

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 17-0495.01 Kristen Forrestal x4217

**HOUSE BILL 17-1010**

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**HOUSE SPONSORSHIP**

**Ginal,**

**SENATE SPONSORSHIP**

**Crowder,**

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**House Committees**  
Health, Insurance, & Environment

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE AUTHORITY OF THE COLORADO DENTAL BOARD TO**  
102         **PROMULGATE RULES BASED ON CLARIFICATIONS TO EXISTING**  
103         **LAWS THAT RELATE TO COLLABORATIVE DENTAL AGREEMENTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill clarifies that the Colorado dental board may promulgate rules for the use of lasers for dental and dental hygiene purposes within the defined scopes of practice and with appropriate supervision. The bill makes clarifications as to what is considered the practice of unsupervised dental hygiene. The bill also corrects a statutory reference.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
January 31, 2017

HOUSE  
2nd Reading Unamended  
January 30, 2017

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-35-107, **amend**  
3       (1) introductory portion, (1)(b) introductory portion, and (1)(b)(I) as  
4       follows:

5           **12-35-107. Powers and duties of board.** (1) The board shall  
6       exercise, in accordance with this ~~article~~ ARTICLE 35, the following powers  
7       and duties:

8           (b) Make, publish, declare, and periodically review reasonable  
9       rules as necessary to carry out and make effective the powers and duties  
10      of the board as vested in it by this ~~article~~ ARTICLE 35, including rules  
11      regarding:

12           (I) The use of lasers for dental AND DENTAL HYGIENE purposes  
13      including ~~limiting the use of lasers by dental hygienists only to pocket~~  
14      ~~disinfection at settings that preclude hard and soft tissue removal~~ ~~WITHIN~~  
15      ~~DEFINED SCOPES OF PRACTICE, SUBJECT TO APPROPRIATE EDUCATION AND~~  
16      ~~TRAINING, AND WITH APPROPRIATE SUPERVISION, AS APPLICABLE;~~

17           **SECTION 2.** In Colorado Revised Statutes, 12-35-124, **amend**  
18      (1)(b), (1)(g)(I), (1)(g)(III)(B), and (1)(g)(III)(C); and **add** (1)(g)(III)(D)  
19      as follows:

20           **12-35-124. What constitutes practicing unsupervised dental**  
21      **hygiene.** (1) Unless licensed to practice dentistry, a person shall be  
22      deemed to be practicing unsupervised dental hygiene who, within the  
23      scope of the person's education, training, and experience:

24           (b) Removes granulation and degenerated tissue from the gingival  
25      wall of ~~the~~ A periodontal pocket; ~~incidental to root planing;~~

26           (g) (I) Prescribes, administers, and dispenses fluoride, fluoride

1 varnish, and antimicrobial solutions for mouth rinsing, and other  
2 nonsystemic antimicrobial agents, AND RELATED EMERGENCY DRUGS AND  
3 REVERSAL AGENTS in collaboration with a licensed dentist. THE BOARD  
4 MAY, BY RULE, FURTHER DEFINE THE PERMISSIBLE AND APPROPRIATE  
5 EMERGENCY DRUGS AND REVERSAL AGENTS. Dental hygienists shall  
6 maintain clear documentation in the patient record of the DRUG OR agent  
7 prescribed, administered, or dispensed; the date of the action; and the  
8 rationale for prescribing, administering, or dispensing the DRUG OR agent.

9 (III) A dental hygienist may prescribe the following:

10 (B) Topical anti-caries treatments as follows, all using sodium  
11 fluoride unless otherwise indicated: Toothpastes: 1.1 % or less (or  
12 stannous fluoride 0.4%); topical gels: 1.1% or less (or stannous fluoride  
13 0.4%); oral rinses: 0.05%, 0.2%, 0.44%, or 0.5%; oral rinse concentrate  
14 used in periodontal disease: 0.63% stannous fluoride; fluoride varnish:  
15 5%; and prophy pastes containing approximately 1.23% sodium fluoride  
16 and used for polishing procedures as part of professional dental  
17 prophylaxis treatment; and

18 (C) Topical anti-infectives as follows: Chlorhexidine gluconate  
19 rinses: 0.12%; chlorhexidine gluconate periodontal chips for  
20 SUBGINGIVAL insertion into the A periodontal pocket/SULCUS; tetracycline  
21 impregnated fibers, inserted subgingivally into the A periodontal  
22 POCKET/sulcus; doxycycline hyclate periodontal gel, inserted  
23 subgingivally into the A periodontal POCKET/sulcus; and minocycline  
24 hydrochlorid periodontal paste POWDER, inserted subgingivally into the  
25 A periodontal POCKET/sulcus; AND

26 (D) RELATED EMERGENCY DRUGS AND REVERSAL AGENTS AS  
27 AUTHORIZED BY THE COLLABORATING DENTIST.

1                   **SECTION 3.** In Colorado Revised Statutes, 12-35-128.5, **amend**  
2                   (1) introductory portion and (1)(c) as follows:

3                   **12-35-128.5. Interim therapeutic restorations by dental**  
4                   **hygienists - permitting process - repeal.** (1) Upon application,  
5                   accompanied by a fee in an amount determined by the director OF THE  
6                   DIVISION OF PROFESSIONS AND OCCUPATIONS, the board shall grant a  
7                   permit to place interim therapeutic restorations to any dental hygienist  
8                   applicant who:

9                   (c) Carries current professional liability insurance in the amount  
10                   specified in section 12-35-141; ~~(2)~~, C.R.S.; and

11                   **SECTION 4. Act subject to petition - effective date.** This act  
12                   takes effect at 12:01 a.m. on the day following the expiration of the  
13                   ninety-day period after final adjournment of the general assembly (August  
14                   9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
15                   referendum petition is filed pursuant to section 1 (3) of article V of the  
16                   state constitution against this act or an item, section, or part of this act  
17                   within such period, then the act, item, section, or part will not take effect  
18                   unless approved by the people at the general election to be held in  
19                   November 2018 and, in such case, will take effect on the date of the  
20                   official declaration of the vote thereon by the governor.