

## CHAPTER 254

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**PROFESSIONS AND OCCUPATIONS**

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SENATE BILL 06-212

BY SENATOR(S) Hagedorn;  
also REPRESENTATIVE(S) McGihon, Boyd, Jahn, Rose, and White.

**AN ACT**

**CONCERNING THE AUTHORITY OF AN UNSUPERVISED DENTAL HYGIENIST TO ARRANGE FOR THE PROVISION OF DENTAL SERVICES, AND, IN CONNECTION THEREWITH, ALLOWING THE PROPRIETOR OF A DENTAL HYGIENE CLINIC TO EMPLOY OR CONTRACT WITH A LICENSED DENTIST.**

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

**SECTION 1.** 12-35-124 (3), Colorado Revised Statutes, is amended to read:

**12-35-124. What constitutes practicing unsupervised dental hygiene.**

(3) (a) Notwithstanding ~~the provisions of~~ section 12-35-103 (14) or 12-35-113 (1) (b), a dental hygienist may be the proprietor of a place where supervised or unsupervised dental hygiene is performed and may purchase, own, or lease equipment necessary to perform supervised or unsupervised dental hygiene.

(b) A DENTAL HYGIENIST PROPRIETOR, OR A PROFESSIONAL CORPORATION OR PROFESSIONAL LIMITED LIABILITY CORPORATION OF DENTAL HYGIENISTS, IN ADDITION TO PROVIDING DENTAL HYGIENE SERVICES, MAY ENTER INTO AN AGREEMENT WITH ONE OR MORE DENTISTS FOR THE LEASE OR RENTAL OF EQUIPMENT OR OFFICE SPACE IN THE SAME PHYSICAL LOCATION AS THE DENTAL HYGIENE PRACTICE, BUT ONLY IF THE DETERMINATION OF NECESSARY DENTAL SERVICES PROVIDED BY THE DENTIST AND PROFESSIONAL RESPONSIBILITY FOR THOSE SERVICES, INCLUDING BUT NOT LIMITED TO DENTAL RECORDS, APPROPRIATE MEDICATION, AND PATIENT PAYMENT, REMAIN WITH THE TREATING DENTIST. IT SHALL BE THE RESPONSIBILITY OF THE DENTAL HYGIENIST TO INFORM THE PATIENT AS TO WHETHER THERE IS A SUPERVISORY RELATIONSHIP BETWEEN THE DENTIST AND THE DENTAL HYGIENIST. SUCH AN AGREEMENT SHALL NOT CONSTITUTE EMPLOYMENT AND SHALL NOT CONSTITUTE CAUSE FOR DISCIPLINE PURSUANT TO SECTION 12-35-129 (1) (h).

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** 12-35-129 (1) (h), Colorado Revised Statutes, is amended to read:

**12-35-129. Causes for denial of issuance or renewal - suspension or revocation of licenses - other disciplinary action - unprofessional conduct defined - disciplinary panels.** (1) The board may deny the issuance or renewal of, suspend for a specified time period, or revoke any license provided for by this article or may reprimand, censure, or place on probation any licensed dentist or dental hygienist after notice and hearing, which may be conducted by an administrative law judge, pursuant to the provisions of article 4 of title 24, C.R.S., or it may issue a letter of admonition without a hearing by certified mail (except that any licensed dentist or dental hygienist to whom such a letter of admonition is sent may, within twenty days after receipt of the letter, request in writing to the board a formal hearing thereon, and the letter of admonition shall be deemed vacated, and the board shall, upon such request, hold such a hearing) for any of the following causes:

(h) Except as otherwise provided in ~~section~~ SECTIONS 25-3-103.7, 12-35-116, AND 12-35-124(3), C.R.S., practicing dentistry or dental hygiene as a partner, agent, or employee of or in joint venture with any person who does not hold a license to practice dentistry or dental hygiene within this state or practicing dentistry or dental hygiene as an employee of or in joint venture with any partnership, association, or corporation. ~~except as provided in section 12-35-116.~~ A licensee holding a license to practice dentistry or dental hygiene in this state may accept employment from any person, partnership, association, or corporation to examine, prescribe, and treat the employees of such person, partnership, association, or corporation.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 2006