

26 AMENDS:

27 58-69-102, as last amended by Laws of Utah 2015, Chapter 343

28 58-69-301, as last amended by Laws of Utah 2015, Chapter 320

29 58-69-802, as enacted by Laws of Utah 1996, Chapter 116

30 ENACTS:

31 58-69-807, Utah Code Annotated 1953



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

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

35 **58-69-102. Definitions.**

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

37 (1) "Asynchronous technology" means store-and-forward technology that allows a
38 licenced dental professional ~~§~~→ ~~[or a dental hygienist]~~ ←~~§~~ to transmit a patient's health information

38a to a

39 dentist for viewing at a later time.

40 [~~(1)~~] (2) "Board" means the Dentist and Dental Hygienist Licensing Board created in
41 Section 58-69-201.

42 [~~(2)~~] (3) "Dental assistant" means an unlicensed individual who engages in, directly or
43 indirectly, supervised acts and duties as defined by division rule made in collaboration with the
44 board.

45 [~~(3)~~] (4) "Direct supervision" means the supervising dentist is present and available for
46 face-to-face communication with the person being supervised when and where professional
47 services are being provided.

48 [~~(4)~~] (5) "General supervision" means that the supervising dentist is available for
49 consultation regarding work the supervising dentist has authorized, without regard as to
50 whether the supervising dentist is located on the same premises as the person being supervised.

51 [~~(5)~~] (6) "Indirect supervision" means that the supervising dentist is present within the
52 facility in which the person being supervised is providing services and is available to provide
53 immediate face-to-face communication with the person being supervised.

54 [~~(6)~~] (7) "Practice of dental hygiene" means, regarding humans:

55 (a) under the general supervision of a dentist, or under a written agreement with a
56 dentist licensed under this chapter, as provided in Section 58-69-801, to:

119 Section 2. Section **58-69-301** is amended to read:

120 **58-69-301. License required -- License classifications -- Anesthesia and analgesia**
121 **permits.**

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

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

- 126 (a) dentist; or
- 127 (b) dental hygienist.

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

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

- 131 (a) the classifications of anesthesia and analgesia permits and the scope of practice
- 132 permitted under each permit; and
- 133 (b) the qualifications for each classification of anesthesia and analgesia permit.

134 Section 3. Section **58-69-802** is amended to read:

135 **58-69-802. Practice within limits of law, education, training, experience, and**
136 **competency -- Standard of care.**

137 (1) Each individual licensed under this chapter shall confine his practice to those acts
138 or practices:

- 139 ~~[(1)]~~ (a) permitted by law; and
- 140 ~~[(2)]~~ (b) in which the individual is competent by education, training, and experience.

141 (2) (a) The standard of dental care a licensed dental professional provides through
142 teledentistry is the same as the standard of dental care a licensed dental professional provides in
143 a traditional physical setting.

144 (b) (i) A treating dentist may use teledentistry to ~~Ĥ~~→ ~~[delegate duties to]~~
144a ~~collaborate with~~ ←Ĥ a dental hygienist Ĥ→ ~~[or~~
145 ~~dental auxiliaries]~~ ←Ĥ within the relevant applicable scopes of practice and under the appropriate
146 level of dentist supervision, in accordance with existing supervision laws.

147 (ii) A dental hygienist, other dental auxiliary, or any other teledentistry provider may
148 not carry out any duties through teledentistry that require the in-person supervision of a dentist
149 licensed under this chapter.

150 (c) A dentist may not conduct a dental examination using teledentistry if the standard
151 of care necessitates a traditional physical dental examination.

152 Section 4. Section **58-69-807** is enacted to read:

153 **58-69-807. Use of teledentistry -- Informed consent -- Rulemaking.**

154 (1) A dentist may provide dental services using teledentistry, including the following:

155 (a) ~~H~~→ **[supervising]** collaborating with ~~H~~ a licensed dental professional in the

155a completion of the following at a

156 public health setting, generally with a written collaborative agreement, directly, or indirectly, in

157 accordance with this chapter:

158 (i) gathering diagnostic information to be used by the dentist at a remote location to

159 form a tentative basic treatment plan and provide appropriate preventive or urgent

160 prescriptions;

161 (ii) perform preventive dental procedures;

162 (iii) provide oral health education; and

163 (iv) perform any palliative or interim treatment or caries arresting treatment outlined in

164 the dentist's treatment plan and authorized by the dentist, in accordance with this chapter and

165 rules made in accordance with this chapter; and

166 (b) at a remote location, using records and diagnostic information that a dental

167 hygienist provides to form a tentative treatment plan for basic dental procedures.

168 (2) A licensed dental professional or any entity employing a licensed dental

169 professional may not require a patient to sign an agreement that limits the patient's ability to

170 file a complaint with the division.

171 (3) When a licensed dental professional uses teledentistry, the licensed dental

172 professional shall ensure informed consent covers the following additional information:

173 (a) a description of the types of dental care services provided through teledentistry,

174 including limitations on services;

175 (b) the name, contact information, licensure, credentials, and qualifications of all

176 dentists and dental hygienists involved in the patient's dental care; and

177 (c) precautions and protocols for technological failures or emergency situations.

178 (4) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah

179 Administrative Rulemaking Act, to establish requirements and parameters regarding

180 teledentistry to ensure the safe use of teledentistry, including additional provisions for: