

R156. Commerce, Professional Licensing.

R156-69. Dentist and Dental Hygienist Practice Act Rule.

R156-69-102. Definitions.

~~[The following definitions supplement the definitions]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act. In addition:

- (1) "AAOMS standards" means the following American Association of Oral and Maxillofacial Surgeons (AAOMS) standards, which are incorporated by reference:
 - (a) Office Anesthesia Evaluation Manual, 2018 9th edition; and
 - (b) Parameters of Care, 2017 6th edition.
- (2) "AAPD" means the American Academy of Pediatric Dentistry.
- (3) "ACLS" means Advanced Cardiac Life Support.
- (4) "ADA" means the American Dental Association.
- (5) "ADA CERP" means American Dental Association Continuing Education Recognition Program.
- (6) "ADA Sedation and General Anesthesia Policy Statement" means the ADA Policy Statement: The Use of Sedation and General Anesthesia by Dentists, 2007 edition, which is incorporated by reference.
- (7) "ADA Teaching Guidelines" means the Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students published by the American Dental Association, as adopted by the ADA House of Delegates, October 2016, which is incorporated by reference.
- (8) "ADA Use Guidelines" means the Guidelines for the Use of Sedation and General Anesthesia by Dentists published by the American Dental Association, as adopted by the ADA House of Delegates, October 2016, which is incorporated by reference.
- (9) "ADEX" means American Board of Dental Examiners.
- (10) "ADHA" means the American Dental Hygienists' Association.
- (11) "Advertising or otherwise holding oneself out to the public as a dentist" means representing or promoting oneself as a dentist through any of the following or similar methods:
 - (a) business names;
 - (b) business signs;
 - (c) door or window lettering;
 - (d) business cards;
 - (e) letterhead;
 - (f) business announcements;
 - (g) flyers;
 - (h) mailers;
 - (i) promotions;
 - (j) advertisements;
 - (k) radio or television commercials;
 - (l) listings in printed or online telephone directories; or
 - (m) any other type of advertisement or promotional communication.
- (12) "Analgesia" means the same as defined in the ADA Use Guidelines.
- (13) "Anesthesiology" means the science of administration of anesthetics and the condition of the patient while under anesthesia.
- (14) "ASA standards" means the following American Society of Anesthesiologists (ASA) standards, which are incorporated by reference:
 - (a) Basic Standards for Preanesthesia Care, 2020 edition;
 - (b) Standards for Basic Anesthetic Monitoring, 2020 edition; and
 - (c) Standards for Postanesthesia Care, 2019 edition;
- (15) "BCLS" means Basic Cardiac Life Support.
- (16) "BLS" means Basic Life Support.
- (17) "CDCA" means Commission on Dental Competency Assessments.
- (18) "CDEL" means the Council on Dental Education and Licensure.
- (19) "CITA" means Council of Interstate Testing Agencies, Inc.
- (20) "CODA" means the Commission on Dental Accreditation of the American Dental Association (ADA).

- (21) "Competency" means displaying special skill or knowledge derived from training and experience.
- (22) "CPR" means cardiopulmonary resuscitation.
- (23) "CRDTS" means the Central Regional Dental Testing Service, Inc.
- (24) "DANB" means the Dental Assisting National Board, Inc.
- (25) "Deep sedation" as defined in Subsection 58-1-510(1)(b) is further defined in the standards in Subsection R156-69-301b(3).
- (26) "Deep sedation and general anesthesia permit" means the dentist deep sedation and general anesthesia permit classification and scope of practice established in Section R156-69-301b under Subsection 58-69-301(4).
- (27) "Dental hygienist with local anesthesia permit" means the dental hygienist local anesthesia permit classification and scope of practice established in Section R156-69-301c under Subsection 58-69-301(4).
- (28) "Discharge criteria" means the minimum requirements for a patient to be safely discharged from the care of a dentist.
- (29) "General anesthesia" as defined in Subsection 58-1-510(1)(c) is further defined in the standards in Subsection R156-69-301b(3).
- (30) "Local anesthesia" means the same as defined in the standards in Subsection R156-69-301b(3).
- (31) "Local anesthesia permit" means the dentist local sedation permit classification and scope of practice established in Section R156-69-301b under Subsection 58-69-301(4).
- (32) "Maximum recommended dose (MRD)" is the maximum FDA recommended dose of a drug, as printed in FDA approved labeling for unmonitored home use.
- (33) "Minimal sedation" as defined in Subsection 58-1-501(1)(e) is further defined in the standards in Subsection R156-69-301b(3).
- (34) "Minimal sedation permit" means the dentist minimal sedation permit classification and scope of practice established in Section R156-69-301b under Subsection 58-69-301(4).
- (35) "Moderate sedation" as defined in Subsection 58-1-510(1)(f) is further defined in the standards in Subsection R156-69-301b(3).
- (36) "Moderate sedation permit" means the dentist moderate sedation permit classification and scope of practice established in Section R156-69-301b under Subsection 58-69-301(4).
- (37) "PALS" means Pediatric Advanced Life Support.
- (38) "Pediatric dentistry" means the age-defined dental specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.
- (39) "Pediatric Sedation Guidelines" means the guidelines established in Cote CJ, Wilson S. American Academy of Pediatric Dentistry, American Academy of Pediatrics Guidelines for Monitoring and Management of Pediatric Patients Before, During, and After Sedation for Diagnostic and Therapeutic Procedures, Pediatric Dent 2019; 41(4):E-26-E-52, which is incorporated by reference.
- (40) "Practice of dental hygiene" under Subsection 58-69-102(7)(a)(ix) includes performing:
- (a) laser bleaching; and
 - (b) laser periodontal debridement.
- (41) "Prominent disclaimer" in Subsection 58-69-502(2)(b) means a disclaimer that:
- (a) is in the same size of lettering as the largest lettering contained in the advertisement, publication, or other communication in which the disclaimer appears; or
 - (b) is in the same volume and speed as the slowest speed and highest volume included in the advertisement, commercial, or other communication in which the disclaimer appears.
- (42) "Route of administration" means the technique of administering agents, and includes the following, as defined in the ADA Use Guidelines:
- (a) enteral;
 - (b) parenteral;
 - (c) transdermal;
 - (d) transmucosal; and
 - (e) inhalation.
- (43) "Specialty area" or "dental specialty" means an area of dentistry in which the dentist has successfully completed at least two full-time years in a specialty postdoctoral program accredited by CODA.
- (44) "SRTA" means Southern Regional Testing Agency, Inc.
- (45) "UDA" means Utah Dental Association.

- (46) "UDHA" means Utah Dental Hygienists' Association.
- (47) "Unprofessional conduct is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-69-502.
- (48) "WREB" means the Western Regional Examining Board.

R156-69-301a. Dentist Anesthesia and Analgesia - Permit Classifications and Scopes of Practice.

(1) Under Section 58-1-510 and Subsection 58-69-301(4)(b), the classification of dentist anesthesia and analgesia permits are as follows:

- (a) local anesthesia permit;
- (b) minimal sedation permit;
- (c) moderate sedation permit; and
- (d) deep sedation and general anesthesia permit.

(2) Under Subsections 58-1-510(2) through (4) and Subsection 58-69-301(4)(a), the scope of practice for each dentist anesthesia and analgesia permit is established as follows:

(a) a dentist with a local anesthesia permit may administer local anesthesia and nitrous oxide and supervise the administration of local anesthesia and nitrous oxide in compliance with the standards in Subsection (3);

(b) a dentist with a minimal sedation permit may:

- (i) exercise the privileges of a local anesthesia permit; and
- (ii) administer and supervise the administration of minimal sedation via nitrous oxide-oxygen, with or without the administration of enteral medications, in compliance with the standards in Subsection (3);

(c) a dentist with a moderate sedation permit may:

- (i) exercise the privileges of a minimal sedation permit;
- (ii) administer and supervise the administration of moderate sedation in compliance with the standards in Subsection (3); and

(iii) when engaging in the administration of moderate sedation shall:

- (A) use pulse oximetry [~~and end tidal CO2 monitoring with capnography~~]; and
- (B) have at least **one ACLS or PALS trained [assistant]individual** present in-operatory during sedation;

and

(d) a dentist with a deep sedation and general anesthesia permit may:

- (i) exercise the privileges of a moderate sedation permit;
- (ii) administer or supervise the administration of deep sedation or general anesthesia in compliance with the standards in Subsection (3); and

- (iii) when engaging in the administration of deep sedation or general **anesthesia**, shall:
 - (A) use pulse oximetry and end tidal CO2 monitoring with capnography; and
 - (B) have at least **one ACLS or PALS trained [assistant]individual** present in-operatory during sedation.

(3) Under Subsections 58-1-510(3) and (4) and 58-69-102(8) and Section 58-69-802:

(a) a dentist shall possess the knowledge, skills, education, and training required by and shall comply with the following standards, as applicable to the dentist's permitted scope of practice:

- (i) the ADA Use Guidelines;
- (ii) the Pediatric Sedation Guidelines;
- (iii) the ADA Sedation and General Anesthesia Policy Statement;
- (iv) the AAOMS standards;
- (v) the ASA standards; and
- (vi) Section 58-1-510; and

(b) a dentist who practices facial cosmetic dentistry using the neurotoxin clostridium botulinum or an injectable dermal filler shall demonstrate competency by having successfully completed a minimum of eight hours of training that:

- (i) is taught by properly trained and licensed individuals teaching within their scope of practice;
- (ii) includes a hands-on component; and
- (iii) includes the following topics:
 - (A) treatment for temporomandibular joint dysfunction;
 - (B) infection control; and
 - (C) risk factors for administration of neurotoxin clostridium botulinum and dermal fillers.

R156-69-502. Unprofessional Conduct.

"Unprofessional Conduct" includes the following:

- (1) for any patient under any level of sedation, including nitrous oxide:
 - (a) failing to provide continuous in-operatory observation by a trained dental patient care staff member until the patient continuously and independently maintains their airway and may be safely discharged; or
 - (b) failing to record the discharge time and the person discharging the patient in the patient's records;
- (2) under Subsections 58-69-502(1)(b) and (2), advertising or otherwise holding oneself out to the public as a dentist or dental group that practices in a specialty area, if:
 - (a) the dentist, or each dentist in the dental group, has not successfully completed an advanced educational program accredited by CODA;
 - (b) as specified in Subsection 58-69-502(2)(b), the advertisement or other method of holding oneself out to the public as a dentist or dental group does not include a prominent disclaimer under Subsection R156-69-102(41) that the dentist or dentists performing services are licensed as general dentists or that the specialty services:
 - (i) is or are licensed as general dentists or that the specialty services will be provided by a general dentist; or
 - (ii) is or are specialists, but not qualified as a specialist in the specialty area being advertised;
 - (3) advertising in any form that is misleading, deceptive, or false, including the display of any credential, education, or training that is inaccurate, or making any unsubstantiated claim of superiority in education, certification, training, skill, experience, or any other quantifiable aspect;
 - (4) prescribing treatments and medications outside the scope of dentistry;
 - (5) prescribing for oneself any Schedule II or III controlled substance;
 - (6) engaging in practice as a dentist or dental hygienist without prominently displaying a copy of the current Utah license;
 - (7)(a) failing to personally maintain current CPR, BCLS-BLS, ACLS, or PALS certification as required by the licensee's anesthesia permit; or
 - (b) employing patient care staff who fail to maintain current CPR or BCLS-BLS certification;
 - (8) providing consulting or other dental services under anonymity;
 - (9) engaging in unethical or illegal billing practices or fraud, including:
 - (a) reporting an incorrect treatment date for obtaining payment;
 - (b) reporting charges for services not provided;
 - (c) incorrectly reporting services provided for obtaining payment; or
 - (d) generally representing a charge to a third party that is different from that charged to the patient;
 - (10) failing to establish and maintain appropriate dental records;
 - (11) failing to maintain patient records for seven years;
 - (12) failing to provide copies of x-rays, reports or records to a patient or the patient's designee upon written request and payment of a nominal fee for copies, regardless of the payment status of the services in the record;
 - (13) failing to discuss the risks of using an opiate with a patient or the patient's guardian before issuing an initial opiate prescription in accordance with Section 58-37-19;
 - (14) violating Section R156-69-301a or R156-69-301b; ~~or~~
 - (15) for a dental hygienist [~~working in a public health setting~~], violating Subsection 58-69-801(4), 58-69-801(5), or Section R156-69-801.

R156-69-801. Dental Hygienist Notification to Division of Practice in Public Health Setting.

(1) (a) Under Subsection 58-69-801(5), a dental hygienist who will engage in the practice of dental hygiene in a public health setting without general supervision and without a collaborative practice agreement with a dentist, shall notify the Division on a one-time basis under Subsections 58-69-801(5)(b) and 58-1-308(3) by submitting to the Division the Public Health Setting Practice Notification form that is available on the Division's website at dopl.utah.gov/dentistry.

(b) The dental hygienist shall submit a completed Public Health Setting Practice Notification form:

(i) prior to the day the dental hygienist first engages in the practice of dental hygiene in a public health setting; and

(ii) thereafter, on each day that the dental hygienist applies to renew or reinstate the dental hygienist's license.

(2) If a dental hygienist will cease to engage in the practice of dental hygiene in a public health setting under Subsection 58-69-801(5), the dental hygienist shall notify the Division by submitting to the Division the Public Health Setting Practice Notification form.

(3) A dental hygienist shall maintain a copy of the dental hygienist's submitted Public Health Setting Practice Notification form for two years after the end of the license cycle during which the dental hygienist submitted the form, and make a copy available for inspection by the Division upon request.

KEY: licensing, dentists, dental hygienists

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