

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 17-1010

BY REPRESENTATIVE(S) Ginal, Becker K., Beckman, Buckner, Esgar, Hooton, Kennedy, Kraft-Tharp, Lebsock, Lontine, McLachlan, Melton, Mitsch Bush, Pabon, Pettersen, Singer, Valdez;  
also SENATOR(S) Crowder, Jones, Kefalas, Merrifield, Smallwood, Tate, Todd, Grantham.

CONCERNING THE AUTHORITY OF THE COLORADO DENTAL BOARD TO  
PROMULGATE RULES BASED ON CLARIFICATIONS TO EXISTING LAWS  
THAT RELATE TO COLLABORATIVE DENTAL AGREEMENTS.

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

**SECTION 1.** In Colorado Revised Statutes, 12-35-107, **amend** (1) introductory portion, (1)(b) introductory portion, and (1)(b)(I) as follows:

**12-35-107. Powers and duties of board.** (1) The board shall exercise, in accordance with this ~~article~~ ARTICLE 35, the following powers and duties:

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

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

(I) The use of lasers for dental AND DENTAL HYGIENE purposes ~~including limiting the use of lasers by dental hygienists only to pocket disinfection at settings that preclude hard and soft tissue removal~~ WITHIN DEFINED SCOPES OF PRACTICE, SUBJECT TO APPROPRIATE EDUCATION AND TRAINING, AND WITH APPROPRIATE SUPERVISION, AS APPLICABLE;

**SECTION 2.** In Colorado Revised Statutes, 12-35-124, **amend** (1)(b), (1)(g)(I), (1)(g)(III)(B), and (1)(g)(III)(C); and **add** (1)(g)(III)(D) as follows:

**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:

(b) Removes granulation and degenerated tissue from the gingival wall of ~~the~~ A periodontal pocket; ~~incidental to root planing;~~

(g) (I) Prescribes, administers, and dispenses fluoride, fluoride varnish, ~~and~~ antimicrobial solutions for mouth rinsing, ~~and~~ other nonsystemic antimicrobial agents, AND RELATED EMERGENCY DRUGS AND REVERSAL AGENTS in collaboration with a licensed dentist. THE BOARD MAY, BY RULE, FURTHER DEFINE THE PERMISSIBLE AND APPROPRIATE EMERGENCY DRUGS AND REVERSAL AGENTS. Dental hygienists shall maintain clear documentation in the patient record of the DRUG OR agent prescribed, administered, or dispensed; the date of the action; and the rationale for prescribing, administering, or dispensing the DRUG OR agent.

(III) A dental hygienist may prescribe the following:

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

(C) Topical anti-infectives as follows: Chlorhexidine gluconate

rinses: 0.12%; chlorhexidine gluconate periodontal chips for SUBGINGIVAL insertion into ~~the~~ A periodontal pocket/SULCUS; tetracycline impregnated fibers, inserted subgingivally into ~~the~~ A periodontal POCKET/sulcus; doxycycline hyclate periodontal gel, inserted subgingivally into ~~the~~ A periodontal POCKET/sulcus; and minocycline hydrochlorided periodontal ~~paste~~ POWDER, inserted subgingivally into ~~the~~ A periodontal POCKET/sulcus; AND

(D) RELATED EMERGENCY DRUGS AND REVERSAL AGENTS AS AUTHORIZED BY THE COLLABORATING DENTIST.

**SECTION 3.** In Colorado Revised Statutes, 12-35-128.5, **amend** (1) introductory portion and (1)(c) as follows:

**12-35-128.5. Interim therapeutic restorations by dental hygienists - permitting process - repeal.** (1) Upon application, accompanied by a fee in an amount determined by the director OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS, the board shall grant a permit to place interim therapeutic restorations to any dental hygienist applicant who:

(c) Carries current professional liability insurance in the amount specified in section 12-35-141; ~~(2), C.R.S.~~; and

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Crisanta Duran  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Kevin J. Grantham  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO