

# EDITOR'S NOTES

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## Notice of Draft Proposed Rules and Hearing Information for the Division of Professional Licensing

The public, interest groups, and governmental agencies are invited to review and comment on the following DRAFT proposed rules for the Division of Professional Licensing (DOPL).

These DRAFT proposed rules are published only for review and comment purposes; they will not be made effective without subsequent filing and publication:

**New Section R156-69-302#. Qualifications for Licensure by Endorsement for a Dentist.**

(Dentist from another jurisdiction may apply to meet time-based endorsement requirements through certain methods demonstrating competency.)

**New Section R156-69-302#. Qualifications for Dentist Licensure by Endorsement for a Dental Hygienist.**

(Dentist from another jurisdiction may apply to meet time-based dental hygienist endorsement requirements through certain methods demonstrating competency.)

**Written comments on these proposed DRAFT rules will be accepted by the DOPL from the publication date through Friday, 11/03/2023.** Comments may be directed to the contact person, Deborah Blackburn, Assistant Division Director, at [deborahblackburn@utah.gov](mailto:deborahblackburn@utah.gov).

**DOPL will also hold a public hearing to receive verbal comments on these proposed DRAFT rules:**

Tuesday, 10/24/2023, 9 a.m. in the North Conference Room, 1st Floor, Heber M. Wells Building, 160 E 300 S, Salt Lake City, Utah.

Virtual option: Google Meet joining information:

Video call link: <https://meet.google.com/kwf-rzjo-ojr>

Or dial: (US) +1 336-790-8803 PIN: 204 105 408#

More phone numbers: <https://tel.meet/kwf-rzjo-ojr?pin=7727666888398>

Proposed text of the draft rules follows.

**R156-69-302#. Qualifications for Licensure by Endorsement for a Dentist.**

(1) Under Subsection 58-1-301(5), an applicant for licensure as a dentist qualifying under the endorsement provision of Subsection 58-1-302(3) may satisfy the specific time-based licensure by endorsement requirements in Subsections 58-69-302(2)(a) and (c) by providing satisfactory documentation of each of the competency-based licensing requirements in this section.

(2) The applicant shall provide satisfactory documentation of successful completion of a program of professional education preparing an individual to practice as a dentist in the endorsement jurisdiction, that the Division determines is substantially similar to the current education required for licensure as a dentist under Subsection 58-69-302(1)(c), as evidenced by an evaluation from one of the following:

(a) Education Credential Evaluators (ECE);

(b) Western Education Services (WES);

(c) Josef Silny and Associates, Inc.; or

(d) a credential evaluator approved by the Division;

(3) The applicant shall provide a written attestation in a form prescribed by the Division stating that the applicant has the necessary education and experience to practice dentistry as defined in Subsection 58-69-102(8), from an individual who is familiar with the applicant and who holds credentials or experience in the dental industry satisfactory to the Division, such as for example:

(a) a dentist who is licensed as defined in Subsection 58-1-302(1);

(b) an instructor in a program of professional education preparing an individual to practice as a dentist;

(c) the applicant's current dental employer; or

(d) the applicant's former dental employer.

(4) If the applicant has not been engaged in clinical practice as a licensed dentist for at least 6,000 hours in the five years immediately preceding the date of application for licensure, the applicant shall submit satisfactory documentation that the applicant has entered into a written collaborative practice arrangement with a licensed dentist that meets the following requirements:

(a) the term of the collaborative practice arrangement shall begin upon the date of the applicant dentist's licensure, and end on the date the applicant dentist has completed 6,000 hours of clinical practice as a dentist in accordance with the terms of the collaborative practice arrangement;

(b) if the collaborative practice arrangement is terminated for any reason before the applicant dentist has completed 6,000 hours of clinical practice as a dentist:

(i) the collaborating dentist and the applicant dentist shall each notify the Division of the termination of the collaborative practice arrangement; and

(ii) the applicant dentist shall refrain from practice and shall refrain from renewing the applicant dentist's license until the applicant dentist has entered into another collaborative practice arrangement that meets the requirements of this Subsection (4);

(c) the collaborative practice arrangement shall:

(i) specify the collaborating dentist's anesthesia permit class and specialty or board certifications, and the applicant dentist's anesthesia permit class and certifications;

(ii) be consistent with the skill, training, and competence of the applicant dentist;

(iii) specify jointly agreed-upon protocols for the delivery of health care services by the applicant dentist;

(iv) specify the manner of collaboration between the collaborating dentist and the applicant dentist, including how they shall:

(A) engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(B) maintain proximity; and

(C) provide oversight of the applicant dentist during the absence, incapacity, infirmity, or emergency of the collaborating dentist;

(v) specify the applicant's controlled substance prescriptive authority in collaboration with the collaborating dentist, if any, including:

(A) a list of the controlled substances the applicant dentist may prescribe; and

(B) documentation that the authorization to prescribe the controlled substances is consistent with the education, knowledge, skill, and competence of the applicant dentist and the collaborating dentist;

(vi) list other written practice arrangements of the collaborating dentist and the applicant dentist; and

(vii) require each party to notify the Division of the following events within ten days of the event:

(A) the applicant dentist has an arrest, investigation, charge, or complaint, including a regulatory agency complaint;

(B) the applicant dentist receives a disciplinary notice from a regulatory agency, hospital, employer, or other third party;

(C) the applicant dentist has any adverse event affecting patient care, including a malpractice claim;

(D) violation by a party of the collaborative practice arrangement; or

(E) termination of the collaborative practice arrangement for any reason before the applicant dentist has completed 6,000 hours of clinical practice as a dentist;

(d) A collaborating dentist overseeing an applicant dentist in a collaborative practice arrangement shall:

(i) be licensed in good standing under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;

(ii) ensure that the collaborating dentist and applicant dentist both maintain current licensure in good standing and comply with DEA registrations and requirements;

(iii) be available to the applicant dentist for advice, consultation, and direction consistent with the standards and ethics of the profession, including consideration of the applicant dentist's level of skill, training, and competence; and

(iv) monitor the applicant dentist's performance for compliance with the laws, rules, standards, and ethics of the profession, and promptly report violations to the Division in writing.

(e) A collaborating dentist may not enter a collaborative practice arrangement with more than two full-time equivalent applicant dentists.

(f) An applicant dentist shall:

(i) comply with the collaborative practice arrangement;

(ii) maintain required licensure and any required DEA registration;

(iii) be professionally responsible for the acts and practices of the applicant dentist; and

(iv) comply with the laws, rules, standards, and ethics of the profession.

(g)(i) A collaborating dentist shall submit to the Division a written explanation outlining the collaborating dentist's concerns if the collaborating dentist:

(A) terminates a collaborative practice arrangement for cause;

(B) does not support continuance of a license for an applicant dentist to practice; or

(C) has other concerns regarding the applicant dentist that the collaborating dentist believes requires input from the Division and Board.

(ii) Upon receipt of written concerns from a collaborating dentist about an applicant dentist, the Division shall:

(A) provide the applicant dentist an opportunity to respond in writing to the Division regarding the collaborating dentist's concerns;

(B) review with the Board the written statements from the collaborating dentist and applicant dentist; and

(C) in consultation with the Board, take any appropriate licensure action.

(h)(i) Before an applicant dentist may provide health care services under a collaborative practice arrangement, the parties shall obtain the Division's written approval of the collaborative practice arrangement.

(ii) An applicant dentist and collaborating dentist may amend their collaborative practice arrangement, but an amendment to the collaborative practice arrangement is not effective or binding until:

(A) the applicant dentist notifies the division in writing of the amendment;

(B) the Division approves the amendment.

(iii) In evaluating a collaborative practice arrangement, or an amendment to a collaborative practice arrangement, the Division shall determine if the collaborative practice arrangement sufficiently complies with this section to adequately protect the public health, safety, and welfare.

**R156-69-502. Unprofessional Conduct.**

"Unprofessional Conduct" includes the following:

.....

- (16) for a collaborative practice arrangement under Subsection R156-69-302#(4):
  - (a) failure of the applicant dentist or collaborating dentist to comply with the collaborative practice arrangement;
  - (b) failure of the applicant dentist or collaborating dentist to comply with Subsection R156-69-302#(4), including failure to notify the Division of an event in accordance with Subsection R156-69-302#(4)(#);
  - (c) if the collaborative practice arrangement is terminated before the applicant dentist completes 6,000 hours of clinical practice as a dentist, and the applicant dentist has not entered into another collaborative practice arrangement:
    - (i) failure of the applicant dentist to refrain from practice; or
    - (ii) failure of the applicant dentist to refrain from renewing their license.

**R156-69-302#. Qualifications for Dentist Licensure by Endorsement as a Dental Hygienist.**

Under Subsection 58-1-301(5), an applicant for licensure as a dental hygienist qualifying under the endorsement provision of Subsection 58-1-302(3) may satisfy the time-based licensure by endorsement requirements in Subsections 58-69-302(4)(a) and (c) by completing the following competency-based licensing requirements:

- (1)(a) pass the periodontics section of any of the regional dental clinical licensure examinations required for licensure as a dentist under Subsection 58-69-302(1)(e) and Section R156-69-302b; or
- (b) pass the following examinations required for licensure as a dental hygienist:
  - (i) the National Board Dental Hygiene Examination under Subsection 58-69-302(3)(d); and
  - (ii) the practical examinations under Subsection 58-69-302(3)(e) and Section R156-69-302c; and
- (2) provide one of the following:
  - (a) satisfactory documentation of the applicant's current licensure in good standing as a dental hygienist in another state, district, or territory of the United States, which the applicant obtained through the applicant's education and experience as a dentist;
  - (b) satisfactory documentation of the applicant's current licensure in good standing as a dentist in the endorsement jurisdiction;
  - (c) if the applicant was formerly licensed as a dentist in the endorsement jurisdiction, satisfactory documentation of:
    - (i) having obtained licensure as a dentist by meeting requirements that the Division determines were substantially similar to or exceeded current Utah licensure requirements for a dental hygienist; and
    - (ii) successful completion of not less than 2,000 hours of practice as a dentist, which may include clinical hours of practice as a dental student; or
    - (d) if the endorsement jurisdiction does not license dentists or the applicant cannot obtain proof of licensure, provide the following:
      - (i) satisfactory documentation of successful completion of a program of professional education preparing an individual to practice as a dentist in the endorsement jurisdiction, that the Division determines is substantially similar to or exceeds the education required for licensure as a dental hygienist under Subsection 58-69-302(3)(c), as evidenced by an evaluation from one of the following:
        - (A) Education Credential Evaluators (ECE);
        - (B) Western Education Services (WES);
        - (C) Josef Silny & Associates, Inc.; or
        - (D) a credential evaluator approved by the Division;
      - (ii) satisfactory documentation of successful completion of not less than 2,000 hours of practice as a dentist, which may include clinical hours of practice as a dental student; and
      - (iii) a written attestation in a form prescribed by the Division stating that the applicant has the necessary education and experience to practice dental hygiene as defined in Subsection 58-69-102(7), from an individual who is familiar with the applicant and who holds credentials or experience in the dental industry satisfactory to the Division, such as:
        - (A) a dentist who is licensed as defined in Subsection 58-1-302(1);
        - (B) an instructor in a program of professional education preparing an individual to practice as a dentist or dental hygienist;
        - (C) the applicant's current dental employer; or
        - (D) the applicant's former dental employer.

**End of the Editor's Notes Section**