

**Senator Michael K. McKell** proposes the following substitute bill:

**DENTAL HYGIENIST AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: Jon Hawkins

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

▶ authorizes the practice of dental hygiene in a public health setting without general supervision and without a collaborative practice agreement with a dentist under certain conditions.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-69-801**, as last amended by Laws of Utah 2016, Chapter 348

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

Section 1. Section **58-69-801** is amended to read:

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



- 26 A dental hygienist licensed under this chapter may only practice dental hygiene:
- 27 (1) in an accredited dental or dental hygienist school to teach and demonstrate the
- 28 practice of dental hygiene;
- 29 (2) for a public health agency;
- 30 (3) under the supervision of a dentist, for an employee leasing company or temporary
- 31 personnel service company providing employees to a dentist or other person lawfully providing
- 32 dental services:
- 33 (a) under the indirect supervision of a dentist licensed under this chapter at any time
- 34 the dental hygienist is administering an anesthetic or analgesia as permitted under this chapter
- 35 or division rules made under this chapter;
- 36 (b) under the general supervision of a dentist licensed under this chapter within the
- 37 office of the supervising dentist and upon patients of record of the supervising dentist; and
- 38 (c) under the general supervision of a dentist licensed under this chapter, and the
- 39 practice is conducted outside of the office of the supervising dentist, if:
- 40 (i) the dental hygiene work performed is authorized by the supervising dentist as a part
- 41 of and in accordance with the supervising dentist's current treatment plan for the patient;
- 42 (ii) no anesthetic or analgesia is used;
- 43 (iii) the supervising dentist has determined the patient's general health and oral health
- 44 are so that the dental hygiene work can be performed under general supervision and with an
- 45 acceptable level of risk or injury as determined by the supervising dentist;
- 46 (iv) the supervising dentist accepts responsibility for the dental hygiene work
- 47 performed under general supervision; and
- 48 (v) (A) the dental hygienist's work is performed on a patient who is homebound or
- 49 within a hospital, nursing home, or public health agency or institution; and
- 50 (B) the patient is the supervising dentist's patient of record and the dentist has
- 51 examined the patient within six months prior to the patient's receiving treatment from a dental
- 52 hygienist under this Subsection (3); [or]
- 53 (4) under a written agreement with a dentist who is licensed under this chapter and who
- 54 is a Utah resident if:
- 55 (a) the dental hygienist practices in a public health setting;
- 56 (b) the dentist is available in person, by phone, or by electronic communication;

57 (c) the agreement provides that the dental hygienist shall refer a patient with a dental  
58 need beyond the dental hygienist's scope of practice to a licensed dentist; and

59 (d) the dental hygienist obtains from each patient an informed consent form that  
60 provides that treatment by a dental hygienist is not a substitute for a dental examination by a  
61 dentist[-] or

62 (5) notwithstanding any other provision of this chapter, without general supervision  
63 and without a collaborative practice agreement with a dentist if:

64 (a) the dental hygienist engages in the practice of dental hygiene in a public health  
65 setting;

66 (b) prior to engaging in the practice of dental hygiene in a public health setting, the  
67 dental hygienist notifies the division on a one-time basis in accordance with rules made by the  
68 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that  
69 the dental hygienist will engage in the practice of dental hygiene in a public health setting;

70 (c) the dental hygienist assumes liability for the work done by the dental hygienist  
71 while engaging in the practice of dental hygiene in a public health setting;

72 (d) the dental hygienist has liability insurance for the work done by the dental hygienist  
73 while engaging in the practice of dental hygiene in a public health setting; and

74 (e) the dental hygienist:

75 (i) refers to a licensed dentist any patient with a dental need beyond the dental  
76 hygienist's scope of practice encountered while engaging in the practice of dental hygiene in a  
77 public health setting; and

78 (ii) sends to the licensed dentist all dental records for the patient generated by the  
79 dental hygienist.