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Amending Article 1 of Chapter 42, Colorado Revised Statutes 1963, as Amended, Concerning the Regulation of the Practice of Dentistry and Dental Hygiene

Colorado General Assembly

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CHAPTER 126

DENTISTRY

LICENSING AND REGULATION

House Bill No. 1233. By Representatives Shore, Dittmore, Munson, Sack, Bishop, Byerly, Cole, Fuhr, Koster, Lamb, Lindley, McCormick, Miller, Newman, Pepper, Porter, Quinlan, Schafer, Schmidt, Stonebraker, Wells, and Younglund; also Senators Chance, Anderson, Kinnie, Kogovsek, V. Massari, Parker, Strickland, and Cisneros.

A N A C T

AMENDING ARTICLE 1 OF CHAPTER 42, COLORADO REVISED STATUTES 1963, AS AMENDED, CONCERNING THE REGULATION OF THE PRACTICE OF DENTISTRY AND DENTAL HYGIENE.

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

Section 1. 42-1-1, Colorado Revised Statutes 1963, is amended to read:

42-1-1. Objects and purposes. The practice of dentistry in the state is hereby 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 be permitted to practice dentistry in the state. **IT IS THE PURPOSE OF THIS LAW TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE BY REGULATING THE PRACTICE OF DENTISTRY, AND TO INSURE THAT NO ONE SHALL PRACTICE DENTISTRY WITHOUT QUALIFYING UNDER THIS ARTICLE.** All provisions of this article relating to the practice of dentistry and dental hygiene shall be liberally construed to carry out these objects and purposes.

Section 2. 42-1-2 (1), Colorado Revised Statutes 1963, is amended **BY THE ADDITION OF A NEW PARAGRAPH** to read:

42-1-2. Persons entitled to practice dentistry. (1) (e) Those who are designated by this article as dental auxiliaries, but only to the extent of the procedures authorized by the rules and regulations adopted by the board.

Section 3. 42-1-3 (1) (f) and (g), Colorado Revised Statutes 1963,

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

are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

42-1-3. Persons exempt from operations of this article. (1) (f) The practice of dentistry by instructors and students in schools or colleges of dentistry or schools of dental auxiliary education, accredited by the American dental association, while participating in programs of such schools or colleges.

(g) The practice of dentistry by dentists of other states or countries while appearing in programs of dental education or research at the invitation of any group of licensed dentists in this state who are in good standing.

Section 4. 42-1-3 (1) (h), Colorado Revised Statutes 1963, is amended, and the said 42-1-3 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-1-3. Persons exempt from operations of this article. (1) (h) The filling of ~~prescriptions~~ WORK AUTHORIZATIONS of a licensed and registered dentist, as provided by section 42-1-23, by any person or persons, association, corporation, or other entity, for the construction, reproduction, or repair of prosthetic dentures, bridges, plates, or appliances to be used or worn as substitutes for natural teeth or for regulation of natural teeth.

(i) The performance of acts by a person under the personal direction of a dentist licensed in Colorado, when authorized pursuant to the rules and regulations of the board or when authorized under other provisions of this article.

Section 5. 42-1-4 (1) (e), Colorado Revised Statutes 1963, is amended to read:

42-1-4. What constitutes practicing dentistry. (1) (e) Furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth, except on the written ~~prescription~~ WORK AUTHORIZATION of a duly licensed and practicing dentist, or professionally places such appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose ~~prescription~~ WORK AUTHORIZATION the work was performed, except when authorized in writing by the dentist or his agent; or

Section 6. 42-1-5 (1) (b), (c), and (d), Colorado Revised Statutes 1963, are amended, and the said 42-1-5 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

42-1-5. Definitions. (1) (b) Employs dentists or dental ~~hygienists~~ AUXILIARIES in the operation of a dental office; or

(c) Places in possession of a dentist or dental ~~hygienist~~ AUXILIARY or other agent such dental material or equipment as 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 such material, equipment, or offices; or

(d) Retains the ownership or control of dental equipment or material or office and makes the same available in any manner for the

use by dentists or dental hygienists AUXILIARIES or other agents, except that nothing in this subsection PARAGRAPH (d) shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement or to the loan of articulators.

(5) "Dental auxiliary" means any person not a dentist licensed in Colorado, including a dental hygienist, who may be assigned or delegated to perform dental tasks or procedures as authorized by this article or by rules and regulations of the board.

(6) "Work authorization" means the written instructions of a dentist licensed in Colorado, authorizing another person to construct, reproduce, or repair any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth.

(7) (a) "Personal direction" means the orders of a dentist licensed in Colorado, which shall be classified as follows:

(b) "General supervision" means the supervision of those tasks or procedures that do not require the presence of the dentist in the office or on the premises at the time such tasks or procedures are being performed.

(c) "Direct supervision" means the supervision of those tasks or procedures that do not require the presence of the dentist in the room where performed but require his presence on the premises and availability for prompt consultation and treatment.

Section 7. 42-1-7, Colorado Revised Statutes 1963, is amended to read:

42-1-7. **Qualifications of members of board.** No person shall be appointed to the board who is not a legal resident of Colorado and who has not been engaged in the active LICENSED TO practice of dentistry in Colorado for at least five years next preceding his appointment. No person shall be eligible for appointment to the board who has been convicted of a violation of any of the provisions of this or any prior dental practice laws, or has been convicted of a felony.

Section 8. 42-1-8 (3), Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

42-1-8. **Powers and duties of board.** (3) (a) Make, publish, and declare reasonable rules and regulations after public hearing thereon. All rules and regulations of the board shall be reviewed annually at a public hearing. Notice of such hearings shall be given at least sixty days prior to the date set for the hearing in the manner prescribed by section 3-16-4, C.R.S 1963. Rules and regulations of the board may concern, but not be limited to:

(b) The conduct and administration of examinations of applicants for licensing as dentists and dental hygienists.

(c) The practice of dentistry.

(d) The tasks and procedures which may be assigned to dental auxiliaries.

(e) The specification of essential instructions to be included in a work authorization.

Section 9. 42-1-12 (2) and (3), Colorado Revised Statutes 1963, are amended to read:

42-1-12. **Examinations — how conducted — certificates awarded to successful applicants.** (2) Such examination shall be oral, written, theoretical, practical, and clinical, and of such a character as to thoroughly test the qualification of the applicant to practice dentistry, and shall be taken from the following subjects: Pathology, radiology, bacteriology, treatment planning, clinical dentistry, operative dentistry, prosthetics, crown and bridge technique, orthodontia, materials in dentistry, diet and nutrition, oral hygiene and prophylaxis, preventive medicine, DENTISTRY, periodontia, anaesthesia, oral surgery, oral medicine, principles of medicine, DENTISTRY, materia medica and pharmacology, anatomy, physiology, histology, chemistry, embryology, and such subdivisions of these general subjects as relate to the practice of dentistry.

(3) The board may accept in lieu of examination upon theory subjects, the certificate of the council of the national board of dental examiners of the American dental association, evidencing the successful passing of examinations given by said council. THE BOARD MAY ALSO ACCEPT, IN ACCORDANCE WITH REASONABLE RULES AND REGULATIONS, IN LIEU OF EXAMINATION UPON THEORETICAL SUBJECTS, RESULTS OF EXAMINATIONS CONDUCTED BY A SCHOOL OR COLLEGE OF DENTISTRY ACCREDITED BY THE AMERICAN DENTAL ASSOCIATION, EVIDENCING THE SUCCESSFUL PASSING OF EXAMINATIONS GIVEN IN THE PROGRAM OF THE SCHOOL OR COLLEGE.

Section 10. 42-1-14 (1), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

42-1-14. **Annual renewal of license — fees.** (1) On or before the first day of March JANUARY of each year, every dentist licensed to practice dentistry in this state shall transmit to the secretary of the board, upon a form prescribed by the board, his signature, post office address, office address, the number of his license certificate, and such other pertinent information as may be requested, together with a fee of eight dollars, and shall receive therefor an annual renewal certificate authorizing him to continue the practice of dentistry in this state for a period of one year.

Section 11. 42-1-15, Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

42-1-15. **Failure to renew license.** Upon the failure of any dentist to file the application and to pay the annual renewal fee provided for in section 42-1-14 by April 1 of each year, a penalty fee of eight dollars shall be assessed in addition to the renewal fee. The secretary shall notify the dentist in writing by certified mail that the application has not been made, that the fee has not been paid, and that a penalty of eight dollars has been assessed. If such application and fee are not received by May 1 of such year, it shall be the duty of the secretary to refer the delinquency to the board for consideration under section 42-1-19.

Section 12. 42-1-19 (1) (a), Colorado Revised Statutes 1963, is amended to read:

42-1-19. **Causes for refusal to renew — suspension or revocation**

of licenses — unprofessional conduct defined. (1) (a) The board may refuse to renew, or may suspend or revoke, any license provided for by this article, OR MAY REPRIMAND OR CENSURE ANY LICENSED DENTIST, after notice and hearing, pursuant to the provisions of sections 3-16-1 to 3-16-6, C.R.S. 1963, for one or more of the following causes:

Section 13. 42-1-23, Colorado Revised Statutes 1963, is amended to read:

42-1-23. Employment of unlicensed person by dentist — penalty.

(1) Every duly licensed and registered dentist who uses the services of any unlicensed person for the purpose of constructing, altering, repairing, or duplicating any denture, plate, partial plate, bridge, splint, or orthodontic or prosthetic appliance, shall be required to furnish such unlicensed person with a written ~~prescription~~ WORK AUTHORIZATION in such form as shall be approved by the board, which form shall be dated and signed by such dentist, for each separate and individual piece of work. Said ~~prescription~~ WORK AUTHORIZATION shall be made in duplicate form, the duplicate copy to be retained by the dentist in a permanent file for a period of two years and the original copy to be retained in a permanent file for a period of two years by the unlicensed person to whom it was furnished, and both of such permanent files shall be open to inspection at any reasonable time by the board or its duly constituted agent.

(2) Failure of the dentist to keep such permanent records of ~~prescriptions~~ WORK AUTHORIZATIONS shall subject such dentist to suspension or revocation of his license to practice dentistry.

(3) Failure of any such unlicensed person to have in his possession a ~~prescription~~ WORK AUTHORIZATION signed by a licensed dentist, or a written work order signed by the initial recipient of the ~~prescription~~ WORK AUTHORIZATION, which is identifiable with each denture, plate, partial plate, bridge, splint, or orthodontic or prosthetic appliance in the possession of such unlicensed person, shall be prima facie evidence of a violation of this section.

Section 14. 42-1-27, Colorado Revised Statutes 1963, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-1-27. Examinations — license. (4) The board may accept, in accordance with reasonable rules and regulations, in lieu of examination upon theoretical subjects, results of examinations conducted by a school of dental hygiene accredited by the American dental association, evidencing the successful passing of examinations given in the program of the school.

Section 15. 42-1-28, Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

42-1-28. Tasks authorized to be performed by dental auxiliaries.

(1) The responsibility for diagnosis, treatment planning, or the prescription of therapeutic or corrective measures in the practice of dentistry shall remain with a licensed dentist and may not be assigned to any auxiliary.

(2) The removal of deposits, accretions, and stains by scaling from exposed surfaces of the teeth and from the gingival sulcus, shall constitute a part of the practice of dental hygiene under this

article. Dental hygiene may be performed by licensed dentists and licensed dental hygienists, but dental hygiene shall be performed by a dental hygienist only under the personal direction of a licensed dentist in accordance with rules and regulations adopted by the board.

(3) A dental hygienist or other dental auxiliary may perform intraoral and other tasks and procedures assigned to him by a licensed dentist that do not require the professional skill of a licensed dentist, but only under the personal direction of the licensed dentist. No dental procedure that will contribute to or result in an irremediable alteration of the oral anatomy may be assigned to anyone other than a licensed dentist. A dental auxiliary may perform his duties only in the office of a licensed dentist or in public, parochial, or charitable schools and institutions and in such other places as may be authorized by rules and regulations of the board.

Section 16. 42-1-29 (1) (a), Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

42-1-29. Refusal, revocation, or suspension of license. (1) (a) The board may refuse to renew, or may suspend or revoke, the license of a dental hygienist, or may reprimand or censure any licensed dental hygienist, after notice and hearing pursuant to the provisions of section 3-16-3, C.R.S. 1963, for one or more of the following causes:

Section 17. Effective date. This act shall take effect July 1, 1971.

Section 18. 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: April 24, 1971