

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0495.01 Kristen Forrestal x4217

HOUSE BILL 17-1010

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

Crowder,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE COLORADO DENTAL BOARD TO**
102 **PROMULGATE RULES BASED ON CLARIFICATIONS TO EXISTING**
103 **LAWS THAT RELATE TO COLLABORATIVE DENTAL AGREEMENTS.**

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>.)

The bill clarifies that the Colorado dental board may promulgate rules for the use of lasers for dental and dental hygiene purposes within the defined scopes of practice and with appropriate supervision. The bill makes clarifications as to what is considered the practice of unsupervised dental hygiene. The bill also corrects a statutory reference.

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

HOUSE
2nd Reading Unamended
January 30, 2017

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-35-107, **amend**
3 (1) introductory portion, (1)(b) introductory portion, and (1)(b)(I) as
4 follows:

5 **12-35-107. Powers and duties of board.** (1) The board shall
6 exercise, in accordance with this ~~article~~ ARTICLE 35, the following powers
7 and duties:

8 (b) Make, publish, declare, and periodically review reasonable
9 rules as necessary to carry out and make effective the powers and duties
10 of the board as vested in it by this ~~article~~ ARTICLE 35, including rules
11 regarding:

12 (I) The use of lasers for dental AND DENTAL HYGIENE purposes
13 ~~including limiting the use of lasers by dental hygienists only to pocket~~
14 ~~disinfection at settings that preclude hard and soft tissue removal~~ WITHIN
15 DEFINED SCOPES OF PRACTICE, SUBJECT TO APPROPRIATE EDUCATION AND
16 TRAINING, AND WITH APPROPRIATE SUPERVISION, AS APPLICABLE;

17 **SECTION 2.** In Colorado Revised Statutes, 12-35-124, **amend**
18 (1)(b), (1)(g)(I), (1)(g)(III)(B), and (1)(g)(III)(C); and **add** (1)(g)(III)(D)
19 as follows:

20 **12-35-124. What constitutes practicing unsupervised dental**
21 **hygiene.** (1) Unless licensed to practice dentistry, a person shall be
22 deemed to be practicing unsupervised dental hygiene who, within the
23 scope of the person's education, training, and experience:

24 (b) Removes granulation and degenerated tissue from the gingival
25 wall of the A periodontal pocket; ~~incidental to root planing;~~

26 (g) (I) Prescribes, administers, and dispenses fluoride, fluoride

1 varnish, ~~and~~ antimicrobial solutions for mouth rinsing, ~~and~~ other
2 nonsystemic antimicrobial agents, AND RELATED EMERGENCY DRUGS AND
3 REVERSAL AGENTS in collaboration with a licensed dentist. THE BOARD
4 MAY, BY RULE, FURTHER DEFINE THE PERMISSIBLE AND APPROPRIATE
5 EMERGENCY DRUGS AND REVERSAL AGENTS. Dental hygienists shall
6 maintain clear documentation in the patient record of the DRUG OR agent
7 prescribed, administered, or dispensed; the date of the action; and the
8 rationale for prescribing, administering, or dispensing the DRUG OR agent.

9 (III) A dental hygienist may prescribe the following:

10 (B) Topical anti-caries treatments as follows, all using sodium
11 fluoride unless otherwise indicated: Toothpastes: 1.1 % or less (or
12 stannous fluoride 0.4%); topical gels: 1.1% or less (or stannous fluoride
13 0.4%); oral rinses: 0.05%, 0.2%, 0.44%, or 0.5%; oral rinse concentrate
14 used in periodontal disease: 0.63% stannous fluoride; fluoride varnish:
15 5%; and prophy pastes containing approximately 1.23% sodium fluoride
16 and used for polishing procedures as part of professional dental
17 prophylaxis treatment; ~~and~~

18 (C) Topical anti-infectives as follows: Chlorhexidine gluconate
19 rinses: 0.12%; chlorhexidine gluconate periodontal chips for
20 SUBGINGIVAL insertion into ~~the~~ A periodontal pocket/SULCUS; tetracycline
21 impregnated fibers, inserted subgingivally into ~~the~~ A periodontal
22 POCKET/sulcus; doxycycline hyclate periodontal gel, inserted
23 subgingivally into ~~the~~ A periodontal POCKET/sulcus; and minocycline
24 hydrochlorided periodontal ~~paste~~ POWDER, inserted subgingivally into ~~the~~
25 A periodontal POCKET/sulcus; AND

26 (D) RELATED EMERGENCY DRUGS AND REVERSAL AGENTS AS
27 AUTHORIZED BY THE COLLABORATING DENTIST.

1 **SECTION 3.** In Colorado Revised Statutes, 12-35-128.5, **amend**
2 (1) introductory portion and (1)(c) as follows:

3 **12-35-128.5. Interim therapeutic restorations by dental**
4 **hygienists - permitting process - repeal.** (1) Upon application,
5 accompanied by a fee in an amount determined by the director OF THE
6 DIVISION OF PROFESSIONS AND OCCUPATIONS, the board shall grant a
7 permit to place interim therapeutic restorations to any dental hygienist
8 applicant who:

9 (c) Carries current professional liability insurance in the amount
10 specified in section 12-35-141; ~~(2), C.R.S.~~; and

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.