

**Senator J. Stuart Adams** proposes the following substitute bill:

**DENTIST PRACTICE ACT AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: J. Stuart Adams**

House Sponsor: Merlynn T. Newbold

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**LONG TITLE**

**General Description:**

This bill amends the Dentist and Dental Hygienist Practice Act to create a license for a dentist educator.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ establishes standards for a license as a dentist educator;
- ▶ establishes the scope of practice for a dentist educator license;
- ▶ establishes the renewal schedule for a dentist educator license; and
- ▶ sunsets dentist educator license on July 1, 2015.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-69-301**, as enacted by Laws of Utah 1996, Chapter 116

**58-69-302**, as last amended by Laws of Utah 2009, Chapter 183



26           **63I-1-258**, as last amended by Laws of Utah 2010, Chapter 188

27 ENACTS:

28           **58-69-302.5**, Utah Code Annotated 1953



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

31           Section 1. Section **58-69-301** is amended to read:

32           **58-69-301. License required -- License classifications -- Anesthesia and analgesia**  
33 **permits.**

34           (1) A license is required to engage in the practice of dentistry or dental hygiene except  
35 as specifically provided in Section 58-69-306 or 58-1-307.

36           (2) The division shall issue to individuals qualified under the provisions of this chapter  
37 a license in the classification:

38           (a) dentist; [or]

39           (b) dentist educator license; or

40           [~~(b)~~] (c) dental hygienist.

41           (3) A permit is required to engage in administration of anesthesia or analgesia in the  
42 practice of dentistry or dental hygiene.

43           (4) The division in collaboration with the board shall establish by rule:

44           (a) the classifications of anesthesia and analgesia permits and the scope of practice  
45 permitted under each permit; and

46           (b) the qualifications for each classification of anesthesia and analgesia permit.

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

48           **58-69-302. Qualifications for licensure.**

49           (1) An applicant for licensure as a dentist, except as set forth in Subsection (2) and  
50 Section 58-69-302.5, shall:

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

52           (b) pay a fee as determined by the department under Section 63J-1-504;

53           (c) be of good moral character;

54           (d) provide satisfactory documentation of having successfully completed a program of  
55 professional education preparing an individual as a dentist as evidenced by having received an  
56 earned doctor's degree in dentistry from a dental school accredited by the Commission on

57 Dental Accreditation of the American Dental Association;

58 (e) pass the National Board Dental Examinations as administered by the Joint

59 Commission on National Dental Examinations of the American Dental Association;

60 (f) pass any one of the regional dental clinical licensure examinations unless the

61 division, in collaboration with the board, determines that:

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

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

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

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

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

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

73 (a) be currently licensed in good standing in another jurisdiction set forth in Section  
74 58-1-302;

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

79 (ii) document having obtained licensure in another state or jurisdiction upon which  
80 licensure by endorsement is based by meeting requirements which were equal to licensure  
81 requirements in Utah at the time the applicant obtained licensure in the other state or  
82 jurisdiction; and

83 (c) document having been successfully engaged in practice as a dentist for not less than  
84 6,000 hours in the five years immediately preceding the date of application for licensure.

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

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

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

118 Section 3. Section **58-69-302.5** is enacted to read:

119 **58-69-302.5. Licensing of dentist-educators.**120 (1) As used in this section:121 (a) "Foreign country" means a country other than the United States, its territories, or  
122 Canada.123 (b) "Foreign dental school" means a dental school that is outside the United States, its  
124 territories, and Canada.125 (c) "Specialty area" means:126 (i) an area of dentistry proposed in a formal application by a sponsoring organization to  
127 the Council on Dental Education and Licensure and formally approved by the American Dental  
128 Association as meeting the requirements for recognition of dental specialist; and129 (ii) a university program accredited by the Commission on Dental Accreditation that  
130 offers an examination leading to board certification.131 (2) Notwithstanding any provision of law to the contrary, an individual may receive a  
132 dentist educator license if the individual:133 (a) submits an application in a form prescribed by the division, which may include:134 (i) submission by the applicant of information maintained in a practitioner data bank,  
135 as designated by division rule, with respect to the applicant; and136 (ii) a record of professional liability claims made against the applicant and settlements  
137 paid by or on behalf of the applicant;138 (b) provides ~~§~~ :138a (i) ~~§~~ a certificate of successful completion of an advanced educational program  
139 in a specialty area that is two or more years in length; ~~§~~ and139a (ii) proof that the applicant passed Part I and Part II of the National Board Dental  
139b Examinations or its equivalent as determined by the ~~§~~ division in collaboration with  
139c the ~~§~~ Board of Dentistry; ~~§~~140 (c) is licensed in good standing in a foreign country, the United States, its territories, or  
141 Canada;142 (d) does not have an investigation or action pending against a professional license in  
143 any jurisdiction, unless:144 (i) the license was subsequently reinstated in good standing; or145 (ii) the division in collaboration with the board determines to its satisfaction, after full  
146 disclosure by the applicant and full consideration by the division in collaboration with the  
147 board, that:148 (A) the conduct has been corrected, monitored, and resolved; or149 (B) a mitigating circumstance exists that prevents resolution, and the division in

150 collaboration with the board is satisfied that, but for the mitigating circumstance, the license  
151 would be reinstated;

152 (e) submits documentation of legal status to work in the United States;

153 (f) is of good moral character;

154 (g) is able to read, write, speak, understand, and be understood in the English language  
155 and demonstrates proficiency to the satisfaction of the division in collaboration with the board,  
156 if requested;

157 (h) is appointed to the faculty of an accredited dental school in Utah to serve as a  
158 member of the dental school's academic faculty, as evidenced by written certification from the  
159 dean of the dental school, stating that the applicant:

160 (i) is qualified by knowledge, skill, and ability to practice dentistry in the state; and

161 (ii) will be under the supervision of the academic administration of the accredited  
162 dental school and will be permitted to practice dentistry only as a necessary part of the  
163 applicant's duties, providing detailed evidence of the applicant's qualifications and competence,  
164 including the nature and location of the applicant's proposed responsibilities, reasons for any  
165 limitations of the applicant's practice responsibilities, and the degree of supervision, if any,  
166 under which the applicant will function; and

167 (i) pays a licensing fee set by the division under Section 63J-1-504.

168 (3) (a) A license as a dentist educator is valid until the earlier of:

169 (i) two years from the date the license is issued;

170 (ii) the date of termination of employment with the dental school; or

171 (iii) failure to maintain any of the requirements of this section.

172 (b) The dentist educator's license only authorizes the dentist educator to practice  
173 dentistry in the state as an educator at the dental school that employs the dentist educator and  
174 its affiliated facilities. The dentist educator shall follow Section 58-1-501.6 when making any  
175 representations to the public.

176 (4) The division or the board may require an applicant for licensure under this section  
177 to meet with the board and representatives of the division for the purpose of evaluating the  
178 applicant's qualifications for licensure.

179 (5) The division in collaboration with the board may withdraw a license under this  
180 section at any time for material misrepresentation or unlawful or unprofessional conduct.

181 Section 4. Section **63I-1-258** is amended to read:

182 **63I-1-258. Repeal dates, Title 58.**

183 (1) Title 58, Chapter 9, Funeral Services Licensing Act, is repealed July 1, 2018.

184 (2) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
185 repealed July 1, 2016.

186 (3) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.

187 (4) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2013.

188 (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2013.

189 (6) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, is  
190 repealed July 1, 2019.

191 (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.

192 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July  
193 1, 2013.

194 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2014.

195 (10) Section 58-69-302.5 is repealed on July 1, 2015.

196 [~~(10)~~] (11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

197 [~~(11)~~] (12) Section 58-13-2.5 is repealed July 1, 2013.