

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

An Act

SENATE BILL 22-219

BY SENATOR(S) Moreno and Smallwood, Fields, Jaquez Lewis, Lee;
also REPRESENTATIVE(S) Duran and McLachlan, Burnett, Cutter,
Hooton, Lindsay, Lontine, Ricks, Valdez A., Woodrow.

CONCERNING THE REGULATION OF DENTAL THERAPISTS, AND, IN
CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Access to affordable, quality, and equitable dental care and to dental providers has been demonstrated to have a positive impact on people's overall health outcomes and overall well-being;

(b) Although great strides have been made toward increasing access to affordable dental care, not enough has been accomplished to address oral-health-access issues across Colorado, particularly in the state's rural areas, and for Coloradans who have historically and systematically faced barriers to health care, including people of color and Coloradans with low incomes;

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

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

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

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

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

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

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

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

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

(k) In order to ensure dental care is accessible for all Coloradans, it is critical that the state establish a license for dental therapists to help close the historic gaps and barriers that Coloradans face in accessing dental care.

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

12-220-102. Legislative declaration. The practice of dentistry,

DENTAL THERAPY, and dental hygiene in this state is declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified dentists, DENTAL THERAPISTS, and dental hygienists be permitted to practice dentistry, DENTAL THERAPY, or dental hygiene in this state. It is the purpose of this article 220 to promote the public health, safety, and welfare by regulating the practice of dentistry, DENTAL THERAPY, and dental hygiene and to ensure that no one shall ~~practice~~ PRACTICES dentistry, DENTAL THERAPY, or dental hygiene without qualifying under this article 220. The provisions of this article 220 relating to licensure by credentials are not intended to reduce competition or restrain trade with respect to the oral health needs of the public. All provisions of this article 220 relating to the practice of dentistry, DENTAL THERAPY, and dental hygiene shall be liberally construed to carry out these objects and purposes.

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

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

(1) "Accredited" means a program that is nationally recognized for specialized accrediting for dental, DENTAL THERAPY, dental hygiene, and dental auxiliary programs by the United States department of education.

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

(5.5) "DENTAL THERAPY" MEANS THE DELIVERY OF DENTAL CARE AS SPECIFIED IN SECTION 12-220-508 AND IN ACCORDANCE WITH THIS ARTICLE 220 AND RULES PROMULGATED BY THE BOARD.

(13) "Proprietor" includes any person who:

(a) Employs dentists, DENTAL THERAPISTS, dental hygienists, or dental assistants in the operation of a dental office, except as provided in

sections 12-220-305 and 12-220-501;

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

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

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

SECTION 4. In Colorado Revised Statutes, **add** 12-220-407.2 and 12-220-407.5 as follows:

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

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

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

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

(b) SATISFACTORY PROOF THAT THE APPLICANT:

(I) GRADUATED FROM A SCHOOL OF DENTAL THERAPY THAT, AT THE

TIME OF THE APPLICANT'S GRADUATION, WAS ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION'S COMMISSION ON DENTAL ACCREDITATION, OR ITS SUCCESSOR ORGANIZATION; OR

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

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

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

12-220-407.5. Dental therapist examinations - license. (1) EVERY APPLICANT FOR A DENTAL THERAPY LICENSE MUST SUBMIT TO THE BOARD PROOF THAT THE APPLICANT SUCCESSFULLY COMPLETED A CLINICAL EXAMINATION FOR DENTAL THERAPY THAT:

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

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

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

(2) ALL EXAMINATION RESULTS REQUIRED BY THE BOARD MUST BE

FILED WITH THE BOARD AND KEPT FOR REFERENCE FOR A PERIOD OF NOT LESS THAN TWO YEARS. IF AN APPLICANT SUCCESSFULLY COMPLETES THE EXAMINATIONS AND IS OTHERWISE QUALIFIED, THE BOARD SHALL GRANT A LICENSE TO THE APPLICANT AND SHALL ISSUE A LICENSE CERTIFICATE SIGNED BY THE OFFICERS OF THE BOARD.

(3) FOR THE PURPOSE OF COMPLETING THE EXAMINATION REQUIREMENT IN SUBSECTION (1) OF THIS SECTION, IF THE APPLICANT HAS PREVIOUSLY SUCCESSFULLY COMPLETED A CLINICAL EXAMINATION FOR DENTAL HYGIENE ADMINISTERED BY A TESTING AGENCY ACCEPTED BY THE BOARD, THE APPLICANT MAY BE EXEMPTED FROM THAT PART OF THE DENTAL THERAPY EXAMINATION.

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

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

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

(2.5) A DENTAL THERAPIST MAY PERFORM A DENTAL TASK OR PROCEDURE ASSIGNED TO THE DENTAL THERAPIST BY A LICENSED DENTIST THAT DOES NOT REQUIRE THE PROFESSIONAL SKILL OF A LICENSED DENTIST; EXCEPT THAT THE DENTAL THERAPIST MAY PERFORM THE TASK OR PROCEDURE ONLY UNDER THE SUPERVISION AUTHORIZED UNDER SECTION 12-220-508.

SECTION 6. In Colorado Revised Statutes, **add** 12-220-508 as follows:

12-220-508. Practice of dental therapy supervision requirement - rules. (1) (a) A DENTAL THERAPIST MAY PERFORM THE FOLLOWING TASKS AND PROCEDURES UNDER THE DIRECT SUPERVISION OF A LICENSED DENTIST:

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

(II) PERFORM BRUSH BIOPSIES;

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

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

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

(VI) PLACE TEMPORARY CROWNS;

(VII) PREPARE AND PLACE PREFORMED CROWNS; AND

(VIII) REPAIR DEFECTIVE PROSTHETIC DEVICES.

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

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

(I) REIMPLANTING TEETH;

(II) STABILIZING REIMPLANTED TEETH;

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

(IV) REMOVING SUTURES;

(V) PREPARING DENTAL STUDY CASTS;

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

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

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

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

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

(I) A LICENSED DENTAL HYGIENIST IN COLORADO;

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

(III) A LICENSED DENTAL THERAPIST IN ANOTHER STATE.

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

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

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

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

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

(V) POLICIES FOR HANDLING MEDICAL EMERGENCIES; AND

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

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

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

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

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

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

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

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

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

SECTION 7. In Colorado Revised Statutes, 12-220-105, **amend** (1)(a) and (1)(c); and **amend as amended by Senate Bill 22-013** (1)(b) as follows:

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

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS SECTION, the board consists of seven dentist members, three dental hygienist members, and three members from the public at large. The governor shall appoint each member for a term of four years, and each member must have the qualifications provided in this article 220. A member shall not serve more than two consecutive terms of four years. Each board member holds office until the member's term expires or until the governor appoints a successor. THIS SUBSECTION (1)(b)(I) IS REPEALED, EFFECTIVE DECEMBER 1, 2031.

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

TERM EXPIRES OR UNTIL THE GOVERNOR APPOINTS A SUCCESSOR.

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

~~(H)~~ (III) A person is qualified to be appointed to the board if the person:

(A) Is a legal resident of Colorado;

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

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

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

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

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

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

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

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

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

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

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

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

12-220-201. Grounds for disciplinary action - definition. (1) The board may take disciplinary action against an applicant or licensee in accordance with sections 12-20-404 and 12-220-202 for any of the following causes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(gg) Practicing outside the scope of dental, DENTAL THERAPY, or

dental hygiene practice;

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

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

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

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

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

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

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

12-220-203. Disciplinary proceedings. (1) (a) Any person may

submit a complaint relating to the conduct of a dentist, DENTAL THERAPIST, or dental hygienist, which complaint must be in writing and signed by the person. The board, on its own motion, may initiate a complaint. The board shall notify the dentist, DENTAL THERAPIST, or dental hygienist of the complaint against the dentist, DENTAL THERAPIST, or dental hygienist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

approved by the board, at least ten days before the person performs the practice.

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

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

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

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

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

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

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

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

(c) Directly or indirectly, by any means or method, takes impression of the human tooth, teeth, jaws, maxillofacial area, or adjacent and associated structures; performs any phase of any operation incident to the replacement of a part of a tooth; or supplies artificial substitutes for the natural teeth, jaws, or adjacent and associated structures; except that nothing in this subsection (1)(c) prohibits a DENTAL THERAPIST, dental hygienist, or dental assistant from performing tasks and procedures consistent with sections 12-220-501 (3)(b)(III), and 12-220-503 (1)(d), AND 12-220-508;

(j) Extracts, or attempts to extract, human teeth or corrects, or attempts to correct, malformations of human teeth or jaws; EXCEPT THAT THIS SUBSECTION (1)(j) DOES NOT PROHIBIT A DENTAL THERAPIST FROM PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTION 12-220-508;

(k) Repairs or fills cavities in human teeth; EXCEPT THAT THIS SUBSECTION (1)(k) DOES NOT PROHIBIT A DENTAL THERAPIST FROM PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTION 12-220-508;

(m) Gives, or professes to give, interpretations or readings of dental X rays or roentgenograms, CT scans, or other diagnostic methodologies; except that nothing in this subsection (1)(m) prohibits a dental hygienist from performing tasks and procedures consistent with sections 12-220-503 and 12-220-504 OR A DENTAL THERAPIST FROM PERFORMING TASKS CONSISTENT WITH SECTION 12-220-508;

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

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

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

(II) A DENTAL THERAPIST FROM PERFORMING THOSE TASKS AND PROCEDURES CONSISTENT WITH SECTIONS 12-220-501 (2.5) AND 12-220-508, AND IN ACCORDANCE WITH RULES PROMULGATED BY THE BOARD.

(r) Gives or professes to give interpretations or readings of dental charts or records or gives treatment plans or interpretations of treatment plans derived from examinations, patient records, dental X rays, or roentgenograms; except that nothing in this subsection (1)(r) prohibits a DENTAL THERAPIST, dental hygienist, or dental assistant from performing tasks and procedures consistent with sections 12-220-501 (2), (2.5), and (3), 12-220-503, and 12-220-504, AND 12-220-508.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Any person licensed under this section who wishes to resume the practice of dentistry, DENTAL THERAPY, or dental hygiene must file an application in the form and manner the board designates, pay the license fee promulgated by the board pursuant to section 12-20-105, and meet the financial responsibility requirements or the professional liability insurance

requirements established by the board pursuant to sections 12-220-307 and 13-64-301 (1)(a), as applicable. The board may approve the application and issue a license to practice dentistry, DENTAL THERAPY, or dental hygiene or may deny the application for any of the causes set forth in section 12-220-201.

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

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

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

(a) Provide an affidavit to the board stating that, after a date certain, the applicant will not practice dentistry, DENTAL THERAPY, or dental hygiene; will no longer earn income as a dentist, DENTAL THERAPIST, or dental hygiene administrator or consultant; and will not perform any activity that constitutes practicing dentistry, DENTAL THERAPY, or dental hygiene pursuant to sections 12-220-305, **12-220-501**, 12-220-503, ~~and~~ 12-220-504, **AND 12-220-508** unless the applicant is issued a license to practice dentistry, DENTAL THERAPY, or dental hygiene pursuant to subsection (5) of this section; and

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

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

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

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

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

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

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

(6) FOR THE PURPOSES OF THIS SECTION, A DENTAL THERAPIST WHO PERFORMS A TASK PURSUANT TO A WRITTEN ARTICULATED PLAN THAT MEETS THE REQUIREMENTS OF SECTION 12-220-508 (2) IS CONSIDERED TO

HAVE PERFORMED THE TASK WITH THE PRIOR KNOWLEDGE AND CONSENT OF THE DENTIST.

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

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

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

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

12-220-602. Minimum standards - rules - definition. (1) (a) The board shall adopt rules prescribing minimum standards for the qualifications, education, and training of unlicensed persons operating machine sources of ionizing radiation and administering radiation to patients for diagnostic medical use. A licensed dentist, DENTAL THERAPIST, or dental hygienist shall not allow an unlicensed person to operate a machine source of ionizing radiation or to administer radiation to any patient unless the person meets standards then in effect under rules adopted pursuant to this section. The board may adopt rules allowing a grace period in which newly hired operators of machine sources of ionizing radiation are to receive the training required by this section.

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

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

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

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

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

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

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

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

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

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

(V) Practices or offers or attempts to practice any of the following

professions or occupations without an active license, certification, or registration issued under the part or article of this title 12 governing the particular profession or occupation:

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

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

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

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

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

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

(a) "Health-care practitioner" means:

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

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

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

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

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

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

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

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

(c) (II) "Volunteer" includes:

(R) A licensed dentist, DENTAL THERAPIST, or dental hygienist governed by article 220 of title 12 performing the practice of dentistry, DENTAL THERAPY, or dental hygiene, as defined in section 12-220-104 and as described in ~~section~~ SECTIONS 12-220-305, **12-220-402, 12-220-403, AND 12-220-508**; as a volunteer for a nonprofit organization, nonprofit corporation, governmental entity, or hospital; or a dentist, DENTAL THERAPIST, or dental hygienist who holds a license in good standing from another state performing the practice of dentistry, DENTAL THERAPY, or dental hygiene, as defined in section 12-220-104 and as described in ~~section~~ SECTIONS 12-220-305, **12-220-402, 12-220-403, AND 12-220-508**, as a volunteer for a nonprofit organization, nonprofit corporation, governmental entity, or hospital pursuant to section 12-220-302 (1)(j); and

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

13-64-301. Financial responsibility. (1) As a condition of active licensure or authority to practice in this state, every physician, dentist,

DENTAL THERAPIST, or dental hygienist; every physician assistant who has been practicing for at least three years; and every health-care institution as defined in section 13-64-202, except as provided in section 13-64-303.5, that provides health-care services shall establish financial responsibility, as follows:

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

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

(C) A LICENSED DENTAL THERAPIST MUST MAINTAIN PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN FIVE HUNDRED THOUSAND DOLLARS PER INCIDENT AND ONE MILLION FIVE HUNDRED THOUSAND DOLLARS 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", ARTICLE 10 OF TITLE 24.

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

(III) The Colorado dental board may exempt from or establish lesser financial responsibility standards for a LICENSED dentist, DENTAL THERAPIST, or ~~licensed~~ dental hygienist for reasons other than those described in ~~subparagraph (II) of this paragraph (a)~~ SUBSECTION (1)(a)(II)

OF THIS SECTION that render the limits provided in ~~subparagraph (f) of this paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS SECTION unreasonable or unattainable.

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

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

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

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

(o) Dental THERAPIST OR DENTAL hygienist;

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

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

(2) 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 DEMONSTRATES PAST COMPLETION OF CURRICULUM THAT MEETS OR EXCEEDS THE CONTENT STANDARDS FOR ONE OR MORE COURSES THAT COMPRISE THE DENTAL THERAPY CURRICULUM ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION'S COMMISSION ON DENTAL ACCREDITATION, OR ITS SUCCESSOR ORGANIZATION.

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

25-1-108.7. Health care credentials uniform application act - legislative declaration - definitions - state board of health rules. (3) As

used in this section, unless the context otherwise requires:

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

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

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

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

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

25.5-4-411. Authorization of services provided by dental hygienists. (1) When dental hygiene services are provided to children by a licensed dental hygienist OR DENTAL THERAPIST who is providing dental hygiene services pursuant to section 12-220-503 without the supervision of a licensed dentist, the executive director of the state department shall authorize reimbursement for said services, subject to the requirements of this section. Payment for the services shall be made directly to the licensed dental hygienist OR DENTAL THERAPIST, if requested by the licensed dental hygienist OR DENTAL THERAPIST; except that this section ~~shall~~ DOES not apply to licensed dental hygienists OR DENTAL THERAPISTS when acting within the scope of their employment as salaried employees of public or private institutions, physicians, or dentists.

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

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

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

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

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

Steve Fenberg
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO