

Ariel Defay proposes the following substitute bill:

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:

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

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) 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;
- 96 (o) performing tasks delegated by a dentist in other practices of dental hygiene as

97 defined by division rule; and

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

99 [~~8~~] (11) "Practice of dentistry" means the following, regarding humans:

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

102 (i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease,

103 pain, injury, deficiency, deformity, or any other condition of the human teeth,

104 alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the

105 maxillofacial region;

106 (ii) take an appropriate history and physical consistent with the level of professional

107 service to be provided and the available resources in the facility in which the

108 service is to be provided;

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

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

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

112 teeth; [~~and~~]

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

114 (vii) prescribe, deliver, and provide follow-up care for oral appliance therapy,

115 including as a treatment for sleep-disordered breathing and obstructive sleep

116 apnea;

117 (b) to administer anesthetics necessary or proper in the practice of dentistry, only as

118 allowed by an anesthesia and analgesia permit obtained from the division;

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

120 dentistry;

121 (d) to supervise the practice of a:

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

123 (ii) [-]dental assistant as established by division rule made in collaboration with the

124 board; or

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

126 (12) "Public health agency" means a local health department as defined in Section

127 26A-1-102 or the Department of Health and Human Services.

128 [~~9~~] (13) "Public health setting" means:

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

130 non-ambulatory;

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

165 (b) the scope of practice permitted under each permit classification; and
 166 ~~[(b)]~~ (c) the ~~[qualifications]~~ requirements for obtaining each ~~[classification]~~ class of [
 167 ~~anesthesia and analgesia]~~ permit.

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

169 **58-69-501 . Unlawful conduct.**

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

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

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

181 **58-69-801 . Dental hygienist practice standards.**

182 (1) Except as provided in Subsection (2), a dental hygienist may engage in the practice of
 183 dental hygiene:

184 (a) in any setting under general supervision; and

185 (b) if done in accordance with a dentist's treatment plan for a patient.

186 (2) A dental hygienist may:

187 (a) under the indirect supervision of a dentist:

188 (i) administer nitrous oxide analgesia; and

189 (ii) perform expanded functions in accordance with Section 58-69-808; and

190 (b) under the general supervision of a dentist:

191 (i) administer local anesthesia;

192 (ii) expose dental radiography; or

193 (iii) 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) 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:
- 232 (i) the day on which the division issues rules under Section 58-69-808; or

233 (ii) May 31, 2027.

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

235 **58-69-802 . Practice within limits of law, education, training, experience, and**
 236 **competency.**

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

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

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

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

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

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

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

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

254 **58-69-803 . Use of dental assistants.**

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

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

258 **58-69-804 . Form of practice.**

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

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

263 (b) an employee of another person;

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

265 (d) a lawfully formed professional corporation;

266 (e) a lawfully organized limited liability company;

- 267 (f) a lawfully organized business corporation; or
 268 (g) any other form of organization recognized by the state which is not prohibited by
 269 rule adopted by division rules made in collaboration with the board.
- 270 (2) Regardless of the form in which a licensee engages in the practice of dentistry, the
 271 licensee may not permit another person who is not licensed in Utah as a dentist and is
 272 not otherwise competent to engage in the practice of dentistry to direct, or in any other
 273 way participate in, or interfere in the licensee's practice of dentistry.

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

275 **58-69-807 . Use of teledentistry -- Informed consent -- Rulemaking.**

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

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

- 335 including limitations on services;
- 336 (b) the name, contact information, licensure, credentials, and qualifications of all
337 dentists and dental hygienists involved in the patient's dental care; and
- 338 (c) precautions and protocols for technological failures or emergency situations.
- 339 [(4)] (5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
340 Administrative Rulemaking Act, to establish requirements and parameters regarding
341 teledentistry to ensure the safe use of teledentistry, including additional provisions for:
- 342 (a) transparency, disclosure, and informed consent;
- 343 (b) standard of care;
- 344 (c) proper documentation;
- 345 (d) supervision and scope of practice;
- 346 (e) patient complaints; and
- 347 (f) protocols for referrals.
- 348 (6) If provisions or rules made under Section 26B-4-704 conflict with the provisions of this
349 section or rules made under this section, the provisions of this section and the rules made
350 under this section control when the individual being regulated is providing services
351 regulated under this chapter.
- 352 Section 9. Section **58-69-808** is enacted to read:
- 353 **58-69-808 . Expanded functions of dental auxiliaries.**
- 354 (1) The division shall create certifications for dental auxiliaries to perform, under the
355 indirect supervision of a dentist, various expanded functions, including:
- 356 (a) delegated maxillofacial administration of botulinum toxin by a dental hygienist
357 certified by the division;
- 358 (b) placement of direct restorations by a dental hygienist certified by the division or a
359 dental assistant certified by the division; and
- 360 (c) the removal of coronal dental adhesive by a dental hygienist certified by the division
361 or a dental assistant certified by the division.
- 362 (2) The division shall make rules to implement this section, including rules regarding:
- 363 (a) the education and minimum qualifications to obtain a certification; and
- 364 (b) parameters for performing an expanded function.
- 365 Section 10. **Effective Date.**
- 366 This bill takes effect on May 7, 2025.