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An Act

HOUSE BILL 14-1227

BY REPRESENTATIVE(S) Ginal, Fields, Joshi, Landgraf, Primavera, Schafer, Singer, Buckner, Duran, Hulinghorst, Labuda, Melton, Rosenthal, Tyler, Williams, Young;
also SENATOR(S) Nicholson, Aguilar, Guzman, Herpin, Kefalas, Newell, Todd.

CONCERNING THE SUNSET REVIEW OF THE STATE BOARD OF DENTAL EXAMINERS, AND, IN CONNECTION THEREWITH, CONTINUING THE BOARD, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE SUNSET REPORT PREPARED BY THE DEPARTMENT OF REGULATORY AGENCIES, AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (45) (c); and **add** (56) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (45) The following agencies, functions, or both, terminate on July 1, 2014:

(c) ~~The state board of dental examiners, created by article 35 of title 12, C.R.S.;~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(56) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, TERMINATE ON SEPTEMBER 1, 2025:

(a) THE COLORADO DENTAL BOARD, CREATED IN ARTICLE 35 OF TITLE 12, C.R.S.;

SECTION 2. In Colorado Revised Statutes, 12-35-103, **amend** (2) and (12); and **repeal** (7), (8), (13), and (15) as follows:

12-35-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Board" means the ~~state~~ COLORADO DENTAL board of ~~dental examiners~~, created in section 12-35-104.

(7) "~~Examination proctor~~" means a ~~licensed dentist or dental hygienist, who shall have at least five years' clinical experience and who is appointed by the board to supervise and administer written and clinical examinations in the field in which the dentist or dental hygienist is licensed to practice under this article.~~

(8) "~~Inactive license~~" means a status granted to a person pursuant to ~~section 12-35-122.~~

(12) "License" means the grant of authority by the board to any person to engage in the practice of dentistry or dental hygiene. "License" includes an academic license to practice dentistry pursuant to section 12-35-117.5. A license ~~shall be~~ IS a privilege personal to the licensee, and THE BOARD may ~~be revoked, suspended, or subjected to~~ REVOKE, SUSPEND, OR IMPOSE disciplinary conditions ~~by the board~~ ON THE LICENSE for A violation of any of the provisions of this article. ~~and shall be null and void upon the failure of the licensee to file an application for renewal and to pay the fee as required by section 12-35-121.~~

(13) "~~License certificate~~" means the ~~documentary evidence that the board has granted authority to the licensee to practice dentistry or dental hygiene in this state.~~

(15) "~~Renewal certificate~~" means the ~~documentary evidence that the~~

~~board has renewed the authority of the licensee to practice dentistry or dental hygiene in this state.~~

SECTION 3. In Colorado Revised Statutes, 12-35-104, **amend** (1) and (4); and **repeal** (3) as follows:

12-35-104. Colorado dental board - subject to termination - immunity - repeal of article. (1) (a) (I) ~~The state COLORADO DENTAL board of dental examiners~~ is hereby created as the agency of this state for the regulation of the practice of dentistry in this state and to carry out the purposes of this article. ~~The board shall be under~~ IS SUBJECT TO the supervision and control of the division of professions and occupations as provided by section 24-34-102, C.R.S.

(II) ~~The board shall consist~~ CONSISTS of ~~five~~ SEVEN dentist members, ~~two~~ THREE dental hygienist members, and three members from the public at large. THE GOVERNOR SHALL APPOINT each member ~~to be appointed by the governor~~ for a term of four years, and ~~to~~ EACH MEMBER SHALL have the qualifications provided in this article. No member shall serve more than two consecutive terms of four years. ~~Due consideration shall be given to having a~~ EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL HIS OR HER TERM EXPIRES OR UNTIL THE GOVERNOR APPOINTS A SUCCESSOR.

(III) IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL ATTEMPT TO CREATE geographical, political, urban, and rural balance among the board members. ~~Should~~ IF a vacancy ~~occur~~ OCCURS in any board membership before the expiration of the MEMBER'S term, ~~thereof~~, the governor shall fill ~~such~~ THE vacancy by appointment for the remainder of ~~such~~ THE term in the same manner as in the case of original appointments.

(IV) THE GOVERNOR MAY REMOVE any member of the board ~~may be removed by the governor~~ for misconduct, incompetence, or neglect of duty.

(b) ~~Notwithstanding the July 1, 2004, recreation and reenactment of this article, members of the board who were serving as of June 30, 2004, shall continue to serve except as otherwise provided in this article, and their service shall be deemed to have been continuous. On and after January 1, 2005, the board shall consist of seven dentist members, three dental hygienist members, and three members from the public at large, each~~

~~member to be appointed by the governor for a term of four years and to have the qualifications provided in this article.~~

~~(3) The board may employ examination proctors when necessary.~~

~~(4) (a) The provisions of Section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of the state unless extended as provided in that section, are applicable APPLIES to the board. At the time of sunset review by the appropriate legislative committee, PRIOR TO THE REPEAL OF THIS ARTICLE, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW all functions of the board including the issuing of permits for administering anesthesia and the regulation of such administration of anesthesia, shall be reviewed AS PROVIDED IN SECTION 24-34-104, C.R.S.~~

~~(b) This article is repealed, effective July 1, 2014 SEPTEMBER 1, 2025.~~

SECTION 4. In Colorado Revised Statutes, **amend** 12-35-119 as follows:

12-35-119. Examination - how conducted - license issued to successful applicants. (1) Applicants for dental licensure shall submit to the board proof of having successfully passed the following:

(a) The examination administered by the joint commission on national dental examinations; AND

~~(b) A jurisprudence examination, approved by the board, designed to test the applicant's knowledge of the provisions of this article; and~~

(c) An examination OR OTHER METHODOLOGY, AS DETERMINED BY THE BOARD, designed to test the applicant's clinical skills and knowledge, ~~Such examination shall be administered by a regional testing agency composed of at least four states or an examination of another state WHICH MAY INCLUDE RESIDENCY AND PORTFOLIO MODELS.~~

(2) All examination results required by the board ~~shall~~ MUST be filed with the board and kept for reference for a period of not less than ~~two~~ years. ~~Should~~ ONE YEAR. IF the applicant successfully ~~complete~~ such COMPLETES THE examinations and ~~be~~ IS otherwise qualified, the BOARD

SHALL GRANT A LICENSE TO THE applicant ~~shall be granted a license by the board and shall be issued~~ ISSUE a license certificate TO THE APPLICANT.

(3) ~~The board shall adopt rules to establish:~~

~~(a) The maximum number of times and maximum time period within which an applicant will be allowed to retake only the failed parts of the examination designed to test clinical skills and knowledge; and~~

~~(b) The maximum number of times an applicant may fail to successfully complete the examination designed to test clinical skills and knowledge before the board requires such applicant to take specified remedial measures as a prerequisite to retaking the examination.~~

SECTION 5. In Colorado Revised Statutes, 12-35-127, **amend** (1) and (2) as follows:

12-35-127. Dental hygienist examinations - license. (1) Every applicant for dental hygiene licensure shall submit to the board proof of having successfully completed the following:

(a) An examination administered by the joint commission on national dental examinations; AND

(b) An examination designed to test the applicant's clinical skills and knowledge, which ~~shall~~ MUST be administered by a regional testing agency composed of at least four states or an examination of another state, ~~and~~ OR A METHODOLOGY ADOPTED BY THE BOARD BY RULE THAT IS DESIGNED TO TEST THE APPLICANT'S CLINICAL SKILLS AND KNOWLEDGE.

~~(c) An examination on the provisions of this article.~~

(2) All examination results required by the board ~~shall~~ MUST be filed with the board and kept for reference for a period of not less than ~~two years. Should~~ ONE YEAR. IF an applicant successfully ~~complete~~ COMPLETES THE examinations and ~~be~~ IS otherwise qualified, the BOARD SHALL GRANT A LICENSE TO THE applicant ~~shall be granted a license by the board and shall be issued~~ ISSUE a license certificate signed by the officers of the board.

SECTION 6. In Colorado Revised Statutes, **add with amended and relocated provisions** 12-35-127.5 as follows:

12-35-127.5. [Formerly 12-35-127 (3)] Dental hygienist - licensure by endorsement. ~~(a)~~ (1) The board shall provide for licensure upon application of any person licensed in good standing to practice dental hygiene in another state or territory of the United States who has met the requirements of section 12-35-126, ~~subsections (1) and (2) of this section; and paragraph (b) of this subsection (3)~~ and provides the credentials and meets the qualifications set forth in ~~paragraph (b) of this subsection (3)~~ SECTION in the manner prescribed by the board. ~~The examination for knowledge of the provisions of this article shall be accomplished by the use of a mail-in jurisprudence examination administered by the board.~~

~~(b)~~ (2) The board shall issue a license to an applicant duly licensed as a dental hygienist in another state or territory of the United States who has submitted credentials and qualifications for licensure in Colorado ~~Such credentials and qualifications shall~~ THAT include:

~~(H)~~ (a) Verification of licensure from any other jurisdiction where the applicant has held a dental hygiene or other health care license;

~~(H)~~ (b) Evidence of the applicant's successful completion of the national board dental examination administered by the joint commission on national dental examinations;

~~(H)~~ ~~(A)~~ (c) (I) Verification that the applicant has been engaged either in clinical practice or in teaching dental hygiene or dentistry in an accredited program for at least one year during the three years immediately preceding the date of the receipt of the application; or

~~(B)~~ (II) Evidence that the applicant has demonstrated competency as a dental hygienist as determined by the board;

~~(V)~~ (d) A report of any pending or final disciplinary actions against any health care license held by the applicant at any time; and

~~(V)~~ (e) A report of any pending or final malpractice actions against the applicant.

SECTION 7. Repeal of relocated provisions in this act. In Colorado Revised Statutes, 12-35-127, **repeal** (3) and (4).

SECTION 8. In Colorado Revised Statutes, 12-35-126, **amend** (1) (b); and **repeal** (4) as follows:

12-35-126. Application for dental hygienist license - fee.

(1) Every person who desires to qualify for practice as a dental hygienist within this state shall file with the board:

(b) Satisfactory proof of graduation from a school of dental hygiene that, at the time of the applicant's graduation, was accredited, and proof that the program offered by the accredited school of dental hygiene was at least two academic years OR THE EQUIVALENT OF TWO ACADEMIC YEARS.

~~(4) Licenses for dental hygienists shall be renewed or reinstated pursuant to a schedule established by the director of the division of professions and occupations within the department of regulatory agencies, referred to in this section as the director, and shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director, such license shall expire. Any person whose license has expired shall be subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.~~

SECTION 9. In Colorado Revised Statutes, 12-35-129, **amend** (1) as follows:

12-35-129. Grounds for disciplinary action. (1) ~~The board may deny the issuance or renewal of, suspend for a specified time period, or revoke any license provided for by this article or may reprimand, censure, or place on probation any licensed dentist or dental hygienist after notice and hearing, which may be conducted by an administrative law judge, pursuant to the provisions of article 4 of title 24, C.R.S., or it may issue a letter of admonition without a hearing by certified mail (except that any licensed dentist or dental hygienist to whom such a letter of admonition is sent may, within twenty days after receipt of the letter, request in writing to the board a formal hearing thereon, and the letter of admonition shall be deemed vacated, and the board shall, upon such request, hold such a~~

~~hearing~~) TAKE DISCIPLINARY ACTION AGAINST AN APPLICANT OR LICENSEE IN ACCORDANCE WITH SECTION 12-35-129.1 for any of the following causes:

(a) ~~Resorting to~~ ENGAGING IN fraud, misrepresentation, or deception in applying for, securing, renewing, or seeking reinstatement of a license to practice dentistry or dental hygiene in this state, in applying for professional liability coverage required pursuant to ~~section 13-64-301, C.R.S.~~ SECTION 12-35-141, or in taking the examinations provided for in this article;

(b) ~~Any~~ Conviction of a felony or any crime that ~~would constitute~~ CONSTITUTES a violation of this article. For purposes of this paragraph (b), conviction includes the entry of a plea of guilty or nolo contendere or a deferred sentence.

(c) Administering, dispensing, or prescribing ~~any~~ A habit-forming drug or ~~any~~ controlled substance, as defined in section 18-18-102 (5), C.R.S., to ~~any~~ A person, including ~~himself or herself~~ THE APPLICANT OR LICENSEE, other than in the course of legitimate professional practice;

(d) Conviction of A violation of ~~any~~ A federal or state law regulating the possession, distribution, or use of ~~any~~ A controlled substance, as defined in section 18-18-102 (5), C.R.S., and, in determining if a license should be denied, revoked, or suspended or if the licensee should be placed on probation, the board shall be governed by ~~the provisions of~~ section 24-5-101, C.R.S.;

(e) Habitually abusing or excessively using ~~any~~ ALCOHOL, A habit-forming drug, or ~~any~~ A controlled substance, as defined in section 18-18-102 (5), C.R.S.; ~~or alcohol;~~

(f) Misusing ~~any~~ A drug or controlled substance, as defined in section 18-18-102 (5), C.R.S.;

(g) Aiding or abetting, in the practice of dentistry or dental hygiene, ~~any~~ A person WHO IS not licensed to practice dentistry or dental hygiene as defined under this article or ~~of any person~~ whose license to practice dentistry or dental hygiene is suspended;

(h) Except as otherwise provided in sections 25-3-103.7, C.R.S., 12-35-116, and 12-35-124 (3), ~~C.R.S.~~, practicing dentistry or dental hygiene as a partner, agent, or employee of or in joint venture with any person who does not hold a license to practice dentistry or dental hygiene within this state or practicing dentistry or dental hygiene as an employee of or in joint venture with any partnership, association, or corporation. A licensee holding a license to practice dentistry or dental hygiene in this state may accept employment from any person, partnership, association, or corporation to examine, prescribe, and treat the employees of ~~such~~ THE person, partnership, association, or corporation.

(i) Violating or attempting to violate, directly or indirectly, ~~or~~ assisting in or abetting the violation of, or conspiring to violate any provision or term of this article or lawful rule or order of the board;

(j) (I) ~~Such~~ FAILING TO NOTIFY THE BOARD OF A physical or mental ~~disability as to render~~ ILLNESS OR CONDITION THAT RENDERS the licensee unable, OR LIMITS THE LICENSEE'S ABILITY, to perform dental or dental hygiene services with reasonable skill and with safety to the patient;

(II) FAILING TO ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE LICENSEE UNABLE TO PRACTICE DENTAL OR DENTAL HYGIENE SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE; OR

(III) FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION 12-35-129.6;

(k) COMMITTING an act or omission ~~constituting~~ THAT CONSTITUTES grossly negligent dental or dental hygiene practice or that fails to meet generally accepted standards of dental or dental hygiene practice;

(l) Advertising in a manner that is misleading, deceptive, or false;

(m) Engaging in a sexual act with a patient during the course of patient care or within six months immediately following the termination of the licensee's professional relationship with the patient. "Sexual act", as used in this paragraph (m), means sexual contact, sexual intrusion, or sexual penetration as defined in section 18-3-401, C.R.S.

(n) Refusing to make patient records available to a patient pursuant to a written authorization-request under section 25-1-802, C.R.S.;

(o) False billing in the delivery of dental or dental hygiene services, including, but not limited to, performing one service and billing for another, billing for any service not rendered, ~~and~~ OR committing a fraudulent insurance act, as defined in section 10-1-128, C.R.S.;

(p) COMMITTING abuse of health insurance ~~pursuant to~~ IN VIOLATION OF section 18-13-119, C.R.S.;

(q) Failing to notify the board, in writing AND WITHIN NINETY DAYS AFTER A JUDGMENT IS ENTERED, ~~of the entry of a final judgment by a court of competent jurisdiction in favor of any party and against the licensee involving negligent malpractice of dentistry or dental hygiene, Such~~ WHICH notice ~~shall be given within ninety days after the entry of such judgment and shall~~ MUST contain the name of the court, the case number, and the names of all parties to the action;

(r) Failing to report a dental or dental hygiene malpractice judgment or malpractice settlement to the board by the licensee within ninety days;

(s) Failing to furnish unlicensed persons with laboratory work orders pursuant to section 12-35-133;

(t) Employing a solicitor or other agent to obtain patronage, except as provided in section 12-35-137;

(u) Willfully deceiving or attempting to deceive the board or its agents with reference to any matter relating to ~~the provisions of this article;~~

(v) Sharing any professional fees with anyone except those with whom the dentist or dental hygienist is lawfully associated in the practice of dentistry or dental hygiene; except that ~~it shall not be considered a violation of this paragraph (v) if a licensed dentist or dental hygienist pays to~~ MAY PAY an independent advertising or marketing agent compensation for advertising or marketing services rendered ~~on~~ BY THE AGENT FOR THE BENEFIT OF the licensed ~~dentist's~~ DENTIST or dental ~~hygienist's behalf by~~ ~~such agent~~ HYGIENIST, including compensation that is ~~paid for~~ BASED ON the results or performance of ~~such~~ THE services on a per-patient basis;

(w) ~~The abandonment of a patient by failure~~ FAILING to provide reasonably necessary referral of ~~the~~ A patient to other licensed dentists or licensed health care professionals for consultation or treatment when ~~such~~ THE failure to provide referral does not meet generally accepted standards of dental care;

(x) Failure of a dental hygienist to recommend ~~to any patient that~~ ~~such~~ A patient be examined by a dentist, or ~~failure of a dental hygienist to~~ refer a patient to a dentist, when the dental hygienist detects a condition that requires care beyond the scope of practicing supervised or unsupervised dental hygiene;

(y) Engaging in any of the following activities and practices:

(I) Willful and repeated ordering or performance, without clinical justification, of demonstrably unnecessary laboratory tests or studies;

(II) The administration, without clinical justification, of treatment that is demonstrably unnecessary;

(III) In addition to the provisions of paragraph (x) of this subsection (1), the failure to obtain consultations or perform referrals when failing to do so is not consistent with the standard of care for the profession;

(IV) Ordering or performing, without clinical justification, any service, X ray, or treatment that is contrary to recognized standards of the practice of dentistry or dental hygiene as interpreted by the board;

(z) Falsifying or repeatedly making incorrect essential entries or repeatedly failing to make essential entries on patient records;

(aa) Violating ~~the provisions of~~ section 8-42-101 (3.6), C.R.S.;

(bb) Violating ~~the provisions of~~ section 12-35-202 or any rule of the board adopted pursuant to ~~said~~ THAT section;

(cc) Administering ~~general anesthesia or deep conscious sedation~~ LOCAL ANESTHESIA, MINIMAL SEDATION, MODERATE SEDATION, OR DEEP SEDATION/GENERAL ANESTHESIA without obtaining a permit from the board in accordance with section ~~12-35-107(1)(h)~~ 12-35-140;

(dd) ~~Failure~~ FAILING to report TO THE BOARD, within ninety days after final disposition, ~~to the board~~ the surrender of a license to, or adverse action taken against a license by, a licensing agency in another state, territory, or country, a governmental agency, a law enforcement agency, or a court for an act or conduct that would constitute grounds for discipline pursuant to this article;

(ee) ~~Failure~~ FAILING to provide adequate or proper supervision when employing unlicensed persons in a dental or dental hygiene practice;

(ff) Engaging in any conduct that constitutes a crime as defined in title 18, C.R.S., which conduct relates to the licensee's practice as a dentist or dental hygienist;

(gg) Practicing outside the scope of dental or dental hygiene practice;

(hh) Failing to establish and continuously maintain financial responsibility OR PROFESSIONAL LIABILITY INSURANCE as required by section ~~13-64-301, C.R.S.~~ 12-35-141;

(ii) Advertising or otherwise holding oneself out to the public as practicing a dental specialty in which the dentist has not successfully completed the education specified for the dental specialty as defined by the American dental association;

(jj) FAILING TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE, AND TIMELY MANNER TO A COMPLAINT FILED AGAINST THE LICENSEE PURSUANT TO THIS ARTICLE;

(kk) COMMITTING AN ACT OF OMISSION THAT FAILS TO MEET GENERALLY ACCEPTED STANDARDS FOR INFECTION CONTROL;

(ll) ADMINISTERING MODERATE SEDATION OR DEEP SEDATION/GENERAL ANESTHESIA WITHOUT A LICENSED DENTIST OR OTHER LICENSED HEALTH CARE PROFESSIONAL QUALIFIED TO ADMINISTER THE RELEVANT LEVEL OF SEDATION OR ANESTHESIA PRESENT IN THE OPERATORY; OR

(mm) FAILING TO COMPLETE AND MAINTAIN RECORDS OF

COMPLETING CONTINUING EDUCATION AS REQUIRED BY SECTION 12-35-139.

SECTION 10. In Colorado Revised Statutes, **add with amended and relocated provisions** 12-35-129.1, 12-35-129.2, 12-35-129.3, 12-35-129.4, and 12-35-129.5 as follows:

12-35-129.1. Disciplinary actions. (1) (a) IF, AFTER NOTICE AND HEARING CONDUCTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THE BOARD DETERMINES THAT AN APPLICANT OR LICENSEE HAS ENGAGED IN AN ACT SPECIFIED IN SECTION 12-35-129, THE BOARD MAY:

(I) DENY THE ISSUANCE OF, REFUSE TO RENEW, SUSPEND, OR REVOKE ANY LICENSE PROVIDED FOR IN THIS ARTICLE;

(II) REPRIMAND, CENSURE, OR PLACE ON PROBATION ANY LICENSED DENTIST OR DENTAL HYGIENIST;

(III) ISSUE A LETTER OF ADMONITION; OR

(IV) IMPOSE AN ADMINISTRATIVE FINE.

(b) HEARINGS UNDER THIS SECTION MUST BE CONDUCTED BY THE BOARD OR BY AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S.

(2) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, THE BOARD MAY ISSUE AND SEND TO THE LICENSEE A LETTER OF ADMONITION.

(b) WHEN THE BOARD SENDS A LETTER OF ADMONITION TO A LICENSEE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE BOARD SHALL ALSO ADVISE THE LICENSEE THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT THE BOARD INITIATE FORMAL DISCIPLINARY PROCEEDINGS TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. IF THE LICENSEE MAKES THE REQUEST FOR ADJUDICATION IN A TIMELY MANNER, THE BOARD SHALL VACATE THE LETTER OF ADMONITION AND SHALL PROCESS THE MATTER BY MEANS OF

FORMAL DISCIPLINARY PROCEEDINGS.

(3) [**Formerly 12-35-129 (7) (f)**] If an investigation discloses an instance of conduct that, in the opinion of the board, does not warrant formal board action and should be dismissed, but in which the board has noticed indications of possible errant conduct that could lead to serious consequences if not corrected, ~~THE BOARD SHALL SEND~~ a confidential letter of concern ~~shall be sent~~ to the licensee against whom the complaint was made. The BOARD SHALL SEND THE person making the complaint ~~shall be sent~~ a notice that THE BOARD HAS ISSUED a letter of concern ~~has been issued by the board~~ TO THE LICENSEE.

(4) [**Formerly 12-35-129 (7) (g)**] The board may include, in any disciplinary order that allows ~~the~~ A dentist or dental hygienist to continue to practice, ~~such~~ conditions as the board ~~may deem~~ DEEMS appropriate to assure that the dentist or dental hygienist is physically, mentally, and otherwise qualified to practice dentistry or dental hygiene in accordance with generally accepted professional standards of practice. ~~Such an~~ THE order may include any or all of the following:

~~(F)~~ (a) ~~Submission by~~ A CONDITION THAT the licensee SUBMIT to ~~such~~ examinations ~~as the board may order~~ to determine the licensee's physical or mental condition or professional qualifications;

~~(H)~~ (b) ~~The taking by~~ A CONDITION THAT the licensee ~~of such~~ TAKE therapy, courses of training, or education as ~~may be~~ needed to correct deficiencies found by the board or by ~~such~~ examinations REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4);

~~(HH)~~ (c) ~~The~~ Review or supervision of the licensee's practice as ~~may be~~ necessary to determine ~~its~~ THE quality OF THE PRACTICE and to correct any deficiencies;

~~(FV)~~ (d) The imposition of restrictions on the licensee's practice to assure that ~~such~~ THE practice does not exceed the limits of the licensee's capabilities.

(5) THE BOARD MAY SUSPEND THE LICENSE OF A DENTIST OR DENTAL HYGIENIST WHO FAILS TO COMPLY WITH AN ORDER OF THE BOARD ISSUED IN ACCORDANCE WITH THIS SECTION. THE BOARD MAY IMPOSE THE LICENSE

SUSPENSION UNTIL THE LICENSEE COMPLIES WITH THE BOARD'S ORDER.

(6) (a) IN ADDITION TO ANY OTHER PENALTY PERMITTED UNDER THIS ARTICLE, WHEN A LICENSED DENTIST OR DENTAL HYGIENIST VIOLATES A PROVISION OF THIS ARTICLE OR OF ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, THE BOARD MAY IMPOSE A FINE ON THE LICENSEE. IF THE LICENSEE IS A DENTIST, THE FINE MUST NOT EXCEED FIVE THOUSAND DOLLARS. IF THE LICENSEE IS A DENTAL HYGIENIST, THE FINE MUST NOT EXCEED THREE THOUSAND DOLLARS.

(b) THE BOARD SHALL ADOPT RULES ESTABLISHING A UNIFORM SYSTEM AND SCHEDULE OF FINES THAT SET FORTH FINE TIERS BASED ON THE SEVERITY OF THE VIOLATION, THE TYPE OF VIOLATION, AND WHETHER THE LICENSEE REPEATEDLY VIOLATES THIS ARTICLE, BOARD RULES, OR BOARD ORDERS.

(7) [**Formerly 12-35-129 (11)**] If the board finds the charges proven and orders that discipline be imposed, ~~it~~ THE BOARD may also order the licensee to take ~~such~~ courses of training or education ~~as may be needed~~ THE BOARD DEEMS NECESSARY to correct deficiencies found as a result of the hearing.

(8) [**Formerly 12-35-129 (2)**] Any person whose license to practice is revoked is ~~rendered~~ ineligible to apply for any license under this article for at least two years after the date of revocation or surrender of the license. Any subsequent application for licensure ~~shall be treated as~~ IS an application for a new license.

12-35-129.2. Disciplinary proceedings. (1) [**Formerly 12-35-129 (6)**] (a) ~~Complaints~~ ANY PERSON MAY SUBMIT A COMPLAINT relating to the conduct of ~~any~~ A dentist or dental hygienist, ~~shall~~ WHICH COMPLAINT MUST be in writing and ~~may be made by any person and, if so made, shall be~~ signed by ~~such~~ THE person. ~~or may be initiated by~~ The board, on its own motion, MAY INITIATE A COMPLAINT. The BOARD SHALL NOTIFY THE dentist or dental hygienist ~~complained of shall be given notice of such~~ THE complaint AGAINST HIM OR HER.

(b) (I) FOR COMPLAINTS RELATED TO THE STANDARD OF CARE DELIVERED TO A PATIENT THAT ARE SUBMITTED BY A PERSON OTHER THAN THE PATIENT, THE PERSON SUBMITTING THE COMPLAINT SHALL NOTIFY THE

PATIENT OF THE COMPLAINT BEFORE FILING THE COMPLAINT WITH THE BOARD.

(II) THE REQUIREMENTS OF THIS PARAGRAPH (b) DO NOT APPLY WHEN A COMPLAINT IS SUBMITTED TO THE BOARD BY A STATE DEPARTMENT OR AGENCY.

(2) **[Formerly 12-35-129 (7) (e)]** (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), investigations, examinations, hearings, meetings, ~~or any~~ AND other proceedings of the board conducted pursuant to this section ~~shall be~~ OR SECTION 12-35-129.1, 12-35-129.3, 12-35-129.4, OR 12-35-129.5 ARE exempt from the provisions of any law requiring that proceedings of the board be conducted publicly or that the minutes or records of the board with respect to action of the board taken pursuant to this section are open to public inspection. ~~except that~~

(b) The final action of the board taken pursuant to this section ~~shall be~~ IS open to the public.

(3) **[Formerly 12-35-129 (13)]** When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the BOARD SHALL NOT RESOLVE THE complaint ~~shall not be resolved~~ by a deferred settlement, action, judgment, or prosecution.

(4) **[Formerly 12-35-129 (3)]** Any member of the board or professional review committee authorized by the board, any member of the board's or professional review committee's staff, any person acting as a witness or consultant to the board or committee, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article ~~shall be~~ IS immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as board or committee member, staff, consultant, or witness, respectively, if ~~such~~ THE individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that ~~the~~ HIS OR HER action ~~taken by him or her~~ was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article ~~shall be~~ IS immune from any civil or

criminal liability that may result from ~~such~~ THE participation.

(5) [**Formerly 12-35-129 (4)**] The discipline of a licensee by another state, territory, or country ~~shall be~~ IS deemed the equivalent of unprofessional conduct under this article; except that this subsection ~~(4) shall apply~~ (5) APPLIES only to discipline that is based upon an act or omission in ~~such~~ THE other state, territory, or country that is defined substantially the same as unprofessional conduct pursuant to this article.

(6) [**Formerly 12-35-129 (5)**] (a) Nothing in this section: ~~shall be construed to deprive any~~

(I) DEPRIVES a dental patient of the right to choose or replace any professionally recognized restorative material; ~~nor to permit~~

(II) PERMITS disciplinary action against a dentist solely for removing or placing any professionally recognized restorative material.

(b) Nothing in paragraph (a) of this subsection ~~(5) shall be construed to prevent~~ (6) PREVENTS disciplinary action against a dentist for practicing dentistry in violation of this article.

(7) [**Formerly 12-35-129 (8)**] (a) If a professional review committee is established pursuant to this section to investigate complaints against a person licensed to practice dentistry under this article, the committee ~~shall~~ MUST include in its membership at least three persons licensed to practice dentistry under this article. ~~but such~~ THE committee may be authorized to act only by:

(I) The board; or

(II) A society or an association of persons licensed to practice dentistry under this article whose membership includes not less than one-third of the persons licensed to practice dentistry under this article residing in this state, if the licensee whose services are the subject of review is a member of ~~such~~ THE society or association.

(b) Any member of the board or a professional review committee authorized by the board and any witness or consultant appearing before the board or ~~such~~ professional review committee ~~shall be~~ IS immune from suit

in any civil action brought by a licensee who is the subject of a professional review proceeding if ~~such~~ THE member, witness, or consultant acts in good faith within the scope of the function of the board or ~~such~~ committee, has made a reasonable effort to obtain the facts of the matter as to which ~~such~~ THE member, witness, or consultant acts, and acts in the reasonable belief that ~~the~~ HIS OR HER action ~~taken by such member, witness, or consultant~~ is warranted by the facts. The immunity provided by this paragraph (b) ~~shall extend~~ EXTENDS to the members of an authorized professional review committee of a society or an association of persons licensed pursuant to this article and witnesses or consultants appearing before ~~such~~ THE committee if ~~such~~ THE committee is authorized to act as provided in subparagraph (II) of paragraph (a) of this subsection ~~(8)~~ (7).

(c) [**Formerly 12-35-129 (9)**] A professional review committee of a society or an association of persons licensed pursuant to this article shall:

~~(a)~~ (I) Notify the board within sixty days after the review committee analyzes care provided by a licensee and determines that ~~such~~ THE care may not meet generally accepted standards or THAT THE LICENSEE has otherwise violated any provision of this article. ~~Such care~~ THE LICENSEE may be subject to disciplinary action by the board.

~~(b)~~ (II) Allow THE BOARD OR ITS DESIGNEE TO CONDUCT a periodic audit of records of the review committee. ~~to be performed by the board or designee of the board who shall~~ A PERSON DESIGNATED BY THE BOARD TO CONDUCT THE AUDIT MUST be a licensed or retired dentist from any state. ~~Such~~ THE BOARD OR ITS DESIGNEE SHALL CONDUCT THE audit ~~shall be conducted~~ no more than twice annually. If any pattern of behavior of a licensee is identified that may constitute reasonable grounds to believe there has been a violation of this article, all relevant records of the review committee ~~shall be~~ ARE subject to a subpoena issued by the board.

(d) [**Formerly 12-35-129 (10)**] (I) The proceedings and records of a review committee ~~shall~~ MUST be held in confidence and ~~shall~~ ARE not be subject to discovery or introduction into evidence in any civil action against a dentist arising out of the matters that are the subject of evaluation and review by ~~such~~ THE committee. However, records of closed proceedings and investigations ~~shall be~~ ARE available to the particular licensee under review and the complainant involved in the proceedings.

(II) ~~No~~ A person who was in attendance at a meeting of ~~such~~ THE committee shall NOT be permitted or required to testify in any ~~such~~ civil action as to any evidence or other matters produced or presented during the proceedings of ~~such~~ THE committee or as to any findings, recommendations, evaluations, opinions, or other actions of ~~such~~ THE committee or any members ~~thereof~~ OF THE COMMITTEE. However, information, documents, or records otherwise available from original sources are not ~~to be construed as immune~~ PROTECTED from discovery or use in ~~any such~~ A civil action merely because they were presented during proceedings of ~~such~~ THE committee, and any documents or records that have been presented to the review committee by any witness ~~shall~~ MUST be returned to the witness, if requested by the witness or if ordered to be produced by a court in any action, with copies ~~thereof~~ to be retained by the committee at its discretion.

(III) Any person who testifies before ~~such~~ THE committee or who is a member of ~~such~~ THE committee ~~shall~~ IS not ~~be~~ prevented from testifying as to matters within ~~such~~ THE person's knowledge, but the person ~~shall~~ MAY not be asked about his or her testimony before ~~such a~~ THE committee or opinions he or she formed as a result of ~~said~~ THE committee hearings.

12-35-129.3. [Formerly 12-35-129 (12)] Board panels. (1) ~~(a) On and after January 1, 2005,~~ The chairperson of the board shall divide ~~those~~ THE members of the board, other than the chairperson, into two panels of six members each.

~~(b)~~ (2) Each panel shall act as both an inquiry panel and a hearing panel. THE CHAIRPERSON MAY REASSIGN members of the board ~~may be reassigned~~ from one panel to the other. ~~by the chairperson.~~ The chairperson may be a member of both panels, but ~~in no event shall~~ NEITHER the chairperson ~~or~~ NOR any other member who has considered a complaint as a member of a panel acting as an inquiry panel SHALL take any part in the consideration of a formal complaint involving the same matter.

~~(c)~~ (3) ~~All matters referred to one panel for investigation shall be heard,~~ If referred THE INQUIRY PANEL REFERS A MATTER for formal hearing, by the ~~other~~ HEARING panel or a committee of ~~such~~ THE HEARING panel SHALL HEAR THE MATTER. However, in its discretion, either inquiry panel may elect to refer a case for formal hearing to a qualified administrative law

judge in lieu of a hearing panel of the board for an initial decision pursuant to section 24-4-105, C.R.S.

~~(d)~~ (4) A LICENSEE WHO IS THE SUBJECT OF AN INITIAL DECISION BY AN ADMINISTRATIVE LAW JUDGE, OR BY THE HEARING PANEL THAT WOULD HAVE HEARD THE CASE UPON ITS OWN MOTION, MAY SEEK REVIEW OF the initial decision ~~of an administrative law judge may be reviewed~~ pursuant to section 24-4-105 (14) and (15), C.R.S., by the filing of AN exception to the initial decision with the hearing panel that would have heard the case if it had not been referred to an administrative law judge. ~~or by review upon the motion of such hearing panel.~~ The respondent or the board's counsel ~~shall~~ MAY file ~~such~~ THE exception.

~~(e)~~ (5) ~~An~~ THE INQUIRY PANEL TO WHOM AN INVESTIGATION IS ASSIGNED SHALL SUPERVISE THE investigation, ~~shall be under the supervision of the panel to which the investigation is assigned~~ AND the person ~~making such~~ CONDUCTING THE investigation shall report the results of the investigation to the ~~assigning~~ panel for appropriate action.

12-35-129.4. Cease-and-desist orders. (1) [Formerly 12-35-129 (14)] (a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person, that a licensee is acting in a manner that is an imminent threat to the health and safety of the public or a person is acting or has acted without the required license, the board may issue an order to cease and desist ~~such~~ THE activity. The ~~order~~ BOARD shall set forth IN THE ORDER the statutes and rules THE PERSON IS alleged to have ~~been~~ violated, the facts alleged to ~~have constituted~~ CONSTITUTE the violation, and the requirement that all unlawful acts or unlicensed practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection ~~(14)~~ (1), the respondent may request a hearing on the question of whether acts or practices in violation of this part 1 have occurred. ~~Such~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE, AS APPLICABLE, SHALL CONDUCT THE hearing ~~shall be conducted pursuant to~~ IN ACCORDANCE WITH sections 24-4-104 and 24-4-105, C.R.S.

(2) [Formerly 12-35-129 (15)] (a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this part 1, then, in addition

to any specific powers granted pursuant to this part 1, the board may issue to ~~such~~ THE person an order to show cause as to why the board should not issue a final order directing ~~such~~ THE person to cease and desist from the unlawful act or unlicensed practice.

(b) ~~A~~ THE BOARD SHALL PROMPTLY NOTIFY THE person against whom IT ISSUES an order to show cause ~~has been issued~~ pursuant to paragraph (a) of this subsection ~~(15) shall be promptly notified by the board~~ (2) of the issuance of the order ~~along with~~ AND SHALL INCLUDE IN THE NOTICE a copy of the order, the factual and legal basis for the order, and the date set by the board for a hearing on the order. ~~Such~~ THE BOARD MAY SERVE THE notice ~~may be served~~ by personal service, by first-class United States mail, postage prepaid, or BY OTHER MEANS as may be practicable. ~~upon any person against whom such order is issued.~~ Personal service or mailing of an order or document pursuant to this subsection ~~(15) shall constitute~~ (2) CONSTITUTES notice thereof to the person.

(c) (I) The BOARD SHALL COMMENCE THE hearing on an order to show cause ~~shall be commenced~~ no sooner than ten and no later than forty-five calendar days after the date of transmission or service of the notification ~~by the board~~ as provided in paragraph (b) of this subsection ~~(15) (2)~~. The BOARD MAY CONTINUE THE hearing ~~may be continued~~ by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event shall the BOARD COMMENCE THE hearing ~~commence~~ later than sixty calendar days after the date of transmission or service of the notification.

(II) If ~~a~~ THE person against whom ~~an~~ THE BOARD HAS ISSUED THE order to show cause ~~has been issued~~ pursuant to paragraph (a) of this subsection ~~(15) (2)~~ does not appear at the hearing, the board may present evidence that notification was properly sent or served upon ~~such~~ THE person pursuant to paragraph (b) of this subsection ~~(15) (2)~~ and ~~such~~ other evidence related to the matter as the board deems appropriate. The board shall issue the order within ten days after the board's determination related to reasonable attempts to notify the respondent, and the order ~~shall become~~ BECOMES final as to that person by operation of law. ~~Such~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE, AS APPLICABLE, SHALL CONDUCT THE hearing ~~shall be conducted pursuant to~~ IN ACCORDANCE WITH sections 24-4-104 and 24-4-105, C.R.S.

(III) If the board reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required license or has or is about to engage in acts or practices constituting violations of this part 1, THE BOARD MAY ISSUE a final cease-and-desist order ~~may be issued~~ directing ~~such~~ THE person to cease and desist from further unlawful acts or unlicensed practices.

(IV) The board shall provide notice, in the manner set forth in paragraph (b) of this subsection ~~(15)~~ (2), of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order ~~has been~~ IS issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) ~~shall be~~ IS effective when issued and ~~shall be~~ IS a final order for purposes of judicial review.

(3) [**Formerly 12-35-129 (16)**] If it appears to the board, based upon credible evidence presented to the board, that a person has engaged in or is about to engage in ~~any~~ AN unlicensed act or practice; ~~any~~ AN act or practice constituting a violation of this part 1, ~~any~~ A rule promulgated pursuant to this part 1, or ~~any~~ AN order issued pursuant to this part 1; or ~~any~~ AN act or practice constituting grounds for administrative sanction pursuant to this part 1, the board may enter into a stipulation with ~~such~~ THE person.

(4) [**Formerly 12-35-129 (17)**] If ~~any~~ A person fails to comply with a final cease-and-desist order or a stipulation, the board may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested ~~such~~ THE attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order.

(5) [**Formerly 12-35-129 (18)**] A person aggrieved by the final cease-and-desist order may seek judicial review of the board's determination or of the board's final order as provided in section 12-35-130.

12-35-129.5. Mental and physical examinations. (1) [**Formerly 12-35-129 (7) (a)**] (a) If the board has reasonable cause to believe that a person licensed to practice dentistry or dental hygiene in this state is unable to practice dentistry or dental hygiene with reasonable skill and safety to patients because of a physical or mental disability or because of excessive

use of any ALCOHOL, A habit-forming drug or substance, or A controlled substance, as defined in section 18-18-102 (5), C.R.S., the board may require ~~such~~ THE licensed dentist or dental hygienist to submit to A mental or physical ~~examinations~~ EXAMINATION by a qualified professional designated by the board.

(b) [**Formerly 12-35-129 (7) (b)**] Upon the failure of ~~such~~ THE licensed dentist or dental hygienist to submit to ~~such~~ A mental or physical ~~examinations~~ EXAMINATION REQUIRED BY THE BOARD, unless the failure is due to circumstances beyond the dentist's or dental hygienist's control, the board may suspend ~~such~~ THE dentist's or dental hygienist's license to practice dentistry or dental hygiene in this state until ~~such time as~~ the dentist or dental hygienist submits to the ~~examinations~~ EXAMINATION.

(c) [**Formerly 12-35-129 (7) (c)**] Every person licensed to practice dentistry or dental hygiene in this state ~~shall be~~ IS deemed, by so practicing or by applying for a renewal of the person's license to practice dentistry or dental hygiene in this state, to have:

(I) Given consent to submit to A mental or physical ~~examinations~~ EXAMINATION when directed in writing by the board; and ~~further to have~~

(II) Waived all objections to the admissibility of the examining qualified professional's testimony or examination reports on the ground of privileged communication.

(d) [**Formerly 12-35-129 (7) (d)**] The results of any mental or physical examination ordered by the board ~~shall not~~ CANNOT be used as evidence in any proceeding other than before the board.

SECTION 11. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal** 12-35-129 (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18).

SECTION 12. In Colorado Revised Statutes, **add** 12-35-129.6 as follows:

12-35-129.6. Confidential agreement to limit practice - violation - grounds for discipline. (1) IF A LICENSED DENTIST OR DENTAL HYGIENIST HAS A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS HIM OR

HER UNABLE TO PRACTICE DENTISTRY OR DENTAL HYGIENE WITH REASONABLE SKILL AND SAFETY TO CLIENTS, THE DENTIST OR DENTAL HYGIENIST SHALL NOTIFY THE BOARD OF THE ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD DETERMINED BY THE BOARD. THE BOARD MAY REQUIRE THE DENTIST OR DENTAL HYGIENIST TO SUBMIT TO AN EXAMINATION TO EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON THE DENTIST'S OR DENTAL HYGIENIST'S ABILITY TO PRACTICE DENTISTRY OR DENTAL HYGIENE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

(2) (a) UPON DETERMINING THAT A DENTIST OR DENTAL HYGIENIST WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS, THE BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE DENTIST OR DENTAL HYGIENIST IN WHICH THE DENTIST OR DENTAL HYGIENIST AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED BY THE BOARD.

(b) AS PART OF THE AGREEMENT, THE DENTIST OR DENTAL HYGIENIST IS SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED APPROPRIATE BY THE BOARD.

(c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF MONITORING.

(3) BY ENTERING INTO AN AGREEMENT WITH THE BOARD PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, A DENTIST OR DENTAL HYGIENIST IS NOT ENGAGING IN ACTIVITIES PROHIBITED PURSUANT TO SECTION 12-35-129 (1). THE AGREEMENT DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE DENTIST OR DENTAL HYGIENIST FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION 12-35-129 (1) (j), AND THE DENTIST OR DENTAL HYGIENIST IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-35-129.

(4) THIS SECTION DOES NOT APPLY TO A DENTIST OR DENTAL HYGIENIST SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN SECTION 12-35-129 (1) (e).

SECTION 13. In Colorado Revised Statutes, 12-35-116.5, **amend** (3) (a) introductory portion; and **add** (1) (d) as follows:

12-35-116.5. Ownership of dental or dental hygiene practice - information to be posted - heir to serve as temporary proprietor - limitations. (1) (d) (I) A DENTIST MAY CONDUCT A DENTAL OR DENTAL HYGIENE BUSINESS COLLABORATIVELY AS A PROVIDER NETWORK IN ACCORDANCE WITH PART 3 OF ARTICLE 18 OF TITLE 6, C.R.S.

(II) A DENTAL HYGIENIST MAY CONDUCT A DENTAL HYGIENE BUSINESS COLLABORATIVELY AS A PROVIDER NETWORK IN ACCORDANCE WITH PART 3 OF ARTICLE 18 OF TITLE 6, C.R.S.

(3) (a) Notwithstanding sections ~~12-35-125~~ and 12-35-129 (1) (h) ~~(14)~~, and ~~(15)~~ AND 12-35-129.4 (1) AND (2), if a dentist or dental hygienist who was the proprietor of a dental or dental hygiene practice and was engaged in the active practice of dentistry or dental hygiene dies:

SECTION 14. In Colorado Revised Statutes, 12-35-117, **amend** (1) introductory portion and (3); and **repeal** (1) (d) as follows:

12-35-117. Application for license - fee. (1) Every person not currently holding a license to practice dentistry in this state who desires to practice dentistry in this state shall file with the board an application for a license on a form ~~to be~~ provided by the board, verified by the oath of the applicant, and accompanied by a fee required by section 12-35-138 (1) (a) or established pursuant to section 24-34-105, C.R.S., ~~in which application it shall appear~~ INDICATING that the applicant:

(d) ~~Has verification of licensure from other jurisdictions where the applicant holds or has held a dental or other health care license;~~

(3) ~~Such~~ THE BOARD MAY REQUIRE other pertinent information ~~shall appear~~ on the application as THAT the board ~~may deem~~ DEEMS necessary to process the application, INCLUDING DEMONSTRATION OF COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS SET FORTH IN SECTION 13-64-301 (1) (a), C.R.S.

SECTION 15. In Colorado Revised Statutes, 12-35-122, **amend** (1), (2) (a), (2) (c), and (5) as follows:

12-35-122. Inactive dental or dental hygiene license. (1) Any person licensed to practice dentistry OR DENTAL HYGIENE pursuant to this article may apply to the board to be transferred to an inactive status. ~~Such~~ THE LICENSEE SHALL SUBMIT AN application ~~shall be~~ in the form and manner designated by the board. The board may grant ~~such~~ INACTIVE status by issuing an inactive license or it ~~may~~ deny the application for any of the causes set forth in section 12-35-129.

(2) Any person applying for a license under this section shall:

(a) Provide an affidavit to the board that the applicant, after a date certain, ~~shall~~ WILL not practice dentistry OR DENTAL HYGIENE in this state unless he or she is issued a license to practice dentistry OR DENTAL HYGIENE pursuant to subsection (5) of this section;

(c) Comply with ~~any~~ THE financial responsibility ~~standards promulgated by the board pursuant to section 13-64-301 (1), C.R.S.~~ OR PROFESSIONAL LIABILITY INSURANCE REQUIREMENTS SPECIFIED IN SECTION 12-35-141, AS APPLICABLE.

(5) Any person licensed under this section who wishes to resume the practice of dentistry OR DENTAL HYGIENE shall file an application in the form and manner the board ~~shall designate~~ DESIGNATES, pay the license fee promulgated by the board pursuant to section 24-34-105, C.R.S., and meet the financial responsibility requirements ~~promulgated by the board pursuant to section 13-64-301 (1), C.R.S.;~~ OR THE PROFESSIONAL LIABILITY INSURANCE REQUIREMENTS IN SECTION 12-35-141, AS APPLICABLE. The board may approve ~~such~~ THE application and issue a license to practice dentistry OR DENTAL HYGIENE or may deny the application for any of the causes set forth in section 12-35-129.

SECTION 16. In Colorado Revised Statutes, 12-35-123, **amend** (4), (5), and (6) as follows:

12-35-123. Retired dental and dental hygienist licenses. (4) The board ~~is authorized to conduct~~ MAY TAKE disciplinary ~~proceedings~~ ACTION pursuant to ~~section 12-35-129~~ SECTIONS 12-35-129.1 TO 12-35-129.5 against any person licensed under this section for an act committed while such person was licensed pursuant to this article.

(5) Any person licensed under this section may apply to the board for a return to active licensure status by filing an application in the form and manner the board shall designate pursuant to section 12-35-117 DESIGNATES, paying the appropriate license fee established pursuant to section 24-34-105, C.R.S., and meeting the financial responsibility requirements issued by the board pursuant to section 13-64-301(1), C.R.S., OR THE PROFESSIONAL LIABILITY INSURANCE REQUIREMENTS IN SECTION 12-35-141, AS APPLICABLE. The board may approve ~~such~~ THE application and issue a license to practice dentistry or dental hygiene or may deny the application if the licensee has been disciplined for any of the causes set forth in section 12-35-129.

(6) A dentist ~~in~~ OR DENTAL HYGIENIST ON retired status may provide dental OR DENTAL HYGIENE services on a voluntary basis to the indigent if ~~such~~ THE RETIRED DENTIST OR DENTAL HYGIENIST PROVIDES THE services ~~are provided~~ on a limited basis and ~~no~~ DOES NOT CHARGE A fee ~~is charged~~. ~~Such a~~ FOR THE SERVICES. A RETIRED dentist ~~shall have immunity for~~ OR DENTAL HYGIENIST PROVIDING voluntary care ~~provided~~ pursuant to this subsection (6) IS IMMUNE FROM ANY LIABILITY RESULTING FROM THE VOLUNTARY CARE HE OR SHE PROVIDED.

SECTION 17. In Colorado Revised Statutes, 12-35-105, **repeal** (2) as follows:

12-35-105. Qualifications of board members.

~~(2) Notwithstanding subsection (1) of this section or section 24-5-101, C.R.S., a person convicted of a felony in Colorado or any other state or of violating this article or any law governing the practice of dentistry shall not be appointed to or serve on the board.~~

SECTION 18. In Colorado Revised Statutes, **amend** 12-35-101 as follows:

12-35-101. Short title. This article shall be known and may be cited as the "Dental Practice ~~Law of Colorado~~ ACT".

SECTION 19. In Colorado Revised Statutes, 12-35-107, **amend** (1) introductory portion, (1) (b), (1) (c), and (1) (h); and **repeal** (1) (a), (1) (f), and (1) (i) as follows:

12-35-107. Powers and duties of board. (1) The board shall exercise, ~~subject to the provisions of~~ IN ACCORDANCE WITH this article, the following powers and duties:

(a) ~~Conduct examinations to ascertain the qualifications and fitness of applicants for licensure to practice dentistry and dental hygiene. To assist with such examinations:~~

~~(I) Only proctors or licensed dentists may participate in the examination of candidates for dental licensure; and~~

~~(II) Only licensed dentists, licensed dental hygienists, or proctors may participate in the examination of candidates for dental hygiene licensure.~~

(b) Make, publish, declare, and periodically review ~~such~~ reasonable rules as ~~may be~~ necessary to carry out and make effective the powers and duties of the board as vested in it by this article, INCLUDING rules ~~of the board may include but shall not be limited to~~ REGARDING:

~~(I) The examination of applicants for licensing as dentists and dental hygienists; THE USE OF LASERS FOR DENTAL PURPOSES, INCLUDING LIMITING THE USE OF LASERS BY DENTAL HYGIENISTS ONLY TO POCKET DISINFECTION AT SETTINGS THAT PRECLUDE HARD AND SOFT TISSUE REMOVAL;~~

~~(II) The practices of dentistry and dental hygiene; MINIMUM TRAINING, EXPERIENCE, AND EQUIPMENT REQUIREMENTS TO OBTAIN AN ANESTHESIA OR SEDATION PERMIT UNDER SECTION 12-35-140;~~

~~(III) The tasks and procedures that may be assigned to dental assistants and dental hygienists; and CRITERIA AND PROCEDURES CONSISTENT WITH SECTION 12-35-140 FOR AN OFFICE INSPECTION PROGRAM TO BE COMPLETED UPON APPLICATION AND RENEWAL OF SEDATION AND ANESTHESIA PERMITS PURSUANT TO SECTION 12-35-140;~~

~~(IV) The specification of essential instructions to be included in a laboratory work order~~ A UNIFORM SYSTEM AND SCHEDULE OF FINES PURSUANT TO SECTION 12-35-129.1 (6) (b).

(c) Conduct hearings to revoke, suspend, or deny the issuance of a license or renewal OF A license granted under the authority of this article or of previous laws; issue a confidential letter of concern; issue a letter of admonition; IMPOSE AN ADMINISTRATIVE FINE; or reprimand, censure, or place on probation a licensee when evidence has been presented showing violation of any of the provisions of this article by a holder of or an applicant for a license. The board may elect to hear the matter itself pursuant to the provisions of section ~~12-35-129~~ 12-35-129.1 (1), or it may elect to hear the matter with the assistance of an administrative law judge or an advisory attorney from the office of the attorney general, and, in such case, the advisor or administrative law judge shall advise the board on legal and procedural matters and rule on evidence and otherwise conduct the course of the hearing.

~~(f) Make such reasonable rules as may be necessary to carry out and make effective the powers and duties of the board as vested in it by the provisions of this article; except that all rules adopted or amended by the board on or after July 1, 1979, shall be subject to sections 24-4-103 (8) (c) and (8) (d) and 24-34-104 (9) (b) (II), C.R.S. Such rules may include, but shall not be limited to, minimum training and equipment requirements for the administration of local anesthetics, general anesthesia, conscious sedation, and nitrous oxide/oxygen inhalation sedation, including procedures that may be used by and minimum training requirements for dentists, dental hygienists, and dental assistants. The general assembly declares that rules relating to anesthesia are not intended to permit administration of local anesthetics, general anesthesia, or conscious sedation, by dental assistants nor to reduce competition or restrain trade with respect to dentistry needs of the public.~~

(h) (I) IN ACCORDANCE WITH SECTION 12-35-140, issue anesthesia AND SEDATION permits to licensed dentists AND DENTAL HYGIENISTS and set and collect a fee for such FEES FOR PERMIT issuance; EXCEPT THAT THE BOARD SHALL ONLY COLLECT FEES FOR LOCAL ANESTHESIA PERMITS ISSUED TO DENTAL HYGIENISTS ON OR AFTER JULY 1, 2014.

(II) Anesthesia permits shall be valid for a period of five years and shall allow permit-holding licensees to administer deep conscious sedation or both general anesthesia and deep conscious sedation.

(i) ~~Develop criteria and procedures for an office inspection program~~

including, but not limited to:

~~(I) Designating qualified inspectors who are experts in dental outpatient general anesthesia and deep conscious sedation;~~

~~(H) Requiring each licensee inspected to bear the cost of inspection by allowing designated inspectors to charge a reasonable fee as established by the board;~~

~~(HH) Requiring an inspector to notify the board in writing of the results of an inspection.~~

SECTION 20. In Colorado Revised Statutes, 12-35-110, **amend** (2) as follows:

12-35-110. Disposition of fees. (2) Appropriations made to the board ~~shall~~ MAY be applied only to the payment of:

(a) The necessary traveling, hotel, and clerical expenses of the members of the board in the performance of their duties; ~~the payment of~~

(b) Dues for membership in the American association of dental examiners BOARDS, OR ITS SUCCESSOR ASSOCIATION, and the expense of sending delegates to the ASSOCIATION'S convention; ~~of such association; and the payment of all such~~

(c) Other expenditures ~~as may be~~ necessary or proper to carry out and execute the powers and duties of the board and ~~the provisions of~~ IMPLEMENT this article.

SECTION 21. In Colorado Revised Statutes, 12-35-113, **amend** (1) introductory portion, (1) (c), (1) (n), (1) (p), and (1) (q); and **add** (2) as follows:

12-35-113. What constitutes practicing dentistry - authority to electronically prescribe. (1) A person ~~shall be deemed to be~~ IS practicing dentistry if ~~such~~ THE person:

(c) Directly or indirectly, by any means or method, takes impression of the human tooth, teeth, jaws, maxillofacial area, or adjacent and

associated structures, performs any phase of any operation incident to the replacement of a part of a tooth, or supplies artificial substitutes for the natural teeth, jaws, or adjacent and associated structures; except that nothing in this paragraph (c) ~~shall prohibit or be construed to prohibit~~ PROHIBITS a dental hygienist or dental assistant from performing tasks and procedures consistent with sections 12-35-124 (1) (d) ~~12-35-125 (1) (d)~~; and 12-35-128 ~~(3) (a) (f)~~ (3) (b) (III);

(n) Represents himself or herself to an individual or the general public as practicing dentistry, by using the words "dentist" or "dental surgeon", or by using the letters "D.D.S.", "D.M.D.", "D.D.S./M.D.", or "D.M.D./M.D.". Nothing in this paragraph (n) ~~shall be construed to prohibit~~ PROHIBITS a dental hygienist or dental assistant from performing tasks and procedures consistent with section 12-35-128 (2) or ~~(3) (a)~~ (3) (b).

(p) Prescribes ~~such~~ drugs or medications and administers ~~such~~ ~~general or local anesthetics, anesthesia, or analgesia~~ LOCAL ANESTHESIA, ANALGESIA INCLUDING NITROUS OXIDE/OXYGEN INHALATION, MEDICATION PRESCRIBED OR ADMINISTERED FOR THE RELIEF OF ANXIETY OR APPREHENSION, MINIMAL SEDATION, MODERATE SEDATION, DEEP SEDATION, OR GENERAL ANESTHESIA as ~~may be~~ necessary for the proper practice of dentistry; except that nothing in this paragraph (p) shall be construed to prohibit a dental hygienist from performing those tasks and procedures consistent with sections 12-35-124 (1) (e), AND (1) (g), 12-35-125 ~~(f) (e)~~ and (1) (f), and 12-35-128, and in accordance with rules promulgated by the board;

(q) Prescribes, induces, and sets dosage levels for inhalation ~~analgesia~~ ANESTHESIA; except that nothing in this paragraph (q) shall be construed to prohibit the delegation of monitoring and administration to appropriately trained personnel in accordance with this article and rules of the board;

(2) A LICENSED DENTIST MAY PRESCRIBE ORDERS ELECTRONICALLY.

SECTION 22. In Colorado Revised Statutes, **amend** 12-35-114 as follows:

12-35-114. Dentists may prescribe drugs - surgical operations

- **anesthesia.** A licensed dentist is authorized to prescribe ~~such~~ drugs or medicine; perform ~~such~~ surgical operations; administer, ~~such general or local anesthetics~~ PURSUANT TO BOARD RULES, LOCAL ANESTHESIA, ANALGESIA INCLUDING NITROUS OXIDE/OXYGEN INHALATION, MEDICATION PRESCRIBED OR ADMINISTERED FOR THE RELIEF OF ANXIETY OR APPREHENSION, MINIMAL SEDATION, MODERATE SEDATION, DEEP SEDATION, OR GENERAL ANESTHESIA; and use ~~such~~ appliances as ~~may be~~ necessary to the proper practice of dentistry. A dentist shall not prescribe, distribute, or give to any person, including himself or herself, any habit-forming drug or any controlled substance, as defined in section 18-18-102 (5), C.R.S., or as contained in schedule II of 21 U.S.C. sec. 812, other than in the course of legitimate dental practice and pursuant to the rules promulgated by the board regarding controlled substance record-keeping.

SECTION 23. In Colorado Revised Statutes, 12-35-115, **amend** (1) introductory portion, (1) (b), and (1) (d) as follows:

12-35-115. Persons exempt from operation of this article.

(1) ~~Nothing in~~ This article ~~shall apply~~ DOES NOT APPLY to the following practices, acts, and operations:

(b) The ~~giving~~ ADMINISTRATION of an anesthetic by a qualified anesthetist or registered nurse for a dental operation; ~~under the direct supervision of a licensed dentist;~~

(d) Students or residents regularly employed by a private hospital or by a city, county, city and county, or state hospital under an advanced dental education program accredited by the commission on dental accreditation ~~of the American dental association~~ OR ITS SUCCESSOR COMMISSION and approved and registered ~~as such~~ by the board;

SECTION 24. In Colorado Revised Statutes, 12-35-117.5, **amend** (1) (a) and (2) as follows:

12-35-117.5. Academic license. (1) (a) A dentist who is employed at an accredited school or college of dentistry in this state and who practices dentistry in the course of his or her employment responsibilities shall either make written application to the board for an academic license in accordance with this section or shall otherwise become licensed pursuant to sections 12-35-117 ~~12-35-118~~, and 12-35-119, as applicable.

(2) A person who applies for an academic license shall submit proof to the board that he or she:

(a) Graduated from a school of dentistry located in the United States or another country; AND

(b) Is employed by an accredited school or college of dentistry in this state. ~~and~~

(c) ~~Successfully passed the jurisprudence examination described in section 12-35-119 (1) (b).~~

SECTION 25. In Colorado Revised Statutes, **repeal** 12-35-118 as follows:

12-35-118. Graduates of foreign dental schools. ~~(1) An applicant for a license to practice dentistry who is a graduate of a foreign nonaccredited dental school shall:~~

~~(a) Present evidence of having completed a program in clinical dentistry and having obtained a doctorate of dental surgery or a doctorate of dental medicine at an accredited dental school;~~

~~(b) Pass the examination administered by the joint commission on national dental examinations; and~~

~~(c) Pass an examination designed to test the applicant's clinical skills and knowledge. Such examination shall be administered by a regional testing agency composed of at least four states or an examination of another state.~~

SECTION 26. In Colorado Revised Statutes, 12-35-120, **amend** (2) introductory portion; and **repeal** (2) (e) as follows:

12-35-120. Licensure by endorsement. (2) The board shall issue a license to an applicant licensed as a dentist in another state or territory of the United States if ~~said~~ THE applicant has submitted credentials and qualifications for licensure that include:

(e) ~~Proof the applicant has passed an examination on the provisions~~

of this article;

SECTION 27. In Colorado Revised Statutes, **amend** 12-35-121 as follows:

12-35-121. Renewal of dental and dental hygienist licenses - fees. Licenses ~~shall~~ MUST be renewed or reinstated pursuant to a schedule established by the director of the division of professions and occupations within the department of regulatory agencies, referred to in this section as the director, and ~~shall be renewed or reinstated~~ pursuant to section 24-34-102 (8), C.R.S. The director may establish renewal fees, ~~and~~ delinquency fees FOR LATE RENEWAL, AND FEES for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director, ~~such~~ THE license ~~shall~~ ~~expire~~ EXPIRES. Any person whose license ~~has expired~~ ~~shall be~~ EXPIRES IS subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.

SECTION 28. In Colorado Revised Statutes, 12-35-124, **amend** (1) (b), (1) (f), (1) (g) and (2) as follows:

12-35-124. What constitutes practicing unsupervised dental hygiene. (1) Unless licensed to practice dentistry, a person shall be deemed to be practicing unsupervised dental hygiene who, within the scope of the person's education, training, and experience:

(b) Removes granulation and degenerated tissue from the gingival wall of the periodontal pocket ~~through the process of gingival curettage~~ INCIDENTAL TO ROOT PLANING;

(f) Performs dental hygiene assessment, dental hygiene diagnosis, and dental hygiene treatment planning for dental hygiene services as described in this section ~~and section 12-35-125~~ and identifies dental abnormalities for immediate referral to a dentist; or

(g) (I) PRESCRIBES, administers, AND DISPENSES fluoride, fluoride varnish, and antimicrobial solutions for mouth rinsing AND OTHER NONSYSTEMIC ANTIMICROBIAL AGENTS IN COLLABORATION WITH A LICENSED DENTIST. DENTAL HYGIENISTS SHALL MAINTAIN CLEAR DOCUMENTATION IN THE PATIENT RECORD OF THE AGENT PRESCRIBED,

ADMINISTERED, OR DISPENSED; THE DATE OF THE ACTION; AND THE RATIONALE FOR PRESCRIBING, ADMINISTERING, OR DISPENSING THE AGENT.

(II) A DENTAL HYGIENIST SHALL NOT PRESCRIBE, ADMINISTER, OR DISPENSE THE FOLLOWING:

(A) DRUGS WHOSE PRIMARY EFFECT IS SYSTEMIC, WITH THE EXCEPTION OF FLUORIDE SUPPLEMENTS PERMITTED UNDER SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (g); AND

(B) DANGEROUS DRUGS OR CONTROLLED SUBSTANCES, AS DEFINED IN SECTION 18-18-102 (5), C.R.S.

(III) A DENTAL HYGIENIST MAY PRESCRIBE THE FOLLOWING:

(A) FLUORIDE SUPPLEMENTS AS FOLLOWS, ALL USING SODIUM FLUORIDE: TABLETS: 0.5 MG, 1.1 MG, OR 2.2 MG; LOZENGES: 2.21 MG; AND DROPS: 1.1 ML;

(B) TOPICAL ANTI-CARIES TREATMENTS AS FOLLOWS, ALL USING SODIUM FLUORIDE UNLESS OTHERWISE INDICATED: TOOTHPASTES: 1.1 % OR LESS (OR STANNOUS FLUORIDE 0.4%); TOPICAL GELS: 1.1% OR LESS (OR STANNOUS FLUORIDE 0.4%); ORAL RINSES: 0.05%, 0.2%, 0.44%, OR 0.5%; ORAL RINSE CONCENTRATE USED IN PERIODONTAL DISEASE: 0.63% STANNOUS FLUORIDE; FLUORIDE VARNISH: 5%; AND PROPHY PASTES CONTAINING APPROXIMATELY 1.23% SODIUM FLUORIDE AND USED FOR POLISHING PROCEDURES AS PART OF PROFESSIONAL DENTAL PROPHYLAXIS TREATMENT; AND

(C) TOPICAL ANTI-INFECTIVES AS FOLLOWS: CHLORHEXIDINE GLUCONATE RINSES: 0.12%; CHLORHEXIDINE GLUCONATE PERIODONTAL CHIPS FOR INSERTION INTO THE PERIODONTAL POCKET; TETRACYCLINE IMPREGNATED FIBERS, INSERTED SUBGINGIVALLY INTO THE PERIODONTAL SULCUS; DOXYCYCLINE HYCLATE PERIODONTAL GEL, INSERTED SUBGINGIVALLY INTO THE PERIODONTAL SULCUS; AND MINOCYCLINE HYDROCHLORIDED PERIODONTAL PASTE, INSERTED SUBGINGIVALLY INTO THE PERIODONTAL SULCUS.

(2) Unsupervised dental hygiene may be performed by ~~licensed~~

dentists and licensed dental hygienists without the supervision of a licensed dentist.

SECTION 29. In Colorado Revised Statutes, **amend** 12-35-125 as follows:

12-35-125. What constitutes practicing supervised dental hygiene. (1) Unless licensed to practice dentistry, a person shall be WHO PERFORMS ANY OF THE FOLLOWING TASKS UNDER THE SUPERVISION OF A LICENSED DENTIST IS deemed to be practicing supervised dental hygiene: who

(a) ~~Removes deposits, accretions, and stains by scaling with hand, ultrasonic, or other devices from all surfaces of the tooth and smooths and polishes natural and restored tooth surfaces, including root planing~~ ANY TASK DESCRIBED IN SECTION 12-35-124 (1);

(b) ~~Removes granulation and degenerated tissue from the gingival wall of the periodontal pocket through the process of gingival curettage. Such curettage may include the incidental removal of live epithelial tissue and is to be performed under the indirect supervision of a licensed dentist~~ PREPARES STUDY CASTS; OR

(c) ~~Provides preventive measures including, but not limited to, the application of fluorides, sealants, and other recognized topical agents for the prevention of oral disease;~~

(d) ~~Gathers and assembles information including, but not limited to:~~

(I) ~~Fact-finding and patient history;~~

(II) ~~Radiographic and X-ray survey for the purpose of assessing and diagnosing dental hygiene-related conditions for treatment planning for dental hygiene services as described in section 12-35-124 and this section and identifying dental abnormalities for immediate referral to a dentist;~~

(III) ~~Preparation of study casts;~~

(IV) ~~Oral inspection; and~~

~~(V) Dental and periodontal charting;~~

~~(e) Administers a topical anesthetic to a patient in the course of providing dental care;~~

~~(f) Administers local anesthetic ANESTHESIA under the indirect supervision of a licensed dentist pursuant to rules of the board, which shall include INCLUDING minimum education requirements and procedures for such LOCAL ANESTHESIA administration;~~

~~(g) Performs dental hygiene assessment, dental hygiene diagnosis, and dental hygiene treatment planning for dental hygiene services as described in this section and section 12-35-124 and identifies dental abnormalities for immediate referral to a dentist; or~~

~~(h) Administers fluoride, fluoride varnish, and antimicrobial solutions for mouth rinsing.~~

~~(2) Supervised dental hygiene may be performed by licensed dentists and, except for the administration of local anesthetic performed under paragraph (f) of subsection (1) of this section, by licensed dental hygienists under the indirect supervision of a licensed dentist in accordance with rules adopted by the board.~~

SECTION 30. In Colorado Revised Statutes, 12-35-128, **amend** (1), (2), and (3) (b) introductory portion; **repeal** (4); and **add with amended and relocated provisions** (3) (b) (VI) as follows:

12-35-128. Tasks authorized to be performed by dental assistants or dental hygienists. (1) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), the responsibility for dental diagnosis, dental treatment planning, or the prescription of therapeutic measures in the practice of dentistry ~~shall remain~~ REMAINS with a licensed dentist and may not be assigned to any dental hygienist. ~~except that~~

(II) A dental hygienist may:

(A) Perform dental hygiene assessment, dental hygiene diagnosis, and dental hygiene treatment planning for dental hygiene services PURSUANT TO SECTION 12-35-124 (1) (f);

(B) Identify dental abnormalities for immediate referral to a dentist as described in ~~sections 12-35-124 and 12-35-125~~ SECTION 12-35-124 (1) (f); and may

(C) IN COLLABORATION WITH A LICENSED DENTIST, PRESCRIBE, administer, AND DISPENSE, AS DESCRIBED IN SECTION 12-35-124 (1) (g): Fluoride; fluoride varnish; and antimicrobial solutions for mouth rinsing; ~~as described in sections 12-35-124 and 12-35-125~~; OTHER NONSYSTEMIC ANTIMICROBIAL AGENTS; and resorbable antimicrobial agents pursuant to rules of the board.

(b) ~~No~~ A dental procedure that involves surgery or that will contribute to or result in an irremediable alteration of the oral anatomy may SHALL NOT be assigned to anyone other than a licensed dentist. ~~Prescriptive authority may not be assigned to anyone other than a licensed dentist.~~

(2) Except as provided in subsection (1) of this section, a dental hygienist may perform any dental task or procedure assigned to the hygienist by a licensed dentist that does not require the professional skill of a licensed dentist; except that ~~such~~ THE DENTAL HYGIENIST MAY PERFORM THE task or procedure ~~shall be performed~~ only under the indirect supervision of a licensed dentist ~~on the premises~~; or as ~~provided elsewhere~~ AUTHORIZED in sections 12-35-124 and 12-35-125.

(3) (b) A dental assistant may perform the following tasks under the ~~direct or~~ indirect supervision of a licensed dentist:

(VI) ~~[Formerly (4)]~~ In addition to the procedure authorized in this section, a dental assistant may make repairs and relines of REPAIRING AND RELINING dentures pursuant to a dental laboratory work order signed by a licensed dentist.

(4) ~~In addition to the procedure authorized in this section, a dental assistant may make repairs and relines of dentures pursuant to a dental laboratory work order signed by a licensed dentist.~~

SECTION 31. In Colorado Revised Statutes, **amend** 12-35-131 as follows:

12-35-131. Use of forged or invalid diploma or certificate. It is

unlawful for any person to use or attempt to use as his or her own a diploma of a dental college or school OR SCHOOL OF DENTAL HYGIENE, or a license or license renewal certificate, of any other person or to use or attempt to use a forged diploma, license, license renewal certificate, or identification. It is also unlawful for any person to file with the board a forged document in response to a request by the board for documentation of an applicant's qualifications for licensure.

SECTION 32. In Colorado Revised Statutes, **amend** 12-35-133 as follows:

12-35-133. Construction of dental devices by unlicensed technician. (1) (a) ~~Every duly~~ A licensed dentist who uses the services of ~~any~~ AN unlicensed ~~person~~ TECHNICIAN for the purpose of constructing, altering, repairing, or duplicating any denture, ~~plate, partial plate,~~ bridge, splint, or orthodontic or prosthetic appliance shall ~~be required to~~ furnish ~~such~~ THE unlicensed ~~person~~ TECHNICIAN with a written OR ELECTRONIC laboratory work order in ~~such~~ A form as ~~shall be~~ approved by the board, which form ~~shall~~ MUST be dated and signed by ~~such~~ THE dentist for each separate and individual piece of work. ~~Said~~ THE DENTIST SHALL MAKE THE laboratory work order ~~shall be made in duplicate~~ A REPRODUCIBLE form, ~~the duplicate copy to be retained by~~ AND the dentist AND THE UNLICENSED TECHNICIAN SHALL EACH RETAIN A COPY in a permanent file for ~~a period of two years. and the original copy to be retained in a permanent file for a period of two years by the unlicensed person to whom it was furnished, and both of such~~ THE permanent files OF THE LICENSED DENTIST AND THE UNLICENSED TECHNICIAN shall be open to inspection at any reasonable time by the board or its duly constituted agent. THE LICENSED DENTIST THAT FURNISHES THE LABORATORY WORK ORDER SHALL HAVE APPROPRIATE TRAINING, EDUCATION, AND EXPERIENCE RELATED TO THE PRESCRIBED TREATMENT AND IS RESPONSIBLE FOR DIRECTLY SUPERVISING ALL INTRAORAL TREATMENT RENDERED TO THE PATIENT.

(b) AN UNLICENSED TECHNICIAN THAT POSSESSES A VALID LABORATORY WORK ORDER MAY PROVIDE EXTRAORAL CONSTRUCTION, MANUFACTURE, FABRICATION, SUPPLY, OR REPAIR OF IDENTIFIED DENTAL AND ORTHODONTIC DEVICES BUT SHALL NOT PROVIDE INTRAORAL SERVICE IN A HUMAN MOUTH EXCEPT UNDER THE DIRECT SUPERVISION OF A LICENSED DENTIST IN ACCORDANCE WITH SECTION 12-35-128 (3) (d).

(2) ~~Failure of~~ IF the dentist FAILS to keep ~~such~~ permanent records of laboratory work orders ~~shall subject such~~ AS REQUIRED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE dentist IS SUBJECT to disciplinary action as deemed appropriate by the board.

(3) ~~Failure of any such~~ IF AN unlicensed ~~person~~ TECHNICIAN FAILS to have in ~~the person's~~ HIS OR HER possession a laboratory work order signed by a licensed dentist ~~or a written work order signed by the initial recipient of the laboratory work order that is identifiable~~ with each denture, ~~plate, partial plate,~~ bridge, splint, or orthodontic or prosthetic appliance in ~~the~~ HIS OR HER possession, ~~of such unlicensed person, shall be~~ THE ABSENCE OF THE LABORATORY WORK ORDER IS prima facie evidence of a violation of this section AND CONSTITUTES THE PRACTICE OF DENTISTRY WITHOUT AN ACTIVE LICENSE IN VIOLATION OF, AND SUBJECT TO THE PENALTIES SPECIFIED IN, SECTION 12-35-135.

SECTION 33. In Colorado Revised Statutes, 12-35-138, **add** (2.5) as follows:

12-35-138. Dentist peer health assistance fund. (2.5) IF A DENTIST IS ARRESTED FOR A DRUG- OR ALCOHOL-RELATED OFFENSE, THE DENTIST SHALL REFER HIMSELF OR HERSELF TO THE PEER HEALTH ASSISTANCE PROGRAM WITHIN THIRTY DAYS AFTER THE ARREST FOR AN EVALUATION AND REFERRAL FOR TREATMENT AS NECESSARY. IF THE DENTIST SELF-REFERS, THE EVALUATION BY THE PROGRAM IS CONFIDENTIAL AND CANNOT BE USED AS EVIDENCE IN ANY PROCEEDING OTHER THAN BEFORE THE BOARD. IF A DENTIST FAILS TO COMPLY WITH THIS SUBSECTION (2.5), THE FAILURE, ALONE, IS NOT GROUNDS FOR DISCIPLINE UNDER SECTION 12-35-129 AND 12-35-129.1 UNLESS THE DENTIST HAS ALSO COMMITTED AN ACT OR OMISSION SPECIFIED IN SECTION 12-35-129, OTHER THAN AN ACT OR OMISSION SPECIFIED IN SECTION 12-35-129 (1) (e) OR (1) (f).

SECTION 34. In Colorado Revised Statutes, **add** 12-35-139 and 12-35-140 as follows:

12-35-139. Continuing education requirements - rules. (1) AS A CONDITION OF RENEWING, REACTIVATING, OR REINSTATING A LICENSE ISSUED UNDER THIS ARTICLE, EVERY DENTIST AND DENTAL HYGIENIST SHALL OBTAIN AT LEAST THIRTY HOURS OF CONTINUING EDUCATION EVERY

TWO YEARS TO ENSURE PATIENT SAFETY AND PROFESSIONAL COMPETENCY.

(2) THE BOARD MAY ADOPT RULES ESTABLISHING THE BASIC REQUIREMENTS FOR CONTINUING EDUCATION, INCLUDING THE TYPES OF PROGRAMS THAT QUALIFY, EXEMPTIONS FOR PERSONS HOLDING AN INACTIVE OR RETIRED LICENSE, REQUIREMENTS FOR COURSES DESIGNED TO ENHANCE CLINICAL SKILLS FOR CERTAIN LICENSES, AND THE MANNER BY WHICH DENTISTS AND DENTAL HYGIENISTS ARE TO REPORT COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS.

12-35-140. Anesthesia and sedation permits - dentists and dental hygienists - training and experience requirements - office inspections - rules. (1) UPON APPLICATION IN A FORM AND MANNER DETERMINED BY THE BOARD AND PAYMENT OF THE APPLICABLE FEES ESTABLISHED BY THE BOARD, THE BOARD MAY ISSUE AN ANESTHESIA OR SEDATION PERMIT TO A LICENSED DENTIST OR A LOCAL ANESTHESIA PERMIT TO A DENTAL HYGIENIST IN ACCORDANCE WITH THIS SECTION.

(2) (a) A LICENSED DENTIST WHO OBTAINS AN ANESTHESIA OR SEDATION PERMIT PURSUANT TO THIS SECTION MAY ADMINISTER MINIMAL SEDATION, MODERATE SEDATION, OR DEEP SEDATION/GENERAL ANESTHESIA.

(b) A LICENSED DENTIST WHO ADMINISTERS MINIMAL SEDATION, MODERATE SEDATION, OR DEEP SEDATION/GENERAL ANESTHESIA TO PEDIATRIC DENTAL PATIENTS SHALL OBTAIN A PERMIT DESIGNATED BY THE BOARD TO ALLOW FOR ADMINISTRATION TO PEDIATRIC DENTAL PATIENTS.

(c) AN ANESTHESIA OR SEDATION PERMIT ISSUED TO A LICENSED DENTIST IS VALID FOR FIVE YEARS, UNLESS THE DENTIST'S LICENSE EXPIRES. AS A CONDITION OF RENEWING AN ANESTHESIA OR SEDATION PERMIT, A LICENSED DENTIST SHALL ATTEST, WHEN APPLYING TO RENEW THE PERMIT, THAT HE OR SHE COMPLETED SEVENTEEN CONTINUING EDUCATION CREDITS SPECIFIC TO ANESTHESIA OR SEDATION ADMINISTRATION DURING THE FIVE-YEAR PERMIT PERIOD. CONTINUING EDUCATION CREDITS OBTAINED AS REQUIRED BY THIS SECTION MAY BE USED TO SATISFY THE CONTINUING EDUCATION REQUIREMENTS IN SECTION 12-35-139.

(3) (a) A LICENSED DENTAL HYGIENIST WHO OBTAINS A LOCAL ANESTHESIA PERMIT PURSUANT TO THIS SECTION MAY ADMINISTER LOCAL

ANESTHESIA.

(b) A LOCAL ANESTHESIA PERMIT ISSUED TO A DENTAL HYGIENIST IS VALID AS LONG AS THE DENTAL HYGIENIST'S LICENSE IS ACTIVE.

(4)(a) THE BOARD SHALL ESTABLISH, BY RULE, MINIMUM TRAINING, EXPERIENCE, AND EQUIPMENT REQUIREMENTS FOR THE ADMINISTRATION OF LOCAL ANESTHESIA, ANALGESIA INCLUDING NITROUS OXIDE/OXYGEN INHALATION, AND MEDICATION PRESCRIBED OR ADMINISTERED FOR THE RELIEF OF ANXIETY OR APPREHENSION, MINIMAL SEDATION, MODERATE SEDATION, DEEP SEDATION, OR GENERAL ANESTHESIA, INCLUDING PROCEDURES THAT MAY BE USED BY AND MINIMUM TRAINING REQUIREMENTS FOR DENTISTS, DENTAL HYGIENISTS, AND DENTAL ASSISTANTS.

(b) IN ORDER TO FULFILL THE TRAINING AND EXPERIENCE REQUIREMENTS FOR AN ANESTHESIA OR SEDATION PERMIT, AN APPLICANT MUST BE THE PRIMARY PROVIDER AND DIRECTLY PROVIDE CARE FOR ALL REQUIRED CASE WORK.

(c) THE RULES RELATING TO ANESTHESIA AND SEDATION ARE NOT INTENDED TO:

(I) PERMIT ADMINISTRATION OF LOCAL ANESTHESIA, ANALGESIA, MEDICATION PRESCRIBED OR ADMINISTERED FOR THE RELIEF OF ANXIETY OR APPREHENSION, MINIMAL SEDATION, MODERATE SEDATION, DEEP SEDATION, OR GENERAL ANESTHESIA BY DENTAL ASSISTANTS; EXCEPT THAT THIS SECTION DOES NOT PROHIBIT A DENTAL ASSISTANT FROM MONITORING AND ADMINISTERING NITROUS OXIDE/OXYGEN INHALATION PERFORMED UNDER THE SUPERVISION OF A LICENSED DENTIST PURSUANT TO SECTION 12-35-113 (1) (q) AND BOARD RULES; OR

(II) REDUCE COMPETITION OR RESTRAIN TRADE WITH RESPECT TO THE DENTISTRY NEEDS OF THE PUBLIC.

(5) THE BOARD SHALL ESTABLISH, BY RULE, CRITERIA AND PROCEDURES FOR AN OFFICE INSPECTION PROGRAM TO BE COMPLETED UPON APPLICATION AND RENEWAL OF ANESTHESIA OR SEDATION PERMITS, WHICH MUST INCLUDE:

(a) DESIGNATION OF QUALIFIED INSPECTORS WHO ARE EXPERTS IN DENTAL OUTPATIENT DEEP SEDATION/GENERAL ANESTHESIA AND MODERATE SEDATION;

(b) A REQUIREMENT FOR EACH LICENSEE THAT IS INSPECTED TO BEAR THE COST OF INSPECTION BY ALLOWING DESIGNATED INSPECTORS TO CHARGE A REASONABLE FEE AS ESTABLISHED BY THE BOARD;

(c) A REQUIREMENT THAT AN INSPECTOR NOTIFY THE BOARD IN WRITING OF THE RESULTS OF AN INSPECTION; AND

(d) A REQUIREMENT FOR REINSPECTION OF AN OFFICE PRIOR TO THE RENEWAL OF A MODERATE SEDATION OR DEEP SEDATION/GENERAL ANESTHESIA PERMIT.

SECTION 35. In Colorado Revised Statutes, **add with amended and relocated provisions** 12-35-141 as follows:

12-35-141. Professional liability insurance required. (1) A LICENSED DENTIST SHALL MEET THE FINANCIAL RESPONSIBILITY REQUIREMENTS ESTABLISHED BY THE BOARD PURSUANT TO SECTION 13-64-301 (1) (a), C.R.S.

(2) [**Formerly 12-35-127 (4)**] A practicing LICENSED dental hygienist shall have professional liability insurance in ~~the~~ AN amount of not less than fifty thousand dollars per claim and WITH an aggregate liability limit for all claims during a calendar year of not less than three hundred thousand dollars. Upon request of the board, ~~the~~ A dental hygienist shall provide proof of ~~the~~ PROFESSIONAL LIABILITY insurance to the board.

SECTION 36. In Colorado Revised Statutes, 8-42-101, **amend** (3.5) (a) (I) as follows:

8-42-101. Employer must furnish medical aid - approval of plan - fee schedule - contracting for treatment - no recovery from employee - medical treatment guidelines - accreditation of physicians - rules - repeal. (3.5) (a) (I) "Physician" means, for the purposes of the level I and level II accreditation programs, a physician licensed under the "Colorado Medical Practice Act". For the purposes of level I accreditation only and not level II accreditation, "physician" means a dentist licensed under the

"Dental Practice ~~Law of Colorado~~ ACT", a podiatrist licensed under the provisions of article 32 of title 12, C.R.S., and a chiropractor licensed under the provisions of article 33 of title 12, C.R.S. No physician shall be deemed to be accredited under either level I or level II solely by reason of being licensed.

SECTION 37. In Colorado Revised Statutes, 10-16-113, **amend** (1) (c) as follows:

10-16-113. Procedure for denial of benefits - internal review - rules. (1) (c) If a carrier denies a benefit because the treatment is an excluded benefit and the claimant presents evidence from a medical professional licensed pursuant to the "Colorado Medical Practice Act", article 36 of title 12, C.R.S., or, for dental plans only, a dentist licensed pursuant to the "Dental Practice ~~Law of Colorado~~ ACT", article 35 of title 12, C.R.S., acting within his or her scope of practice, that there is a reasonable medical basis that the contractual exclusion does not apply to the denied benefit, such evidence establishes that the benefit denial is subject to the appeals process pursuant to this section and section 10-16-113.5.

SECTION 38. In Colorado Revised Statutes, 12-30-101, **amend** (4) as follows:

12-30-101. Definitions. As used in this article, unless the context otherwise requires:

(4) "Licensed dentist" means a person licensed to practice dentistry under ~~the provisions of~~ article 35 of this title by the ~~state~~ COLORADO DENTAL board of dental examiners or its successor.

SECTION 39. In Colorado Revised Statutes, 12-35-201, **amend** (2) as follows:

12-35-201. Legislative declaration. (2) It is the intent of the general assembly that dentists and dental hygienists utilizing unlicensed persons in their practices provide those persons with a minimum level of education and training before allowing them to operate machine sources of ionizing radiation; however, it is not the general assembly's intent to discourage education and training beyond this minimum. It is further the

intent of the general assembly that established minimum training and education requirements correspond as closely as possible to the requirements of each particular work setting as determined by the state COLORADO DENTAL board of dental examiners pursuant to this part 2.

SECTION 40. In Colorado Revised Statutes, 12-35-202, **amend** (1) (a) as follows:

12-35-202. Board authorized to issue rules. (1) (a) The state COLORADO DENTAL board of dental examiners shall adopt rules prescribing minimum standards for the qualifications, education, and training of unlicensed persons operating machine sources of ionizing radiation and administering ~~such~~ radiation to patients for diagnostic medical use. ~~No~~ A licensed dentist or dental hygienist shall NOT allow ~~any~~ AN unlicensed person to operate ~~any~~ A machine source of ionizing radiation or to administer ~~such~~ radiation to any patient unless ~~such~~ THE person has met the MEETS standards then in effect under rules adopted pursuant to this section. The board may adopt rules allowing a grace period in which newly hired operators of machine sources of ionizing radiation ~~shall~~ ARE TO receive the training required ~~pursuant to~~ BY this section.

SECTION 41. In Colorado Revised Statutes, 13-4-102, **amend** (2) (g) as follows:

13-4-102. Jurisdiction. (2) The court of appeals has initial jurisdiction to:

(g) Review actions of the COLORADO DENTAL board of ~~dental examiners~~ in refusing to issue or renew or in suspending or revoking a license to practice dentistry or dental hygiene, as provided in section 12-35-130, C.R.S.;

SECTION 42. In Colorado Revised Statutes, 13-64-301, **amend** (1) (a) (II) introductory portion and (1) (a) (III) as follows:

13-64-301. Financial responsibility. (1) As a condition of active licensure or authority to practice in this state, every physician or dentist, and every health care institution as defined in section 13-64-202, except as provided in section 13-64-303.5, that provides health care services shall establish financial responsibility, as follows:

(a) (II) The COLORADO DENTAL board, ~~of dental examiners~~ BY RULE, may ~~by rule~~, exempt from or establish lesser financial responsibility standards than those prescribed in this section for classes of dentists who:

(III) The COLORADO DENTAL board ~~of dental examiners~~ may exempt from or establish lesser financial responsibility standards for a dentist for reasons other than those described in subparagraph (II) of this paragraph (a) that render the limits provided in subparagraph (I) of this paragraph (a) unreasonable or unattainable.

SECTION 43. In Colorado Revised Statutes, 17-1-103, **amend** (3) (a) (III) as follows:

17-1-103. Duties of the executive director. (3) (a) (III) The executive director shall determine the qualifications for appointment to the panel of medical consultants; except that all members of the panel shall be licensed by the Colorado medical board pursuant to article 36 of title 12, C.R.S., or the ~~state~~ COLORADO DENTAL board ~~of dental examiners~~ pursuant to article 35 of title 12, C.R.S.

SECTION 44. In Colorado Revised Statutes, **amend** 18-18-103 as follows:

18-18-103. Special definition - board. As used in parts 1 and 2 of this article, "board" means the state board of pharmacy. As used in parts 3, 4, 5, and 6 of this article, "board" means the respective licensing board responsible for licensing and registering practitioners or other persons who are subject to registration pursuant to part 3 of this article. For physicians the respective board is the Colorado medical board; for podiatrists the respective board is the Colorado podiatry board; for dentists the respective board is the ~~state~~ COLORADO DENTAL board; ~~of dental examiners~~; for optometrists the respective board is the state board of optometry; for pharmacists and pharmacies the respective board is the state board of pharmacy; for veterinarians the respective board is the state board of veterinary medicine; and for manufacturers, distributors, and humane societies the respective board is the state board of pharmacy.

SECTION 45. In Colorado Revised Statutes, 18-18-302, **amend** (1) as follows:

18-18-302. Registration requirements - definitions. (1) Every person who manufactures, distributes, or dispenses any controlled substance within this state, or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, shall obtain annually or biannually, if applicable, a registration, issued by the respective licensing board or the department in accordance with rules adopted by such board or by the department. For purposes of this section and this article, "registration" or "registered" means the registering of manufacturers, pharmacists, pharmacies, and humane societies located in this state, and distributors located in or doing business in this state, by the state board of pharmacy as set forth in article 42.5 of title 12, C.R.S., the licensing of physicians by the Colorado medical board, as set forth in article 36 of title 12, C.R.S., the licensing of podiatrists by the Colorado podiatry board, as set forth in article 32 of title 12, C.R.S., the licensing of dentists by the state COLORADO DENTAL board, ~~of dental examiners~~, as set forth in article 35 of title 12, C.R.S., the licensing of optometrists by the state board of optometry, as set forth in article 40 of title 12, C.R.S., the licensing of veterinarians by the state board of veterinary medicine, as set forth in article 64 of title 12, C.R.S., and the licensing of researchers and addiction programs by the department of human services, as set forth in part 2 of article 80 of title 27, C.R.S.

SECTION 46. In Colorado Revised Statutes, 24-1-122, **amend** (3) (k) as follows:

24-1-122. Department of regulatory agencies - creation. (3) The following boards and agencies are transferred by a **type 1** transfer to the department of regulatory agencies and allocated to the division of registrations:

(k) ~~State~~ COLORADO DENTAL board ~~of dental examiners~~, created by IN article 35 of title 12, C.R.S.;

SECTION 47. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of professions and occupations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2014, the sum of \$109,008 and 1.0 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this

act as follows:

(a) \$42,530 and 1.0 FTE to the division of professions and occupations for personal services;

(b) \$5,653 to the division of professions and occupations for operating expenses and capital outlay;

(c) \$3,900 to the division of professions and occupations for board expenses; and

(d) \$56,925 to the executive director's office and administrative services for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2014, the sum of \$56,925 and 0.3 FTE, or so much thereof as may be necessary, for the provision of legal services for the department of regulatory agencies related to the implementation of this act. Said sum is from reappropriated funds received from the department of regulatory agencies out of the appropriation made in paragraph (d) of subsection (1) of this section.

SECTION 48. Effective date. This act takes effect July 1, 2014.

SECTION 49. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO