

DENTAL PRACTICE ACT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill modifies provisions related to the licensure of dentists.

Highlighted Provisions:

This bill:

- ▶ creates an exemption to licensure requirements for the practice of dentistry under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-69-301, as last amended by Laws of Utah 2012, Chapter 349

58-69-302, as last amended by Laws of Utah 2012, Chapter 349

58-69-306, as last amended by Laws of Utah 2012, Chapter 209

63I-1-258, as last amended by Laws of Utah 2014, Chapters 25, 72, and 181

REPEALS:

58-69-302.5, as enacted by Laws of Utah 2012, Chapter 349

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

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

58-69-301. License required -- License classifications -- Anesthesia and analgesia

30 **permits.**

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

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

- 35 (a) dentist; or
- 36 [~~(b) dentist educator license; or~~]
- 37 [~~(c)~~] (b) dental hygienist.

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

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

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

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

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

45 **58-69-302. Qualifications -- Licensure as a dentist -- Licensure as a dental**
46 **hygienist.**

47 (1) An applicant for licensure as a dentist, except as [~~set forth~~] provided in Subsection

48 (2) [~~and 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 **58-69-306** is amended to read:

117 **58-69-306. Exemptions from licensure.**

118 In addition to the exemptions from licensure in Section **58-1-307**:

119 (1) an individual performing mechanical work on inert matter in a laboratory pursuant
120 to a written prescription from a licensed dentist may engage in acts and practices included in
121 the practice of dentistry or dental hygiene without being licensed under this chapter; ~~and~~

122 (2) an individual licensed in good standing as a dentist in another state, with no
123 licensing action pending and no less than two years of professional experience, may engage in
124 the practice of dentistry without being licensed under this chapter if:

125 (a) the services are rendered as a public service and for a noncommercial purpose;

126 (b) no fee or other consideration of value is charged, received, expected, or
127 contemplated for the services rendered beyond an amount necessary to cover the proportionate
128 cost of malpractice insurance; and

129 (c) the individual does not otherwise engage in unlawful or unprofessional conduct[-];
130 and

131 (3) an individual who is appointed to a faculty position at an accredited dental school
132 may practice dentistry within the scope of the individual's employment at the accredited dental
133 school or at a hospital or clinic affiliated with the accredited dental school if the individual:

134 (a) holds a license to practice dentistry in another jurisdiction;

135 (b) is permitted to the work in the United States under federal immigration law; and

136 (c) (i) (A) successfully completes Part I and Part II of the National Board Dental
137 Examination; and

138 (B) holds a degree in a dental specialty area, as defined by the division by rule made in
139 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

140 (ii) (A) holds a certificate, master's degree, or doctorate degree from an accredited
141 higher education or dental education institution in an area that supports dental education; and

142 (B) practices only under the supervision of an individual licensed as a dentist under this
143 chapter; or

144 (iii) (A) has established expertise in an area of dentistry that is recognized by a United
145 States higher education or dental education institution or by a national professional board or
146 association; and

147 (B) practices only under the supervision of an individual licensed as a dentist under this
148 chapter.

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

150 **63I-1-258. Repeal dates, Title 58.**

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

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

154 (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

155 (4) Section ~~58-37-4.3~~ is repealed July 1, 2016.

156 (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

157 (6) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
158 repealed July 1, 2019.

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

160 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July
161 1, 2023.

162 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

163 [~~(10) Section ~~58-69-302.5~~ is repealed on July 1, 2015.~~]

164 [(H)] (10) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

165 Section 5. **Repealer.**

166 This bill repeals:

167 Section ~~58-69-302.5~~, **Licensing of dentist-educators.**