



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 21-0366	Date:	July 9, 2021
Prime Sponsors:	Sen. Buckner; Simpson Rep. Duran; Will	Bill Status:	Signed into Law
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Bill Topic: **SUNSET DENTAL HYGIENISTS SPECIALIZED FUNCTIONS**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

Sunset Bill. SB 21-102 continues the authority of dental hygienists to perform specialized functions, which is scheduled to repeal on September 1, 2021. State fiscal impacts include both increased workload from changes to the program under the bill, as well as the continuation of the program's current expenditures. The program is continued through September 1, 2025.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Summary of Legislation

The bill continues the authority for dental hygienists to place interim therapeutic restorations (ITR) and apply silver diamine fluoride for four years, until September 1, 2025, which aligns the new repeal date with the sunset review of the Colorado Dental Board. In addition, the bill makes the following changes:

- removes specifications regarding the number of hours a dental hygienist must practice before placing ITR;
- removes the timeline within which a distant dentist must communicate with a dental hygienist regarding a telehealth diagnosis;
- requires the Colorado Dental Board to develop a waiver process by which a dentist may supervise more than five dental hygienists; and
- allows broader use of telehealth technologies.

Background

Dental hygienists must obtain a permit, at no cost, for the authority to place ITR and may only perform the procedure as part of a collaborative agreement with a dentist. Over the past five fiscal years, the Colorado Dental Board has awarded between 9 and 34 permits each year. No permit is required for dental hygienists to apply silver diamine fluoride, though a dental hygienist must have similar qualifications as are required for the ITR permit. Over the past five years, there have been no complaints or disciplinary action taken against dental hygienists concerning these functions.

Continuing Program Impacts

The Department of Regulatory Agencies does not have specific revenue or expenditures associated with these functions of dental hygienists. Other regulations on dental hygienists, including licensure by the Colorado Dental Board, are not impacted by this bill. If this bill is enacted, current workload will continue for the program starting in FY 2022-23. If this bill is not enacted, the authority for these functions will end on September 1, 2022, following a wind-down period, and state workload will decrease starting in FY 2022-23.

State Expenditures

Workload may increase in the Department of Regulatory Agencies and the Department of Law to promulgate rules as required by the bill. This workload is expected to be minimal, and can be accomplished within existing appropriations.

Effective Date

The bill was signed into law by the Governor on April 15, 2021 and takes effect September 1, 2021.

State and Local Government Contacts

Information Technology

Law

Regulatory Agencies