

ARTICLE 35 220
DENTISTS AND DENTAL HYGIENISTS

PART 1
GENERAL PROVISIONS

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PART 1
GENERAL PROVISIONS

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- 12-220-101. [Formerly 12-35-101] Short title.** THE SHORT TITLE OF this article shall be known and may be cited as **220** IS the "Dental Practice Act".
- 12-220-102. [Formerly 12-35-102] Legislative declaration.** The practice of dentistry and dental hygiene in this state is declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified dentists and dental hygienists be permitted to practice dentistry or dental hygiene in this state. It is the purpose of this article **220** to promote the public health, safety, and welfare by regulating the practice of dentistry and dental hygiene and to ensure that no one shall practice dentistry or dental hygiene without qualifying under this article **220**. The provisions of this article **220** relating to licensure by credentials are not intended to reduce competition or restrain trade with respect to the oral health needs of the public. All provisions of this article **220** relating to the practice of dentistry and dental hygiene shall be liberally construed to carry out these objects and purposes.
- 12-220-103. Applicability of common provisions.** ARTICLES 1, 20, AND 30 OF THIS

1 TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 220.

2
3 **12-220-104. [Formerly 12-35-103] Definitions - rules.** As used in this article 35
4 **220**, unless the context otherwise requires:

5 (1) "Accredited" means a program that is nationally recognized for specialized
6 accrediting for dental, dental hygiene, and dental auxiliary programs by the United States
7 department of education.

8 (2) "Board" means the Colorado dental board created in section ~~12-35-104~~
9 **12-220-105**.

10 (3) "Dental assistant" means any person not a dentist or dental hygienist licensed in
11 Colorado who may be assigned or delegated to perform dental tasks or procedures as
12 authorized by this article **220** or by rules of the board.

13 (4) "Dental hygiene" means the delivery of preventive, educational, and clinical
14 services supporting total health for the control of oral disease and the promotion of oral
15 health provided by a dental hygienist within the scope of his or her education, training, and
16 experience and in accordance with applicable law.

17 ~~(4.5)~~ (5) "Dental hygiene diagnosis" means the identification of an existing oral
18 health problem that a dental hygienist is qualified and licensed to treat within the scope of
19 dental hygiene practice. The dental hygiene diagnosis focuses on behavioral risks and
20 physical conditions that are related to oral health. A dentist shall confirm any dental hygiene
21 diagnosis that requires treatment that is outside the scope of dental hygiene practice pursuant
22 to sections ~~12-35-124, 12-35-125, and 12-35-128~~ 12-220-122, 12-220-123, AND 12-220-127.

23 ~~(5)~~ (6) "Dentistry" means the evaluation, diagnosis, prevention, or treatment,
24 including nonsurgical, surgical, or related procedures, of diseases, disorders, or conditions
25 of the oral cavity, maxillofacial area, or the adjacent and associated structures and the impact
26 of the disease, disorder, or condition on the human body so long as a dentist is practicing
27 within the scope of his or her education, training, and experience and in accordance with
28 applicable law.

29 ~~(6)~~ (7) (a) "Direct supervision" means the supervision of those tasks or procedures
30 that do not require the presence of the dentist in the room where performed but require the
31 dentist's presence on the premises and availability for prompt consultation and treatment.

32 (b) For purposes of this subsection ~~(6)~~ (7) only, "premises" means within the same
33 building, dental office, or treatment facility and within close enough proximity to respond
34 in a timely manner to an emergency or the need for assistance.

35 ~~(7) and (8) Repealed.~~

36 (9) (8) "Independent advertising or marketing agent" means a person, firm,

1 association, or corporation that performs advertising or other marketing services on behalf
2 of licensed dentists, including referrals of patients to licensees resulting from
3 patient-initiated responses to ~~such~~ THE advertising or marketing services.

4 ~~(10)~~ (9) (a) "Indirect supervision" means the supervision of those tasks or procedures
5 that do not require the presence of the dentist in the office or on the premises at the time
6 ~~such~~ THE tasks or procedures are being performed, but do require that the tasks be performed
7 with the prior knowledge and consent of the dentist.

8 (b) For purposes of this subsection ~~(10)~~ (9) only, "premises" means within the same
9 building, dental office, or treatment facility and within close enough proximity to respond
10 in a timely manner to an emergency or the need for assistance.

11 ~~(10.5)~~ (10) (a) "Interim therapeutic restoration" or "ITR" means a direct provisional
12 restoration placed to stabilize a tooth until a licensed dentist can assess the need for further
13 definitive treatment.

14 (b) (I) "Interim therapeutic restoration" involves the removal of soft material using
15 hand instrumentation, without the use of rotary instrumentation, and the subsequent
16 placement of a glass ionomer restoration.

17 (II) The board may promulgate rules regarding the use of new restorative materials
18 in addition to the materials described in ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION
19 (10)(b)(I) OF THIS SECTION that are appropriate to the interim therapeutic restoration
20 procedure as they become available.

21 (c) "Interim therapeutic restoration" includes protective restoration for adults
22 delivered in accordance with section ~~12-35-128.5~~ **12-220-128**.

23 (11) "Laboratory work order" means the written instructions of a dentist licensed in
24 Colorado authorizing another person to construct, reproduce, or repair any prosthetic
25 denture, bridge, appliance, or other structure to function in the oral cavity, maxillofacial
26 area, or adjacent and associated regions.

27 (12) "License" ~~means the grant of authority by the board to any person to engage in~~
28 ~~the practice of dentistry or dental hygiene.~~ "License" HAS THE MEANING SPECIFIED IN
29 SECTION 12-20-102 (9) AND includes an academic license to practice dentistry pursuant to
30 section ~~12-35-117.5~~ **12-220-116**. A license is a privilege personal to the licensee, and the
31 board may revoke, suspend, or impose disciplinary conditions on the license for a violation
32 of this article **220**. <{Redundant with definitions common provision, 12-20-102 (9).}>

33 ~~(13) Repealed.~~

34 ~~(14)~~ (13) "Proprietor" includes any person who:

35 (a) Employs dentists, dental hygienists, or dental assistants in the operation of a
36 dental office, except as provided in sections ~~12-35-113 and 12-35-128~~ **12-220-110** AND

1 ***12-220-127;***

2 (b) Places in possession of a dentist, dental hygienist, dental assistant, or other agent
3 ~~such~~ dental material or equipment ~~as~~ THAT may be necessary for the management of a dental
4 office on the basis of a lease or any other agreement for compensation for the use of ~~such~~
5 THE material, equipment, or offices; or

6 (c) Retains the ownership or control of dental equipment or material or a dental
7 office and makes the same available in any manner for use by dentists, dental hygienists,
8 dental assistants, or other agents; except that nothing in this ~~paragraph (c)~~ SUBSECTION
9 (13)(c) shall apply to bona fide sales of dental equipment or material secured by a chattel
10 mortgage or retain-title agreement or to the loan of articulators.

11 ~~(15) Repealed.~~

12 ~~(16)~~ (14) "Telehealth by store-and-forward transfer" means an asynchronous
13 transmission of medical or dental information to be reviewed by a dentist at a later time at
14 a distant site without the patient present in real time.

15 ~~(17)~~ (15) "Telehealth supervision" means indirect supervision by a dentist of a dental
16 hygienist performing a statutorily authorized procedure using telecommunications systems.

17
18 **12-220-105. Colorado dental board - qualifications of board members - quorum**
19 **- panel - subject to termination - immunity - repeal of article.(1) [Formerly 12-35-104**
20 **(1)]** (a) ~~(f)~~ The Colorado dental board is hereby created as the agency of this state for the
21 regulation of the practice of dentistry in this state and to carry out the purposes of this article
22 **220**. The board is subject to the supervision and control of the division ~~of professions and~~
23 ~~occupations~~ as provided by section ~~24-34-102, C.R.S. 12-20-103 (2)~~.

24 ~~(H)~~(b) The board consists of seven dentist members, three dental hygienist members,
25 and three members from the public at large. The governor shall appoint each member for a
26 term of four years, and each member shall have the qualifications provided in this article
27 **220**. No member shall serve more than two consecutive terms of four years. Each board
28 member shall hold office until his or her term expires or until the governor appoints a
29 successor.

30 ~~(HH)~~ (c) In making appointments to the board, the governor shall attempt to create
31 geographical, political, urban, and rural balance among the board members. If a vacancy
32 occurs in any board membership before the expiration of the member's term, the governor
33 shall fill the vacancy by appointment for the remainder of the term in the same manner as
34 in the case of original appointments.

35 ~~(IV)~~ (d) The governor may remove any member of the board for misconduct,
36 incompetence, or neglect of duty.

- 1 ~~(b) (Deleted by amendment, L. 2014.)~~
- 2 (2) [Formerly 12-35-105 (1)] A person shall be qualified to be appointed to the
- 3 board if ~~such~~ THE person:
- 4 (a) Is a legal resident of Colorado;
- 5 (b) Is currently licensed as a dentist or dental hygienist, if fulfilling that position on
- 6 the board; and
- 7 (c) Has been actively engaged in a clinical practice in this state for at least five years
- 8 immediately preceding the appointment, if fulfilling the position of dentist or dental
- 9 hygienist on the board.
- 10 (3) [Formerly 12-35-104 (2)] The board shall organize annually by electing one of
- 11 its members as chairperson and one as vice-chairperson. It may adopt such rules for its
- 12 government as it may deem proper. The board shall meet at least quarterly, and more often
- 13 if necessary, at such times and places as it may from time to time designate.
- 14 (4) [Formerly 12-35-106] A majority of the members of the board shall constitute
- 15 a quorum for the transaction of business, but if less than a quorum is present on the day
- 16 appointed for a meeting, those present may adjourn until a quorum is present. Any action
- 17 taken by a quorum of the assigned panel shall constitute action by the board; except that, for
- 18 disciplinary matters concerning a dentist, a majority of dentist members is required for a
- 19 quorum.
- 20 (5) [Formerly 12-35-104 (4)] (a) ~~Section 24-34-104, C.R.S., concerning the~~
- 21 ~~termination schedule for regulatory bodies of the state unless extended as provided in that~~
- 22 ~~section, applies to the board. Prior to~~ BEFORE the repeal of this article ~~the department of~~
- 23 ~~regulatory agencies shall review~~ **220** PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, all
- 24 functions of the board ~~as provided~~ ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH
- 25 section 24-34-104. C.R.S.
- 26 (b) This article **220** is repealed, effective September 1, 2025.
- 27
- 28 ~~**12-35-105. Qualifications of board members.** (1) A person shall be qualified to~~
- 29 ~~be appointed to the board if such person:~~
- 30 ~~(a) Is a legal resident of Colorado;~~
- 31 ~~(b) Is currently licensed as a dentist or dental hygienist, if fulfilling that position on~~
- 32 ~~the board; and~~
- 33 ~~(c) Has been actively engaged in a clinical practice in this state for at least five years~~
- 34 ~~immediately preceding the appointment, if fulfilling the position of dentist or dental~~
- 35 ~~hygienist on the board. <{Section moved to 12-220-105 (3).}>~~
- 36 (2) Repealed.

1 ~~**12-35-106. Quorum of board – panel.**~~ A majority of the members of the board shall
2 constitute a quorum for the transaction of business, but if less than a quorum is present on
3 the day appointed for a meeting, those present may adjourn until a quorum is present. Any
4 action taken by a quorum of the assigned panel shall constitute action by the board; except
5 that, for disciplinary matters concerning a dentist, a majority of dentist members is required
6 for a quorum. <{Moved to 12-220-105 (4).}>
7

8 **12-220-106. Powers and duties of board - rules - limitation on authority.**

9 (1) [Formerly 12-35-107 (1)] The board shall exercise, in accordance with this article 35
10 220, the following powers and duties:

11 ~~(a) Repealed.~~

12 ~~(b)~~ (a) Make, publish, declare, and periodically review reasonable rules as necessary
13 to carry out and make effective the powers and duties of the board as vested in it by this
14 article 35 220, including rules regarding:

15 (I) The use of lasers for dental and dental hygiene purposes within defined scopes
16 of practice, subject to appropriate education and training, and with appropriate supervision,
17 as applicable;

18 (II) Minimum training, experience, and equipment requirements to obtain an
19 anesthesia or sedation permit under section ~~12-35-140~~ **12-220-146**;

20 (III) Criteria and procedures consistent with section ~~12-35-140~~ **12-220-146** for an
21 office inspection program to be completed upon application and renewal of sedation and
22 anesthesia permits pursuant to section ~~12-35-140~~ **12-220-146**;

23 (IV) A uniform system and schedule of fines pursuant to section ~~12-35-129.1~~ **(6)(b)**
24 **12-220-131 (5)(b)**;

25 (V) THE GRANTING OF TEMPORARY LICENSES, WHICH RULES SHALL INCLUDE, BUT NOT
26 BE LIMITED TO, RESTRICTIONS WITH RESPECT TO EFFECTIVE DATES, AREAS OF PRACTICE THAT
27 MAY BE PERFORMED, AND LICENSING FEES THAT MAY BE CHARGED TO THE APPLICANT;
28 <{Recommend moving this rule-making authority from paragraph (e), below, to this
29 paragraph to consolidate rule-making authority within this section.}>

30 ~~(c) (b) (I) Conduct hearings to revoke, suspend, or deny the issuance of a license or~~
31 ~~renewal of a license granted under the authority of this article or of previous laws; issue a~~
32 ~~confidential letter of concern IN ACCORDANCE WITH SECTION 12-20-403 TO TAKE THE~~
33 ~~FOLLOWING ACTIONS WHEN EVIDENCE HAS BEEN PRESENTED SHOWING A VIOLATION OF ANY~~
34 ~~OF THE PROVISIONS OF THIS ARTICLE 220 BY A HOLDER OF OR AN APPLICANT FOR A LICENSE:~~

35 (A) ISSUE A CONFIDENTIAL LETTER OF CONCERN IN ACCORDANCE WITH SECTION
36 12-20-404 (5);

1 (B) Issue a letter of admonition ~~impose an administrative fine~~; or IN ACCORDANCE
2 WITH SECTION 12-20-404 (4);
3 (C) Reprimand, censure, or, IN ACCORDANCE WITH SECTION 12-20-404 (1)(b), place
4 on probation a licensee; when evidence has been presented showing violation of any of the
5 provisions of this article by a holder of or an applicant for a license
6 (D) IMPOSE AN ADMINISTRATIVE FINE IN ACCORDANCE WITH SECTION 12-20-404
7 (1)(c); OR
8 (E) IN ACCORDANCE WITH SECTION 12-20-404 (1)(d), REVOKE, SUSPEND, OR DENY
9 THE ISSUANCE OF A LICENSE OR RENEWAL OF A LICENSE GRANTED UNDER THE AUTHORITY OF
10 THIS ARTICLE 220 OR OF PREVIOUS LAWS.
11 <{Redundant with disciplinary procedures common provision, 12-20-403, and
12 disciplinary actions common provision, 12-20-404.}>
13 (II) The board may elect to hear the matter itself pursuant to the provisions of section
14 ~~12-35-129.1 (1)~~ **12-220-131 (1)**, or it may elect to hear the matter with the assistance of an
15 administrative law judge or an advisory attorney from the office of the attorney general, and,
16 in such case, the advisor or administrative law judge shall advise the board on legal and
17 procedural matters and rule on evidence and otherwise conduct the course of the hearing.
18 ~~(d)~~ (c) Conduct investigations IN ACCORDANCE WITH SECTION 12-20-403 and
19 inspections for compliance with the provisions of this article **220**;
20 ~~(e)~~ (d) Grant and issue licenses and renewal certificates in conformity with this
21 article **220** to such applicants as have been found qualified. The board may also grant and
22 issue temporary licenses ~~The board shall promulgate~~ IN ACCORDANCE WITH rules concerning
23 the granting of temporary licenses, which rules shall include, but not be limited to,
24 restrictions with respect to effective dates, areas of practice that may be performed, and
25 licensing fees that may be charged to the applicant ADOPTED UNDER SUBSECTION (1)(a)(V)
26 OF THIS SECTION. <{Moving this rule-making authority to (1)(a)(V), above, to consolidate
27 rule-making authority within this section.}>
28 ~~(f)~~ Repealed:
29 ~~(g)~~ (e) Through the department of regulatory agencies and subject to appropriations
30 made to the department, ~~of regulatory agencies~~, employ hearing officers or administrative
31 law judges on a full-time or part-time basis to conduct any hearings required by this article
32 **220**; The hearing officers and administrative law judges shall be appointed pursuant to part
33 ~~10~~ of article 30 of title 24, C.R.S. <{Redundant with disciplinary procedures/ALJ
34 appointment common provision, 12-20-403 (3).}>
35 ~~(h)~~ (f) In accordance with section ~~12-35-140~~ **12-220-146**, issue anesthesia and
36 sedation permits to licensed dentists and dental hygienists and set and collect fees for permit

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

3 ~~(H) (Deleted by amendment, L. 2014.)~~

4 ~~(i) Repeated.~~

5 (2) [Formerly 12-35-107 (2)] The board may recognize those dental specialties
6 defined by the American Dental Association.

7 (3) [Formerly 12-35-107 (3)] To facilitate the licensure of qualified applicants, the
8 board may, in its discretion, establish a subcommittee of at least six board members to
9 perform licensing functions in accordance with this article 220. Four subcommittee members
10 shall constitute a quorum of the subcommittee. The chairperson of the board may serve on
11 a subcommittee as deemed necessary by the chairperson. Any action taken by a quorum of
12 the subcommittee shall constitute action by the board.

13 (4) [Formerly 12-35-108] The authority granted the board under the provisions of
14 this article 220 shall not be construed to authorize the board to arbitrate or adjudicate fee
15 disputes between licensees or between a licensee and any other party.

16
17 ~~12-35-108. Limitation on authority.~~ The authority granted the board under the
18 provisions of this article shall not be construed to authorize the board to arbitrate or
19 adjudicate fee disputes between licensees or between a licensee and any other party.
20 <{Moved to 12-220-106 (4)}>

21
22 ~~12-35-109. Power of board to administer oaths - issue subpoenas - service -~~
23 ~~penalty for refusing to obey subpoena.~~ (1) The board or an administrative law judge shall
24 have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to
25 compel the attendance of witnesses and the production of all relevant papers, books, records,
26 documentary evidence, and materials in any hearing, investigation, accusation, or other
27 matter coming before the board. The board may appoint an administrative law judge
28 pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings
29 and report them to the board.

30 (2) Upon failure of any witness to comply with such subpoena or process, the board
31 may petition the district court in the county in which the proceeding is pending setting forth
32 that due notice has been given of the time and place of attendance of the witness and the
33 service of the subpoena, in which event, the district court, after hearing evidence in support
34 of or contrary to the petition, may enter an order as in other civil actions compelling the
35 witness to attend and testify or produce books, records, or other evidence. <{Repealing
36 subsections (1) & (2) as redundant with disciplinary procedures/subpoena powers

1 *common provision, 12-20-403 (2).*>

2 ~~(3) Any member of the board, any member of the board's staff, any person acting as~~
3 ~~a witness or consultant to the board, any witness testifying in a proceeding authorized under~~
4 ~~this part 1, and any person who lodges a complaint pursuant to this part 1 shall be immune~~
5 ~~from liability in any civil action brought against him or her for acts occurring while acting~~
6 ~~in his or her capacity as board member, staff, consultant, or witness, respectively, if such~~
7 ~~individual was acting in good faith within the scope of his or her respective capacity, made~~
8 ~~a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in~~
9 ~~the reasonable belief that the action taken by him or her was warranted by the facts. Any~~
10 ~~person participating in good faith in lodging a complaint or participating in any investigative~~
11 ~~or administrative proceeding pursuant to this part 1 shall be immune from any civil or~~
12 ~~criminal liability that may result from such participation. <{*Repealing subsection (3) as*~~
13 ~~*redundant with immunity common provision, 12-20-402.*>~~

14
15 **12-220-107. [Formerly 12-35-110] Indebtedness - appropriations - publications.**

16 (1) The board shall not have the power to create any indebtedness on behalf of the state. ~~All~~
17 ~~examination and other fees under this article shall be collected by the board and transmitted~~
18 ~~to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and~~
19 ~~the general assembly shall make annual appropriations pursuant to said section for the uses~~
20 ~~and purposes of this article. Expenditures from such appropriations shall be made upon~~
21 ~~vouchers and warrants drawn pursuant to law. <{*Redundant with fees common provision,*~~
22 ~~*12-20-105.*>~~

- 23 (2) Appropriations made to the board may be applied only to the payment of:
- 24 (a) The necessary traveling, hotel, and clerical expenses of the members of the board
25 in the performance of their duties;
- 26 (b) Dues for membership in the American Association of Dental Boards, or its
27 successor association, and the expense of sending delegates to the association's convention;
28 and
- 29 (c) Other expenditures necessary or proper to carry out and execute the powers and
30 duties of the board and implement this article **220**.

31 (3) Publications of the board circulated in quantity outside the executive branch shall
32 be issued in accordance with the provisions of section 24-1-136. ~~C.R.S.~~

33
34 **12-220-108. [Formerly 12-35-111] Change of address - duplicate licenses and**

35 **certificates.** (1) Every person licensed under this article **220**, upon changing the licensee's
36 place of business, shall furnish to the board the licensee's new mailing address within thirty

1 days.

2 (2) The board may issue a duplicate of any license upon attestation by the licensee
3 of loss or destruction and shall charge a fee established pursuant to section ~~24-34-105~~,
4 C.R.S., 12-20-105 for a duplicate.

5
6 **12-220-109. [Formerly 12-35-112] Persons entitled to practice dentistry or dental**
7 **hygiene.** (1) It is unlawful for any person to practice dentistry or dental hygiene in this state
8 except those:

9 (a) Who are duly licensed as dentists or dental hygienists pursuant to this article **220**;

10 (b) Who are designated by this article **220** as dental assistants, but only to the extent
11 of the procedures authorized by this article **220** and the rules adopted by the board.

12
13 **12-220-110. [Formerly 12-35-113] What constitutes practicing dentistry -**
14 **authority to electronically prescribe.** (1) A person is practicing dentistry if the person:

15 (a) Performs, or attempts or professes to perform, any dental operation, oral surgery,
16 or dental diagnostic or therapeutic services of any kind; except that nothing in this ~~paragraph~~
17 ~~(a)~~ SUBSECTION (1)(a) shall be construed to prohibit a dental hygienist or dental assistant
18 from providing preventive dental or nutritional counseling, education, or instruction
19 services;

20 (b) Is a proprietor of a place where dental operation, oral surgery, or dental
21 diagnostic or therapeutic services are performed; except that nothing in this ~~paragraph (b)~~
22 SUBSECTION (1)(b) shall be construed to prohibit a dental hygienist or dental assistant from
23 performing those tasks and procedures consistent with section ~~12-35-128~~ **12-220-127**;

24 (c) Directly or indirectly, by any means or method, takes impression of the human
25 tooth, teeth, jaws, maxillofacial area, or adjacent and associated structures, performs any
26 phase of any operation incident to the replacement of a part of a tooth, or supplies artificial
27 substitutes for the natural teeth, jaws, or adjacent and associated structures; except that
28 nothing in this ~~paragraph (c)~~ SUBSECTION (1)(c) prohibits a dental hygienist or dental
29 assistant from performing tasks and procedures consistent with sections ~~12-35-124 (1)(d)~~
30 **12-220-122 (1)(d)** and ~~12-35-128 (3)(b)(III)~~ **12-220-127 (3)(b)(III)**;

31 (d) Furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture,
32 bridge, appliance, or other structure to be worn in the human mouth or upon the jaws,
33 maxillofacial area, or adjacent and associated structures other than on the written laboratory
34 work order of a duly licensed and practicing dentist;

35 (e) Places an appliance or structure described in ~~paragraph (d) of this subsection (1)~~
36 SUBSECTION (1)(d) OF THIS SECTION in the human mouth;

1 (f) Adjusts or attempts or professes to adjust an appliance or structure described in
2 ~~paragraph (d) of this subsection~~ ~~(f)~~ SUBSECTION (1)(d) OF THIS SECTION;

3 (g) Delivers an appliance or structure described in ~~paragraph (d) of this subsection~~
4 ~~(f)~~ SUBSECTION (1)(d) OF THIS SECTION to any person other than the dentist upon whose
5 laboratory work order the work was performed;

6 (h) Professes to the public by any method to furnish, supply, construct, reproduce,
7 or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the
8 human mouth or upon the jaws, maxillofacial area, or adjacent and associated structures;

9 (i) Examines, diagnoses, plans treatment of, or treats natural or artificial structures
10 or conditions associated with, adjacent to, or functionally related to the oral cavity, jaws,
11 maxillofacial area, or adjacent and associated structures and their impact on the human body;

12 (j) Extracts, or attempts to extract, human teeth or corrects, or attempts to correct,
13 malformations of human teeth or jaws;

14 (k) Repairs or fills cavities in human teeth;

15 (l) Prescribes ionizing radiation or the use of an X ray for the purpose of taking
16 dental X rays or roentgenograms; except that nothing in this ~~paragraph (l)~~ SUBSECTION (1)(l)
17 shall be construed to prohibit these procedures from being delegated to appropriately trained
18 personnel in accordance with this article **220** and rules of the board;

19 (m) Gives, or professes to give, interpretations or readings of dental X rays or
20 roentgenograms, CT scans, or other diagnostic methodologies; except that nothing in this
21 ~~paragraph (m)~~ SUBSECTION (1)(m) shall be construed to prohibit a dental hygienist from
22 performing tasks and procedures consistent with sections ~~12-35-124~~ **12-220-122** and
23 ~~12-35-125~~ **12-220-123**;

24 (n) Represents himself or herself to an individual or the general public as practicing
25 dentistry, by using the words "dentist" or "dental surgeon", or by using the letters "D.D.S.",
26 "D.M.D.", "D.D.S./M.D.", or "D.M.D./M.D.". Nothing in this ~~paragraph (n)~~ SUBSECTION
27 (1)(n) prohibits a dental hygienist or dental assistant from performing tasks and procedures
28 consistent with section ~~12-35-128 (2) or (3)(b)~~ **12-220-127 (2) OR (3)(b)**.

29 (o) States, permits to be stated, or professes by any means or method whatsoever that
30 he or she can perform or will attempt to perform dental operations or render a diagnosis
31 connected therewith;

32 (p) Prescribes drugs or medications and administers local anesthesia, analgesia
33 including nitrous oxide/oxygen inhalation, medication prescribed or administered for the
34 relief of anxiety or apprehension, minimal sedation, moderate sedation, deep sedation, or
35 general anesthesia as necessary for the proper practice of dentistry; except that nothing in
36 this ~~paragraph (p)~~ SUBSECTION (1)(p) shall be construed to prohibit a dental hygienist from

1 performing those tasks and procedures consistent with sections ~~12-35-124(1)(e) and (1)(g);~~
2 ~~12-35-125 (1)(f)~~ **12-220-122 (1)(e)** AND **(1)(g)**, **12-220-123 (1)(c)**, and ~~12-35-128~~
3 **12-220-127**, and in accordance with rules promulgated by the board;

4 (q) Prescribes, induces, and sets dosage levels for inhalation anesthesia; except that
5 nothing in this ~~paragraph (q)~~ SUBSECTION (1)(q) shall be construed to prohibit the delegation
6 of monitoring and administration to appropriately trained personnel in accordance with this
7 article **220** and rules of the board;

8 (r) Gives or professes to give interpretations or readings of dental charts or records
9 or gives treatment plans or interpretations of treatment plans derived from examinations,
10 patient records, dental X rays, or roentgenograms; except that nothing in this ~~paragraph (r)~~
11 SUBSECTION (1)(r) shall be construed to prohibit a dental hygienist or dental assistant from
12 performing tasks and procedures consistent with sections ~~12-35-124, 12-35-125,~~
13 **12-220-122, 12-220-123**, and ~~12-35-128 (2) and (3)~~ **12-220-127 (2) AND (3)**.

14 (2) A licensed dentist may prescribe orders electronically.
15

16 **12-220-111. [Formerly 12-35-114] Dentists may prescribe drugs - surgical**
17 **operations - anesthesia - limits on opioid prescriptions - repeal.** _____ (1) A licensed
18 dentist is authorized to prescribe drugs or medicine; perform surgical operations; administer,
19 pursuant to board rules, local anesthesia, analgesia including nitrous oxide/oxygen
20 inhalation, medication prescribed or administered for the relief of anxiety or apprehension,
21 minimal sedation, moderate sedation, deep sedation, or general anesthesia; and use
22 appliances as necessary to the proper practice of dentistry. A dentist shall not prescribe,
23 distribute, or give to any person, including himself or herself, any habit-forming drug or any
24 controlled substance, as defined in section 18-18-102 (5) or as contained in schedule II of
25 21 U.S.C. sec. 812, other than in the course of legitimate dental practice and pursuant to the
26 rules promulgated by the board regarding controlled substance record keeping.

27 (2) (a) A dentist shall not prescribe more than a seven-day supply of an opioid to a
28 patient who has not had an opioid prescription in the last twelve months by that dentist, and
29 may exercise discretion to include a second fill for a seven-day supply. The limits on initial
30 prescribing do not apply if, in the judgment of the dentist, the patient: IS SUBJECT TO THE
31 LIMITATIONS ON PRESCRIBING OPIOIDS SPECIFIED IN SECTION 12-30-109.

32 (I) Has chronic pain that typically lasts longer than ninety days or past the time of
33 normal healing, as determined by the dentist, or following transfer of care from another
34 dentist who prescribed an opioid to the patient;

35 (II) Has been diagnosed with cancer and is experiencing cancer-related pain; or

36 (III) Is experiencing post-surgical pain that, because of the nature of the procedure,

1 ~~is expected to last more than fourteen days.~~

2 ~~(b) Prior to prescribing the second fill of any opioid prescription pursuant to this~~
3 ~~section, a dentist must comply with the requirements of section 12-42.5-404 (3.6). Failure~~
4 ~~to comply with section 12-42.5-404 (3.6) constitutes grounds for discipline under section~~
5 ~~12-35-129 only if the dentist repeatedly fails to comply.~~

6 ~~(c) A dentist licensed pursuant to this article 35 may prescribe opioids electronically.~~

7 ~~(d) A violation of this subsection (2) does not create a private right of action or serve~~
8 ~~as the basis of a cause of action. A violation of this section does not constitute negligence~~
9 ~~per se or contributory negligence per se and does not alone establish a standard of care.~~
10 ~~Compliance with this section does not alone establish an absolute defense to any alleged~~
11 ~~breach of the standard of care.~~

12 ~~(e) (b) This subsection (2) is repealed, effective September 1, 2021.~~

13 <{~~*Redundant with opioid prescribing limits common provision, 12-30-109.*~~}>

14
15 **12-220-112. [Formerly 12-35-115] Persons exempt from operation of this article.**

16 (1) This article **220** does not apply to the following practices, acts, and operations:

17 (a) Practice of his or her profession by a physician or surgeon licensed as such under
18 the laws of this state unless the physician or surgeon practices dentistry as a specialty;

19 (b) The administration of an anesthetic by a qualified anesthetist or registered nurse
20 for a dental operation;

21 (c) The practice of dentistry or dental hygiene in the discharge of their official duties
22 by graduate dentists or dental surgeons or dental hygienists in the United States armed
23 forces, public health service, Coast Guard, or veterans administration;

24 (d) Students or residents regularly employed by a private hospital or by a city, county,
25 city and county, or state hospital under an advanced dental education program accredited by
26 the Commission on Dental Accreditation or its successor commission and approved and
27 registered by the board;

28 (e) The practice of dental hygiene by instructors and students or the practice of
29 dentistry by students or residents in schools or colleges of dentistry, schools of dental
30 hygiene, or schools of dental assistant education while ~~such~~ THE instructors, students, or
31 residents are participating in accredited programs of ~~such~~ THE schools or colleges;

32 (f) The practice of dentistry or dental hygiene by dentists or dental hygienists
33 licensed in good standing by other states or countries while appearing in programs of dental
34 education or research at the invitation of any group of licensed dentists or dental hygienists
35 in this state who are in good standing, so long as ~~such~~ THE practice is limited to five
36 consecutive days in a twelve-month period and the name of each person engaging in ~~such~~

1 THE practice is submitted to the board, in writing and on a form approved by the board, at
2 least ten days before the person performs ~~such~~ THE practice;

3 (g) The filling of laboratory work orders of a licensed dentist, as provided by section
4 ~~12-35-133~~ **12-220-139**, by any person, association, corporation, or other entity for the
5 construction, reproduction, or repair of prosthetic dentures, bridges, plates, or appliances to
6 be used or worn as substitutes for natural teeth or for restoration of natural teeth, or
7 replacement of structures relating to the jaws, maxillofacial area, or adjacent and associated
8 structures;

9 (h) The performance of acts by a person under the direct or indirect supervision of
10 a dentist licensed in Colorado when authorized pursuant to the rules of the board or when
11 authorized under other provisions of this article **220**;

12 (i) The practicing of dentistry or dental hygiene by an examiner representing a testing
13 agency approved by the board, during the administration of an examination; or

14 ~~(j) (Deleted by amendment, L. 2010, (HB 10-1128), ch. 172, p. 611, § 5, effective~~
15 ~~April 29, 2010.)~~

16 ~~(k)~~ (j) The practice of dentistry or dental hygiene by dentists or dental hygienists
17 licensed in good standing by other states while providing care as a volunteer, at the
18 invitation of any group of licensed dentists or dental hygienists in this state who are in good
19 standing, so long as ~~such~~ THE practice is limited to five consecutive days in a twelve-month
20 period and the name of each person engaging in ~~such~~ THE practice is submitted to the board,
21 in writing and on a form approved by the board, at least ten days before the person performs
22 ~~such~~ THE practice.

23
24 **12-220-113. [Formerly 12-35-116] Names and status under which dental practice**
25 **may be conducted.** (1) The conduct of the practice of dentistry or dental hygiene in a
26 corporate capacity is prohibited, but ~~such~~ THE prohibition shall not be construed to prevent
27 the practice of dentistry or dental hygiene by a professional service corporation of licensees
28 so constituted that they may be treated under the federal internal revenue laws as a
29 corporation for tax purposes only. Any such professional service corporation may exercise
30 such powers and shall be subject to such limitations and requirements, insofar as applicable,
31 as are provided in section ~~12-36-134~~ **12-240-138**, relating to professional service
32 corporations for the practice of medicine.

33 (2) The group practice of dentistry or dental hygiene is permitted.

34 (3) The practice of dentistry or dental hygiene by a limited liability company of
35 licensees or by a limited liability partnership of licensees is permitted subject to the
36 limitations and requirements, insofar as are applicable, set forth in section ~~12-36-134~~

1 *12-240-138*, relating to a limited liability company or limited liability partnership for the
2 practice of medicine.

3
4 **12-220-114. [Formerly 12-35-116.5] Ownership of dental or dental hygiene**
5 **practice - information to be posted - heir to serve as temporary proprietor - limitations**
6 **- definitions.** (1) (a) Only a dentist licensed to practice dentistry in this state pursuant to this
7 article **220** may be the proprietor of a dental practice in this state.

8 (b) Only a dentist licensed to practice dentistry in this state pursuant to this article
9 **220** or a dental hygienist licensed to practice dental hygiene in this state pursuant to this
10 article **220** may be the proprietor of a dental hygiene practice in this state.

11 (c) (I) Notwithstanding ~~paragraphs (a) and (b) of this subsection (1)~~ SUBSECTIONS
12 (1)(a) AND (1)(b) OF THIS SECTION, a nonprofit organization may be the proprietor of a dental
13 or dental hygiene practice if:

14 (A) The organization is a community health center, as defined in the federal "Public
15 Health Service Act", 42 U.S.C. sec. 254b; or

16 (B) At least fifty percent of the patients served by the organization are low income.
17 As used in this ~~sub-subparagraph (B)~~ SUBSECTION (1)(c)(I)(B), "low income" means the
18 patient's income does not exceed the income level specified for determining eligibility for
19 the children's basic health plan established in article 8 of title 25.5. ~~€R.S.~~

20 (II) Notwithstanding ~~paragraphs (a) and (b) of this subsection (1)~~ SUBSECTIONS (1)(a)
21 AND (1)(b) OF THIS SECTION, a political subdivision of the state may be the proprietor of a
22 dental or dental hygiene practice. As used in this ~~subparagraph (II)~~ SUBSECTION (1)(c)(II),
23 "political subdivision of the state" means a county, city and county, city, town, service
24 authority, special district, or any other kind of municipal, quasi-municipal, or public
25 corporation, as defined in section 7-49.5-103. ~~€R.S.~~

26 (III) The proprietorship of a dental or dental hygiene practice by a nonprofit
27 organization that meets the criteria in ~~subparagraph (I) of this paragraph (c)~~ SUBSECTION
28 (1)(c)(I) OF THIS SECTION or by a political subdivision of the state shall not affect the
29 exercise of the independent professional judgment of the licensed dentist or dental hygienist
30 providing care to patients on behalf of the organization or political subdivision.

31 (d) (I) A dentist may conduct a dental or dental hygiene business collaboratively as
32 a provider network in accordance with part 3 of article 18 of title 6. ~~€R.S.~~

33 (II) A dental hygienist may conduct a dental hygiene business collaboratively as a
34 provider network in accordance with part 3 of article 18 of title 6. ~~€R.S.~~

35 (2) (a) The name, license number, ownership percentage, and other information, as
36 required by the board, of each proprietor of a dental or dental hygiene practice, including an

1 unlicensed heir who is the temporary proprietor of the practice, as specified in subsection
2 (3) of this section, shall be available at the reception desk of the dental or dental hygiene
3 practice during the practice's hours of operation. The information required by this paragraph
4 ~~(a)~~ SUBSECTION (2)(a) shall be available in a format approved by the board.

5 (b) Upon request, the dental or dental hygiene practice shall promptly make available
6 to the requesting person a copy of the information required by ~~paragraph (a) of this~~
7 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION.

8 (c) The dental or dental hygiene practice shall ensure that the information required
9 by ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION is accurate and
10 current. Any change in the information shall be updated within thirty days after the change.

11 (3) (a) Notwithstanding sections ~~12-35-129 (1)(h)~~ **12-220-130 (1)(h)** and
12 ~~12-35-129.4 (1) and (2)~~ **12-20-405 (1) AND (2)**, if a dentist or dental hygienist who was the
13 proprietor of a dental or dental hygiene practice and was engaged in the active practice of
14 dentistry or dental hygiene dies:

15 (I) An heir to the dentist may serve as a proprietor of the deceased dentist's dental or
16 dental hygiene practice for up to one year after the date of the dentist's death, regardless of
17 whether the heir is licensed to practice dentistry or dental hygiene; or

18 (II) An heir to the dental hygienist may serve as a proprietor of the deceased dental
19 hygienist's dental hygiene practice for up to one year after the date of the dental hygienist's
20 death, regardless of whether the heir is licensed to practice dentistry or dental hygiene.

21 (b) Upon good cause shown by the heir or the heir's representative, the board may
22 extend the period described in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF
23 THIS SECTION by up to an additional twelve months, if necessary, to allow the heir sufficient
24 time to sell or otherwise dispose of the practice.

25 (c) If an heir to a deceased dentist or dental hygienist serves as a proprietor of the
26 deceased dentist's or dental hygienist's practice as specified in ~~paragraph (a) of this~~
27 ~~subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION, all patient care provided during the time
28 the heir is a proprietor of the practice shall be provided by an appropriately licensed dentist
29 or dental hygienist.

30 (d) The temporary proprietorship of a dental or dental hygiene practice by an
31 unlicensed heir shall not affect the exercise of the independent professional judgment of the
32 licensed dentist or dental hygienist providing care to patients on behalf of the practice.

33
34 **12-220-115. [Formerly 12-35-117] Application for dentist license - fee.** (1) Every
35 person not currently holding a license to practice dentistry in this state who desires to
36 practice dentistry in this state shall file with the board an application for a license on a form

1 provided by the board, verified by the oath of the applicant, and accompanied by a fee
2 required by section ~~12-35-138 (1)(a)~~ 12-220-144 (1)(a) or established pursuant to section
3 ~~24-34-105~~, C.R.S. 12-20-105, indicating that the applicant:

4 (a) Has attained the age of twenty-one years;

5 (b) Is a graduate of a dental school or college that, at the time of the applicant's
6 graduation, was accredited. An official transcript prepared by the dental college or school
7 attended shall be submitted to the board.

8 (c) Has listed any act the commission of which would be grounds for disciplinary
9 action under section ~~12-35-129~~ 12-220-130 against a licensed dentist, along with an
10 explanation of the circumstances of ~~such~~ THE act;

11 ~~(d) Repeated:~~

12 ~~(e)~~ (d) Has proof that ~~he or she~~ THE APPLICANT has not been subject to final or
13 pending disciplinary action by any state in which the applicant is or has been previously
14 licensed; except that, if the applicant has been subject to disciplinary action, the board may
15 review ~~such~~ THE disciplinary action to determine whether it warrants grounds for refusal to
16 issue a license; and

17 ~~(f)~~ (e) Has proof that ~~he or she~~ THE APPLICANT has met any more stringent criteria
18 established by the board.

19 (2) An applicant for licensure shall demonstrate to the board that he or she has
20 maintained the professional ability and knowledge required by this article **220** when ~~such~~
21 THE applicant has not graduated from an accredited dental school or college within the
22 twelve months immediately preceding the application and has not, for at least one year of
23 the five years immediately preceding the application, engaged in:

24 (a) The active clinical practice of dentistry;

25 (b) Teaching dentistry in an accredited program; or

26 (c) Service as a dentist in the military.

27 (3) The board may require other pertinent information on the application that the
28 board deems necessary to process the application, including demonstration of compliance
29 with the financial responsibility requirements set forth in section ~~13-64-301 (1)(a)~~. C.R.S.
30

31 **12-220-116. [Formerly 12-35-117.5] Dentist academic license.** (1) (a) A dentist
32 who is employed at an accredited school or college of dentistry in this state and who
33 practices dentistry in the course of his or her employment responsibilities shall either make
34 written application to the board for an academic license in accordance with this section or
35 shall otherwise become licensed pursuant to sections ~~12-35-117~~ 12-220-115 and ~~12-35-119~~
36 12-220-117, as applicable.

1 (b) Nothing in this section shall require a dentist who appears in a program of dental
2 education or research, as described in section ~~12-35-115 (1)(f)~~ **12-220-112 (1)(f)**, to obtain
3 an academic license pursuant to this section.

4 (2) A person who applies for an academic license shall submit proof to the board that
5 ~~he or she~~ THE PERSON:

6 (a) Graduated from a school of dentistry located in the United States or another
7 country; and

8 (b) Is employed by an accredited school or college of dentistry in this state.

9 (c) ~~(Deleted by amendment, L. 2014.)~~

10 (3) An applicant for an academic license shall satisfy the credentialing standards of
11 the accredited school or college of dentistry that employs the applicant.

12 (4) An academic license shall authorize the licensee to practice dentistry only while
13 engaged in the performance of his or her official duties as an employee of the accredited
14 school or college of dentistry and only in connection with programs affiliated or endorsed
15 by the school or college. An academic licensee may not use an academic license to practice
16 dentistry outside of his or her academic responsibilities.

17 (5) In addition to the requirements of this section, an applicant for an academic
18 license shall complete all procedures for academic licensing established by the board to
19 become licensed, including payment of any fee imposed pursuant to section ~~12-35-117 (1)~~
20 **12-220-115 (1)**.

21
22 **~~12-35-118. Graduates of foreign dental schools. (Repealed)~~**

23
24 **12-220-117. [Formerly 12-35-119] Examination - how conducted - dentist license**
25 **issued to successful applicants.** (1) Applicants for dental licensure shall submit to the
26 board proof of having successfully passed the following:

27 (a) The examination administered by the Joint Commission on National Dental
28 Examinations; and

29 (b) ~~(Deleted by amendment, L. 2014.)~~

30 (c) (b) An examination or other methodology, as determined by the board, designed
31 to test the applicant's clinical skills and knowledge, which may include residency and
32 portfolio models.

33 (2) All examination results required by the board must be filed with the board and
34 kept for reference for a period of not less than one year. If the applicant successfully
35 completes the examinations and is otherwise qualified, the board shall grant a license to the
36 applicant and shall issue a license certificate to the applicant.

1 ~~(3) (Deleted by amendment, L. 2014.)~~

2

3 **12-220-118. [Formerly 12-35-120] Dentist - licensure by endorsement.** (1) The
4 board shall provide for licensure upon application of any person licensed in good standing
5 to practice dentistry in another state or territory of the United States who provides the
6 credentials and meets the qualifications set forth in this section in the manner prescribed by
7 the board.

8 (2) The board shall issue a license to an applicant licensed as a dentist in another
9 state or territory of the United States if the applicant has submitted credentials and
10 qualifications for licensure that include:

11 (a) Proof of graduation from an accredited dental school;

12 (b) Proof the applicant is currently licensed in another state or United States territory;

13 (c) Proof the applicant has been in practice or teaching dentistry, which involves
14 personally providing care to patients for not less than three hundred hours annually in an
15 accredited dental school for a minimum of five years out of the seven years immediately
16 preceding the date of the receipt of the application, or evidence that the applicant has
17 demonstrated competency as a dentist as determined by the board;

18 (d) Proof the applicant has not been subject to final or pending disciplinary action
19 by any state in which the applicant is or has been previously licensed; except that, if the
20 applicant has been subject to disciplinary action, the board may review ~~such~~ THE disciplinary
21 action to determine whether the underlying conduct warrants refusal to issue a license;

22 ~~(e) Repealed.~~

23 ~~(f)~~ (e) Proof the applicant has passed an entry level examination acceptable to the
24 board; and

25 ~~(g)~~ (f) Proof the applicant has met any more stringent criteria established by the
26 board.

27

28 **12-220-119. [Formerly 12-35-121] Renewal of dental and dental hygienist**
29 **licenses - fees.** Licenses ~~must be renewed or reinstated pursuant to a schedule established~~
30 ~~by the director of the division of professions and occupations within the department of~~
31 ~~regulatory agencies, referred to in this section as the director, and pursuant to section~~
32 ~~24-34-102 (8), C.R.S. The director may establish renewal fees, delinquency fees for late~~
33 ~~renewal, and fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails~~
34 ~~to renew his or her license pursuant to the schedule established by the director, the license~~
35 ~~expires~~ ISSUED UNDER THIS ARTICLE 220 ARE SUBJECT TO THE RENEWAL, EXPIRATION,
36 REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1)

1 AND (2). Any person whose license expires is subject to the penalties provided in this article
2 **220** or section ~~24-34-102~~ (8), ~~C.R.S. 12-20-202~~ (1). <{Redundant with
3 renewal/reinstatement common provision, 12-20-202.}>
4

5 **12-220-120. [Formerly 12-35-122] Inactive dental or dental hygienist license.**

6 (1) Any person licensed to practice dentistry or dental hygiene pursuant to this article **220**
7 may apply to the board to be transferred to an inactive status. The licensee shall submit an
8 application in the form and manner designated by the board. The board may grant inactive
9 status by issuing an inactive license or deny the application for any of the causes set forth
10 in section ~~12-35-129~~ **12-220-130**.

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

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

15 (b) Pay the license fee as authorized pursuant to section ~~24-34-105~~, ~~C.R.S.~~
16 **12-20-105**; and

17 (c) Comply with any financial responsibility or professional liability insurance
18 requirements established by the board under section ~~12-35-141~~ **12-220-147**, as applicable.

19 (3) ~~Such~~ THE inactive status shall be plainly indicated on the face of any inactive
20 license certificate issued under this section.

21 (4) The board is authorized to conduct disciplinary proceedings as set forth in section
22 ~~12-35-129~~ **12-220-130** against any person licensed under this section for any act committed
23 while the person was licensed pursuant to this article **220**.

24 (5) Any person licensed under this section who wishes to resume the practice of
25 dentistry or dental hygiene shall file an application in the form and manner the board
26 designates, pay the license fee promulgated by the board pursuant to section ~~24-34-105~~,
27 ~~C.R.S. 12-20-105~~, and meet the financial responsibility requirements or the professional
28 liability insurance requirements in section ~~12-35-141~~ **12-220-147**, as applicable. The board
29 may approve the application and issue a license to practice dentistry or dental hygiene or
30 may deny the application for any of the causes set forth in section ~~12-35-129~~ **12-220-131**.

31
32 **12-220-121. [Formerly 12-35-123] Retired dental and dental hygienist licenses.**

33 (1) Any person licensed to practice dentistry or dental hygiene pursuant to this article **220**
34 may apply to the board for retired licensure status. ~~Any such~~ THE application shall be in the
35 form and manner designated by the board. The board may grant ~~such~~ RETIRED LICENSURE
36 status by issuing a retired license, or it may deny the application if the licensee has been

1 disciplined for any of the causes set forth in section ~~12-35-129~~ 12-220-130.

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

3 (a) Provide an affidavit to the board stating that, after a date certain, the applicant
4 shall not practice dentistry or dental hygiene, shall no longer earn income as a dentist or
5 dental hygiene administrator or consultant, and shall not perform any activity that constitutes
6 practicing dentistry or dental hygiene pursuant to sections ~~12-35-113, 12-35-124~~
7 12-220-110, 12-220-122, and ~~12-35-125~~ 12-220-123 unless ~~said~~ THE applicant is issued a
8 license to practice dentistry or dental hygiene pursuant to subsection (5) of this section; and

9 (b) Pay the license fee authorized by section ~~24-34-105, C.R.S. 12-20-105~~, which
10 fee shall not exceed fifty dollars.

11 (3) The retired status of a licensee shall be plainly indicated on the face of any retired
12 license certificate issued under this section.

13 (4) The board may take disciplinary action pursuant to sections ~~12-35-129.1~~
14 12-220-131 to ~~12-35-129.5~~ 12-220-135 against any person licensed under this section for
15 an act committed while ~~such~~ THE person was licensed pursuant to this article 220.

16 (5) Any person licensed under this section may apply to the board for a return to
17 active licensure status by filing an application in the form and manner the board designates,
18 paying the appropriate license fee established pursuant to section ~~24-34-105, C.R.S.~~
19 12-20-105, and meeting the financial responsibility requirements or the professional liability
20 insurance requirements in section ~~12-35-141~~ 12-220-147, as applicable. The board may
21 approve the application and issue a license to practice dentistry or dental hygiene or may
22 deny the application if the licensee has been disciplined for any of the causes set forth in
23 section ~~12-35-129~~ 12-220-130.

24 (6) A dentist or dental hygienist on retired status may provide dental or dental
25 hygiene services on a voluntary basis to the indigent if the retired dentist or dental hygienist
26 provides the services on a limited basis and does not charge a fee for the services. A retired
27 dentist or dental hygienist providing voluntary care pursuant to this subsection (6) is immune
28 from any liability resulting from the voluntary care he or she provided.

29
30 **12-220-122. [Formerly 12-35-124] What constitutes practicing unsupervised**
31 **dental hygiene.** (1) Unless licensed to practice dentistry, a person shall be deemed to be
32 practicing unsupervised dental hygiene who, within the scope of the person's education,
33 training, and experience:

34 (a) Removes deposits, accretions, and stains by scaling with hand, ultrasonic, or other
35 devices from all surfaces of the tooth and smooths and polishes natural and restored tooth
36 surfaces, including root planing;

1 (b) Removes granulation and degenerated tissue from the gingival wall of a
2 periodontal pocket;

3 (c) Provides preventive measures including the application of fluorides, sealants, and
4 other recognized topical agents for the prevention of oral disease;

5 (d) Gathers and assembles information including, but not limited to:

6 (I) Fact-finding and patient history;

7 (II) Preparation of study casts for the purpose of fabricating a permanent record of
8 the patient's present condition; as a visual aid for patient education, dental hygiene diagnosis,
9 and dental hygiene treatment planning; and to provide assistance during forensic
10 examination;

11 (III) Extra- and intra-oral inspection;

12 (IV) Dental and periodontal charting; and

13 (V) Radiographic and X ray survey for the purpose of assessing and diagnosing
14 dental hygiene-related conditions for treatment planning for dental hygiene services as
15 described in this section and identifying dental abnormalities for immediate referral to a
16 dentist;

17 (e) Administers a topical anesthetic to a patient in the course of providing dental
18 care;

19 (f) Performs dental hygiene assessment, dental hygiene diagnosis, and dental hygiene
20 treatment planning for dental hygiene services as described in this section and identifies
21 dental abnormalities for immediate referral to a dentist; or

22 (g) (I) Prescribes, administers, and dispenses fluoride, fluoride varnish, antimicrobial
23 solutions for mouth rinsing, other nonsystemic antimicrobial agents, and related emergency
24 drugs and reversal agents in collaboration with a licensed dentist. The board may, by rule,
25 further define the permissible and appropriate emergency drugs and reversal agents. Dental
26 hygienists shall maintain clear documentation in the patient record of the drug or agent
27 prescribed, administered, or dispensed; the date of the action; and the rationale for
28 prescribing, administering, or dispensing the drug or agent.

29 (II) A dental hygienist shall not prescribe, administer, or dispense the following:

30 (A) Drugs whose primary effect is systemic, with the exception of fluoride
31 supplements permitted under ~~sub-subparagraph (A) of subparagraph (III) of this paragraph~~
32 ~~(g)~~ SUBSECTION (1)(g)(III)(A) OF THIS SECTION; and

33 (B) Dangerous drugs or controlled substances, as defined in section 18-18-102 (5).
34 ~~C.R.S.~~

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

36 (A) Fluoride supplements as follows, all using sodium fluoride: Tablets: 0.5 mg, 1.1

1 mg, or 2.2 mg; lozenges: 2.21 mg; and drops: 1.1 mL;

2 (B) Topical anti-caries treatments as follows, all using sodium fluoride unless
3 otherwise indicated: Toothpastes: 1.1 % or less (or stannous fluoride 0.4%); topical gels:
4 1.1% or less (or stannous fluoride 0.4%); oral rinses: 0.05%, 0.2%, 0.44%, or 0.5%; oral
5 rinse concentrate used in periodontal disease: 0.63% stannous fluoride; fluoride varnish: 5%;
6 and prophy pastes containing approximately 1.23% sodium fluoride and used for polishing
7 procedures as part of professional dental prophylaxis treatment;

8 (C) Topical anti-infectives as follows: Chlorhexidine gluconate rinses: 0.12%;
9 chlorhexidine gluconate periodontal chips for subgingival insertion into a periodontal
10 pocket/sulcus; tetracycline impregnated fibers, inserted subgingivally into a periodontal
11 pocket/sulcus; doxycycline hyclate periodontal gel, inserted subgingivally into a periodontal
12 pocket/sulcus; and minocycline hydrochloride periodontal powder, inserted subgingivally
13 into a periodontal pocket/sulcus; and

14 (D) Related emergency drugs and reversal agents as authorized by the collaborating
15 dentist.

16 ~~(1-5)~~ (2) A dental hygienist shall state in writing and require a patient to
17 acknowledge by signature that any diagnosis or assessment is for the purpose of determining
18 necessary dental hygiene services only and that it is recommended by the American Dental
19 Association, or any successor organizations, that a thorough dental examination be
20 performed by a dentist twice each year.

21 ~~(2)~~ (3) Unsupervised dental hygiene may be performed by licensed dental hygienists
22 without the supervision of a licensed dentist.

23 ~~(3)~~ (4) (a) Notwithstanding section ~~12-35-103~~ ~~(14)~~ **12-220-104 (13)** or ~~12-35-113~~
24 ~~(1)(b)~~ **12-220-110 (1)(b)**, a dental hygienist may be the proprietor of a place where
25 supervised or unsupervised dental hygiene is performed and may purchase, own, or lease
26 equipment necessary to perform supervised or unsupervised dental hygiene.

27 (b) A dental hygienist proprietor, or a professional corporation or professional
28 limited liability corporation of dental hygienists, in addition to providing dental hygiene
29 services, may enter into an agreement with one or more dentists for the lease or rental of
30 equipment or office space in the same physical location as the dental hygiene practice, but
31 only if the determination of necessary dental services provided by the dentist and
32 professional responsibility for those services, including but not limited to dental records,
33 appropriate medication, and patient payment, remain with the treating dentist. It shall be the
34 responsibility of the dental hygienist to inform the patient as to whether there is a
35 supervisory relationship between the dentist and the dental hygienist. ~~Such~~ An agreement
36 UNDER THIS SUBSECTION (4)(b) shall not constitute employment and shall not constitute

1 cause for discipline pursuant to section ~~12-35-129 (1)(h)~~ 12-220-130 (1)(h).

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12-220-123. [Formerly 12-35-125] What constitutes practicing supervised dental hygiene. (1) Unless licensed to practice dentistry, a person who performs any of the following tasks under the supervision of a licensed dentist is deemed to be practicing supervised dental hygiene:

- (a) Any task described in section ~~12-35-124 (1)~~ 12-220-122 (1);
- (b) Prepares study casts;
- ~~(c) to (e) (Deleted by amendment, L. 2014.)~~
- (f) (c) Administers local anesthesia under the indirect supervision of a licensed dentist pursuant to rules of the board, including minimum education requirements and procedures for local anesthesia administration;
- ~~(g) and (h) (Deleted by amendment, L. 2014.)~~
- (i) (d) Places interim therapeutic restorations pursuant to section ~~12-35-128.5~~ 12-220-128; or
- (j) (e) Applies silver diamine fluoride pursuant to section ~~12-35-128.8~~ 12-220-129.
- ~~(2) (Deleted by amendment, L. 2014.)~~

12-220-124. [Formerly 12-35-126] Application for dental hygienist license - fee. (1) Every person who desires to qualify for practice as a dental hygienist within this state shall file with the board:

- (a) A written application for a license, on which application ~~such~~ THE applicant shall list:
 - (I) Any act the commission of which would be grounds for disciplinary action under section ~~12-35-129~~ 12-220-130 against a licensed dental hygienist; and
 - (II) An explanation of the circumstances of ~~such~~ THE act; and
- (b) Satisfactory proof of graduation from a school of dental hygiene that, at the time of the applicant's graduation, was accredited, and proof that the program offered by the accredited school of dental hygiene was at least two academic years or the equivalent of two academic years.
- (2) ~~Such~~ THE application must be on the form prescribed and furnished by the board, verified by the oath of the applicant, and accompanied by a fee established pursuant to section ~~24-34-105, C.R.S.~~ 12-20-105.
- (3) An applicant for licensure who has not graduated from an accredited school or program of dental hygiene within the twelve months immediately preceding application, or who has not engaged either in the active clinical practice of dental hygiene or in teaching

1 dental hygiene in an accredited program for at least one year during the five years
2 immediately preceding the application, shall demonstrate to the board that the applicant has
3 maintained the professional ability and knowledge required by this article **220**.

4 ~~(4) Repealed.~~

5
6 **12-220-125. [Formerly 12-35-127] Dental hygienist examinations - license.**

7 (1) Every applicant for dental hygiene licensure shall submit to the board proof of having
8 successfully completed the following:

9 (a) An examination administered by the Joint Commission on National Dental
10 Examinations; and

11 (b) An examination designed to test the applicant's clinical skills and knowledge,
12 which must be administered by a regional testing agency composed of at least four states or
13 an examination of another state, or a methodology adopted by the board by rule that is
14 designed to test the applicant's clinical skills and knowledge.

15 ~~(c) (Deleted by amendment, L. 2014.)~~

16 (2) All examination results required by the board must be filed with the board and
17 kept for reference for a period of not less than one year. If an applicant successfully
18 completes the examinations and is otherwise qualified, the board shall grant a license to the
19 applicant and shall issue a license certificate signed by the officers of the board.

20 ~~(3) and (4) Repealed.~~

21
22 **12-220-126. [Formerly 12-35-127.5] Dental hygienist - licensure by endorsement.**

23 (1) The board shall provide for licensure upon application of any person licensed in good
24 standing to practice dental hygiene in another state or territory of the United States who has
25 met the requirements of section ~~12-35-126~~ **12-220-124** and provides the credentials and
26 meets the qualifications set forth in this section in the manner prescribed by the board.

27 (2) The board shall issue a license to an applicant duly licensed as a dental hygienist
28 in another state or territory of the United States who has submitted credentials and
29 qualifications for licensure in Colorado that include:

30 (a) Verification of licensure from any other jurisdiction where the applicant has held
31 a dental hygiene or other health care license;

32 (b) Evidence of the applicant's successful completion of the national board dental
33 examination administered by the Joint Commission on National Dental Examinations;

34 (c) (I) Verification that the applicant has been engaged either in clinical practice or
35 in teaching dental hygiene or dentistry in an accredited program for at least one year during
36 the three years immediately preceding the date of the receipt of the application; or

- 1 (II) Evidence that the applicant has demonstrated competency as a dental hygienist
- 2 as determined by the board;
- 3 (d) A report of any pending or final disciplinary actions against any health care
- 4 license held by the applicant at any time; and
- 5 (e) A report of any pending or final malpractice actions against the applicant.
- 6

7 **12-220-127. [Formerly 12-35-128] Tasks authorized to be performed by dental**
8 **assistants or dental hygienists - rules.** (1) (a) (I) Except as provided in ~~subparagraph (H)~~
9 ~~of this paragraph (a)~~ SUBSECTION (1)(a)(II) OF THIS SECTION, the responsibility for dental
10 diagnosis, dental treatment planning, or the prescription of therapeutic measures in the
11 practice of dentistry remains with a licensed dentist and may not be assigned to any dental
12 hygienist.

13 (II) A dental hygienist may:

14 (A) Perform dental hygiene assessment, dental hygiene diagnosis, and dental hygiene
15 treatment planning for dental hygiene services pursuant to section ~~12-35-124 (1)(f)~~
16 **12-220-122 (1)(f)**;

17 (B) Identify dental abnormalities for immediate referral to a dentist as described in
18 section ~~12-35-124 (1)(f)~~ **12-220-122 (1)(f)**;

19 (C) In collaboration with a licensed dentist, prescribe, administer, and dispense, as
20 described in section ~~12-35-124 (1)(g)~~ **12-220-122 (1)(g)**: Fluoride; fluoride varnish;
21 antimicrobial solutions for mouth rinsing; other nonsystemic antimicrobial agents; and
22 resorbable antimicrobial agents pursuant to rules of the board; and

23 (D) In collaboration with a licensed dentist, apply silver diamine fluoride pursuant
24 to section ~~12-35-128.8~~ **12-220-129**.

25 (b) A dental procedure that involves surgery or that will contribute to or result in an
26 irremediable alteration of the oral anatomy shall not be assigned to anyone other than a
27 licensed dentist.

28 (2) Except as provided in subsection (1) of this section, a dental hygienist may
29 perform any dental task or procedure assigned to the hygienist by a licensed dentist that does
30 not require the professional skill of a licensed dentist; except that the dental hygienist may
31 perform the task or procedure only under the indirect supervision of a licensed dentist or as
32 authorized in sections ~~12-35-124~~ **12-220-122** and ~~12-35-125~~ **12-220-123**.

33 (3) (a) A dental assistant shall not perform the following tasks:

34 (I) Diagnosis;

35 (II) Treatment planning;

36 (III) Prescription of therapeutic measures;

1 (IV) Any procedure that contributes to or results in an irremediable alteration of the
2 oral anatomy;

3 (V) Administration of local anesthesia;

4 (VI) Scaling (supra and sub-gingival), as it pertains to the practice of dental hygiene;

5 (VII) Root planing;

6 (VIII) Soft tissue curettage;

7 (IX) Periodontal probing.

8 (b) A dental assistant may perform the following tasks under the indirect supervision
9 of a licensed dentist:

10 (I) Smoothing and polishing natural and restored tooth surfaces;

11 (II) Provision of preventive measures, including the application of fluorides and
12 other recognized topical agents for the prevention of oral disease;

13 (III) Gathering and assembling information including, but not limited to, fact-finding
14 and patient history, oral inspection, and dental and periodontal charting;

15 (IV) Administering topical anesthetic to a patient in the course of providing dental
16 care;

17 (V) Any other task or procedure that does not require the professional skill of a
18 licensed dentist;

19 (VI) Repairing and relining dentures pursuant to a dental laboratory work order
20 signed by a licensed dentist.

21 (c) A dental assistant may, under the direct supervision of a licensed dentist in
22 accordance with rules promulgated by the board, administer and monitor the use of nitrous
23 oxide on a patient.

24 (d) (I) A dental assistant may perform intraoral and extraoral tasks and procedures
25 necessary for the fabrication of a complete or partial denture under the direct supervision of
26 a licensed dentist. These tasks and procedures shall include:

27 (A) Making of preliminary and final impressions;

28 (B) Jaw relation records and determination of vertical dimensions;

29 (C) Tooth selection;

30 (D) A preliminary try-in of the wax-up trial denture prior to and subject to a try-in
31 and approval in writing of the wax-up trial denture by the licensed dentist;

32 (E) Denture adjustments that involve the periphery, occlusal, or tissue-bearing
33 surfaces of the denture prior to the final examination of the denture.

34 (II) The tasks and procedures in ~~subparagraph (I) of this paragraph (d)~~ SUBSECTION
35 (3)(d)(I) OF THIS SECTION shall be performed in the regularly announced office location of
36 a licensed practicing dentist, and the dentist shall be personally liable for all treatment

1 rendered to the patient. A dental assistant performing these tasks and procedures shall be
2 properly identified as a dental assistant. No dentist shall utilize more than the number of
3 dental assistants the dentist can reasonably supervise.

4 (III) Prior to any work being performed pursuant to ~~subparagraph (I) of this~~
5 ~~paragraph (d)~~ SUBSECTION (3)(d)(I) OF THIS SECTION, the patient shall first be examined by
6 the treating dentist licensed to practice in this state who shall certify that the patient has no
7 pathologic condition that requires surgical correction or other treatment prior to complete
8 denture service.

9 ~~(4) Repealed.~~

10 ~~(5) (4) The board may make such reasonable rules as may be necessary to implement~~
11 ~~and enforce the provisions of this section.~~

12
13 ~~**12-35-128.3. Interim therapeutic restorations advisory committee - rules -**~~
14 ~~**repeal. (Repealed)**~~

15
16 **12-220-128. [Formerly 12-35-128.5] Interim therapeutic restorations by dental**
17 **hygienists - permitting process - rules - repeal.** (1) Upon application, accompanied by a
18 fee in an amount determined by the director, ~~of the division of professions and occupations;~~
19 the board shall grant a permit to place interim therapeutic restorations to any dental hygienist
20 applicant who:

21 (a) Holds a license in good standing to practice dental hygiene in Colorado;

22 (b) Has completed a course developed at the postsecondary educational level that
23 complies with the rules adopted by the board. The course must be offered under the direct
24 supervision of a member of the faculty of a Colorado dental or dental hygiene school
25 accredited by the Commission on Dental Accreditation or its successor agency. All faculty
26 responsible for clinical evaluation of students must be dentists with a faculty appointment
27 at an accredited Colorado dental or dental hygiene school.

28 (c) Carries current professional liability insurance in the amount specified in section
29 ~~12-35-141~~ **12-220-147**; and

30 (d) Has completed the following hours of dental hygiene practice as evidenced in
31 documentation required by the board:

32 (I) Two thousand hours of supervised dental hygiene practice after initial dental
33 hygiene licensure;

34 (II) Four thousand hours of unsupervised dental hygiene practice after initial dental
35 hygiene licensure; or

36 (III) A combination of the hours specified in ~~subparagraphs (I) and (II) of this~~

1 ~~paragraph (d)~~ SUBSECTIONS (1)(d)(I) AND (1)(d)(II) OF THIS SECTION as determined by the
2 board by rule.

3 (2) The board may waive the requirement in ~~paragraph (d) of subsection (1)~~
4 SUBSECTION (1)(d) of this section for a dental hygienist who performs interim therapeutic
5 restorations exclusively under the direct supervision of a dentist.

6 (3) A dental hygienist shall not use local anesthesia for the purpose of placing interim
7 therapeutic restorations.

8 (4) (a) A dental hygienist may place an interim therapeutic restoration only after a
9 dentist provides a diagnosis, treatment plan, and instruction to perform the procedure.

10 (b) If an interim therapeutic restoration is authorized by a supervising dentist at a
11 location other than the dentist's practice location, the dental hygienist shall provide the
12 patient or the patient's representative with written notification that the care was provided at
13 the direction of the supervising dentist. The dental hygienist shall include in the written
14 notification the dentist's name, practice location address, and telephone number.

15 (c) A dental hygienist who obtains a dentist's diagnosis, treatment plan, and
16 instruction to perform an ITR utilizing telehealth by store-and-forward transfer shall notify
17 the patient of the patient's right to receive interactive communication with the distant dentist
18 upon request. Communication with the distant dentist may occur either at the time of the
19 consultation or within thirty days after the dental hygienist notifies the patient of the results
20 of the consultation.

21 (5) A dental hygienist who obtains a permit pursuant to this section may place
22 interim therapeutic restorations in a dental office setting under the direct or indirect
23 supervision of a dentist or through telehealth supervision for purposes of communication
24 with the dentist.

25 (6) A dentist shall not supervise more than five dental hygienists who place interim
26 therapeutic restorations under telehealth supervision. A dentist who supervises a dental
27 hygienist who provides interim therapeutic restorations under telehealth supervision must
28 have a physical practice location in Colorado for purposes of patient referral for follow-up
29 care.

30 (7) A dental hygienist shall inform the patient or the patient's legal guardian, in
31 writing, and require the patient or the patient's legal guardian to acknowledge by signature,
32 that the interim therapeutic restoration is a temporary repair to the tooth and that appropriate
33 follow-up care with a dentist is necessary.

34 (8) This section is repealed, effective September 1, 2021. Prior to ~~the~~ ITS repeal, ~~the~~
35 ~~department of regulatory agencies shall review~~ the permitting of dental hygienists to place
36 interim therapeutic restorations ~~as provided in~~ IS SCHEDULED FOR REVIEW IN ACCORDANCE

1 WITH section 24-34-104. ~~C.R.S.~~

2

3 ~~**12-35-128.7. Interim therapeutic restorations - gifts, grants, and donations -**~~
4 ~~**repeal. (Repealed)**~~

5

6 **12-220-129. [Formerly 12-35-128.8] Application of silver diamine fluoride by**
7 ~~**dental hygienists - authorization - limitations - rules - repeal.**~~ (1) A dental hygienist may
8 apply silver diamine fluoride if the dental hygienist:

9 (a) Holds a license in good standing to practice dental hygiene in Colorado;

10 (b) Has completed a postsecondary course or continuing education course developed
11 at the postsecondary level that satisfies the requirements established by the board by rule and
12 that provides instruction on the use and limitations of applying silver diamine fluoride;

13 (c) Is covered by professional liability insurance in the amount established by the
14 board pursuant to section ~~12-35-141~~ **12-220-147**; and

15 (d) Has a collaborative agreement with a dentist that describes the silver diamine
16 fluoride protocols, any restrictions or limitations, follow-up and referral mechanisms, and
17 any other requirements established by the board by rule.

18 (2) (a) If the application of silver diamine fluoride is authorized by a supervising
19 dentist at a location other than the dentist's practice location, the dental hygienist shall
20 provide the patient or the patient's representative with written notification that the
21 application of silver diamine fluoride is being provided in collaboration with the supervising
22 dentist. The dental hygienist shall include in the written notification the dentist's name,
23 practice location address, and telephone number.

24 (b) A dental hygienist who applies silver diamine fluoride in collaboration with a
25 supervising dentist utilizing telehealth by store-and-forward transfer shall notify the patient
26 or the patient's representative of the patient's right to receive interactive communication with
27 the distant dentist upon request. Communication with the distant dentist may occur either
28 at the time of the consultation or within thirty days after the dental hygienist notifies the
29 patient of the results of the consultation.

30 (3) A dental hygienist who meets the requirements of subsections (1) and (2) of this
31 section may apply silver diamine fluoride under the direct or indirect supervision of a dentist
32 or through telehealth supervision for purposes of communication with the dentist.

33 (4) (a) Not later than ninety days after March 22, 2018, The board shall promulgate
34 rules to:

35 (I) Define requirements for the education course required in subsection (1)(b) of this
36 section, including qualifications for entities offering the course and faculty oversight

1 requirements; and
2 (II) Address appropriate indications and limitations for the application of silver
3 diamine fluoride by a dental hygienist.
4 (b) The board may establish additional requirements for the collaborative agreement
5 required by subsection (1)(d) of this section.
6 (5) This section is repealed, effective September 1, 2021. Prior to ~~the~~ ITS repeal, ~~the~~
7 ~~department of regulatory agencies shall review~~ the application of silver diamine fluoride by
8 dental hygienists ~~as provided in~~ IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH section
9 24-34-104.

10
11 **12-220-130. [Formerly 12-35-129] Grounds for disciplinary action - definition.**

12 (1) The board may take disciplinary action against an applicant or licensee in accordance
13 with ~~section 12-35-129.~~ SECTIONS 12-20-404 AND 12-220-131 for any of the following
14 causes: ~~<{~~ *Adding references to disciplinary actions common provisions, 12-20-404.* ~~>~~

15 (a) Engaging in fraud, misrepresentation, or deception in applying for, securing,
16 renewing, or seeking reinstatement of a license to practice dentistry or dental hygiene in this
17 state, in applying for professional liability coverage required pursuant to section ~~12-35-141~~
18 **12-220-147**, or in taking the examinations provided for in this article **220**;

19 (b) Conviction of a felony or any crime that constitutes a violation of this article **220**.
20 For purposes of this ~~paragraph (b)~~ SUBSECTION (1)(b), conviction includes the entry of a plea
21 of guilty or nolo contendere or a deferred sentence.

22 (c) Administering, dispensing, or prescribing a habit-forming drug or controlled
23 substance, as defined in section 18-18-102 (5), ~~€R.S.~~, to a person, including the applicant
24 or licensee, other than in the course of legitimate professional practice;

25 (d) Conviction of a violation of a federal or state law regulating the possession,
26 distribution, or use of a controlled substance, as defined in section 18-18-102 (5), ~~€R.S.~~;
27 and, in determining if a license should be denied, revoked, or suspended or if the licensee
28 should be placed on probation, the board shall be governed by ~~section~~ SECTIONS 12-20-202
29 (5) AND 24-5-101; ~~€R.S.~~;

30 (e) Habitually abusing or excessively using alcohol, a habit-forming drug, or a
31 controlled substance, as defined in section 18-18-102 (5); ~~€R.S.~~;

32 (f) Misusing a drug or controlled substance, as defined in section 18-18-102 (5);
33 ~~€R.S.~~;

34 (g) Aiding or abetting, in the practice of dentistry or dental hygiene, a person who
35 is not licensed to practice dentistry or dental hygiene under this article **220** or whose license
36 to practice dentistry or dental hygiene is suspended;

1 (h) Except as otherwise provided in sections 25-3-103.7, ~~C.R.S., 12-35-116~~
2 **12-220-114**, and ~~12-35-124 (3)~~ **12-220-122 (4)**, practicing dentistry or dental hygiene as a
3 partner, agent, or employee of or in joint venture with any person who does not hold a
4 license to practice dentistry or dental hygiene within this state or practicing dentistry or
5 dental hygiene as an employee of or in joint venture with any partnership, association, or
6 corporation. A licensee holding a license to practice dentistry or dental hygiene in this state
7 may accept employment from any person, partnership, association, or corporation to
8 examine, prescribe, and treat the employees of the person, partnership, association, or
9 corporation.

10 (i) Violating or attempting to violate, directly or indirectly, assisting in or abetting
11 the violation of, or conspiring to violate any provision or term of this article **220** or lawful
12 rule or order of the board;

13 (j) (I) Failing to notify the board, AS REQUIRED BY SECTION 12-30-107 (1), of a
14 physical illness; a physical condition; or a behavioral, mental health, or substance use
15 disorder that renders the licensee unable, or limits the licensee's ability, to perform dental or
16 dental hygiene services with reasonable skill and with safety to the patient;

17 (II) Failing to act within the limitations created by a physical illness; a physical
18 condition; or a behavioral, mental health, or substance use disorder that renders the licensee
19 unable to practice dental or dental hygiene services with reasonable skill and safety or that
20 may endanger the health or safety of persons under his or her care; or

21 (III) Failing to comply with the limitations agreed to under a confidential agreement
22 entered pursuant to ~~section 12-35-129.6~~ SECTIONS 12-30-107 AND 12-220-136; <{**Adding**
23 **reference to confidential agreements common provision, 12-30-107.**>

24 (k) Committing an act or omission that constitutes grossly negligent dental or dental
25 hygiene practice or that fails to meet generally accepted standards of dental or dental hygiene
26 practice;

27 (l) Advertising in a manner that is misleading, deceptive, or false;

28 (m) Engaging in a sexual act with a patient during the course of patient care or within
29 six months immediately following the termination of the licensee's professional relationship
30 with the patient. "Sexual act", as used in this ~~paragraph (m)~~ SUBSECTION (1)(m), means
31 sexual contact, sexual intrusion, or sexual penetration as defined in section 18-3-401. ~~C.R.S.~~

32 (n) Refusing to make patient records available to a patient pursuant to a written
33 authorization-request under section 25-1-802; ~~C.R.S.~~;

34 (o) False billing in the delivery of dental or dental hygiene services, including, but
35 not limited to, performing one service and billing for another, billing for any service not
36 rendered, or committing a fraudulent insurance act, as defined in section 10-1-128; ~~C.R.S.~~;

- 1 (p) Committing abuse of health insurance in violation of section 18-13-119; ~~C.R.S.~~;
- 2 (q) Failing to notify the board, in writing and within ninety days after a judgment is
- 3 entered, of a final judgment by a court of competent jurisdiction in favor of any party and
- 4 against the licensee involving negligent malpractice of dentistry or dental hygiene, which
- 5 notice must contain the name of the court, the case number, and the names of all parties to
- 6 the action;
- 7 (r) Failing to report a dental or dental hygiene malpractice judgment or malpractice
- 8 settlement to the board by the licensee within ninety days;
- 9 (s) Failing to furnish unlicensed persons with laboratory work orders pursuant to
- 10 section ~~12-35-133~~ **12-220-139**;
- 11 (t) Employing a solicitor or other agent to obtain patronage, except as provided in
- 12 section ~~12-35-137~~ **12-220-143**;
- 13 (u) Willfully deceiving or attempting to deceive the board or its agents with reference
- 14 to any matter relating to this article **220**;
- 15 (v) Sharing any professional fees with anyone except those with whom the dentist
- 16 or dental hygienist is lawfully associated in the practice of dentistry or dental hygiene; except
- 17 that:
- 18 (I) A licensed dentist or dental hygienist may pay an independent advertising or
- 19 marketing agent compensation for advertising or marketing services rendered by the agent
- 20 for the benefit of the licensed dentist or dental hygienist, including compensation that is
- 21 based on the results or performance of the services on a per-patient basis; and
- 22 (II) Nothing in this section prohibits a dentist or dental hygienist practice owned or
- 23 operated by a proprietor authorized under section ~~12-35-116.5~~ **12-220-114** from contracting
- 24 with any person or entity for business management services or paying a royalty in
- 25 accordance with a franchise agreement if the terms of the contract or franchise agreement
- 26 do not affect the exercise of the independent professional judgment of the dentist or dental
- 27 hygienist.
- 28 (w) Failing to provide reasonably necessary referral of a patient to other licensed
- 29 dentists or licensed health care professionals for consultation or treatment when the failure
- 30 to provide referral does not meet generally accepted standards of dental care;
- 31 (x) Failure of a dental hygienist to recommend that a patient be examined by a
- 32 dentist, or to refer a patient to a dentist, when the dental hygienist detects a condition that
- 33 requires care beyond the scope of practicing supervised or unsupervised dental hygiene;
- 34 (y) Engaging in any of the following activities and practices:
- 35 (I) Willful and repeated ordering or performance, without clinical justification, of
- 36 demonstrably unnecessary laboratory tests or studies;

1 (II) The administration, without clinical justification, of treatment that is
2 demonstrably unnecessary;

3 (III) In addition to the provisions of ~~paragraph (x) of this subsection (1)~~ SUBSECTION
4 (1)(x) OF THIS SECTION, the failure to obtain consultations or perform referrals when failing
5 to do so is not consistent with the standard of care for the profession;

6 (IV) Ordering or performing, without clinical justification, any service, X ray, or
7 treatment that is contrary to recognized standards of the practice of dentistry or dental
8 hygiene as interpreted by the board;

9 (z) Falsifying or repeatedly making incorrect essential entries or repeatedly failing
10 to make essential entries on patient records;

11 (aa) Violating section 8-42-101 (3.6); ~~C.R.S.~~;

12 (bb) Violating section ~~12-35-202~~ **12-220-202** or any rule of the board adopted
13 pursuant to that section;

14 (cc) Administering local anesthesia, minimal sedation, moderate sedation, or deep
15 sedation/general anesthesia without obtaining a permit from the board in accordance with
16 section ~~12-35-140~~ **12-220-146**;

17 (dd) Failing to report to the board, within ninety days after final disposition, the
18 surrender of a license to, or adverse action taken against a license by, a licensing agency in
19 another state, territory, or country, a governmental agency, a law enforcement agency, or a
20 court for an act or conduct that would constitute grounds for discipline pursuant to this
21 article **220**;

22 (ee) Failing to provide adequate or proper supervision when employing unlicensed
23 persons in a dental or dental hygiene practice;

24 (ff) Engaging in any conduct that constitutes a crime as defined in title 18, ~~C.R.S.~~,
25 which conduct relates to the licensee's practice as a dentist or dental hygienist;

26 (gg) Practicing outside the scope of dental or dental hygiene practice;

27 (hh) Failing to establish and continuously maintain financial responsibility or
28 professional liability insurance as required by section ~~12-35-141~~ **12-220-147**;

29 (ii) Advertising or otherwise holding oneself out to the public as practicing a dental
30 specialty in which the dentist has not successfully completed the education specified for the
31 dental specialty as defined by the American Dental Association;

32 (jj) Failing to respond in an honest, materially responsive, and timely manner to a
33 complaint filed against the licensee pursuant to this article **220**;

34 (kk) Committing an act or omission that fails to meet generally accepted standards
35 for infection control;

36 (ll) Administering moderate sedation or deep sedation/general anesthesia without a

1 licensed dentist or other licensed health care professional qualified to administer the relevant
2 level of sedation or anesthesia present in the operatory;

3 (mm) Failing to complete and maintain records of completing continuing education
4 as required by section ~~12-35-139~~ **12-220-145**;

5 (nn) Failing to comply with section ~~12-35-128.5~~ **12-220-128** regarding the placement
6 of interim therapeutic restorations; or

7 (oo) Failing to comply with section ~~12-35-128.8~~ **12-220-129** regarding the
8 application of silver diamine fluoride.

9 ~~(2) to (18) Repealed.~~

10
11 **12-220-131. [Formerly 12-35-129.1] Disciplinary actions.** (1) (a) If, after notice
12 and hearing conducted in accordance with article 4 of title 24 C.R.S. AND SECTION
13 12-20-403, the board determines that an applicant or licensee has engaged in an act specified
14 in section ~~12-35-129~~ **12-220-130**, the board may:

15 ~~(I) Deny the issuance of, refuse to renew, suspend, or revoke any license provided~~
16 ~~for in this article~~ ISSUE A LETTER OF ADMONITION IN UNDER THE CIRCUMSTANCES SPECIFIED
17 IN AND IN ACCORDANCE WITH SECTION 12-20-404 (4);

18 (II) Reprimand, censure, or, IN ACCORDANCE WITH SECTION 12-20-404 (1)(b), place
19 on probation any licensed dentist or dental hygienist;

20 (III) Issue a letter of admonition IMPOSE AN ADMINISTRATIVE FINE IN ACCORDANCE
21 WITH SECTION 12-20-404 (1)(c) AND SUBSECTION (5) OF THIS SECTION; or

22 (IV) Impose an administrative fine IN ACCORDANCE WITH SECTION 12-20-404 (1)(d),
23 DENY THE ISSUANCE OF, REFUSE TO RENEW, SUSPEND, OR REVOKE ANY LICENSE PROVIDED
24 FOR IN THIS ARTICLE 220.

25 (b) Hearings under this section must be conducted by the board or by an
26 administrative law judge appointed pursuant to part 10 of article 30 of title 24, C.R.S.
27 PURSUANT TO SECTION 12-20-403.

28 ~~(2) (a) When a complaint or investigation discloses an instance of misconduct that,~~
29 ~~in the opinion of the board, does not warrant formal action by the board but should not be~~
30 ~~dismissed as being without merit, the board may issue and send to the licensee a letter of~~
31 ~~admonition.~~

32 (b) When the board sends a letter of admonition to a licensee pursuant to paragraph
33 (a) of this subsection (2), the board shall also advise the licensee that he or she has the right
34 to request in writing, within twenty days after receipt of the letter, that the board initiate
35 formal disciplinary proceedings to adjudicate the propriety of the conduct upon which the
36 letter of admonition is based. If the licensee makes the request for adjudication in a timely

1 manner, the board shall vacate the letter of admonition and shall process the matter by means
2 of formal disciplinary proceedings. <{**Subsection (2) redundant with letters of admonition**
3 **common provision, 12-20-404 (4).**>

4 ~~(3) (2) If an investigation discloses an instance of conduct that, in the opinion of the~~
5 ~~board, does not warrant formal board action and should be dismissed, but in which the board~~
6 ~~has noticed indications of possible errant conduct that could lead to serious consequences~~
7 ~~if not corrected, The board shall send a confidential letter of concern to the A licensee~~
8 ~~against whom the complaint was made UNDER THE CIRCUMSTANCES SPECIFIED IN SECTION~~
9 ~~12-20-404 (5). The board shall send the person making the complaint a notice that the board~~
10 ~~has issued a letter of concern to the licensee. <{**Subsection (3) redundant with confidential**~~
11 ~~**letters of concern common provision, 12-20-404 (5).**>~~

12 (4) (3) The board may include, in any disciplinary order that allows a dentist or
13 dental hygienist to continue to practice, conditions the board deems appropriate to assure
14 that the dentist or dental hygienist is physically, mentally, and otherwise qualified to practice
15 dentistry or dental hygiene in accordance with generally accepted professional standards of
16 practice. The order may include any or all of the following:

17 (a) A condition that the licensee submit to examinations to determine the licensee's
18 physical or mental condition or professional qualifications;

19 (b) A condition that the licensee take therapy, courses of training, or education as
20 needed to correct deficiencies found by the board or by examinations required pursuant to
21 paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION;

22 (c) Review or supervision of the licensee's practice as necessary to determine the
23 quality of the practice and to correct any deficiencies;

24 (d) The imposition of restrictions on the licensee's practice to assure that the practice
25 does not exceed the limits of the licensee's capabilities.

26 (5) (4) The board may suspend the license of a dentist or dental hygienist who fails
27 to comply with an order of the board issued in accordance with this section. The board may
28 impose the license suspension until the licensee complies with the board's order.

29 (6) (5) (a) In addition to any other penalty permitted under this article 220, when a
30 licensed dentist or dental hygienist violates a provision of this article 220 or of any rule
31 promulgated pursuant to this article 220, the board may impose a fine on the licensee. If the
32 licensee is a dentist, the fine must not exceed five thousand dollars. If the licensee is a dental
33 hygienist, the fine must not exceed three thousand dollars.

34 (b) The board shall adopt rules establishing a uniform system and schedule of fines
35 that set forth fine tiers based on the severity of the violation, the type of violation, and
36 whether the licensee repeatedly violates this article 220, board rules, or board orders.

1 ~~(7)~~ (6) If the board finds the charges proven and orders that discipline be imposed,
2 the board may also order the licensee to take courses of training or education the board
3 deems necessary to correct deficiencies found as a result of the hearing.

4 ~~(8)~~ Any person whose license to practice is revoked is ineligible to apply for any
5 license under this article for at least two years after the date of revocation or surrender of the
6 license. Any subsequent application for licensure is an application for a new license.
7 <{Redundant with waiting period common provision, 12-20-404 (3).}>

8
9 **12-220-132. [Formerly 12-35-129.2] Disciplinary proceedings - professional**
10 **review committees.** (1) (a) Any person may submit a complaint relating to the conduct of
11 a dentist or dental hygienist, which complaint must be in writing and signed by the person.
12 The board, on its own motion, may initiate a complaint. The board shall notify the dentist
13 or dental hygienist of the complaint against him or her.

14 (b) (I) For complaints related to the standard of care delivered to a patient that are
15 submitted by a person other than the patient, the person submitting the complaint shall notify
16 the patient of the complaint before filing the complaint with the board.

17 (II) The requirements of this ~~paragraph (b)~~ SUBSECTION (1)(b) do not apply when a
18 complaint is submitted to the board by a state department or agency.

19 (2) (a) Except as provided in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b)
20 OF THE SECTION, investigations, examinations, hearings, meetings, and other proceedings of
21 the board conducted pursuant to this section or section ~~12-35-129.1, 12-35-129.3,~~
22 ~~12-35-129.4~~ **12-220-131, 12-220-133, 12-220-134,** or ~~12-35-129.5~~ **12-220-135** are exempt
23 from the provisions of any law requiring that proceedings of the board be conducted publicly
24 or that the minutes or records of the board with respect to action of the board taken pursuant
25 to this section OR THOSE SECTIONS are open to public inspection.

26 (b) The final action of the board taken pursuant to this section is open to the public.

27 ~~(3)~~ When a complaint or an investigation discloses an instance of misconduct that,
28 in the opinion of the board, warrants formal action, the board shall not resolve the complaint
29 by a deferred settlement, action, judgment, or prosecution. <{Redundant with no deferment
30 common provision, 12-20-404 (2).}>

31 ~~(4)~~ (3) IN ADDITION TO THE PERSONS SPECIFIED IN SECTION 12-20-402, any member
32 of ~~the board or~~ A professional review committee authorized by the board, any member
33 of ~~the board's or~~ A professional review committee's staff, AND any person acting as a witness
34 or consultant to ~~the board or~~ A PROFESSIONAL REVIEW committee any witness testifying in
35 a proceeding authorized under this article, and any person who lodges a complaint pursuant
36 to this article is immune from liability in any civil action brought against him or her for acts

1 ~~occurring while acting in his or her capacity as board or committee member, staff,~~
2 ~~consultant, or witness, respectively, if the individual was acting in good faith within the~~
3 ~~scope of his or her respective capacity, made a reasonable effort to obtain the facts of the~~
4 ~~matter as to which he or she acted, and acted in the reasonable belief that his or her action~~
5 ~~was warranted by the facts. Any person participating in good faith in lodging a complaint~~
6 ~~or participating in any investigative or administrative proceeding pursuant to this article is~~
7 ~~immune from any civil or criminal liability that may result from the participation _____ IS~~
8 GRANTED THE SAME IMMUNITY, AND IS SUBJECT TO THE SAME CONDITIONS FOR IMMUNITY,
9 AS SPECIFIED IN SECTION 12-20-402. <{Somewhat redundant with immunity common
10 provision.}>

11 ~~(5)~~ (4) The discipline of a licensee by another state, territory, or country is deemed
12 the equivalent of unprofessional conduct under this article **220**; except that this subsection
13 ~~(5)~~ (4) applies only to discipline that is based upon an act or omission in the other state,
14 territory, or country that is defined substantially the same as unprofessional conduct pursuant
15 to this article **220**.

16 ~~(6)~~ (5) (a) Nothing in this section:

17 (I) Deprives a dental patient of the right to choose or replace any professionally
18 recognized restorative material;

19 (II) Permits disciplinary action against a dentist solely for removing or placing any
20 professionally recognized restorative material.

21 (b) Nothing in ~~paragraph (a) of this subsection~~ ~~(6)~~ SUBSECTION (5)(a) OF THIS
22 SECTION prevents disciplinary action against a dentist for practicing dentistry in violation of
23 this article **220**.

24 ~~(7)~~ (6) (a) If a professional review committee is established pursuant to this section
25 to investigate complaints against a person licensed to practice dentistry under this article
26 **220**, the committee must include in its membership at least three persons licensed to practice
27 dentistry under this article **220**. The committee may be authorized to act only by:

28 (I) The board; or

29 (II) A society or an association of persons licensed to practice dentistry under this
30 article **220** whose membership includes not less than one-third of the persons licensed to
31 practice dentistry under this article **220** residing in this state, if the licensee whose services
32 are the subject of review is a member of the society or association.

33 (b) Any member of the board or a professional review committee authorized by the
34 board and any witness or consultant appearing before the board or professional review
35 committee is immune from suit in any civil action brought by a licensee who is the subject
36 of a professional review proceeding if the member, witness, or consultant acts in good faith

1 within the scope of the function of the board or committee, has made a reasonable effort to
2 obtain the facts of the matter as to which the member, witness, or consultant acts, and acts
3 in the reasonable belief that his or her action is warranted by the facts. The immunity
4 provided by this ~~paragraph (b)~~ SUBSECTION (6)(b) extends to the members of an authorized
5 professional review committee of a society or an association of persons licensed pursuant
6 to this article 220 and witnesses or consultants appearing before the committee if the
7 committee is authorized to act as provided in ~~subparagraph (H)~~ of paragraph (a) of this
8 subsection ~~(7)~~ SUBSECTION (6)(a)(II) OF THIS SECTION.

9 (c) A professional review committee of a society or an association of persons
10 licensed pursuant to this article 220 shall:

11 (I) Notify the board within sixty days after the review committee analyzes care
12 provided by a licensee and determines that the care may not meet generally accepted
13 standards or that the licensee has otherwise violated any provision of this article 220. The
14 licensee may be subject to disciplinary action by the board.

15 (II) Allow the board or its designee to conduct a periodic audit of records of the
16 review committee. A person designated by the board to conduct the audit must be a licensed
17 or retired dentist from any state. The board or its designee shall conduct the audit no more
18 than twice annually. If any pattern of behavior of a licensee is identified that may constitute
19 reasonable grounds to believe there has been a violation of this article 220, all relevant
20 records of the review committee are subject to a subpoena issued by the board.

21 (d) (I) The proceedings and records of a review committee must be held in
22 confidence and are not subject to discovery or introduction into evidence in any civil action
23 against a dentist arising out of the matters that are the subject of evaluation and review by
24 the committee. However, records of closed proceedings and investigations are available to
25 the particular licensee under review and the complainant involved in the proceedings.

26 (II) A person who was in attendance at a meeting of the committee shall not be
27 permitted or required to testify in any civil action as to any evidence or other matters
28 produced or presented during the proceedings of the committee or as to any findings,
29 recommendations, evaluations, opinions, or other actions of the committee or any members
30 of the committee. However, information, documents, or records otherwise available from
31 original sources are not protected from discovery or use in a civil action merely because they
32 were presented during proceedings of the committee, and any documents or records that
33 have been presented to the review committee by any witness must be returned to the witness,
34 if requested by the witness or if ordered to be produced by a court in any action, with copies
35 to be retained by the committee at its discretion.

36 (III) Any person who testifies before the committee or who is a member of the

1 committee is not prevented from testifying as to matters within the person's knowledge, but
2 the person may not be asked about his or her testimony before the committee or opinions he
3 or she THE PERSON formed as a result of the committee hearings.
4

5 **12-220-133. [Formerly 12-35-129.3] Board panels.** (1) The chairperson of the
6 board shall divide the members of the board, other than the chairperson, into two panels of
7 six members each.

8 (2) Each panel shall act as both an inquiry panel and a hearing panel. The
9 chairperson may reassign members of the board from one panel to the other. The chairperson
10 may be a member of both panels, but neither the chairperson nor any other member who has
11 considered a complaint as a member of a panel acting as an inquiry panel shall take any part
12 in the consideration of a formal complaint involving the same matter.

13 (3) If the inquiry panel refers a matter for formal hearing, the hearing panel or a
14 committee of the hearing panel shall hear the matter. However, in its discretion, either
15 inquiry panel may elect to refer a case for formal hearing to a qualified administrative law
16 judge in lieu of a hearing panel of the board for an initial decision pursuant to section
17 24-4-105. ~~C.R.S.~~

18 (4) A licensee who is the subject of an initial decision by an administrative law
19 judge, or by the hearing panel that would have heard the case upon its own motion, may seek
20 review of the initial decision pursuant to section 24-4-105 (14) and (15) ~~C.R.S.~~, by filing an
21 exception to the initial decision with the hearing panel that would have heard the case if it
22 had not been referred to an administrative law judge. The respondent or the board's counsel
23 may file the exception.

24 (5) The inquiry panel to whom an investigation is assigned shall supervise the
25 investigation, and the person conducting the investigation shall report the results of the
26 investigation to the panel for appropriate action.
27

28 **12-220-134. [Formerly 12-35-129.4.] Cease-and-desist orders.** ~~(1)(a) If it appears~~
29 ~~to the board, based upon credible evidence as presented in a written complaint by any~~
30 ~~person, that a licensee is acting in a manner that is an imminent threat to the health and~~
31 ~~safety of the public or a person is acting or has acted without the required license, the board~~
32 ~~may issue an order to cease and desist the activity. The board shall set forth in the order the~~
33 ~~statutes and rules the person is alleged to have violated, the facts alleged to constitute the~~
34 ~~violation, and the requirement that all unlawful acts or unlicensed practices immediately~~
35 ~~cease.~~

36 ~~(b) Within ten days after service of the order to cease and desist pursuant to~~

1 paragraph (a) of this subsection (1), the respondent may request a hearing on the question
2 of whether acts or practices in violation of this part 1 have occurred. The board or an
3 administrative law judge, as applicable, shall conduct the hearing in accordance with
4 sections 24-4-104 and 24-4-105, C.R.S.

5 (2) (a) ~~If it appears to the board, based upon credible evidence as presented in a~~
6 ~~written complaint by any person, that a person has violated any other portion of this part 1,~~
7 ~~then, in addition to any specific powers granted pursuant to this part 1, the board may issue~~
8 ~~to the person an order to show cause as to why the board should not issue a final order~~
9 ~~directing the person to cease and desist from the unlawful act or unlicensed practice.~~

10 (b) ~~The board shall promptly notify the person against whom it issues an order to~~
11 ~~show cause pursuant to paragraph (a) of this subsection (2) of the issuance of the order and~~
12 ~~shall include in the notice a copy of the order, the factual and legal basis for the order, and~~
13 ~~the date set by the board for a hearing on the order. The board may serve the notice by~~
14 ~~personal service, by first-class United States mail, postage prepaid, or by other means as may~~
15 ~~be practicable. Personal service or mailing of an order or document pursuant to this~~
16 ~~subsection (2) constitutes notice to the person.~~

17 (c) (I) ~~The board shall commence the hearing on an order to show cause no sooner~~
18 ~~than ten and no later than forty-five calendar days after the date of transmission or service~~
19 ~~of the notification as provided in paragraph (b) of this subsection (2). The board may~~
20 ~~continue the hearing by agreement of all parties based upon the complexity of the matter,~~
21 ~~number of parties to the matter, and legal issues presented in the matter, but in no event shall~~
22 ~~the board commence the hearing later than sixty calendar days after the date of transmission~~
23 ~~or service of the notification.~~

24 (II) ~~If the person against whom the board has issued the order to show cause pursuant~~
25 ~~to paragraph (a) of this subsection (2) does not appear at the hearing, the board may present~~
26 ~~evidence that notification was properly sent or served upon the person pursuant to paragraph~~
27 ~~(b) of this subsection (2) and other evidence related to the matter as the board deems~~
28 ~~appropriate. The board shall issue the order within ten days after the board's determination~~
29 ~~related to reasonable attempts to notify the respondent, and the order becomes final as to that~~
30 ~~person by operation of law. The board or an administrative law judge, as applicable, shall~~
31 ~~conduct the hearing in accordance with sections 24-4-104 and 24-4-105, C.R.S.~~

32 (III) ~~If the board reasonably finds that the person against whom the order to show~~
33 ~~cause was issued is acting or has acted without the required license or has or is about to~~
34 ~~engage in acts or practices constituting violations of this part 1, the board may issue a final~~
35 ~~cease-and-desist order directing the person to cease and desist from further unlawful acts or~~
36 ~~unlicensed practices.~~

1 ~~(IV) The board shall provide notice, in the manner set forth in paragraph (b) of this~~
2 ~~subsection (2), of the final cease-and-desist order within ten calendar days after the hearing~~
3 ~~conducted pursuant to this paragraph (c) to each person against whom the final order is~~
4 ~~issued. The final order issued pursuant to subparagraph (H) of this paragraph (c) is effective~~
5 ~~when issued and is a final order for purposes of judicial review.~~

6 ~~(3) If it appears to the board, based upon credible evidence presented to the board,~~
7 ~~that a person has engaged in or is about to engage in an unlicensed act or practice; an act or~~
8 ~~practice constituting a violation of this part 1, a rule promulgated pursuant to this part 1, or~~
9 ~~an order issued pursuant to this part 1; or an act or practice constituting grounds for~~
10 ~~administrative sanction pursuant to this part 1, the board may enter into a stipulation with~~
11 ~~the person.~~

12 ~~(4) If a person fails to comply with a final cease-and-desist order or a stipulation, the~~
13 ~~board may request the attorney general or the district attorney for the judicial district in~~
14 ~~which the alleged violation exists to bring, and if so requested the attorney shall bring, suit~~
15 ~~for a temporary restraining order and for injunctive relief to prevent any further or continued~~
16 ~~violation of the final order.~~

17 ~~(5) A person aggrieved by the final cease-and-desist order may seek judicial review~~
18 ~~of the board's determination or of the board's final order as provided in section 12-35-130.~~

19 ~~THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES AND~~
20 ~~IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{Redundant~~
21 ~~with cease-and-desist orders common provision, 12-20-405.}>~~

22
23 **12-220-135. [Formerly 12-35-129.5] Mental and physical examinations.** (1) (a) If
24 the board has reasonable cause to believe that a person licensed to practice dentistry or
25 dental hygiene in this state is unable to practice dentistry or dental hygiene with reasonable
26 skill and safety to patients because of a physical or mental disability or because of excessive
27 use of alcohol, a habit-forming drug or substance, or a controlled substance, as defined in
28 section 18-18-102 (5), C.R.S.; the board, IN ACCORDANCE WITH SECTION 12-30-108, may
29 require the licensed dentist or dental hygienist to submit to a mental or physical examination
30 by a qualified professional designated by the board <{Added reference to mental/physical
31 exams common provision, 12-30-108.}>

32 ~~(b) Upon the failure of the licensed dentist or dental hygienist to submit to a mental~~
33 ~~or physical examination required by the board, unless the failure is due to circumstances~~
34 ~~beyond the dentist's or dental hygienist's control, the board may suspend the dentist's or~~
35 ~~dental hygienist's license to practice dentistry or dental hygiene in this state until the dentist~~
36 ~~or dental hygienist submits to the examination. <{Paragraph (b) redundant with~~

1 *mental/physical exams common provision, 12-30-108 (1)(b).*>

2 ~~(2) Every person licensed to practice dentistry or dental hygiene in this state is~~
3 ~~deemed, by so practicing or by applying for a renewal of the person's license to practice~~
4 ~~dentistry or dental hygiene in this state, to have:~~

5 ~~(a) Given consent to submit to a mental or physical examination when directed in~~
6 ~~writing by the board; and~~

7 ~~(b) Waived all objections to the admissibility of the examining qualified~~
8 ~~professional's testimony or examination reports on the ground of privileged communication.~~

9 <{*Subsection (2) redundant with mental/physical exams common provision, 12-30-108*
10 *(2), 1st and 2nd sentences.*}>

11 ~~(3) The results of any mental or physical examination ordered by the board cannot~~
12 ~~be used as evidence in any proceeding other than before the board. <{*Redundant with*~~
13 *mental/physical exams common provision, 12-30-108 (3).*}>

14
15 <{*Note that the mental/physical exams common provision contains language that does*
16 *not appear in the dental practice provision. See, specifically, 12-30-108 (2), 3rd sentence,*
17 *which specifies that the licensee is deemed to have waived objections to the production of*
18 *medical records to the regulator. Does this sentence need to be excepted in the context of*
19 *the dental practice act? YES, need to except that sentence for dental practice act.*}>

20
21 **12-220-136. [Formerly 12-35-129.6] Confidential agreement to limit practice.**

22 ~~(1) If a licensed dentist or dental hygienist has a physical illness; a physical condition; or~~
23 ~~a behavioral or mental health disorder that renders him or her unable to practice dentistry or~~
24 ~~dental hygiene with reasonable skill and safety to clients, the dentist or dental hygienist shall~~
25 ~~notify the board of the physical illness; the physical condition; or the behavioral or mental~~
26 ~~health disorder in a manner and within a period determined by the board. The board may~~
27 ~~require the dentist or dental hygienist to submit to an examination to evaluate the extent of~~
28 ~~the physical illness; the physical condition; or the behavioral or mental health disorder and~~
29 ~~its impact on the dentist's or dental hygienist's ability to practice dentistry or dental hygiene~~
30 ~~with reasonable skill and safety to patients.~~

31 ~~(2)(a) Upon determining that a dentist or dental hygienist with a physical illness; a~~
32 ~~physical condition; or a behavioral or mental health disorder is able to render limited~~
33 ~~services with reasonable skill and safety to patients, the board may enter into a confidential~~
34 ~~agreement with the dentist or dental hygienist in which the dentist or dental hygienist agrees~~
35 ~~to limit his or her practice based on the restrictions imposed by the physical illness; the~~
36 ~~physical condition; or the behavioral or mental health disorder, as determined by the board.~~

1 ~~(b) As part of the agreement, the dentist or dental hygienist is subject to periodic~~
2 ~~reevaluations or monitoring as determined appropriate by the board.~~

3 ~~(c) The parties may modify or dissolve the agreement as necessary based on the~~
4 ~~results of a reevaluation or of monitoring.~~

5 ~~(3) By entering into an agreement with the board pursuant to this section to limit his~~
6 ~~or her practice, a dentist or dental hygienist is not engaging in activities prohibited pursuant~~
7 ~~to section 12-35-129 (1). The agreement does not constitute a restriction or discipline by the~~
8 ~~board. However, if the dentist or dental hygienist fails to comply with the terms of an~~
9 ~~agreement entered into pursuant to this section, the failure constitutes a prohibited activity~~
10 ~~pursuant to section 12-35-129 (1)(j), and the dentist or dental hygienist is subject to~~
11 ~~discipline in accordance with section 12-35-129.~~

12 ~~(4) This section does not apply to a dentist or dental hygienist subject to discipline~~
13 ~~for prohibited activities as described in section 12-35-129 (1)(e).~~

14 SECTION 12-30-107 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
15 APPLIES TO THIS ARTICLE 220. <{Redundant with confidential agreement common
16 provision, 12-30-107.}>

17
18 **12-220-137. [Formerly 12-35-130] Review of board action.** (1) ~~The court of~~
19 ~~appeals, by appropriate proceedings under section 24-4-106 (11), C.R.S., may SECTION~~
20 ~~12-20-408 GOVERNS JUDICIAL review OF any final action of the board to: <{~~Redundant with
21 judicial review common provision.>

- 22 (a) Deny or refuse to issue or renew a license;
- 23 (b) Suspend a license;
- 24 (c) Revoke a license;
- 25 (d) Censure a licensee;
- 26 (e) Issue a letter of admonition to a licensee;
- 27 (f) Place a licensee on probation;
- 28 (g) Issue a reprimand to a licensee; or
- 29 (h) Issue an order to cease and desist.

30 (2) The provisions of this section apply to a license issued to a dentist or dental
31 hygienist.

32
33 **12-220-138. Use or sale of forged or invalid diploma or license certificate.**
34 (1) **[Formerly 12-35-131]** It is unlawful for any person to use or attempt to use as his or her
35 own a diploma of a dental college or school or school of dental hygiene, or a license or
36 license renewal certificate, of any other person or to use or attempt to use a forged diploma,

1 license, license renewal certificate, or identification. It is also unlawful for any person to file
2 with the board a forged document in response to a request by the board for documentation
3 of an applicant's qualifications for licensure.

4 (2) [Formerly 12-35-132] It is unlawful to sell or offer to sell a diploma conferring
5 a dental or dental hygiene degree or a license or license renewal certificate granted pursuant
6 to this article 220 or prior dental practice laws, or to procure such diploma or license or
7 license renewal certificate:

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

11 (b) With fraudulent intent to alter the document and use or attempt to use it when it
12 is so altered.

13

14 **12-220-139. [Formerly 12-35-133] Construction of dental devices by unlicensed**
15 **technician.** (1) (a) A licensed dentist who uses the services of an unlicensed technician for
16 the purpose of constructing, altering, repairing, or duplicating any denture, bridge, splint,
17 or orthodontic or prosthetic appliance shall furnish the unlicensed technician with a written
18 or electronic laboratory work order in a form approved by the board, which form must be
19 dated and signed by the dentist for each separate and individual piece of work. The dentist
20 shall make the laboratory work order in a reproducible form, and the dentist and the
21 unlicensed technician shall each retain a copy in a permanent file for two years. The
22 permanent files of the licensed dentist and the unlicensed technician shall be open to
23 inspection at any reasonable time by the board or its duly constituted agent. The licensed
24 dentist that furnishes the laboratory work order shall have appropriate training, education,
25 and experience related to the prescribed treatment and is responsible for directly supervising
26 all intraoral treatment rendered to the patient.

27 (b) An unlicensed technician that possesses a valid laboratory work order may
28 provide extraoral construction, manufacture, fabrication, supply, or repair of identified
29 dental and orthodontic devices but shall not provide intraoral service in a human mouth
30 except under the direct supervision of a licensed dentist in accordance with section
31 ~~12-35-128 (3)(d)~~ **12-220-127 (3)(d)**.

32 (2) If the dentist fails to keep permanent records of laboratory work orders as
33 required in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section, the dentist is
34 subject to disciplinary action as deemed appropriate by the board.

35 (3) If an unlicensed technician fails to have in his or her possession a laboratory work
36 order signed by a licensed dentist with each denture, bridge, splint, or orthodontic or

1 prosthetic appliance in his or her possession, the absence of the laboratory work order is
2 prima facie evidence of a violation of this section and constitutes the practice of dentistry
3 without an active license in violation of, and subject to the penalties specified in, section
4 ~~12-35-135~~ **12-220-141**.

5
6 **12-220-140. [Formerly 12-35-134] Soliciting or advertisements by unlicensed**
7 **persons.** It is unlawful for any unlicensed person, corporation, entity, partnership, or group
8 of persons to solicit or advertise to the general public to construct, reproduce, or repair
9 prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for
10 natural teeth.

11
12 **12-220-141. [Formerly 12-35-135] Unauthorized practice - penalties.** ~~(†)~~ Any
13 person who practices or offers or attempts to practice dentistry or dental hygiene without an
14 active license issued under this article ~~commits a class 2 misdemeanor and shall be punished~~
15 ~~as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any~~
16 ~~subsequent offense, the person commits a class 6 felony and shall be punished as provided~~
17 ~~in section 18-1.3-401, C.R.S. 220~~ IS SUBJECT TO PENALTIES PURSUANT TO SECTION
18 12-20-407 (1)(a). <{**Redundant with unauthorized practice common provision.**}>

19 ~~(2) Repealed.~~

20
21 **12-220-142. [Formerly 12-35-136] Attorney general shall represent board and**
22 **members.** The attorney general of the state of Colorado shall counsel with and advise the
23 board in connection with its duties and responsibilities under this article **220**. If litigation is
24 brought against the board or any of its individual members in connection with actions taken
25 by it or them under the provisions of this article **220** and ~~such~~ THE actions are free of malice,
26 fraud, or willful neglect of duty, the attorney general shall defend ~~such~~ THE litigation without
27 cost to the board or to any individual member thereof.

28
29 **12-220-143. [Formerly 12-35-137] Independent advertising or marketing agent**
30 **- injunctive proceedings.** (1) Notwithstanding section ~~12-35-129~~ ~~(†)~~ ~~(†)~~ **12-220-130 (1)(t)**,
31 a licensed dentist or dental hygienist may employ an independent advertising or marketing
32 agent to provide advertising or marketing services on the dentist's or dental hygienist's
33 behalf, and the same shall not be considered unprofessional conduct.

34 (2) The board shall not have the authority to regulate, directly or indirectly,
35 advertising or marketing activities of independent advertising or marketing agents except
36 as provided in this section. The board may, in the name of the people of the state of

1 Colorado, apply for an injunction in district court to enjoin any independent advertising or
2 marketing agent from the use of advertising or marketing that the court finds on the basis
3 of the evidence presented by the board to be misleading, deceptive, or false; except that a
4 licensed dentist or dental hygienist shall not be subject to discipline by the board, injunction,
5 or prosecution in the courts under this article **220** or any other law for advertising or
6 marketing by an independent advertising or marketing agent if the factual information that
7 the licensed dentist or dental hygienist provides to the independent advertising or marketing
8 agent is accurate and not misleading, deceptive, or false.
9

10 **12-220-144. [Formerly 12-35-138] Dentist peer health assistance program - fees**

11 **- rules.** (1) (a) Effective July 1, 2004, as a condition of renewal in this state, every renewal
12 applicant shall pay to the administering entity that has been selected by the board pursuant
13 to the provisions of ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION
14 an amount not to exceed fifty-nine dollars per year, which maximum amount may be
15 adjusted on January 1, 2005, and annually thereafter by the board to reflect changes in the
16 United States DEPARTMENT OF LABOR, bureau of LABOR statistics, consumer price index for
17 ~~the Denver-Boulder consolidated metropolitan statistical area~~ DENVER-AURORA-LAKEWOOD
18 for all urban consumers or goods, or its successor index. ~~Such~~ THE fee shall be used to
19 support designated providers that have been selected by the board to provide assistance to
20 dentists needing help in dealing with physical, emotional, or psychological problems that
21 may be detrimental to their ability to practice dentistry. ~~Such~~ THE fee shall not exceed one
22 hundred dollars per year per licensee.

23 (b) The board shall select one or more peer health assistance programs as designated
24 providers. To be eligible for designation by the board, a peer health assistance program shall:

25 (I) Provide for the education of dentists with respect to the recognition and
26 prevention of physical, emotional, and psychological problems and provide for intervention
27 when necessary or under circumstances that may be established by rules promulgated by the
28 board;

29 (II) Offer assistance to a dentist in identifying physical, emotional, or psychological
30 problems;

31 (III) Evaluate the extent of physical, emotional, or psychological problems and refer
32 the dentist for appropriate treatment;

33 (IV) Monitor the status of a dentist who has been referred for treatment;

34 (V) Provide counseling and support for the dentist and for the family of any dentist
35 referred for treatment;

36 (VI) Agree to receive referrals from the board;

1 (VII) Agree to make its services available to all licensed Colorado dentists.

2 (c) The administering entity shall be a qualified, nonprofit private foundation that
3 is qualified under section 501 (c)(3) of the federal "Internal Revenue Code of 1986", as
4 amended, and shall be dedicated to providing support for charitable, benevolent,
5 educational, and scientific purposes that are related to dentistry, dental education, dental
6 research and science, and other dental charitable purposes.

7 (d) The responsibilities of the administering entity shall be to:

8 (I) Collect the required annual payments, directly or through the board;

9 (II) Verify to the board, in a manner acceptable to the board, the names of all dentist
10 applicants who have paid the fee set by the board;

11 (III) Distribute the ~~moneys~~ MONEY collected, less expenses, to the designated
12 provider, as directed by the board;

13 (IV) Provide an annual accounting to the board of all amounts collected, expenses
14 incurred, and amounts disbursed; and

15 (V) Post a surety performance bond in an amount specified by the board to secure
16 performance under the requirements of this section. The administering entity may recover
17 the actual administrative costs incurred in performing its duties under this section in an
18 amount not to exceed ten percent of the total amount collected.

19 (e) The board, at its discretion, may collect the required annual payments payable to
20 the administering entity for the benefit of the administering entity and shall transfer ~~all such~~
21 THE payments to the administering entity. All required annual payments collected or due to
22 the board for each fiscal year shall be deemed custodial funds that are not subject to
23 appropriation by the general assembly, and ~~such~~ THE funds shall not constitute state fiscal
24 year spending for purposes of section 20 of article X of the state constitution.

25 (2) (a) Any dentist who is a referred participant in a peer health assistance program
26 shall enter into a written agreement with the board prior to ~~such~~ THE dentist becoming a
27 participant in ~~such~~ THE program. ~~Such~~ THE agreement shall contain specific requirements
28 and goals to be met by the participant, including the conditions under which the program
29 will be successfully completed or terminated, and a provision that a failure to comply with
30 ~~such~~ THE requirements and goals shall be promptly reported to the board and that ~~such~~ THE
31 failure shall result in disciplinary action by the board.

32 (b) Notwithstanding section ~~12-35-129~~ **12-220-130** and section 24-4-104, C.R.S.,
33 the board may immediately suspend the license of any dentist who is referred to a peer health
34 assistance program by the board and who fails to attend or to complete ~~such~~ THE program.
35 If ~~such~~ THE dentist objects to ~~such~~ THE suspension, ~~he or she~~ THE DENTIST may submit a
36 written request to the board for a formal hearing on ~~such~~ THE suspension within ten days

1 after receiving notice of ~~such~~ THE suspension, and the board shall grant ~~such~~ THE request.
2 In ~~such~~ THE hearing the dentist shall bear the burden of proving that his or her license should
3 not be suspended.

4 (c) Any dentist who is accepted into a peer health assistance program in lieu of
5 disciplinary action by the board shall affirm that, to the best of his or her knowledge,
6 information, and belief, ~~he or she~~ THE DENTIST knows of no instance in which he or she has
7 violated this article **220** or the rules of the board, except in those instances affected by the
8 dentist's physical, emotional, or psychological problems.

9 ~~(2.5)~~ (3) If a dentist is arrested for a drug- or alcohol-related offense, the dentist shall
10 refer himself or herself to the peer health assistance program within thirty days after the
11 arrest for an evaluation and referral for treatment as necessary. If the dentist self-refers, the
12 evaluation by the program is confidential and cannot be used as evidence in any proceeding
13 other than before the board. If a dentist fails to comply with this subsection ~~(2.5)~~ (3), the
14 failure, alone, is not grounds for discipline under sections ~~12-35-129~~ **12-220-130** and
15 ~~12-35-129~~ **12-220-131** unless the dentist has also committed an act or omission specified
16 in section ~~12-35-129~~ **12-220-130**, other than an act or omission specified in section
17 ~~12-35-129~~ (1)(e) or (1)(f) **12-220-130** (1)(e) OR (1)(f).

18 ~~(3)~~ (4) Nothing in this section shall be construed to create any liability on behalf of
19 the board or the state of Colorado for the actions of the board members in making grants to
20 peer assistance programs, and no civil action may be brought or maintained against the board
21 or the state for an injury alleged to have been the result of the activities of any state-funded
22 peer assistance program or the result of an act or omission of a dentist participating in or
23 referred by a state-funded peer assistance program. However, the state shall remain liable
24 under the provisions of the "Colorado Governmental Immunity Act", article 10 of title 24,
25 ~~C.R.S.~~, if an injury alleged to have been the result of an act or omission of a dentist
26 participating in or referred by a state-funded peer assistance program occurred while ~~such~~
27 THE dentist was performing duties as an employee of the state.

28 ~~(4)~~ (5) The board is authorized to promulgate rules necessary to implement the
29 provisions of this section.
30

31 **12-220-145. [Formerly 12-35-139] Continuing education requirements - rules.**

32 (1) As a condition of renewing, reactivating, or reinstating a license issued under this article
33 **220**, every dentist and dental hygienist shall obtain at least thirty hours of continuing
34 education every two years to ensure patient safety and professional competency.

35 (2) The board may adopt rules establishing the basic requirements for continuing
36 education, including the types of programs that qualify, exemptions for persons holding an

1 inactive or retired license, requirements for courses designed to enhance clinical skills for
2 certain licenses, and the manner by which dentists and dental hygienists are to report
3 compliance with the continuing education requirements.
4

5 **12-220-146. [Formerly 12-35-140] Anesthesia and sedation permits - dentists and**
6 **dental hygienists - training and experience requirements - office inspections - rules.**

7 (1) Upon application in a form and manner determined by the board and payment of the
8 applicable fees established by the board, the board may issue an anesthesia or sedation
9 permit to a licensed dentist or a local anesthesia permit to a dental hygienist in accordance
10 with this section.

11 (2) (a) A licensed dentist who obtains an anesthesia or sedation permit pursuant to
12 this section may administer minimal sedation, moderate sedation, or deep sedation/general
13 anesthesia.

14 (b) A licensed dentist who administers minimal sedation, moderate sedation, or deep
15 sedation/general anesthesia to pediatric dental patients shall obtain a permit designated by
16 the board to allow for administration to pediatric dental patients.

17 (c) An anesthesia or sedation permit issued to a licensed dentist is valid for five
18 years, unless the dentist's license expires. As a condition of renewing an anesthesia or
19 sedation permit, a licensed dentist shall attest, when applying to renew the permit, that he
20 or she completed seventeen continuing education credits specific to anesthesia or sedation
21 administration during the five-year permit period. Continuing education credits obtained as
22 required by this section may be used to satisfy the continuing education requirements in
23 section ~~12-35-139~~ **12-220-145**.

24 (3) (a) A licensed dental hygienist who obtains a local anesthesia permit pursuant to
25 this section may administer local anesthesia.

26 (b) A local anesthesia permit issued to a dental hygienist is valid as long as the dental
27 hygienist's license is active.

28 (4) (a) The board shall establish, by rule, minimum training, experience, and
29 equipment requirements for the administration of local anesthesia, analgesia including
30 nitrous oxide/oxygen inhalation, and medication prescribed or administered for the relief of
31 anxiety or apprehension, minimal sedation, moderate sedation, deep sedation, or general
32 anesthesia, including procedures that may be used by and minimum training requirements
33 for dentists, dental hygienists, and dental assistants.

34 (b) In order to fulfill the training and experience requirements for an anesthesia or
35 sedation permit, an applicant must be the primary provider and directly provide care for all
36 required case work.

- 1 (c) The rules relating to anesthesia and sedation are not intended to:
2 (I) Permit administration of local anesthesia, analgesia, medication prescribed or
3 administered for the relief of anxiety or apprehension, minimal sedation, moderate sedation,
4 deep sedation, or general anesthesia by dental assistants; except that this section does not
5 prohibit a dental assistant from monitoring and administering nitrous oxide/oxygen
6 inhalation performed under the supervision of a licensed dentist pursuant to section
7 ~~12-35-113 (1)(q)~~ **12-220-110 (1)(q)** and board rules; or
8 (II) Reduce competition or restrain trade with respect to the dentistry needs of the
9 public.
10 (5) The board shall establish, by rule, criteria and procedures for an office inspection
11 program to be completed upon application and renewal of anesthesia or sedation permits,
12 which must include:
13 (a) Designation of qualified inspectors who are experts in dental outpatient deep
14 sedation/general anesthesia and moderate sedation;
15 (b) A requirement for each licensee that is inspected to bear the cost of inspection
16 by allowing designated inspectors to charge a reasonable fee as established by the board;
17 (c) A requirement that an inspector notify the board in writing of the results of an
18 inspection; and
19 (d) A requirement for reinspection of an office prior to the renewal of a moderate
20 sedation or deep sedation/general anesthesia permit.

21
22 **12-220-147. [Formerly 12-35-141] Professional liability insurance required -**
23 **rules.** (1) A licensed dentist and a licensed dental hygienist must meet the financial
24 responsibility requirements established by the board pursuant to section 13-64-301 (1)(a).
25 ~~C.R.S.~~
26 (2) Upon request of the board, a licensed dentist or licensed dental hygienist shall
27 provide proof of professional liability insurance to the board.
28 (3) The board may, by rule, exempt from or establish lesser financial responsibility
29 standards for licensed dentists and licensed dental hygienists who meet the criteria in section
30 13-64-301 (1)(a)(II). ~~C.R.S.~~

31
32 **PART 2**
33 **SAFETY TRAINING FOR UNLICENSED X RAY TECHNICIANS**
34

35 **12-220-201. [Formerly 12-35-201] Legislative declaration.** (1) The general
36 assembly hereby finds, determines, and declares that public exposure to the hazards of

1 ionizing radiation used for diagnostic purposes should be minimized wherever possible.
2 Accordingly, the general assembly finds, determines, and declares that for any dentist or
3 dental hygienist to allow an untrained person to operate a machine source of ionizing
4 radiation, including without limitation a device commonly known as an "X ray machine",
5 or to administer ~~such~~ radiation to a patient for diagnostic purposes is a threat to the public
6 health and safety.

7 (2) It is the intent of the general assembly that dentists and dental hygienists utilizing
8 unlicensed persons in their practices provide those persons with a minimum level of
9 education and training before allowing them to operate machine sources of ionizing
10 radiation; however, it is not the general assembly's intent to discourage education and
11 training beyond this minimum. It is further the intent of the general assembly that established
12 minimum training and education requirements correspond as closely as possible to the
13 requirements of each particular work setting as determined by the ~~Colorado dental~~ board
14 pursuant to this part 2.

15 (3) The general assembly seeks to ensure, and accordingly declares its intent, that in
16 promulgating the rules authorized by this part 2, the board will make every effort, consistent
17 with its other statutory duties, to avoid creating a shortage of qualified individuals to operate
18 machine sources of ionizing radiation for beneficial medical purposes in any area of the
19 state.

20
21 **12-220-202. [Formerly 12-35-202] Board authorized to issue rules - definition.**

22 (1) (a) The ~~Colorado dental~~ board shall adopt rules prescribing minimum standards for the
23 qualifications, education, and training of unlicensed persons operating machine sources of
24 ionizing radiation and administering radiation to patients for diagnostic medical use. A
25 licensed dentist or dental hygienist shall not allow an unlicensed person to operate a machine
26 source of ionizing radiation or to administer radiation to any patient unless the person meets
27 standards then in effect under rules adopted pursuant to this section. The board may adopt
28 rules allowing a grace period in which newly hired operators of machine sources of ionizing
29 radiation are to receive the training required by this section.

30 (b) For purposes of this part 2, "unlicensed person" means a person who does not
31 hold a current and active license entitling the person to practice dentistry or dental hygiene
32 under the provisions of this article **220**.

33 (2) The board shall seek the assistance of licensed dentists or licensed dental
34 hygienists in developing and formulating the rules promulgated pursuant to this section.

35 (3) The required number of hours of training and education for all unlicensed

1 persons operating machine sources of ionizing radiation and administering ~~such~~ radiation
2 to patients shall be established by the board by rule. This standard shall apply to all persons
3 in dental settings other than hospitals and similar facilities licensed by the department of
4 public health and environment pursuant to section 25-1.5-103. ~~C.R.S. Such~~ THE training and
5 education may be obtained through programs approved by the appropriate authority of any
6 state or through equivalent programs and training experience, including on-the-job training
7 as determined by the board.

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Proposals\October 24\Article 220_Dentists.wpd