

1                                   **DENTAL LICENSE REGIONAL BOARD EXAM**

2   1998 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Craig A. Peterson**

5 AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; PROHIBITING MEMBERS  
6 OF THE DENTAL BOARD FROM SERVING AS EXAMINERS; AND CLARIFYING THAT  
7 AN APPLICANT FOR LICENSURE AS A DENTIST MAY PASS ANY ONE OF THE  
8 REGIONAL DENTAL CLINICAL EXAMINATIONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11                   **58-69-201**, as last amended by Chapter 10, Laws of Utah 1997

12                   **58-69-302**, as enacted by Chapter 116, Laws of Utah 1996

13 *Be it enacted by the Legislature of the state of Utah:*

14                   Section 1. Section **58-69-201** is amended to read:

15                   **58-69-201. Board.**

16                   (1) There is created the Dentist and Dental Hygienist Licensing Board, consisting of six  
17 licensed dentists, two licensed dental hygienists, and one member of the general public.

18                   (2) The board shall be appointed and serve in accordance with Section 58-1-201.

19                   (3) (a) The duties and responsibilities of the board shall be in accordance with Sections  
20 58-1-202 and 58-1-203.

21                   (b) In addition, the board shall designate one of its members on a permanent or rotating  
22 basis to:

23                   (i) assist the division in reviewing complaints concerning the unlawful or unprofessional  
24 conduct of a licensee; and

25                   (ii) advise the division with respect to the conduct of investigations of these complaints.

26                   (4) A board member who has, under Subsection (3), reviewed a complaint or advised in  
27 its investigation may be disqualified from participating with the board when the board serves as

1 a presiding officer in an adjudicative proceeding concerning the complaint.

2 (5) Board members may not serve as examiners for licensing examinations established  
3 under Section 58-69-302 [~~when requested by the examining body~~].

4 (6) Board members serving as examiners shall be compensated in accordance with  
5 Subsection 58-1-201(4), but may not be compensated for per diem or allowable expenses if they  
6 are eligible to receive compensation from the examining body.

7 Section 2. Section **58-69-302** is amended to read:

8 **58-69-302. Qualifications for licensure.**

9 (1) An applicant for licensure as a dentist, except as set forth in Subsection (2), shall:

10 (a) submit an application in a form as prescribed by the division;

11 (b) pay a fee as determined by the department under Section 63-38-3.2;

12 (c) be of good moral character;

13 (d) provide satisfactory documentation of having successfully completed a program of  
14 professional education preparing an individual as a dentist as evidenced by having received an  
15 earned doctor's degree in dentistry from:

16 (i) a dental school accredited by the Commission on Dental Accreditation of the American  
17 Dental Association; or

18 (ii) a dental school located outside of the United States or its jurisdictions which, at the  
19 time the applicant graduated from the dental school, met standards for accreditation by the  
20 Commission on Dental Accreditation of the American Dental Association;

21 (e) pass the National Board Dental Examinations as administered by the Joint Commission  
22 on National Dental Examinations of the American Dental Association;

23 (f) pass [~~an examination consisting of practical demonstrations in the practice of dentistry  
24 and written or oral examination in the theory and practice of dentistry as established by rule by]~~  
25 any one of the regional dental clinical licensure examinations unless the division, in collaboration  
26 with the board[;], determines that:

27 (i) the examination is clearly inferior to the Western Regional Examination Board; and

28 (ii) reliance upon the examination poses an unjustifiable threat to public health and safety;

29 (g) pass any other examinations regarding applicable law, rules, or ethics as established  
30 by division rule made in collaboration with the board;

31 (h) be able to read, write, speak, understand, and be understood in the English language

1 and demonstrate proficiency to the satisfaction of the board if requested by the board; and

2 (i) meet with the board if requested by the board or division for the purpose of examining  
3 the applicant's qualifications for licensure.

4 (2) An applicant for licensure as a dentist qualifying under the endorsement provision of  
5 Section 58-1-302 shall:

6 (a) be currently licensed in good standing in another jurisdiction set forth in Section  
7 58-1-302;

8 (b) (i) document having met all requirements for licensure under Subsection (1) except,  
9 an applicant having received licensure in another state or jurisdiction prior to the year when the  
10 National Board Dental Examinations were first administered, shall document having passed a state  
11 administered examination acceptable to the division in collaboration with the board; or

12 (ii) document having obtained licensure in another state or jurisdiction upon which  
13 licensure by endorsement is based by meeting requirements which were equal to licensure  
14 requirements in Utah at the time the applicant obtained licensure in the other state or jurisdiction;  
15 and

16 (c) document having been successfully engaged in practice as a dentist for not less than  
17 6,000 hours in the five years immediately preceding the date of application for licensure.

18 (3) An applicant for licensure as a dental hygienist, except as set forth in Subsection (4),  
19 shall:

20 (a) submit an application in a form as prescribed by the division;

21 (b) pay a fee as determined by the department pursuant to Section 63-38-3.2;

22 (c) be of good moral character;

23 (d) be a graduate holding a certificate or degree in dental hygiene from:

24 (i) a school accredited by the Commission on Dental Accreditation of the American Dental  
25 Association; or

26 (ii) a dental hygiene school located outside of the United States or its jurisdictions which,  
27 at the time the applicant graduated from or received certification from the school, met standards  
28 for accreditation by the Commission on Dental Accreditation of the American Dental Association;

29 (e) pass the National Board Dental Hygiene Examination as administered by the Joint  
30 Commission on National Dental Examinations of the American Dental Association;

31 (f) pass an examination consisting of practical demonstrations in the practice of dental

1 hygiene and written or oral examination in the theory and practice of dental hygiene as established  
2 by division rule made in collaboration with the board;

3 (g) pass any other examinations regarding applicable law, rules, and ethics as established  
4 by rule by division rule made in collaboration with the board;

5 (h) be able to read, write, speak, understand, and be understood in the English language  
6 and demonstrate proficiency to the satisfaction of the board if requested by the board; and

7 (i) meet with the board if requested by the board or division for the purpose of examining  
8 the applicant's qualifications for licensure.

9 (4) An applicant for licensure as a dental hygienist qualifying under the endorsement  
10 provision of Section 58-1-302 shall:

11 (a) be currently licensed in another jurisdiction set forth in Section 58-1-302;

12 (b) (i) document having met all requirements for licensure under Subsection (3) except,  
13 an applicant having received licensure in another state or jurisdiction prior to 1962, the year when  
14 the National Board Dental Hygiene Examinations were first administered, shall document having  
15 passed a state administered examination acceptable to the division in collaboration with the board;  
16 or

17 (ii) document having obtained licensure in another state or jurisdiction upon which  
18 licensure by endorsement is based by meeting requirements which were equal to licensure  
19 requirements in Utah at the time the applicant obtained licensure in the other state or jurisdiction;  
20 and

21 (c) document having been successfully engaged in practice as a dental hygienist for not  
22 less than 2,000 hours in the two years immediately preceding the date of application for licensure.

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**Legislative Review Note**  
**as of 1-30-98 2:23 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**