

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0398.01 Yelana Love x2295

HOUSE BILL 18-1045

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Tate,

House Committees

Public Health Care & Human Services

Senate Committees

Business, Labor, & Technology

A BILL FOR AN ACT

101 **CONCERNING THE APPLICATION OF SILVER DIAMINE FLUORIDE TO**
102 **DENTAL PATIENTS.**

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>.)

The bill allows a dental hygienist to apply silver diamine fluoride under the direct or indirect supervision of a dentist if the dental hygienist:

- ! Holds a license in good standing to practice dental hygiene;
- ! Completes a course on the use and limitations of silver diamine fluoride;
- ! Is covered by professional liability insurance; and

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.

SENATE
2nd Reading Unamended
March 8, 2018

HOUSE
3rd Reading Unamended
February 13, 2018

HOUSE
Amended 2nd Reading
February 12, 2018

! Has a collaborative agreement with a dentist that describes the silver diamine fluoride protocols, any restrictions or limitations, and follow-up and referral mechanisms.

To the extent that state medicaid or children's basic health plan reimbursement is available for the application of silver diamine fluoride, the reimbursement will extend to services provided via telehealth in connection with the application.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-35-103, **amend**
3 the introductory portion and (17) as follows:

4 **12-35-103. Definitions.** As used in this ~~article~~ ARTICLE 35, unless
5 the context otherwise requires:

6 (17) "Telehealth supervision" means indirect supervision by a
7 dentist of a dental hygienist ~~placing an ITR~~ PERFORMING A STATUTORILY
8 AUTHORIZED PROCEDURE using telecommunications systems.

9 **SECTION 2.** In Colorado Revised Statutes, 12-35-125, **add** (1)(j)
10 as follows:

11 **12-35-125. What constitutes practicing supervised dental**
12 **hygiene.** (1) Unless licensed to practice dentistry, a person who performs
13 any of the following tasks under the supervision of a licensed dentist is
14 deemed to be practicing supervised dental hygiene:

15 (j) APPLIES SILVER DIAMINE FLUORIDE PURSUANT TO SECTION
16 12-35-128.8.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 12-35-128.8 as
18 follows:

19 **12-35-128.8. Application of silver diamine fluoride by dental**
20 **hygienists - authorization - limitations - rules - repeal.** (1) A DENTAL
21 HYGIENIST MAY APPLY SILVER DIAMINE FLUORIDE IF THE DENTAL
22 HYGIENIST:

1 (a) HOLDS A LICENSE IN GOOD STANDING TO PRACTICE DENTAL
2 HYGIENE IN COLORADO;

3 (b) HAS COMPLETED A POSTSECONDARY COURSE OR CONTINUING
4 EDUCATION COURSE DEVELOPED AT THE POSTSECONDARY LEVEL THAT
5 SATISFIES THE REQUIREMENTS ESTABLISHED BY THE BOARD BY RULE AND
6 THAT PROVIDES INSTRUCTION ON THE USE AND LIMITATIONS OF APPLYING
7 SILVER DIAMINE FLUORIDE;

8 (c) IS COVERED BY PROFESSIONAL LIABILITY INSURANCE IN THE
9 AMOUNT ESTABLISHED BY THE BOARD PURSUANT TO SECTION 12-35-141;
10 AND

11 (d) HAS A COLLABORATIVE AGREEMENT WITH A DENTIST THAT
12 DESCRIBES THE SILVER DIAMINE FLUORIDE PROTOCOLS, ANY RESTRICTIONS
13 OR LIMITATIONS, FOLLOW-UP AND REFERRAL MECHANISMS, AND ANY
14 OTHER REQUIREMENTS ESTABLISHED BY THE BOARD BY RULE.

15 [REDACTED]

16 (2) (a) IF THE APPLICATION OF SILVER DIAMINE FLUORIDE IS
17 AUTHORIZED BY A SUPERVISING DENTIST AT A LOCATION OTHER THAN THE
18 DENTIST'S PRACTICE LOCATION, THE DENTAL HYGIENIST SHALL PROVIDE
19 THE PATIENT OR THE PATIENT'S REPRESENTATIVE WITH WRITTEN
20 NOTIFICATION THAT THE APPLICATION OF SILVER DIAMINE FLUORIDE IS
21 BEING PROVIDED IN COLLABORATION WITH THE SUPERVISING DENTIST. THE
22 DENTAL HYGIENIST SHALL INCLUDE IN THE WRITTEN NOTIFICATION THE
23 DENTIST'S NAME, PRACTICE LOCATION ADDRESS, AND TELEPHONE NUMBER.

24 (b) A DENTAL HYGIENIST WHO APPLIES SILVER DIAMINE FLUORIDE
25 IN COLLABORATION WITH A SUPERVISING DENTIST UTILIZING TELEHEALTH
26 BY STORE-AND-FORWARD TRANSFER SHALL NOTIFY THE PATIENT OR THE
27 PATIENT'S REPRESENTATIVE OF THE PATIENT'S RIGHT TO RECEIVE

1 INTERACTIVE COMMUNICATION WITH THE DISTANT DENTIST UPON
2 REQUEST. COMMUNICATION WITH THE DISTANT DENTIST MAY OCCUR
3 EITHER AT THE TIME OF THE CONSULTATION OR WITHIN THIRTY DAYS
4 AFTER THE DENTAL HYGIENIST NOTIFIES THE PATIENT OF THE RESULTS OF
5 THE CONSULTATION.

6 (3) A DENTAL HYGIENIST WHO MEETS THE REQUIREMENTS OF
7 SUBSECTIONS (1) AND (2) OF THIS SECTION MAY APPLY SILVER DIAMINE
8 FLUORIDE UNDER THE DIRECT OR INDIRECT SUPERVISION OF A DENTIST
9 OR THROUGH TELEHEALTH SUPERVISION FOR PURPOSES OF
10 COMMUNICATION WITH THE DENTIST.

11 (4) (a) NOT LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE
12 OF THIS SECTION, THE BOARD SHALL PROMULGATE RULES TO:

13 (I) DEFINE REQUIREMENTS FOR THE EDUCATION COURSE REQUIRED
14 IN SUBSECTION (1)(b) OF THIS SECTION, INCLUDING QUALIFICATIONS FOR
15 ENTITIES OFFERING THE COURSE AND FACULTY OVERSIGHT
16 REQUIREMENTS; AND

17 (II) ADDRESS APPROPRIATE INDICATIONS AND LIMITATIONS FOR
18 THE APPLICATION OF SILVER DIAMINE FLUORIDE BY A DENTAL HYGIENIST.

19 (b) THE BOARD MAY ESTABLISH ADDITIONAL REQUIREMENTS FOR
20 THE COLLABORATIVE AGREEMENT REQUIRED BY SUBSECTION (1)(d) OF
21 THIS SECTION.

22 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.
23 PRIOR TO THE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES
24 SHALL REVIEW THE APPLICATION OF SILVER DIAMINE BY DENTAL
25 HYGIENISTS AS PROVIDED IN SECTION 24-34-104.

26 **SECTION 4.** In Colorado Revised Statutes, 12-35-128, **amend**
27 (1)(a)(II)(B) and (1)(a)(II)(C); and **add** (1)(a)(II)(D) as follows:

1 **12-35-128. Tasks authorized to be performed by dental**
2 **assistants or dental hygienists.** (1) (a) (II) A dental hygienist may:
3 (B) Identify dental abnormalities for immediate referral to a
4 dentist as described in section 12-35-124 (1)(f); ~~and~~
5 (C) In collaboration with a licensed dentist, prescribe, administer,
6 and dispense, as described in section 12-35-124 (1)(g): Fluoride; fluoride
7 varnish; antimicrobial solutions for mouth rinsing; other nonsystemic
8 antimicrobial agents; and resorbable antimicrobial agents pursuant to
9 rules of the board; AND
10 (D) ~~IN COLLABORATION WITH A LICENSED DENTIST, APPLY SILVER~~
11 ~~DIAMINE FLUORIDE PURSUANT TO SECTION 12-35-128.8.~~

12 **SECTION 5.** In Colorado Revised Statutes, 12-35-129, **amend**
13 (1)(mm) and (1)(nn); and **add** (1)(oo) as follows:

14 **12-35-129. Grounds for disciplinary action.** (1) The board may
15 take disciplinary action against an applicant or licensee in accordance
16 with section 12-35-129.1 for any of the following causes:

- 17 (mm) Failing to complete and maintain records of completing
18 continuing education as required by section 12-35-139; ~~or~~
- 19 (nn) Failing to comply with section 12-35-128.5 regarding the
20 placement of interim therapeutic restorations; OR
- 21 (oo) ~~FAILING TO COMPLY WITH SECTION 12-35-128.8 REGARDING~~
22 ~~THE APPLICATION OF SILVER DIAMINE FLUORIDE.~~

23 **SECTION 6.** In Colorado Revised Statutes, 24-34-104, **add**
24 (21)(a)(X) as follows:

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for repeal, continuation, or reestablishment - legislative**
27 **declaration - repeal.** (21) (a) The following agencies, functions, or both,

1 will repeal on September 1, 2021:

2 (X) THE APPLICATION OF SILVER DIAMINE FLUORIDE BY DENTAL
3 HYGIENISTS IN ACCORDANCE WITH SECTION 12-35-128.8.

4

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