

DENTIST PRACTICE ACT AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Merlynn T. Newbold

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 the 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

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

ENACTS:

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; and

129 (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; and

136 (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:

139 (i) a certificate of successful completion of an advanced educational program in a
140 specialty area that is two or more years in length; and

141 (ii) proof that the applicant passed Part I and Part II of the National Board Dental

142 Examinations or its equivalent as determined by the division in collaboration with the Board of
143 Dentistry;

144 (c) is licensed in good standing in a foreign country, the United States, its territories, or
145 Canada;

146 (d) does not have an investigation or action pending against a professional license in
147 any jurisdiction, unless:

148 (i) the license was subsequently reinstated in good standing; or

149 (ii) the division in collaboration with the board determines to its satisfaction, after full
150 disclosure by the applicant and full consideration by the division in collaboration with the
151 board, that:

152 (A) the conduct has been corrected, monitored, and resolved; or

153 (B) a mitigating circumstance exists that prevents resolution, and the division in
154 collaboration with the board is satisfied that, but for the mitigating circumstance, the license
155 would be reinstated;

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

157 (f) is of good moral character;

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

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

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

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

170 under which the applicant will function; and

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

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

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

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

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

176 (b) The dentist educator's license only authorizes the dentist educator to practice

177 dentistry in the state as an educator at the dental school that employs the dentist educator and

178 its affiliated facilities. The dentist educator shall follow Section 58-1-501.6 when making any

179 representations to the public.

180 (4) The division or the board may require an applicant for licensure under this section

181 to meet with the board and representatives of the division for the purpose of evaluating the

182 applicant's qualifications for licensure.

183 (5) The division in collaboration with the board may withdraw a license under this

184 section at any time for material misrepresentation or unlawful or unprofessional conduct.

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

186 **63I-1-258. Repeal dates, Title 58.**

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

188 (2) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is

189 repealed July 1, 2016.

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

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

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

193 (6) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, is

194 repealed July 1, 2019.

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

196 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July

197 1, 2013.

- 198 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2014.
- 199 (10) Section 58-69-302.5 is repealed on July 1, 2015.
- 200 [~~(10)~~] (11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.
- 201 [~~(11)~~] (12) Section 58-13-2.5 is repealed July 1, 2013.