

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 an agreement with a dentist or a
44 government entity 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;

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 is certified by the Department of Health or by
- 95 the division.

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 an agreement with a dentist or government entity, in
 111 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 an agreement with a licensed dentist if:

144 (a) the dental hygienist practices in a public health setting;

145 (b) the dentist is available in person, by phone, or by electronic communication;

146 (c) the agreement provides that the dental hygienist shall refer a patient with a complex
147 dental need to the licensed dentist; and

148 (d) the dental hygienist:

149 (i) (A) holds a bachelor's degree from an accredited dental hygiene program and has
150 completed 3,000 hours of practice in dental hygiene within three years before the dental

151 hygienist practices under the agreement with the licensed dentist; or

152 (B) holds an associate's degree from an accredited dental hygiene program and has
153 completed 5,000 hours of practice in dental hygiene within five years before the dental
154 hygienist practices under the agreement with the licensed dentist;
155 (ii) maintains a professional liability insurance policy; and
156 (iii) obtains from each patient an informed consent form that provides that the
157 treatment is not a substitute for a dental examination by a dentist; or
158 (5) under an agreement with a state or local government entity if:
159 (a) the dental hygienist practices in a public health setting;
160 (b) a licensed dentist is available in person, by phone, or by electronic communication;
161 (c) the agreement provides that the dental hygienist shall refer a patient with a complex
162 dental need to a licensed dentist; and
163 (d) the dental hygienist:
164 (i) (A) holds a bachelor's degree from an accredited dental hygiene program and has
165 completed 3,000 hours of practice in dental hygiene within three years before the dental
166 hygienist practices under the agreement with the licensed dentist; or
167 (B) holds an associate's degree from an accredited dental hygiene program and has
168 completed 5,000 hours of practice in dental hygiene within five years before the dental
169 hygienist practices under the agreement with the licensed dentist;
170 (ii) maintains a professional liability insurance policy; and
171 (iii) obtains from each patient an informed consent form that provides that the
172 treatment is not a substitute for a dental examination by a dentist.

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