

**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**

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**SENATE SPONSORSHIP**

**Moreno and Smallwood,**

**HOUSE SPONSORSHIP**

**Duran and McLachlan,**

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**Senate Committees**

Health & Human Services  
Finance

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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, EVALUATION, DIAGNOSIS, AND  
6 TREATMENT PLANNING FOR CONDITIONS AND SERVICES THAT ARE WITHIN  
7 THE DENTAL THERAPIST'S SCOPE OF PRACTICE 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) POLICIES FOR HANDLING MEDICAL EMERGENCIES; AND

9 (V) POLICIES FOR SUPERVISING DENTAL ASSISTANTS AND WORKING  
10 WITH DENTAL HYGIENISTS AND OTHER DENTAL PRACTITIONERS AND STAFF.

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

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

19 (III) A DENTAL THERAPIST MAY ENTER INTO WRITTEN  
20 ARTICULATED PLANS WITH MORE THAN ONE DENTIST IF EACH  
21 ARTICULATED PLAN INCLUDES THE SAME SUPERVISION REQUIREMENTS  
22 AND SCOPE OF PRACTICE.

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

25 (d) FOR PURPOSES OF THIS SECTION, A WRITTEN ARTICULATED  
26 PLAN SATISFIES THE REQUIREMENT OF PRIOR KNOWLEDGE AND CONSENT  
27 FOR INDIRECT SUPERVISION.

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

4           (b) A DENTIST MAY SUPERVISE AN ADDITIONAL TWO FULL-TIME OR  
5 FULL-TIME EQUIVALENT DENTAL THERAPISTS WHO PRACTICE IN A  
6 FEDERALLY QUALIFIED HEALTH CENTER PURSUANT TO 42 U.S.C. SEC.  
7 1395x (aa)(4) OR A RURAL HEALTH CLINIC PURSUANT TO 42 U.S.C. SEC.  
8 1395x (aa)(4).

9           (c) THE BOARD SHALL PROMULGATE RULES CREATING A PROCESS  
10 FOR A DENTIST TO SEEK A WAIVER FROM THE SUPERVISION LIMIT SPECIFIED  
11 IN SUBSECTION (3)(b)(I) OF THIS SECTION. AT A MINIMUM, THE RULES  
12 MUST SPECIFY THE APPLICATION PROCESS AND WAIVER REQUIREMENTS.

13           ==

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

16           **12-220-105. Colorado dental board - qualifications of board**  
17 **members - quorum - panel - rules - review of functions - repeal of**  
18 **article - repeal.** (1) (a) The Colorado dental board is hereby created as  
19 the agency of this state for the regulation of the practice of dentistry,  
20 DENTAL THERAPY, AND DENTAL HYGIENE in this state and to carry out the  
21 purposes of this article 220. The board is subject to the supervision and  
22 control of the division as provided by section 12-20-103 (2).

23           (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS  
24 SECTION, the board consists of seven dentist members, three dental  
25 hygienist members, and three members from the public at large. The  
26 governor shall appoint each member for a term of four years, and each  
27 member must have the qualifications provided in this article 220. No

1 member shall serve more than two consecutive terms of four years. Each  
2 board member holds office until the member's term expires or until the  
3 governor appoints a successor. THIS SUBSECTION (1)(b)(I) IS REPEALED,  
4 EFFECTIVE DECEMBER 1, 2031.

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

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

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

22 (II) (A) IN MAKING APPOINTMENTS OF DENTAL THERAPISTS TO THE  
23 BOARD, THE GOVERNOR SHALL APPOINT INDIVIDUALS WHO ARE DIVERSE  
24 WITH REGARD TO RACE, ETHNICITY, IMMIGRATION STATUS, INCOME,  
25 WEALTH, AGE, ABILITY, SEXUAL ORIENTATION, GENDER IDENTITY, AND  
26 GEOGRAPHY.

27 (B) IN CONSIDERING THE RACIAL AND ETHNIC DIVERSITY OF THE

1 DENTAL THERAPISTS APPOINTED TO THE BOARD, THE GOVERNOR SHALL  
2 ATTEMPT TO ENSURE THAT AT LEAST ONE MEMBER IS A PERSON OF COLOR.

3 (C) IN CONSIDERING THE GEOGRAPHIC DIVERSITY OF THE DENTAL  
4 THERAPISTS APPOINTED TO THE BOARD, THE GOVERNOR SHALL ATTEMPT  
5 TO APPOINT MEMBERS FROM BOTH RURAL AND URBAN AREAS OF THE  
6 STATE.

7 (2) A person is qualified to be appointed to the board if the  
8 person:

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

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

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

16 **12-220-106. Powers and duties of board - rules - limitation on**  
17 **authority.** (1) The board shall exercise, in accordance with this article  
18 220, the following powers and duties:

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

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

24 (f) In accordance with section 12-220-411, issue anesthesia and  
25 sedation permits to licensed dentists, DENTAL THERAPISTS, and dental  
26 hygienists and set and collect fees for permit issuance. ~~except that the~~  
27 ~~board shall only collect fees for local anesthesia permits issued to dental~~

1 ~~hygienists on or after July 1, 2014.~~

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

6           **12-220-201. Grounds for disciplinary action - definition.**

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

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

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

20           (h) Except as otherwise provided in sections 12-220-304,  
21 12-220-503 (4), and 25-3-103.7, practicing dentistry, DENTAL THERAPY,  
22 or dental hygiene as a partner, agent, or employee of or in joint venture  
23 with any person who does not hold a license to practice dentistry, DENTAL  
24 THERAPY, or dental hygiene within this state or practicing dentistry,  
25 DENTAL THERAPY, or dental hygiene as an employee of or in joint venture  
26 with any partnership, association, or corporation. A licensee holding a  
27 license to practice dentistry, DENTAL THERAPY, or dental hygiene in this

1 state may accept employment from any person, partnership, association,  
2 or corporation to examine, prescribe, and treat the employees of the  
3 person, partnership, association, or corporation.

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

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

15 (k) Committing an act or omission that constitutes grossly  
16 negligent dental, DENTAL THERAPY, or dental hygiene practice or that fails  
17 to meet generally accepted standards of dental, DENTAL THERAPY, or  
18 dental hygiene practice;

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

23 (q) Failing to notify the board, in writing and within ninety days  
24 after a judgment is entered, of a final judgment by a court of competent  
25 jurisdiction in favor of any party and against the licensee involving  
26 negligent malpractice of dentistry, DENTAL THERAPY, or dental hygiene,  
27 which notice must contain the name of the court, the case number, and the



1 names of all parties to the action;

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

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

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

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

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

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

26 (ee) Failing to provide adequate or proper supervision when  
27 employing unlicensed persons in a dental or dental hygiene practice OF

1 UNLICENSED PERSONS IN DENTAL, DENTAL THERAPY, OR DENTAL HYGIENE  
2 PRACTICE;

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

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

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

10 **12-220-202. Disciplinary actions - rules.** (1) (a) If, after notice  
11 and hearing conducted in accordance with article 4 of title 24 and section  
12 12-20-403, the board determines that an applicant or licensee has engaged  
13 in an act specified in section 12-220-201, the board may:

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

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

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

1           (5) (a) In addition to any other penalty permitted under this article  
2 220, when a licensed dentist, DENTAL THERAPIST, or dental hygienist  
3 violates a provision of this article 220 or of any rule promulgated  
4 pursuant to this article 220, the board may impose a fine on the licensee.  
5 If the licensee is a dentist, the fine must not exceed five thousand dollars.  
6 IF THE LICENSEE IS A DENTAL THERAPIST, THE FINE MUST NOT EXCEED  
7 FOUR THOUSAND DOLLARS. If the licensee is a dental hygienist, the fine  
8 must not exceed three thousand dollars.

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

11           **12-220-203. Disciplinary proceedings.** (1) (a) Any person may  
12 submit a complaint relating to the conduct of a dentist, DENTAL  
13 THERAPIST, or dental hygienist, which complaint must be in writing and  
14 signed by the person. The board, on its own motion, may initiate a  
15 complaint. The board shall notify the dentist, DENTAL THERAPIST, or  
16 dental hygienist of the complaint against the dentist, DENTAL THERAPIST,  
17 or dental hygienist.

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

20           **12-220-206. Mental and physical examinations.** (1) (a) If the  
21 board has reasonable cause to believe that a person licensed to practice  
22 dentistry, DENTAL THERAPY, or dental hygiene in this state is unable to  
23 practice dentistry, DENTAL THERAPY, or dental hygiene with reasonable  
24 skill and safety to patients because of a physical or mental disability or  
25 because of excessive use of alcohol, a habit-forming drug or substance,  
26 or a controlled substance, as defined in section 18-18-102 (5), the board  
27 may require the licensed dentist, DENTAL THERAPIST, or dental hygienist

1 to submit to a mental or physical examination by a qualified professional  
2 designated by the board.

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

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

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

17 **12-220-208. Review of board action.** (2) The provisions of this  
18 section apply to a license issued to a dentist, DENTAL THERAPIST, or dental  
19 hygienist.

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

22 **12-220-210. Use or sale of forged or invalid diploma, license,**  
23 **license renewal certificate, or identification.** (1) (a) It is unlawful for  
24 any person to use or attempt to use:

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

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

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

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

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

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

18           **12-220-301. Persons entitled to practice dentistry, dental**  
19 **therapy, or dental hygiene.** (1) It is unlawful for any person to practice  
20 dentistry, DENTAL THERAPY, or dental hygiene in this state except those:

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

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

25           **12-220-302. Persons exempt from operation of this article.**  
26 (1) This article 220 does not apply to the following practices, acts, and  
27 operations:

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

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

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

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

24 (j) The practice of dentistry, DENTAL THERAPY, or dental hygiene  
25 by dentists, DENTAL THERAPISTS, or dental hygienists licensed in good  
26 standing by other states while providing care as a volunteer, at the  
27 invitation of any group of licensed dentists, DENTAL THERAPISTS, or

1 dental hygienists in this state who are in good standing, so long as the  
2 practice is limited to five consecutive days in a twelve-month period and  
3 the name of each person engaging in the practice is submitted to the  
4 board, in writing and on a form approved by the board, at least ten days  
5 before the person performs the practice.

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

8 **12-220-304. Names and status under which dental practice**  
9 **may be conducted.** (1) The conduct of the practice of dentistry, DENTAL  
10 THERAPY, or dental hygiene in a corporate capacity is prohibited, but the  
11 prohibition shall not be construed to prevent the practice of dentistry,  
12 DENTAL THERAPY, or dental hygiene by a professional service corporation  
13 of licensees so constituted that they may be treated under the federal  
14 internal revenue laws as a corporation for tax purposes only. ~~Any such~~ A  
15 professional service corporation may exercise ~~such~~ THE powers and shall  
16 be subject to such limitations and requirements, insofar as applicable, as  
17 are provided in section 12-240-138, relating to professional service  
18 corporations for the practice of medicine.

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

21 (3) The practice of dentistry, DENTAL THERAPY, or dental hygiene  
22 by a limited liability company of licensees or by a limited liability  
23 partnership of licensees is permitted subject to the limitations and  
24 requirements, insofar as are applicable, set forth in section 12-240-138,  
25 relating to a limited liability company or limited liability partnership for  
26 the practice of medicine.

27 **SECTION 19.** In Colorado Revised Statutes, 12-220-305, **amend**

1 (1)(a), (1)(b), (1)(c), (1)(j), (1)(k), (1)(m), (1)(n), (1)(p), and (1)(r) as  
2 follows:

3 **12-220-305. What constitutes practicing dentistry - authority**  
4 **to electronically prescribe.** (1) A person is practicing dentistry if the  
5 person:

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

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

16 (c) Directly or indirectly, by any means or method, takes  
17 impression of the human tooth, teeth, jaws, maxillofacial area, or adjacent  
18 and associated structures; performs any phase of any operation incident  
19 to the replacement of a part of a tooth; or supplies artificial substitutes for  
20 the natural teeth, jaws, or adjacent and associated structures; except that  
21 nothing in this subsection (1)(c) prohibits a DENTAL THERAPIST, dental  
22 hygienist, or dental assistant from performing tasks and procedures  
23 consistent with sections 12-220-501 (3)(b)(III), ~~and~~ 12-220-503 (1)(d),  
24 AND 12-220-507;

25 (j) Extracts, or attempts to extract, human teeth or corrects, or  
26 attempts to correct, malformations of human teeth or jaws; EXCEPT THAT  
27 THIS SUBSECTION (1)(j) DOES NOT PROHIBIT A DENTAL THERAPIST FROM



1 PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTION  
2 12-220-507;

3 (k) Repairs or fills cavities in human teeth; EXCEPT THAT THIS  
4 SUBSECTION (1)(k) DOES NOT PROHIBIT A DENTAL THERAPIST FROM  
5 PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTION  
6 12-220-507;

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

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

19 (p) Prescribes drugs or medications and administers local  
20 anesthesia, analgesia including nitrous oxide/oxygen inhalation,  
21 medication prescribed or administered for the relief of anxiety or  
22 apprehension, minimal sedation, moderate sedation, deep sedation, or  
23 general anesthesia as necessary for the proper practice of dentistry; except  
24 that nothing in this subsection (1)(p) prohibits:

25 (I) A dental hygienist from performing those tasks and procedures  
26 consistent with sections 12-220-501, 12-220-503 (1)(e) and (1)(g), and  
27 12-220-504 (1)(c), and in accordance with rules promulgated by the

1 board; OR

2 (II) A DENTAL THERAPIST FROM PERFORMING THOSE TASKS AND  
3 PROCEDURES CONSISTENT WITH SECTIONS 12-220-501 (2.5) AND  
4 12-220-507, AND IN ACCORDANCE WITH RULES PROMULGATED BY THE  
5 BOARD.

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

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

15 **12-220-307. Professional liability insurance required - rules.**

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

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

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

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

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

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

13           **SECTION 22.** In Colorado Revised Statutes, 12-220-409, **amend**  
14 (1), (2)(a), and (5) as follows:

15           **12-220-409. Inactive dental, dental therapist, or dental**  
16 **hygienist license.** (1) Any person licensed to practice dentistry, DENTAL  
17 THERAPY, or dental hygiene pursuant to this article 220 may apply to the  
18 board to be transferred to an inactive status. The licensee must submit an  
19 application in the form and manner designated by the board. The board  
20 may grant inactive status by issuing an inactive license or deny the  
21 application for any of the causes set forth in section 12-220-201.

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

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

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

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

13           **12-220-410. Retired dental, dental therapist, and dental**  
14 **hygienist licenses.** (1) Any person licensed to practice dentistry, DENTAL  
15 THERAPY, or dental hygiene pursuant to this article 220 may apply to the  
16 board for retired licensure status. The application must be in the form and  
17 manner designated by the board. The board may grant retired licensure  
18 status by issuing a retired license, or it may deny the application if the  
19 licensee has been disciplined for any of the causes set forth in section  
20 12-220-201.

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

22           (a) Provide an affidavit to the board stating that, after a date  
23 certain, the applicant will not practice dentistry, DENTAL THERAPY, or  
24 dental hygiene; will no longer earn income as a dentist, DENTAL  
25 THERAPIST, or dental hygiene administrator or consultant; and will not  
26 perform any activity that constitutes practicing dentistry, DENTAL  
27 THERAPY, or dental hygiene pursuant to sections 12-220-305, **12-220-501**,

1 12-220-503, and 12-220-504, AND **12-220-507** unless the applicant is  
2 issued a license to practice dentistry, DENTAL THERAPY, or dental hygiene  
3 pursuant to subsection (5) of this section; and

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

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

22 **SECTION 24.** In Colorado Revised Statutes, 12-220-411, **amend**  
23 (1), (3), and (4)(a); and **add** (6) as follows:

24 **12-220-411. Anesthesia and sedation permits - dentists, dental**  
25 **therapists, and dental hygienists - training and experience**  
26 **requirements - office inspections - rules.** (1) Upon application in a  
27 form and manner determined by the board and payment of the applicable

1 fees established by the board, the board may issue an anesthesia or  
2 sedation permit to a licensed dentist or a local anesthesia permit to a  
3 DENTAL THERAPIST OR dental hygienist in accordance with this section.

4 (3) (a) A licensed DENTAL THERAPIST OR dental hygienist who  
5 obtains a local anesthesia permit pursuant to this section may administer  
6 local anesthesia.

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

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

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

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

25 **12-220-601. Legislative declaration.** (1) The general assembly  
26 hereby finds, determines, and declares that public exposure to the hazards  
27 of ionizing radiation used for diagnostic purposes should be minimized

1       wherever possible. Accordingly, the general assembly finds, determines,  
2       and declares that for any dentist, DENTAL THERAPIST, or dental hygienist  
3       to allow an untrained person to operate a machine source of ionizing  
4       radiation, including without limitation a device commonly known as an  
5       "X-ray machine", or to administer radiation to a patient for diagnostic  
6       purposes is a threat to the public health and safety.

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

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

19               **12-220-602. Minimum standards - rules - definition.**

20       (1)(a) The board shall adopt rules prescribing minimum standards for the  
21       qualifications, education, and training of unlicensed persons operating  
22       machine sources of ionizing radiation and administering radiation to  
23       patients for diagnostic medical use. A licensed dentist, DENTAL  
24       THERAPIST, or dental hygienist shall not allow an unlicensed person to  
25       operate a machine source of ionizing radiation or to administer radiation  
26       to any patient unless the person meets standards then in effect under rules  
27       adopted pursuant to this section. The board may adopt rules allowing a

1 grace period in which newly hired operators of machine sources of  
2 ionizing radiation are to receive the training required by this section.

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

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

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

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

19 (IX.5) DENTAL THERAPISTS, REGULATED PURSUANT TO ARTICLE  
20 220 OF THIS TITLE 12;

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

23 **12-20-406. Injunctive relief. (3) This section does not apply to**  
24 **the following:**

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

27 **SECTION 29.** In Colorado Revised Statutes, 12-20-407, **amend**



1 (1)(a)(V)(J) as follows:

2 **12-20-407. Unauthorized practice of profession or occupation**

3 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor  
4 and shall be punished as provided in section 18-1.3-501 if the person:

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

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

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

13 **12-30-102. Medical transparency act of 2010 - disclosure of**  
14 **information about health-care providers - fines - rules - short title -**

15 **legislative declaration - review of functions - repeal.** (3) (a) As used  
16 in this section, "applicant" means a person applying for a new, active  
17 license, certification, or registration or to renew, reinstate, or reactivate  
18 an active license, certification, or registration to practice:

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

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

23 **12-30-103. Solicitation of accident victims - waiting period -**  
24 **definitions.** (4) As used in this section:

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

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

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

3           **13-4-102. Jurisdiction.** (1) Any provision of law to the contrary  
4 notwithstanding, the court of appeals shall have initial jurisdiction over  
5 appeals from final judgments of, and interlocutory appeals of certified  
6 questions of law in civil cases pursuant to section 13-4-102.1 from, the  
7 district courts, the probate court of the city and county of Denver, and the  
8 juvenile court of the city and county of Denver, except in:

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

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

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 12-220-137~~  
16 SECTION 12-220-208;

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

19           **13-21-115.5. Volunteer service act - immunity - exception for**  
20 **operation of motor vehicles - short title - legislative declaration -**  
21 **definitions.** (3) As used in this section, unless the context otherwise  
22 requires:

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

24           (R) A licensed dentist, DENTAL THERAPIST, or dental hygienist  
25 governed by article 220 of title 12 performing the practice of dentistry,  
26 DENTAL THERAPY, or dental hygiene, as defined in section 12-220-104  
27 and as described in ~~section~~ SECTIONS 12-220-305, **12-220-402,**

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

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

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

20 (a) (I) (A) If a dentist, by maintaining commercial professional  
21 liability insurance coverage with an insurance company authorized to do  
22 business in this state or an eligible nonadmitted insurer allowed to insure  
23 in Colorado pursuant to article 5 of title 10, ~~C.R.S.~~, in a minimum  
24 indemnity amount of five hundred thousand dollars per incident and one  
25 million five hundred thousand dollars annual aggregate per year; except  
26 that this requirement is not applicable to a dentist who is a public  
27 employee under the "Colorado Governmental Immunity Act", article 10

1 of title 24. ~~C.R.S.~~

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

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

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

20 (III) The Colorado dental board may exempt from or establish  
21 lesser financial responsibility standards for a LICENSED dentist, DENTAL  
22 THERAPIST, or ~~licensed~~ dental hygienist for reasons other than those  
23 described in ~~subparagraph (H) of this paragraph (a)~~ SUBSECTION (1)(a)(II)  
24 OF THIS SECTION that render the limits provided in ~~subparagraph (I) of this~~  
25 ~~paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS SECTION unreasonable or  
26 unattainable.

27 (IV) Nothing in this ~~paragraph (a)~~ SUBSECTION (1)(a) shall

1 preclude or otherwise prohibit a licensed dentist, DENTAL THERAPIST, or  
2 ~~licensed~~ dental hygienist from rendering appropriate patient care on an  
3 occasional basis when the circumstances surrounding the need for care so  
4 warrant.

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

7 **19-3-304. Persons required to report child abuse or neglect.**

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

10 (o) Dental THERAPIST OR DENTAL hygienist;

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

13 **23-5-148. Dental therapy training programs - authorization to**  
14 **grant advanced standing - definition.** (1) AS USED IN THIS SECTION,  
15 "STATE INSTITUTION OF HIGHER EDUCATION" HAS THE SAME MEANING AS  
16 SET FORTH IN SECTION 23-18-102 (10)(a).

17 (2) A STATE INSTITUTION OF HIGHER EDUCATION OFFERING AN  
18 ACCREDITED DENTAL THERAPY TRAINING PROGRAM MAY GRANT  
19 ADVANCED STANDING TOWARD COMPLETION OF AN ACCREDITED DENTAL  
20 THERAPY PROGRAM IF A STUDENT DEMONSTRATES PAST COMPLETION OF  
21 CURRICULUM THAT MEETS OR EXCEEDS THE CONTENT STANDARDS FOR  
22 ONE OR MORE COURSES THAT COMPRISE THE DENTAL THERAPY  
23 CURRICULUM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION'S  
24 COMMISSION ON DENTAL ACCREDITATION, OR ITS SUCCESSOR  
25 ORGANIZATION.

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

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

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

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

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

13           **25-1-1202. Index of statutory sections regarding medical**  
14 **record confidentiality and health information.** (1) Statutory provisions  
15 concerning policies, procedures, and references to the release, sharing,  
16 and use of medical records and health information include the following:

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

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

21           **25.5-4-411.5. Authorization of services provided by dental**  
22 **therapists.** (1) WHEN DENTAL THERAPY SERVICES ARE PROVIDED TO  
23 CHILDREN BY A LICENSED DENTAL THERAPIST WHO IS PROVIDING DENTAL  
24 THERAPY SERVICES PURSUANT TO SECTION 12-220-507, THE EXECUTIVE  
25 DIRECTOR OF THE STATE DEPARTMENT SHALL AUTHORIZE REIMBURSEMENT  
26 FOR THE SERVICES, SUBJECT TO THE REQUIREMENTS OF THIS SECTION.  
27 PAYMENT FOR THE SERVICES SHALL BE MADE DIRECTLY TO THE LICENSED

1 DENTAL THERAPIST, IF REQUESTED BY THE LICENSED DENTAL THERAPIST;  
2 EXCEPT THAT THIS SECTION DOES NOT APPLY TO A LICENSED DENTAL  
3 THERAPIST WHEN ACTING WITHIN THE SCOPE OF THE DENTAL THERAPIST'S  
4 EMPLOYMENT AS A SALARIED EMPLOYEE OF A PUBLIC OR PRIVATE  
5 INSTITUTION, OF A PHYSICIAN, OR OF A DENTIST.

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

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

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