

DENTAL HYGIENIST AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Jon Hawkins

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

A dental hygienist licensed under this chapter may only practice dental hygiene:

(1) in an accredited dental or dental hygienist school to teach and demonstrate the practice of dental hygiene;

(2) for a public health agency;

30 (3) under the supervision of a dentist, for an employee leasing company or temporary
31 personnel service company providing employees to a dentist or other person lawfully providing
32 dental services:

33 (a) under the indirect supervision of a dentist licensed under this chapter at any time
34 the dental hygienist is administering an anesthetic or analgesia as permitted under this chapter
35 or division rules made under this chapter;

36 (b) under the general supervision of a dentist licensed under this chapter within the
37 office of the supervising dentist and upon patients of record of the supervising dentist; and

38 (c) under the general supervision of a dentist licensed under this chapter, and the
39 practice is conducted outside of the office of the supervising dentist, if:

40 (i) the dental hygiene work performed is authorized by the supervising dentist as a part
41 of and in accordance with the supervising dentist's current treatment plan for the patient;

42 (ii) no anesthetic or analgesia is used;

43 (iii) the supervising dentist has determined the patient's general health and oral health
44 are so that the dental hygiene work can be performed under general supervision and with an
45 acceptable level of risk or injury as determined by the supervising dentist;

46 (iv) the supervising dentist accepts responsibility for the dental hygiene work
47 performed under general supervision; and

48 (v) (A) the dental hygienist's work is performed on a patient who is homebound or
49 within a hospital, nursing home, or public health agency or institution; and

50 (B) the patient is the supervising dentist's patient of record and the dentist has
51 examined the patient within six months prior to the patient's receiving treatment from a dental
52 hygienist under this Subsection (3); ~~or~~

53 (4) under a written agreement with a dentist who is licensed under this chapter and who
54 is a Utah resident if:

55 (a) the dental hygienist practices in a public health setting;

56 (b) the dentist is available in person, by phone, or by electronic communication;

57 (c) the agreement provides that the dental hygienist shall refer a patient with a dental

58 need beyond the dental hygienist's scope of practice to a licensed dentist; and

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

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

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

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

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

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

74 (e) the dental hygienist:

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

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