

## **Part 8 Practice Standards**

### **58-69-801 Dental hygienist -- Limitations on practice.**

A dental hygienist licensed under this chapter may only practice dental hygiene:

- (1) in an accredited dental or dental hygienist school to teach and demonstrate the practice of dental hygiene;
- (2) for a public health agency;
- (3) under the supervision of a dentist, for an employee leasing company or temporary personnel service company providing employees to a dentist or other person lawfully providing dental services:
  - (a) under the indirect supervision of a dentist licensed under this chapter at any time the dental hygienist is administering an anesthetic or analgesia as permitted under this chapter or division rules made under this chapter;
  - (b) under the general supervision of a dentist licensed under this chapter within the office of the supervising dentist and upon patients of record of the supervising dentist; and
  - (c) under the general supervision of a dentist licensed under this chapter, and the practice is conducted outside of the office of the supervising dentist, if:
    - (i) the dental hygiene work performed is authorized by the supervising dentist as a part of and in accordance with the supervising dentist's current treatment plan for the patient;
    - (ii) no anesthetic or analgesia is used;
    - (iii) the supervising dentist has determined the patient's general health and oral health are so that the dental hygiene work can be performed under general supervision and with an acceptable level of risk or injury as determined by the supervising dentist;
    - (iv) the supervising dentist accepts responsibility for the dental hygiene work performed under general supervision; and
    - (v)
      - (A) the dental hygienist's work is performed on a patient who is homebound or within a hospital, nursing home, or public health agency or institution; and
      - (B) the patient is the supervising dentist's patient of record and the dentist has examined the patient within six months prior to the patient's receiving treatment from a dental hygienist under this Subsection (3); or
- (4) under a written agreement with a dentist who is licensed under this chapter and who is a Utah resident if:
  - (a) the dental hygienist practices in a public health setting;
  - (b) the dentist is available in person, by phone, or by electronic communication;
  - (c) the agreement provides that the dental hygienist shall refer a patient with a dental need beyond the dental hygienist's scope of practice to a licensed dentist; and
  - (d) the dental hygienist obtains from each patient an informed consent form that provides that treatment by a dental hygienist is not a substitute for a dental examination by a dentist.

Amended by Chapter 348, 2016 General Session

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

Each individual licensed under this chapter shall confine his practice to those acts or practices:

- (1) permitted by law; and
- (2) in which the individual is competent by education, training, and experience.

Enacted by Chapter 116, 1996 General Session

**58-69-803 Use of unlicensed individuals.**

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

Enacted by Chapter 116, 1996 General Session

**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:
  - (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.

Enacted by Chapter 116, 1996 General Session

**58-69-805 Disclosure of financial interest by licensee.**

- (1) Licensees under this chapter may not refer patients to any clinical laboratory or health care facility in which the licensee or a member of the licensee's immediate family has any financial relationship as that term is described in 42 U.S.C. 1395nn, unless the licensee at the time of making the referral discloses that relationship, in writing, to the patient.
- (2) The written disclosure under Subsection (1) shall also state the patient may choose any facility or laboratory for the work or treatment.

Enacted by Chapter 116, 1996 General Session

**58-69-806 Consumer access to provider charges.**

Beginning January 1, 2011, a dentist licensed under this chapter shall, when requested by a consumer:

- (1) make a list of prices charged by the dentist available for the consumer which includes the dentist's 25 most frequently performed:
  - (a) clinic procedures or clinic services;
  - (b) out-patient procedures; and
  - (c) in-patient procedures; and
- (2) provide the consumer with information regarding any discount available for:
  - (a) services not covered by insurance; or
  - (b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session