

Don L. Ipson proposes the following substitute bill:

Dental Practice Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions related to dental practice.

Highlighted Provisions:

This bill:

- amends definitions;
- amends the membership of the Dentist and Dental Hygienist Licensing Board;
- amends supervision provisions regarding dental professionals;
- amends provisions regarding dental hygiene schools;
- amends provisions related to the practice of dentistry and dental hygiene;
- amends teledentistry provisions; and
- makes other conforming and technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-69-102, as last amended by Laws of Utah 2020, Chapter 273

58-69-201, as last amended by Laws of Utah 1997, Chapter 10

58-69-301, as last amended by Laws of Utah 2020, Chapter 273

58-69-501, as last amended by Laws of Utah 2015, Chapter 343

58-69-802, as last amended by Laws of Utah 2020, Chapter 273

58-69-803, as enacted by Laws of Utah 1996, Chapter 116

58-69-804, as enacted by Laws of Utah 1996, Chapter 116

58-69-807, as enacted by Laws of Utah 2020, Chapter 273

29 ENACTS:

30 **58-69-808**, Utah Code Annotated 1953

31 REPEALS AND REENACTS:

32 **58-69-801**, as last amended by Laws of Utah 2023, Chapter 334

33

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

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

36 **58-69-102 . Definitions.**

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

38 (1) "Asynchronous technology" means store-and-forward technology that allows [a licensed
39 dental professional to transmit] for the transmission of a patient's health information to a
40 dentist for viewing at a later time.

41 (2) "Board" means the Dentist and Dental Hygienist Licensing Board created in Section
42 58-69-201.

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

46 (4) "Dental hygienist" means an individual licensed under this chapter as a dental hygienist.

47 (5) "Dentist" means an individual licensed under this chapter as a dentist.

48 [(4)] (6) "Direct supervision" means the supervising dentist is present and available for
49 face-to-face communication with the person being supervised when and where
50 professional services are being provided.

51 (7) "Expanded function" means a procedure that is authorized under Section 58-69-808.

52 [(5)] (8) "General supervision" means that the supervising dentist is available for
53 consultation regarding work the supervising dentist has authorized, without regard as to
54 whether the supervising dentist is located on the same premises as the person being
55 supervised.

56 [(6)] (9) "Indirect supervision" means that the supervising dentist is present within the
57 facility in which the person being supervised is providing services and is available to
58 provide immediate face-to-face communication with the person being supervised.

59 [(7)] (10) "Practice of dental hygiene" means, [regarding] with respect to humans and subject
60 to Section 58-69-801:

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

97 (n) making impressions or intraoral scans of teeth or jaws;

98 (o) performing tasks delegated by a dentist in other practices of dental hygiene as
99 defined by division rule; and

100 (p) performing expanded functions in accordance with Section 58-69-808.

101 [(8)] (11) "Practice of dentistry" means the following, regarding humans:

102 (a) to offer, undertake, or represent that a person will undertake by any means or
103 method, including teledentistry, to:

104 (i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease,
105 pain, injury, deficiency, deformity, or any other condition of the human teeth,
106 alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the
107 maxillofacial region;

108 (ii) take an appropriate history and physical consistent with the level of professional
109 service to be provided and the available resources in the facility in which the
110 service is to be provided;

111 (iii) [~~take-~~] make impressions, intraoral scans, or registrations;

112 (iv) supply artificial teeth as substitutes for natural teeth, including placing veneers;

113 (v) remove deposits, accumulations, calculus, and concretions from the surfaces of
114 teeth; [~~and~~]

115 (vi) correct or attempt to correct malposition of teeth; and

116 (vii) prescribe, deliver, and provide follow-up care for oral appliance therapy,
117 including as a treatment for sleep-disordered breathing and obstructive sleep
118 apnea;

119 (b) to administer anesthetics necessary or proper in the practice of dentistry, only as
120 allowed by an anesthesia and analgesia permit obtained from the division;

121 (c) to administer and prescribe drugs related to and appropriate in the practice of
122 dentistry;

123 (d) to supervise the practice of a:

124 (i) [-]dental hygienist in accordance with Subsection 58-69-801; or

125 (ii) [-]dental assistant as established by division rule made in collaboration with the
126 board; or

127 (e) to represent oneself by any title, degree, or in any other way that one is a dentist.

128 (12) "Public health agency" means a local health department as defined in Section
129 26A-1-102 or the Department of Health and Human Services.

130 [(9)] (13) "Public health setting" means:

- 131 (a) an individual's residence, if the individual is [~~unable to leave the residence~~]
 132 non-ambulatory;
- 133 (b) a school, as part of a school-based program;
- 134 (c) a nursing home;
- 135 (d) an assisted living or long-term care facility;
- 136 (e) a community health center;
- 137 (f) if a dental hygienist is employed by a public health agency, a location directed by the
 138 public health agency;
- 139 [~~(f)~~] (g) a federally-qualified health center; or
- 140 [~~(g)~~] (h) a mobile dental health program that employs a dentist who is licensed under this
 141 chapter.
- 142 [(10)] (14) "Supervising dentist" means a licensed dentist who has agreed to provide
 143 supervision of a dental hygienist or unlicensed individual in accordance with the
 144 provisions of this chapter.
- 145 [(11)] (15) "Synchronous technology" means two-way audiovisual technology that allows a
 146 licensed dental professional to see and communicate in real time with a patient who is
 147 located in a different physical location.
- 148 [(12)] (16) "Teledentistry" means the practice of dentistry using synchronous or
 149 asynchronous technology.
- 150 [(13)] (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
 151 and 58-69-501.
- 152 [(14)] (18) "Unprofessional conduct" means the same as that term is defined in Sections
 153 58-1-501 and 58-69-502 and as may be further defined by rule.
- 154 Section 2. Section **58-69-201** is amended to read:
- 155 **58-69-201 . Board.**
- 156 (1) There is created the Dentist and Dental Hygienist Licensing Board, consisting of six
 157 licensed dentists, [~~two~~] four licensed dental hygienists, and one member of the general
 158 public.
- 159 (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- 160 (3)(a) The duties and responsibilities of the board shall be in accordance with Sections
 161 58-1-202 and 58-1-203.
- 162 (b) In addition, the board shall designate one of its members on a permanent or rotating
 163 basis to:
- 164 (i) assist the division in reviewing complaints concerning the unlawful or

165 unprofessional conduct of a licensee; and

166 (ii) advise the division with respect to the conduct of investigations of these
167 complaints.

168 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its
169 investigation may be disqualified from participating with the board when the board
170 serves as a presiding officer in an adjudicative proceeding concerning the complaint.

171 (5) Board members may serve as examiners for licensing examinations established under
172 Section 58-69-302 when requested by the examining body.

173 (6) Board members serving as examiners shall be compensated in accordance with
174 Subsection 58-1-201(4), but may not be compensated for per diem or allowable
175 expenses if they are eligible to receive compensation from the examining body.

176 Section 3. Section **58-69-301** is amended to read:

177 **58-69-301 . License required -- License classifications -- Anesthesia and analgesia**
178 **permits.**

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

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

183 (a) dentist; or

184 (b) dental hygienist.

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

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

188 (a) the classifications of anesthesia and analgesia permits~~[-and]~~ ;

189 ~~(b)~~ (b) the scope of practice permitted under each permit classification; and

190 ~~(b)~~ (c) the [qualifications] requirements for obtaining each ~~[classification]~~ class of [
191 ~~anesthesia and analgesia-~~]permit.

192 Section 4. Section **58-69-501** is amended to read:

193 **58-69-501 . Unlawful conduct.**

194 "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:

195 (1) administering anesthesia or analgesia in the practice of dentistry or dental hygiene if the
196 individual does not hold a current permit issued by the division authorizing that

197 individual to administer the type of anesthesia or analgesia used; and

198 (2) practice of dental hygiene by a licensed dental hygienist ~~[when not under the~~

199 supervision of a dentist, or under a written agreement with a dentist who is licensed
 200 under this chapter and who is a Utah resident, in accordance with the provisions of this
 201 chapter; or] if not done in accordance with Section 58-69-801.

202 (3) directing or interfering with a licensed dentist's judgment and competent practice of
 203 dentistry.

204 Section 5. Section **58-69-801** is repealed and reenacted to read:

205 **58-69-801 . Dental hygienist practice standards.**

206 (1) Except as provided in Subsection (2), a dental hygienist may engage in the practice of
 207 dental hygiene in any setting under general supervision.

208 (2) A dental hygienist may:

209 (a) under the indirect supervision of a dentist:

210 (i) administer nitrous oxide analgesia; and

211 (ii) perform expanded functions in accordance with Section 58-69-808; and

212 (b) under the general supervision of a dentist:

213 (i) administer local anesthesia; and

214 (ii) perform palliative treatment, interim treatment, or caries arresting treatment as
 215 delegated and according to the treatment plan of the supervising dentist for a
 216 patient.

217 (3) Notwithstanding Subsection (1) and except as provided in Subsection (2), a dental
 218 hygienist may engage in the practice of dental hygiene without general supervision if:

219 (a) the dental hygienist engages in the practice of dental hygiene in a public health
 220 setting;

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

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

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

230 (e) the dental hygienist:

231 (i) obtains from each patient an informed consent form that provides that treatment
 232 by a dental hygienist is not a substitute for a dental examination by a dentist;

- 233 (ii) refers to a dentist any patient with a dental need beyond the dental hygienist's
 234 scope of practice encountered while engaging in the practice of dental hygiene in a
 235 public health setting; and
- 236 (iii) retains all dental records for the patient generated by the dental hygienist in
 237 accordance with Health Insurance Portability and Accountability Act of 1996,
 238 Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- 239 (4) Notwithstanding Subsection (1) and except as provided in Subsection (2), a dental
 240 hygienist may practice dental hygiene in an accredited dental hygiene school to teach
 241 and demonstrate the practice of dental hygiene.
- 242 (5)(a) An accredited dental hygiene school may teach, demonstrate, and perform
 243 expanded functions in accordance with Section 58-69-808 and associated rules in a
 244 clinical setting operated by the school if:
- 245 (i) the expanded functions are included in the school's curriculum;
 246 (ii) the curriculum is compliant with standards created by the Commission on Dental
 247 Accreditation, or its successor organization, for teaching expanded functions;
 248 (iii) except as provided in Subsection (5)(b), any expanded function is performed in
 249 accordance with rules made under Section 58-69-808; and
 250 (iv) any expanded function performed in the clinical setting is done under the indirect
 251 supervision of a dentist.
- 252 (b) An accredited dental hygiene school may act in accordance with Subsection (5)(a)
 253 without regard to rules being issued under Section 58-69-808 until the earlier of:
 254 (i) the day on which the division issues rules under Section 58-69-808; or
 255 (ii) May 31, 2027.

256 Section 6. Section **58-69-802** is amended to read:

257 **58-69-802 . Practice within limits of law, education, training, experience, and**
 258 **competency.**

259 [(1)] Each individual licensed under this chapter shall confine [his] the individual's practice
 260 to those acts[~~or practices~~]:

261 [(a)] (1) permitted by law; and

262 [(b)] (2) in which the [individual] dentist or dental hygienist is competent by education,
 263 training, and experience.

264 [(2)(a)] ~~The standard of dental care a licensed dental professional provides through~~
 265 ~~teledentistry is the same as the standard of dental care a licensed dental professional~~
 266 ~~provides in a traditional physical setting.]~~

- 267 ~~[(b)(i) A treating dentist may use teledentistry to collaborate with a dental hygienist~~
 268 ~~within the relevant applicable scopes of practice and under the appropriate level of~~
 269 ~~dentist supervision, in accordance with existing supervision laws.]~~
- 270 ~~[(ii) A dental hygienist, other dental auxiliary, or any other teledentistry provider may~~
 271 ~~not carry out any duties through teledentistry that require the in-person~~
 272 ~~supervision of a dentist licensed under this chapter.]~~
- 273 ~~[(e) A dentist may not conduct a dental examination using teledentistry if the standard of~~
 274 ~~care necessitates a traditional physical dental examination.]~~

275 Section 7. Section **58-69-803** is amended to read:

276 **58-69-803 . Use of dental assistants.**

277 ~~[The standards]~~ Standards regulating the use of ~~[unlicensed individuals as]~~ dental
 278 assistants shall be established by division rule made in collaboration with the board.

279 Section 8. Section **58-69-804** is amended to read:

280 **58-69-804 . Form of practice.**

281 (1) A dentist ~~[licensed under this chapter may engage in practice as a dentist, or in the~~
 282 ~~practice of dentistry only as an individual licensee, but as an individual licensee, he may~~
 283 ~~be]~~ may engage in the practice of dentistry as:

- 284 (a) an individual operating as a business proprietor;
 285 (b) an employee of another person;
 286 (c) a partner in a lawfully organized partnership;
 287 (d) a lawfully formed professional corporation;
 288 (e) a lawfully organized limited liability company;
 289 (f) a lawfully organized business corporation; or
 290 (g) any other form of organization recognized by the state which is not prohibited by
 291 rule adopted by division rules made in collaboration with the board.

292 (2) Regardless of the form in which a licensee engages in the practice of dentistry, the
 293 licensee may not permit another person who is not licensed in Utah as a dentist and is
 294 not otherwise competent to engage in the practice of dentistry to direct, or in any other
 295 way participate in, or interfere in the licensee's practice of dentistry.

296 Section 9. Section **58-69-807** is amended to read:

297 **58-69-807 . Use of teledentistry -- Informed consent -- Rulemaking.**

298 (1) A dentist may provide dental services using teledentistry~~[, including the following:]~~ .
 299 ~~[(a) collaborating with a licensed dental professional in the completion of the following~~
 300 ~~at a public health setting, generally with a written collaborative agreement, directly,~~

- 301 or indirectly, in accordance with this chapter:]
- 302 [(i) gathering diagnostic information to be used by the dentist at a remote location to
- 303 form a tentative basic treatment plan and provide appropriate preventive or urgent
- 304 prescriptions;]
- 305 [(ii) perform preventive dental procedures;]
- 306 [(iii) provide oral health education; and]
- 307 [(iv) perform any palliative or interim treatment or caries arresting treatment outlined
- 308 in the dentist's treatment plan and authorized by the dentist, in accordance with
- 309 this chapter and rules made in accordance with this chapter; and]
- 310 [(b) at a remote location, using records and diagnostic information that a dental hygienist
- 311 provides to form a tentative treatment plan for basic dental procedures.]
- 312 (2)(a) The standard of dental care a licensed dental professional provides through
- 313 teledentistry is the same as the standard of dental care a licensed dental professional
- 314 provides in a traditional physical setting.
- 315 (b) A treating dentist may use teledentistry to collaborate with a dental hygienist within
- 316 the relevant applicable scopes of practice and under the appropriate level of
- 317 supervision described in Section 58-69-801.
- 318 (c) A dental hygienist, other unlicensed individual supervised by a dentist, or any other
- 319 provider may not carry out any duties through teledentistry that require direct or
- 320 indirect supervision of a dentist.
- 321 (d) A dentist may not conduct a dental examination using teledentistry if the standard of
- 322 care necessitates a traditional physical dental examination.
- 323 (e)(i) A dentist may correct or attempt to correct malpositioned teeth or provide an
- 324 oral appliance to treat sleep-disordered breathing and obstructive sleep apnea if
- 325 the dentist:
- 326 (A) has performed an appropriate, in-person, physical examination of the patient
- 327 for the purpose of diagnosing, assessing, and developing a treatment plan;
- 328 (B) has reviewed the patient's relevant history, medical records, diagnostic
- 329 records, and contemporaneous radiographic records; and
- 330 (C) will provide reasonable in-person follow-up care.
- 331 (ii) Notwithstanding the limitations described in Subsection (2)(e)(i), the dentist may
- 332 establish an initial relationship with a patient through teledentistry only:
- 333 (A) for the purpose of emergent care;
- 334 (B) to make an initial diagnosis of a malposition of teeth and a determination of

- 335 the need for an orthodontic appliance; or
336 (C) to screen for sleep-disordered breathing and obstructive sleep apnea, and
337 assess the need for oral appliance therapy for jaw repositioning.
- 338 (iii) A dentist shall confirm an initial diagnosis described in Subsection (2)(e)(ii)(B)
339 through conducting an in-person examination, reviewing the patient's
340 contemporaneous radiographic records, and reviewing results from any other
341 relevant test, imaging, or consultation before the patient begins using any
342 orthodontic appliance.
- 343 (iv) A dentist shall confirm an assessment described in Subsection (2)(e)(ii)(C)
344 through conducting an in-person examination, reviewing the patient's
345 contemporaneous radiographic records, and reviewing results from any other
346 relevant test, imaging, or consultation before ordering fabrication of an oral
347 appliance for jaw repositioning and delivering the appliance to the patient.
- 348 (3) A licensed dental professional or any entity employing a licensed dental professional
349 may not require a patient to sign ~~an~~ a pretreatment agreement that limits the patient's
350 ability to file a complaint with the division, file a lawsuit, join a class action lawsuit,
351 make reports to a governmental entity, require the patient to submit to binding
352 arbitration, or otherwise limit or prohibit the patient from obtaining relief for
353 deficiencies in the treatment or services provided to the patient.
- 354 ~~(3)~~ (4) When a licensed dental professional uses teledentistry, the licensed dental
355 professional shall ensure informed consent covers the following additional information:
356 (a) a description of the types of dental care services provided through teledentistry,
357 including limitations on services;
358 (b) the name, contact information, licensure, credentials, and qualifications of all
359 dentists and dental hygienists involved in the patient's dental care; and
360 (c) precautions and protocols for technological failures or emergency situations.
- 361 ~~(4)~~ (5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
362 Administrative Rulemaking Act, to establish requirements and parameters regarding
363 teledentistry to ensure the safe use of teledentistry, including additional provisions for:
364 (a) transparency, disclosure, and informed consent;
365 (b) standard of care;
366 (c) proper documentation;
367 (d) supervision and scope of practice;
368 (e) patient complaints; and

369 (f) protocols for referrals.
370 (6) If provisions or rules made under Section 26B-4-704 conflict with the provisions of this
371 section or rules made under this section, the provisions of this section and the rules made
372 under this section control when the individual being regulated is providing services
373 regulated under this chapter.

374 Section 10. Section **58-69-808** is enacted to read:

375 **58-69-808 . Expanded functions of dental auxiliaries.**

376 (1) The division shall create certifications for dental auxiliaries to perform, under the
377 indirect supervision of a dentist, various expanded functions, including:

378 (a) delegated maxillofacial administration of botulinum toxin by a dental hygienist
379 certified by the division;

380 (b) placement of direct restorations by a dental hygienist certified by the division or a
381 dental assistant certified by the division; and

382 (c) the removal of coronal dental adhesive by a dental hygienist certified by the division
383 or a dental assistant certified by the division.

384 (2) The division shall make rules to implement this section, including rules regarding:

385 (a) the education and minimum qualifications to obtain a certification; and

386 (b) parameters for performing an expanded function.

387 Section 11. **Effective Date.**

388 This bill takes effect on May 7, 2025.