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DENTIST PRACTICE ACT AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: _____

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; and
- ▶ establishes the renewal schedule for a dentist educator license.

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

ENACTS:

58-69-302.5, Utah Code Annotated 1953



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

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

30 **58-69-301. License required -- License classifications -- Anesthesia and analgesia**
31 **permits.**

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

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

36 (a) dentist; [~~or~~]

37 (b) foreign teaching license; or

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

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

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

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

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

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

46 **58-69-302. Qualifications for licensure.**

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

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

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

51 (c) be of good moral character;

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

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

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

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

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

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

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

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

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

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

71 (a) be currently licensed in good standing in another jurisdiction set forth in Section
72 58-1-302;

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

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

81 (c) document having been successfully engaged in practice as a dentist for not less than
82 6,000 hours in the five years immediately preceding the date of application for licensure.

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

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

86 (b) pay a fee as determined by the department pursuant to Section 63J-1-504;

87 (c) be of good moral character;

88 (d) be a graduate holding a certificate or degree in dental hygiene from a school
89 accredited by the Commission on Dental Accreditation of the American Dental Association;

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

92 (f) pass an examination consisting of practical demonstrations in the practice of dental
93 hygiene and written or oral examination in the theory and practice of dental hygiene as
94 established by division rule made in collaboration with the board;

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

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

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

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

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

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

109 (ii) document having obtained licensure in another state or jurisdiction upon which
110 licensure by endorsement is based by meeting requirements which were equal to licensure
111 requirements in Utah at the time the applicant obtained licensure in the other state or
112 jurisdiction; and

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

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

117 **58-69-302.5. Licensing of dentist-educators.**

118 (1) As used in this section:

119 (a) "Foreign country" means a country other than the United States, its territories, or
120 Canada.

121 (b) "Foreign dental school" means a dental school that is outside the United States, its
122 territories, and Canada.

123 (2) Notwithstanding any provision of law to the contrary, an individual may receive a
124 foreign teaching license if the individual:

125 (a) submits an application in a form prescribed by the division, which may include:

126 (i) submission by the applicant of information maintained in a practitioner data bank,
127 as designated by division rule, with respect to the applicant;

128 (ii) a record of professional liability claims made against the applicant and settlements
129 paid by or on behalf of the applicant; and

130 (iii) the applicant's curriculum vitae;

131 (b) is licensed in good standing in a foreign country, the United States, its territories, or
132 Canada;

133 (c) does not have an investigation or action pending against the dentist's healthcare
134 license, does not have a healthcare license that was suspended or revoked, and has not
135 surrendered a healthcare license in lieu of disciplinary action, unless:

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

137 (ii) the division in collaboration with the board determines to its satisfaction, after full
138 disclosure by the applicant and full consideration by the division in collaboration with the
139 board, that:

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

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

144 (d) submits documentation of legal status to work in the United States;

145 (e) is of good moral character;

146 (f) is able to read, write, speak, understand, and be understood in the English language
147 and demonstrates proficiency to the satisfaction of the division in collaboration with the board,
148 if requested;

149 (g) is invited by an accredited dental school in Utah to serve as a member of the dental
150 school's academic faculty, as evidenced by written certification from the dean of the dental
151 school, stating that the applicant:

152 (i) has been appointed to a faculty position and that the applicant is qualified by
153 knowledge, skill, and ability to practice dentistry in the state; and
154 (ii) will be under the direction of the head of the department and will be permitted to
155 practice dentistry only as a necessary part of the applicant's duties, providing detailed evidence
156 of the applicant's qualifications and competence, including the nature and location of the
157 applicant's proposed responsibilities, reasons for any limitations of the applicant's practice
158 responsibilities, and the degree of supervision, if any, under which the applicant will function;
159 and
160 (h) pays a licensing fee set by the division under Section 63J-1-504.
161 (3) (a) A license as a dentist educator is valid until the earlier of:
162 (i) one year from the date the license was issued; or
163 (ii) the date of termination of employment with the dental school.
164 (b) A license under this section:
165 (i) may be renewed; and
166 (ii) may not be transferred from one dental school to another dental school.
167 (4) The division or the board may require an applicant for licensure under this section
168 to meet with the board and representatives of the division for the purpose of evaluating the
169 applicant's qualifications for licensure.
170 (5) The division in collaboration with the board may withdraw a license under this
171 section at any time for material misrepresentation or unlawful or unprofessional conduct.

Legislative Review Note
as of 2-6-12 9:12 AM

Office of Legislative Research and General Counsel