

Ariel Defay proposes the following substitute bill:

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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

29 REPEALS AND REENACTS:

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

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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 (7) "Expanded function" means a procedure that is authorized under Section 58-69-808.

50 [(5)] (8) "General supervision" means that the supervising dentist is available for  
51 consultation regarding work the supervising dentist has authorized, without regard as to  
52 whether the supervising dentist is located on the same premises as the person being  
53 supervised.

54 [(6)] (9) "Indirect supervision" means that the supervising dentist is present within the  
55 facility in which the person being supervised is providing services and is available to  
56 provide immediate face-to-face communication with the person being supervised.

57 [(7)] (10) "Practice of dental hygiene" means, [~~regarding~~] with respect to humans and subject  
58 to Section 58-69-801:

59 [(a)] ~~under the general supervision of a dentist, or under a written agreement with a~~  
60 ~~dentist licensed under this chapter, as provided in Section 58-69-801, to:]~~

61 [(i)] (a) [~~perform~~] performing a preliminary clinical examination of human teeth and  
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) dental hygiene care in accordance with a dentist's treatment plan for a patient; or  
79            (ii) dental hygiene care in accordance with a dental hygiene treatment plan;
- 80            ~~[(viii) take impressions of teeth or jaws except for impressions or registrations to~~  
81            ~~supply artificial teeth as substitutes for natural teeth; or]~~
- 82            ~~[(ix) engage in other practices of dental hygiene as defined by division rule;]~~
- 83            ~~[(b) under the indirect supervision of a dentist to administer in accordance with~~  
84            ~~standards and ethics of the professions of dentistry and dental hygiene:]~~
- 85            ~~[(i) local anesthesia; or]~~
- 86            ~~[(ii) nitrous oxide analgesia;]~~
- 87            ~~[(e)]~~ (j) [to represent] representing oneself by any title, degree, or in any other way as  
88            being a dental hygienist;[-or]
- 89            ~~[(d) to direct a dental assistant when the supervising dentist is not on the premises.]~~
- 90            (k) administering local anesthesia and nitrous oxide analgesia, only as allowed by  
91            division rule and the supervision requirements described in Section 58-69-801;
- 92            (l) directing a dental assistant when the supervising dentist is not on the premises;
- 93            (m) exposing and capturing dental radiographs;
- 94            (n) making impressions or intraoral scans of teeth or jaws;
- 95            (o) performing tasks delegated by a dentist in other practices of dental hygiene as  
96            defined by division rule; and

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

98 [(8)] (11) "Practice of dentistry" means the following, regarding humans:

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

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

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

108 (iii) [~~take-~~] make impressions, intraoral scans, or registrations;

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

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

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

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

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

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

120 (d) to supervise the practice of a:

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

122 (ii) [~~-~~] dental assistant as established by division rule made in collaboration with the  
123 board; or

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

125 (12) "Public health agency" means a local health department as defined in Section  
126 26A-1-102 or the Department of Health and Human Services.

127 [(9)] (13) "Public health setting" means:

128 (a) an individual's residence, if the individual is [~~unable to leave the residence~~]  
129 non-ambulatory;

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

- 131 (c) a nursing home;
- 132 (d) an assisted living or long-term care facility;
- 133 (e) a community health center;
- 134 (f) if a dental hygienist is employed by a public health agency, a location directed by the
- 135 public health agency;
- 136 [~~(f)~~] (g) a federally-qualified health center; or
- 137 [~~(g)~~] (h) a mobile dental health program that employs a dentist who is licensed under this
- 138 chapter.
- 139 [~~(10)~~] (14) "Supervising dentist" means a licensed dentist who has agreed to provide
- 140 supervision of a dental hygienist or unlicensed individual in accordance with the
- 141 provisions of this chapter.
- 142 [~~(11)~~] (15) "Synchronous technology" means two-way audiovisual technology that allows a
- 143 licensed dental professional to see and communicate in real time with a patient who is
- 144 located in a different physical location.
- 145 [~~(12)~~] (16) "Teledentistry" means the practice of dentistry using synchronous or
- 146 asynchronous technology.
- 147 [~~(13)~~] (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
- 148 and 58-69-501.
- 149 [~~(14)~~] (18) "Unprofessional conduct" means the same as that term is defined in Sections
- 150 58-1-501 and 58-69-502 and as may be further defined by rule.
- 151 Section 2. Section **58-69-301** is amended to read:
- 152 **58-69-301 . License required -- License classifications -- Anesthesia and analgesia**
- 153 **permits.**
- 154 (1) A license is required to engage in the practice of dentistry, including teledentistry, or
- 155 dental hygiene, except as specifically provided in Section 58-69-306 or 58-1-307.
- 156 (2) The division shall issue to individuals qualified under the provisions of this chapter a
- 157 license in the classification:
- 158 (a) dentist; or
- 159 (b) dental hygienist.
- 160 (3) A permit is required to engage in administration of anesthesia or analgesia in the
- 161 practice of dentistry or dental hygiene.
- 162 (4) The division in collaboration with the board shall establish by rule:
- 163 (a) the classifications of anesthesia and analgesia permits~~[-and]~~ ;
- 164 (b) the scope of practice permitted under each permit classification; and

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

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

168        **58-69-501 . Unlawful conduct.**

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

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

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

180        **58-69-801 . Dental hygienist practice standards.**

- 181        (1) Except as provided in Subsection (2), a dental hygienist may engage in the practice of  
182        dental hygiene in any setting under general supervision.  
183        (2) A dental hygienist may:  
184        (a) under the indirect supervision of a dentist:  
185               (i) administer nitrous oxide analgesia; and  
186               (ii) perform expanded functions in accordance with Section 58-69-808; and  
187        (b) under the general supervision of a dentist:  
188               (i) administer local anesthesia;  
189               (ii) perform palliative treatment, interim treatment, or caries arresting treatment as  
190               delegated and according to the treatment plan of the supervising dentist for a  
191               patient;  
192               (iii) expose dental radiography; or  
193               (iv) make impressions or intraoral scans of teeth or jaws as authorized by a  
194               supervising dentist.  
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        expanded functions in accordance with Section 58-69-808 and associated rules in a  
219        clinical setting operated by the school if:
- 220            (i) the expanded functions are included in the school's curriculum;
- 221            (ii) the curriculum is compliant with standards created by the Commission on Dental  
222            Accreditation, or its successor organization, for teaching expanded functions;
- 223            (iii) except as provided in Subsection (4)(b), any expanded function is performed in  
224            accordance with rules made under Section 58-69-808; and
- 225            (iv) any expanded function performed in the clinical setting is done under the indirect  
226            supervision of a dentist.
- 227        (b) An accredited dental hygiene school may act in accordance with Subsection (4)(a)  
228        without regard to rules being issued under Section 58-69-808 until the earlier of:
- 229            (i) the day on which the division issues rules under Section 58-69-808; or  
230            (ii) May 31, 2027.

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

232        **58-69-802 . Practice within limits of law, education, training, experience, and**

233 **competency.**

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

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

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

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

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

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

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

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

251 **58-69-803 . Use of dental assistants.**

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

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

255 **58-69-804 . Form of practice.**

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

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

260 (b) an employee of another person;

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

262 (d) a lawfully formed professional corporation;

263 (e) a lawfully organized limited liability company;

264 (f) a lawfully organized business corporation; or

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



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

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

272 **58-69-807 . Use of teledentistry -- Informed consent -- Rulemaking.**

273 (1) A dentist may provide dental services using teledentistry~~[, including the following:]~~ .

274 ~~[(a) collaborating with a licensed dental professional in the completion of the following  
 275 at a public health setting, generally with a written collaborative agreement, directly,  
 276 or indirectly, in accordance with this chapter:]~~

277 ~~[(i) gathering diagnostic information to be used by the dentist at a remote location to  
 278 form a tentative basic treatment plan and provide appropriate preventive or urgent  
 279 prescriptions;]~~

280 ~~[(ii) perform preventive dental procedures;]~~

281 ~~[(iii) provide oral health education; and]~~

282 ~~[(iv) perform any palliative or interim treatment or caries-arresting treatment outlined  
 283 in the dentist's treatment plan and authorized by the dentist, in accordance with  
 284 this chapter and rules made in accordance with this chapter; and]~~

285 ~~[(b) at a remote location, using records and diagnostic information that a dental hygienist  
 286 provides to form a tentative treatment plan for basic dental procedures.]~~

287 (2)(a) The standard of dental care a licensed dental professional provides through  
 288 teledentistry is the same as the standard of dental care a licensed dental professional  
 289 provides in a traditional physical setting.

290 (b) A treating dentist may use teledentistry to collaborate with a dental hygienist within  
 291 the relevant applicable scopes of practice and under the appropriate level of  
 292 supervision described in Section 58-69-801.

293 (c) A dental hygienist, other unlicensed individual supervised by a dentist, or any other  
 294 provider may not carry out any duties through teledentistry that require direct or  
 295 indirect supervision of a dentist.

296 (d) A dentist may not conduct a dental examination using teledentistry if the standard of  
 297 care necessitates a traditional physical dental examination.

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

- 301           (A) has performed an appropriate, in-person, physical examination of the patient  
302           for the purpose of diagnosing, assessing, and developing a treatment plan;  
303           (B) has reviewed the patient's relevant history, medical records, diagnostic  
304           records, and contemporaneous radiographic records; and  
305           (C) will provide reasonable in-person follow-up care.
- 306       (ii) Notwithstanding the limitations described in Subsection (2)(e)(i), the dentist may  
307       establish an initial relationship with a patient through teledentistry only:  
308           (A) for the purpose of emergent care;  
309           (B) to make an initial diagnosis of a malposition of teeth and a determination of  
310           the need for an orthodontic appliance; or  
311           (C) to screen for sleep-disordered breathing and obstructive sleep apnea, and  
312           assess the need for oral appliance therapy for jaw repositioning.
- 313       (iii) A dentist shall confirm an initial diagnosis described in Subsection (2)(e)(ii)(B)  
314       through conducting an in-person examination, reviewing the patient's  
315       contemporaneous radiographic records, and reviewing results from any other  
316       relevant test, imaging, or consultation before the patient begins using any  
317       orthodontic appliance.
- 318       (iv) A dentist shall confirm an assessment described in Subsection (2)(e)(ii)(C)  
319       through conducting an in-person examination, reviewing the patient's  
320       contemporaneous radiographic records, and reviewing results from any other  
321       relevant test, imaging, or consultation before ordering fabrication of an oral  
322       appliance for jaw repositioning and delivering the appliance to the patient.
- 323       (3) A licensed dental professional or any entity employing a licensed dental professional  
324       may not require a patient to sign an agreement that limits the patient's ability to file a  
325       complaint with the division, file a lawsuit, join a class action lawsuit, make reports to a  
326       governmental entity, require the patient to submit to binding arbitration, or otherwise  
327       limit or prohibit the patient from obtaining relief for deficiencies in the treatment or  
328       services provided to the patient.
- 329       ~~(3)~~ (4) When a licensed dental professional uses teledentistry, the licensed dental  
330       professional shall ensure informed consent covers the following additional information:  
331       (a) a description of the types of dental care services provided through teledentistry,  
332       including limitations on services;  
333       (b) the name, contact information, licensure, credentials, and qualifications of all  
334       dentists and dental hygienists involved in the patient's dental care; and

- 335 (c) precautions and protocols for technological failures or emergency situations.
- 336 [(4)] (5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 337 Administrative Rulemaking Act, to establish requirements and parameters regarding
- 338 teledentistry to ensure the safe use of teledentistry, including additional provisions for:
- 339 (a) transparency, disclosure, and informed consent;
- 340 (b) standard of care;
- 341 (c) proper documentation;
- 342 (d) supervision and scope of practice;
- 343 (e) patient complaints; and
- 344 (f) protocols for referrals.
- 345 (6) If provisions or rules made under Section 26B-4-704 conflict with the provisions of this
- 346 section or rules made under this section, the provisions of this section and the rules made
- 347 under this section control when the individual being regulated is providing services
- 348 regulated under this chapter.

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

350 **58-69-808 . Expanded functions of dental auxiliaries.**

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

362 Section 10. **Effective Date.**

363 This bill takes effect on May 7, 2025.