

### Part 3 Licensing

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

- (1) A license is required to engage in the practice of dentistry 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 the scope of practice permitted under each permit; and
  - (b) the qualifications for each classification of anesthesia and analgesia permit.

Amended by Chapter 320, 2015 General Session

#### **58-69-302 Qualifications -- Licensure as a dentist -- Licensure as a dental hygienist.**

- (1) An applicant for licensure as a dentist, except as provided in Subsection (2), shall:
  - (a) submit an application in a form as prescribed by the division;
  - (b) pay a fee as determined by the department under Section 63J-1-504;
  - (c) be of good moral character;
  - (d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a dentist as evidenced by having received an earned doctor's degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association;
  - (e) pass the National Board Dental Examinations as administered by the Joint Commission on National Dental Examinations of the American Dental Association;
  - (f) pass any one of the regional dental clinical licensure examinations unless the division, in collaboration with the board, determines that:
    - (i) the examination is clearly inferior to the Western Regional Examination Board; and
    - (ii) reliance upon the examination poses an unjustifiable threat to public health and safety;
  - (g) pass any other examinations regarding applicable law, rules, or ethics as established by division rule made in collaboration with the board;
  - (h) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board; and
  - (i) meet with the board if requested by the board or division for the purpose of examining the applicant's qualifications for licensure.
- (2) An applicant for licensure as a dentist qualifying under the endorsement provision of Section 58-1-302 shall:
  - (a) be currently licensed in good standing in another jurisdiction set forth in Section 58-1-302;
  - (b)
    - (i) document having met all requirements for licensure under Subsection (1) except, an applicant having received licensure in another state or jurisdiction prior to the year when the National Board Dental Examinations were first administered, shall document having passed

- a state administered examination acceptable to the division in collaboration with the board;  
or
  - (ii) document having obtained licensure in another state or jurisdiction upon which licensure by endorsement is based by meeting requirements which were equal to licensure requirements in Utah at the time the applicant obtained licensure in the other state or jurisdiction; and
  - (c) document having been successfully engaged in practice as a dentist for not less than 6,000 hours in the five years immediately preceding the date of application for licensure.
- (3) An applicant for licensure as a dental hygienist, except as set forth in Subsection (4), shall:
- (a) submit an application in a form as prescribed by the division;
  - (b) pay a fee as determined by the department pursuant to Section 63J-1-504;
  - (c) be of good moral character;
  - (d) be a graduate holding a certificate or degree in dental hygiene from a school accredited by the Commission on Dental Accreditation of the American Dental Association;
  - (e) pass the National Board Dental Hygiene Examination as administered by the Joint Commission on National Dental Examinations of the American Dental Association;
  - (f) pass an examination consisting of practical demonstrations in the practice of dental hygiene and written or oral examination in the theory and practice of dental hygiene as established by division rule made in collaboration with the board;
  - (g) pass any other examinations regarding applicable law, rules, and ethics as established by rule by division rule made in collaboration with the board;
  - (h) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board; and
  - (i) meet with the board if requested by the board or division for the purpose of examining the applicant's qualifications for licensure.
- (4) An applicant for licensure as a dental hygienist qualifying under the endorsement provision of Section 58-1-302 shall:
- (a) be currently licensed in another jurisdiction set forth in Section 58-1-302;
  - (b)
    - (i) document having met all requirements for licensure under Subsection (3) except, an applicant having received licensure in another state or jurisdiction prior to 1962, the year when the National Board Dental Hygiene Examinations were first administered, shall document having passed a state administered examination acceptable to the division in collaboration with the board; or
    - (ii) document having obtained licensure in another state or jurisdiction upon which licensure by endorsement is based by meeting requirements which were equal to licensure requirements in Utah at the time the applicant obtained licensure in the other state or jurisdiction; and
  - (c) document having been successfully engaged in practice as a dental hygienist for not less than 2,000 hours in the two years immediately preceding the date of application for licensure.

Amended by Chapter 320, 2015 General Session

**58-69-303 Term of license -- Expiration -- Renewal.**

- (1)
- (a) The division shall issue each license and permit under this chapter in accordance with a two-year renewal cycle established by division rule.
  - (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

- (2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.
- (3) Each license expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Amended by Chapter 268, 2001 General Session

**58-69-304 Continuing education.**

During each two-year licensure cycle or other cycle defined by rule, a licensee under this chapter shall complete qualified continuing professional education requirements established by division rule made in collaboration with the board.

Enacted by Chapter 116, 1996 General Session

**58-69-306 Exemptions from licensure.**

In addition to the exemptions from licensure in Section 58-1-307:

- (1) an individual performing mechanical work on inert matter in a laboratory pursuant to a written prescription from a licensed dentist may engage in acts and practices included in the practice of dentistry or dental hygiene without being licensed under this chapter;
- (2) an individual licensed in good standing as a dentist in another state, with no licensing action pending and no less than two years of professional experience, may engage in the practice of dentistry without being licensed under this chapter if:
  - (a) the services are rendered as a public service and for a noncommercial purpose;
  - (b) no fee or other consideration of value is charged, received, expected, or contemplated for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and
  - (c) the individual does not otherwise engage in unlawful or unprofessional conduct; and
- (3) an individual who is appointed to a faculty position at an accredited dental school may practice dentistry within the scope of the individual's employment at the accredited dental school or at a hospital or clinic affiliated with the accredited dental school if the individual:
  - (a) holds a license to practice dentistry in another jurisdiction;
  - (b) is permitted to the work in the United States under federal immigration law; and
  - (c)
    - (i)
      - (A) successfully completes Part I and Part II of the National Board Dental Examination; and
      - (B) holds a degree in a dental specialty area, as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
    - (ii)
      - (A) holds a certificate, master's degree, or doctorate degree from an accredited higher education or dental education institution in an area that supports dental education; and
      - (B) practices only under the supervision of an individual licensed as a dentist under this chapter; or
    - (iii)
      - (A) has established expertise in an area of dentistry that is recognized by a United States higher education or dental education institution or by a national professional board or association; and
      - (B) practices only under the supervision of an individual licensed as a dentist under this chapter.

Amended by Chapter 320, 2015 General Session

**58-69-307 Status of licenses held on the effective date of this chapter.**

An individual holding a current license or permit as a dentist or dental hygienist that was issued under any prior state law is considered to hold a current license or permit in the same classification under this chapter.

Enacted by Chapter 116, 1996 General Session