

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

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, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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
Amended 2nd Reading
April 29, 2022

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 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

1 systematically faced barriers to health care, including people of color and
2 Coloradans with low incomes;

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

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

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

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

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

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

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

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

26 (k) In order to ensure dental care is accessible for all Coloradans,
27 it is critical that the state establish a license for dental therapists to help

1 close the historic gaps and barriers that Coloradans face in accessing
2 dental care.

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

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

22 **SECTION 3.** In Colorado Revised Statutes, 12-220-104, **amend**
23 (1), (3), (13), and (15); and **add** (5.5) as follows:

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

26 (1) "Accredited" means a program that is nationally recognized for
27 specialized accrediting for dental, DENTAL THERAPY, dental hygiene, and

1 dental auxiliary programs by the United States department of education.

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

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

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

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

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

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

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

27 **SECTION 4.** In Colorado Revised Statutes, **add** 12-220-407.2

1 and 12-220-407.5 as follows:

2 **12-220-407.2. Application for dental therapist license - fee -**
3 **rules.** (1) EFFECTIVE MAY 1, 2023, EVERY PERSON WHO DESIRES TO
4 QUALIFY FOR PRACTICE AS A DENTAL THERAPIST WITHIN THIS STATE MUST
5 FILE WITH THE BOARD:

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

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

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

13 (b) SATISFACTORY PROOF THAT THE APPLICANT:

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

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

23 (2) THE APPLICANT MUST APPLY FOR A DENTAL THERAPIST LICENSE
24 ON THE FORM PRESCRIBED AND FURNISHED BY THE BOARD, MUST CERTIFY
25 THE APPLICATION UNDER PENALTY OF PERJURY, AND MUST SUBMIT THE
26 FEE ESTABLISHED PURSUANT TO SECTION 12-20-105 WITH THE
27 APPLICATION.

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

10 **12-220-407.5. Dental therapist examinations - license.**

11 (1) EVERY APPLICANT FOR A DENTAL THERAPY LICENSE MUST SUBMIT TO
12 THE BOARD PROOF THAT THE APPLICANT SUCCESSFULLY COMPLETED A
13 CLINICAL EXAMINATION FOR DENTAL THERAPY THAT:

14 (a) IS DESIGNED TO TEST THE APPLICANT'S CLINICAL DENTAL
15 THERAPY SKILLS AND KNOWLEDGE;

16 (b) INCLUDES DENTAL THERAPY RESTORATIVE AND DENTAL
17 HYGIENE CLINICAL SKILL EVALUATION; AND

18 (c) IS ADMINISTERED BY A REGIONAL TESTING AGENCY COMPOSED
19 OF AT LEAST FOUR STATES OR AN EXAMINATION OF ANOTHER STATE.

20 (2) ALL EXAMINATION RESULTS REQUIRED BY THE BOARD MUST BE
21 FILED WITH THE BOARD AND KEPT FOR REFERENCE FOR A PERIOD OF NOT
22 LESS THAN TWO YEARS. IF AN APPLICANT SUCCESSFULLY COMPLETES THE
23 EXAMINATIONS AND IS OTHERWISE QUALIFIED, THE BOARD SHALL GRANT
24 A LICENSE TO THE APPLICANT AND SHALL ISSUE A LICENSE CERTIFICATE
25 SIGNED BY THE OFFICERS OF THE BOARD.

26 (3) FOR THE PURPOSE OF COMPLETING THE EXAMINATION
27 REQUIREMENT IN SUBSECTION (1) OF THIS SECTION, IF THE APPLICANT HAS

1 PREVIOUSLY SUCCESSFULLY COMPLETED A CLINICAL EXAMINATION FOR
2 DENTAL HYGIENE ADMINISTERED BY A TESTING AGENCY ACCEPTED BY THE
3 BOARD, THE APPLICANT MAY BE EXEMPTED FROM THAT PART OF THE
4 DENTAL THERAPY EXAMINATION.

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

7 **12-220-501. Tasks authorized to be performed by dental**
8 **therapists, dental hygienists, or dental assistants - rules.**

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

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

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

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

26 (I) PREPARE AND PLACE DIRECT RESTORATIONS IN PRIMARY AND
27 PERMANENT TEETH;

1 (II) PERFORM BRUSH BIOPSIES;

2 (III) EXTRACT PERIODONTALLY DISEASED PERMANENT TEETH WITH
3 MOBILITY OF +3 TO +4, EXCEPT FOR TEETH THAT ARE UNERUPTED,
4 IMPACTED, FRACTURED, OR REQUIRE SECTIONING;

5 (IV) EXTRACT PRIMARY TEETH THAT ARE ERUPTED OR NOT
6 IMPACTED WITH RADIOLOGICAL EVIDENCE OF ROOTS;

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

10 (VI) PLACE TEMPORARY CROWNS;

11 (VII) PREPARE AND PLACE PREFORMED CROWNS; AND

12 (VIII) REPAIR DEFECTIVE PROSTHETIC DEVICES.

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

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

26 (I) REIMPLANTING TEETH;

27 (II) STABILIZING REIMPLANTED TEETH;

1 (III) EXTRACTING PRIMARY TEETH THAT ARE ERUPTED OR NOT
2 IMPACTED WITHOUT RADIOLOGICAL EVIDENCE OF ROOTS;

3 (IV) REMOVING SUTURES;

4 (V) PREPARING DENTAL STUDY CASTS;

5 (VI) ADMINISTERING LOCAL ANESTHESIA IN ACCORDANCE WITH
6 SECTION 12-220-411;

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

11 (VIII) ANY TASK OR PROCEDURE AUTHORIZED TO BE PERFORMED
12 BY A LICENSED DENTAL HYGIENIST AS SPECIFIED IN RULES ADOPTED
13 PURSUANT TO SECTIONS 12-220-106 (1)(a)(I), 12-220-501, 12-220-503
14 (1), 12-220-504 (1), AND 12-220-505.

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

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

25 (I) A LICENSED DENTAL HYGIENIST IN COLORADO;

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

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

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

3 (I) METHODS OF DENTIST SUPERVISION, CONSULTATION, AND
4 APPROVAL;

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

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

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

13 (V) POLICIES FOR HANDLING MEDICAL EMERGENCIES; AND

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

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

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

25 (III) A DENTAL THERAPIST MAY ENTER INTO WRITTEN
26 ARTICULATED PLANS WITH MORE THAN ONE DENTIST IF EACH
27 ARTICULATED PLAN INCLUDES THE SAME SUPERVISION REQUIREMENTS

1 AND SCOPE OF PRACTICE.

2 (c) A WRITTEN ARTICULATED PLAN MUST BE SIGNED BY THE
3 DENTIST AND THE DENTAL THERAPIST.

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

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

10 (b) A DENTIST MAY SUPERVISE AN ADDITIONAL TWO FULL-TIME OR
11 FULL-TIME EQUIVALENT DENTAL THERAPISTS WHO PRACTICE IN A
12 FEDERALLY QUALIFIED HEALTH CENTER PURSUANT TO 42 U.S.C. SEC.
13 1395x (aa)(4) OR A RURAL HEALTH CLINIC PURSUANT TO 42 U.S.C. SEC.
14 1395x (aa)(4).

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

19

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

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

1 control of the division as provided by section 12-20-103 (2).

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

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

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

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

1 (II) (A) IN MAKING APPOINTMENTS OF DENTAL THERAPISTS TO THE
2 BOARD, THE GOVERNOR SHALL APPOINT INDIVIDUALS WHO ARE DIVERSE
3 WITH REGARD TO RACE, ETHNICITY, IMMIGRATION STATUS, INCOME,
4 WEALTH, AGE, ABILITY, SEXUAL ORIENTATION, GENDER IDENTITY, AND
5 GEOGRAPHY.

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

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

13 (2) A person is qualified to be appointed to the board if the
14 person:

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

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

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

22 **12-220-106. Powers and duties of board - rules - limitation on**
23 **authority.** (1) The board shall exercise, in accordance with this article
24 220, the following powers and duties:

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

27 (I) The use of lasers for dental, DENTAL THERAPY, and dental

1 hygiene purposes within defined scopes of practice, subject to appropriate
2 education and training, and with appropriate supervision, as applicable;

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

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

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

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

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

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

26 (h) Except as otherwise provided in sections 12-220-304,
27 12-220-503 (4), and 25-3-103.7, practicing dentistry, DENTAL THERAPY,

1 or dental hygiene as a partner, agent, or employee of or in joint venture
2 with any person who does not hold a license to practice dentistry, DENTAL
3 THERAPY, or dental hygiene within this state or practicing dentistry,
4 DENTAL THERAPY, or dental hygiene as an employee of or in joint venture
5 with any partnership, association, or corporation. A licensee holding a
6 license to practice dentistry, DENTAL THERAPY, or dental hygiene in this
7 state may accept employment from any person, partnership, association,
8 or corporation to examine, prescribe, and treat the employees of the
9 person, partnership, association, or corporation.

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

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

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

25 (o) False billing in the delivery of dental, DENTAL THERAPY, or
26 dental hygiene services, including ~~but not limited to~~, performing one
27 service and billing for another, billing for any service not rendered, or

1 committing a fraudulent insurance act, as defined in section 10-1-128;

2 (q) Failing to notify the board, in writing and within ninety days
3 after a judgment is entered, of a final judgment by a court of competent
4 jurisdiction in favor of any party and against the licensee involving
5 negligent malpractice of dentistry, DENTAL THERAPY, or dental hygiene,
6 which notice must contain the name of the court, the case number, and the
7 names of all parties to the action;

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

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

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

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

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

1 (IV) Ordering or performing, without clinical justification, any
2 service, X ray, or treatment that is contrary to recognized standards of the
3 practice of dentistry, DENTAL THERAPY, or dental hygiene, as interpreted
4 by the board;

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

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

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

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

16 **12-220-202. Disciplinary actions - rules.** (1) (a) If, after notice
17 and hearing conducted in accordance with article 4 of title 24 and section
18 12-20-403, the board determines that an applicant or licensee has engaged
19 in an act specified in section 12-220-201, the board may:

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

23 (3) The board may include, in any disciplinary order that allows
24 a dentist, DENTAL THERAPIST, or dental hygienist to continue to practice,
25 conditions the board deems appropriate to assure that the dentist, DENTAL
26 THERAPIST, or dental hygienist is physically, mentally, and otherwise
27 qualified to practice dentistry, DENTAL THERAPY, or dental hygiene in

1 accordance with generally accepted professional standards of practice.

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

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

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

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

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

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

26 **12-220-206. Mental and physical examinations.** (1) (a) If the
27 board has reasonable cause to believe that a person licensed to practice

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

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

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

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

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

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

1 **12-220-210. Use or sale of forged or invalid diploma, license,**
2 **license renewal certificate, or identification.** (1) (a) It is unlawful for
3 any person to use or attempt to use:

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

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

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

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

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

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

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

27 (a) Who are duly licensed as dentists, DENTAL THERAPISTS, or

1 dental hygienists pursuant to this article 220;

2 **SECTION 17.** In Colorado Revised Statutes, 12-220-302, **amend**
3 (1)(c), (1)(e), (1)(f), (1)(i), and (1)(j) as follows:

4 **12-220-302. Persons exempt from operation of this article.**

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

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

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

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

27 (i) The practicing of dentistry, DENTAL THERAPY, or dental

1 hygiene by an examiner representing a testing agency approved by the
2 board, during the administration of an examination; or

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

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

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

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

27 (3) The practice of dentistry, DENTAL THERAPY, or dental hygiene

1 by a limited liability company of licensees or by a limited liability
2 partnership of licensees is permitted subject to the limitations and
3 requirements, insofar as are applicable, set forth in section 12-240-138,
4 relating to a limited liability company or limited liability partnership for
5 the practice of medicine.

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

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

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

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

22 (c) Directly or indirectly, by any means or method, takes
23 impression of the human tooth, teeth, jaws, maxillofacial area, or adjacent
24 and associated structures; performs any phase of any operation incident
25 to the replacement of a part of a tooth; or supplies artificial substitutes for
26 the natural teeth, jaws, or adjacent and associated structures; except that
27 nothing in this subsection (1)(c) prohibits a DENTAL THERAPIST, dental

1 hygienist, or dental assistant from performing tasks and procedures
2 consistent with sections 12-220-501 (3)(b)(III), and 12-220-503 (1)(d),
3 AND 12-220-507;

4 (j) Extracts, or attempts to extract, human teeth or corrects, or
5 attempts to correct, malformations of human teeth or jaws; EXCEPT THAT
6 THIS SUBSECTION (1)(j) DOES NOT PROHIBIT A DENTAL THERAPIST FROM
7 PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTION
8 12-220-507;

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

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

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

25 (p) Prescribes drugs or medications and administers local
26 anesthesia, analgesia including nitrous oxide/oxygen inhalation,
27 medication prescribed or administered for the relief of anxiety or

1 apprehension, minimal sedation, moderate sedation, deep sedation, or
2 general anesthesia as necessary for the proper practice of dentistry; except
3 that nothing in this subsection (1)(p) prohibits:

4 (I) A dental hygienist from performing those tasks and procedures
5 consistent with sections 12-220-501, 12-220-503 (1)(e) and (1)(g), and
6 12-220-504 (1)(c), and in accordance with rules promulgated by the
7 board; OR

8 (II) A DENTAL THERAPIST FROM PERFORMING THOSE TASKS AND
9 PROCEDURES CONSISTENT WITH SECTIONS 12-220-501 (2.5) AND
10 12-220-507, AND IN ACCORDANCE WITH RULES PROMULGATED BY THE
11 BOARD.

12 (r) Gives or professes to give interpretations or readings of dental
13 charts or records or gives treatment plans or interpretations of treatment
14 plans derived from examinations, patient records, dental X rays, or
15 roentgenograms; except that nothing in this subsection (1)(r) prohibits a
16 DENTAL THERAPIST, dental hygienist, or dental assistant from performing
17 tasks and procedures consistent with sections 12-220-501 (2), (2.5), and
18 (3), 12-220-503, and 12-220-504, AND 12-220-507.

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

21 **12-220-307. Professional liability insurance required - rules.**

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

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

1 (3) The board may, by rule, exempt from or establish lesser
2 financial responsibility standards for licensed dentists, LICENSED DENTAL
3 THERAPISTS, and licensed dental hygienists who meet the criteria in
4 section 13-64-301 (1)(a)(II).

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

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

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

19 **SECTION 22.** In Colorado Revised Statutes, 12-220-409, **amend**
20 (1), (2)(a), and (5) as follows:

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

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

2 (a) Provide an affidavit to the board that the applicant, after a date
3 certain, will not practice dentistry, DENTAL THERAPY, or dental hygiene
4 in this state unless the applicant is issued a license to practice dentistry,
5 DENTAL THERAPY, or dental hygiene pursuant to subsection (5) of this
6 section;

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

17 **SECTION 23.** In Colorado Revised Statutes, 12-220-410, **amend**
18 (1), (2)(a), (5), and (6) as follows:

19 **12-220-410. Retired dental, dental therapist, and dental**
20 **hygienist licenses.** (1) Any person licensed to practice dentistry, DENTAL
21 THERAPY, or dental hygiene pursuant to this article 220 may apply to the
22 board for retired licensure status. The application must be in the form and
23 manner designated by the board. The board may grant retired licensure
24 status by issuing a retired license, or it may deny the application if the
25 licensee has been disciplined for any of the causes set forth in section
26 12-220-201.

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

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

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

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

1 **SECTION 24.** In Colorado Revised Statutes, 12-220-411, **amend**
2 (1), (3), and (4)(a); and **add** (6) as follows:

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

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

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

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

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

1 AND CONSENT OF THE DENTIST.

2 **SECTION 25.** In Colorado Revised Statutes, 12-220-601, **amend**
3 (1) and (2) as follows:

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

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

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

25 **12-220-602. Minimum standards - rules - definition.**
26 (1)(a) The board shall adopt rules prescribing minimum standards for the
27 qualifications, education, and training of unlicensed persons operating

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

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

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

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

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

25 (IX.5) DENTAL THERAPISTS, REGULATED PURSUANT TO ARTICLE
26 220 OF THIS TITLE 12;

27 **SECTION 28.** In Colorado Revised Statutes, 12-20-406, **amend**

1 (3)(f) as follows:

2 **12-20-406. Injunctive relief.** (3) This section does not apply to
3 the following:

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

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

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

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

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

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

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

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

27 **SECTION 31.** In Colorado Revised Statutes, 12-30-103, **amend**

1 (4)(a)(IV) as follows:

2 **12-30-103. Solicitation of accident victims - waiting period -**
3 **definitions.** (4) As used in this section:

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

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

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

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

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

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

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

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

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

1 requires:

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

3 (R) A licensed dentist, DENTAL THERAPIST, or dental hygienist
4 governed by article 220 of title 12 performing the practice of dentistry,
5 DENTAL THERAPY, or dental hygiene, as defined in section 12-220-104
6 and as described in ~~section~~ SECTIONS 12-220-305, *12-220-402*,
7 *12-220-403*, AND *12-220-507*; as a volunteer for a nonprofit organization,
8 nonprofit corporation, governmental entity, or hospital; or a dentist,
9 DENTAL THERAPIST, or dental hygienist who holds a license in good
10 standing from another state performing the practice of dentistry, DENTAL
11 THERAPY, or dental hygiene, as defined in section 12-220-104 and as
12 described in ~~section~~ SECTIONS 12-220-305, *12-220-402*, *12-220-403*, AND
13 *12-220-507*, as a volunteer for a nonprofit organization, nonprofit
14 corporation, governmental entity, or hospital pursuant to section
15 12-220-302 (1)(j); and

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

19 **13-64-301. Financial responsibility.** (1) As a condition of active
20 licensure or authority to practice in this state, every physician, dentist,
21 DENTAL THERAPIST, or dental hygienist; every physician assistant who has
22 been practicing for at least three years; and every health-care institution
23 as defined in section 13-64-202, except as provided in section
24 13-64-303.5, that provides health-care services shall establish financial
25 responsibility, as follows:

26 (a) (I) (A) If a dentist, by maintaining commercial professional
27 liability insurance coverage with an insurance company authorized to do

1 business in this state or an eligible nonadmitted insurer allowed to insure
2 in Colorado pursuant to article 5 of title 10, ~~C.R.S.~~, in a minimum
3 indemnity amount of five hundred thousand dollars per incident and one
4 million five hundred thousand dollars annual aggregate per year; except
5 that this requirement is not applicable to a dentist who is a public
6 employee under the "Colorado Governmental Immunity Act", article 10
7 of title 24. ~~C.R.S.~~

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

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

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

26 (III) The Colorado dental board may exempt from or establish
27 lesser financial responsibility standards for a LICENSED dentist, DENTAL

1 THERAPIST, or ~~licensed~~ dental hygienist for reasons other than those
2 described in ~~subparagraph (H) of this paragraph (a)~~ SUBSECTION (1)(a)(II)
3 OF THIS SECTION that render the limits provided in ~~subparagraph (I) of this~~
4 ~~paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS SECTION unreasonable or
5 unattainable.

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

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

13 **19-3-304. Persons required to report child abuse or neglect.**
14 (2) Persons required to report such abuse or neglect or circumstances or
15 conditions include any:

16 (o) Dental THERAPIST OR DENTAL hygienist;

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

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

23 (2) A STATE INSTITUTION OF HIGHER EDUCATION OFFERING AN
24 ACCREDITED DENTAL THERAPY TRAINING PROGRAM MAY GRANT
25 ADVANCED STANDING TOWARD COMPLETION OF AN ACCREDITED DENTAL
26 THERAPY PROGRAM IF A STUDENT DEMONSTRATES PAST COMPLETION OF
27 CURRICULUM THAT MEETS OR EXCEEDS THE CONTENT STANDARDS FOR

1 ONE OR MORE COURSES THAT COMPRISE THE DENTAL THERAPY
2 CURRICULUM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION'S
3 COMMISSION ON DENTAL ACCREDITATION, OR ITS SUCCESSOR
4 ORGANIZATION.

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

7 **25-1-108.7. Health care credentials uniform application act -**
8 **legislative declaration - definitions - state board of health rules.**

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

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

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

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

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

25 **SECTION 39.** In Colorado Revised Statutes, **amend 25.5-4-411**
26 **as follows:**

27 **25.5-4-411. Authorization of services provided by dental**

1 hygienists. (1) When dental hygiene services are provided to children by
2 a licensed dental hygienist OR DENTAL THERAPIST who is providing dental
3 hygiene services pursuant to section 12-220-503 without the supervision
4 of a licensed dentist, the executive director of the state department shall
5 authorize reimbursement for said services, subject to the requirements of
6 this section. Payment for the services shall be made directly to the
7 licensed dental hygienist OR DENTAL THERAPIST, if requested by the
8 licensed dental hygienist OR DENTAL THERAPIST; except that this section
9 shall DOES not apply to licensed dental hygienists OR DENTAL THERAPISTS
10 when acting within the scope of their employment as salaried employees
11 of public or private institutions, physicians, or dentists.

12 (2) For each child provided dental hygiene services pursuant to
13 this section, the dental hygienist OR DENTAL THERAPIST shall attempt to
14 identify a dentist participating in medicaid for the child.

15 **SECTION 40. Appropriation.** (1) For the 2022-23 state fiscal
16 year, \$14,786 is appropriated to the department of regulatory agencies.
17 This appropriation is from the division of professions and occupations
18 cash fund created in section 12-20-105 (3), C.R.S. To implement this act,
19 the department may use this appropriation for the purchase of legal
20 services.

21 (2) For the 2022-23 state fiscal year, \$14,786 is appropriated to
22 the department of law. This appropriation is from reappropriated funds
23 received from the department of regulatory agencies under subsection (1)
24 of this section and is based on an assumption that the department of law
25 will require an additional 0.1 FTE. To implement this act, the department
26 of law may use this appropriation to provide legal services for the
27 department of regulatory agencies.

1 **SECTION 41. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect January 1, 2023; except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within the ninety-day period after final adjournment of the general
6 assembly, then the act, item, section, or part will not take effect unless
7 approved by the people at the general election to be held in November
8 2022 and, in such case, will take effect January 1, 2023, or on the date of
9 the official declaration of the vote thereon by the governor, whichever is
10 later.
11 (2) This act applies to the practice of dental therapy on or after the
12 applicable effective date of this act.