursing home;
(d) an assisted living or long-term care facility;
(e) a medical clinic;
(f) a hospital;
(g) a community health center; or
(h) a mobile dental health program that is certified by the Department of Health or by
the division.
[(8)] (9) "Supervising dentist" means a licensed dentist who has agreed to provide
supervision of a dental hygienist or unlicensed individual in accordance with the provisions of
this chapter.
[(9)] (10) "Unlawful conduct" [is as] means the same as that term is defined in Sections
[(10)] (11) "Unprofessional conduct" [is as] means the same as that term is defined in
Sections 58-1-501 and 58-69-502 and as may be further defined by rule.
Section 2. Section 58-69-501 is amended to read:
"Unlawful conduct" includes, in addition to the definition in Section 58-1-501:
(1) administering anesthesia or analgesia in the practice of dentistry or dental hygiene
if the individual does not hold a current permit issued by the division authorizing that
individual to administer the type of anesthesia or analgesia used;
(2) practice of dental hygiene by a licensed dental hygienist when not under the
supervision of a dentist, or under an agreement with a dentist or government entity, in
accordance with the provisions of this chapter; or
(3) directing or interfering with a licensed dentist's judgment and competent practice of
dentistry.
Section 3. Section 58-69-801 is amended to read:
A dental hygienist licensed under this chapter may only practice dental hygiene:
(1) in an accredited dental or dental hygienist school to teach and demonstrate the
practice of dental hygiene;
(2) for a public health agency;
(3) under the supervision of a dentist, for an employee leasing company or temporary
personnel service company providing employees to a dentist or other person lawfully providing

dental services:

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

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

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

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

(ii) no anesthetic or analgesia is used;

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

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

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

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

(4) under an agreement with a licensed dentist if:

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

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

(c) the agreement provides that the dental hygienist shall refer a patient with a complex
dental need to the licensed dentist; and

(d) the dental hygienist:

(i) (A) holds a bachelor's degree from an accredited dental hygiene program and has
completed 3,000 hours of practice in dental hygiene within three years before the dental
hygienist practices under the agreement with the licensed dentist; or
(B) holds an associate's degree from an accredited dental hygiene program and has completed 5,000 hours of practice in dental hygiene within five years before the dental hygienist practices under the agreement with the licensed dentist; (ii) maintains a professional liability insurance policy; and (iii) obtains from each patient an informed consent form that provides that the treatment is not a substitute for a dental examination by a dentist; or

(5) under an agreement with a state or local government entity if:
(a) the dental hygienist practices in a public health setting; (b) a licensed dentist is available in person, by phone, or by electronic communication; (c) the agreement provides that the dental hygienist shall refer a patient with a complex dental need to a licensed dentist; and
(d) the dental hygienist:
(i) (A) holds a bachelor's degree from an accredited dental hygiene program and has completed 3,000 hours of practice in dental hygiene within three years before the dental hygienist practices under the agreement with the licensed dentist; or
(B) holds an associate's degree from an accredited dental hygiene program and has completed 5,000 hours of practice in dental hygiene within five years before the dental hygienist practices under the agreement with the licensed dentist; (ii) maintains a professional liability insurance policy; and (iii) obtains from each patient an informed consent form that provides that the treatment is not a substitute for a dental examination by a dentist.