

CHAPTER 181

PROFESSIONS AND OCCUPATIONS

SENATE BILL 09-129

BY SENATOR(S) Tochtrop, Boyd, Morse, Newell, Tapia, Williams, Kester;
also REPRESENTATIVE(S) Gagliardi, Fischer, Green, Kefalas, Labuda, Pommer, Priola, Roberts, Ryden, Schafer S., Todd, Vigil.

AN ACT**CONCERNING THE DUTIES THAT MAY BE PERFORMED BY A DENTAL HYGIENIST.**

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

SECTION 1. 12-35-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-35-103. Definitions. As used in this article, unless the context otherwise requires:

(4.5) "DENTAL HYGIENE DIAGNOSIS" MEANS THE IDENTIFICATION OF AN EXISTING ORAL HEALTH PROBLEM THAT A DENTAL HYGIENIST IS QUALIFIED AND LICENSED TO TREAT WITHIN THE SCOPE OF DENTAL HYGIENE PRACTICE. THE DENTAL HYGIENE DIAGNOSIS FOCUSES ON BEHAVIORAL RISKS AND PHYSICAL CONDITIONS THAT ARE RELATED TO ORAL HEALTH. A DENTIST SHALL CONFIRM ANY DENTAL HYGIENE DIAGNOSIS THAT REQUIRES TREATMENT THAT IS OUTSIDE THE SCOPE OF DENTAL HYGIENE PRACTICE PURSUANT TO SECTIONS 12-35-124, 12-35-125, AND 12-35-128.

SECTION 2. The introductory portion to 12-35-124 (1) and 12-35-124 (1) (a) and (1) (d), Colorado Revised Statutes, are amended, and the said 12-35-124 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

12-35-124. What constitutes practicing unsupervised dental hygiene.
(1) Unless licensed to practice dentistry, a person shall be deemed to be practicing unsupervised dental hygiene who, WITHIN THE SCOPE OF THE PERSON'S EDUCATION, TRAINING, AND EXPERIENCE:

(a) Removes deposits, accretions, and stains by scaling with hand, ultrasonic, or

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

other devices from all surfaces of the tooth and smoothes and polishes natural and restored tooth surfaces, INCLUDING ROOT PLANING;

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

(I) Fact-finding and patient history; ~~oral~~

(II) PREPARATION OF STUDY CASTS FOR THE PURPOSE OF FABRICATING A PERMANENT RECORD OF THE PATIENT'S PRESENT CONDITION; AS A VISUAL AID FOR PATIENT EDUCATION, DENTAL HYGIENE DIAGNOSIS, AND DENTAL HYGIENE TREATMENT PLANNING; AND TO PROVIDE ASSISTANCE DURING FORENSIC EXAMINATION;

(III) EXTRA- AND INTRA-ORAL inspection; ~~and~~

(IV) Dental and periodontal charting; ~~or~~ AND

(V) RADIOGRAPHIC AND X-RAY SURVEY FOR THE PURPOSE OF ASSESSING AND DIAGNOSING DENTAL HYGIENE-RELATED CONDITIONS FOR TREATMENT PLANNING FOR DENTAL HYGIENE SERVICES AS DESCRIBED IN THIS SECTION AND IDENTIFYING DENTAL ABNORMALITIES FOR IMMEDIATE REFERRAL TO A DENTIST;

(f) PERFORMS DENTAL HYGIENE ASSESSMENT, DENTAL HYGIENE DIAGNOSIS, AND DENTAL HYGIENE TREATMENT PLANNING FOR DENTAL HYGIENE SERVICES AS DESCRIBED IN THIS SECTION AND SECTION 12-35-125 AND IDENTIFIES DENTAL ABNORMALITIES FOR IMMEDIATE REFERRAL TO A DENTIST; OR

(g) ADMINISTERS FLUORIDE, FLUORIDE VARNISH, AND ANTIMICROBIAL SOLUTIONS FOR MOUTH RINSING.

SECTION 3. 12-35-124, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-35-124. What constitutes practicing unsupervised dental hygiene. (1.5) A DENTAL HYGIENIST SHALL STATE IN WRITING AND REQUIRE A PATIENT TO ACKNOWLEDGE BY SIGNATURE THAT ANY DIAGNOSIS OR ASSESSMENT IS FOR THE PURPOSE OF DETERMINING NECESSARY DENTAL HYGIENE SERVICES ONLY AND THAT IT IS RECOMMENDED BY THE AMERICAN DENTAL ASSOCIATION, OR ANY SUCCESSOR ORGANIZATIONS, THAT A THOROUGH DENTAL EXAMINATION BE PERFORMED BY A DENTIST TWICE EACH YEAR.

SECTION 4. 12-35-125 (1) (d) and (1) (f), Colorado Revised Statutes, are amended, and the said 12-35-125 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

12-35-125. What constitutes practicing supervised dental hygiene. (1) Unless licensed to practice dentistry, a person shall be deemed to be practicing supervised dental hygiene who:

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

(I) Fact-finding and patient history;

(II) Radiographic and X-ray survey FOR THE PURPOSE OF ASSESSING AND DIAGNOSING DENTAL HYGIENE-RELATED CONDITIONS FOR TREATMENT PLANNING FOR DENTAL HYGIENE SERVICES AS DESCRIBED IN SECTION 12-35-124 AND THIS SECTION AND IDENTIFYING DENTAL ABNORMALITIES FOR IMMEDIATE REFERRAL TO A DENTIST;

(III) Preparation of study casts;

(IV) Oral inspection; and

(V) Dental and periodontal charting;

(f) Administers local anesthetic under the ~~direct~~ INDIRECT supervision of a licensed dentist pursuant to rules of the board, which ~~rules~~ shall include minimum education requirements and procedures for such administration;

(g) PERFORMS DENTAL HYGIENE ASSESSMENT, DENTAL HYGIENE DIAGNOSIS, AND DENTAL HYGIENE TREATMENT PLANNING FOR DENTAL HYGIENE SERVICES AS DESCRIBED IN THIS SECTION AND SECTION 12-35-124 AND IDENTIFIES DENTAL ABNORMALITIES FOR IMMEDIATE REFERRAL TO A DENTIST; OR

(h) ADMINISTERS FLUORIDE, FLUORIDE VARNISH, AND ANTIMICROBIAL SOLUTIONS FOR MOUTH RINSING.

SECTION 5. 12-35-127, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-35-127. Dental hygienist examinations - license - endorsement - liability insurance. (4) A PRACTICING DENTAL HYGIENIST SHALL HAVE PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF NOT LESS THAN FIFTY THOUSAND DOLLARS PER CLAIM AND AN AGGREGATE LIABILITY LIMIT FOR ALL CLAIMS DURING A CALENDAR YEAR OF NOT LESS THAN THREE HUNDRED THOUSAND DOLLARS. UPON REQUEST OF THE BOARD, THE DENTAL HYGIENIST SHALL PROVIDE PROOF OF THE INSURANCE TO THE BOARD.

SECTION 6. 12-35-128 (1) and (2), Colorado Revised Statutes, are amended to read:

12-35-128. Tasks authorized to be performed by dental assistants or dental hygienists. (1) The responsibility for DENTAL diagnosis, DENTAL treatment planning, or the prescription of therapeutic measures in the practice of dentistry shall remain with a licensed dentist and may not be assigned to any dental hygienist; EXCEPT THAT A DENTAL HYGIENIST MAY PERFORM DENTAL HYGIENE ASSESSMENT, DENTAL HYGIENE DIAGNOSIS, AND DENTAL HYGIENE TREATMENT PLANNING FOR DENTAL HYGIENE SERVICES; IDENTIFY DENTAL ABNORMALITIES FOR IMMEDIATE REFERRAL TO A DENTIST AS DESCRIBED IN SECTIONS 12-35-124 AND 12-35-125; AND MAY ADMINISTER FLUORIDE, FLUORIDE VARNISH, AND ANTIMICROBIAL SOLUTIONS FOR MOUTH RINSING AS DESCRIBED IN SECTIONS 12-35-124 AND 12-35-125, AND RESORBABLE ANTIMICROBIAL AGENTS PURSUANT TO RULES OF THE BOARD. No

dental procedure that INVOLVES SURGERY OR THAT will contribute to or result in an irreparable alteration of the oral anatomy may be assigned to anyone other than a licensed dentist. PRESCRIPTIVE AUTHORITY MAY NOT BE ASSIGNED TO ANYONE OTHER THAN A LICENSED DENTIST.

(2) Except as provided in subsection (1) of this section, a dental hygienist may perform any dental task or procedure assigned to the hygienist by a licensed dentist that does not require the professional skill of a licensed dentist; except that such task or procedure shall be performed only under the ~~general~~ INDIRECT supervision of a licensed dentist on the premises, or as provided elsewhere in ~~this section~~ SECTIONS 12-35-124 AND 12-35-125.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 22, 2009