

Senator Michael G. Waddoups proposes the following substitute bill:

DENTAL HYGIENIST LICENSING ACT

AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael G. Waddoups

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Dental Hygienist Licensing Act by expanding the definition of the practice of dental hygiene, defining public health supervision as related to the "practice of dental hygiene," and allowing a dental hygienist to practice dental hygiene health care under general supervision or under public health supervision in specific health care facilities.

Highlighted Provisions:

This bill:

- ▶ expands the definition of the practice of dental hygiene to include administering and prescribing topical medicaments related to and appropriate in the practice of dental hygiene and specifies procedures a dental hygienist may perform under the public health supervision of a dentist;
- ▶ defines "public health supervision" to mean practicing dental hygiene according to a protocol established with a consulting dentist; and
- ▶ allows a dental hygienist to practice dental hygiene in specific health care facilities under general supervision or public health supervision, with certain qualifications.

Monies Appropriated in this Bill:



None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-69-102, as enacted by Chapter 116, Laws of Utah 1996

58-69-801, as enacted by Chapter 116, Laws of Utah 1996

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

Section 1. Section **58-69-102** is amended to read:

58-69-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Dentist and Dental Hygienist Licensing Board created in Section 58-69-201.

(2) "Dental assistant" means an unlicensed individual who engages in, directly or indirectly, supervised acts and duties as defined by division rule made in collaboration with the board.

(3) "Direct supervision" means the supervising dentist is present and available for face-to-face communication with the person being supervised when and where professional services are being provided.

(4) "General supervision" means that the supervising dentist is available for consultation regarding work the supervising dentist has authorized, without regard as to whether the supervising dentist is located on the same premises as the person being supervised.

(5) "Indirect supervision" means that the supervising dentist is present within the facility in which the person being supervised is providing services and is available to provide immediate face-to-face communication with the person being supervised.

(6) "Practice of dentistry" means the following, regarding humans:

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

(i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease, pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process,

gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region;

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

(iii) take impressions or registrations;

(iv) supply artificial teeth as substitutes for natural teeth;

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

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

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

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

(d) to supervise the practice of a dental hygienist or dental assistant as established by division rule made in collaboration with the board; or

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

(7) "Practice of dental hygiene" means, regarding humans:

(a) under the general supervision of a dentist to:

(i) perform preliminary clinical examination of human teeth and gums;

(ii) make preliminary instrumental examination of patients' teeth;

(iii) expose dental radiographs;

(iv) assess dental hygiene status and collaborate with the supervising dentist regarding a dental hygiene treatment plan for a patient;

(v) remove deposits, accumulations, calculus, and concretions from the surfaces of human teeth;

(vi) remove toxins and debris from subgingival surfaces;

(vii) provide dental hygiene care in accordance with a dentist's treatment plan for a patient;

(viii) take impressions of teeth or jaws except for impressions or registrations to supply artificial teeth as substitutes for natural teeth; [or]

(ix) administer and prescribe topical medicaments related to and appropriate in the

88 practice of dental hygiene, as defined in rule; or

89 ~~[(ix)]~~ (x) engage in other practices of dental hygiene as defined by division rule;

90 (b) under the indirect supervision of a dentist to administer in accordance with
91 standards and ethics of the professions of dentistry and dental hygiene:

92 (i) local anesthesia; or

93 (ii) nitrous oxide analgesia;

94 (c) under the public health supervision of a dentist to:

95 (i) review and update each medical history, and assess blood pressure, if indicated;

96 (ii) chart existing teeth and restorations;

97 (iii) x-ray as determined by the established protocol;

98 (iv) collaborate with the consulting dentist prior to treatment;

99 (v) probe to assess periodontal status;

100 (vi) deliver oral hygiene instruction and discuss disease prevention;

101 (vii) remove deposits, accumulations, calculus and concretions from surfaces of human
102 teeth;

103 (viii) apply topical preventative or prophylactic agents, including fluoride varnishes
104 and pit and fissure sealants; or

105 (ix) perform scaling and root planing;

106 ~~[(c)]~~ (d) to represent oneself by any title, degree, or in any other way as being a dental
107 hygienist; or

108 ~~[(d)]~~ (e) to direct a dental assistant when the supervising dentist is not on the premises.

109 (8) "Public health supervision" means practicing dental hygiene according to a general
110 protocol established with a consulting dentist whether or not the dentist is on the same
111 premises or has examined the patient, so long as the dentist is available for consultation.

112 ~~[(8)]~~ (9) "Supervising dentist" means a licensed dentist who has agreed to provide
113 supervision of a dental hygienist or unlicensed individual in accordance with the provisions of
114 this chapter.

115 ~~[(9)]~~ (10) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-69-501.

116 ~~[(10)]~~ (11) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-69-502
117 and as may be further defined by rule.

118 Section 2. Section **58-69-801** is amended to read:

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); and

(4) in a nursing home, assisted living center, hospital, rehabilitation center, Title I school Headstart school, migrant worker facility, group home for the elderly, disabled or youth facility, home health services facility, mobile public health clinic or a community health center.

150 and in other categories of public health facilities as authorized by the board:
151 (a) under general supervision as defined in Subsection 58-69-102(4); or
152 (b) under public health supervision as defined in Subsection 58-69-102(6) so long as
153 the dental hygienist:
154 (i) contacts the consulting dentist prior to treatment;
155 (ii) informs the patient that the dental hygiene treatment is not a substitute for
156 comprehensive dental treatment;
157 (iii) refers patients for diagnosis and treatment by a dentist;
158 (iv) maintains liability insurance coverage;
159 (v) has at least five years experience as a licensed dental hygienist;
160 (vi) is currently certified in intermediate CPR training; and
161 (vii) documents participation in courses in infection control, medically compromised
162 patients, and medical emergencies within each continuing education cycle.

S.B. 124 1st Sub. (Green) - Dental Hygienist Licensing Act Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
