

CHAPTER 67

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 18-1045

BY REPRESENTATIVE(S) Singer, Buckner, Coleman, Exum, Ginal, Hamner, Hansen, Herod, Liston, Lontine, Melton, Michaelson Jenet, Pettersen, Reyher, Valdez, Winter, Young;
also SENATOR(S) Tate, Aguilar, Cooke, Crowder, Hill, Jahn, Marble, Moreno, Neville T., Priola, Scott, Smallwood, Todd.

AN ACT**CONCERNING THE APPLICATION OF SILVER DIAMINE FLUORIDE TO DENTAL PATIENTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A DENTAL HYGIENIST WHO APPLIES SILVER DIAMINE FLUORIDE IN COLLABORATION WITH A SUPERVISING DENTIST UTILIZING TELEHEALTH BY STORE-AND-FORWARD TRANSFER SHALL NOTIFY THE PATIENT OR THE PATIENT'S REPRESENTATIVE OF THE PATIENT'S RIGHT TO RECEIVE INTERACTIVE COMMUNICATION WITH THE DISTANT DENTIST UPON REQUEST. COMMUNICATION WITH THE DISTANT DENTIST MAY OCCUR EITHER AT THE TIME OF THE CONSULTATION OR WITHIN THIRTY DAYS AFTER THE DENTAL HYGIENIST NOTIFIES THE PATIENT OF THE RESULTS OF THE CONSULTATION.

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

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

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

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

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

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

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

12-35-128. Tasks authorized to be performed by dental assistants or dental hygienists. (1) (a) (II) A dental hygienist may:

(B) Identify dental abnormalities for immediate referral to a dentist as described in section 12-35-124 (1)(f); ~~and~~

(C) In collaboration with a licensed dentist, prescribe, administer, and dispense, as described in section 12-35-124 (1)(g): Fluoride; fluoride varnish; antimicrobial solutions for mouth rinsing; other nonsystemic antimicrobial agents; and resorbable antimicrobial agents pursuant to rules of the board; AND

(D) IN COLLABORATION WITH A LICENSED DENTIST, APPLY SILVER DIAMINE FLUORIDE PURSUANT TO SECTION 12-35-128.8.

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

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

(mm) Failing to complete and maintain records of completing continuing education as required by section 12-35-139; ~~or~~

(nn) Failing to comply with section 12-35-128.5 regarding the placement of interim therapeutic restorations; OR

(oo) FAILING TO COMPLY WITH SECTION 12-35-128.8 REGARDING THE APPLICATION OF SILVER DIAMINE FLUORIDE.

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

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (21) (a) The following agencies, functions, or both, will repeal on September 1, 2021:

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

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

Approved: March 22, 2018