

**UPDATED SUMMARY
HOUSE BILL 14-1227**

Second Regular Session - Sixty-ninth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

Sunset Process - House Health, Insurance, and Environment Committee. The bill amends the "Dental Practice Law of Colorado" (*practice act*) to implement the recommendations contained in the sunset review and report of the state board of dental examiners, as modified by the ~~house health, insurance, and environment committee (sunset committee)~~ during the sunset hearing *general assembly*, as follows:

- ! **Sections 1 to 3** of the bill continue the state board of dental examiners until September 1, ~~2023~~ 2025, and rename the board as the Colorado dental board.
- ! Section 3 also clarifies that a board member who has completed his or her term of office may remain in the position until a replacement is appointed.
- ! **Sections 4 and 5** remove limitations on who must administer clinical competency examinations to dentist and dental hygienist applicants and authorize the board to accept alternative methods of evaluating a dentist applicant's clinical competency.
- ! Section 4 also repeals the requirement that the board adopt rules to limit the number of times a dentist may take a clinical examination for licensure.
- ! **Sections 4 to 6, 24, and 26** repeal the requirement that applicants for a dental or dental hygiene license pass a jurisprudence examination.
- ! **Sections 6 and 7** repeal and relocate provisions regarding licensure of dental hygienists by endorsement.
- ! **Section 8** modifies the requirement that an accredited dental hygiene program be at least 2 academic years to allow licensure of a hygienist who graduates from a program that is equivalent to 2 academic years. Section 8 also repeals *a redundant provision regarding the process for renewing a dental hygiene license.*
- ! **Section 9** eliminates as a grounds for discipline the fact that a licensee has a physical or mental disability that limits one's ability to safely practice and instead makes failure to notify the board of a limiting physical or mental illness or condition and failure to act within the limitations created by the illness or condition grounds for discipline. Under **section 12**, the board is authorized to enter into a confidential agreement with the licensee under which the licensee agrees to limit his or her practice to accommodate the illness or condition, and the licensee may be disciplined for failing to comply with the agreement terms.
- ! Section 9 also adds the following as grounds for discipline by the board: Failing to follow generally accepted standards for infection control; failing to

respond to a complaint in an honest, materially responsive, and timely manner; administering moderate sedation or deep sedation/general anesthesia without a licensed dentist or other qualified health care professional present in the operatory; and failing to complete and maintain records of compliance with continuing education requirements.

- ! **Section 10** allows the board to suspend a dental or dental hygiene license if the licensee fails to comply with a board order. Section 10 also allows the board to impose a fine on a licensee, sets caps on the fines based on ~~the number of violations committed~~ *whether the licensee is a dentist or dental hygienist, and requires the board to adopt rules establishing a uniform system and schedule of fines that set forth fine tiers based on the severity, type, and frequency of the violation. Further, section 10 requires a person other than a patient who files a complaint against a licensee to notify the patient of the complaint before filing it with the board.*
- ! Additionally, sections 9 and 10 repeal the requirement that the board send letters of admonition by certified mail.
- ! **Section 13** updates provisions governing ownership of dental or dental hygiene practices by recognizing and referencing a provision in provider network statutes that allows dentists and dental hygienists to own and conduct a practice collaboratively as a provider network.
- ! **Section 14** repeals the requirement that applicants for a dental license by examination submit verification of all other licenses issued by another jurisdiction.
- ! **Sections 15 and 16** create parity for dentists and dental hygienists by allowing dental hygienists to apply for an inactive status license and permitting retired dental hygienists to provide uncompensated care to low-income patients.
- ! **Section 17** eliminates the provision disqualifying board candidates who have a past felony conviction or have been disciplined by the board.
- ! **Sections 2 to 11, 14 to 16, and 18 to 31** make numerous technical changes to the "Dental Practice Law of Colorado", including: Renaming the law as the "Dental Practice Act"; repealing obsolete language; updating statutory citations; using consistent language when referring to anesthesia and sedation; dividing into multiple sections a lengthy section that addresses grounds for discipline, disciplinary procedures, disciplinary actions, cease-and-desist orders, panels for investigating and adjudicating complaints, and mental and physical evaluations of licensees; and making other nonsubstantive changes to update the act.

In addition to incorporating the recommendations in the sunset report, as modified by the sunset committee, the bill:

- ! Authorizes the board to adopt rules regarding the use of lasers (**Section 19**);
- ! Specifies that licensed dentists may prescribe orders electronically (**Section 20 21**);

- ! Allows a dental hygienist practicing unsupervised dental hygiene to prescribe, administer, or dispense fluoride, fluoride varnish, and antimicrobial solutions for mouth rinsing and other nonsystemic antimicrobial agents in collaboration with a licensed dentist (**Section 28**);
- ! Deletes obsolete references to certain dental devices and specifies the duties and responsibilities of licensed dentists and unlicensed technicians in connection with the construction of dental devices (**Section 32**);
- ! *Requires a dentist who is arrested for a substance abuse-related offense to refer himself or herself to the dentist peer assistance program within 30 days after the arrest for an evaluation and referral for treatment as necessary (Section 33);*
- ! Requires dentists and dental hygienists to obtain at least 30 hours of continuing education every 2 years (**Section 33 34**); ~~and~~
- ! Creates a new section regarding anesthesia and sedation permits that specifies what permits dentists and dental hygienists may obtain and what type or level of anesthesia or sedation a particular permit allows a dentist or dental hygienist to administer; creates a permit designation for dentists who administer anesthesia or sedation to pediatric patients; and requires the board to adopt rules to establish minimum training, experience, and equipment requirements for the administration of anesthesia and sedation and rules to establish criteria and procedures for an office inspection program (**Section 33 34**); *and*
- ! *Creates a new section in the practice act that consolidates and relocates various provisions pertaining to the financial responsibility requirements applicable to dentists and the professional liability insurance requirements applicable to dental hygienists (Section 35).*

Sections 34 to 44 36 to 46 contain conforming amendments to other provisions of law impacted by the changes to the *practice act* described above.

Section 47 appropriates \$109,008 and 1.0 FTE from the division of professions and occupations cash fund to the department of regulatory agencies to implement the bill and allocates the moneys and FTE as follows:

- ! \$42,530 and 1.0 FTE to the division of professions and occupations for personal services;
- ! \$5,653 to the division of professions and occupations for operating expenses and capital outlay;
- ! \$3,900 to the division of professions and occupations for board expenses; *and*
- ! \$56,925 to the executive director's office and administrative services for legal services, which amount is further appropriated to the department of law for the provision of legal services to the department of regulatory agencies in connection with the bill.

The bill takes effect July 1, 2014.

Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.
Prepared by the Office of Legislative Legal Services.