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Dental Practice Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor:

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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:

58-69-808, Utah Code Annotated 1953

REPEALS AND REENACTS:

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

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31 _____
 32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **58-69-102 . Definitions.**

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

36 (1) "Asynchronous technology" means store-and-forward technology that allows [~~a licensed~~
 37 ~~dental professional to transmit~~] for the transmission of a patient's health information to a
 38 dentist for viewing at a later time.

39 (2) "Board" means the Dentist and Dental Hygienist Licensing Board created in Section
 40 58-69-201.

41 (3) "Dental assistant" means an unlicensed individual who engages in [~~directly or~~
 42 ~~indirectly,~~] supervised acts and duties as defined by division rule made in collaboration
 43 with the board.

44 (4) "Dental hygienist" means an individual licensed under this chapter as a dental hygienist.

45 (5) "Dentist" means an individual licensed under this chapter as a dentist.

46 [(4)] (6) "Direct supervision" means the supervising dentist is present and available for
 47 face-to-face communication with the person being supervised when and where
 48 professional services are being provided.

49 [(5)] (7) "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)] (8) "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)] (9) "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
 61 gums;

62 [(ii)] (b) [~~make~~] making preliminary instrumental examination of [patients' teeth] a
 63 patient's periodontium;

64 [(iii)] expose dental radiographs;

- 65 ~~[(iv)]~~ (c) ~~[assess dental hygiene status and collaborate]~~ conducting a dental hygiene
66 assessment;
- 67 ~~(d) [-with the supervising dentist regarding-]~~ formulating a dental hygiene treatment plan
68 for a patient, and communicating those findings and treatment recommendations;
- 69 (e) providing dental hygiene care in accordance with a dental hygiene treatment plan;
- 70 (f) evaluating a patient's progress towards achieving the goals specified in the dental
71 hygiene treatment plan;
- 72 (g) modifying a dental hygiene treatment plan based on the ongoing reassessment and in
73 collaboration with a dentist;
- 74 ~~[(v)]~~ (h) ~~[remove]~~ removing deposits, accumulations, calculus, and concretions from the
75 surfaces of human teeth;
- 76 ~~[(vi)]~~ (i) ~~[remove]~~ removing toxins and debris from subgingival surfaces;
- 77 ~~[(vii)]~~ (j) ~~[provide]~~ providing delegated dental hygiene care in accordance with a dentist's
78 treatment plan for a patient;
- 79 ~~[(viii) take impressions of teeth or jaws except for impressions or registrations to~~
80 ~~supply artificial teeth as substitutes for natural teeth; or]~~
- 81 ~~[(ix) engage in other practices of dental hygiene as defined by division rule;]~~
- 82 ~~[(b) under the indirect supervision of a dentist to administer in accordance with~~
83 ~~standards and ethics of the professions of dentistry and dental hygiene:]~~
- 84 ~~[(i) local anesthesia; or]~~
- 85 ~~[(ii) nitrous oxide analgesia;]~~
- 86 ~~[(e)]~~ (k) ~~[to represent]~~ representing oneself by any title, degree, or in any other way as
87 being a dental hygienist;~~[-or]~~
- 88 ~~[(d) to direct a dental assistant when the supervising dentist is not on the premises.]~~
- 89 (l) administering local anesthesia and nitrous oxide analgesia, only as allowed by
90 division rule and the supervision requirements described in Section 58-69-801;
- 91 (m) directing a dental assistant when the supervising dentist is not on the premises;
- 92 (n) exposing and capturing dental radiographs;
- 93 (o) making impressions or intraoral scans of teeth or jaws;
- 94 (p) performing tasks delegated by a dentist in other practices of dental hygiene as
95 defined by division rule; and
- 96 (q) performing expanded functions in accordance with Section 58-69-808.
- 97 ~~[(8)]~~ (10) "Practice of dentistry" means the following, regarding humans:
- 98 (a) to offer, undertake, or represent that a person will undertake by any means or

- 99 method, including teledentistry, to:
- 100 (i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease,
 101 pain, injury, deficiency, deformity, or any other condition of the human teeth,
 102 alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the
 103 maxillofacial region;
- 104 (ii) take an appropriate history and physical consistent with the level of professional
 105 service to be provided and the available resources in the facility in which the
 106 service is to be provided;
- 107 (iii) ~~[take-]~~ make impressions, intraoral scans, or registrations;
- 108 (iv) supply artificial teeth as substitutes for natural teeth, including placing veneers;
- 109 (v) remove deposits, accumulations, calculus, and concretions from the surfaces of
 110 teeth;~~[-and]~~
- 111 (vi) correct or attempt to correct malposition of teeth; and
- 112 (vii) prescribe, deliver, and provide follow-up care for oral appliance therapy,
 113 including as a treatment for sleep-disordered breathing and obstructive sleep
 114 apnea;
- 115 (b) to administer anesthetics necessary or proper in the practice of dentistry, only as
 116 allowed by an anesthesia and analgesia permit obtained from the division;
- 117 (c) to administer and prescribe drugs related to and appropriate in the practice of
 118 dentistry;
- 119 (d) to supervise the practice of a:
- 120 (i) ~~[-]~~ dental hygienist in accordance with Subsection 58-69-801; or
- 121 (ii) ~~[-]~~ dental assistant as established by division rule made in collaboration with the
 122 board; or
- 123 (e) to represent oneself by any title, degree, or in any other way that one is a dentist.
- 124 (11) "Public health agency" means a local health department as defined in Section
 125 26A-1-102 or the Department of Health and Human Services.
- 126 ~~[(9)]~~ (12) "Public health setting" means:
- 127 (a) an individual's residence, if the individual is ~~[unable to leave the residence]~~
 128 non-ambulatory;
- 129 (b) a school, as part of a school-based program;
- 130 (c) a nursing home;
- 131 (d) an assisted living or long-term care facility;
- 132 (e) a community health center;

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

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

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

138 [~~(10)~~] (13) "Supervising dentist" means a licensed dentist who has agreed to provide
 139 supervision of a dental hygienist or unlicensed individual in accordance with the
 140 provisions of this chapter.

141 [~~(11)~~] (14) "Synchronous technology" means two-way audiovisual technology that allows a
 142 licensed dental professional to see and communicate in real time with a patient who is
 143 located in a different physical location.

144 [~~(12)~~] (15) "Teledentistry" means the practice of dentistry using synchronous or
 145 asynchronous technology.

146 [~~(13)~~] (16) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
 147 and 58-69-501.

148 [~~(14)~~] (17) "Unprofessional conduct" means the same as that term is defined in Sections
 149 58-1-501 and 58-69-502 and as may be further defined by rule.

150 Section 2. Section **58-69-301** is amended to read:

151 **58-69-301 . License required -- License classifications -- Anesthesia and analgesia**
 152 **permits.**

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

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

157 (a) dentist; or

158 (b) dental hygienist.

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

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

162 (a) the classifications of anesthesia and analgesia permits~~[-and]~~ ;

163 (b) the scope of practice permitted under each permit classification; and

164 [~~(b)~~] (c) the requirements for obtaining each [~~classification~~] class of [~~anesthesia and analgesia~~]-permit.

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

167 **58-69-501 . Unlawful conduct.**

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

- 169 (1) administering anesthesia or analgesia in the practice of dentistry or dental hygiene if the
 170 individual does not hold a current permit issued by the division authorizing that
 171 individual to administer the type of anesthesia or analgesia used; and
 172 (2) practice of dental hygiene by a licensed dental hygienist [~~when not under the~~
 173 ~~supervision of a dentist, or under a written agreement with a dentist who is licensed~~
 174 ~~under this chapter and who is a Utah resident, in accordance with the provisions of this~~
 175 ~~chapter; or] if not done in accordance with Section 58-69-801.
 176 (3) directing or interfering with a licensed dentist's judgment and competent practice of
 177 dentistry.~~

178 Section 4. Section **58-69-801** is repealed and reenacted to read:179 **58-69-801 . Dental hygienist practice standards.**

- 180 (1) Except as provided in Subsection (2), a dental hygienist may engage in the practice of
 181 dental hygiene:
 182 (a) in any setting under general supervision; and
 183 (b) if done in accordance with a dentist's treatment plan for a patient.
 184 (2) A dental hygienist may:
 185 (a) administer nitrous oxide analgesia under the indirect supervision of a dentist; and
 186 (b) under the general supervision of a dentist:
 187 (i) administer local anesthesia;
 188 (ii) perform palliative treatment, interim treatment, or caries arresting treatment as
 189 delegated and according to the treatment plan of the supervising dentist for a
 190 patient;
 191 (iii) expose dental radiography; or
 192 (iv) make impressions or intraoral scans of teeth or jaws as authorized by a
 193 supervising dentist; and
 194 (c) perform expanded functions in accordance with Section 58-69-808.
 195 (3) Notwithstanding Subsection (1) and except as provided in Subsection (2), a dental
 196 hygienist may engage in the practice of dental hygiene without general supervision if:
 197 (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)(a) An accredited dental hygiene school may teach, demonstrate, and perform
 218 functions described in Section 58-69-808 and associated rules in a clinical setting
 219 operated by the school if:

220 (i) the functions are included in the school's curriculum;

221 (ii) the curriculum is compliant with national standards for teaching the functions;

222 (iii) except as provided in Subsection (4)(b), functions are performed in accordance
 223 with rules made under Section 58-69-808; and

224 (iv) any function performed in the clinical setting is done under the indirect
 225 supervision of a dentist.

226 (b) An accredited dental hygiene school may act in accordance with Subsection (4)(a)
 227 before rules have been issued under Section 58-69-808.

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

229 **58-69-802 . Practice within limits of law, education, training, experience, and**
 230 **competency.**

231 [(+) Each individual licensed under this chapter shall confine [his] the individual's practice
 232 to those acts[-or praetiees]:

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

234 [(b)] (2) in which the [individual] dentist or dental hygienist is competent by education,

235 training, and experience.

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

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

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

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

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

248 **58-69-803 . Use of dental assistants.**

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

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

252 **58-69-804 . Form of practice.**

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

256 (a) an individual operating as a business proprietor;

257 (b) an employee of another person;

258 (c) a partner in a lawfully organized partnership;

259 (d) a lawfully formed professional corporation;

260 (e) a lawfully organized limited liability company;

261 (f) a lawfully organized business corporation; or

262 (g) any other form of organization recognized by the state which is not prohibited by
 263 rule adopted by division rules made in collaboration with the board.

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

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

269 **58-69-807 . Use of teledentistry -- Informed consent -- Rulemaking.**

- 270 (1) A dentist may provide dental services using teledentistry~~[-, including the following:]~~ .
- 271 ~~[(a) collaborating with a licensed dental professional in the completion of the following~~
- 272 ~~at a public health setting, generally with a written collaborative agreement, directly,~~
- 273 ~~or indirectly, in accordance with this chapter:]~~
- 274 ~~[(i) gathering diagnostic information to be used by the dentist at a remote location to~~
- 275 ~~form a tentative basic treatment plan and provide appropriate preventive or urgent~~
- 276 ~~prescriptions;]~~
- 277 ~~[(ii) perform preventive dental procedures;]~~
- 278 ~~[(iii) provide oral health education; and]~~
- 279 ~~[(iv) perform any palliative or interim treatment or caries-arresting treatment outlined~~
- 280 ~~in the dentist's treatment plan and authorized by the dentist, in accordance with~~
- 281 ~~this chapter and rules made in accordance with this chapter; and]~~
- 282 ~~[(b) at a remote location, using records and diagnostic information that a dental hygienist~~
- 283 ~~provides to form a tentative treatment plan for basic dental procedures.]]~~
- 284 (2)(a) The standard of dental care a licensed dental professional provides through
- 285 teledentistry is the same as the standard of dental care a licensed dental professional
- 286 provides in a traditional physical setting.
- 287 (b) A treating dentist may use teledentistry to collaborate with a dental hygienist within
- 288 the relevant applicable scopes of practice and under the appropriate level of
- 289 supervision described in Section 58-69-801.
- 290 (c) A dental hygienist, other unlicensed individual supervised by a dentist, or any other
- 291 provider may not carry out any duties through teledentistry that require direct or
- 292 indirect supervision of a dentist.
- 293 (d) A dentist may not conduct a dental examination using teledentistry if the standard of
- 294 care necessitates a traditional physical dental examination.
- 295 (e)(i) A dentist may correct or attempt to correct malpositioned teeth or provide an
- 296 oral appliance to treat sleep-disordered breathing and obstructive sleep apnea if
- 297 the dentist:
- 298 (A) has performed an appropriate, in-person, physical examination of the patient
- 299 for the purpose of diagnosing, assessing, and developing a treatment plan;
- 300 (B) has reviewed the patient's relevant history, medical records, diagnostic
- 301 records, and contemporaneous radiographic records; and
- 302 (C) will provide reasonable in-person follow-up care.

- 303 (ii) Notwithstanding the limitations described in Subsection (2)(e)(i), the dentist may
304 establish an initial relationship with a patient through teledentistry only:
305 (A) for the purpose of emergent care;
306 (B) to make an initial diagnosis of a malposition of teeth and a determination of
307 the need for an orthodontic appliance; or
308 (C) to make an initial diagnosis of sleep-disordered breathing and obstructive
309 sleep apnea, and assessment of the need for oral appliance therapy for jaw
310 repositioning.
- 311 (iii) A dentist shall confirm an initial diagnosis described in Subsection (2)(e)(ii)(B)
312 through conducting an in-person examination, reviewing the patient's
313 contemporaneous radiographic records, and reviewing results from any other
314 relevant test, imaging, or consultation before the patient begins using any
315 orthodontic appliance.
- 316 (iv) A dentist shall confirm an initial diagnosis described in Subsection (2)(e)(ii)(C)
317 through conducting an in-person examination, reviewing the patient's
318 contemporaneous radiographic records, and reviewing results from any other
319 relevant test, imaging, or consultation before ordering fabrication of an oral
320 appliance for jaw repositioning and delivering the appliance to the patient.
- 321 (3) A licensed dental professional or any entity employing a licensed dental professional
322 may not require a patient to sign an agreement that limits the patient's ability to file a
323 complaint with the division, file a lawsuit, join a class action lawsuit, make reports to a
324 governmental entity, require the patient to submit to binding arbitration, or otherwise
325 limit or prohibit the patient from obtaining relief for deficiencies in the treatment or
326 services provided to the patient.
- 327 ~~(3)~~ (4) When a licensed dental professional uses teledentistry, the licensed dental
328 professional shall ensure informed consent covers the following additional information:
329 (a) a description of the types of dental care services provided through teledentistry,
330 including limitations on services;
331 (b) the name, contact information, licensure, credentials, and qualifications of all
332 dentists and dental hygienists involved in the patient's dental care; and
333 (c) precautions and protocols for technological failures or emergency situations.
- 334 ~~(4)~~ (5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
335 Administrative Rulemaking Act, to establish requirements and parameters regarding
336 teledentistry to ensure the safe use of teledentistry, including additional provisions for:

- 337 (a) transparency, disclosure, and informed consent;
338 (b) standard of care;
339 (c) proper documentation;
340 (d) supervision and scope of practice;
341 (e) patient complaints; and
342 (f) protocols for referrals.
- 343 (6) If provisions or rules made under Section 26B-4-704 conflict with the provisions of this
344 section or rules made under this section, the provisions of this section and the rules made
345 under this section control when the individual being regulated is providing services
346 regulated under this chapter.

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

348 **58-69-808 . Expanded functions of dental auxiliaries.**

- 349 (1) The division shall create a certification for dental auxiliaries to perform, under the
350 indirect supervision of a dentist, various expanded functions, including:
- 351 (a) delegated maxillofacial administration of botulinum toxin by a certified dental
352 hygienist;
- 353 (b) placement of temporary and permanent restorations by a certified dental hygienist or
354 a certified dental assistant; and
- 355 (c) the removal of dental adhesive by a certified dental hygienist or a certified dental
356 assistant.
- 357 (2) The division shall make rules to implement this section, including rules regarding:
- 358 (a) the education and minimum qualifications to obtain a certification; and
359 (b) parameters for performing an expanded function.

360 Section 10. **Effective Date.**

361 This bill takes effect on May 7, 2025.