

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0229.01 Yelana Love x2295

SENATE BILL 22-219

SENATE SPONSORSHIP

Moreno and Smallwood,

HOUSE SPONSORSHIP

Duran and McLachlan,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF DENTAL THERAPISTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

On and after January 1, 2023, the bill prohibits a person from practicing dental therapy in the state unless licensed by the Colorado dental board (board). A licensed dental therapist is authorized to deliver routine and preventive dental care.

A person who desires to qualify for practice as a dental therapist must file with the board a written application for a license, proof of graduation from a school of dental therapy or a dental therapy program that meets the requirements of the bill, and proof of completion of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

examinations required for licensure as a dental hygienist.

A dental therapist is allowed to practice only under the direct supervision of a licensed dentist until the dental therapist practices for 1,000 hours.

After reaching 1,000 hours, the dental therapist may practice under the indirect supervision of a licensed dentist pursuant to a written articulated plan. The articulated plan must include:

- Methods of dentist supervision, consultation, and approval;
- Protocols for informed consent, record keeping, quality assurance, and dispensing or administering medications;
- Policies for handling referrals when a patient needs services the dental therapist is not authorized or qualified to provide;
- Policies for handling medical emergencies; and
- Policies for supervising dental assistants and working with dental hygienists and other dental practitioners and staff.

A licensed dental therapist must maintain professional liability insurance in an amount not less than \$500,000 per incident and \$1.5 million annual aggregate per year; except that this requirement is not applicable to a dental therapist who is a public employee under the "Colorado Governmental Immunity Act".

A state institution of higher education offering an accredited dental therapy training program may grant advanced standing toward completion of an accredited dental therapy program if a student meets the conditions specified in the bill.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Access to affordable, quality, and equitable dental care and to
5 dental providers has been demonstrated to have a positive impact on
6 people's overall health outcomes and overall well-being;

7 (b) Although great strides have been made toward increasing
8 access to affordable dental care, not enough has been accomplished to
9 address oral-health-access issues across Colorado, particularly in the
10 state's rural areas, and for Coloradans who have historically and
11 systematically faced barriers to health care, including people of color and

1 Coloradans with low incomes;

2 (c) According to the "Colorado Health Access Survey" (survey)
3 by the Colorado Health Institute, roughly one in five Coloradans report
4 poor oral health;

5 (d) In the survey, 400,000 Coloradans said that at some point in
6 the past year, they were unable to participate in regular daily activities
7 like school or work due to dental pain;

8 (e) Fifty-three of Colorado's 64 counties are designated as dental
9 professional shortage areas, with five counties without a single licensed
10 dentist;

11 (f) Dentist participation in Medicaid sits at 59.9%, but in 2018,
12 only 28% of Colorado dentists served any Medicaid-enrolled patients;

13 (g) Adults in rural areas have almost twice the prevalence of tooth
14 loss when compared to urban adults;

15 (h) By kindergarten, 40% of children in Colorado already have
16 dental decay, and this rate increases for children living in low-income
17 communities. Dental health issues continue to be a leading cause of
18 school absenteeism for Colorado's kids.

19 (i) Research has shown that dental therapists practicing in other
20 states provide safe and high-quality care, assist in improving access to
21 dental care, and experience high patient acceptability;

22 (j) A long-term study of dental therapists in the country found that
23 dental therapists are improving access to care, resulting in both adults and
24 children getting more preventive care and keeping their natural teeth; and

25 (k) In order to ensure dental care is accessible for all Coloradans,
26 it is critical that the state establish a license for dental therapists to help
27 close the historic gaps and barriers that Coloradans face in accessing

1 dental care.

2 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-220-102
3 as follows:

4 **12-220-102. Legislative declaration.** The practice of dentistry,
5 DENTAL THERAPY, and dental hygiene in this state is declared to affect the
6 public health, safety, and welfare and to be subject to regulation and
7 control in the public interest. It is further declared to be a matter of public
8 interest and concern that the dental profession merit and receive the
9 confidence of the public and that only qualified dentists, DENTAL
10 THERAPISTS, and dental hygienists be permitted to practice dentistry,
11 DENTAL THERAPY, or dental hygiene in this state. It is the purpose of this
12 article 220 to promote the public health, safety, and welfare by regulating
13 the practice of dentistry, DENTAL THERAPY, and dental hygiene and to
14 ensure that no one ~~shall practice~~ PRACTICES dentistry, DENTAL THERAPY,
15 or dental hygiene without qualifying under this article 220. The
16 provisions of this article 220 relating to licensure by credentials are not
17 intended to reduce competition or restrain trade with respect to the oral
18 health needs of the public. All provisions of this article 220 relating to the
19 practice of dentistry, DENTAL THERAPY, and dental hygiene shall be
20 liberally construed to carry out these objects and purposes.

21 **SECTION 3.** In Colorado Revised Statutes, 12-220-104, **amend**
22 (1), (3), (13), and (15); and **add** (5.5) as follows:

23 **12-220-104. Definitions - rules.** As used in this article 220, unless
24 the context otherwise requires:

25 (1) "Accredited" means a program that is nationally recognized for
26 specialized accrediting for dental, DENTAL THERAPY, dental hygiene, and
27 dental auxiliary programs by the United States department of education.

1 (3) "Dental assistant" means any person, other than a dentist,
2 DENTAL THERAPIST, or dental hygienist, licensed in Colorado, who may
3 be assigned or delegated to perform dental tasks or procedures as
4 authorized by this article 220 or by rules of the board.

5 (5.5) "DENTAL THERAPY" MEANS THE DELIVERY OF DENTAL CARE
6 AS SPECIFIED IN SECTION 12-220-507 AND IN ACCORDANCE WITH THIS
7 ARTICLE 220 AND RULES PROMULGATED BY THE BOARD.

8 (13) "Proprietor" includes any person who:

9 (a) Employs dentists, DENTAL THERAPISTS, dental hygienists, or
10 dental assistants in the operation of a dental office, except as provided in
11 sections 12-220-305 and 12-220-501;

12 (b) Places in possession of a dentist, DENTAL THERAPIST, dental
13 hygienist, dental assistant, or other agent dental material or equipment
14 that may be necessary for the management of a dental office on the basis
15 of a lease or any other agreement for compensation for the use of the
16 material, equipment, or offices; or

17 (c) Retains the ownership or control of dental equipment or
18 material or a dental office and makes the same available in any manner
19 for use by dentists, DENTAL THERAPISTS, dental hygienists, dental
20 assistants, or other agents; except that nothing in this subsection (13)(c)
21 applies to bona fide sales of dental equipment or material secured by a
22 chattel mortgage or retain-title agreement or to the loan of articulators.

23 (15) "Telehealth supervision" means indirect supervision by a
24 dentist of a DENTAL THERAPIST OR dental hygienist performing a
25 statutorily authorized procedure using telecommunications systems.

26 **SECTION 4.** In Colorado Revised Statutes, **add** 12-220-407.2
27 and 12-220-407.5 as follows:

1 **12-220-407.2. Application for dental therapist license - fee -**

2 **rules.** (1) EFFECTIVE JANUARY 1, 2023, EVERY PERSON WHO DESIRES TO
3 QUALIFY FOR PRACTICE AS A DENTAL THERAPIST WITHIN THIS STATE MUST
4 FILE WITH THE BOARD:

5 (a) A WRITTEN APPLICATION FOR A LICENSE, ON WHICH
6 APPLICATION THE APPLICANT MUST LIST:

7 (I) ANY ACT OR OMISSION OF THE APPLICANT THAT WOULD BE
8 GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-220-201 AGAINST
9 A LICENSED DENTAL THERAPIST; AND

10 (II) AN EXPLANATION OF THE CIRCUMSTANCES OF THE ACT OR
11 OMISSION; AND

12 (b) SATISFACTORY PROOF THAT THE APPLICANT:

13 (I) GRADUATED FROM A SCHOOL OF DENTAL THERAPY THAT, AT
14 THE TIME OF THE APPLICANT'S GRADUATION, WAS ACCREDITED BY THE
15 AMERICAN DENTAL ASSOCIATION'S COMMISSION ON DENTAL
16 ACCREDITATION, OR ITS SUCCESSOR ORGANIZATION; OR

17 (II) GRADUATED FROM A DENTAL THERAPY EDUCATION PROGRAM
18 DEVELOPED PRIOR TO FEBRUARY 6, 2015, THAT, AT THE TIME OF THE
19 APPLICANT'S GRADUATION, WAS ACCREDITED BY THE MINNESOTA BOARD
20 OF DENTISTRY OR CERTIFIED BY THE ALASKA COMMUNITY HEALTH AIDE
21 PROGRAM CERTIFICATION BOARD.

22 (2) THE APPLICANT MUST APPLY FOR A DENTAL THERAPIST LICENSE
23 ON THE FORM PRESCRIBED AND FURNISHED BY THE BOARD, MUST VERIFY
24 THE APPLICATION BY OATH, AND MUST SUBMIT THE FEE ESTABLISHED
25 PURSUANT TO SECTION 12-20-105 WITH THE APPLICATION.

26 (3) AN APPLICANT FOR LICENSURE WHO HAS NOT GRADUATED
27 FROM A SCHOOL DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION WITHIN

1 THE TWELVE MONTHS IMMEDIATELY PRECEDING APPLICATION, OR WHO
2 HAS NOT ENGAGED EITHER IN THE ACTIVE CLINICAL PRACTICE OF DENTAL
3 THERAPY OR IN TEACHING DENTAL THERAPY IN AN ACCREDITED PROGRAM
4 FOR AT LEAST ONE YEAR DURING THE FIVE YEARS IMMEDIATELY
5 PRECEDING THE APPLICATION, MUST DEMONSTRATE TO THE BOARD THAT
6 THE APPLICANT HAS MAINTAINED THE PROFESSIONAL ABILITY AND
7 KNOWLEDGE REQUIRED BY THIS ARTICLE 220.

8 **12-220-407.5. Dental therapist examinations - license.**

9 (1) EVERY APPLICANT FOR A DENTAL THERAPY LICENSE MUST SUBMIT TO
10 THE BOARD PROOF THAT THE APPLICANT SUCCESSFULLY COMPLETED THE
11 EXAMINATIONS REQUIRED FOR DENTAL HYGIENISTS SPECIFIED IN SECTION
12 12-220-406.

13 (2) ALL EXAMINATION RESULTS REQUIRED BY THE BOARD MUST BE
14 FILED WITH THE BOARD AND KEPT FOR REFERENCE FOR A PERIOD OF NOT
15 LESS THAN ONE YEAR. IF AN APPLICANT SUCCESSFULLY COMPLETES THE
16 EXAMINATIONS AND IS OTHERWISE QUALIFIED, THE BOARD SHALL GRANT
17 A LICENSE TO THE APPLICANT AND SHALL ISSUE A LICENSE CERTIFICATE
18 SIGNED BY THE OFFICERS OF THE BOARD.

19 **SECTION 5.** In Colorado Revised Statutes, 12-220-501, **amend**
20 (1)(a)(I); and **add** (2.5) as follows:

21 **12-220-501. Tasks authorized to be performed by dental**
22 **therapists, dental hygienists, or dental assistants - rules.**

23 (1) (a) (I) Except as provided in subsection (1)(a)(II) of this section, the
24 responsibility for dental diagnosis, dental treatment planning, or the
25 prescription of therapeutic measures in the practice of dentistry remains
26 with a licensed dentist and may not be assigned to any DENTAL THERAPIST
27 OR dental hygienist.

1 (2.5) A DENTAL THERAPIST MAY PERFORM A DENTAL TASK OR
2 PROCEDURE ASSIGNED TO THE DENTAL THERAPIST BY A LICENSED DENTIST
3 THAT DOES NOT REQUIRE THE PROFESSIONAL SKILL OF A LICENSED
4 DENTIST.

5 **SECTION 6.** In Colorado Revised Statutes, **add** 12-220-507 as
6 follows:

7 **12-220-507. Practice of dental therapy supervision**
8 **requirements - rules.** (1) (a) EXCEPT AS PROVIDED IN SUBSECTION
9 (1)(b) OF THIS SECTION, A DENTAL THERAPIST LICENSED PURSUANT TO THIS
10 ARTICLE 220 WHO HAS PRACTICED FOR LESS THAN ONE THOUSAND HOURS
11 OR WHO HAS SATISFIED THE REQUIREMENTS TO WAIVE HOURS AS
12 DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION MAY PRACTICE ONLY
13 UNDER THE DIRECT SUPERVISION OF A LICENSED DENTIST.

14 (b) A DENTAL THERAPIST LICENSED PURSUANT TO THIS ARTICLE
15 220 MAY PERFORM THE FOLLOWING TASKS UNDER THE INDIRECT
16 SUPERVISION OF A LICENSED DENTIST, REGARDLESS OF THE NUMBER OF
17 HOURS THE DENTAL THERAPIST HAS PRACTICED:

- 18 (I) REIMPLANTING TEETH;
- 19 (II) STABILIZING REIMPLANTED TEETH;
- 20 (III) EXTRACTING BABY TEETH THAT ARE ERUPTED OR NOT
21 IMPACTED WITHOUT RADIOLOGICAL EVIDENCE OF ROOTS;
- 22 (IV) REMOVING SUTURES;
- 23 (V) PREPARING DENTAL STUDY CASTS;
- 24 (VI) ADMINISTERING LOCAL ANESTHESIA IN ACCORDANCE WITH
25 SECTION 12-220-411;
- 26 (VII) DISPENSING AND ADMINISTERING THE FOLLOWING DRUGS
27 WITHIN THE PARAMETERS OF A WRITTEN ARTICULATED PLAN AND WITH

1 THE AUTHORIZATION OF THE SUPERVISING DENTIST: NONNARCOTIC
2 ANALGESICS, ANTI-INFLAMMATORIES, AND ANTIBIOTICS; AND

3 (VIII) ANY TASK OR PROCEDURE AUTHORIZED TO BE PERFORMED
4 BY A LICENSED DENTAL HYGIENIST AS SPECIFIED IN RULES ADOPTED
5 PURSUANT TO SECTIONS 12-220-106 (1)(a)(I), 12-220-501, 12-220-503
6 (1), AND 12-220-504 (1).

7 (c) FOR THE PURPOSES OF SATISFYING THE PRACTICE HOURS
8 REQUIREMENT SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION, THE
9 BOARD, BY RULE, MAY WAIVE UP TO SIX HUNDRED HOURS OF THE
10 REQUIRED PRACTICE HOURS. IN PROMULGATING THESE RULES, THE BOARD
11 SHALL, AT A MINIMUM, CONSIDER THE NUMBER OF YEARS THE DENTAL
12 THERAPIST HAS PRACTICED AS:

- 13 (I) A LICENSED DENTAL HYGIENIST IN COLORADO;
- 14 (II) A LICENSED DENTAL HYGIENIST IN ANOTHER STATE; OR
- 15 (III) A LICENSED DENTAL THERAPIST IN ANOTHER STATE.

16 (2)(a) A DENTAL THERAPIST LICENSED PURSUANT TO THIS ARTICLE
17 220 WHO HAS PRACTICED FOR ONE THOUSAND HOURS OR MORE MAY
18 PRACTICE UNDER THE INDIRECT SUPERVISION OF A LICENSED DENTIST AND
19 PURSUANT TO A WRITTEN ARTICULATED PLAN WITH THE DENTIST THAT
20 OUTLINES THE SUPERVISION LOGISTICS AND REQUIREMENTS FOR THE
21 DENTAL THERAPIST'S PRACTICE. AN ARTICULATED PLAN MUST INCLUDE:

- 22 (I) METHODS OF DENTIST SUPERVISION, CONSULTATION, AND
23 APPROVAL;
- 24 (II) PROTOCOLS FOR INFORMED CONSENT, RECORD KEEPING,
25 QUALITY ASSURANCE, AND DISPENSING OR ADMINISTERING MEDICATIONS;
- 26 (III) POLICIES FOR HANDLING REFERRALS WHEN A PATIENT NEEDS
27 SERVICES THE DENTAL THERAPIST IS NOT AUTHORIZED OR QUALIFIED TO

1 PROVIDE;

2 (IV) POLICIES FOR HANDLING MEDICAL EMERGENCIES; AND

3 (V) POLICIES FOR SUPERVISING DENTAL ASSISTANTS AND WORKING

4 WITH DENTAL HYGIENISTS AND OTHER DENTAL PRACTITIONERS AND STAFF.

5 (b) IN ADDITION TO THE TASKS AND PROCEDURES LISTED IN

6 SUBSECTION (1)(b) OF THIS SECTION, A DENTAL THERAPIST DESCRIBED IN

7 THIS SUBSECTION (2) MAY:

8 (I) PREPARE AND PLACE DIRECT RESTORATION IN PRIMARY AND

9 PERMANENT TEETH;

10 (II) PERFORM BRUSH BIOPSIES;

11 (III) EXTRACT PERIODONTALLY DISEASED PERMANENT TEETH WITH

12 MOBILITY OF +3 TO +4, EXCEPT FOR TEETH THAT ARE UNERUPTED,

13 IMPACTED, FRACTURED, OR REQUIRE SECTIONING; AND

14 (IV) EXTRACT BABY TEETH THAT ARE ERUPTED OR NOT IMPACTED

15 WITH RADIOLOGICAL EVIDENCE OF ROOTS.

16 (3) (a) (I) A DENTIST WHO ENTERS INTO A WRITTEN ARTICULATED

17 PLAN WITH A DENTAL THERAPIST SHALL ENSURE THAT THE DENTIST, OR

18 ANOTHER DENTIST, IS AVAILABLE TO THE DENTAL THERAPIST FOR TIMELY

19 COMMUNICATION DURING THE DENTAL THERAPIST'S PROVISION OF CARE

20 TO A PATIENT.

21 (II) A DENTAL THERAPIST AND A DENTIST WHO ENTER INTO A

22 WRITTEN ARTICULATED PLAN SHALL EACH MAINTAIN A PHYSICAL OR

23 DIGITAL COPY OF THE PLAN.

24 (III) A DENTAL THERAPIST MAY ENTER INTO WRITTEN

25 ARTICULATED PLANS WITH MORE THAN ONE DENTIST IF EACH

26 ARTICULATED PLAN INCLUDES THE SAME SUPERVISION REQUIREMENTS

27 AND SCOPE OF PRACTICE.

1 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OR
2 (3)(b)(III) OF THIS SECTION, A DENTIST MAY NOT SIMULTANEOUSLY
3 SUPERVISE MORE THAN THREE FULL-TIME OR FULL-TIME EQUIVALENT
4 DENTAL THERAPISTS.

5 (II) A DENTIST MAY SUPERVISE AN ADDITIONAL TWO FULL-TIME OR
6 FULL-TIME EQUIVALENT DENTAL THERAPISTS WHO PRACTICE IN A
7 FEDERALLY QUALIFIED HEALTH CENTER PURSUANT TO 42 U.S.C. SEC.
8 1395x (aa)(4) OR A RURAL HEALTH CLINIC PURSUANT TO 42 U.S.C. SEC.
9 1395x (aa)(4).

10 (III) THE BOARD SHALL PROMULGATE RULES CREATING A PROCESS
11 FOR A DENTIST TO SEEK A WAIVER FROM THE SUPERVISION LIMIT SPECIFIED
12 IN SUBSECTION (3)(b)(I) OF THIS SECTION. AT A MINIMUM, THE RULES
13 MUST SPECIFY THE APPLICATION PROCESS AND WAIVER REQUIREMENTS.

14 (c) A WRITTEN ARTICULATED PLAN MUST BE SIGNED BY THE
15 DENTIST AND THE DENTAL THERAPIST.

16 **SECTION 7.** In Colorado Revised Statutes, 12-220-105, **amend**
17 (1)(a), (1)(b), (1)(c), (2)(b), and (2)(c) as follows:

18 **12-220-105. Colorado dental board - qualifications of board**
19 **members - quorum - panel - rules - review of functions - repeal of**
20 **article - repeal.** (1) (a) The Colorado dental board is hereby created as
21 the agency of this state for the regulation of the practice of dentistry,
22 DENTAL THERAPY, AND DENTAL HYGIENE in this state and to carry out the
23 purposes of this article 220. The board is subject to the supervision and
24 control of the division as provided by section 12-20-103 (2).

25 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS
26 SECTION, the board consists of seven dentist members, ~~three~~ TWO DENTAL
27 THERAPIST MEMBERS, TWO dental hygienist members, and ~~three~~ TWO

1 members from the public at large. The governor shall appoint each
2 member for a term of four years, and each member must have the
3 qualifications provided in this article 220. No member shall serve more
4 than two consecutive terms of four years. Each board member holds
5 office until the member's term expires or until the governor appoints a
6 successor.

7 (II) (A) DENTAL HYGIENIST MEMBERS AND MEMBERS FROM THE
8 PUBLIC AT LARGE SERVING ON THE BOARD AS OF THE EFFECTIVE DATE OF
9 THIS SUBSECTION (1)(b)(II) MAY SERVE THE MEMBER'S FULL TERM. UPON
10 THE LICENSURE OF FIVE HUNDRED DENTAL THERAPISTS, THE GOVERNOR
11 SHALL FILL THE FIRST VACANCY IN A POSITION HELD BY A DENTAL
12 HYGIENIST WITH A DENTAL THERAPIST AND THE FIRST VACANCY IN A
13 POSITION HELD BY A MEMBER FROM THE PUBLIC AT LARGE WITH A DENTAL
14 THERAPIST.

15 (B) THIS SUBSECTION (1)(b)(II) IS REPEALED, EFFECTIVE JULY 1,
16 2027.

17 (c) (I) In making appointments to the board, the governor shall
18 attempt to create geographical, political, urban, and rural balance among
19 the board members. If a vacancy occurs in any board membership before
20 the expiration of the member's term, the governor shall fill the vacancy by
21 appointment for the remainder of the term in the same manner as in the
22 case of original appointments.

23 (II) (A) IN MAKING APPOINTMENTS OF DENTAL THERAPISTS TO THE
24 BOARD, THE GOVERNOR SHALL APPOINT INDIVIDUALS WHO ARE DIVERSE
25 WITH REGARD TO RACE, ETHNICITY, IMMIGRATION STATUS, INCOME,
26 WEALTH, AGE, ABILITY, SEXUAL ORIENTATION, GENDER IDENTITY, AND
27 GEOGRAPHY.

1 (B) IN CONSIDERING THE RACIAL AND ETHNIC DIVERSITY OF THE
2 DENTAL THERAPISTS APPOINTED TO THE BOARD, THE GOVERNOR SHALL
3 ATTEMPT TO ENSURE THAT AT LEAST ONE MEMBER IS A PERSON OF COLOR.

4 (C) IN CONSIDERING THE GEOGRAPHIC DIVERSITY OF THE DENTAL
5 THERAPISTS APPOINTED TO THE BOARD, THE GOVERNOR SHALL ATTEMPT
6 TO APPOINT MEMBERS FROM BOTH RURAL AND URBAN AREAS OF THE
7 STATE.

8 (2) A person is qualified to be appointed to the board if the
9 person:

10 (b) Is currently licensed as a dentist, DENTAL THERAPIST, or dental
11 hygienist, if fulfilling that position on the board; and

12 (c) Has been actively engaged in a clinical practice in this state for
13 at least five years immediately preceding the appointment, if fulfilling the
14 position of dentist, DENTAL THERAPIST, or dental hygienist on the board.

15 **SECTION 8.** In Colorado Revised Statutes, 12-220-106, **amend**
16 (1)(a)(I) and (1)(f) as follows:

17 **12-220-106. Powers and duties of board - rules - limitation on**
18 **authority.** (1) The board shall exercise, in accordance with this article
19 220, the following powers and duties:

20 (a) Make, publish, declare, and periodically review reasonable
21 rules pursuant to section 12-20-204, including rules regarding:

22 (I) The use of lasers for dental, DENTAL THERAPY, and dental
23 hygiene purposes within defined scopes of practice, subject to appropriate
24 education and training, and with appropriate supervision, as applicable;

25 (f) In accordance with section 12-220-411, issue anesthesia and
26 sedation permits to licensed dentists, DENTAL THERAPISTS, and dental
27 hygienists and set and collect fees for permit issuance. ~~except that the~~

1 board shall only collect fees for local anesthesia permits issued to dental
2 hygienists on or after July 1, 2014.

3 **SECTION 9.** In Colorado Revised Statutes, 12-220-201, **amend**
4 (1)(a), (1)(g), (1)(h), (1)(j)(I), (1)(j)(II), (1)(k), (1)(o), (1)(q), (1)(r), (1)(v)
5 introductory portion, (1)(v)(II), (1)(x), (1)(y)(IV), (1)(ee), (1)(ff), and
6 (1)(gg) as follows:

7 **12-220-201. Grounds for disciplinary action - definition.**

8 (1) The board may take disciplinary action against an applicant or
9 licensee in accordance with sections 12-20-404 and 12-220-202 for any
10 of the following causes:

11 (a) Engaging in fraud, misrepresentation, or deception in applying
12 for, securing, renewing, or seeking reinstatement of a license to practice
13 dentistry, DENTAL THERAPY, or dental hygiene in this state, in applying for
14 professional liability coverage required pursuant to section 12-220-307,
15 or in taking the examinations provided for in this article 220;

16 (g) Aiding or abetting, in the practice of dentistry, DENTAL
17 THERAPY, or dental hygiene, a person who is not licensed to practice
18 dentistry, DENTAL THERAPY, or dental hygiene under this article 220 or
19 whose license to practice dentistry, DENTAL THERAPY, or dental hygiene
20 is suspended;

21 (h) Except as otherwise provided in sections 12-220-304,
22 12-220-503 (4), and 25-3-103.7, practicing dentistry, DENTAL THERAPY,
23 or dental hygiene as a partner, agent, or employee of or in joint venture
24 with any person who does not hold a license to practice dentistry, DENTAL
25 THERAPY, or dental hygiene within this state or practicing dentistry,
26 DENTAL THERAPY, or dental hygiene as an employee of or in joint venture
27 with any partnership, association, or corporation. A licensee holding a

1 license to practice dentistry, DENTAL THERAPY, or dental hygiene in this
2 state may accept employment from any person, partnership, association,
3 or corporation to examine, prescribe, and treat the employees of the
4 person, partnership, association, or corporation.

5 (j) (I) Failing to notify the board, as required by section 12-30-108
6 (1), of a physical illness, physical condition, or behavioral health, mental
7 health, or substance use disorder that renders the licensee unable, or limits
8 the licensee's ability, to perform dental, DENTAL THERAPY, or dental
9 hygiene services with reasonable skill and with safety to the patient;

10 (II) Failing to act within the limitations created by a physical
11 illness, physical condition, or behavioral health, mental health, or
12 substance use disorder that renders the licensee unable to ~~practice~~
13 PERFORM dental, DENTAL THERAPY, or dental hygiene services with
14 reasonable skill and safety or that may endanger the health or safety of
15 persons under ~~his or her~~ THE LICENSEE'S care; or

16 (k) Committing an act or omission that constitutes grossly
17 negligent dental, DENTAL THERAPY, or dental hygiene practice or that fails
18 to meet generally accepted standards of dental, DENTAL THERAPY, or
19 dental hygiene practice;

20 (o) False billing in the delivery of dental, DENTAL THERAPY, or
21 dental hygiene services, including ~~but not limited to~~, performing one
22 service and billing for another, billing for any service not rendered, or
23 committing a fraudulent insurance act, as defined in section 10-1-128;

24 (q) Failing to notify the board, in writing and within ninety days
25 after a judgment is entered, of a final judgment by a court of competent
26 jurisdiction in favor of any party and against the licensee involving
27 negligent malpractice of dentistry, DENTAL THERAPY, or dental hygiene,

1 which notice must contain the name of the court, the case number, and the
2 names of all parties to the action;

3 (r) Failing to report a dental, DENTAL THERAPY, or dental hygiene
4 malpractice judgment or malpractice settlement to the board by the
5 licensee within ninety days;

6 (v) Sharing any professional fees with anyone except those with
7 whom the dentist, DENTAL THERAPIST, or dental hygienist is lawfully
8 associated in the practice of dentistry, DENTAL THERAPY, or dental
9 hygiene; except that:

10 (II) Nothing in this section prohibits a dentist, DENTAL THERAPIST,
11 or dental hygienist practice owned or operated by a proprietor authorized
12 under section 12-220-303 from contracting with any person or entity for
13 business management services or paying a royalty in accordance with a
14 franchise agreement if the terms of the contract or franchise agreement do
15 not affect the exercise of the independent professional judgment of the
16 dentist, DENTAL THERAPIST, or dental hygienist.

17 (x) Failure of a DENTAL THERAPIST OR dental hygienist to
18 recommend that a patient be examined by a dentist or to refer a patient to
19 a dentist when the DENTAL THERAPIST OR dental hygienist detects a
20 condition that requires care beyond the scope of practicing DENTAL
21 THERAPY OR supervised or unsupervised dental hygiene;

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

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

27 (ee) Failing to provide adequate or proper supervision when

1 employing unlicensed persons in a dental, DENTAL THERAPY, or dental
2 hygiene practice;

3 (ff) Engaging in any conduct that constitutes a crime as defined
4 in title 18, which conduct relates to the licensee's practice as a dentist,
5 DENTAL THERAPIST, or dental hygienist;

6 (gg) Practicing outside the scope of dental, DENTAL THERAPY, or
7 dental hygiene practice;

8 **SECTION 10.** In Colorado Revised Statutes, 12-220-202, **amend**
9 (1)(a)(II), (3) introductory portion, (4), and (5)(a) as follows:

10 **12-220-202. Disciplinary actions - rules.** (1) (a) If, after notice
11 and hearing conducted in accordance with article 4 of title 24 and section
12 12-20-403, the board determines that an applicant or licensee has engaged
13 in an act specified in section 12-220-201, the board may:

14 (II) Reprimand, censure, or, in accordance with section 12-20-404
15 (1)(b), place on probation any licensed dentist, DENTAL THERAPIST, or
16 dental hygienist;

17 (3) The board may include, in any disciplinary order that allows
18 a dentist, DENTAL THERAPIST, or dental hygienist to continue to practice,
19 conditions the board deems appropriate to assure that the dentist, DENTAL
20 THERAPIST, or dental hygienist is physically, mentally, and otherwise
21 qualified to practice dentistry, DENTAL THERAPY, or dental hygiene in
22 accordance with generally accepted professional standards of practice.
23 The order may include any or all of the following:

24 (4) The board may suspend the license of a dentist, DENTAL
25 THERAPIST, or dental hygienist who fails to comply with an order of the
26 board issued in accordance with this section. The board may impose the
27 license suspension until the licensee complies with the board's order.

1 (5) (a) In addition to any other penalty permitted under this article
2 220, when a licensed dentist, DENTAL THERAPIST, or dental hygienist
3 violates a provision of this article 220 or of any rule promulgated
4 pursuant to this article 220, the board may impose a fine on the licensee.
5 If the licensee is a dentist, the fine must not exceed five thousand dollars.
6 IF THE LICENSEE IS A DENTAL THERAPIST, THE FINE MUST NOT EXCEED
7 FOUR THOUSAND DOLLARS. If the licensee is a dental hygienist, the fine
8 must not exceed three thousand dollars.

9 **SECTION 11.** In Colorado Revised Statutes, 12-220-203, **amend**
10 (1)(a) as follows:

11 **12-220-203. Disciplinary proceedings.** (1) (a) Any person may
12 submit a complaint relating to the conduct of a dentist, DENTAL
13 THERAPIST, or dental hygienist, which complaint must be in writing and
14 signed by the person. The board, on its own motion, may initiate a
15 complaint. The board shall notify the dentist, DENTAL THERAPIST, or
16 dental hygienist of the complaint against the dentist, DENTAL THERAPIST,
17 or dental hygienist.

18 **SECTION 12.** In Colorado Revised Statutes, 12-220-206, **amend**
19 (1) and (2) introductory portion as follows:

20 **12-220-206. Mental and physical examinations.** (1) (a) If the
21 board has reasonable cause to believe that a person licensed to practice
22 dentistry, DENTAL THERAPY, or dental hygiene in this state is unable to
23 practice dentistry, DENTAL THERAPY, or dental hygiene with reasonable
24 skill and safety to patients because of a physical or mental disability or
25 because of excessive use of alcohol, a habit-forming drug or substance,
26 or a controlled substance, as defined in section 18-18-102 (5), the board
27 may require the licensed dentist, DENTAL THERAPIST, or dental hygienist

1 to submit to a mental or physical examination by a qualified professional
2 designated by the board.

3 (b) Upon the failure of the licensed dentist, DENTAL THERAPIST,
4 or dental hygienist to submit to a mental or physical examination required
5 by the board, unless the failure is due to circumstances beyond the
6 dentist's, DENTAL THERAPIST'S, or dental hygienist's control, the board
7 may suspend the dentist's, DENTAL THERAPIST'S, or dental hygienist's
8 license to practice dentistry, DENTAL THERAPY, or dental hygiene in this
9 state until the dentist, DENTAL THERAPIST, or dental hygienist submits to
10 the examination.

11 (2) Every person licensed to practice dentistry, DENTAL THERAPY,
12 or dental hygiene in this state is deemed, by so practicing or by applying
13 for a renewal of the person's license to practice dentistry, DENTAL
14 THERAPY, or dental hygiene in this state, to have:

15 **SECTION 13.** In Colorado Revised Statutes, 12-220-208, **amend**
16 (2) as follows:

17 **12-220-208. Review of board action.** (2) The provisions of this
18 section apply to a license issued to a dentist, DENTAL THERAPIST, or dental
19 hygienist.

20 **SECTION 14.** In Colorado Revised Statutes, 12-220-210, **amend**
21 (1)(a)(I), (2) introductory portion, and (2)(a) as follows:

22 **12-220-210. Use or sale of forged or invalid diploma, license,**
23 **license renewal certificate, or identification.** (1) (a) It is unlawful for
24 any person to use or attempt to use:

25 (I) As the person's own, a diploma from a dental college or school
26 or school of DENTAL THERAPY OR dental hygiene, or a license or license
27 renewal certificate, that was issued or granted to another person; or

1 (2) It is unlawful to sell or offer to sell a diploma conferring a
2 dental, DENTAL THERAPY, or dental hygiene degree or a license or license
3 renewal certificate granted pursuant to this article 220 or prior dental
4 practice laws, or to procure such diploma or license or license renewal
5 certificate:

6 (a) With the intent that it be used as evidence of the right to
7 practice dentistry, DENTAL THERAPY, or dental hygiene by a person other
8 than the one upon whom it was conferred or to whom the license or
9 license renewal certificate was granted; or

10 **SECTION 15.** In Colorado Revised Statutes, **amend** 12-220-211
11 as follows:

12 **12-220-211. Unauthorized practice - penalties.** Any person who
13 practices or offers or attempts to practice dentistry, DENTAL THERAPY, or
14 dental hygiene without an active license issued under this article 220 is
15 subject to penalties pursuant to section 12-20-407 (1)(a).

16 **SECTION 16.** In Colorado Revised Statutes, 12-220-301, **amend**
17 (1) introductory portion and (1)(a) as follows:

18 **12-220-301. Persons entitled to practice dentistry, dental**
19 **therapy, or dental hygiene.** (1) It is unlawful for any person to practice
20 dentistry, DENTAL THERAPY, or dental hygiene in this state except those:

21 (a) Who are duly licensed as dentists, DENTAL THERAPISTS, or
22 dental hygienists pursuant to this article 220;

23 **SECTION 17.** In Colorado Revised Statutes, 12-220-302, **amend**
24 (1)(c), (1)(e), (1)(f), (1)(i), and (1)(j) as follows:

25 **12-220-302. Persons exempt from operation of this article.**
26 (1) This article 220 does not apply to the following practices, acts, and
27 operations:

1 (c) The practice of dentistry, DENTAL THERAPY, or dental hygiene
2 in the discharge of their official duties by graduate dentists, ~~or~~ dental
3 surgeons, DENTAL THERAPISTS, or dental hygienists in the United States
4 armed forces, public health service, Coast Guard, or veterans
5 administration;

6 (e) The practice of DENTAL THERAPY OR dental hygiene by
7 instructors and students or the practice of dentistry by students or
8 residents in schools or colleges of dentistry, schools of DENTAL THERAPY,
9 SCHOOLS OF dental hygiene, or schools of dental assistant education while
10 the instructors, students, or residents are participating in accredited
11 programs of the schools or colleges;

12 (f) The practice of dentistry, DENTAL THERAPY, or dental hygiene
13 by dentists, DENTAL THERAPISTS, or dental hygienists licensed in good
14 standing by other states or countries while appearing in programs of
15 dental education or research at the invitation of any group of licensed
16 dentists, DENTAL THERAPISTS, or dental hygienists in this state who are in
17 good standing, so long as the practice is limited to five consecutive days
18 in a twelve-month period and the name of each person engaging in the
19 practice is submitted to the board, in writing and on a form approved by
20 the board, at least ten days before the person performs the practice;

21 (i) The practicing of dentistry, DENTAL THERAPY, or dental
22 hygiene by an examiner representing a testing agency approved by the
23 board, during the administration of an examination; or

24 (j) The practice of dentistry, DENTAL THERAPY, or dental hygiene
25 by dentists, DENTAL THERAPISTS, or dental hygienists licensed in good
26 standing by other states while providing care as a volunteer, at the
27 invitation of any group of licensed dentists, DENTAL THERAPISTS, or

1 dental hygienists in this state who are in good standing, so long as the
2 practice is limited to five consecutive days in a twelve-month period and
3 the name of each person engaging in the practice is submitted to the
4 board, in writing and on a form approved by the board, at least ten days
5 before the person performs the practice.

6 **SECTION 18.** In Colorado Revised Statutes, **amend** 12-220-304
7 as follows:

8 **12-220-304. Names and status under which dental practice**
9 **may be conducted.** (1) The conduct of the practice of dentistry, DENTAL
10 THERAPY, or dental hygiene in a corporate capacity is prohibited, but the
11 prohibition shall not be construed to prevent the practice of dentistry,
12 DENTAL THERAPY, or dental hygiene by a professional service corporation
13 of licensees so constituted that they may be treated under the federal
14 internal revenue laws as a corporation for tax purposes only. ~~Any such~~ A
15 professional service corporation may exercise ~~such~~ THE powers and shall
16 be subject to such limitations and requirements, insofar as applicable, as
17 are provided in section 12-240-138, relating to professional service
18 corporations for the practice of medicine.

19 (2) The group practice of dentistry, DENTAL THERAPY, or dental
20 hygiene is permitted.

21 (3) The practice of dentistry, DENTAL THERAPY, or dental hygiene
22 by a limited liability company of licensees or by a limited liability
23 partnership of licensees is permitted subject to the limitations and
24 requirements, insofar as are applicable, set forth in section 12-240-138,
25 relating to a limited liability company or limited liability partnership for
26 the practice of medicine.

27 **SECTION 19.** In Colorado Revised Statutes, 12-220-305, **amend**

1 (1)(a), (1)(b), (1)(c), (1)(m), (1)(n), (1)(p), and (1)(r) as follows:

2 **12-220-305. What constitutes practicing dentistry - authority**
3 **to electronically prescribe.** (1) A person is practicing dentistry if the
4 person:

5 (a) Performs, or attempts or professes to perform, any dental
6 operation, oral surgery, or dental diagnostic or therapeutic services of any
7 kind; except that nothing in this subsection (1)(a) prohibits a DENTAL
8 THERAPIST, dental hygienist, or dental assistant from providing preventive
9 dental or nutritional counseling, education, or instruction services;

10 (b) Is a proprietor of a place where dental operation, oral surgery,
11 or dental diagnostic or therapeutic services are performed; except that
12 nothing in this subsection (1)(b) prohibits a DENTAL THERAPIST, dental
13 hygienist, or dental assistant from performing those tasks and procedures
14 consistent with section 12-220-501;

15 (c) Directly or indirectly, by any means or method, takes
16 impression of the human tooth, teeth, jaws, maxillofacial area, or adjacent
17 and associated structures; performs any phase of any operation incident
18 to the replacement of a part of a tooth; or supplies artificial substitutes for
19 the natural teeth, jaws, or adjacent and associated structures; except that
20 nothing in this subsection (1)(c) prohibits a DENTAL THERAPIST, dental
21 hygienist, or dental assistant from performing tasks and procedures
22 consistent with sections 12-220-501 (3)(b)(III), ~~and~~ 12-220-503 (1)(d),
23 AND 12-220-507;

24 (m) Gives, or professes to give, interpretations or readings of
25 dental X rays or roentgenograms, CT scans, or other diagnostic
26 methodologies; except that nothing in this subsection (1)(m) prohibits a
27 dental hygienist from performing tasks and procedures consistent with

1 sections 12-220-503 and 12-220-504 OR A DENTAL THERAPIST FROM
2 PERFORMING TASKS CONSISTENT WITH SECTION 12-220-507;

3 (n) Represents himself or herself to an individual or the general
4 public as practicing dentistry, by using the words "dentist" or "dental
5 surgeon", or by using the letters "D.D.S.", "D.M.D.", "D.D.S./M.D.", or
6 "D.M.D./M.D." Nothing in this subsection (1)(n) prohibits a DENTAL
7 THERAPIST, dental hygienist, or dental assistant from performing tasks and
8 procedures consistent with section 12-220-501 (2), (2.5), or (3)(b).

9 (p) Prescribes drugs or medications and administers local
10 anesthesia, analgesia including nitrous oxide/oxygen inhalation,
11 medication prescribed or administered for the relief of anxiety or
12 apprehension, minimal sedation, moderate sedation, deep sedation, or
13 general anesthesia as necessary for the proper practice of dentistry; except
14 that nothing in this subsection (1)(p) prohibits:

15 (I) A dental hygienist from performing those tasks and procedures
16 consistent with sections 12-220-501, 12-220-503 (1)(e) and (1)(g), and
17 12-220-504 (1)(c), and in accordance with rules promulgated by the
18 board; OR

19 (II) A DENTAL THERAPIST FROM PERFORMING THOSE TASKS AND
20 PROCEDURES CONSISTENT WITH SECTIONS 12-220-501 (2.5) AND
21 12-220-507, AND IN ACCORDANCE WITH RULES PROMULGATED BY THE
22 BOARD.

23 (r) Gives or professes to give interpretations or readings of dental
24 charts or records or gives treatment plans or interpretations of treatment
25 plans derived from examinations, patient records, dental X rays, or
26 roentgenograms; except that nothing in this subsection (1)(r) prohibits a
27 DENTAL THERAPIST, dental hygienist, or dental assistant from performing

1 tasks and procedures consistent with sections 12-220-501 (2), (2.5), and
2 (3), 12-220-503, and 12-220-504, AND 12-220-507.

3 **SECTION 20.** In Colorado Revised Statutes, **amend** 12-220-307
4 as follows:

5 **12-220-307. Professional liability insurance required - rules.**

6 (1) A licensed dentist, A LICENSED DENTAL THERAPIST, and a licensed
7 dental hygienist must meet the financial responsibility requirements
8 established by the board pursuant to section 13-64-301 (1)(a).

9 (2) Upon request of the board, a licensed dentist, LICENSED
10 DENTAL THERAPIST, or licensed dental hygienist shall provide proof of
11 professional liability insurance to the board.

12 (3) The board may, by rule, exempt from or establish lesser
13 financial responsibility standards for licensed dentists, LICENSED DENTAL
14 THERAPISTS, and licensed dental hygienists who meet the criteria in
15 section 13-64-301 (1)(a)(II).

16 **SECTION 21.** In Colorado Revised Statutes, **amend** 12-220-308
17 as follows:

18 **12-220-308. Continuing education requirements - rules.** (1) As
19 a condition of renewing, reactivating, or reinstating a license issued under
20 this article 220, every dentist, DENTAL THERAPIST, and dental hygienist
21 must obtain at least thirty hours of continuing education every two years
22 to ensure patient safety and professional competency.

23 (2) The board may adopt rules establishing the basic requirements
24 for continuing education, including the types of programs that qualify,
25 exemptions for persons holding an inactive or retired license,
26 requirements for courses designed to enhance clinical skills for certain
27 licenses, and the manner by which dentists, DENTAL THERAPISTS, and

1 dental hygienists are to report compliance with the continuing education
2 requirements.

3 **SECTION 22.** In Colorado Revised Statutes, 12-220-409, **amend**
4 (1), (2)(a), and (5) as follows:

5 **12-220-409. Inactive dental, dental therapist, or dental**
6 **hygienist license.** (1) Any person licensed to practice dentistry, DENTAL
7 THERAPY, or dental hygiene pursuant to this article 220 may apply to the
8 board to be transferred to an inactive status. The licensee must submit an
9 application in the form and manner designated by the board. The board
10 may grant inactive status by issuing an inactive license or deny the
11 application for any of the causes set forth in section 12-220-201.

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

13 (a) Provide an affidavit to the board that the applicant, after a date
14 certain, will not practice dentistry, DENTAL THERAPY, or dental hygiene
15 in this state unless the applicant is issued a license to practice dentistry,
16 DENTAL THERAPY, or dental hygiene pursuant to subsection (5) of this
17 section;

18 (5) Any person licensed under this section who wishes to resume
19 the practice of dentistry, DENTAL THERAPY, or dental hygiene must file an
20 application in the form and manner the board designates, pay the license
21 fee promulgated by the board pursuant to section 12-20-105, and meet the
22 financial responsibility requirements or the professional liability
23 insurance requirements established by the board pursuant to sections
24 12-220-307 and 13-64-301 (1)(a), as applicable. The board may approve
25 the application and issue a license to practice dentistry, DENTAL THERAPY,
26 or dental hygiene or may deny the application for any of the causes set
27 forth in section 12-220-201.

1 **SECTION 23.** In Colorado Revised Statutes, 12-220-410, **amend**
2 (1), (2)(a), (5), and (6) as follows:

3 **12-220-410. Retired dental, dental therapist, and dental**
4 **hygienist licenses.** (1) Any person licensed to practice dentistry, DENTAL
5 THERAPY, or dental hygiene pursuant to this article 220 may apply to the
6 board for retired licensure status. The application must be in the form and
7 manner designated by the board. The board may grant retired licensure
8 status by issuing a retired license, or it may deny the application if the
9 licensee has been disciplined for any of the causes set forth in section
10 12-220-201.

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

12 (a) Provide an affidavit to the board stating that, after a date
13 certain, the applicant will not practice dentistry, DENTAL THERAPY, or
14 dental hygiene; will no longer earn income as a dentist, DENTAL
15 THERAPIST, or dental hygiene administrator or consultant; and will not
16 perform any activity that constitutes practicing dentistry, DENTAL
17 THERAPY, or dental hygiene pursuant to sections 12-220-305, **12-220-501**,
18 12-220-503, **and** 12-220-504, **AND** **12-220-507** unless the applicant is
19 issued a license to practice dentistry, DENTAL THERAPY, or dental hygiene
20 pursuant to subsection (5) of this section; and

21 (5) Any person licensed under this section may apply to the board
22 for a return to active licensure status by filing an application in the form
23 and manner the board designates, paying the appropriate license fee
24 established pursuant to section 12-20-105, and meeting the financial
25 responsibility requirements or the professional liability insurance
26 requirements established by the board pursuant to sections 12-220-307
27 and 13-64-301 (1)(a), as applicable. The board may approve the

1 application and issue a license to practice dentistry, DENTAL THERAPY, or
2 dental hygiene or may deny the application if the licensee has been
3 disciplined for any of the causes set forth in section 12-220-201.

4 (6) A dentist, DENTAL THERAPIST, or dental hygienist on retired
5 status may provide dental, DENTAL THERAPY, or dental hygiene services
6 on a voluntary basis to ~~the~~ PEOPLE WHO ARE indigent if the retired dentist,
7 DENTAL THERAPIST, or dental hygienist provides the services on a limited
8 basis and does not charge a fee for the services. A retired dentist, DENTAL
9 THERAPIST, or dental hygienist providing voluntary care pursuant to this
10 subsection (6) is immune from any liability resulting from the voluntary
11 care the retired dentist, DENTAL THERAPIST, or dental hygienist provided.

12 **SECTION 24.** In Colorado Revised Statutes, 12-220-411, **amend**
13 (1), (3), and (4)(a); and **add** (6) as follows:

14 **12-220-411. Anesthesia and sedation permits - dentists, dental**
15 **therapists, and dental hygienists - training and experience**
16 **requirements - office inspections - rules.** (1) Upon application in a
17 form and manner determined by the board and payment of the applicable
18 fees established by the board, the board may issue an anesthesia or
19 sedation permit to a licensed dentist or a local anesthesia permit to a
20 DENTAL THERAPIST OR dental hygienist in accordance with this section.

21 (3) (a) A licensed DENTAL THERAPIST OR dental hygienist who
22 obtains a local anesthesia permit pursuant to this section may administer
23 local anesthesia.

24 (b) A local anesthesia permit issued to a DENTAL THERAPIST OR
25 dental hygienist is valid as long as the DENTAL THERAPIST'S OR dental
26 hygienist's license is active.

27 (4) (a) The board shall establish, by rule, minimum training,

1 experience, and equipment requirements for the administration of local
2 anesthesia, analgesia including nitrous oxide/oxygen inhalation, and
3 medication prescribed or administered for the relief of anxiety or
4 apprehension, minimal sedation, moderate sedation, deep sedation, or
5 general anesthesia, including procedures that may be used by and
6 minimum training requirements for dentists, DENTAL THERAPISTS, dental
7 hygienists, and dental assistants.

8 (6) FOR THE PURPOSES OF THIS SECTION, A DENTAL THERAPIST
9 WHO PERFORMS A TASK PURSUANT TO A WRITTEN ARTICULATED PLAN
10 THAT MEETS THE REQUIREMENTS OF SECTION 12-220-507 (2)(a) IS
11 CONSIDERED TO HAVE PERFORMED THE TASK WITH THE PRIOR KNOWLEDGE
12 AND CONSENT OF THE DENTIST.

13 **SECTION 25.** In Colorado Revised Statutes, 12-220-601, **amend**
14 (1) and (2) as follows:

15 **12-220-601. Legislative declaration.** (1) The general assembly
16 hereby finds, determines, and declares that public exposure to the hazards
17 of ionizing radiation used for diagnostic purposes should be minimized
18 wherever possible. Accordingly, the general assembly finds, determines,
19 and declares that for any dentist, DENTAL THERAPIST, or dental hygienist
20 to allow an untrained person to operate a machine source of ionizing
21 radiation, including without limitation a device commonly known as an
22 "X-ray machine", or to administer radiation to a patient for diagnostic
23 purposes is a threat to the public health and safety.

24 (2) It is the intent of the general assembly that dentists, DENTAL
25 THERAPISTS, and dental hygienists utilizing unlicensed persons in their
26 practices provide those persons with a minimum level of education and
27 training before allowing them to operate machine sources of ionizing

1 radiation; however, it is not the general assembly's intent to discourage
2 education and training beyond this minimum. It is further the intent of the
3 general assembly that established minimum training and education
4 requirements correspond as closely as possible to the requirements of
5 each particular work setting as determined by the board pursuant to this
6 part 6.

7 **SECTION 26.** In Colorado Revised Statutes, 12-220-602, **amend**
8 (1) and (2) as follows:

9 **12-220-602. Minimum standards - rules - definition.**

10 (1)(a) The board shall adopt rules prescribing minimum standards for the
11 qualifications, education, and training of unlicensed persons operating
12 machine sources of ionizing radiation and administering radiation to
13 patients for diagnostic medical use. A licensed dentist, DENTAL
14 THERAPIST, or dental hygienist shall not allow an unlicensed person to
15 operate a machine source of ionizing radiation or to administer radiation
16 to any patient unless the person meets standards then in effect under rules
17 adopted pursuant to this section. The board may adopt rules allowing a
18 grace period in which newly hired operators of machine sources of
19 ionizing radiation are to receive the training required by this section.

20 (b) ~~For purposes of AS USED IN~~ this part 6, "unlicensed person"
21 means a person who does not hold a current and active license entitling
22 the person to practice dentistry, DENTAL THERAPY, or dental hygiene
23 under this article 220.

24 (2) The board shall seek the assistance of licensed dentists,
25 DENTAL THERAPISTS, or ~~licensed~~ dental hygienists in developing and
26 formulating the rules promulgated pursuant to this section.

27 **SECTION 27.** In Colorado Revised Statutes, 12-20-202, **add**

1 (3)(e)(IX.5) as follows:

2 **12-20-202. Licenses, certifications, and registrations - renewal**
3 **- reinstatement - fees - occupational credential portability program**
4 **- temporary authority for military spouses - exceptions for military**
5 **personnel - rules - consideration of criminal convictions or driver's**
6 **history - executive director authority - definitions. (3) Occupational**
7 **credential portability program. (e) Subsections (3)(a) to (3)(d) of this**
8 section do not apply to the following professions or occupations:

9 (IX.5) DENTAL THERAPISTS, REGULATED PURSUANT TO ARTICLE
10 220 OF THIS TITLE 12;

11 **SECTION 28.** In Colorado Revised Statutes, 12-20-406, **amend**
12 (3)(f) as follows:

13 **12-20-406. Injunctive relief. (3)** This section does not apply to
14 the following:

15 (f) Article 220 of this title 12 concerning dentists, DENTAL
16 THERAPISTS, and dental hygienists;

17 **SECTION 29.** In Colorado Revised Statutes, 12-20-407, **amend**
18 (1)(a)(V)(J) as follows:

19 **12-20-407. Unauthorized practice of profession or occupation**
20 **- penalties - exclusions. (1) (a)** A person commits a class 2 misdemeanor
21 and shall be punished as provided in section 18-1.3-501 if the person:

22 (V) Practices or offers or attempts to practice any of the following
23 professions or occupations without an active license, certification, or
24 registration issued under the part or article of this title 12 governing the
25 particular profession or occupation:

26 (J) Dentistry, DENTAL THERAPY, or dental hygiene, as regulated
27 under article 220 of this title 12;

1 **SECTION 30.** In Colorado Revised Statutes, 12-30-102, **amend**
2 (3)(a)(VII) as follows:

3 **12-30-102. Medical transparency act of 2010 - disclosure of**
4 **information about health-care providers - fines - rules - short title -**
5 **legislative declaration - review of functions - repeal.** (3) (a) As used
6 in this section, "applicant" means a person applying for a new, active
7 license, certification, or registration or to renew, reinstate, or reactivate
8 an active license, certification, or registration to practice:

9 (VII) Dental THERAPY OR DENTAL hygiene pursuant to article 220
10 of this title 12;

11 **SECTION 31.** In Colorado Revised Statutes, 12-30-103, **amend**
12 (4)(a)(IV) as follows:

13 **12-30-103. Solicitation of accident victims - waiting period -**
14 **definitions.** (4) As used in this section:

15 (a) "Health-care practitioner" means:

16 (IV) A dentist, DENTAL THERAPIST, or dental hygienist licensed
17 under article 220 of this title 12;

18 **SECTION 32.** In Colorado Revised Statutes, 13-4-102, **amend**
19 (1)(g) and (2)(g) as follows:

20 **13-4-102. Jurisdiction.** (1) Any provision of law to the contrary
21 notwithstanding, the court of appeals shall have initial jurisdiction over
22 appeals from final judgments of, and interlocutory appeals of certified
23 questions of law in civil cases pursuant to section 13-4-102.1 from, the
24 district courts, the probate court of the city and county of Denver, and the
25 juvenile court of the city and county of Denver, except in:

26 (g) Review actions of the Colorado dental board in refusing to
27 issue or renew or in suspending or revoking a license to practice dentistry,

1 DENTAL THERAPY, or dental hygiene, as provided in section 12-220-208;

2 (2) The court of appeals has initial jurisdiction to:

3 (g) Review actions of the Colorado dental board in refusing to
4 issue or renew or in suspending or revoking a license to practice dentistry,
5 DENTAL THERAPY, or dental hygiene, as provided in ~~section 12-220-137~~
6 SECTION 12-220-208;

7 **SECTION 33.** In Colorado Revised Statutes, 13-21-115.5,
8 **amend** (3)(c)(II)(R) as follows:

9 **13-21-115.5. Volunteer service act - immunity - exception for**
10 **operation of motor vehicles - short title - legislative declaration -**
11 **definitions.** (3) As used in this section, unless the context otherwise
12 requires:

13 (c) (II) "Volunteer" includes:

14 (R) A licensed dentist, DENTAL THERAPIST, or dental hygienist
15 governed by article 220 of title 12 performing the practice of dentistry,
16 DENTAL THERAPY, or dental hygiene, as defined in section 12-220-104
17 and as described in ~~section~~ SECTIONS 12-220-305, **12-220-402,**
18 **12-220-403,** AND **12-220-507**; as a volunteer for a nonprofit organization,
19 nonprofit corporation, governmental entity, or hospital; or a dentist,
20 DENTAL THERAPIST, or dental hygienist who holds a license in good
21 standing from another state performing the practice of dentistry, DENTAL
22 THERAPY, or dental hygiene, as defined in section 12-220-104 and as
23 described in ~~section~~ SECTIONS 12-220-305, **12-220-402, 12-220-403,** AND
24 **12-220-507,** as a volunteer for a nonprofit organization, nonprofit
25 corporation, governmental entity, or hospital pursuant to section
26 12-220-302 (1)(j); and

27 **SECTION 34.** In Colorado Revised Statutes, 13-64-301, **amend**

1 (1) introductory portion, (1)(a)(I), (1)(a)(II) introductory portion,
2 (1)(a)(III), and (1)(a)(IV) as follows:

3 **13-64-301. Financial responsibility.** (1) As a condition of active
4 licensure or authority to practice in this state, every physician, dentist,
5 DENTAL THERAPIST, or dental hygienist; every physician assistant who has
6 been practicing for at least three years; and every health-care institution
7 as defined in section 13-64-202, except as provided in section
8 13-64-303.5, that provides health-care services shall establish financial
9 responsibility, as follows:

10 (a) (I) (A) If a dentist, by maintaining commercial professional
11 liability insurance coverage with an insurance company authorized to do
12 business in this state or an eligible nonadmitted insurer allowed to insure
13 in Colorado pursuant to article 5 of title 10, ~~C.R.S.~~, in a minimum
14 indemnity amount of five hundred thousand dollars per incident and one
15 million five hundred thousand dollars annual aggregate per year; except
16 that this requirement is not applicable to a dentist who is a public
17 employee under the "Colorado Governmental Immunity Act", article 10
18 of title 24. ~~C.R.S.~~

19 (B) A licensed dental hygienist must ~~have~~ MAINTAIN professional
20 liability insurance in an amount not less than fifty thousand dollars per
21 claim and with an aggregate liability limit for all claims during a calendar
22 year of not less than three hundred thousand dollars; except that this
23 requirement does not apply to a licensed dental hygienist who is a public
24 employee under the "Colorado Governmental Immunity Act", article 10
25 of title 24. ~~C.R.S.~~

26 (C) A LICENSED DENTAL THERAPIST MUST MAINTAIN
27 PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN FIVE

1 HUNDRED THOUSAND DOLLARS PER INCIDENT AND ONE MILLION FIVE
2 HUNDRED THOUSAND DOLLARS ANNUAL AGGREGATE PER YEAR; EXCEPT
3 THAT THIS REQUIREMENT IS NOT APPLICABLE TO A DENTAL THERAPIST
4 WHO IS A PUBLIC EMPLOYEE UNDER THE "COLORADO GOVERNMENTAL
5 IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

6 (II) The Colorado dental board, by rule, may exempt from or
7 establish lesser financial responsibility standards than those prescribed in
8 this section for classes of LICENSED dentists, ~~and licensed~~ DENTAL
9 THERAPISTS, AND dental hygienists who:

10 (III) The Colorado dental board may exempt from or establish
11 lesser financial responsibility standards for a LICENSED dentist, DENTAL
12 THERAPIST, or ~~licensed~~ dental hygienist for reasons other than those
13 described in ~~subparagraph (II) of this paragraph (a)~~ SUBSECTION (1)(a)(II)
14 OF THIS SECTION that render the limits provided in ~~subparagraph (I) of this~~
15 ~~paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS SECTION unreasonable or
16 unattainable.

17 (IV) Nothing in this ~~paragraph (a)~~ SUBSECTION (1)(a) shall
18 preclude or otherwise prohibit a licensed dentist, DENTAL THERAPIST, or
19 ~~licensed~~ dental hygienist from rendering appropriate patient care on an
20 occasional basis when the circumstances surrounding the need for care so
21 warrant.

22 **SECTION 35.** In Colorado Revised Statutes, 19-3-304, **amend**
23 (2)(o) as follows:

24 **19-3-304. Persons required to report child abuse or neglect.**

25 (2) Persons required to report such abuse or neglect or circumstances or
26 conditions include any:

27 (o) Dental THERAPIST OR DENTAL hygienist;

1 **SECTION 36.** In Colorado Revised Statutes, **add** 23-5-148 as
2 follows:

3 **23-5-148. Dental therapy training programs - authorization to**
4 **grant advanced standing - definition.** (1) AS USED IN THIS SECTION,
5 "STATE INSTITUTION OF HIGHER EDUCATION" HAS THE SAME MEANING AS
6 SET FORTH IN SECTION 23-18-102 (10)(a).

7 (2) A STATE INSTITUTION OF HIGHER EDUCATION OFFERING AN
8 ACCREDITED DENTAL THERAPY TRAINING PROGRAM MAY GRANT
9 ADVANCED STANDING TOWARD COMPLETION OF AN ACCREDITED DENTAL
10 THERAPY PROGRAM IF A STUDENT DEMONSTRATES PAST COMPLETION OF
11 CURRICULUM THAT MEETS OR EXCEEDS THE CONTENT STANDARDS FOR
12 ONE OR MORE COURSES THAT COMPRISE THE DENTAL THERAPY
13 CURRICULUM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION'S
14 COMMISSION ON DENTAL ACCREDITATION, OR ITS SUCCESSOR
15 ORGANIZATION.

16 **SECTION 37.** In Colorado Revised Statutes, 25-1-108.7, **amend**
17 (3)(f) as follows:

18 **25-1-108.7. Health care credentials uniform application act -**
19 **legislative declaration - definitions - state board of health rules.**

20 (3) As used in this section, unless the context otherwise requires:

21 (f) "Health-care professional" means a physician, dentist, DENTAL
22 THERAPIST, dental hygienist, chiropractor, podiatrist, psychologist,
23 advanced practice REGISTERED nurse, optometrist, physician assistant,
24 licensed clinical social worker, child health associate, marriage and
25 family therapist, or other health-care professional who is registered,
26 certified, or licensed pursuant to title 12; ~~C.R.S.~~; who is subject to
27 credentialing; and who practices, or intends to practice, in Colorado.

1 **SECTION 38.** In Colorado Revised Statutes, 25-1-1202, **amend**
2 (1)(k) as follows:

3 **25-1-1202. Index of statutory sections regarding medical**
4 **record confidentiality and health information.** (1) Statutory provisions
5 concerning policies, procedures, and references to the release, sharing,
6 and use of medical records and health information include the following:

7 (k) Section 12-220-201, concerning disciplinary actions against
8 dentists, DENTAL THERAPISTS, and dental hygienists;

9 **SECTION 39.** In Colorado Revised Statutes, **add** 25.5-4-411.5
10 as follows:

11 **25.5-4-411.5. Authorization of services provided by dental**
12 **therapists.** (1) WHEN DENTAL THERAPY SERVICES ARE PROVIDED TO
13 CHILDREN BY A LICENSED DENTAL THERAPIST WHO IS PROVIDING DENTAL
14 THERAPY SERVICES PURSUANT TO SECTION 12-220-507, THE EXECUTIVE
15 DIRECTOR OF THE STATE DEPARTMENT SHALL AUTHORIZE REIMBURSEMENT
16 FOR THE SERVICES, SUBJECT TO THE REQUIREMENTS OF THIS SECTION.
17 PAYMENT FOR THE SERVICES SHALL BE MADE DIRECTLY TO THE LICENSED
18 DENTAL THERAPIST, IF REQUESTED BY THE LICENSED DENTAL THERAPIST;
19 EXCEPT THAT THIS SECTION DOES NOT APPLY TO A LICENSED DENTAL
20 THERAPIST WHEN ACTING WITHIN THE SCOPE OF THE DENTAL THERAPIST'S
21 EMPLOYMENT AS A SALARIED EMPLOYEE OF A PUBLIC OR PRIVATE
22 INSTITUTION, OF A PHYSICIAN, OR OF A DENTIST.

23 (2) FOR EACH CHILD PROVIDED DENTAL THERAPY SERVICES
24 PURSUANT TO THIS SECTION, THE LICENSED DENTAL THERAPIST SHALL
25 ATTEMPT TO IDENTIFY A DENTIST PARTICIPATING IN THE MEDICAID
26 PROGRAM FOR THE CHILD.

27 **SECTION 40. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect January 1, 2023; except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within the ninety-day period after final adjournment of the general
5 assembly, then the act, item, section, or part will not take effect unless
6 approved by the people at the general election to be held in November
7 2022 and, in such case, will take effect January 1, 2023, or on the date of
8 the official declaration of the vote thereon by the governor, whichever is
9 later.

10 (2) This act applies to the practice of dental therapy on or after the
11 applicable effective date of this act.