

**Senator Stephen H. Urquhart** proposes the following substitute bill:

**DENTAL HYGIENIST PRACTICE AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: V. Lowry Snow

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the practice of dental hygiene.

**Highlighted Provisions:**

This bill:

- ▶ modifies the scope of practice for a licensed dental hygienist; and
- ▶ modifies unlawful conduct standards for a licensed dental hygienist.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

**58-69-501**, as enacted by Laws of Utah 1996, Chapter 116

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

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

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



26 **58-69-102. Definitions.**

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

28 (1) "Board" means the Dentist and Dental Hygienist Licensing Board created in  
29 Section 58-69-201.30 (2) "Dental assistant" means an unlicensed individual who engages in, directly or  
31 indirectly, supervised acts and duties as defined by division rule made in collaboration with the  
32 board.33 (3) "Direct supervision" means the supervising dentist is present and available for  
34 face-to-face communication with the person being supervised when and where professional  
35 services are being provided.36 (4) "General supervision" means that the supervising dentist is available for  
37 consultation regarding work the supervising dentist has authorized, without regard as to  
38 whether the supervising dentist is located on the same premises as the person being supervised.39 (5) "Indirect supervision" means that the supervising dentist is present within the  
40 facility in which the person being supervised is providing services and is available to provide  
41 immediate face-to-face communication with the person being supervised.42 [~~7~~] (6) "Practice of dental hygiene" means, regarding humans:43 (a) under the general supervision of a dentist, or under a written agreement with a  
44 dentist licensed under this chapter, as provided in Section 58-69-801, to:

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

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

47 (iii) expose dental radiographs;

48 (iv) assess dental hygiene status and collaborate with the supervising dentist regarding  
49 a dental hygiene treatment plan for a patient;50 (v) remove deposits, accumulations, calculus, and concretions from the surfaces of  
51 human teeth;

52 (vi) remove toxins and debris from subgingival surfaces;

53 (vii) provide dental hygiene care in accordance with a dentist's treatment plan for a  
54 patient;55 (viii) take impressions of teeth or jaws except for impressions or registrations to supply  
56 artificial teeth as substitutes for natural teeth; or

- 57 (ix) engage in other practices of dental hygiene as defined by division rule;
- 58 (b) under the indirect supervision of a dentist to administer in accordance with
- 59 standards and ethics of the professions of dentistry and dental hygiene:
- 60 (i) local anesthesia; or
- 61 (ii) nitrous oxide analgesia;
- 62 (c) to represent oneself by any title, degree, or in any other way as being a dental
- 63 hygienist; or
- 64 (d) to direct a dental assistant when the supervising dentist is not on the premises.
- 65 ~~[(6)]~~ (7) "Practice of dentistry" means the following, regarding humans:
- 66 (a) to offer, undertake, or represent that a person will undertake by any means or
- 67 method to:
- 68 (i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease,
- 69 pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process,
- 70 gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region;
- 71 (ii) take an appropriate history and physical consistent with the level of professional
- 72 service to be provided and the available resources in the facility in which the service is to be
- 73 provided;
- 74 (iii) take impressions or registrations;
- 75 (iv) supply artificial teeth as substitutes for natural teeth;
- 76 (v) remove deposits, accumulations, calculus, and concretions from the surfaces of
- 77 teeth; and
- 78 (vi) correct or attempt to correct malposition of teeth;
- 79 (b) to administer anesthetics necessary or proper in the practice of dentistry only as
- 80 allowed by an anesthesia permit obtained from the division;
- 81 (c) to administer and prescribe drugs related to and appropriate in the practice of
- 82 dentistry;
- 83 (d) to supervise the practice of a dental hygienist or dental assistant as established by
- 84 division rule made in collaboration with the board; or
- 85 (e) to represent oneself by any title, degree, or in any other way that one is a dentist.
- 86 (8) "Public health setting" means:
- 87 (a) an individual's residence, if the individual is unable to leave the residence;

- 88 (b) a school, as part of a school-based program;
- 89 (c) a nursing home;
- 90 (d) an assisted living or long-term care facility;
- 91 (e) a medical clinic;
- 92 (f) a hospital;
- 93 (g) a community health center; or
- 94 (h) a mobile dental health program that employs a dentist that is licensed under this
- 95 chapter.

96 [~~8~~] (9) "Supervising dentist" means a licensed dentist who has agreed to provide  
97 supervision of a dental hygienist or unlicensed individual in accordance with the provisions of  
98 this chapter.

99 [~~9~~] (10) "Unlawful conduct" [~~is as~~] means the same as that term is defined in Sections  
100 58-1-501 and 58-69-501.

101 [~~10~~] (11) "Unprofessional conduct" [~~is as~~] means the same as that term is defined in  
102 Sections 58-1-501 and 58-69-502 and as may be further defined by rule.

103 Section 2. Section 58-69-501 is amended to read:

104 **58-69-501. Unlawful conduct.**

105 "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:

106 (1) administering anesthesia or analgesia in the practice of dentistry or dental hygiene  
107 if the individual does not hold a current permit issued by the division authorizing that  
108 individual to administer the type of anesthesia or analgesia used;

109 (2) practice of dental hygiene by a licensed dental hygienist when not under the  
110 supervision of a dentist, or under a written agreement with a dentist who is licensed under this  
111 chapter and who is a Utah resident, in accordance with the provisions of this chapter; or

112 (3) directing or interfering with a licensed dentist's judgment and competent practice of  
113 dentistry.

114 Section 3. Section 58-69-801 is amended to read:

115 **58-69-801. Dental hygienist -- Limitations on practice.**

116 A dental hygienist licensed under this chapter may only practice dental hygiene:

117 (1) in an accredited dental or dental hygienist school to teach and demonstrate the  
118 practice of dental hygiene;

- 119 (2) for a public health agency;
- 120 (3) under the supervision of a dentist, for an employee leasing company or temporary  
121 personnel service company providing employees to a dentist or other person lawfully providing  
122 dental services:
- 123 (a) under the indirect supervision of a dentist licensed under this chapter at any time  
124 the dental hygienist is administering an anesthetic or analgesia as permitted under this chapter  
125 or division rules made under this chapter;
- 126 (b) under the general supervision of a dentist licensed under this chapter within the  
127 office of the supervising dentist and upon patients of record of the supervising dentist; and
- 128 (c) under the general supervision of a dentist licensed under this chapter, and the  
129 practice is conducted outside of the office of the supervising dentist, if:
- 130 (i) the dental hygiene work performed is authorized by the supervising dentist as a part  
131 of and in accordance with the supervising dentist's current treatment plan for the patient;
- 132 (ii) no anesthetic or analgesia is used;
- 133 (iii) the supervising dentist has determined the patient's general health and oral health  
134 are so that the dental hygiene work can be performed under general supervision and with an  
135 acceptable level of risk or injury as determined by the supervising dentist;
- 136 (iv) the supervising dentist accepts responsibility for the dental hygiene work  
137 performed under general supervision; and
- 138 (v) (A) the dental hygienist's work is performed on a patient who is homebound or  
139 within a hospital, nursing home, or public health agency or institution; and
- 140 (B) the patient is the supervising dentist's patient of record and the dentist has  
141 examined the patient within six months prior to the patient's receiving treatment from a dental  
142 hygienist under this Subsection[-] (3);
- 143 (4) under a written agreement with a dentist who is licensed under this chapter and who  
144 is a Utah resident if:
- 145 (a) the dental hygienist practices in a public health setting;
- 146 (b) the dentist is available in person, by phone, or by electronic communication;
- 147 (c) the agreement provides that the dental hygienist shall refer a patient with a dental  
148 need  $\hat{S}$ → **beyond the dental hygienist's scope of practice** ← $\hat{S}$  to the licensed dentist; and
- 149 (d) the dental hygienist obtains from each patient an informed consent form that

150 provides that treatment by a dental hygienist is not a substitute for a dental examination by a  
151 dentist.