

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0229.01 Yelana Love x2295

SENATE BILL 22-219

SENATE SPONSORSHIP

Moreno and Smallwood,

HOUSE SPONSORSHIP

Duran and McLachlan,

Senate Committees

Health & Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF DENTAL THERAPISTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

On and after January 1, 2023, the bill prohibits a person from practicing dental therapy in the state unless licensed by the Colorado dental board (board). A licensed dental therapist is authorized to deliver routine and preventive dental care.

A person who desires to qualify for practice as a dental therapist must file with the board a written application for a license, proof of graduation from a school of dental therapy or a dental therapy program that meets the requirements of the bill, and proof of completion of the

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

examinations required for licensure as a dental hygienist.

A dental therapist is allowed to practice only under the direct supervision of a licensed dentist until the dental therapist practices for 1,000 hours.

After reaching 1,000 hours, the dental therapist may practice under the indirect supervision of a licensed dentist pursuant to a written articulated plan. The articulated plan must include:

- Methods of dentist supervision, consultation, and approval;
- Protocols for informed consent, record keeping, quality assurance, and dispensing or administering medications;
- Policies for handling referrals when a patient needs services the dental therapist is not authorized or qualified to provide;
- Policies for handling medical emergencies; and
- Policies for supervising dental assistants and working with dental hygienists and other dental practitioners and staff.

A licensed dental therapist must maintain professional liability insurance in an amount not less than \$500,000 per incident and \$1.5 million annual aggregate per year; except that this requirement is not applicable to a dental therapist who is a public employee under the "Colorado Governmental Immunity Act".

A state institution of higher education offering an accredited dental therapy training program may grant advanced standing toward completion of an accredited dental therapy program if a student meets the conditions specified in the bill.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Access to affordable, quality, and equitable dental care and to
5 dental providers has been demonstrated to have a positive impact on
6 people's overall health outcomes and overall well-being;

7 (b) Although great strides have been made toward increasing
8 access to affordable dental care, not enough has been accomplished to
9 address oral-health-access issues across Colorado, particularly in the
10 state's rural areas, and for Coloradans who have historically and
11 systematically faced barriers to health care, including people of color and

1 Coloradans with low incomes;

2 (c) According to the "Colorado Health Access Survey" (survey)
3 by the Colorado Health Institute, roughly one in five Coloradans report
4 poor oral health;

5 (d) In the survey, 400,000 Coloradans said that at some point in
6 the past year, they were unable to participate in regular daily activities
7 like school or work due to dental pain;

8 (e) Fifty-three of Colorado's 64 counties are designated as dental
9 professional shortage areas, with five counties without a single licensed
10 dentist;

11 (f) Dentist participation in Medicaid sits at 59.9%, but in 2018,
12 only 28% of Colorado dentists served any Medicaid-enrolled patients;

13 (g) Adults in rural areas have almost twice the prevalence of tooth
14 loss when compared to urban adults;

15 (h) By kindergarten, 40% of children in Colorado already have
16 dental decay, and this rate increases for children living in low-income
17 communities. Dental health issues continue to be a leading cause of
18 school absenteeism for Colorado's kids.

19 (i) Research has shown that dental therapists practicing in other
20 states provide safe and high-quality care, assist in improving access to
21 dental care, and experience high patient acceptability;

22 (j) A long-term study of dental therapists in the country found that
23 dental therapists are improving access to care, resulting in both adults and
24 children getting more preventive care and keeping their natural teeth; and

25 (k) In order to ensure dental care is accessible for all Coloradans,
26 it is critical that the state establish a license for dental therapists to help
27 close the historic gaps and barriers that Coloradans face in accessing

1 dental care.

2 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-220-102
3 as follows:

4 **12-220-102. Legislative declaration.** The practice of dentistry,
5 DENTAL THERAPY, and dental hygiene in this state is declared to affect the
6 public health, safety, and welfare and to be subject to regulation and
7 control in the public interest. It is further declared to be a matter of public
8 interest and concern that the dental profession merit and receive the
9 confidence of the public and that only qualified dentists, DENTAL
10 THERAPISTS, and dental hygienists be permitted to practice dentistry,
11 DENTAL THERAPY, or dental hygiene in this state. It is the purpose of this
12 article 220 to promote the public health, safety, and welfare by regulating
13 the practice of dentistry, DENTAL THERAPY, and dental hygiene and to
14 ensure that no one ~~shall practice~~ PRACTICES dentistry, DENTAL THERAPY,
15 or dental hygiene without qualifying under this article 220. The
16 provisions of this article 220 relating to licensure by credentials are not
17 intended to reduce competition or restrain trade with respect to the oral
18 health needs of the public. All provisions of this article 220 relating to the
19 practice of dentistry, DENTAL THERAPY, and dental hygiene shall be
20 liberally construed to carry out these objects and purposes.

21 **SECTION 3.** In Colorado Revised Statutes, 12-220-104, **amend**
22 (1), (3), (13), and (15); and **add** (5.5) as follows:

23 **12-220-104. Definitions - rules.** As used in this article 220, unless
24 the context otherwise requires:

25 (1) "Accredited" means a program that is nationally recognized for
26 specialized accrediting for dental, DENTAL THERAPY, dental hygiene, and
27 dental auxiliary programs by the United States department of education.

1 (3) "Dental assistant" means any person, other than a dentist,
2 DENTAL THERAPIST, or dental hygienist, licensed in Colorado, who may
3 be assigned or delegated to perform dental tasks or procedures as
4 authorized by this article 220 or by rules of the board.

5 (5.5) "DENTAL THERAPY" MEANS THE DELIVERY OF DENTAL CARE
6 AS SPECIFIED IN SECTION 12-220-507 AND IN ACCORDANCE WITH THIS
7 ARTICLE 220 AND RULES PROMULGATED BY THE BOARD.

8 (13) "Proprietor" includes any person who:

9 (a) Employs dentists, DENTAL THERAPISTS, dental hygienists, or
10 dental assistants in the operation of a dental office, except as provided in
11 sections 12-220-305 and 12-220-501;

12 (b) Places in possession of a dentist, DENTAL THERAPIST, dental
13 hygienist, dental assistant, or other agent dental material or equipment
14 that may be necessary for the management of a dental office on the basis
15 of a lease or any other agreement for compensation for the use of the
16 material, equipment, or offices; or

17 (c) Retains the ownership or control of dental equipment or
18 material or a dental office and makes the same available in any manner
19 for use by dentists, DENTAL THERAPISTS, dental hygienists, dental
20 assistants, or other agents; except that nothing in this subsection (13)(c)
21 applies to bona fide sales of dental equipment or material secured by a
22 chattel mortgage or retain-title agreement or to the loan of articulators.

23 (15) "Telehealth supervision" means indirect supervision by a
24 dentist of a DENTAL THERAPIST OR dental hygienist performing a
25 statutorily authorized procedure using telecommunications systems.

26 **SECTION 4.** In Colorado Revised Statutes, **add** 12-220-407.2
27 and 12-220-407.5 as follows:

1 **12-220-407.2. Application for dental therapist license - fee -**

2 **rules.** (1) EFFECTIVE JANUARY 1, 2023, EVERY PERSON WHO DESIRES TO
3 QUALIFY FOR PRACTICE AS A DENTAL THERAPIST WITHIN THIS STATE MUST
4 FILE WITH THE BOARD:

5 (a) A WRITTEN APPLICATION FOR A LICENSE, ON WHICH
6 APPLICATION THE APPLICANT MUST LIST:

7 (I) ANY ACT OR OMISSION OF THE APPLICANT THAT WOULD BE
8 GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-220-201 AGAINST
9 A LICENSED DENTAL THERAPIST; AND

10 (II) AN EXPLANATION OF THE CIRCUMSTANCES OF THE ACT OR
11 OMISSION; AND

12 (b) SATISFACTORY PROOF THAT THE APPLICANT:

13 (I) GRADUATED FROM A SCHOOL OF DENTAL THERAPY THAT, AT
14 THE TIME OF THE APPLICANT'S GRADUATION, WAS ACCREDITED BY THE
15 AMERICAN DENTAL ASSOCIATION'S COMMISSION ON DENTAL
16 ACCREDITATION, OR ITS SUCCESSOR ORGANIZATION; OR

17 (II) GRADUATED FROM A DENTAL THERAPY EDUCATION PROGRAM
18 DEVELOPED PRIOR TO FEBRUARY 6, 2015, THAT, AT THE TIME OF THE
19 APPLICANT'S GRADUATION, WAS ACCREDITED BY THE MINNESOTA BOARD
20 OF DENTISTRY OR CERTIFIED BY THE ALASKA COMMUNITY HEALTH AIDE
21 PROGRAM CERTIFICATION BOARD.

22 (2) THE APPLICANT MUST APPLY FOR A DENTAL THERAPIST LICENSE
23 ON THE FORM PRESCRIBED AND FURNISHED BY THE BOARD, MUST VERIFY
24 THE APPLICATION BY OATH, AND MUST SUBMIT THE FEE ESTABLISHED
25 PURSUANT TO SECTION 12-20-105 WITH THE APPLICATION.

26 (3) AN APPLICANT FOR LICENSURE WHO HAS NOT GRADUATED
27 FROM A SCHOOL DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION WITHIN

1 THE TWELVE MONTHS IMMEDIATELY PRECEDING APPLICATION, OR WHO
2 HAS NOT ENGAGED EITHER IN THE ACTIVE CLINICAL PRACTICE OF DENTAL
3 THERAPY OR IN TEACHING DENTAL THERAPY IN AN ACCREDITED PROGRAM
4 FOR AT LEAST ONE YEAR DURING THE FIVE YEARS IMMEDIATELY
5 PRECEDING THE APPLICATION, MUST DEMONSTRATE TO THE BOARD THAT
6 THE APPLICANT HAS MAINTAINED THE PROFESSIONAL ABILITY AND
7 KNOWLEDGE REQUIRED BY THIS ARTICLE 220.

8 **12-220-407.5. Dental therapist examinations - license.**

9 (1) EVERY APPLICANT FOR A DENTAL THERAPY LICENSE MUST SUBMIT TO
10 THE BOARD PROOF THAT THE APPLICANT SUCCESSFULLY COMPLETED:

11 (a) A CLINICAL EXAMINATION FOR DENTAL THERAPY THAT
12 INCLUDES DENTAL THERAPY RESTORATIVE AND DENTAL HYGIENE
13 CLINICAL SKILL EVALUATION. IF THE APPLICANT HAS PREVIOUSLY
14 SUCCESSFULLY COMPLETED A CLINICAL EXAMINATION FOR DENTAL
15 HYGIENE ADMINISTERED BY A TESTING AGENCY ACCEPTED BY THE BOARD
16 THE APPLICANT MAY BE EXEMPTED FROM THAT PART OF THE DENTAL
17 THERAPY EXAMINATION; AND

18 (b) AN EXAMINATION DESIGNED TO TEST THE APPLICANT'S
19 CLINICAL DENTAL THERAPY SKILLS AND KNOWLEDGE, WHICH MUST BE
20 ADMINISTERED BY A REGIONAL TESTING AGENCY COMPOSED OF AT LEAST
21 FOUR STATES OR AN EXAMINATION OF ANOTHER STATE, OR A
22 METHODOLOGY ADOPTED BY THE BOARD BY RULE THAT IS DESIGNED TO
23 TEST THE APPLICANT'S CLINICAL SKILLS AND KNOWLEDGE.

24 (2) ALL EXAMINATION RESULTS REQUIRED BY THE BOARD MUST BE
25 FILED WITH THE BOARD AND KEPT FOR REFERENCE FOR A PERIOD OF NOT
26 LESS THAN TWO YEARS. IF AN APPLICANT SUCCESSFULLY COMPLETES THE
27 EXAMINATIONS AND IS OTHERWISE QUALIFIED, THE BOARD SHALL GRANT

1 A LICENSE TO THE APPLICANT AND SHALL ISSUE A LICENSE CERTIFICATE
2 SIGNED BY THE OFFICERS OF THE BOARD.

3 **SECTION 5.** In Colorado Revised Statutes, 12-220-501, **amend**
4 (1)(a)(I); and **add** (2.5) as follows:

5 **12-220-501. Tasks authorized to be performed by dental**
6 **therapists, dental hygienists, or dental assistants - rules.**

7 (1) (a) (I) Except as provided in subsection (1)(a)(II) of this section, the
8 responsibility for dental diagnosis, dental treatment planning, or the
9 prescription of therapeutic measures in the practice of dentistry remains
10 with a licensed dentist and may not be assigned to any DENTAL THERAPIST
11 OR dental hygienist.

12 (2.5) A DENTAL THERAPIST MAY PERFORM A DENTAL TASK OR
13 PROCEDURE ASSIGNED TO THE DENTAL THERAPIST BY A LICENSED DENTIST
14 THAT DOES NOT REQUIRE THE PROFESSIONAL SKILL OF A LICENSED
15 DENTIST; EXCEPT THAT THE DENTAL THERAPIST MAY PERFORM THE TASK
16 OR PROCEDURE ONLY UNDER THE SUPERVISION AUTHORIZED UNDER
17 SECTION 12-220-507.

18 **SECTION 6.** In Colorado Revised Statutes, **add** 12-220-507 as
19 follows:

20 **12-220-507. Practice of dental therapy supervision**
21 **requirement - rules.** (1) (a) A DENTAL THERAPIST MAY PERFORM THE
22 FOLLOWING TASKS AND PROCEDURES UNDER THE DIRECT SUPERVISION OF
23 A LICENSED DENTIST:

24 (I) PREPARE AND PLACE DIRECT RESTORATION IN PRIMARY AND
25 PERMANENT TEETH;

26 (II) PERFORM BRUSH BIOPSIES;

27 (III) EXTRACT PERIODONTALLY DISEASED PERMANENT TEETH WITH

1 MOBILITY OF +3 TO +4, EXCEPT FOR TEETH THAT ARE UNERUPTED,
2 IMPACTED, FRACTURED, OR REQUIRE SECTIONING;

3 (IV) EXTRACT BABY TEETH THAT ARE ERUPTED OR NOT IMPACTED
4 WITH RADIOLOGICAL EVIDENCE OF ROOTS;

5 (V) ORAL EXAMINATION AND EVALUATION FOR CONDITIONS AND
6 SERVICES THAT ARE WITHIN THE DENTAL THERAPIST'S SCOPE OF PRACTICE
7 AND EDUCATION;

8 (VI) PLACE TEMPORARY CROWNS;

9 (VII) PREPARE AND PLACE PREFORMED CROWNS; AND

10 (VIII) REPAIR DEFECTIVE PROSTHETIC DEVICES.

11 (b) A DENTAL THERAPIST LICENSED PURSUANT TO THIS ARTICLE
12 220 WHO HAS COMPLETED ONE THOUSAND HOURS OR MORE UNDER DIRECT
13 SUPERVISION, OR WHO HAS COMPLETED THE DIRECT SUPERVISION HOURS
14 REQUIRED UNDER THE WAIVER DESCRIBED IN SUBSECTION (1)(e) OF THIS
15 SECTION, MAY PRACTICE THE TASKS AND PROCEDURES IDENTIFIED IN
16 SUBSECTION (1)(a) OF THIS SECTION UNDER THE INDIRECT SUPERVISION OF
17 A LICENSED DENTIST PURSUANT TO A WRITTEN ARTICULATED PLAN WITH
18 THE DENTIST THAT MEETS THE REQUIREMENTS OF SUBSECTION (2) OF THIS
19 SECTION.

20 (c) A DENTAL THERAPIST LICENSED PURSUANT TO THIS ARTICLE
21 220 MAY PERFORM THE FOLLOWING TASKS UNDER THE INDIRECT
22 SUPERVISION OF A LICENSED DENTIST, REGARDLESS OF THE NUMBER OF
23 HOURS THE DENTAL THERAPIST HAS PRACTICED:

24 (I) REIMPLANTING TEETH;

25 (II) STABILIZING REIMPLANTED TEETH;

26 (III) EXTRACTING BABY TEETH THAT ARE ERUPTED OR NOT
27 IMPACTED WITHOUT RADIOLOGICAL EVIDENCE OF ROOTS;

1 (IV) REMOVING SUTURES;

2 (V) PREPARING DENTAL STUDY CASTS;

3 (VI) ADMINISTERING LOCAL ANESTHESIA IN ACCORDANCE WITH
4 SECTION 12-220-411;

5 (VII) DISPENSING AND ADMINISTERING THE FOLLOWING DRUGS
6 WITHIN THE PARAMETERS OF A WRITTEN ARTICULATED PLAN AND WITH
7 THE AUTHORIZATION OF THE SUPERVISING DENTIST: NONNARCOTIC
8 ANALGESICS, ANTI-INFLAMMATORIES, AND ANTIBIOTICS; AND

9 (VIII) ANY TASK OR PROCEDURE AUTHORIZED TO BE PERFORMED
10 BY A LICENSED DENTAL HYGIENIST AS SPECIFIED IN RULES ADOPTED
11 PURSUANT TO SECTIONS 12-220-106 (1)(a)(I), 12-220-501, 12-220-503
12 (1), 12-220-504 (1), AND 12-220-505.

13 (d) A DENTAL THERAPIST SHALL COMPLETE AT LEAST A MAJORITY
14 OF THE DIRECT SUPERVISION HOURS REQUIRED UNDER SUBSECTION (1)(b)
15 OR (1)(e) PERFORMING THE TASKS AND PROCEDURES IDENTIFIED IN
16 SUBSECTION (1)(a) OF THIS SECTION.

17 (e) FOR THE PURPOSES OF SATISFYING THE PRACTICE HOURS
18 REQUIREMENT SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION, THE
19 BOARD, BY RULE, MAY WAIVE UP TO SIX HUNDRED HOURS OF THE
20 REQUIRED PRACTICE HOURS. IN PROMULGATING THESE RULES, THE BOARD
21 SHALL, AT A MINIMUM, CONSIDER THE NUMBER OF YEARS THE DENTAL
22 THERAPIST HAS PRACTICED AS:

23 (I) A LICENSED DENTAL HYGIENIST IN COLORADO;

24 (II) A LICENSED DENTAL HYGIENIST IN ANOTHER STATE; OR

25 (III) A LICENSED DENTAL THERAPIST IN ANOTHER STATE.

26 (2)(a) AN ARTICULATED PLAN BETWEEN A DENTAL THERAPIST AND
27 A DENTIST MUST INCLUDE:

1 (I) METHODS OF DENTIST SUPERVISION, CONSULTATION, AND
2 APPROVAL;

3 (II) PROTOCOLS FOR INFORMED CONSENT, RECORD KEEPING,
4 QUALITY ASSURANCE, AND DISPENSING OR ADMINISTERING MEDICATIONS;

5 (III) POLICIES FOR HANDLING REFERRALS WHEN A PATIENT NEEDS
6 SERVICES THE DENTAL THERAPIST IS NOT AUTHORIZED OR QUALIFIED TO
7 PROVIDE;

8 (IV) PROTOCOLS FOR ASSESSMENT OF DENTAL DISEASE AND THE
9 FORMULATION OF AN INDIVIDUALIZED TREATMENT PLAN AUTHORIZED BY
10 THE SUPERVISING DENTIST;

11 (V) POLICIES FOR HANDLING MEDICAL EMERGENCIES; AND

12 (VI) POLICIES FOR SUPERVISING DENTAL ASSISTANTS AND
13 WORKING WITH DENTAL HYGIENISTS AND OTHER DENTAL PRACTITIONERS
14 AND STAFF.

15 (b) (I) A DENTIST WHO ENTERS INTO A WRITTEN ARTICULATED
16 PLAN WITH A DENTAL THERAPIST SHALL ENSURE THAT THE DENTIST, OR
17 ANOTHER DENTIST, IS AVAILABLE TO THE DENTAL THERAPIST FOR TIMELY
18 COMMUNICATION DURING THE DENTAL THERAPIST'S PROVISION OF CARE
19 TO A PATIENT.

20 (II) A DENTAL THERAPIST AND A DENTIST WHO ENTER INTO A
21 WRITTEN ARTICULATED PLAN SHALL EACH MAINTAIN A PHYSICAL OR
22 DIGITAL COPY OF THE PLAN.

23 (III) A DENTAL THERAPIST MAY ENTER INTO WRITTEN
24 ARTICULATED PLANS WITH MORE THAN ONE DENTIST IF EACH
25 ARTICULATED PLAN INCLUDES THE SAME SUPERVISION REQUIREMENTS
26 AND SCOPE OF PRACTICE.

27 (c) A WRITTEN ARTICULATED PLAN MUST BE SIGNED BY THE

1 DENTIST AND THE DENTAL THERAPIST.

2 (d) FOR PURPOSES OF THIS SECTION, A WRITTEN ARTICULATED
3 PLAN SATISFIES THE REQUIREMENT OF PRIOR KNOWLEDGE AND CONSENT
4 FOR INDIRECT SUPERVISION.

5 (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(b) OR (3)(c) OF
6 THIS SECTION, A DENTIST MAY NOT SIMULTANEOUSLY SUPERVISE MORE
7 THAN THREE FULL-TIME OR FULL-TIME EQUIVALENT DENTAL THERAPISTS.

8 (b) A DENTIST MAY SUPERVISE AN ADDITIONAL TWO FULL-TIME OR
9 FULL-TIME EQUIVALENT DENTAL THERAPISTS WHO PRACTICE IN A
10 FEDERALLY QUALIFIED HEALTH CENTER PURSUANT TO 42 U.S.C. SEC.
11 1395x (aa)(4) OR A RURAL HEALTH CLINIC PURSUANT TO 42 U.S.C. SEC.
12 1395x (aa)(4).

13 (c) THE BOARD SHALL PROMULGATE RULES CREATING A PROCESS
14 FOR A DENTIST TO SEEK A WAIVER FROM THE SUPERVISION LIMIT SPECIFIED
15 IN SUBSECTION (3)(a) OF THIS SECTION. AT A MINIMUM, THE RULES MUST
16 SPECIFY THE APPLICATION PROCESS AND WAIVER REQUIREMENTS.

17

18 **SECTION 7.** In Colorado Revised Statutes, 12-220-105, **amend**
19 (1)(a), (1)(b), (1)(c), (2)(b), and (2)(c) as follows:

20 **12-220-105. Colorado dental board - qualifications of board**
21 **members - quorum - panel - rules - review of functions - repeal of**
22 **article - repeal.** (1) (a) The Colorado dental board is hereby created as
23 the agency of this state for the regulation of the practice of dentistry,
24 DENTAL THERAPY, AND DENTAL HYGIENE in this state and to carry out the
25 purposes of this article 220. The board is subject to the supervision and
26 control of the division as provided by section 12-20-103 (2).

27 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS

1 SECTION, the board consists of seven dentist members, three dental
2 hygienist members, and three members from the public at large. The
3 governor shall appoint each member for a term of four years, and each
4 member must have the qualifications provided in this article 220. No
5 member shall serve more than two consecutive terms of four years. Each
6 board member holds office until the member's term expires or until the
7 governor appoints a successor. THIS SUBSECTION (1)(b)(I) IS REPEALED,
8 EFFECTIVE DECEMBER 1, 2031.

9 (II) (A) EFFECTIVE JULY 1, 2031, THE BOARD CONSISTS OF SEVEN
10 DENTIST MEMBERS, TWO DENTAL THERAPIST MEMBERS, TWO DENTAL
11 HYGIENIST MEMBERS, AND TWO MEMBERS FROM THE PUBLIC AT LARGE.
12 THE GOVERNOR SHALL APPOINT EACH MEMBER FOR A TERM OF FOUR
13 YEARS, AND EACH MEMBER MUST HAVE THE QUALIFICATIONS PROVIDED
14 IN THIS ARTICLE 220. A MEMBER SHALL NOT SERVE MORE THAN TWO
15 CONSECUTIVE TERMS OF FOUR YEARS. EACH BOARD MEMBER HOLDS
16 OFFICE UNTIL THE MEMBER'S TERM EXPIRES OR UNTIL THE GOVERNOR
17 APPOINTS A SUCCESSOR.

18 (B) A MEMBER SERVING ON THE BOARD AS OF JUNE 30, 2031, MAY
19 SERVE THE MEMBER'S FULL TERM.

20 (c) (I) In making appointments to the board, the governor shall
21 attempt to create geographical, political, urban, and rural balance among
22 the board members. If a vacancy occurs in any board membership before
23 the expiration of the member's term, the governor shall fill the vacancy by
24 appointment for the remainder of the term in the same manner as in the
25 case of original appointments.

26 (II) (A) IN MAKING APPOINTMENTS OF DENTAL THERAPISTS TO THE
27 BOARD, THE GOVERNOR SHALL APPOINT INDIVIDUALS WHO ARE DIVERSE

1 WITH REGARD TO RACE, ETHNICITY, IMMIGRATION STATUS, INCOME,
2 WEALTH, AGE, ABILITY, SEXUAL ORIENTATION, GENDER IDENTITY, AND
3 GEOGRAPHY.

4 (B) IN CONSIDERING THE RACIAL AND ETHNIC DIVERSITY OF THE
5 DENTAL THERAPISTS APPOINTED TO THE BOARD, THE GOVERNOR SHALL
6 ATTEMPT TO ENSURE THAT AT LEAST ONE MEMBER IS A PERSON OF COLOR.

7 (C) IN CONSIDERING THE GEOGRAPHIC DIVERSITY OF THE DENTAL
8 THERAPISTS APPOINTED TO THE BOARD, THE GOVERNOR SHALL ATTEMPT
9 TO APPOINT MEMBERS FROM BOTH RURAL AND URBAN AREAS OF THE
10 STATE.

11 (2) A person is qualified to be appointed to the board if the
12 person:

13 (b) Is currently licensed as a dentist, DENTAL THERAPIST, or dental
14 hygienist, if fulfilling that position on the board; and

15 (c) Has been actively engaged in a clinical practice in this state for
16 at least five years immediately preceding the appointment, if fulfilling the
17 position of dentist, DENTAL THERAPIST, or dental hygienist on the board.

18 **SECTION 8.** In Colorado Revised Statutes, 12-220-106, **amend**
19 (1)(a)(I) and (1)(f) as follows:

20 **12-220-106. Powers and duties of board - rules - limitation on**
21 **authority.** (1) The board shall exercise, in accordance with this article
22 220, the following powers and duties:

23 (a) Make, publish, declare, and periodically review reasonable
24 rules pursuant to section 12-20-204, including rules regarding:

25 (I) The use of lasers for dental, DENTAL THERAPY, and dental
26 hygiene purposes within defined scopes of practice, subject to appropriate
27 education and training, and with appropriate supervision, as applicable;

1 (f) In accordance with section 12-220-411, issue anesthesia and
2 sedation permits to licensed dentists, DENTAL THERAPISTS, and dental
3 hygienists and set and collect fees for permit issuance. ~~except that the~~
4 ~~board shall only collect fees for local anesthesia permits issued to dental~~
5 ~~hygienists on or after July 1, 2014.~~

6 **SECTION 9.** In Colorado Revised Statutes, 12-220-201, **amend**
7 (1)(a), (1)(g), (1)(h), (1)(j)(I), (1)(j)(II), (1)(k), (1)(o), (1)(q), (1)(r), (1)(v)
8 introductory portion, (1)(v)(II), (1)(x), (1)(y)(IV), (1)(ee), (1)(ff), and
9 (1)(gg) as follows:

10 **12-220-201. Grounds for disciplinary action - definition.**

11 (1) The board may take disciplinary action against an applicant or
12 licensee in accordance with sections 12-20-404 and 12-220-202 for any
13 of the following causes:

14 (a) Engaging in fraud, misrepresentation, or deception in applying
15 for, securing, renewing, or seeking reinstatement of a license to practice
16 dentistry, DENTAL THERAPY, or dental hygiene in this state, in applying for
17 professional liability coverage required pursuant to section 12-220-307,
18 or in taking the examinations provided for in this article 220;

19 (g) Aiding or abetting, in the practice of dentistry, DENTAL
20 THERAPY, or dental hygiene, a person who is not licensed to practice
21 dentistry, DENTAL THERAPY, or dental hygiene under this article 220 or
22 whose license to practice dentistry, DENTAL THERAPY, or dental hygiene
23 is suspended;

24 (h) Except as otherwise provided in sections 12-220-304,
25 12-220-503 (4), and 25-3-103.7, practicing dentistry, DENTAL THERAPY,
26 or dental hygiene as a partner, agent, or employee of or in joint venture
27 with any person who does not hold a license to practice dentistry, DENTAL

1 THERAPY, or dental hygiene within this state or practicing dentistry,
2 DENTAL THERAPY, or dental hygiene as an employee of or in joint venture
3 with any partnership, association, or corporation. A licensee holding a
4 license to practice dentistry, DENTAL THERAPY, or dental hygiene in this
5 state may accept employment from any person, partnership, association,
6 or corporation to examine, prescribe, and treat the employees of the
7 person, partnership, association, or corporation.

8 (j) (I) Failing to notify the board, as required by section 12-30-108
9 (1), of a physical illness, physical condition, or behavioral health, mental
10 health, or substance use disorder that renders the licensee unable, or limits
11 the licensee's ability, to perform dental, DENTAL THERAPY, or dental
12 hygiene services with reasonable skill and with safety to the patient;

13 (II) Failing to act within the limitations created by a physical
14 illness, physical condition, or behavioral health, mental health, or
15 substance use disorder that renders the licensee unable to practice
16 PERFORM dental, DENTAL THERAPY, or dental hygiene services with
17 reasonable skill and safety or that may endanger the health or safety of
18 persons under ~~his or her~~ THE LICENSEE'S care; or

19 (k) Committing an act or omission that constitutes grossly
20 negligent dental, DENTAL THERAPY, or dental hygiene practice or that fails
21 to meet generally accepted standards of dental, DENTAL THERAPY, or
22 dental hygiene practice;

23 (o) False billing in the delivery of dental, DENTAL THERAPY, or
24 dental hygiene services, including ~~but not limited to~~, performing one
25 service and billing for another, billing for any service not rendered, or
26 committing a fraudulent insurance act, as defined in section 10-1-128;

27 (q) Failing to notify the board, in writing and within ninety days

1 after a judgment is entered, of a final judgment by a court of competent
2 jurisdiction in favor of any party and against the licensee involving
3 negligent malpractice of dentistry, DENTAL THERAPY, or dental hygiene,
4 which notice must contain the name of the court, the case number, and the
5 names of all parties to the action;

6 (r) Failing to report a dental, DENTAL THERAPY, or dental hygiene
7 malpractice judgment or malpractice settlement to the board by the
8 licensee within ninety days;

9 (v) Sharing any professional fees with anyone except those with
10 whom the dentist, DENTAL THERAPIST, or dental hygienist is lawfully
11 associated in the practice of dentistry, DENTAL THERAPY, or dental
12 hygiene; except that:

13 (II) Nothing in this section prohibits a dentist, DENTAL THERAPIST,
14 or dental hygienist practice owned or operated by a proprietor authorized
15 under section 12-220-303 from contracting with any person or entity for
16 business management services or paying a royalty in accordance with a
17 franchise agreement if the terms of the contract or franchise agreement do
18 not affect the exercise of the independent professional judgment of the
19 dentist, DENTAL THERAPIST, or dental hygienist.

20 (x) Failure of a DENTAL THERAPIST OR dental hygienist to
21 recommend that a patient be examined by a dentist or to refer a patient to
22 a dentist when the DENTAL THERAPIST OR dental hygienist detects a
23 condition that requires care beyond the scope of practicing DENTAL
24 THERAPY OR supervised or unsupervised dental hygiene;

25 (y) Engaging in any of the following activities and practices:

26 (IV) Ordering or performing, without clinical justification, any
27 service, X ray, or treatment that is contrary to recognized standards of the

1 practice of dentistry, DENTAL THERAPY, or dental hygiene, as interpreted
2 by the board;

3 (ee) Failing to provide adequate or proper supervision when
4 employing unlicensed persons in a dental or dental hygiene practice OF
5 UNLICENSED PERSONS IN DENTAL, DENTAL THERAPY, OR DENTAL HYGIENE
6 PRACTICE;

7 (ff) Engaging in any conduct that constitutes a crime as defined
8 in title 18, which conduct relates to the licensee's practice as a dentist,
9 DENTAL THERAPIST, or dental hygienist;

10 (gg) Practicing outside the scope of dental, DENTAL THERAPY, or
11 dental hygiene practice;

12 **SECTION 10.** In Colorado Revised Statutes, 12-220-202, **amend**
13 (1)(a)(II), (3) introductory portion, (4), and (5)(a) as follows:

14 **12-220-202. Disciplinary actions - rules.** (1) (a) If, after notice
15 and hearing conducted in accordance with article 4 of title 24 and section
16 12-20-403, the board determines that an applicant or licensee has engaged
17 in an act specified in section 12-220-201, the board may:

18 (II) Reprimand, censure, or, in accordance with section 12-20-404
19 (1)(b), place on probation any licensed dentist, DENTAL THERAPIST, or
20 dental hygienist;

21 (3) The board may include, in any disciplinary order that allows
22 a dentist, DENTAL THERAPIST, or dental hygienist to continue to practice,
23 conditions the board deems appropriate to assure that the dentist, DENTAL
24 THERAPIST, or dental hygienist is physically, mentally, and otherwise
25 qualified to practice dentistry, DENTAL THERAPY, or dental hygiene in
26 accordance with generally accepted professional standards of practice.

27 The order may include any or all of the following:

1 (4) The board may suspend the license of a dentist, DENTAL
2 THERAPIST, or dental hygienist who fails to comply with an order of the
3 board issued in accordance with this section. The board may impose the
4 license suspension until the licensee complies with the board's order.

5 (5) (a) In addition to any other penalty permitted under this article
6 220, when a licensed dentist, DENTAL THERAPIST, or dental hygienist
7 violates a provision of this article 220 or of any rule promulgated
8 pursuant to this article 220, the board may impose a fine on the licensee.
9 If the licensee is a dentist, the fine must not exceed five thousand dollars.
10 IF THE LICENSEE IS A DENTAL THERAPIST, THE FINE MUST NOT EXCEED
11 FOUR THOUSAND DOLLARS. If the licensee is a dental hygienist, the fine
12 must not exceed three thousand dollars.

13 **SECTION 11.** In Colorado Revised Statutes, 12-220-203, **amend**
14 (1)(a) as follows:

15 **12-220-203. Disciplinary proceedings.** (1) (a) Any person may
16 submit a complaint relating to the conduct of a dentist, DENTAL
17 THERAPIST, or dental hygienist, which complaint must be in writing and
18 signed by the person. The board, on its own motion, may initiate a
19 complaint. The board shall notify the dentist, DENTAL THERAPIST, or
20 dental hygienist of the complaint against the dentist, DENTAL THERAPIST,
21 or dental hygienist.

22 **SECTION 12.** In Colorado Revised Statutes, 12-220-206, **amend**
23 (1) and (2) introductory portion as follows:

24 **12-220-206. Mental and physical examinations.** (1) (a) If the
25 board has reasonable cause to believe that a person licensed to practice
26 dentistry, DENTAL THERAPY, or dental hygiene in this state is unable to
27 practice dentistry, DENTAL THERAPY, or dental hygiene with reasonable

1 skill and safety to patients because of a physical or mental disability or
2 because of excessive use of alcohol, a habit-forming drug or substance,
3 or a controlled substance, as defined in section 18-18-102 (5), the board
4 may require the licensed dentist, DENTAL THERAPIST, or dental hygienist
5 to submit to a mental or physical examination by a qualified professional
6 designated by the board.

7 (b) Upon the failure of the licensed dentist, DENTAL THERAPIST,
8 or dental hygienist to submit to a mental or physical examination required
9 by the board, unless the failure is due to circumstances beyond the
10 dentist's, DENTAL THERAPIST'S, or dental hygienist's control, the board
11 may suspend the dentist's, DENTAL THERAPIST'S, or dental hygienist's
12 license to practice dentistry, DENTAL THERAPY, or dental hygiene in this
13 state until the dentist, DENTAL THERAPIST, or dental hygienist submits to
14 the examination.

15 (2) Every person licensed to practice dentistry, DENTAL THERAPY,
16 or dental hygiene in this state is deemed, by so practicing or by applying
17 for a renewal of the person's license to practice dentistry, DENTAL
18 THERAPY, or dental hygiene in this state, to have:

19 **SECTION 13.** In Colorado Revised Statutes, 12-220-208, **amend**
20 (2) as follows:

21 **12-220-208. Review of board action.** (2) The provisions of this
22 section apply to a license issued to a dentist, DENTAL THERAPIST, or dental
23 hygienist.

24 **SECTION 14.** In Colorado Revised Statutes, 12-220-210, **amend**
25 (1)(a)(I), (2) introductory portion, and (2)(a) as follows:

26 **12-220-210. Use or sale of forged or invalid diploma, license,**
27 **license renewal certificate, or identification.** (1) (a) It is unlawful for

1 any person to use or attempt to use:

2 (I) As the person's own, a diploma from a dental college or school
3 or school of DENTAL THERAPY OR dental hygiene, or a license or license
4 renewal certificate, that was issued or granted to another person; or

5 (2) It is unlawful to sell or offer to sell a diploma conferring a
6 dental, DENTAL THERAPY, or dental hygiene degree or a license or license
7 renewal certificate granted pursuant to this article 220 or prior dental
8 practice laws, or to procure such diploma or license or license renewal
9 certificate:

10 (a) With the intent that it be used as evidence of the right to
11 practice dentistry, DENTAL THERAPY, or dental hygiene by a person other
12 than the one upon whom it was conferred or to whom the license or
13 license renewal certificate was granted; or

14 **SECTION 15.** In Colorado Revised Statutes, **amend** 12-220-211
15 as follows:

16 **12-220-211. Unauthorized practice - penalties.** Any person who
17 practices or offers or attempts to practice dentistry, DENTAL THERAPY, or
18 dental hygiene without an active license issued under this article 220 is
19 subject to penalties pursuant to section 12-20-407 (1)(a).

20 **SECTION 16.** In Colorado Revised Statutes, 12-220-301, **amend**
21 (1) introductory portion and (1)(a) as follows:

22 **12-220-301. Persons entitled to practice dentistry, dental**
23 **therapy, or dental hygiene.** (1) It is unlawful for any person to practice
24 dentistry, DENTAL THERAPY, or dental hygiene in this state except those:

25 (a) Who are duly licensed as dentists, DENTAL THERAPISTS, or
26 dental hygienists pursuant to this article 220;

27 **SECTION 17.** In Colorado Revised Statutes, 12-220-302, **amend**

1 (1)(c), (1)(e), (1)(f), (1)(i), and (1)(j) as follows:

2 **12-220-302. Persons exempt from operation of this article.**

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

5 (c) The practice of dentistry, DENTAL THERAPY, or dental hygiene
6 in the discharge of their official duties by graduate dentists, ~~or~~ dental
7 surgeons, DENTAL THERAPISTS, or dental hygienists in the United States
8 armed forces, public health service, Coast Guard, or veterans
9 administration;

10 (e) The practice of DENTAL THERAPY OR dental hygiene by
11 instructors and students or the practice of dentistry by students or
12 residents in schools or colleges of dentistry, schools of DENTAL THERAPY,
13 SCHOOLS OF dental hygiene, or schools of dental assistant education while
14 the instructors, students, or residents are participating in accredited
15 programs of the schools or colleges;

16 (f) The practice of dentistry, DENTAL THERAPY, or dental hygiene
17 by dentists, DENTAL THERAPISTS, or dental hygienists licensed in good
18 standing by other states or countries while appearing in programs of
19 dental education or research at the invitation of any group of licensed
20 dentists, DENTAL THERAPISTS, or dental hygienists in this state who are in
21 good standing, so long as the practice is limited to five consecutive days
22 in a twelve-month period and the name of each person engaging in the
23 practice is submitted to the board, in writing and on a form approved by
24 the board, at least ten days before the person performs the practice;

25 (i) The practicing of dentistry, DENTAL THERAPY, or dental
26 hygiene by an examiner representing a testing agency approved by the
27 board, during the administration of an examination; or

1 (j) The practice of dentistry, DENTAL THERAPY, or dental hygiene
2 by dentists, DENTAL THERAPISTS, or dental hygienists licensed in good
3 standing by other states while providing care as a volunteer, at the
4 invitation of any group of licensed dentists, DENTAL THERAPISTS, or
5 dental hygienists in this state who are in good standing, so long as the
6 practice is limited to five consecutive days in a twelve-month period and
7 the name of each person engaging in the practice is submitted to the
8 board, in writing and on a form approved by the board, at least ten days
9 before the person performs the practice.

10 **SECTION 18.** In Colorado Revised Statutes, **amend** 12-220-304
11 as follows:

12 **12-220-304. Names and status under which dental practice**
13 **may be conducted.** (1) The conduct of the practice of dentistry, DENTAL
14 THERAPY, or dental hygiene in a corporate capacity is prohibited, but the
15 prohibition shall not be construed to prevent the practice of dentistry,
16 DENTAL THERAPY, or dental hygiene by a professional service corporation
17 of licensees so constituted that they may be treated under the federal
18 internal revenue laws as a corporation for tax purposes only. ~~Any such~~ A
19 professional service corporation may exercise ~~such~~ THE powers and shall
20 be subject to such limitations and requirements, insofar as applicable, as
21 are provided in section 12-240-138, relating to professional service
22 corporations for the practice of medicine.

23 (2) The group practice of dentistry, DENTAL THERAPY, or dental
24 hygiene is permitted.

25 (3) The practice of dentistry, DENTAL THERAPY, or dental hygiene
26 by a limited liability company of licensees or by a limited liability
27 partnership of licensees is permitted subject to the limitations and

1 requirements, insofar as are applicable, set forth in section 12-240-138,
2 relating to a limited liability company or limited liability partnership for
3 the practice of medicine.

4 **SECTION 19.** In Colorado Revised Statutes, 12-220-305, **amend**
5 (1)(a), (1)(b), (1)(c), (1)(j), (1)(k), (1)(m), (1)(n), (1)(p), and (1)(r) as
6 follows:

7 **12-220-305. What constitutes practicing dentistry - authority**
8 **to electronically prescribe.** (1) A person is practicing dentistry if the
9 person:

10 (a) Performs, or attempts or professes to perform, any dental
11 operation, oral surgery, or dental diagnostic or therapeutic services of any
12 kind; except that nothing in this subsection (1)(a) prohibits a DENTAL
13 THERAPIST, dental hygienist, or dental assistant from providing preventive
14 dental or nutritional counseling, education, or instruction services;

15 (b) Is a proprietor of a place where dental operation, oral surgery,
16 or dental diagnostic or therapeutic services are performed; except that
17 nothing in this subsection (1)(b) prohibits a DENTAL THERAPIST, dental
18 hygienist, or dental assistant from performing those tasks and procedures
19 consistent with section 12-220-501;

20 (c) Directly or indirectly, by any means or method, takes
21 impression of the human tooth, teeth, jaws, maxillofacial area, or adjacent
22 and associated structures; performs any phase of any operation incident
23 to the replacement of a part of a tooth; or supplies artificial substitutes for
24 the natural teeth, jaws, or adjacent and associated structures; except that
25 nothing in this subsection (1)(c) prohibits a DENTAL THERAPIST, dental
26 hygienist, or dental assistant from performing tasks and procedures
27 consistent with sections 12-220-501 (3)(b)(III), **and** 12-220-503 (1)(d),

1 AND 12-220-507;

2 (j) Extracts, or attempts to extract, human teeth or corrects, or
3 attempts to correct, malformations of human teeth or jaws; EXCEPT THAT
4 THIS SUBSECTION (1)(j) DOES NOT PROHIBIT A DENTAL THERAPIST FROM
5 PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTION
6 12-220-507;

7 (k) Repairs or fills cavities in human teeth; EXCEPT THAT THIS
8 SUBSECTION (1)(k) DOES NOT PROHIBIT A DENTAL THERAPIST FROM
9 PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTION
10 12-220-507;

11 (m) Gives, or professes to give, interpretations or readings of
12 dental X rays or roentgenograms, CT scans, or other diagnostic
13 methodologies; except that nothing in this subsection (1)(m) prohibits a
14 dental hygienist from performing tasks and procedures consistent with
15 sections 12-220-503 and 12-220-504 OR A DENTAL THERAPIST FROM
16 PERFORMING TASKS CONSISTENT WITH SECTION 12-220-507;

17 (n) Represents himself or herself to an individual or the general
18 public as practicing dentistry, by using the words "dentist" or "dental
19 surgeon", or by using the letters "D.D.S.", "D.M.D.", "D.D.S./M.D.", or
20 "D.M.D./M.D." Nothing in this subsection (1)(n) prohibits a DENTAL
21 THERAPIST, dental hygienist, or dental assistant from performing tasks and
22 procedures consistent with section 12-220-501 (2), (2.5), or (3)(b).

23 (p) Prescribes drugs or medications and administers local
24 anesthesia, analgesia including nitrous oxide/oxygen inhalation,
25 medication prescribed or administered for the relief of anxiety or
26 apprehension, minimal sedation, moderate sedation, deep sedation, or
27 general anesthesia as necessary for the proper practice of dentistry; except

1 that nothing in this subsection (1)(p) prohibits:

2 (I) A dental hygienist from performing those tasks and procedures
3 consistent with sections 12-220-501, 12-220-503 (1)(e) and (1)(g), and
4 12-220-504 (1)(c), and in accordance with rules promulgated by the
5 board; OR

6 (II) A DENTAL THERAPIST FROM PERFORMING THOSE TASKS AND
7 PROCEDURES CONSISTENT WITH SECTIONS 12-220-501 (2.5) AND
8 12-220-507, AND IN ACCORDANCE WITH RULES PROMULGATED BY THE
9 BOARD.

10 (r) Gives or professes to give interpretations or readings of dental
11 charts or records or gives treatment plans or interpretations of treatment
12 plans derived from examinations, patient records, dental X rays, or
13 roentgenograms; except that nothing in this subsection (1)(r) prohibits a
14 DENTAL THERAPIST, dental hygienist, or dental assistant from performing
15 tasks and procedures consistent with sections 12-220-501 (2), (2.5), and
16 (3), 12-220-503, and 12-220-504, AND 12-220-507.

17 **SECTION 20.** In Colorado Revised Statutes, **amend** 12-220-307
18 as follows:

19 **12-220-307. Professional liability insurance required - rules.**

20 (1) A licensed dentist, A LICENSED DENTAL THERAPIST, and a licensed
21 dental hygienist must meet the financial responsibility requirements
22 established by the board pursuant to section 13-64-301 (1)(a).

23 (2) Upon request of the board, a licensed dentist, LICENSED
24 DENTAL THERAPIST, or licensed dental hygienist shall provide proof of
25 professional liability insurance to the board.

26 (3) The board may, by rule, exempt from or establish lesser
27 financial responsibility standards for licensed dentists, LICENSED DENTAL

1 THERAPISTS, and licensed dental hygienists who meet the criteria in
2 section 13-64-301 (1)(a)(II).

3 **SECTION 21.** In Colorado Revised Statutes, **amend** 12-220-308
4 as follows:

5 **12-220-308. Continuing education requirements - rules.** (1) As
6 a condition of renewing, reactivating, or reinstating a license issued under
7 this article 220, every dentist, DENTAL THERAPIST, and dental hygienist
8 must obtain at least thirty hours of continuing education every two years
9 to ensure patient safety and professional competency.

10 (2) The board may adopt rules establishing the basic requirements
11 for continuing education, including the types of programs that qualify,
12 exemptions for persons holding an inactive or retired license,
13 requirements for courses designed to enhance clinical skills for certain
14 licenses, and the manner by which dentists, DENTAL THERAPISTS, and
15 dental hygienists are to report compliance with the continuing education
16 requirements.

17 **SECTION 22.** In Colorado Revised Statutes, 12-220-409, **amend**
18 (1), (2)(a), and (5) as follows:

19 **12-220-409. Inactive dental, dental therapist, or dental**
20 **hygienist license.** (1) Any person licensed to practice dentistry, DENTAL
21 THERAPY, or dental hygiene pursuant to this article 220 may apply to the
22 board to be transferred to an inactive status. The licensee must submit an
23 application in the form and manner designated by the board. The board
24 may grant inactive status by issuing an inactive license or deny the
25 application for any of the causes set forth in section 12-220-201.

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

27 (a) Provide an affidavit to the board that the applicant, after a date

1 certain, will not practice dentistry, DENTAL THERAPY, or dental hygiene
2 in this state unless the applicant is issued a license to practice dentistry,
3 DENTAL THERAPY, or dental hygiene pursuant to subsection (5) of this
4 section;

5 (5) Any person licensed under this section who wishes to resume
6 the practice of dentistry, DENTAL THERAPY, or dental hygiene must file an
7 application in the form and manner the board designates, pay the license
8 fee promulgated by the board pursuant to section 12-20-105, and meet the
9 financial responsibility requirements or the professional liability
10 insurance requirements established by the board pursuant to sections
11 12-220-307 and 13-64-301 (1)(a), as applicable. The board may approve
12 the application and issue a license to practice dentistry, DENTAL THERAPY,
13 or dental hygiene or may deny the application for any of the causes set
14 forth in section 12-220-201.

15 **SECTION 23.** In Colorado Revised Statutes, 12-220-410, **amend**
16 (1), (2)(a), (5), and (6) as follows:

17 **12-220-410. Retired dental, dental therapist, and dental**
18 **hygienist licenses.** (1) Any person licensed to practice dentistry, DENTAL
19 THERAPY, or dental hygiene pursuant to this article 220 may apply to the
20 board for retired licensure status. The application must be in the form and
21 manner designated by the board. The board may grant retired licensure
22 status by issuing a retired license, or it may deny the application if the
23 licensee has been disciplined for any of the causes set forth in section
24 12-220-201.

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

26 (a) Provide an affidavit to the board stating that, after a date
27 certain, the applicant will not practice dentistry, DENTAL THERAPY, or

1 dental hygiene; will no longer earn income as a dentist, DENTAL
2 THERAPIST, or dental hygiene administrator or consultant; and will not
3 perform any activity that constitutes practicing dentistry, DENTAL
4 THERAPY, or dental hygiene pursuant to sections 12-220-305, **12-220-501**,
5 12-220-503, **and** 12-220-504, **AND 12-220-507** unless the applicant is
6 issued a license to practice dentistry, DENTAL THERAPY, or dental hygiene
7 pursuant to subsection (5) of this section; and

8 (5) Any person licensed under this section may apply to the board
9 for a return to active licensure status by filing an application in the form
10 and manner the board designates, paying the appropriate license fee
11 established pursuant to section 12-20-105, and meeting the financial
12 responsibility requirements or the professional liability insurance
13 requirements established by the board pursuant to sections 12-220-307
14 and 13-64-301 (1)(a), as applicable. The board may approve the
15 application and issue a license to practice dentistry, DENTAL THERAPY, or
16 dental hygiene or may deny the application if the licensee has been
17 disciplined for any of the causes set forth in section 12-220-201.

18 (6) A dentist, DENTAL THERAPIST, or dental hygienist on retired
19 status may provide dental, DENTAL THERAPY, or dental hygiene services
20 on a voluntary basis to ~~the~~ PEOPLE WHO ARE indigent if the retired dentist,
21 DENTAL THERAPIST, or dental hygienist provides the services on a limited
22 basis and does not charge a fee for the services. A retired dentist, DENTAL
23 THERAPIST, or dental hygienist providing voluntary care pursuant to this
24 subsection (6) is immune from any liability resulting from the voluntary
25 care the retired dentist, DENTAL THERAPIST, or dental hygienist provided.

26 **SECTION 24.** In Colorado Revised Statutes, 12-220-411, **amend**
27 (1), (3), and (4)(a); and **add** (6) as follows:

1 **12-220-411. Anesthesia and sedation permits - dentists, dental**
2 **therapists, and dental hygienists - training and experience**
3 **requirements - office inspections - rules.** (1) Upon application in a
4 form and manner determined by the board and payment of the applicable
5 fees established by the board, the board may issue an anesthesia or
6 sedation permit to a licensed dentist or a local anesthesia permit to a
7 DENTAL THERAPIST OR dental hygienist in accordance with this section.

8 (3) (a) A licensed DENTAL THERAPIST OR dental hygienist who
9 obtains a local anesthesia permit pursuant to this section may administer
10 local anesthesia.

11 (b) A local anesthesia permit issued to a DENTAL THERAPIST OR
12 dental hygienist is valid as long as the DENTAL THERAPIST'S OR dental
13 hygienist's license is active.

14 (4) (a) The board shall establish, by rule, minimum training,
15 experience, and equipment requirements for the administration of local
16 anesthesia, analgesia including nitrous oxide/oxygen inhalation, and
17 medication prescribed or administered for the relief of anxiety or
18 apprehension, minimal sedation, moderate sedation, deep sedation, or
19 general anesthesia, including procedures that may be used by and
20 minimum training requirements for dentists, DENTAL THERAPISTS, dental
21 hygienists, and dental assistants.

22 (6) FOR THE PURPOSES OF THIS SECTION, A DENTAL THERAPIST
23 WHO PERFORMS A TASK PURSUANT TO A WRITTEN ARTICULATED PLAN
24 THAT MEETS THE REQUIREMENTS OF SECTION 12-220-507 (2) IS
25 CONSIDERED TO HAVE PERFORMED THE TASK WITH THE PRIOR KNOWLEDGE
26 AND CONSENT OF THE DENTIST.

27 **SECTION 25.** In Colorado Revised Statutes, 12-220-601, **amend**

1 (1) and (2) as follows:

2 **12-220-601. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that public exposure to the hazards
4 of ionizing radiation used for diagnostic purposes should be minimized
5 wherever possible. Accordingly, the general assembly finds, determines,
6 and declares that for any dentist, DENTAL THERAPIST, or dental hygienist
7 to allow an untrained person to operate a machine source of ionizing
8 radiation, including without limitation a device commonly known as an
9 "X-ray machine", or to administer radiation to a patient for diagnostic
10 purposes is a threat to the public health and safety.

11 (2) It is the intent of the general assembly that dentists, DENTAL
12 THERAPISTS, and dental hygienists utilizing unlicensed persons in their
13 practices provide those persons with a minimum level of education and
14 training before allowing them to operate machine sources of ionizing
15 radiation; however, it is not the general assembly's intent to discourage
16 education and training beyond this minimum. It is further the intent of the
17 general assembly that established minimum training and education
18 requirements correspond as closely as possible to the requirements of
19 each particular work setting as determined by the board pursuant to this
20 part 6.

21 **SECTION 26.** In Colorado Revised Statutes, 12-220-602, **amend**
22 (1) and (2) as follows:

23 **12-220-602. Minimum standards - rules - definition.**

24 (1)(a) The board shall adopt rules prescribing minimum standards for the
25 qualifications, education, and training of unlicensed persons operating
26 machine sources of ionizing radiation and administering radiation to
27 patients for diagnostic medical use. A licensed dentist, DENTAL

1 THERAPIST, or dental hygienist shall not allow an unlicensed person to
2 operate a machine source of ionizing radiation or to administer radiation
3 to any patient unless the person meets standards then in effect under rules
4 adopted pursuant to this section. The board may adopt rules allowing a
5 grace period in which newly hired operators of machine sources of
6 ionizing radiation are to receive the training required by this section.

7 (b) ~~For purposes of AS USED IN~~ this part 6, "unlicensed person"
8 means a person who does not hold a current and active license entitling
9 the person to practice dentistry, DENTAL THERAPY, or dental hygiene
10 under this article 220.

11 (2) The board shall seek the assistance of licensed dentists,
12 DENTAL THERAPISTS, or ~~licensed~~ dental hygienists in developing and
13 formulating the rules promulgated pursuant to this section.

14 **SECTION 27.** In Colorado Revised Statutes, 12-20-202, **add**
15 (3)(e)(IX.5) as follows:

16 **12-20-202. Licenses, certifications, and registrations - renewal**
17 **- reinstatement - fees - occupational credential portability program**
18 **- temporary authority for military spouses - exceptions for military**
19 **personnel - rules - consideration of criminal convictions or driver's**
20 **history - executive director authority - definitions. (3) Occupational**
21 **credential portability program. (e) Subsections (3)(a) to (3)(d) of this**
22 **section do not apply to the following professions or occupations:**

23 (IX.5) DENTAL THERAPISTS, REGULATED PURSUANT TO ARTICLE
24 220 OF THIS TITLE 12;

25 **SECTION 28.** In Colorado Revised Statutes, 12-20-406, **amend**
26 (3)(f) as follows:

27 **12-20-406. Injunctive relief. (3) This section does not apply to**

1 the following:

2 (f) Article 220 of this title 12 concerning dentists, DENTAL
3 THERAPISTS, and dental hygienists;

4 **SECTION 29.** In Colorado Revised Statutes, 12-20-407, **amend**
5 (1)(a)(V)(J) as follows:

6 **12-20-407. Unauthorized practice of profession or occupation**
7 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
8 and shall be punished as provided in section 18-1.3-501 if the person:

9 (V) Practices or offers or attempts to practice any of the following
10 professions or occupations without an active license, certification, or
11 registration issued under the part or article of this title 12 governing the
12 particular profession or occupation:

13 (J) Dentistry, DENTAL THERAPY, or dental hygiene, as regulated
14 under article 220 of this title 12;

15 **SECTION 30.** In Colorado Revised Statutes, 12-30-102, **amend**
16 (3)(a)(VII) as follows:

17 **12-30-102. Medical transparency act of 2010 - disclosure of**
18 **information about health-care providers - fines - rules - short title -**
19 **legislative declaration - review of functions - repeal.** (3) (a) As used
20 in this section, "applicant" means a person applying for a new, active
21 license, certification, or registration or to renew, reinstate, or reactivate
22 an active license, certification, or registration to practice:

23 (VII) Dental THERAPY OR DENTAL hygiene pursuant to article 220
24 of this title 12;

25 **SECTION 31.** In Colorado Revised Statutes, 12-30-103, **amend**
26 (4)(a)(IV) as follows:

27 **12-30-103. Solicitation of accident victims - waiting period -**

1 **definitions.** (4) As used in this section:

2 (a) "Health-care practitioner" means:

3 (IV) A dentist, DENTAL THERAPIST, or dental hygienist licensed
4 under article 220 of this title 12;

5 **SECTION 32.** In Colorado Revised Statutes, 13-4-102, **amend**
6 (1)(g) and (2)(g) as follows:

7 **13-4-102. Jurisdiction.** (1) Any provision of law to the contrary
8 notwithstanding, the court of appeals shall have initial jurisdiction over
9 appeals from final judgments of, and interlocutory appeals of certified
10 questions of law in civil cases pursuant to section 13-4-102.1 from, the
11 district courts, the probate court of the city and county of Denver, and the
12 juvenile court of the city and county of Denver, except in:

13 (g) Review actions of the Colorado dental board in refusing to
14 issue or renew or in suspending or revoking a license to practice dentistry,
15 DENTAL THERAPY, or dental hygiene, as provided in section 12-220-208;

16 (2) The court of appeals has initial jurisdiction to:

17 (g) Review actions of the Colorado dental board in refusing to
18 issue or renew or in suspending or revoking a license to practice dentistry,
19 DENTAL THERAPY, or dental hygiene, as provided in ~~section 12-220-137~~
20 SECTION 12-220-208;

21 **SECTION 33.** In Colorado Revised Statutes, 13-21-115.5,
22 **amend** (3)(c)(II)(R) as follows:

23 **13-21-115.5. Volunteer service act - immunity - exception for**
24 **operation of motor vehicles - short title - legislative declaration -**
25 **definitions.** (3) As used in this section, unless the context otherwise
26 requires:

27 (c) (II) "Volunteer" includes:

1 (R) A licensed dentist, DENTAL THERAPIST, or dental hygienist
2 governed by article 220 of title 12 performing the practice of dentistry,
3 DENTAL THERAPY, or dental hygiene, as defined in section 12-220-104
4 and as described in ~~section~~ SECTIONS 12-220-305, **12-220-402**,
5 **12-220-403**, AND **12-220-507**; as a volunteer for a nonprofit organization,
6 nonprofit corporation, governmental entity, or hospital; or a dentist,
7 DENTAL THERAPIST, or dental hygienist who holds a license in good
8 standing from another state performing the practice of dentistry, DENTAL
9 THERAPY, or dental hygiene, as defined in section 12-220-104 and as
10 described in ~~section~~ SECTIONS 12-220-305, **12-220-402**, **12-220-403**, AND
11 **12-220-507**, as a volunteer for a nonprofit organization, nonprofit
12 corporation, governmental entity, or hospital pursuant to section
13 12-220-302 (1)(j); and

14 **SECTION 34.** In Colorado Revised Statutes, 13-64-301, **amend**
15 (1) introductory portion, (1)(a)(I), (1)(a)(II) introductory portion,
16 (1)(a)(III), and (1)(a)(IV) as follows:

17 **13-64-301. Financial responsibility.** (1) As a condition of active
18 licensure or authority to practice in this state, every physician, dentist,
19 DENTAL THERAPIST, or dental hygienist; every physician assistant who has
20 been practicing for at least three years; and every health-care institution
21 as defined in section 13-64-202, except as provided in section
22 13-64-303.5, that provides health-care services shall establish financial
23 responsibility, as follows:

24 (a) (I) (A) If a dentist, by maintaining commercial professional
25 liability insurance coverage with an insurance company authorized to do
26 business in this state or an eligible nonadmitted insurer allowed to insure
27 in Colorado pursuant to article 5 of title 10, ~~C.R.S.~~, in a minimum

1 indemnity amount of five hundred thousand dollars per incident and one
2 million five hundred thousand dollars annual aggregate per year; except
3 that this requirement is not applicable to a dentist who is a public
4 employee under the "Colorado Governmental Immunity Act", article 10
5 of title 24. ~~C.R.S.~~

6 (B) A licensed dental hygienist must ~~have~~ MAINTAIN professional
7 liability insurance in an amount not less than fifty thousand dollars per
8 claim and with an aggregate liability limit for all claims during a calendar
9 year of not less than three hundred thousand dollars; except that this
10 requirement does not apply to a licensed dental hygienist who is a public
11 employee under the "Colorado Governmental Immunity Act", article 10
12 of title 24. ~~C.R.S.~~

13 (C) A LICENSED DENTAL THERAPIST MUST MAINTAIN
14 PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN FIVE
15 HUNDRED THOUSAND DOLLARS PER INCIDENT AND ONE MILLION FIVE
16 HUNDRED THOUSAND DOLLARS ANNUAL AGGREGATE PER YEAR; EXCEPT
17 THAT THIS REQUIREMENT IS NOT APPLICABLE TO A DENTAL THERAPIST
18 WHO IS A PUBLIC EMPLOYEE UNDER THE "COLORADO GOVERNMENTAL
19 IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

20 (II) The Colorado dental board, by rule, may exempt from or
21 establish lesser financial responsibility standards than those prescribed in
22 this section for classes of LICENSED dentists, ~~and licensed~~ DENTAL
23 THERAPISTS, AND dental hygienists who:

24 (III) The Colorado dental board may exempt from or establish
25 lesser financial responsibility standards for a LICENSED dentist, DENTAL
26 THERAPIST, or ~~licensed~~ dental hygienist for reasons other than those
27 described in ~~subparagraph (H) of this paragraph (a)~~ SUBSECTION (1)(a)(II)

1 OF THIS SECTION that render the limits provided in ~~subparagraph (I)~~ of this
2 ~~paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS SECTION unreasonable or
3 unattainable.

4 (IV) Nothing in this ~~paragraph (a)~~ SUBSECTION (1)(a) shall
5 preclude or otherwise prohibit a licensed dentist, DENTAL THERAPIST, or
6 ~~licensed~~ dental hygienist from rendering appropriate patient care on an
7 occasional basis when the circumstances surrounding the need for care so
8 warrant.

9 **SECTION 35.** In Colorado Revised Statutes, 19-3-304, **amend**
10 (2)(o) as follows:

11 **19-3-304. Persons required to report child abuse or neglect.**

12 (2) Persons required to report such abuse or neglect or circumstances or
13 conditions include any:

14 (o) Dental THERAPIST OR DENTAL hygienist;

15 **SECTION 36.** In Colorado Revised Statutes, **add** 23-5-148 as
16 follows:

17 **23-5-148. Dental therapy training programs - authorization to**
18 **grant advanced standing - definition.** (1) AS USED IN THIS SECTION,
19 "STATE INSTITUTION OF HIGHER EDUCATION" HAS THE SAME MEANING AS
20 SET FORTH IN SECTION 23-18-102 (10)(a).

21 (2) A STATE INSTITUTION OF HIGHER EDUCATION OFFERING AN
22 ACCREDITED DENTAL THERAPY TRAINING PROGRAM MAY GRANT
23 ADVANCED STANDING TOWARD COMPLETION OF AN ACCREDITED DENTAL
24 THERAPY PROGRAM IF A STUDENT DEMONSTRATES PAST COMPLETION OF
25 CURRICULUM THAT MEETS OR EXCEEDS THE CONTENT STANDARDS FOR
26 ONE OR MORE COURSES THAT COMPRISE THE DENTAL THERAPY
27 CURRICULUM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION'S

1 COMMISSION ON DENTAL ACCREDITATION, OR ITS SUCCESSOR
2 ORGANIZATION.

3 **SECTION 37.** In Colorado Revised Statutes, 25-1-108.7, **amend**
4 (3)(f) as follows:

5 **25-1-108.7. Health care credentials uniform application act -**
6 **legislative declaration - definitions - state board of health rules.**

7 (3) As used in this section, unless the context otherwise requires:

8 (f) "Health-care professional" means a physician, dentist, DENTAL
9 THERAPIST, dental hygienist, chiropractor, podiatrist, psychologist,
10 advanced practice REGISTERED nurse, optometrist, physician assistant,
11 licensed clinical social worker, child health associate, marriage and
12 family therapist, or other health-care professional who is registered,
13 certified, or licensed pursuant to title 12; ~~C.R.S.~~; who is subject to
14 credentialing; and who practices, or intends to practice, in Colorado.

15 **SECTION 38.** In Colorado Revised Statutes, 25-1-1202, **amend**
16 (1)(k) as follows:

17 **25-1-1202. Index of statutory sections regarding medical**
18 **record confidentiality and health information.** (1) Statutory provisions
19 concerning policies, procedures, and references to the release, sharing,
20 and use of medical records and health information include the following:

21 (k) Section 12-220-201, concerning disciplinary actions against
22 dentists, DENTAL THERAPISTS, and dental hygienists;

23 **SECTION 39.** In Colorado Revised Statutes, **add** 25.5-4-411.5
24 as follows:

25 **25.5-4-411.5. Authorization of services provided by dental**
26 **therapists.** (1) WHEN DENTAL THERAPY SERVICES ARE PROVIDED TO
27 CHILDREN BY A LICENSED DENTAL THERAPIST WHO IS PROVIDING DENTAL

1 THERAPY SERVICES PURSUANT TO SECTION 12-220-507, THE EXECUTIVE
2 DIRECTOR OF THE STATE DEPARTMENT SHALL AUTHORIZE REIMBURSEMENT
3 FOR THE SERVICES, SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

4 (2) FOR EACH CHILD PROVIDED DENTAL THERAPY SERVICES
5 PURSUANT TO THIS SECTION, THE LICENSED DENTAL THERAPIST SHALL
6 ATTEMPT TO IDENTIFY A DENTIST PARTICIPATING IN THE MEDICAID
7 PROGRAM FOR THE CHILD.

8 **SECTION 40. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect January 1, 2023; except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within the ninety-day period after final adjournment of the general
13 assembly, then the act, item, section, or part will not take effect unless
14 approved by the people at the general election to be held in November
15 2022 and, in such case, will take effect January 1, 2023, or on the date of
16 the official declaration of the vote thereon by the governor, whichever is
17 later.

18 (2) This act applies to the practice of dental therapy on or after the
19 applicable effective date of this act.