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SENATE BILL 25-194

BY SENATOR(S) Michaelson Jenet and Mullica, Cutter, Frizell, Bridges, Exum, Gonzales J., Roberts;
also REPRESENTATIVE(S) Duran and Hartsook, Bird, Boesenecker, Brown, Clifford, Hamrick, Lukens, McCormick, Ricks, Rydin, Sirota, Stewart K., Titone, Zokaie, McCluskie.

CONCERNING THE CONTINUATION OF THE "DENTAL PRACTICE ACT".

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

SECTION 1. In Colorado Revised Statutes, 12-220-104, **amend** (1), (4), (9)(a), and (10)(a); **add** (5.2), (10.5), and (14.5); and **add with amended and relocated provisions** (5.3) 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 COMMISSION ON DENTAL ACCREDITATION OR A SPECIALTY ACCREDITING ORGANIZATION RECOGNIZED BY the United States department of education OR BY A SUCCESSOR ORGANIZATION OF THE

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.

COMMISSION.

(4) "Dental hygiene" means the delivery of preventive, educational, and clinical services supporting total health for the control of oral disease; THE IMPACT OF THE DISEASE, DISORDER, OR CONDITION ON THE HUMAN BODY; and the promotion of oral health provided by a dental hygienist within the scope of the dental hygienist's education, training, and experience and in accordance with applicable law.

(5.2) "DENTAL HYGIENE LABORATORY WORK ORDER" MEANS THE DOCUMENTED ORDER OF A DENTAL HYGIENIST LICENSED IN THIS STATE AUTHORIZING ANOTHER PERSON TO CONSTRUCT, REPRODUCE, OR REPAIR AN ORAL MEDICAMENT CARRIER.

(5.3) **[Formerly 12-220-104 (11)]** "DENTAL laboratory work order" means the ~~written instructions~~ DOCUMENTED ORDER of a dentist licensed in Colorado authorizing another person to construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to function in the oral cavity, maxillofacial area, or adjacent and associated regions.

(9) (a) (I) "Indirect 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 the tasks or procedures are being performed but do require that the tasks be performed with the prior knowledge and consent of the dentist.

(II) FOR PROCEDURES PERFORMED UNDER INDIRECT SUPERVISION, IF FOLLOW-UP CARE IS INDICATED, THE TREATING PROVIDER SHALL PROVIDE AN APPROPRIATE REFERRAL FOR RECOMMENDED FOLLOW-UP CARE.

(III) A DENTIST WHO PROVIDES INDIRECT SUPERVISION MUST HAVE AN ACTIVE COLORADO LICENSE IN GOOD STANDING.

(10) (a) "Interim therapeutic restoration" or "ITR" means a direct provisional restoration placed to stabilize a tooth until a licensed dentist OR DENTAL THERAPIST can assess the need for further definitive treatment.

(10.5) "ITINERANT SURGERY" MEANS THE PROVISION OF ELECTIVE SURGICAL PROCEDURES BY A PROVIDER WHO TRAVELS BETWEEN MULTIPLE TREATMENT FACILITIES RATHER THAN OPERATING FROM A SINGLE,

ESTABLISHED SURGICAL LOCATION WHERE THE PROVIDER IS NOT EMPLOYED OR DOES NOT HOLD OWNERSHIP OR A LONG-TERM LEASE. "ITINERANT SURGERY" INCLUDES SPECIALTY-LEVEL SURGICAL CARE PERFORMED IN A FACILITY BY A PROVIDER WHO IS NOT A GRADUATE OF AN ACCREDITED SURGICAL TRAINING PROGRAM FOR THAT SPECIALTY.

(14.5) "TELEDENTISTRY" MEANS TELEHEALTH METHODOLOGIES AND SYSTEMS THAT ARE USED IN A MANNER THAT IS COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SECS. 1320d TO 1320d-9, AS AMENDED, TO DELIVER ORAL HEALTH SERVICES IN DENTISTRY, INCLUDING INFORMATIONAL AND ELECTRONIC COMMUNICATION TECHNOLOGIES, REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD TRANSFERS, TO FACILITATE THE ASSESSMENT, DIAGNOSIS, CONSULTATION, COUNSELING, AND EDUCATION OF, OR TREATMENT PLANNING FOR, A PATIENT WHILE THE PATIENT IS LOCATED AT AN ORIGINATING SITE WITHOUT A DENTAL PRACTITIONER, AND THE DENTAL PRACTITIONER PROVIDING THE SERVICE IS AT A DISTANT SITE.

SECTION 2. In Colorado Revised Statutes, 12-220-105, **amend** (1)(b)(II)(A) and (5) as follows:

12-220-105. Colorado dental board - qualifications of board members - quorum - panel - rules - review of functions - repeal of article - repeal. (1) (b) (II) (A) Effective July 1, 2031, the board consists of seven dentist members, ~~two~~ ONE OF WHOM IS AN ORAL AND MAXILLOFACIAL SURGEON UNLESS AN ORAL AND MAXILLOFACIAL SURGEON IS NOT AVAILABLE; ONE dental therapist ~~members, two~~ MEMBER; THREE dental hygienist members; and two members from the public at large; EXCEPT THAT THE DENTAL THERAPIST SEAT SHALL REMAIN OPEN AND A DENTAL THERAPIST MEMBER SHALL NOT BE APPOINTED UNTIL THERE ARE AT LEAST ONE HUNDRED DENTAL THERAPISTS ACTIVELY ENGAGED IN CLINICAL PRACTICE IN THIS STATE. 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.

(5) ~~(a)~~ THIS ARTICLE 220 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2034. Before the repeal, ~~of this article 220 pursuant to subsection (5)(b) of this section,~~ all functions of the board are scheduled for review in

accordance with section 24-34-104.

~~(b) This article 220 is repealed, effective September 1, 2025.~~

SECTION 3. In Colorado Revised Statutes, 12-220-106, **amend** (1)(a) introductory portion and (2); and **add** (1)(a)(VI) and (1)(a)(VII) 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~~ ADOPT, publish, declare, and periodically review reasonable rules pursuant to section 12-20-204, including rules regarding:

(VI) REQUIREMENTS FOR JURISPRUDENCE EDUCATION PRIOR TO INITIAL LICENSURE;

(VII) DEFINITIONS FOR THE TERMS "IN GOOD STANDING" AND "PATIENT REPRESENTATIVE" FOR THE PURPOSES OF THIS ARTICLE 220;

(2) The board may recognize those dental specialties defined by the ~~American Dental Association~~ NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS OR THE UNITED STATES DEPARTMENT OF EDUCATION.

SECTION 4. In Colorado Revised Statutes, **amend** 12-220-108 as follows:

12-220-108. Attorney general shall represent board and members. (1) The attorney general of the state of Colorado shall counsel with and advise the board in connection with ~~its~~ THE BOARD'S duties and responsibilities ~~under~~ DESCRIBED IN this article 220. If litigation is brought against the board or any of its individual members in connection with actions taken by the board or any of its members under this article 220 and the actions are free of malice, fraud, or willful neglect of duty, the attorney general shall defend the litigation without cost to the board or to any individual member of the board.

(2) A WITNESS OR CONSULTANT APPEARING OR TESTIFYING BEFORE

THE BOARD, OR PROVIDING EXPERT CONSULTATION TO THE BOARD, HAS THE SAME IMMUNITY AND IS SUBJECT TO THE SAME CONDITIONS FOR IMMUNITY AS SPECIFIED IN SECTION 12-20-402.

SECTION 5. In Colorado Revised Statutes, 12-220-201, **amend** (1)(n), (1)(s), (1)(ii), and (1)(oo); and **add** (1)(qq) and (1)(rr) 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:

(n) Refusing to make patient records available to a patient, PATIENT REPRESENTATIVE, OR PREVIOUS OR CURRENT TREATMENT PROVIDER WITHIN SEVEN CALENDAR DAYS AFTER A WRITTEN REQUEST pursuant to a written authorization request under section 25-1-802;

(s) Failing to furnish unlicensed persons with DENTAL laboratory work orders pursuant to section 12-220-502;

(ii) Advertising or otherwise holding oneself out to the public as practicing a dental specialty in which the dentist has not successfully completed the education specified for the dental specialty as defined by the ~~American Dental Association~~ NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS OR THE UNITED STATES DEPARTMENT OF EDUCATION;

(oo) Failing to comply with ~~sections 12-220-501 (1)(a)(H)(C) and 12-220-503 (1)(g)~~ SECTION 12-220-503 (1)(g) and rules adopted pursuant to ~~those sections~~ THAT SECTION regarding the application of silver diamine fluoride; ~~or~~

(qq) PRACTICING OUTSIDE THE SCOPE OF AN ARTICULATED PLAN DEVELOPED IN ACCORDANCE WITH SECTION 12-220-503 (1)(g)(V) OR 12-220-508 (1)(b), (1)(c)(VII), OR (2); OR

(rr) THE FAILURE OF THE PROVIDER PERFORMING ITINERANT SURGERY TO PROVIDE NECESSARY FOLLOW-UP CARE, INCLUDING THE FAILURE TO PROVIDE A POST-PROCEDURE CARE PLAN OUTLINING FOLLOW-UP CARE IN A FACILITY OR TO BE PERFORMED BY A LICENSED SURGICAL

SPECIALIST WHO IS LOCATED WITHIN A REASONABLE DISTANCE FROM THE OFFICE WHERE THE INITIAL CARE WAS PROVIDED IF THE ORIGINAL ITINERANT CARE PROVIDER IS UNAVAILABLE TO PROVIDE THE NECESSARY FOLLOW-UP CARE. THE POST-PROCEDURE CARE PLAN SHALL NOT IDENTIFY AN URGENT CARE CENTER OR A HOSPITAL EMERGENCY DEPARTMENT AS THE PROVIDER OR THE TREATMENT FACILITY FOR FOLLOW-UP CARE.

SECTION 6. In Colorado Revised Statutes, 12-220-206, **add** (4) and (5) as follows:

12-220-206. Mental and physical examinations. (4) A LICENSEE'S VOLUNTARY SUBMISSION TO A MENTAL OR PHYSICAL EXAMINATION AND COMPLETION OF ANY REQUIREMENTS GIVEN BY THE QUALIFIED PROFESSIONAL DESIGNATED BY THE BOARD SATISFIES ANY REQUIREMENT TO NOTIFY THE BOARD OF A PHYSICAL OR MENTAL HEALTH CONDITION THAT MAY IMPACT THE LICENSEE'S ABILITY TO PRACTICE WITH REASONABLE SKILL AND SAFETY PURSUANT TO SECTION 12-30-108 (1), 12-220-201 (1)(j)(I), OR 12-220-310 (3), UNLESS THE QUALIFIED PROFESSIONAL NOTIFIES THE LICENSEE THAT THE LICENSEE MUST NOTIFY THE BOARD OF THE CONDITION.

(5) NOTIFICATION REQUIREMENTS DESCRIBED IN SECTION 12-30-108 (1), 12-220-201 (1)(j)(I), OR 12-220-310 (3) BEGIN UPON DISCHARGE OF A LICENSEE ENROLLED IN INPATIENT TREATMENT FOR A SERIOUS MENTAL HEALTH OR PHYSICAL CONDITION.

SECTION 7. In Colorado Revised Statutes, 12-220-302, **amend** (1)(b), (1)(f), (1)(g), and (1)(j); and **add** (1)(k) and (1)(l) 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:

(b) The administration of an anesthetic FOR A DENTAL OPERATION by a qualified anesthetist LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12 or ~~registered~~ A nurse ~~for a dental operation~~ LICENSED OR REGISTERED PURSUANT TO ARTICLE 255 OF THIS TITLE 12;

(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 ACCREDITED OR

BOARD-APPROVED 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~~ A FORMAT approved by the board, at least ten days before the person performs the practice;

(g) The filling of DENTAL laboratory work orders of a licensed dentist, as provided by section 12-220-502, by any person, 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 restoration of natural teeth, or replacement of structures relating to the jaws, maxillofacial area, or adjacent and associated structures;

(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~~ A FORMAT approved by the board, at least ten days before the person performs the practice;

(k) THE PRACTICE OF DENTAL THERAPY BY DENTAL THERAPISTS 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 A FORMAT APPROVED BY THE BOARD, AT LEAST TEN DAYS BEFORE THE PERSON PERFORMS THE PRACTICE, AND THE DENTAL THERAPISTS TREAT PATIENTS ONLY UNDER DIRECT SUPERVISION OF A LICENSED DENTIST IN COMPLIANCE WITH SECTION 12-220-508; OR

(l) THE PRACTICE OF DENTAL HYGIENE BY 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 A FORMAT APPROVED BY THE BOARD, AT LEAST TEN DAYS BEFORE THE PERSON PERFORMS THE PRACTICE, AND THE DENTAL HYGIENISTS TREAT PATIENTS ONLY UNDER DIRECT SUPERVISION OF A LICENSED DENTIST.

SECTION 8. In Colorado Revised Statutes, 12-220-303, **amend** (2)(a) and (3)(d) as follows:

12-220-303. Ownership of dental or dental hygiene practice - information to be posted - heir to serve as temporary proprietor - limitations - definitions. (2) (a) The name, license number, ownership percentage, and other information, as required by the board, of each proprietor of a dental or dental hygiene practice, including an unlicensed heir who is the temporary proprietor of the practice, as specified in subsection (3) of this section, must be IMMEDIATELY AND PUBLICLY available at the ~~reception desk of the~~ dental or dental hygiene practice during the practice's hours of operation. The information required by this subsection (2)(a) must be available in a format approved by the board.

(3) (d) The temporary proprietorship of a dental or dental hygiene practice by an unlicensed heir ~~does~~ MUST not affect the exercise of the independent professional judgment of the licensed dentist or dental hygienist providing care to patients on behalf of the practice.

SECTION 9. In Colorado Revised Statutes, 12-220-304, **amend** (3) as follows:

12-220-304. Names and status under which dental practice may be conducted. (3) The practice of dentistry, dental therapy, or dental hygiene by a PROFESSIONAL SERVICE CORPORATION, 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 PROFESSIONAL SERVICE CORPORATION, limited liability company, or limited liability partnership for the practice of medicine.

SECTION 10. In Colorado Revised Statutes, 12-220-305, **amend** (1)(a), (1)(b), (1)(c), (1)(d), (1)(j), (1)(k), (1)(l), (1)(m), (1)(n), (1)(p), (1)(q), (1)(r), and (2); and **add** (1)(s), (1)(t), (1)(u), and (3) as follows:

12-220-305. What constitutes practicing dentistry - rules. (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 A PHYSICAL OR DIGITAL impression OR SCAN 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)(HH), 12-220-503 (1)(d), and 12-220-508;~~

(d) Furnishes, supplies, constructs, reproduces, or repairs ~~any~~ A prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth or upon the jaws, maxillofacial area, or adjacent and associated structures other than on the ~~written~~ DENTAL laboratory work order of a duly licensed and practicing dentist;

(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;~~

(l) Prescribes ionizing radiation or the use of an X ray for the purpose of taking dental X rays; ~~or roentgenograms; except that nothing in this subsection (1)(l) prohibits these procedures from being delegated to appropriately trained personnel in accordance with this article 220 and rules of the board;~~

(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~~ THEMSELF 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)(c) 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.~~

(q) Prescribes, induces, and sets dosage levels for inhalation anesthesia; except that nothing in this subsection (1)(q) prohibits the delegation of monitoring and administration to DENTAL HYGIENISTS AND appropriately trained UNLICENSED personnel in accordance with this article 220 and rules of the board, INCLUDING REQUIRING TRAINING;

(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, OR 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, 12-220-504, and 12-220-508;

(s) MAINTAINS PATIENT CLINICAL RECORDS, DENTAL CHARTS, IMAGES, TREATMENT PLANS, INTERPRETATIONS, OR OTHER DOCUMENTATION, EXCEPT WHEN UNDERGOING A TRANSITION IN PRACTICE OWNERSHIP AS PERMITTED IN SECTION 12-220-303 (2);

(t) (I) PURSUANT TO RULES ADOPTED BY THE BOARD, ORDERS AND ADMINISTERS IMMUNIZATIONS TO PATIENTS SIX YEARS OF AGE OR OLDER. THE BOARD SHALL ADOPT RULES REGARDING DELEGATION OF IMMUNIZATION ADMINISTRATION BY A LICENSED DENTIST TO A DENTAL THERAPIST OR DENTAL HYGIENIST AND MAY ADOPT RULES SPECIFYING THE MINIMUM TRAINING REQUIREMENTS FOR DENTISTS TO ADMINISTER IMMUNIZATIONS.

(II) A DENTIST WHO ADMINISTERS IMMUNIZATIONS SHALL:

(A) NOT PROVIDE MEDICAL OR NONMEDICAL EXEMPTIONS FOR ANY REQUIRED IMMUNIZATIONS;

(B) ENTER ALL IMMUNIZATION-RELATED ADMINISTRATION INFORMATION INTO THE COLORADO IMMUNIZATION INFORMATION SYSTEM CREATED PURSUANT TO PART 24 OF ARTICLE 4 OF TITLE 25;

(C) DISCLOSE THEIR MEDICAL TRAINING RELATED TO PEDIATRIC ADMINISTRATION, INCLUDING THE ABILITY TO MANAGE SIDE EFFECTS OR ADVERSE OUTCOMES, TO PATIENTS AS PART OF THE PATIENT CONSENT PROCESS;

(D) ADMINISTER ONLY RESPIRATORY AND ORAL HEALTH, INCLUDING HUMAN PAPILLOMAVIRUS, IMMUNIZATIONS; AND

(E) DISTRIBUTE IMMUNIZATION EDUCATIONAL MATERIALS AND RECOMMENDATIONS DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO THEIR PATIENTS.

(u) ORDERS AND ADMINISTERS NEUROMODULATORS AND DERMAL FILLERS TO DENTAL PATIENTS OF RECORD FOR THERAPEUTIC AND COSMETIC PURPOSES PURSUANT TO RULES ADOPTED BY THE BOARD REGARDING REQUIRED TRAINING, ONGOING COMPETENCY, RECORD KEEPING, AND DELEGATION TO DENTAL HYGIENISTS.

(2) ~~A licensed dentist may prescribe orders electronically.~~ THIS SECTION DOES NOT PROHIBIT:

(a) A DENTAL ASSISTANT FROM PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTION 12-220-501 AND IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD;

(b) A DENTAL HYGIENIST FROM PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTIONS 12-220-501, 12-220-503, AND 12-220-504 AND IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD; OR

(c) A DENTAL THERAPIST FROM PERFORMING TASKS AND PROCEDURES CONSISTENT WITH SECTIONS 12-220-501 AND 12-220-508 AND IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD.

(3) A PROVIDER PERFORMING ITINERANT SURGERY SHALL DEVELOP AND MAINTAIN A WRITTEN PROTOCOL FOR EMERGENCY FOLLOW-UP CARE WITH APPROPRIATELY TRAINED PRACTITIONERS FOR ALL PATIENTS TREATED. THE PLAN SHALL BE PROVIDED TO EACH PATIENT UNDERGOING TREATMENT AND MUST BE AVAILABLE IMMEDIATELY AT THE REQUEST OF THE BOARD. THE WRITTEN PROTOCOL MUST INCLUDE A PROVISION THAT REQUIRES THE PROVIDER TO INCLUDE IN A PLAN OF CARE FOLLOW-UP TREATMENT IN A PERMANENTLY ESTABLISHED TREATMENT FACILITY WITHIN A REASONABLE PROXIMITY OF THE LOCATION WHERE ITINERANT SURGICAL TREATMENT WAS PERFORMED. THIS FOLLOW-UP TREATMENT SHALL BE PROVIDED BY THE ITINERANT SURGICAL TREATMENT OPERATOR OR AN APPROPRIATELY TRAINED PRACTITIONER WHO HAS AGREED IN WRITING TO PARTICIPATE IN

THE EMERGENCY FOLLOW-UP CARE PLAN FOR THE ITINERANT SURGICAL TREATMENT OPERATOR. THE APPROPRIATELY TRAINED PRACTITIONER MUST BE AVAILABLE WHEN THE ITINERANT SURGICAL OPERATOR IS NOT AVAILABLE.

SECTION 11. In Colorado Revised Statutes, 12-220-306, **amend** (1)(a)(III) and (1)(b); and **add** (3) and (4) as follows:

12-220-306. Dentists may prescribe drugs - surgical operations - anesthesia - limits on prescriptions - rules. (1) (a) A licensed dentist is authorized to:

(III) Administer, pursuant to A PERMIT REQUIRED BY SECTION 12-220-411 AND PURSUANT TO board rules, 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; and

(b) A dentist shall not prescribe, distribute, or give to any person, including ~~the dentist~~ THEMSELF, any habit-forming drug or any controlled substance, as defined in section 18-18-102 (5) or as contained in schedule II of 21 U.S.C. sec. 812, other than in the course of legitimate dental practice and pursuant to the rules ~~promulgated~~ ADOPTED by the board regarding controlled substance record keeping AND IN COMPLIANCE WITH THE ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES AS REQUIRED BY SECTION 12-30-111.

(3) A LICENSED DENTIST MAY PRESCRIBE ORDERS ELECTRONICALLY.

(4) A LICENSED DENTIST IS STRONGLY ENCOURAGED TO PURCHASE OR UTILIZE AN ELECTRONIC HEALTH PRODUCT THAT INCLUDES INTEGRATION OF A TOOL THAT FACILITATES DENTISTS' COMPLIANCE WITH PRESCRIPTION DRUG MONITORING STANDARDS REQUIRED BY SECTION 12-30-114 (1)(a)(IV).

SECTION 12. In Colorado Revised Statutes, 12-220-310, **amend** (1)(a), (1)(b) introductory portion, (1)(b)(IV), (2)(b), and (5); and **add** (2)(d) as follows:

12-220-310. Dentist peer health assistance program - fees - rules. (1) (a) ~~Effective July 1, 2004, as a condition of renewal in this state, every~~

AN APPLICANT FOR A DENTIST LICENSE OR A dentist applying to renew OR REINSTATE the dentist's license must, AT THE TIME OF APPLICATION, pay to the administering entity that has been selected by the board pursuant to subsection (1)(b) of this section ~~an amount~~ A FEE not to exceed fifty-nine dollars per year, which maximum amount may be adjusted on January 1, 2005, and annually thereafter by the board to reflect changes in the United States department of ~~labor~~, LABOR'S bureau of labor statistics consumer price index, OR A SUCCESSOR INDEX, for Denver-Aurora-Lakewood for all urban consumers or goods. ~~or its successor index~~. The fee shall be used to support designated providers that have been selected by the board to provide assistance to dentists needing help in dealing with physical, emotional, or psychological problems that may be detrimental to their ability to practice dentistry. The fee ~~shall~~ MUST not exceed one hundred dollars per year per licensee.

(b) The board shall select one or more peer health assistance programs as designated providers. THE BOARD OR THE DEPARTMENT MUST PROVIDE PUBLIC NOTICE WHEN A PEER HEALTH ASSISTANCE PROGRAM IS BEING CONSIDERED FOR SELECTION AS A DESIGNATED PROVIDER AND SHALL PROVIDE A PROCESS FOR STAKEHOLDERS AND THE PUBLIC TO PROVIDE INPUT TO THE BOARD REGARDING THE SELECTION OF A DESIGNATED PROVIDER. To be eligible for designation by the board, a peer health assistance program must:

(IV) Monitor the status of a dentist who has been referred for treatment, INCLUDING PROVIDING TRAINING TO DENTISTS PROVIDING PRACTICE MONITORING SERVICES;

(2) (b) Notwithstanding sections 12-220-201 and 24-4-104, the board may immediately suspend the license of ~~any~~ A dentist who is referred to a peer health assistance program by the board and who fails to attend or complete the program. If the dentist objects to the suspension, the dentist may submit a ~~written~~ request to the board, IN A FORMAT APPROVED BY THE BOARD, for a formal hearing on the suspension within ten days after receiving notice of the suspension, and the board shall grant the request. In the hearing, the dentist bears the burden of proving that the dentist's license should not be suspended.

(d) A DENTIST MAY SELF-REFER TO PARTICIPATE IN THE PEER HEALTH ASSISTANCE PROGRAM OR MAY BE REFERRED BY THE BOARD. A DENTIST

WHO SELF-REFERS TO THE PEER HEALTH ASSISTANCE PROGRAM MAY DO SO CONFIDENTIALLY AND WITHOUT DIRECT NOTIFICATION TO THE BOARD. SUCH SELF-REFERRAL TO THE PEER HEALTH ASSISTANCE PROGRAM SATISFIES BOARD NOTIFICATION REQUIREMENTS SET FORTH IN SECTION 12-220-207 AND SUBSECTION (3) OF THIS SECTION; EXCEPT THAT THE PEER HEALTH ASSISTANCE PROGRAM SHALL REPORT KNOWLEDGE OF A DENTIST'S VIOLATION OF THIS ARTICLE 220 OR RULES OF THE BOARD, EXCLUDING KNOWLEDGE OF VIOLATIONS OF SECTION 12-220-201 (1)(e) OR (1)(f).

(5) The board ~~is authorized to promulgate~~ MAY ADOPT rules necessary to implement this section.

SECTION 13. In Colorado Revised Statutes, 12-220-402, **amend** (1)(a) as follows:

12-220-402. Dentist academic license. (1) (a) A dentist who is employed at an accredited school or college of dentistry in this state and who practices dentistry in the course of the dentist's employment responsibilities must either ~~make written~~ FILE AN application to the board for an academic license in accordance with this section, IN A FORMAT APPROVED BY THE BOARD, or otherwise become licensed pursuant to sections 12-220-401 and 12-220-403, as applicable.

SECTION 14. In Colorado Revised Statutes, 12-220-405, **amend** (1)(a) introductory portion as follows:

12-220-405. Application for dental hygienist license - fee. (1) Every person who desires to qualify for practice as a dental hygienist within this state must file with the board:

(a) ~~A written~~ AN application for a license, IN A FORMAT APPROVED BY THE BOARD, on which application the applicant shall list:

SECTION 15. In Colorado Revised Statutes, 12-220-407.2, **amend** (1)(a) introductory portion and (1)(b) 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~~ AN application for a license, IN A FORMAT APPROVED BY THE BOARD, on which ~~application~~ the applicant must list:

(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~~ RECOGNIZED by the Minnesota board of dentistry or certified by the Alaska community health aide program certification board.

SECTION 16. In Colorado Revised Statutes, 12-220-409, **add** (6) as follows:

12-220-409. Inactive dental, dental therapist, or dental hygienist license - rules. (6) THE BOARD SHALL ADOPT RULES THAT ALLOW EXPEDITED, TEMPORARY LICENSURE DURING A DISASTER EMERGENCY DECLARED PURSUANT TO SECTION 24-33.5-704 (4) FOR A DENTIST, DENTAL HYGIENIST, OR DENTAL THERAPIST WHO HAS MAINTAINED A LICENSE IN GOOD STANDING WITH NO PAST DISCIPLINARY HISTORY PRIOR TO OBTAINING AN INACTIVE LICENSE. THE RULES MUST ADDRESS:

(a) SUPERVISION OR PRACTICE MONITORING REQUIREMENTS;

(b) LIABILITY COVERAGE REQUIREMENTS;

(c) OTHER CONDITIONS OF OR LIMITATION ON PRACTICE; AND

(d) TEMPORARY LICENSE TERMS, ADMINISTRATIVE APPROVALS, TIMELINES, AND RENEWAL OPTIONS.

SECTION 17. In Colorado Revised Statutes, 12-220-410, **add** (7) as follows:

12-220-410. Retired dental, dental therapist, and dental hygienist licenses - rules. (7) THE BOARD SHALL ADOPT RULES THAT

ALLOW EXPEDITED, TEMPORARY LICENSURE DURING A DISASTER EMERGENCY DECLARED PURSUANT TO SECTION 24-33.5-704 (4) FOR A DENTIST, DENTAL HYGIENIST, OR DENTAL THERAPIST WHO HAS MAINTAINED A LICENSE IN GOOD STANDING WITH NO PAST DISCIPLINARY HISTORY PRIOR TO OBTAINING AN INACTIVE LICENSE. THE RULES MUST ADDRESS:

- (a) SUPERVISION OR PRACTICE MONITORING REQUIREMENTS;
- (b) LIABILITY COVERAGE REQUIREMENTS;
- (c) OTHER CONDITIONS OF OR LIMITATION ON PRACTICE; AND
- (d) TEMPORARY LICENSE TERMS, ADMINISTRATIVE APPROVALS, TIMELINES, AND RENEWAL OPTIONS.

SECTION 18. In Colorado Revised Statutes, 12-220-411, **amend** (1) and (5)(a) as follows:

12-220-411. Anesthesia and sedation permits - dentists, dental therapists, and dental hygienists - training and experience requirements - office inspections - rules. (1) (a) 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.

(b) THE BOARD SHALL DESIGN AND IMPLEMENT AN EXPEDITED APPLICATION AND PERMITTING PROCESS FOR A DENTIST WHO HAS COMPLETED AN ACCREDITED RESIDENCY PROGRAM IN GENERAL ANESTHESIA OR A POSTDOCTORAL TRAINING PROGRAM THAT PROVIDES COMPREHENSIVE AND APPROPRIATE TRAINING NECESSARY TO ADMINISTER AND MANAGE MODERATE SEDATION OR DEEP SEDATION AND GENERAL ANESTHESIA ACCORDING TO INDUSTRY-ACCEPTED STANDARDS.

(5) The board shall establish, by rule, criteria and procedures for an office inspection program to be completed upon application and renewal of anesthesia or sedation permits, which must include:

(a) Designation of qualified ANESTHESIA inspectors who ~~are experts in dental outpatient deep sedation/general anesthesia and moderate sedation;~~

HAVE MORE THAN FIVE YEARS OF EXPERIENCE PROVIDING ANESTHESIA SERVICES AND HOLD AN ACTIVE ANESTHESIA PERMIT TO PROVIDE EITHER DENTAL OUTPATIENT DEEP SEDATION/GENERAL ANESTHESIA OR MODERATE SEDATION. AN ANESTHESIA INSPECTOR WHO HOLDS AN ACTIVE ANESTHESIA PERMIT TO PROVIDE MODERATE SEDATION MAY ONLY PROVIDE OFFICE ANESTHESIA INSPECTIONS FOR PROVIDERS WHO REQUEST MODERATE SEDATION PRIVILEGES FOR BOTH INITIAL AND RENEWAL PERMIT APPLICATIONS. AN ANESTHESIA INSPECTOR WHO HOLDS AN ACTIVE ANESTHESIA PERMIT TO PROVIDE DEEP SEDATION/GENERAL ANESTHESIA MAY PROVIDE OFFICE ANESTHESIA INSPECTIONS FOR ANY LEVEL OF SEDATION FOR BOTH INITIAL AND RENEWAL PERMIT APPLICATIONS. AN ANESTHESIA INSPECTOR SHALL COMPLETE AN ANESTHESIA INSPECTOR CALIBRATION PROGRAM CREATED AND UPDATED BY THE BOARD ONCE EVERY FIVE YEARS. THE ANESTHESIA INSPECTOR RECERTIFICATION MAY BE COMPLETED IN CONJUNCTION WITH AN ANESTHESIA PERMIT RENEWAL.

SECTION 19. In Colorado Revised Statutes, 12-220-412, **amend** (1) as follows:

12-220-412. Change of address - duplicate licenses and certificates. (1) Every A person licensed under this article 220, upon changing the licensee's place of business OR CONTACT INFORMATION, shall furnish to the board the licensee's new mailing address AND EMAIL ADDRESS within thirty days after the change.

SECTION 20. In Colorado Revised Statutes, 12-220-501, **amend** (1)(a), (3)(a)(VI), (3)(b) introductory portion, and (3)(b)(III); and **repeal** (2) as follows:

12-220-501. Tasks authorized to be performed by dental therapists, dental hygienists, or dental assistants - rules. (1) (a) ~~(H) Except as provided in subsection (1)(a)(H) 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~~ A dental therapist, ~~or~~ dental hygienist, OR DENTAL ASSISTANT.

~~(H) A dental hygienist may:~~

~~(A) Perform dental hygiene assessment, dental hygiene diagnosis,~~

and dental hygiene treatment planning for dental hygiene services pursuant to section 12-220-503 (1)(f);

(B) Identify dental abnormalities for immediate referral to a dentist as described in section 12-220-503 (1)(f); and

(C) In collaboration with a licensed dentist, prescribe, administer, and dispense, as described in section 12-220-503 (1)(g): Fluoride, fluoride varnish, silver diamine fluoride, antimicrobial solutions for mouth rinsing, other nonsystemic antimicrobial agents, and resorbable antimicrobial agents pursuant to rules of the board.

(D) Repealed.

(2) Except as provided in subsection (1) of this section, a dental hygienist may perform any dental task or procedure assigned to the hygienist by a licensed dentist that does not require the professional skill of a licensed dentist; except that the dental hygienist may perform the task or procedure only under the indirect supervision of a licensed dentist or as authorized in sections 12-220-503 and 12-220-504.

(3) (a) A dental assistant shall not perform the following tasks:

(VI) Scaling (supra and sub-gingival); as it pertains to the practice of dental hygiene;

(b) A dental assistant may perform the following tasks under the indirect supervision of a licensed dentist OR THE DIRECT SUPERVISION OF A LICENSED DENTAL THERAPIST OR A LICENSED DENTAL HYGIENIST:

(III) Gathering and assembling information, including but not limited to fact-finding and patient history, oral inspection, and RECORDING OF dental and periodontal charting AS DICTATED BY A LICENSEE;

SECTION 21. In Colorado Revised Statutes, **amend** 12-220-502 as follows:

12-220-502. Construction of dental devices by unlicensed technician. (1) (a) A licensed dentist who uses the services of an unlicensed technician for the purpose of constructing, altering, repairing, or

~~duplicating any denture, bridge, splint, or orthodontic or prosthetic appliance~~ A LABORATORY-FABRICATED INTRAORAL OR MAXILLOFACIAL DENTAL PROsthESIS, PRODUCT, OR APPLIANCE shall furnish the unlicensed technician with a ~~written or electronic~~ DENTAL laboratory work order in a form ~~approved by~~ THAT COMPLIES WITH RULES OF the board, which form shall be dated and signed by the dentist for each separate and individual piece of work. The dentist shall make the DENTAL laboratory work order in a ~~reproducible~~ DOCUMENTED form, and the dentist and the unlicensed technician shall each retain a copy ~~in a permanent file for two years~~ AS A PERMANENT PART OF THE PATIENT RECORD. THE LABORATORY TECHNICIAN SHALL RETAIN A COPY OF THE DENTAL LABORATORY WORK ORDER IN A FILE FOR A MINIMUM OF TWO YEARS. The permanent files of the licensed dentist and the unlicensed technician must be open to inspection at any reasonable time by the board or its duly constituted agent. The licensed dentist that furnishes the DENTAL laboratory work order must have appropriate training, education, and experience related to the prescribed treatment and is responsible for directly supervising all intraoral treatment rendered to the patient.

(b) IF A PATIENT'S CARE REQUIRES THAT MULTIPLE LABORATORY-FABRICATED INTRAORAL OR MAXILLOFACIAL DENTAL PROSTHESES OR APPLIANCES BE FABRICATED AT THE SAME TIME, IT IS PERMISSIBLE TO INCORPORATE THOSE PRODUCTS OR APPLIANCES INTO A SINGLE DENTAL LABORATORY WORK ORDER.

~~(b)~~ (c) An unlicensed technician that possesses a valid DENTAL laboratory work order may provide extraoral construction, manufacture, fabrication, supply, or repair of identified dental and orthodontic devices but shall not provide intraoral service in a human mouth except under the direct supervision of a licensed dentist in accordance with section 12-220-501 (3)(d).

(2) If the dentist fails to keep permanent records of DENTAL laboratory work orders as required in subsection (1)(a) of this section, the dentist is subject to disciplinary action as deemed appropriate by the board.

(3) If an unlicensed technician fails to have in the technician's possession a DENTAL laboratory work order signed by a licensed dentist with each denture, bridge, splint, or orthodontic or prosthetic appliance in the technician's possession, the absence of the DENTAL laboratory work

order is prima facie evidence of a violation of this section and constitutes the practice of dentistry without an active license in violation of, and subject to the penalties specified in, section 12-220-211.

SECTION 22. In Colorado Revised Statutes, 12-220-503, **amend** (1) introductory portion, (1)(d)(II), (1)(d)(IV), (1)(d)(V), (1)(f), (1)(g)(I), (1)(g)(III)(A), (1)(g)(III)(B), (1)(g)(III)(C), (1)(g)(IV) introductory portion, (2), and (4); **repeal** (1)(g)(II)(A); and **add** (1)(d)(VI), (1)(e.5), (1)(g)(V), and (1)(h) as follows:

12-220-503. What constitutes practicing unsupervised dental hygiene - rules. (1) NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, unless licensed to practice dentistry, ~~a person~~ AN INDIVIDUAL is deemed to be practicing unsupervised dental hygiene when the ~~person~~ INDIVIDUAL, within the scope of the ~~person's~~ INDIVIDUAL'S education, training, and experience:

(d) Gathers and assembles information, including but not limited to:

(II) ~~Preparation~~ PROVISION of study casts ~~for the purpose of fabricating a permanent record of the patient's present condition; as a visual aid for patient education, dental hygiene diagnosis, and dental hygiene treatment planning; and to provide assistance during forensic examination~~ OR DIGITAL SCANS;

(IV) Dental CHARTING and periodontal PROBING AND charting; ~~and~~

(V) Radiographic and X-ray survey for the purpose of assessing and diagnosing dental hygiene-related conditions for treatment planning for dental hygiene services as described in this section and identifying dental HARD AND SOFT TISSUE abnormalities for ~~immediate~~ referral to a dentist OR APPROPRIATE SPECIALIST; AND

(VI) ADDITIONAL SCREENING OR SCREENING TESTS FOR FURTHER INVESTIGATION OF ANY ORAL OR SYSTEMIC HEALTH-RELATED CONCERN PERTINENT TO THE SCOPE OF PRACTICE FOR DENTAL HYGIENE; AND

(e.5) ADMINISTERS LOCAL ANESTHESIA IN COMPLIANCE WITH SECTION 12-220-411 AND RULES ADOPTED BY THE BOARD, INCLUDING MINIMUM EDUCATION REQUIREMENTS AND PROCEDURES FOR LOCAL

ANESTHESIA ADMINISTRATION;

(f) Performs dental hygiene assessment, dental hygiene diagnosis, and dental hygiene treatment planning FOR HARD AND SOFT TISSUE for dental hygiene services as described in this section and identifies dental abnormalities for ~~immediate~~ referral to a dentist OR APPROPRIATE SPECIALIST; or

(g) (I) Prescribes, administers, and dispenses fluoride, fluoride varnish, silver ~~diamine fluoride~~ FLUORIDES in accordance with subsection (1)(g)(IV) of this section, antimicrobial solutions for mouth rinsing, ~~other~~ nonsystemic antimicrobial agents, and related emergency drugs and reversal agents. ~~in collaboration with a licensed dentist.~~ The board, by rule, may further define the permissible and appropriate emergency drugs and reversal agents. ~~An articulated plan with a collaborating dentist for dental hygiene prescribing must describe any protocols, restrictions or limitations, follow-up and referral mechanisms, notification and disclosure requirements, and any other requirements established by the board by rule.~~ Dental hygienists shall maintain clear documentation in the patient record of the drug or agent prescribed, administered, or dispensed; the date of the action; and the rationale for prescribing, administering, or dispensing the drug or agent.

(II) A dental hygienist shall not prescribe, administer, or dispense the following:

(A) ~~Drugs whose primary effect is systemic, with the exception of fluoride supplements permitted under subsection (1)(g)(II)(A) of this section; and~~

(III) A dental hygienist may prescribe the following:

(A) ~~Fluoride supplements; as follows, all using sodium fluoride: Tablets: 0.5 mg, 1.1 mg, or 2.2 mg; lozenges: 2.21 mg; and drops: 1.1 mL;~~

(B) ~~Topical anti-caries treatments, as follows, all using sodium fluoride unless otherwise indicated: Toothpastes: 1.1% or less (or stannous fluoride 0.4%); topical gels: 1.1% or less (or stannous fluoride 0.4%); oral rinses: 0.05%, 0.2%, 0.44%, or 0.5%; oral rinse concentrate used in periodontal disease: 0.63% stannous fluoride; fluoride varnish: 5%; silver~~

~~diamine fluoride: 38%; and prophylactic pastes containing approximately 1.23% sodium fluoride and used for polishing procedures as part of professional dental prophylaxis treatment~~ INCLUDING SODIUM FLUORIDE, STANNOUS FLUORIDE, SILVER DIAMINE FLUORIDE, OTHER SILVER FLUORIDES, HYDROXYAPATITE REGENERATION MEDICAMENTS USED FOR REPAIRING CAVITIES, AND ALTERNATIVES FOR STRENGTHENING TEETH AND PREVENTING AND ARRESTING TOOTH DECAY. THE BOARD MAY ADOPT RULES THAT IDENTIFY SAFE PRESCRIBING ALTERNATIVES TO SILVER DIAMINE FLUORIDE AS A TREATMENT FOR STRENGTHENING TEETH AND PREVENTING TOOTH DECAY.

(C) Topical anti-infectives, ~~as follows: Chlorhexidine gluconate rinses: 0.12%; chlorhexidine gluconate periodontal chips for subgingival insertion into a periodontal pocket/sulcus; tetracycline impregnated fibers, inserted subgingivally into a periodontal pocket/sulcus; doxycycline hyclate periodontal gel, inserted subgingivally into a periodontal pocket/sulcus; and minocycline hydrochloride periodontal powder, inserted subgingivally into a periodontal pocket/sulcus~~ INCLUDING CHLORHEXIDINE GLUCONATE RINSE, PERIODONTAL CHIPS, PERIODONTAL GELS, PERIODONTAL POWDERS, AND IMPREGNATED FIBERS FOR PERIODONTAL TREATMENT; ~~and~~

(IV) A dental hygienist may prescribe and apply silver diamine fluoride AND OTHER SILVER FLUORIDES upon completion of a postsecondary course or continuing education course developed at the postsecondary level that satisfies the requirements established by the board and provides instructions on the use and limitations of applying silver diamine fluoride. A dental hygienist may complete the course described in this subsection (1)(g)(IV) through:

(V) A DENTAL HYGIENIST MAY PRESCRIBE, DISPENSE, AND ADMINISTER NONNARCOTIC ANALGESICS, ANTI-INFLAMMATORIES, AND ANTIBIOTICS WITHIN THE PARAMETERS OF A WRITTEN ARTICULATED PLAN, WITH THE AUTHORIZATION OF THE SUPERVISING DENTIST, AND UPON COMPLETION OF A POSTSECONDARY COURSE OR CONTINUING EDUCATION COURSE DEVELOPED AT THE POSTSECONDARY LEVEL THAT SATISFIES THE REQUIREMENTS ESTABLISHED BY THE BOARD AND THAT PROVIDES INSTRUCTION ON THE USE AND LIMITATIONS OF NONNARCOTIC ANALGESICS, ANTI-INFLAMMATORIES, AND ANTIBIOTICS.

(h) DIRECTS DENTAL ASSISTANTS TO ASSIST IN ACTIVITIES THAT ARE

WITHIN THE SCOPE OF PRACTICE FOR A DENTAL HYGIENIST UNDER DIRECT SUPERVISION OF A DENTAL HYGIENIST ONLY; EXCEPT THAT DENTAL ASSISTANTS SHALL NOT PERFORM ACTIVITIES DISALLOWED UNDER SECTION 12-220-501 (3)(a).

(2) A dental hygienist shall state in writing and require a patient to acknowledge by signature that any diagnosis or assessment is for the purpose of determining necessary dental hygiene services only. ~~and that it is recommended by the American Dental Association, or any successor organizations, that a thorough dental examination be performed by a dentist twice each year.~~

(4) (a) Notwithstanding section 12-220-104 (13) or 12-220-305 (1)(b), AND CONSISTENT WITH SECTION 12-220-303, a dental hygienist may be the proprietor of a place where supervised or unsupervised dental hygiene is performed and may purchase, own, or lease equipment, DENTAL MATERIALS, AND SUPPLIES necessary to perform supervised or unsupervised dental hygiene.

(b) A dental hygienist proprietor, or a professional corporation, LIMITED LIABILITY PARTNERSHIP, or professional limited liability corporation of dental hygienists, in addition to providing dental hygiene services, may enter into an agreement with one or more dentists for the lease or rental of equipment or office space in the same physical location as the dental hygiene practice, but only if the determination of necessary dental services provided by the dentist and professional responsibility for those services, including but not limited to dental records, appropriate medication, and patient payment, remain with the treating dentist. It is the responsibility of the dental hygienist to inform the patient as to whether there is a supervisory relationship between the dentist and the dental hygienist. An agreement under this subsection (4)(b) does not constitute employment and does not constitute cause for discipline pursuant to section 12-220-201 (1)(h).

SECTION 23. In Colorado Revised Statutes, **amend** 12-220-504 as follows:

12-220-504. What constitutes practicing supervised dental hygiene - rules. (1) NOTWITHSTANDING SECTION 12-220-501 (3), unless licensed to practice dentistry, a person who performs any of the following

tasks under the supervision of a licensed dentist is deemed to be practicing supervised dental hygiene:

(a) Performing a task described in section 12-220-503 (1);

~~(b) Preparing study casts;~~

~~(c) Administering local anesthesia under the indirect supervision of a licensed dentist pursuant to rules of the board, including minimum education requirements and procedures for local anesthesia administration; or~~

~~(d) Placing interim therapeutic restorations pursuant to section 12-220-505.~~

~~(e) Repealed.~~

(b) ADMINISTERING AND MONITORING INHALATION ANESTHESIA UNDER THE INDIRECT SUPERVISION OF A DENTIST CONSISTENT WITH SECTION 12-220-305 (1)(q) AND PURSUANT TO THE RULES OF THE BOARD REGARDING TRAINING AND MINIMUM EDUCATION REQUIREMENTS;

(c) UTILIZING A LASER FOR DENTAL HYGIENE PURPOSES WITHIN DEFINED SCOPES OF PRACTICE IN ACCORDANCE WITH RULES OF THE BOARD;

(d) (I) PURSUANT TO RULES ADOPTED BY THE BOARD, ADMINISTERING IMMUNIZATIONS, UNDER THE DIRECT SUPERVISION OF A LICENSED DENTIST OR THE DELEGATION OF A LICENSED PROFESSIONAL WHO IS AUTHORIZED TO ADMINISTER IMMUNIZATIONS AND DELEGATE TASKS UNDER THIS TITLE 12, TO PATIENTS SIX YEARS OF AGE OR OLDER. THE BOARD MAY ADOPT RULES SPECIFYING THE MINIMUM TRAINING REQUIREMENTS FOR DENTAL HYGIENISTS TO ADMINISTER IMMUNIZATIONS.

(II) A DENTAL HYGIENIST WHO ADMINISTERS IMMUNIZATIONS SHALL:

(A) NOT PROVIDE MEDICAL OR NONMEDICAL EXEMPTIONS FOR ANY REQUIRED IMMUNIZATIONS;

(B) ENTER ALL IMMUNIZATION-RELATED ADMINISTRATION INFORMATION INTO THE COLORADO IMMUNIZATION INFORMATION SYSTEM

CREATED PURSUANT TO PART 24 OF ARTICLE 4 OF TITLE 25;

(C) DISCLOSE THEIR MEDICAL TRAINING RELATED TO PEDIATRIC ADMINISTRATION, INCLUDING THE ABILITY TO MANAGE SIDE EFFECTS OR ADVERSE OUTCOMES, TO PATIENTS AS PART OF THE PATIENT CONSENT PROCESS;

(D) ADMINISTER ONLY RESPIRATORY AND ORAL HEALTH, INCLUDING HUMAN PAPILLOMAVIRUS, IMMUNIZATIONS; AND

(E) DISTRIBUTE IMMUNIZATION EDUCATIONAL MATERIALS AND RECOMMENDATIONS DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO THEIR PATIENTS.

(e) ADMINISTERING NEUROMODULATORS AND DERMAL FILLERS FOR THERAPEUTIC AND COSMETIC PURPOSES UNDER THE DIRECT SUPERVISION OF A LICENSED DENTIST, OR THE DELEGATION OF A LICENSED PHYSICIAN OR OTHER DELEGATED PROFESSIONAL, PURSUANT TO RULES ADOPTED BY THE BOARD. THE BOARD SHALL ADOPT RULES REGARDING THE APPROPRIATE EDUCATION AND TRAINING, AS APPLICABLE.

(f) PLACING INTERIM THERAPEUTIC RESTORATIONS PURSUANT TO SECTION 12-220-505.

(2) A DENTAL HYGIENIST MAY PERFORM ANY DENTAL TASK OR PROCEDURE ASSIGNED TO THE DENTAL HYGIENIST BY A LICENSED DENTIST THAT DOES NOT REQUIRE THE PROFESSIONAL SKILL OF A LICENSED DENTIST; EXCEPT THAT THE DENTAL HYGIENIST MAY PERFORM THE TASK OR PROCEDURE ONLY UNDER THE INDIRECT SUPERVISION OF A LICENSED DENTIST OR AS AUTHORIZED IN SECTIONS 12-220-503 AND 12-220-504.

SECTION 24. In Colorado Revised Statutes, 12-220-505, **amend** (1)(b) and (6)(a); and **add** (6)(c) as follows:

12-220-505. Interim therapeutic restorations by dental hygienists - permitting process - rules - subject to review. (1) Upon application, accompanied by a fee in an amount determined by the director, the board shall grant a permit to place interim therapeutic restorations to any dental hygienist applicant who:

(b) Has completed a course developed at the postsecondary educational level that complies with the rules adopted by the board. The course must be offered under the direct supervision of a member of the faculty of ~~a~~ AN ACCREDITED Colorado dental or dental hygiene school. ~~accredited by the Commission on Dental Accreditation or its successor agency.~~ All faculty responsible for clinical evaluation of students must be dentists with a faculty appointment at an accredited Colorado dental or dental hygiene school.

(6) (a) A dentist shall not supervise more than five full-time equivalent dental hygienists who place interim therapeutic restorations under telehealth supervision unless granted a waiver by the board pursuant to subsection (6)(b) of this section. ~~For purposes of patient referral for follow-up care,~~ A dentist who supervises a dental hygienist who provides interim therapeutic restorations under telehealth supervision must have an active license in good standing issued by the board. ~~and a physical practice location in Colorado or within reasonable proximity of the location where the interim therapeutic restoration is placed~~ BEFORE PROVIDING INTERIM THERAPEUTIC RESTORATIONS, A DENTAL HYGIENIST SHALL CONFIRM IN COMMUNICATION TO THE SUPERVISING DENTIST A REFERRAL FOR FOLLOW-UP CARE TO A LICENSED DENTIST WITHIN REASONABLE PHYSICAL PROXIMITY TO THE LOCATION WHERE THE INTERIM THERAPEUTIC RESTORATION IS PLACED.

(c) A DENTIST SHALL NOT SUPERVISE, IN AGGREGATE, MORE THAN FIVE FULL-TIME EQUIVALENT DENTAL HYGIENISTS OR DENTAL THERAPISTS PERFORMING PROCEDURES PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION AND SECTION 12-220-508, AND LIMITS ON SUPERVISION OF DENTAL THERAPISTS MUST REMAIN CONSISTENT WITH SECTION 12-220-508 (3).

SECTION 25. In Colorado Revised Statutes, 12-220-508, **amend** (1)(a) introductory portion, (1)(a)(VIII), (2)(a)(VI), and (3)(a); and **add** (1)(c)(IX) and (3)(d) 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 WITH AN ACTIVE LICENSE IN GOOD STANDING:

(VIII) Repair ~~defective~~ prosthetic devices.

(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:

(IX) DIRECTING DENTAL ASSISTANTS TO ASSIST IN ACTIVITIES THAT ARE WITHIN THE SCOPE OF PRACTICE FOR A DENTAL THERAPIST UNDER DIRECT AND INDIRECT SUPERVISION OF THE DENTAL THERAPIST ONLY; EXCEPT THAT DENTAL ASSISTANTS SHALL NOT PERFORM ACTIVITIES DISALLOWED UNDER SECTION 12-220-501 (3)(a).

(2) (a) An articulated plan between a dental therapist and a dentist must include:

(VI) CONSISTENT WITH DENTAL ASSISTANTS' SCOPE OF PRACTICE, policies for supervising dental assistants and working with dental hygienists and other dental practitioners and staff.

(3) (a) Except as provided in subsection (3)(b), ~~or~~ (3)(c), OR (3)(d) of this section, a dentist may not simultaneously supervise more than three full-time or full-time-equivalent dental therapists.

(d) A DENTIST SHALL NOT SUPERVISE IN AGGREGATE MORE THAN FIVE FULL-TIME EQUIVALENT DENTAL HYGIENISTS OR DENTAL THERAPISTS PURSUANT TO THIS SECTION AND SECTION 12-220-505 (6)(a), AND LIMITS ON SUPERVISION OF DENTAL THERAPISTS MUST REMAIN CONSISTENT WITH THIS SUBSECTION (3).

SECTION 26. In Colorado Revised Statutes, 24-34-104, **repeal** (26)(a)(I); and **add** (35)(a)(VIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (26) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2025:

(I) ~~The Colorado dental board created in article 220 of title 12;~~

(35) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2034:

(VIII) THE COLORADO DENTAL BOARD CREATED IN ARTICLE 220 OF TITLE 12.

SECTION 27. Repeal of relocated provisions. In Colorado Revised Statutes, **repeal** 12-220-104 (11).

SECTION 28. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO