

Dental Practice Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions related to dental practice.

Highlighted Provisions:

This bill:

- amends definitions;
- amends supervision provisions regarding dental professionals;
- amends provisions regarding dental hygiene schools;
- amends provisions related to the practice of dentistry and dental hygiene;
- amends teledentistry provisions; and
- makes other conforming and technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-69-102, as last amended by Laws of Utah 2020, Chapter 273

58-69-301, as last amended by Laws of Utah 2020, Chapter 273

58-69-501, as last amended by Laws of Utah 2015, Chapter 343

58-69-802, as last amended by Laws of Utah 2020, Chapter 273

58-69-803, as enacted by Laws of Utah 1996, Chapter 116

58-69-804, as enacted by Laws of Utah 1996, Chapter 116

58-69-807, as enacted by Laws of Utah 2020, Chapter 273

ENACTS:

28 **58-69-808**, Utah Code Annotated 1953

29 REPEALS AND REENACTS:

30 **58-69-801**, as last amended by Laws of Utah 2023, Chapter 334

31

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

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

33 **58-69-102 . Definitions.**

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

- 35 (1) "Asynchronous technology" means store-and-forward technology that allows [a licensed
36 dental professional to transmit] for the transmission of a patient's health information to a
37 dentist for viewing at a later time.
- 38 (2) "Board" means the Dentist and Dental Hygienist Licensing Board created in Section
39 58-69-201.
- 40 (3) "Dental assistant" means an unlicensed individual who engages in[, directly or
41 indirectly,] supervised acts and duties as defined by division rule made in collaboration
42 with the board.
- 43 (4) "Dental hygienist" means an individual licensed under this chapter as a dental hygienist.
- 44 (5) "Dentist" means an individual licensed under this chapter as a dentist.
- 45 [(4)] (6) "Direct supervision" means the supervising dentist is present and available for
46 face-to-face communication with the person being supervised when and where
47 professional services are being provided.
- 48 (7) "Expanded function" means a procedure that is authorized under Section 58-69-808.
- 49 [(5)] (8) "General supervision" means that the supervising dentist is available for
50 consultation regarding work the supervising dentist has authorized, without regard as to
51 whether the supervising dentist is located on the same premises as the person being
52 supervised.
- 53 [(6)] (9) "Indirect supervision" means that the supervising dentist is present within the
54 facility in which the person being supervised is providing services and is available to
55 provide immediate face-to-face communication with the person being supervised.
- 56 [(7)] (10) "Practice of dental hygiene" means, [regarding] with respect to humans and subject
57 to Section 58-69-801:
- 58 [(a)] under the general supervision of a dentist, or under a written agreement with a
59 dentist licensed under this chapter, as provided in Section 58-69-801, to:
- 60 [(i)] (a) [perform] performing a preliminary clinical examination of human teeth and
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- 62 gums;
- 63 [(ii)] (b) ~~[make]~~ making preliminary instrumental examination of ~~[patients' teeth]~~ a
- 64 patient's periodontium;
- 65 [(iii)] ~~expose dental radiographs;~~
- 66 [(iv)] (c) ~~[assess dental hygiene status and collaborate]~~ conducting a dental hygiene
- 67 assessment;
- 68 (d) ~~[-with the supervising dentist regarding-]~~ formulating a dental hygiene treatment plan
- 69 for a patient, and communicating those findings and treatment recommendations;
- 70 (e) evaluating a patient's progress towards achieving the goals specified in the dental
- 71 hygiene treatment plan;
- 72 (f) modifying a dental hygiene treatment plan based on the ongoing reassessment and in
- 73 collaboration with a dentist;
- 74 [(v)] (g) ~~[remove]~~ removing deposits, accumulations, calculus, and concretions from the
- 75 surfaces of human teeth;
- 76 [(vi)] (h) ~~[remove]~~ removing toxins and debris from subgingival surfaces;
- 77 [(vii)] (i) ~~[provide]~~ providing:
- 78 (i) delegated dental hygiene care in accordance with a dentist's treatment plan for a
- 79 patient; or
- 80 (ii) dental hygiene care in accordance with a dental hygiene treatment plan;
- 81 [(viii)] ~~take impressions of teeth or jaws except for impressions or registrations to~~
- 82 ~~supply artificial teeth as substitutes for natural teeth; or]~~
- 83 [(ix)] ~~engage in other practices of dental hygiene as defined by division rule;~~
- 84 [(b)] ~~under the indirect supervision of a dentist to administer in accordance with~~
- 85 ~~standards and ethics of the professions of dentistry and dental hygiene;~~
- 86 [(i)] ~~local anesthesia; or]~~
- 87 [(ii)] ~~nitrous oxide analgesia;~~
- 88 [(e)] (j) ~~[to represent]~~ representing oneself by any title, degree, or in any other way as
- 89 being a dental hygienist; ~~[-or]~~
- 90 [(d)] ~~to direct a dental assistant when the supervising dentist is not on the premises.]~~
- 91 (k) administering local anesthesia and nitrous oxide analgesia, only as allowed by
- 92 division rule and the supervision requirements described in Section 58-69-801;
- 93 (l) directing a dental assistant when the supervising dentist is not on the premises;
- 94 (m) exposing and capturing dental radiographs;
- 95 (n) making impressions or intraoral scans of teeth or jaws;

(o) performing tasks delegated by a dentist in other practices of dental hygiene as defined by division rule; and

(p) performing expanded functions in accordance with Section 58-69-808.

[(8)] (11) "Practice of dentistry" means the following, regarding humans:

(a) to offer, undertake, or represent that a person will undertake by any means or method, including teledentistry, 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-]~~ make impressions, intraoral scans, or registrations;

(iv) supply artificial teeth as substitutes for natural teeth, including placing veneers;

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

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

(vii) prescribe, deliver, and provide follow-up care for oral appliance therapy, including as a treatment for sleep-disordered breathing and obstructive sleep apnea;

(b) to administer anesthetics necessary or proper in the practice of dentistry, only as allowed by an anesthesia and analgesia 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:

(i) ~~[-]~~dental hygienist in accordance with Section 58-69-801; or

(ii) ~~[-]~~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.

(12) "Public health agency" means a local health department as defined in Section 26A-1-102 or the Department of Health and Human Services.

[(9)] (13) "Public health setting" means:

(a) an individual's residence, if the individual is ~~[unable to leave the residence]~~

non-ambulatory;

(b) a school, as part of a school-based program;

(c) a nursing home;

(d) an assisted living or long-term care facility;

(e) a community health center;

(f) if a dental hygienist is employed by a public health agency, a location directed by the public health agency;

~~[(f)]~~ (g) a federally-qualified health center; or

~~[(g)]~~ (h) a mobile dental health program that employs a dentist who is licensed under this chapter.

~~[(10)]~~ (14) "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.

~~[(11)]~~ (15) "Synchronous technology" means two-way audiovisual technology that allows a licensed dental professional to see and communicate in real time with a patient who is located in a different physical location.

~~[(12)]~~ (16) "Teledentistry" means the practice of dentistry using synchronous or asynchronous technology.

~~[(13)]~~ (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-69-501.

~~[(14)]~~ (18) "Unprofessional conduct" 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 **58-69-301** is amended to read:

58-69-301 . License required -- License classifications -- Anesthesia and analgesia permits.

(1) A license is required to engage in the practice of dentistry, including teledentistry, or dental hygiene, except as specifically provided in Section 58-69-306 or 58-1-307.

(2) The division shall issue to individuals qualified under the provisions of this chapter a license in the classification:

(a) dentist; or

(b) dental hygienist.

(3) A permit is required to engage in administration of anesthesia or analgesia in the practice of dentistry or dental hygiene.

(4) The division in collaboration with the board shall establish by rule:

- (a) the classifications of anesthesia and analgesia permits~~[-and]~~ ;
 (b) the scope of practice permitted under each permit classification; and
~~[(b)]~~ (c) the [qualifications] requirements for obtaining each [classification] class of [
 anesthesia and analgesia-]permit.

Section 3. Section **58-69-501** is amended to read:

58-69-501 . Unlawful conduct.

"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; and
- (2) practice of dental hygiene by a licensed dental hygienist ~~[when not under the supervision of a dentist, or under a written agreement with a dentist who is licensed under this chapter and who is a Utah resident, in accordance with the provisions of this chapter; or]~~ if not done in accordance with Section 58-69-801.
- (3) directing or interfering with a licensed dentist's judgment and competent practice of dentistry.

Section 4. Section **58-69-801** is repealed and reenacted to read:

58-69-801 . Dental hygienist practice standards.

- (1) Except as provided in Subsection (2), a dental hygienist may engage in the practice of dental hygiene:
 - (a) in any setting under general supervision; and
 - (b) if done in accordance with a dentist's treatment plan for a patient.
- (2) A dental hygienist may:
 - (a) under the indirect supervision of a dentist:
 - (i) administer nitrous oxide analgesia; and
 - (ii) perform expanded functions in accordance with Section 58-69-808; and
 - (b) under the general supervision of a dentist:
 - (i) administer local anesthesia;
 - (ii) expose dental radiography; or
 - (iii) make impressions or intraoral scans of teeth or jaws as authorized by a supervising dentist.
- (3) Notwithstanding Subsection (1) and except as provided in Subsection (2), a dental hygienist may engage in the practice of dental hygiene without general supervision if:
 - (a) the dental hygienist engages in the practice of dental hygiene in a public health

- 198 setting;
- 199 (b) prior to engaging in the practice of dental hygiene in a public health setting, the
- 200 dental hygienist notifies the division on a one-time basis in accordance with rules
- 201 made by the division in accordance with Title 63G, Chapter 3, Utah Administrative
- 202 Rulemaking Act, that the dental hygienist will engage in the practice of dental
- 203 hygiene in a public health setting;
- 204 (c) the dental hygienist assumes liability for the work done by the dental hygienist while
- 205 engaging in the practice of dental hygiene in a public health setting;
- 206 (d) the dental hygienist has liability insurance for the work done by the dental hygienist
- 207 while engaging in the practice of dental hygiene in a public health setting; and
- 208 (e) the dental hygienist:
- 209 (i) obtains from each patient an informed consent form that provides that treatment
- 210 by a dental hygienist is not a substitute for a dental examination by a dentist;
- 211 (ii) refers to a dentist any patient with a dental need beyond the dental hygienist's
- 212 scope of practice encountered while engaging in the practice of dental hygiene in a
- 213 public health setting; and
- 214 (iii) retains all dental records for the patient generated by the dental hygienist in
- 215 accordance with Health Insurance Portability and Accountability Act of 1996,
- 216 Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- 217 (4) Notwithstanding Subsection (1) and except as provided in Subsection (2), a dental
- 218 hygienist may practice dental hygiene in an accredited dental hygiene school to teach
- 219 and demonstrate the practice of dental hygiene.
- 220 (5)(a) An accredited dental hygiene school may teach, demonstrate, and perform
- 221 expanded functions in accordance with Section 58-69-808 and associated rules in a
- 222 clinical setting operated by the school if:
- 223 (i) the expanded functions are included in the school's curriculum;
- 224 (ii) the curriculum is compliant with standards created by the Commission on Dental
- 225 Accreditation, or its successor organization, for teaching expanded functions;
- 226 (iii) except as provided in Subsection (5)(b), any expanded function is performed in
- 227 accordance with rules made under Section 58-69-808; and
- 228 (iv) any expanded function performed in the clinical setting is done under the indirect
- 229 supervision of a dentist.
- 230 (b) An accredited dental hygiene school may act in accordance with Subsection (5)(a)
- 231 without regard to rules being issued under Section 58-69-808 until the earlier of:

- (i) the day on which the division issues rules under Section 58-69-808; or
(ii) May 31, 2027.

Section 5. Section **58-69-802** is amended to read:

58-69-802 . Practice within limits of law, education, training, experience, and competency.

[~~(1)~~] Each individual licensed under this chapter shall confine [~~his~~] the individual's practice to those acts[~~-or practices~~]:

[~~(a)~~] (1) permitted by law; and

[~~(b)~~] (2) in which the [~~individual~~] dentist or dental hygienist is competent by education, training, and experience.

[~~(2)(a)~~] The standard of dental care a licensed dental professional provides through teledentistry is the same as the standard of dental care a licensed dental professional provides in a traditional physical setting.]

[~~(b)(i)~~] A treating dentist may use teledentistry to collaborate with a dental hygienist within the relevant applicable scopes of practice and under the appropriate level of dentist supervision, in accordance with existing supervision laws.]

[~~(ii)~~] A dental hygienist, other dental auxiliary, or any other teledentistry provider may not carry out any duties through teledentistry that require the in-person supervision of a dentist licensed under this chapter.]

[~~(c)~~] A dentist may not conduct a dental examination using teledentistry if the standard of care necessitates a traditional physical dental examination.]

Section 6. Section **58-69-803** is amended to read:

58-69-803 . Use of dental assistants.

[~~The standards~~] Standards regulating the use of [~~unlicensed individuals as~~] dental assistants shall be established by division rule made in collaboration with the board.

Section 7. Section **58-69-804** is amended to read:

58-69-804 . Form of practice.

(1) A dentist [~~licensed under this chapter may engage in practice as a dentist, or in the practice of dentistry only as an individual licensee, but as an individual licensee, he may be~~] may engage in the practice of dentistry as:

- (a) an individual operating as a business proprietor;
- (b) an employee of another person;
- (c) a partner in a lawfully organized partnership;
- (d) a lawfully formed professional corporation;

- (e) a lawfully organized limited liability company;
- (f) a lawfully organized business corporation; or
- (g) any other form of organization recognized by the state which is not prohibited by rule adopted by division rules made in collaboration with the board.

- (2) Regardless of the form in which a licensee engages in the practice of dentistry, the licensee may not permit another person who is not licensed in Utah as a dentist and is not otherwise competent to engage in the practice of dentistry to direct, or in any other way participate in, or interfere in the licensee's practice of dentistry.

Section 8. Section **58-69-807** is amended to read:

58-69-807 . Use of teledentistry -- Informed consent -- Rulemaking.

- (1) A dentist may provide dental services using teledentistry~~[-including the following:]~~ .
- ~~[(a) collaborating with a licensed dental professional in the completion of the following at a public health setting, generally with a written collaborative agreement, directly, or indirectly, in accordance with this chapter:]~~
 - ~~[(i) gathering diagnostic information to be used by the dentist at a remote location to form a tentative basic treatment plan and provide appropriate preventive or urgent prescriptions;]~~
 - ~~[(ii) perform preventive dental procedures;]~~
 - ~~[(iii) provide oral health education; and]~~
 - ~~[(iv) perform any palliative or interim treatment or caries arresting treatment outlined in the dentist's treatment plan and authorized by the dentist, in accordance with this chapter and rules made in accordance with this chapter; and]~~
 - ~~[(b) at a remote location, using records and diagnostic information that a dental hygienist provides to form a tentative treatment plan for basic dental procedures.]]~~
- (2)(a) The standard of dental care a licensed dental professional provides through teledentistry is the same as the standard of dental care a licensed dental professional provides in a traditional physical setting.
- (b) A treating dentist may use teledentistry to collaborate with a dental hygienist within the relevant applicable scopes of practice and under the appropriate level of supervision described in Section 58-69-801.
- (c) A dental hygienist, other unlicensed individual supervised by a dentist, or any other provider may not carry out any duties through teledentistry that require direct or indirect supervision of a dentist.
- (d) A dentist may not conduct a dental examination using teledentistry if the standard of

care necessitates a traditional physical dental examination.

(e)(i) A dentist may correct or attempt to correct malpositioned teeth or provide an oral appliance to treat sleep-disordered breathing and obstructive sleep apnea if the dentist:

(A) has performed an appropriate, in-person, physical examination of the patient for the purpose of diagnosing, assessing, and developing a treatment plan;

(B) has reviewed the patient's relevant history, medical records, diagnostic records, and contemporaneous radiographic records; and

(C) will provide reasonable in-person follow-up care.

(ii) Notwithstanding the limitations described in Subsection (2)(e)(i), the dentist may establish an initial relationship with a patient through teledentistry only:

(A) for the purpose of emergent care;

(B) to make an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance; or

(C) to screen for sleep-disordered breathing and obstructive sleep apnea, and assess the need for oral appliance therapy for jaw repositioning.

(iii) A dentist shall confirm an initial diagnosis described in Subsection (2)(e)(ii)(B) through conducting an in-person examination, reviewing the patient's contemporaneous radiographic records, and reviewing results from any other relevant test, imaging, or consultation before the patient begins using any orthodontic appliance.

(iv) A dentist shall confirm an assessment described in Subsection (2)(e)(ii)(C) through conducting an in-person examination, reviewing the patient's contemporaneous radiographic records, and reviewing results from any other relevant test, imaging, or consultation before ordering fabrication of an oral appliance for jaw repositioning and delivering the appliance to the patient.

(3) A licensed dental professional or any entity employing a licensed dental professional may not require a patient to sign [an] a pretreatment agreement that limits the patient's ability to file a complaint with the division, file a lawsuit, join a class action lawsuit, make reports to a governmental entity, require the patient to submit to binding arbitration, or otherwise limit or prohibit the patient from obtaining relief for deficiencies in the treatment or services provided to the patient.

[(3)] (4) When a licensed dental professional uses teledentistry, the licensed dental professional shall ensure informed consent covers the following additional information:

- (a) a description of the types of dental care services provided through teledentistry, including limitations on services;
- (b) the name, contact information, licensure, credentials, and qualifications of all dentists and dental hygienists involved in the patient's dental care; and
- (c) precautions and protocols for technological failures or emergency situations.

~~[(4)]~~ (5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish requirements and parameters regarding teledentistry to ensure the safe use of teledentistry, including additional provisions for:

- (a) transparency, disclosure, and informed consent;
- (b) standard of care;
- (c) proper documentation;
- (d) supervision and scope of practice;
- (e) patient complaints; and
- (f) protocols for referrals.

(6) If provisions or rules made under Section 26B-4-704 conflict with the provisions of this section or rules made under this section, the provisions of this section and the rules made under this section control when the individual being regulated is providing services regulated under this chapter.

Section 9. Section **58-69-808** is enacted to read:

58-69-808 . Expanded functions of dental auxiliaries.

- (1) The division shall create certifications for dental auxiliaries to perform, under the indirect supervision of a dentist, various expanded functions, including:
- (a) delegated maxillofacial administration of botulinum toxin by a dental hygienist certified by the division;
- (b) placement of direct restorations by a dental hygienist certified by the division or a dental assistant certified by the division; and
- (c) the removal of coronal dental adhesive by a dental hygienist certified by the division or a dental assistant certified by the division.
- (2) The division shall make rules to implement this section, including rules regarding:
- (a) the education and minimum qualifications to obtain a certification; and
- (b) parameters for performing an expanded function.

Section 10. **Effective Date.**

This bill takes effect on May 7, 2025.