

Rulemaking Hearing, October 23, 2013

Proposed Changes with Statement of Basis, Purpose, and Authority

Basis and Purpose: To update any reference in rules to the Division of Registrations by amending it to reflect its new name, the Division of Professions and Occupations; to recognize the limited exemption from licensure requirements provided to an eligible military spouse pursuant to Article 71 of Title 12; to appropriately identify the Commission on Dental Accreditation throughout the rules; to allow for another Board approved entity to conduct remedial training for dentists and dental hygienists seeking licensure or re-licensure in Colorado; and to provide accurate and complete references to other Board rules.

Statement of Authority: Pursuant to C.R.S. 12-35-107(1)(b), the State Board of Dental Examiners may “[m]ake, publish, declare, and periodically review such reasonable rules as may be necessary to carry out and make effective the powers and duties of the board as vested in it” by Article 35 of Title 12.

DEPARTMENT OF REGULATORY AGENCIES

Board of Dental Examiners

DENTISTS

3 CCR 709-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Rule I. Definitions

(Amended December 2, 2002; Amended and Re-numbered November 2, 2011, Effective December 30, 2011)

- A. Unless otherwise noted, all statutory references are to C.R.S. 12 35 101, et seq., as amended.
- B. The Board hereby incorporates by references all definitions as contained in 12 35 103, as amended.
- C. "Regularly announced office location" as specified in CRS 12-35-128(3)(d)(II) means those offices of which a dentist or a dental hygienist is the proprietor and in which he or she regularly practices dentistry or dental hygiene. This may include the occasional practice in other health care facilities such as hospitals, nursing homes, and/or other facilities under the jurisdiction of the Colorado Department of Public Health and Environment.
- D. "Regularly" means fixed intervals or periods or as stated in Rule I.C.
- E. "Certify or Certification" means to declare in writing on the patient's record.
- F. "Doctor's Office Notes" as used in C.R.S. 25-1-802 means a separate record within the patient's file that does not contain anything that relates to or constitutes diagnosis, treatment plan, radiograph interpretation, treatment progress or outcome. All such clinical information is considered the treatment record or progress notes.

Rule II. Financial Responsibility Exemptions

(Amended December 2, 2002; Amended and Re-numbered November 2, 2011, Effective December 30, 2011)

Financial liability requirements pursuant to 13-64-301(1)(a), C.R.S. and 12-35-127(4), C.R.S. do not apply to dentists and dental hygienists who are public employees of the state of Colorado under the Colorado Governmental Immunity Act, as well as the following:

- A. A dentist or dental hygienist who performs dental services exclusively as an employee of the United States government.
- B. A dentist who holds an inactive license.
- C. A dentist or dental hygienist who holds a retired license.
- D. A dentist who holds an active license and does not engage in any patient care within Colorado or any of the acts as defined by C.R.S. 12-35-103(5) and 12-35-113, including but not limited to the prescribing of medications, diagnosis, and development of a treatment plan, or a dental hygienist

who holds an active license and does not engage in any patient care within Colorado or any of the acts as defined by C.R.S. 12-35-103(4), 12-35-103(4.5), 12-35-124, 12-35-125, and 12-35-128.

- E. A dentist or dental hygienist who provides uncompensated dental care and who does not otherwise engage in any compensated patient care whatsoever.

Rule III. Licensure of Dentists and Dental Hygienists

(Amended December 2, 2002; Amended on Emergency Basis July 7, 2004; Re-Promulgated August 11, 2004; Amended April 22, 2009; Amended October 21, 2009, Effective December 30, 2009; Amended November 2, 2011, Effective December 30, 2011; [Amended October 23, 2013, Effective December 15, 2013](#))

A. General Requirements for Dentists and Dental Hygienists

1. Any person who practices or offers or attempts to practice dentistry or dental hygiene without an active license issued under the Dental Practice Law of Colorado or Board Rules commits a class 2 misdemeanor for the first offense and a class 6 felony for the second or any subsequent offense.

2. Change of name and address

- a. A licensee shall inform the Board in clear, explicit, and unambiguous written statement of any name or address change within 30 days of the change. The Board will not change the licensee's information without explicit written notification from the licensee. Notification by fax or email is acceptable.

- i. The Division of [Registrations Professions and Occupations](#) maintains one contact address for each licensee, regardless of the number of different professional licenses the licensee may hold.

- ii. All communication from the Board to a licensee will be to the contact address maintained with the Division of [Registrations Professions and Occupations](#).

- b. The Board requires one of the following forms of documentation to change a licensee's name or social security number:

- i. Marriage license;

- ii. Divorce decree;

- iii. Court order; or

- iv. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.

- c. Any notification by the Board to a licensee or applicant, required or permitted, under section 12-35-101 et seq., C.R.S. or the State Administrative Procedure Act, found at section 24-4-101 et seq., C.R.S., shall be served personally or by first class mail to the last address of record provided in writing to the Board. Service by mail shall be deemed sufficient and proper upon a licensee or applicant.

3. A foreign-trained dentist is required to complete a program in clinical dentistry and obtained a doctorate of dental surgery or a doctorate of dental medicine at an accredited dental school in order to be eligible for licensure in this state. The only exception is if a foreign-trained dentist is eligible to apply for an academic dentist license.
4. An academic dentist license shall authorize the licensee to practice dentistry only while engaged in the performance of his or her official duties as an employee of the accredited school or college of dentistry and only in connection with programs affiliated or endorsed by the school or college. An academic dentist may not use an academic license to practice dentistry outside of his or her academic responsibilities.
5. A licensed dentist or dental hygienist or an academic dentist is required to renew his or her license biennially and submit the applicable fee. This includes renewing to an active status or retired status. A dentist in inactive status will also be required to renew his or her license biennially and submit the applicable fee. An academic dentist is not eligible for retired or inactive status.
6. A dentist in retired status may provide dental services on a voluntary basis to the indigent, if such services are provided on a limited basis and no fee is charged by the dentist. A dental hygienist in retired status shall not provide dental hygiene services in this state while his or her license is retired.
7. A dentist in inactive status shall not provide dental services in this state while his or her license is inactive.
8. A dentist or dental hygienist with an expired license shall not provide dental services in this state while his or her license is expired.
9. Any person whose license to practice is revoked will be ineligible to apply for any license under the Dental Practice Law of Colorado for at least 2 years after the date of revocation or surrender of the license. Any subsequent application for licensure shall be treated as an application for an original license.
10. It is unlawful for any person to file with the Board a forged document or credentials of another person as part of an application for licensure.
11. All documents required as part of a licensure application, except for license renewal, must be received within 1 year of the date of receipt of application. An application is incomplete until the Board receives all additional information requested or required in order to determine whether to grant or deny the application. If all required information is not submitted within the 1 year period, then the original application materials will be destroyed and the applicant will be required to submit a new application, fee, and all required documentation. The only exception to this are examination results; they will be maintained for an additional 1 year if the application is not completed within 1 year of receipt of the application before they are also destroyed if a new application is not filed before that time.
12. The Board may deny an application for licensure upon a finding that the applicant has violated any provisions of the Dental Practice Law of Colorado and Board Rules.
13. An applicant for licensure may not begin practicing as a dentist or dental hygienist in this state until he or she has been issued an active license number to do so.

14. An applicant for original license, endorsement, and an academic dentist license will be required to take and pass a jurisprudence exam approved by the Board as part of the application process.
15. An applicant applying to reinstate/reactivate an expired, retired, or inactive license will also be required to take and pass a jurisprudence exam approved by the Board as part of the application process to return to active status only if the applicant's license has been expired, retired, or inactive for 2 or more years.
16. A dentist applying for a license is required to be at least 21 years of age.
17. Education, training, or service gained in military services outlined in C.R.S. 24-34-102(8.5), to be accepted and applied towards receiving a license, must be equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.

18. Regulation of Military Spouses

a. A person need not obtain authority to practice dentistry or dental hygiene during the person's first year of residence in Colorado if:

i. The person is a military spouse, as defined in section 12-71-103(3), C.R.S., who is authorized to practice that occupation or profession in another state;

ii. Other than the person's lack of licensure, registration, or certification in Colorado, there is no basis to disqualify the person under Title 12 of the Colorado Revised Statutes; and

iii. The person consents as a condition of practicing dentistry or dental hygiene in Colorado, to be subject to the jurisdiction and disciplinary authority of the Board.

b. To continue practicing dentistry or dental hygiene in Colorado after the person's first year of residence, the person must apply for licensure in accordance with all licensing laws and requirements in effect at the time of the application, including, but not limited to, the Dental Practice Law, Board Rule III, and demonstrating current clinical competency.

B. Original Licensure for Dentists

1. Each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that he or she:
 - a. Graduated with a DDS or DMD degree from an accredited dental school or college, which at the time of the applicant's graduation was accredited by the ~~American Dental Association~~, Commission on Dental Accreditation.
 - i. An official transcript of credits with the date of graduation and degree obtained shall be deemed sufficient evidence.
 - b. Successfully passed the examination administered by the Joint Commission on National Dental Examinations.

- c. Successfully passed an examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency composed of at least four states or an examination of another state.
 - i. An applicant may take a clinical examination 3 times before remedial training is required. If an applicant fails once, he or she can retake the examination 2 more times. These retakes must be completed within 16 months from the date of the first examination.
 - ii. After failing the examination for a 3rd time, and prior to the 4th attempt of the examination, an applicant must:
 - A. Submit to the Board for its pre-approval a detailed plan for remedial training by ~~an American Dental Association,~~ a Commission on Dental Accreditation accredited dental institution or another Board approved entity. The proposed remediation program must be the equivalent of an additional year of study at the qualifying institution.
 - B. Successfully complete the Board-approved program and submit proof to the Board of passing the remediation program, within 24 months of its approval by the Board.
 - C. Based on its review of all documents submitted as proof of completion of the Board-approved remediation program, the Board may grant or deny a 4th attempt of the clinical examination. Any 4th attempt must occur within 12 months of the date of the Board's decision.
 - D. If an applicant fails any or all parts of the examination after remedial training, the Board must approve additional retake attempts.
2. Each applicant will also be required to verify that he or she:
- a. Obtained or will obtain prior to practicing as a licensed dentist in this state commercial professional liability insurance coverage with an insurance company authorized to do business in Colorado pursuant to Article 5 of Title 10, C.R.S., in a minimum indemnity amount of five hundred thousand dollars per incident and one million five hundred thousand dollars annual aggregate per year, unless the dentist is a public employee under the "Colorado Governmental Immunity Act", Article 10 of Title 24, C.R.S., or if covered under a financial responsibility exemption listed in Rule II.
 - b. Accurately and completely listed any acts that would be grounds for disciplinary action under the Dental Practice Law of Colorado and provided a written explanation of the circumstances of such act, including supporting documentation if required.
 - c. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed.
 - d. Accurately and completely provided any and all information pertaining to any pending or final malpractice actions against the applicant, verified by the applicant's malpractice insurance carrier(s). The applicant must request a verification of coverage history for the past 10 years from his/her current and all previous

malpractice insurance carriers. Any settlement or final judgment during the applicant's practice history must be reported.

- e. Disclosed the existence of any dental or other health care license previously held or currently held in any other state or jurisdiction, including dates and status.

3. Demonstrates current clinical competency and professional ability through at least one of the following:

- a. Graduated within the 12 months immediately preceding the date the application is received with a DDS or DMD degree from an accredited dental school or college, which at the time of the applicant's graduation was accredited by the [American Dental Association](#), Commission on Dental Accreditation.
- b. Engaged in the active clinical practice of dentistry for at least 1 year of the 5 years immediately preceding the date the application is received. Experience from postgraduate training, residency programs, internships, or research during this time will be evaluated on a case-by-case basis.
- c. Engaged in teaching dentistry in an accredited program for at least 1 year of the 5 years immediately preceding the date the application is received.
- d. Engaged in service as a dentist in the military for at least 1 year of the 5 years immediately preceding the date the application is received.
- e. Passed a Board approved regional or state clinical examination within 1 year of the date the application is received.
- f. Successfully completed a Board approved evaluation by [an American Dental Association](#), a Commission on Dental Accreditation accredited institution or another Board approved entity within 1 year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. An applicant must submit a proposed evaluation for pre-approval by the Board before it is begun. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.

C. Endorsement for Dentists

- 1. In order to be qualified for licensure by endorsement, an applicant is required to demonstrate that he or she does not currently possess a revoked, suspended, restricted, or conditional license to practice dentistry, or is currently pending disciplinary action against such license in another state or territory of the United States.
- 2. Each qualified applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify through the state in which he or she is seeking endorsement from that he or she meets the requirements listed under section B.1 of this rule.
- 3. Such an applicant will also be required to verify as part of his or her application the requirements listed under section B.2 of this rule.
- 4. An applicant for endorsement will also be required to demonstrate current clinical competency and professional ability through at least one of the following:

- a. Engaged in the active practice of clinical dentistry in the U.S. or one of its territories or Canada for a minimum of 300 hours per year, for a minimum of 5 years out of the 7 seven years immediately preceding the date the application was received. Experience from postgraduate training, residency programs, internships, or research will be evaluated on a case-by-case basis.
- b. Engaged in teaching dentistry, which involves personally providing care to patients for not less than 300 hours annually in an accredited dental school for a minimum of 5 years out of the 7 years immediately preceding the date the application was received.
- c. For the dentists practicing in the military, a report from a senior officer with a recommendation and verification of clinical experience comparable to the requirement in section C.4.a.
- d. Passed a Board approved regional or state clinical examination within 1 year of the date the application is received.
- e. Successfully completed a Board approved evaluation by [an American Dental Association](#), a Commission on Dental Accreditation accredited institution or another Board approved entity within 1 year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. An applicant must submit a proposed evaluation for pre-approval by the Board before it is begun. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.

D. Academic Dentist

1. A dentist who is employed at an accredited school or college of dentistry in this state and who practices dentistry in the course of his or her employment responsibilities and is applying for an academic dentist license shall submit with the application and fee the following credentials and qualifications for review and approval by the Board:
 - a. Proof of graduation with a DDS or DMD degree or equivalent from a school of dentistry located in the United States or another country.
 - b. Evidence of the applicant's employment by an accredited school or college of dentistry in this state; actual practice is to commence only once licensure has been granted.
2. An applicant for an academic dentist license shall satisfy the credentialing standards of the accredited school or college of dentistry that employs the applicant.

E. Original Licensure for Dental Hygienists

1. Each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that he or she:
 - a. Graduated from a school of dental hygiene that, at the time of the applicant's graduation, was accredited by the ~~American Dental Association~~, Commission on Dental Accreditation, and proof that the program offered by the accredited school of dental hygiene was at least 2 academic years. An official school transcript of credits with the date of graduation and degree obtained shall be deemed sufficient evidence.

- b. Successfully passed the examination administered by the Joint Commission on National Dental Examinations.
 - c. Successfully completed an examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency composed of at least four states or an examination of another state.
2. Each applicant will also be required to verify that he or she:
- a. Obtained or will obtain prior to practicing as a licensed dental hygienist in this state professional liability insurance in the amount of not less than fifty thousand dollars per claim and an aggregate liability for all claims during a calendar year of not less than three hundred thousand dollars, or is covered under a financial responsibility exemption listed in Rule II. Coverage may be maintained by the dental hygienist or through a supervising licensed dentist.
 - b. Accurately and completely listed any acts that would be grounds for disciplinary action under the Dental Practice Law of Colorado and provided a written explanation of the circumstances of such act, including supporting documentation if required.
 - c. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed.
 - d. Accurately and completely provided any and all information pertaining to any pending or final malpractice actions against the applicant, verified by the applicant's malpractice insurance carrier(s). The applicant must request a verification of coverage history for the past 10 years from his/her current and all previous malpractice insurance carriers. Any settlement or final judgment during the applicant's practice history must be reported.
 - e. Disclosed the existence of any dental hygiene or other health care license previously held or currently held in any other state or jurisdiction, including dates and status.
3. Demonstrates current clinical competency and professional ability through at least one of the following:
- a. Graduated within the 12 months immediately preceding the date the application was received from an academic program of dental hygiene that, at the time of the applicant's graduation, was accredited by the [American Dental Association](#), Commission on Dental Accreditation and which was at least 2 academic years.
 - b. Engaged in the active clinical practice of dental hygiene for at least 1 year of the 5 years immediately preceding the date the application is received.
 - c. Engaged in teaching dental hygiene or dentistry in an academic program that was accredited by the [American Dental Association](#), Commission on Dental Accreditation for at least 1 year of the 5 years immediately preceding the date the application is received.
 - d. Engaged in service as a licensed dental hygienist in the military for at least 1 year of the 5 years immediately preceding the date the application is received.
 - e. Passed a Board approved regional or state clinical examination within 1 year of the date the application is received.

- f. Successfully completed a Board approved evaluation by [an American Dental Association](#), a Commission on Dental Accreditation accredited institution [or another Board approved entity](#) within 1 year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. An applicant must submit a proposed evaluation for pre-approval by the Board before it is begun. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.

F. Endorsement for Dental Hygienists

1. Each qualified applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify through the state in which he or she is seeking endorsement from that he or she meets the requirements listed under section E.1 of this rule.
2. Such an applicant will also be required to verify as part of his or her application the requirements listed under section E.2 of this rule.
3. An applicant for endorsement will also be required to demonstrate current clinical competency and professional ability through at least one of the following:
 - a. Engaged in the active practice of clinical dental hygiene in the U.S. or one of its territories or Canada for a minimum of 300 hours per year, for a minimum of 1 year out of 3 years immediately preceding the date the application was received.
 - b. Engaged in teaching dental hygiene or dentistry, which involves personally providing care to patients for not less than 300 hours annually in an accredited program for a minimum of 1 year out of the 3 years immediately preceding the date the application was received.
 - c. For the licensed dental hygienists practicing in the military, a report from a senior officer with a recommendation and verification of clinical experience comparable to the requirement in section F.4.a.
 - d. Passed a Board approved regional or state clinical examination within 1 year of the date the application is received.
 - e. Successfully completed a Board approved evaluation by [an American Dental Association](#), a Commission on Dental Accreditation accredited institution [or another Board approved entity](#) within 1 year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. An applicant must submit a proposed evaluation for pre-approval by the Board before it is begun. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.

G. Reinstatement/Reactivation Requirements for Dentists and Dental Hygienists with Expired or Retired Licenses, or Dentists in Inactive Status

1. In order to reinstate or reactivate a license back into active status, each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that he or she:
 - a. Obtained or will obtain prior to active practice in this state Financial Liability Requirements pursuant to the Health Care Availability Act as defined in section 13-64-301, C.R.S. for dentists and the professional liability insurance

requirement as defined in section 12-35-127(4), C.R.S. for dental hygienists, or is covered under a financial responsibility exemption listed in Rule II.

- b. Accurately and completely listed any acts that would be grounds for disciplinary action under the Dental Practice Law of Colorado and provided a written explanation of the circumstances of such act, including supporting documentation if required since last renewing his or her license to an active, retired, or inactive status in this state.
 - c. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed since last renewing his or her license to an active, retired, or inactive status in this state.
 - d. Accurately and completely provided any and all information pertaining to any pending or final malpractice actions against the applicant, verified by the applicant's malpractice insurance carrier(s) since last renewing his or her license to an active, retired, or inactive status in this state.
 - e. Disclosed the existence of any dental or other health care license previously held or currently held in any other state or jurisdiction, including dates and status.
2. If the license has been expired, retired, or inactive for 2 or more years, then an applicant is required to demonstrate continued clinical competency. A licensee who applies for an active license and has not practiced at least 300 hours in a 12-month period during the 5 years immediately preceding the application for reinstatement/reactivation to an active status must demonstrate to the Board how he or she maintained his or her professional ability, knowledge, and skills. The Board may request documentation of the 300 hours for a 12-month period or may accept the following qualifications as fulfillment of the practice requirement, which will be reviewed on a case-by-case basis:
- a. Time spent in postgraduate training, residency programs, or an internship.
 - b. Time spent in research and in teaching.
 - c. Time spent practicing in the military or public health service. For licensed dentists and dental hygienists practicing in the military, a report from a senior officer with a recommendation and verification of clinical experience may be accepted.
 - d. Passed a Board approved regional or state clinical examination within 1 year of the date the application is received.
 - e. Successfully completed a Board approved evaluation by [an American Dental Association](#), a Commission on Dental Accreditation accredited institution [or another Board approved entity](#) within 1 year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. An applicant must submit a proposed evaluation for pre-approval by the Board before it is begun. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.

H. Temporary Licenses

1. By invitation only:

- a. A dentist or dental hygienist who lawfully practices dentistry or dental hygiene in another state or United States territory may be granted a temporary license to practice dentistry or dental hygiene in this state pursuant to section 12-35-107(1)(e), C.R.S., if:
 - i. Such dentist or dental hygienist has been invited by a program provided through a lawful agency of Colorado local, county, state, or federal government or a Colorado non-profit tax exempt organized under section 501 (c) (3) of the federal "Internal Revenue Code of 1986," as amended to provide dental or dental hygiene services to persons identified through such program;
 - ii. The governmental entity or nonprofit private foundation as defined in section H.1.a.i of this rule certifies the name of the applicant and the dates within which the applicant has been invited to provide dental or dental hygiene services in this state, the applicant's full dental or dental hygiene license history with verification of licensure in each state, and an active license in at least one state on a form provided by the Board; and
 - iii. Such applicant's practice in this state, if granted by the Board, is limited to that required by the entities specified in section H.1.a.i and ii of this rule and shall not exceed 120 consecutive days in a 12 month period, renewable once in a 1 year period for a maximum of 240 consecutive days in a 1 year period.
 - b. A temporary licensee shall provide dental or dental hygiene services only to persons identified through an entity as described in section H.1.a.i of this rule and will not accept any compensation above what he or she has agreed to be paid by the entity.
2. The Board may also issue a temporary license to an applicant for licensure to demonstrate clinical competency in compliance with sections B.3.f, C.4.e, E.3.f, ~~and~~ F.3.e, and G.2.e under direct supervision of a licensed dentist or dental hygienist.
 3. A temporary licensee may be subject to discipline by the Board as defined in section 12-35-129 et. seq. and shall be subject to the Financial Liability Requirements pursuant to the Health Care Availability Act as defined in section 13-64-301, C.R.S. for dentists and the professional liability insurance requirement as defined in section 12-35-127(4), C.R.S. for dental hygienists.

Rule IV. License Presentation

(Amended December 2, 2002; Re-numbered December 30, 2011)

A dentist's or dental hygienist's license, or a copy thereof, shall be available on the premises where the dentist or dental hygienist practices.

Rule V. Practice in Education and Research Programs

(Promulgated as Emergency Rule XXVIII on July 7, 2004; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

- A. Pursuant to §12-35-115(1)(f), the names of individuals engaging in practice while appearing in programs of dental education or research must be submitted to the Board on the Board-approved form.

- B. Information provided to the Board by any group of Colorado licensed dentists or dental hygienists inviting dentists and/or dental hygienists to practice while appearing in a program of dental education shall include the following.
1. Name of program
 2. Goals or objectives of program
 3. Instructors in program
 4. Syllabus of content
 5. Method of program evaluation
- C. Information provided to the Board by any group of Colorado licensed dentists or dental hygienists inviting dentists and/or dental hygienists to practice while appearing in a program of dental research shall include the following
1. Name of Program
 2. Research goal or objectives
 3. Research design
 4. Evidence of approval of research by a Review Board for Human Subject Research which meets the requirements of the Office of Human Subjects Research, National Institutes of Health
- D. The dentists and/or dental hygienists invited to participate in the educational or research program who are not licensed in Colorado shall submit evidence to the Board that each participant understands the limitations in such practice as specified in to §12-35-115(1)(f).
- E. The Board shall approve participation if, in the judgment of the Board, the information submitted indicates the program is in compliance with to §12-35-115(1)(f).
- F. The Board may deny participation if, in the judgment of the Board, the information submitted indicates the program is not in compliance with to §12-35-115(1)(f).

Rule VI. Treatment Provider Identification

(Effective February 1, 1999; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

1. Patient records shall note at the time of the treatment or service the name of any dentist, dental hygienist, or dental assistant who performs any treatment or service upon a patient.
2. When patient treatment or service is performed which requires supervision, the patient record must also note the name of the supervising dentist or dental hygienist for the treatment or service performed on the patient.

Rule VII. Patient Records Retention

(Effective February 1, 1999; Amended December 2, 2002; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

- A. Records for minors shall be kept for a minimum of seven (7) years after the patient reaches the age of majority (age 18).
- B. Records for adult patients shall be kept for a minimum of seven (7) years after the last date of dental treatment or examination, whichever occurs at the latest date.
- C. This Rule does not apply to records kept by educational, not-for-profit, and/or public health programs.
- D. When the destruction cycle is imminent, written notice to the patient's last known address, or notice by publication, must be made sixty (60) days prior to destruction. Destruction cannot take place until a 30 day period has elapsed wherein the patient may claim the records.
- E. Notice by publication may be accomplished by publishing in a major newspaper or a newspaper broadly circulated in the local community one day per week for four (4) consecutive weeks.
- F. When the destruction cycle is imminent, records will be provided to the patient or legal guardian at no charge; however appropriate postage and handling costs are permitted.
- G. Records may not be withheld for past due fees relating to dental treatment
- H. Destruction shall be accomplished by a means which renders the records unable to be identified or read such as by fire or shredding.

Rule VIII. Patient Records in the Custody of a Dentist or Dental Hygienist

(Effective December 2, 2002; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

- A. Every patient's record in the custody of a dentist or dental hygienist shall be available to a patient or the patient's designated representative at reasonable times and upon reasonable notice.
- B. A patient or designated representative (representative) may inspect or obtain a copy of his/her patient record after submitting a signed and dated request to the custodian of the patient record. The provider or the representative shall acknowledge in writing the patient's or representative's request. After inspection, the patient or representative shall sign and date the record to acknowledge inspection.
- C. The custodian of the record shall make a copy of the record available or make the record available for inspection within a reasonable time from the date of the signed request, normally not to exceed five days, excluding weekends and holidays.
- D. Patient or representative may not be charged for inspection of records.
- E. The patient or representative shall pay for the reasonable cost of obtaining a copy of the patient record, not to exceed \$12.00 for the first ten or fewer pages and \$0.25 per page for every additional page. Actual postage costs may also be charged.
- F. If the patient or representative so approves, the custodian may supply a written interpretation by the attending provider or representative of patient records, such as radiographs, diagnostic casts, or non-written records which cannot be reproduced without special equipment. If the requestor prefers to obtain a copy of such patient records, the patient must pay the actual cost of such reproduction.

- G. If changes, corrections, deletions, or other modifications are made to any portion of a patient record, the person must note in the record date, time, nature, reason, correction, deletion, or other modification, and his/her name.
- H. Nothing in this rule shall be construed as to limit a right to inspect patient records that is otherwise granted by state statute to the patient or representative.
- I. Nothing in this rule shall be construed to waive the responsibility of a custodian of records to maintain confidentiality of those records the possession of the custodian.

Rule IX. Controlled Substance Record Keeping Requirements

(Amended December 2, 2002; Re-numbered December 30, 2011)

Every dentist shall maintain records in his/her office regarding such dentist's ordering, prescribing, dispensing, administration, and inventory of drugs or controlled substances for a period of two years as follows:

- A. The dentist shall keep a complete and accurate inventory of all stocks of controlled substances on hand in his/her office. Every two (2) years, in accordance with the Drug Enforcement Administration inventory requirements, the dentist shall conduct a new inventory of all such controlled substances.
- B. When the dentist prescribes, dispenses, and/or administers any controlled substance, the following shall be recorded on the patient's record:
 - 1. Name and address of patient.
 - 2. Diagnosis being treated or services performed.
 - 3. Name and strength of drug(s) prescribed, dispensed, and/or administered.
 - 4. Quantity of drug(s) prescribed, dispensed, and/or administered.
 - 5. Date of prescribing, dispensing, and/or administration of such drugs.
 - 6. Name of authorized practitioner-dispensing drug.
- C. With respect to drugs listed in Schedule II, III, IV, and V of the Federal Controlled Substance Act and the Rules and Regulations adopted pursuant thereto, the dentist shall maintain a record of dispensing or administration which shall be separate from the individual patient's record. This separate record shall include the following information:
 - 1. Name of the patient.
 - 2. Name and strength of the drug.
 - 3. Quantity of the drug dispensed or administered.
 - 4. Date such drug was administered or dispensed.
 - 5. Name of the authorized practitioner dispensing drug.
- D. The dentist shall maintain a record of any controlled substance(s) lost, destroyed, or stolen, and the record shall include the kind and quantity of such controlled substance(s) and the date of such

loss, destruction or theft. In addition, the dentist must report such loss or theft to the Drug Enforcement Administration District Office.

- E. Prescription orders must include original signatures from the prescribing dentist. All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address, and registration number of the practitioner. A practitioner may sign a prescription in the same manner as he/she would sign a check or legal document (e. g., J. H. Smith or John H. Smith). When an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or typewritten and shall be manually signed by the practitioner. The prescriptions may be prepared by the secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. The use of rubber-stamped, pre-printed, or pre-signed signatures on prescription pads is not acceptable.

Rule X. Minimum Standards for Qualifications, Training and Education for Unlicensed Personnel Exposing Patients to Ionizing Radiation

The Board deems that the requirements for all dental work settings are met by these standards as of July 1, 1993.

- A. All unlicensed dental personnel who expose patients to ionizing radiation must:

1. Be a minimum of 18 years of age.
2. Successfully complete minimum safety education and training for operating machine sources of ionizing radiation and administering such radiation to patients.

- B. Such education and training shall include at least 8 hours in the following areas, but not limited to:

1. Dental nomenclature - .5 hours;
2. Machine operation exposure factors - 1.5 hours;
3. Operator and patient safety - 1 hour.
4. Practical or clinical experience in:
 - a. Intra/extra - oral techniques for exposing radiographs - 4 hours;
 - b. Appropriate film handling and storage - .25 hour;
 - c. Appropriate processing procedures - .5 hours;
 - d. Appropriate patient record documentation for radiographs - .25 hour.

- C. Written verification of education and training shall be provided by the sponsoring agency, educational institution or licensee to each participant upon completion. This written verification shall be cosigned signed by the unlicensed person; one copy shall be kept in each unlicensed person's employment record located at the employment site, the other kept by the unlicensed person. Written verification of completion of education and training must include:

1. Name of agency, educational institution or licensee who provided such education and training;
2. Verification of hours;

3. Date of completion;
4. Exposure techniques for which education and training have been provided, i.e., bitewings, periapicals, occlusals, and panoramic.

Education and training shall be obtained by complying with subsection D, E, or F.

- D. Education and training may be obtained through programs approved by the Colorado Commission on Higher Education, the State Board of Community Colleges and Occupational Education, the Private Occupational School Division, or the equivalent in any other state. Such programs shall include the education and training as specified in subsection B, above.
- E. Education and training may be provided on the job by a licensed dentist or dental hygienist providing a Board approved educational module which complies with subsection B is used as the basis for such training.
- F. Proof of successful completion of the Dental Assisting National Board Examination (DANB).
- G. All Licensees must insure that newly hired untrained dental personnel comply with these rules within three months of becoming employed in a capacity in which they will be delegated the task of exposing radiographs.
- H. It shall be the duty of each licensee to ensure that:
 1. Tasks are assigned only to those individuals who have successfully completed the education and training and meet the qualifications for those tasks, which are being delegated;
 2. The properly executed verification documentation of all unlicensed personnel who are operating machine sources of ionizing radiation and exposing such radiation be submitted to the Colorado State Board of Dental Examiners upon request.

Rule XI. Laboratory Work Order Forms

(Re-numbered December 30, 2011)

Laboratory work order forms as defined in 12 35 103(11) shall contain the following information pursuant to 12 35 133.

- A. Duplicate form pursuant to 12 35 133 to be retained by dentist and lab for 2 years.
- B. Name of laboratory.
- C. Name of dentist.
- D. Address of dentist.
- E. License number of dentist.
- F. Patient name or I.D. number.
- G. Instructions to laboratory.
 1. Include adequate space for instructions or directions.
 2. Date of try in or delivery.

H. Personal signature of the authorizing dentist shall be written in ink and shall be manually signed by the practitioner. The use of rubber stamped, pre-printed, or a pre-signed signature on work orders is not acceptable.

I. Date of directions.

Rule XII. Denture Construction by Assistants

(Effective February 1, 1999; Amended October 1, 1999, December 2, 2002; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

This rule relates to tasks authorized to be performed by dental assistants as defined in section 12-35-128(3)(d) and tasks authorized to be performed by unlicensed persons as defined in 12-35-133.

- A. Dentures are defined as removable, full, or partial appliances designed to replace teeth.
- B. Dental assistants or any other unlicensed personnel who renders direct patient treatment as defined in section 12-35-128(3)(d) C.R.S., necessary for the construction of dentures, shall be employed by the dentist.
- C. Unlicensed persons who are not employees of the dentist shall only perform the services defined in 12-35-133 and shall not render direct patient treatment as defined in 12-35-128(3)(d).
- D. A dental assistant or unlicensed person shall not practice dentistry as defined in 12-35-113.
- E. All tasks authorized to be performed by a dental assistant or any other unlicensed person pursuant to 12-35-128(3)(d) shall be performed in the "regularly announced office location" of a dentist where the dentist is the proprietor and in which he or she regularly practices dentistry.
- F. Nothing in this rule shall prevent the filling of a valid work order pursuant to 12-35-133, 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.

Rule XIII. Application of Local Therapeutic Agents Into Periodontal Pockets

(Effective June 30, 1996 as Rule XXIV; Amended December 2, 2002; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

- A. "Local Therapeutic Agents" means any agent approved for use by the FDA utilized in controlled drug delivery systems in the course of periodontal pocket treatment.
- B. The responsibility for diagnosis, treatment planning, or the prescription of therapeutic measures in the practice of dentistry shall remain with a licensed dentist and may not be assigned to any dental hygienist or dental assistant.
- C. The placement and removal of local therapeutic agents for treatment of periodontal pockets may be assigned to a Colorado licensed dental hygienist. The placement of local therapeutic agents may not be assigned to a dental assistant.
- D. The licensed dentist shall be responsible for obtaining appropriate training for him/herself and the dental hygienist prior to assigning the application of local therapeutic agents to a dental hygienist. Appropriate training must include: documentation, case selection, pharmacology, application and removal, follow-up treatment, and management of complications as they relate to local therapeutic agents.

E. Any dental hygienist placing local therapeutic agents shall have proof of current Basic Life Support (BLS) knowledge and skills, including Cardiopulmonary Resuscitation (CPR).

Rule XIV. Anesthesia

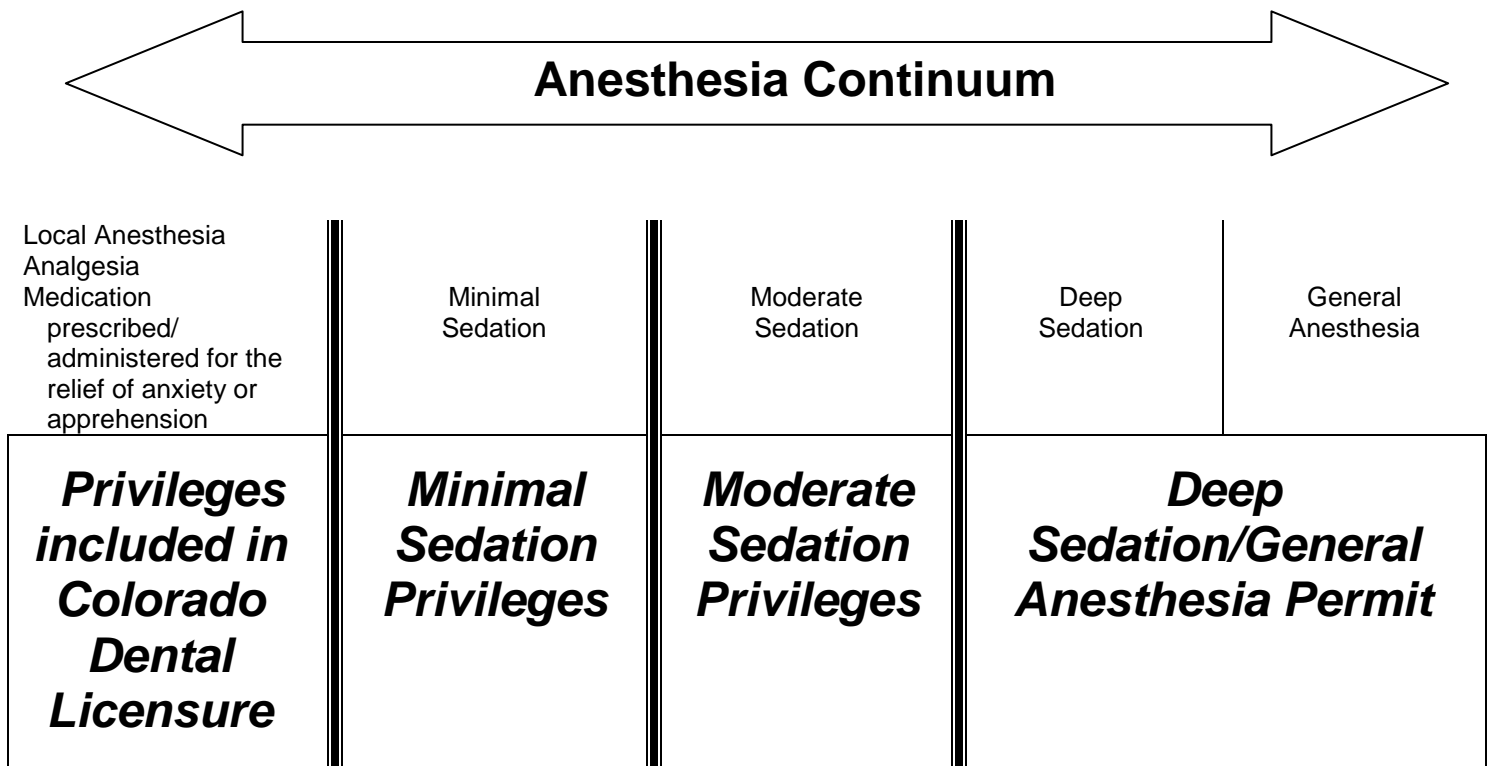
(Amended February 1, 1998, August 1, 2000; August 11, 2004; October 27, 2004; October 26, 2006; July 9, 2009, Effective December 31, 2006; Amended January 21, 2010, Effective March 30, 2010)

A. Introduction

1. This Rule XIV is authorized by the Dental Practice Law of Colorado including but not limited to sections 12-35-107(1)(b), (f), (h) and (i), 12-35-113(1)(q), 12-35-125(1)(f) and 12-35-128(3)(c), C.R.S. This Rule XIV replaces prior anesthesia related Board Rules XIV, XV, XVI, XVII, and XVIII.
2. The purpose of this Rule XIV is to provide dental patients in the state of Colorado open and safe access to anesthesia care by making the process for obtaining privileges or a permit well defined, transparent, and consistent for the dental professionals while at the same time, advocating for patient safety.

B. The Anesthesia Continuum

1. The anesthesia continuum represents a spectrum encompassing analgesia, local anesthesia, sedation, and general anesthesia along which no single part can be simply distinguished from neighboring parts. It is neither the route of administration nor the medication(s) used that determines or defines the level of anesthesia administered. The location on the continuum defines the level of anesthesia administered.



2. The level of anesthesia on the continuum is determined by the definitions listed under section C of this Rule XIV. Elements used to determine the level of anesthesia include the level of consciousness and the likelihood of anesthesia provider intervention(s), based upon the following patient parameters:
 - a. Responsiveness
 - b. Airway
 - c. Respiratory (breathing)
 - d. Cardiovascular

C. Definitions Related to Anesthesia

1. Anesthesia - The art and science of managing anxiety, pain, and awareness. Includes analgesia, local anesthesia, minimal, moderate or deep sedation, or general anesthesia.
2. Analgesia - The diminution or elimination of pain.
3. Local Anesthesia - The elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug.
4. Minimal Sedation - A minimally depressed level of consciousness produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected.
5. Moderate Sedation - A drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.
6. Deep Sedation - A drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.
7. General Anesthesia - A drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.
8. Monitoring - Evaluation of patients to assess physical condition and level of anesthesia.
9. Peri-anesthesia Period - The time from the beginning of the pre-anesthesia assessment until the patient is discharged from anesthesia care.
10. Anesthesia Provider - The licensed and legally authorized individual responsible for administering medications that provide analgesia, local anesthesia, minimal, moderate or deep sedation, or general anesthesia.

D. General Rules for the Safe Administration of Anesthesia

1. The anesthesia provider's education, training, experience, and current competence must correlate with the progression of a patient along the anesthesia continuum.
2. The anesthesia provider must be prepared to manage deeper than intended levels of anesthesia as it is not always possible to predict how a given patient will respond to anesthesia.
3. The anesthesia provider's ultimate responsibility is to protect the patient. This includes, but is not limited to, identification and management of any complication(s) occurring during the peri-anesthesia period.

E. Anesthesia Privileges Included in Colorado Dental Licensure

1. The following anesthesia privileges are included in Colorado dental licensure:
 - a. Local Anesthesia;
 - b. Analgesia;
 - c. Medication prescribed/administered for the relief of anxiety or apprehension; and
 - d. Nitrous Oxide/Oxygen Inhalation Analgesia in compliance with section G of this Rule XIV.
2. A dentist who elects to engage the services of another anesthesia provider in order to provide anesthesia in his or her dental office is responsible for ensuring that the facility meets the requirements outlined in this Rule XIV.

F. Anesthesia Privileges and Permits

1. Local Anesthesia Privileges for dental hygienists -
 - a. A dental hygienist may obtain Local Anesthesia Privileges and administer local anesthesia or a local anesthetic reversal agent under the indirect supervision of a dentist.
 - b. Local Anesthesia Privileges will be issued once and will remain valid as long as the licensee maintains an active license to practice, except as otherwise provided in this Rule XIV.
2. Temporary Privileges or Permit -
 - a. A dentist will be issued temporary privileges or a temporary permit upon meeting the educational and/or experience requirements for Moderate Sedation Privileges or for a Deep Sedation/General Anesthesia Permit as outlined in this Rule XIV prior to successfully completing his/her clinical onsite inspection.
 - b. Unless otherwise authorized by the Board, the temporary privileges or permit will be issued once and will remain valid for a maximum of ninety (90) days.
3. Minimal Sedation Privileges -

- a. To administer minimal sedation, a dentist shall have Minimal Sedation Privileges, Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit issued in accordance with this Rule XIV.
 - b. Minimal Sedation Privileges shall be valid for a period of five (5) years, after which such privileges may be renewed upon reapplication.
4. Moderate Sedation Privileges -
- a. To administer Moderate Sedation, a dentist shall have Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit issued in accordance with this Rule XIV.
 - b. Moderate Sedation Privileges shall be valid for a period of five (5) years after which such privileges may be renewed upon reapplication.
5. Deep Sedation/General Anesthesia Permit -
- a. To administer deep sedation/and or general anesthesia, a dentist shall have a Deep Sedation/General Anesthesia Permit issued in accordance with this Rule XIV.
 - b. A Deep Sedation/General Anesthesia Permit shall be valid for a period of five (5) years after which such permit may be renewed upon reapplication.
 - c. In order to initially apply for or renew a Deep Sedation/General Anesthesia Permit pursuant to this Rule XIV, an applicant must pay a fee established by the Director of the Division of Registrations pursuant to section 24-34-105, C.R.S.

G. Nitrous Oxide/Oxygen Inhalation Requirements

1. A dentist may delegate under direct supervision the monitoring and administration of nitrous oxide/oxygen inhalation to appropriately trained dental personnel, pursuant to section 12-35-113(1)(q), C.R.S.
2. The supervising dentist is responsible for determining and documenting the maximum percent-dosage of nitrous oxide administered to the patient. Documentation shall include the length of time nitrous oxide was used and the length of time the patient was reoxygenated with 100% oxygen.
3. It is the responsibility of the supervising dentist to ensure that dental personnel who administer and/or monitor nitrous oxide/oxygen inhalation are appropriately trained.
4. If nitrous oxide is used in the practice of dentistry, then the supervising dentist shall provide and ensure the following:
 - a. Fail safe mechanisms in the delivery system and an appropriate scavenging system;
 - b. The inhalation equipment must be evaluated for proper operation and delivery of inhalation agents;
 - c. Any administration or monitoring of nitrous oxide/oxygen inhalation to patients by dental personnel is performed in accordance with generally accepted standards of dental or dental hygiene practice.

H. Local Anesthesia Privileges for Dental Hygienists

1. A dental hygienist may obtain Local Anesthesia Privileges after submitting a Board-approved application and upon successful completion of courses conducted by a school accredited by the American Dental Association Commission on Dental Accreditation.
2. Courses must meet the following requirements:
 - a. Twelve (12) hours of didactic training, including but not limited to:
 - Anatomy;
 - Pharmacology;
 - Techniques;
 - Physiology; and
 - Medical Emergencies.
 - b. Twelve (12) hours of clinical training that includes the administration of at least six (6) infiltration and six (6) block injections.

I. Minimal Sedation Privileges - A dentist may obtain Minimal Sedation Privileges after submitting a Board-approved application and upon successful completion of the educational requirements set forth below:

1. A specialty residency or general practice residency recognized by the American Dental Association Commission on Dental Accreditation that includes comprehensive and appropriate training to administer and manage minimal sedation; or
2. Educational criteria for Moderate Sedation Privileges or for a Deep Sedation/General Anesthesia Permit; or
3. A minimum of sixteen (16) hours of Board-approved coursework completed within the past five (5) years that provides training in the administration and induction of minimal sedation techniques and management of complications and emergencies associated with sedation.
 - a. The coursework must contain an appropriate combination of didactic instruction and practical skills training.
 - b. The applicant must submit for Board approval documentation of the training course(s) to include, but not be limited to, a syllabus or course outline of the program and a certificate or other documentation from course sponsors or instructors indicating the number of course hours, content of such courses and date of successful completion.
 - c. Course content leading to current Basic Life Support and/or Advanced Cardiac Life Support and/or Pediatric Advanced Life Support cannot be considered as part of the sixteen (16) hours of classroom and clinical instruction.

J. Moderate Sedation Privileges - A dentist may obtain Moderate Sedation Privileges after submitting a Board-approved application and upon successful completion of education only or a combination of approved education and experience as set forth below:

1. Education Only Route - must submit proof of having successfully completed one of the following:
 - a. A specialty residency or general practice residency recognized by the American Dental Association Commission on Dental Accreditation that includes comprehensive and appropriate training to administer and manage moderate sedation; or
 - b. Educational criteria for a Deep Sedation/General Anesthesia Permit.
2. Education/Experience Route - must submit proof of successfully completing moderate sedation course(s) and acceptable sedation cases as set forth below.
 - a. Education -
 - I) Sixty (60) hours of Board-approved coursework completed within the past five (5) years that provides training in the administration and induction of moderate sedation techniques and management of complications and emergencies associated with sedation.
 - II) Such coursework must include an appropriate combination of didactic instruction and practical skills training.
 - III) The applicant must submit for Board approval documentation of the training course(s) to include, but not be limited to, a syllabus or course outline of the program and a certificate or other documentation from course sponsors or instructors indicating the number of course hours, content of such courses and date of successful completion.
 - IV) Course content leading to current Basic Life Support and/or Advanced Cardiac Life Support and/or Pediatric Advanced Life Support cannot be considered as part of the sixty (60) hours of classroom and clinical instruction.
 - b. Experience -
 - I) Twenty (20) sedation cases that were completed as part of or separate from the Board approved sedation training course.
 - II) If completed separate from the course, then all cases must be completed during the one (1) year period immediately after completion of the approved training program.
 - III) All of the cases must be performed and documented under the on-site instruction and supervision of a person qualified to administer anesthesia at a deep sedation/general anesthesia level.
 - IV) All of the cases must be performed and documented by the applicant.
 - V) Cases may be performed on live patients or as part of a high-fidelity sedation simulation center or program.
 - VI) All of the cases must meet generally accepted standards for the provision and documentation of moderate sedation.

K. Deep Sedation/General Anesthesia Permit - A dentist may obtain a Deep Sedation/General Anesthesia Permit after submitting a Board-approved application and upon successful completion of one of the following educational requirements:

1. A residency program in general anesthesia that is approved by the American Dental Association, the American Dental Society of Anesthesiology, the Accreditation Council for Graduate Medical Education, the American Osteopathic Association or any successor organization to any of the foregoing; or
2. An acceptable post-doctoral training program (e.g., oral and maxillofacial surgery) that affords comprehensive and appropriate training necessary to administer and manage deep sedation and general anesthesia commensurate with the American Dental Association Guidelines for teaching the comprehensive control of anxiety and pain in dentistry.

L. Clinical On-Site Inspection for Obtaining Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit

1. Any dentist applying for Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit will initially be issued a temporary permit upon successfully meeting the educational and/or experience requirements as provided in this Rule XIV. The dentist must then undergo a clinical on-site inspection.
2. Unless otherwise authorized by the Board, a clinical on-site inspection must be successfully completed within ninety (90) days of a temporary permit being issued in order to receive Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit.
3. The Board may require re-inspection of a facility as part of the process for renewal or reinstatement of the privileges or permit.
4. A separate clinical on-site inspection is not required for dentists who receive Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit pursuant to this Rule XIV for one office and travel to other dental office locations to administer anesthesia. However, it is the responsibility of the anesthesia provider to ensure that each facility meets the requirements outlined in this rule. This responsibility also extends to a dentist without Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit who elects to engage the services of another anesthesia provider to provide such anesthesia in his/her dental office.
5. The dentist requiring the anesthesia inspection is responsible for all fees associated with the inspection.
6. The anesthesia inspection shall consist of four (4) parts:
 - a. Review of the office equipment, records, and emergency medications required in sections N, O, P.2 and P.3 of this Rule XIV.
 - b. Surgical/Anesthetic Techniques. The inspector shall observe at least one (1) case while the dentist administers anesthesia at the level for which he/she is making application to the Board. The inspector may require additional cases to observe at his/her discretion.
 - c. Simulated Emergencies. The dentist and his/her team must be able to demonstrate his/her expertise in managing emergencies as required in the application.
 - d. Discussion Period.

7. The inspector shall be a Colorado licensed anesthesiologist or certified registered nurse anesthetist (CRNA) or dentist with a Deep Sedation/General Anesthesia Permit.
8. The inspector shall not have an unethical agreement or conflict of interest with an applicant. An inspector's receipt of payment from the applicant for services as an inspector is acceptable and does not constitute an unethical agreement or conflict of interest.
9. Inspectors shall be considered consultants for the Board and shall be immune from liability in any civil action brought against him/her occurring while acting in this capacity as set forth in section 12-35-109(3), C.R.S.
10. The documentation of the anesthesia inspection must be completed on forms approved by the Board.

M. Office Facilities and Equipment for Provision of Minimal Sedation, Moderate Sedation, Deep Sedation and/or General Anesthesia -

1. Any dentist whose practice includes the administration of minimal sedation by any anesthesia provider must provide the following office facilities and equipment, which are required to be functional at all times:
 - a. Emergency equipment and facilities, including:
 - I) An appropriate size bag-valve-mask apparatus or equivalent with an oxygen hook-up;
 - II) Oral and nasopharyngeal airways;
 - III) Appropriate emergency medications; and
 - IV) An external defibrillator - manual or automatic.
 - b. Equipment to monitor vital signs and oxygenation/ventilation, including:
 - I) A continuous pulse oximeter; and
 - II) A blood pressure cuff of appropriate size and stethoscope, or equivalent blood pressure monitoring devices.
 - c. Oxygen, suction, and a pulse oximeter must be immediately available during the recovery period.
2. Any dentist whose practice includes the administration of moderate sedation by any anesthesia provider must provide the following office facilities and equipment, which are required to be functional at all times:
 - a. Emergency equipment and facilities, including:
 - I) An appropriate size bag-valve-mask apparatus or equivalent with an oxygen hook-up;
 - II) Oral and nasopharyngeal airways;
 - III) Appropriate emergency medications; and

- IV) An external defibrillator - manual or automatic.
 - b. Equipment to monitor vital signs and oxygenation/ventilation, including:
 - I) A continuous pulse oximeter; and
 - II) A blood pressure cuff of appropriate size and stethoscope, or equivalent blood pressure monitoring devices.
 - c. Oxygen, suction, and a pulse oximeter must be immediately available during the recovery period.
 - d. Back-up suction equipment.
 - e. Back-up lighting system.
 - f. Parenteral access or the ability to gain parenteral access, if clinically indicated.
 - g. Electrocardiograph, if clinically indicated.
3. Any dentist whose practice includes the administration of deep sedation and/or general anesthesia by any anesthesia provider must provide the following office facilities and equipment, which are required to be functional at all times:
- a. Emergency equipment and facilities, including:
 - I) An appropriate size bag-valve-mask apparatus or equivalent with an oxygen hook-up;
 - II) Oral and nasopharyngeal airways;
 - III) Appropriate emergency medications; and
 - IV) An external defibrillator - manual or automatic.
 - b. Equipment to monitor vital signs and oxygenation/ventilation, including:
 - I) A continuous pulse oximeter; and
 - II) A blood pressure cuff of appropriate size and stethoscope, or equivalent blood pressure monitoring devices.
 - c. Oxygen, suction, and a pulse oximeter must be immediately available during the recovery period.
 - d. Back-up suction equipment.
 - e. Back-up lighting system.
 - f. Parenteral access or the ability to gain parenteral access, if clinically indicated.
 - g. Electrocardiograph.
 - h. End-tidal carbon dioxide monitor if using a laryngeal mask airway or endotracheal intubation.

- i. Additional emergency equipment and facilities, including:
 - I) Endotracheal tubes suitable for patients being treated;
 - II) A laryngoscope with reserve batteries and bulbs,
 - III) Endotracheal tube forceps (i.e. magill); and
 - IV) At least one additional airway device.

N. Volatile Anesthesia Delivery Systems - if utilized, shall include:

- 1. Capability to deliver oxygen to a patient under positive pressure, including a back-up oxygen system;
- 2. Gas outlets that meet generally accepted safety standards preventing accidental administration of inappropriate gases or gas mixture;
- 3. Fail-safe mechanisms for inhalation of nitrous oxide analgesia;
- 4. The inhalation equipment must have an appropriate scavenging system if volatile anesthetics are used; and
- 5. Gas storage facilities, which meet generally accepted safety standards.

O. Documentation - shall include, but is not limited to:

- 1. For administration of local anesthesia and analgesia -
 - a. Pertinent medical history, including weight; and
 - b. Medication(s) administered and dosage(s).
- 2. For administration of minimal sedation, moderate sedation, deep sedation or general anesthesia -
 - a. Medical History - current and comprehensive;
 - b. Weight;
 - c. Height for any patient over the age of 12;
 - d. American Society of Anesthesiology (ASA) Classification;
 - e. Dental Procedure(s);
 - f. Informed Consent;
 - g. Anesthesia Record, which includes:
 - I) Parenteral access site and method, if utilized;
 - II) Medication(s) administered - medication (including oxygen), dosage, route, and time given;

- III) Vital signs before and after anesthesia is utilized;
 - IV) Intravenous fluids, if utilized; and
 - V) Response to anesthesia - including any complications;
 - h. Condition of patient at discharge.
3. For administration of moderate sedation, deep sedation or general anesthesia:
- a. Physical examination - airway assessment; baseline heart rate, blood pressure, respiratory rate, and oxygen saturation;
 - b. Anesthesia record, which includes:
 - I) Time anesthesia commenced and ended;
 - II) At least every 5 minutes - blood pressure, heart rate; and
 - III) At least every 15 minutes - oxygen saturation (SAO₂); respiratory rate; electrocardiograph (ECG), if clinically indicated by patient history, medical condition(s), or age; and ventilation status (spontaneous, assisted, or controlled).

P. Patient Monitoring - shall include, but is not limited to the following for the administration of:

- 1. Local Anesthesia and Analgesia -
 - a. General state of the patient.
- 2. Minimal Sedation -
 - a. Continuous heart rate and respiratory status;
 - b. Continuous oxygen saturation, if clinically indicated by patient history, medical condition(s), or age;
 - c. Pre and post procedure blood pressure; and
 - d. Level of anesthesia on the continuum.
 - e. Level of cooperation in the pediatric or special needs patient may not reasonably allow for full compliance with some monitoring requirements. In such instance, the supervising dentist shall use professional judgment and shall document available monitoring parameters to the best of his/her ability.
- 3. Moderate Sedation -
 - a. Continuous heart rate, respiratory status, and oxygen saturation;
 - b. Intermittent blood pressure every 5 minutes or more frequently;
 - c. Continuous electrocardiograph, if clinically indicated by patient history, medical condition(s), or age; and

- d. Level of anesthesia on the continuum.
- 4. Deep Sedation or General Anesthesia -
 - a. Continuous heart rate, respiratory status, and oxygen saturation;
 - b. Intermittent blood pressure every 5 minutes or more frequently;
 - c. Continuous electrocardiograph;
 - d. End-tidal carbon dioxide monitoring if using a laryngeal mask airway or endotracheal intubation; and
 - e. Level of anesthesia on the continuum.

Q. Miscellaneous Requirements

- 1. Certification(s) -
 - a. All dentists and dental personnel utilizing, administering or monitoring local anesthesia, analgesia, minimal sedation, moderate sedation, deep sedation or general anesthesia shall have successfully completed current Basic Life Support (BLS) training.
 - b. Additionally, any dentist applying for or maintaining Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit must have successfully completed current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS), as appropriate for the dentist's practice.
- 2. Personnel -
 - a. Minimal/Moderate Sedation - during the administration of minimal or moderate sedation, the supervising dentist and at least one (1) other individual must be present.
 - b. Deep sedation/general anesthesia - during the administration of deep sedation or general anesthesia, the supervising dentist and at least two (2) other individuals must be present; one of whom is experienced in patient monitoring and documentation.
- 3. Monitoring and medication administration - may be delegated to trained dental personnel under the direct supervision of the dentist; however, the supervising dentist retains full accountability.
- 4. Discharge - patient discharge after sedation and/or general anesthesia must be specifically authorized by the anesthesia provider.

R. Additional Requirements for Privileges or Permits: Demonstration of Continued Competency and Reinstatement of Expired Privileges or Permits

- 1. An applicant for Local Anesthesia Privileges, Minimal Sedation Privileges, Moderate Sedation Privileges or a Deep Sedation/General Anesthesia Permit shall demonstrate to the Board that he/she has maintained the professional ability and knowledge required to perform anesthesia when the applicant has not completed a residency program or the coursework

set forth in this Rule XIV within the past five (5) years immediately preceding the application. The applicant may demonstrate competency as follows:

- a. Submit proof that he/she has engaged in the level of administration of anesthesia within generally accepted standards of dental or dental hygiene practice at or above the level for which the applicant is pursuing privileges or a permit for at least one (1) of the five (5) years immediately preceding the application, or
 - b. Submit proof of an evaluation, completed within one (1) year preceding the application by a person or entity approved by the Board that certifies the applicant's ability to administer anesthesia within generally accepted standards of practice at or above the level for which he/she is requesting privileges or a permit. The proposed procedure for the evaluation and the proposed evaluating person or entity must be submitted and be pre-approved by the Board.
2. If a dentist allows his/her Colorado dental license to expire then his/her Minimal Sedation Privileges, Moderate Sedation Privileges or Deep Sedation/General Anesthesia Permit shall also expire. The dentist may apply for reinstatement of his/her Minimal Sedation Privileges, Moderate Sedation Privileges or Deep Sedation/General Anesthesia Permit simultaneously with or subsequent to application for reinstatement of licensure.
 3. If a dental hygienist allows his/her Colorado dental hygienist license to expire then his/her Local Anesthesia Privileges shall also expire. The dental hygienist may apply for reinstatement of his/her Local Anesthesia Privileges simultaneously with or subsequent to application for reinstatement of licensure.
 4. A dentist or dental hygienist who is submitting an application for reinstatement of his/her privileges or permit shall demonstrate to the Board the same competency requirements set forth in section R.1 if he/she has not had privileges or a permit within the two (2) years immediately preceding such reinstatement application.

S. Anesthesia Morbidity/Mortality Reporting Requirements - a complete written report shall be submitted to the Board by the anesthetizing dentist or dental hygienist and his/her supervising dentist within fifteen (15) days of any anesthesia related incident resulting in significant patient morbidity or mortality.

1. A morbidity and mortality report shall include the complete anesthesia record with an associated narrative of all events.
2. All records related to the incident shall be submitted to the Board as part of the report.

T. Effect of 2009 Amendments on Currently Issued Permits

1. Any dentist whose Board-issued permit to perform General Anesthesia and/or Deep Sedation is active on March 30, 2010 shall automatically obtain a Deep Sedation/General Anesthesia Permit pursuant to this Rule XIV. Such dentist's permit shall expire five (5) years from the date under which the prior General Anesthesia and/or Deep Sedation Permit was granted. Following such expiration, the dentist must comply with all applicable statutory and regulatory requirements in order to renew the Deep Sedation/General Anesthesia Permit.
2. Any dentist whose Board-issued permit to perform Parenteral Conscious Sedation is active on March 30, 2010 shall automatically obtain Moderate Sedation Privileges pursuant to this Rule XIV. Such dentist's privileges shall expire five (5) years from the date under which the prior Parenteral Conscious Sedation permit was granted. Following such expiration,

the dentist must comply with all applicable statutory and regulatory requirements in order to renew the Moderate Sedation Privileges.

3. Any dentist whose Board-issued permit to perform Enteral Conscious Sedation is active on March 30, 2010 shall automatically obtain Minimal Sedation Privileges pursuant to this Rule XIV. Such dentist's privileges shall expire five (5) years from the date under which the prior Enteral Conscious Sedation permit was granted. Following such expiration, the dentist must comply with all applicable statutory and regulatory requirements in order to renew the Minimal Sedation Privileges.
4. Any dental hygienist whose Board-issued permit to perform Local Anesthesia is active on March 30, 2010 shall automatically obtain Local Anesthesia Privileges pursuant to this Rule XIV. Such hygienist's privileges shall remain valid for so long as the licensee maintains an active license to practice, except as otherwise provided in this Rule XIV.

U. Board Reserved Rights

1. Dentists or dental hygienists utilizing anesthesia that requires privileges or a permit shall be responsible for practicing within generally accepted standards of dental or dental hygiene practice in administering anesthesia and complying with the terms of this Rule XIV, pursuant to section 12-35-129(1), C.R.S.
2. Dentists or dental hygienists utilizing anesthesia that requires privileges or a permit, under this Rule XIV without first obtaining the required privileges or permit, or utilizing such anesthesia with expired privileges or an expired permit, may be disciplined pursuant to section 12-35-129, C.R.S.
3. Upon a specific finding of a violation of this Rule XIV, and/or upon reasonable cause, the Board may require a supervising dentist to submit proof demonstrating that applicable staff have the appropriate education/training in order to administer nitrous oxide/oxygen and/or are otherwise acting in compliance with this Rule XIV.
4. The Board may discipline or deny a dentist or dental hygienist for a violation of this Rule XIV and/or any other grounds pursuant to section 12-35-129, C.R.S.
5. In addition to the remedies set forth above, nothing in this Rule XIV shall limit the authority of the Board, upon objective and reasonable grounds, to order summary suspension of anesthesia privileges or permit pursuant to section 24-4-104(4), C.R.S.
6. In addition to the remedies set forth above, nothing in this Rule XIV shall limit the authority of the Board, upon objective and reasonable grounds, to order summary suspension of a license to practice dentistry or dental hygiene, pursuant to section 24-4-104(4), C.R.S.
7. Upon review of a morbidity/mortality report and/or upon reasonable concern regarding the use of anesthesia, the Board may require an on-site inspection of the dental facility utilized by the anesthesia provider in administering anesthesia.
8. The Board reserves all other powers and authorities set forth in the Dental Practice Law of Colorado, Article 35 of Title 12, C.R.S. and the Administrative Procedure Act, Article 4 of Title 24, C.R.S.

Rule XV. Pediatric Case Management; Medical Immobilization/Protective Stabilization

(Amended October 24, 2007, Effective December 31, 2007; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

A. The purpose of this rule is to recognize that pediatric cases may require special case management, and that pediatric and special needs patients may need specialized care in order to prevent injury and to protect the health and safety of the patients, the dentist, and the dental staff. In addition to patient management of the pediatric and special needs patient, it may be necessary to medically immobilize the pediatric and special needs patients to prevent injury and to protect the health and safety of the patients, the dentist, and the dental staff. To achieve effective pediatric patient management, it is important to build a trusting relationship between the dentist, the dental staff, the patient, and the parent or guardian. This necessitates that the dentist establishes communication with them and promotes a positive attitude towards oral and dental health in order to alleviate fear and anxiety and to deliver quality dental care.

B. Pediatric Case Management

1. Parents or legal guardians cannot be denied access to the patient during treatment in the dental office unless the health and safety of the patient, parent or guardian, or dental staff would be at risk. The parent or guardian shall be informed of the reason they are denied access to the patient and both the incident of the denial and the reason for the denial shall be documented in the patient's dental record.
2. This provision shall not apply to dental care delivered in an accredited hospital or acute care facility.

C. Medical Immobilization/Protective Stabilization

1. Within this Rule, the terms medical immobilization and protective stabilization are used interchangeably. These terms refer to partial or complete immobilization of the patient necessary to protect the patient, practitioner, and other dental staff from injury while providing care. Immobilization can be performed by the dentist, staff, or parent or legal guardian with or without the aid of an immobilization device.
2. Training requirement. Prior to utilizing medical immobilization, the dentist shall have received training beyond basic dental education through a residency program or graduate program that contains content and experiences in advanced behavior management or a continuing education course of no less than 6 hours in advanced behavior management that involves both didactic and demonstration components. This training requirement will be effective October 1, 2006.

3. Pre-Immobilization Requirements

- a. Prior to utilizing medical immobilization, the dentist shall consider each of the following:
 1. Other alternative less restrictive behavioral management methods;
 2. The dental needs of the patient;
 3. The effect on the quality of dental care;
 4. The patient's emotional development; and
 5. The patient's physical condition; and
 6. The safety of the patient, dentist, and staff.

- b. Prior to using medical immobilization, the dentist shall obtain written informed consent for the specific technique of immobilization from the parent or legal guardian and document such consent in the dental record, unless the parent or legal guardian is immobilizing the patient. Consent involving solely the presentation or description of a listing of various behavior management techniques is not considered to constitute informed consent for medical immobilization. The parent or guardian must be informed of the advantages and disadvantages of the technique(s) of immobilization being utilized and/or considered.

4. Medical Immobilization or Protective Stabilization

- a. Immobilization can be performed by the dentist, staff, or parent or legal guardian with or without the aid of an immobilization device.
- b. Immobilization must cause no serious or permanent injury and the least possible discomfort.
- c. Indication. Partial or complete immobilization may be used for required diagnosis and/or treatment if the patient cannot cooperate due to lack of maturity, mental or physical handicap, failure to cooperate after other behavior management techniques have failed and/or when the safety of the patient, dentist or dental staff would be at risk without using protective stabilization. This method can only be used to reduce or eliminate untoward movement, protect the patient and staff from injury, and to assist in the delivery of quality dental treatment.
- d. Contraindications. Medical immobilization may not be used for the convenience of the dentist, as punishment, to provide care for a cooperative patient, or for a patient who cannot be immobilized safely due to medical conditions.
- e. Documentation. The patient's records should include:
 - 1. Specific written informed consent for the medical immobilization, including the reason why immobilization is required;
 - 2. Type of immobilization used, including immobilization by a parent or guardian;
 - 3. Indication or reason for specific immobilization;
 - 4. Duration of application;
 - 5. Documentation of adequacy of patient airway, peripheral circulation and proper positioning of immobilization device or technique in increments of 15 minutes while immobilization is utilized.
 - 6. In addition, there must be documentation of the outcome of the immobilization, including the occurrence of any marks, bruises, injuries, or complications to the patient.
- f. Duration of Application.
 - 1. The patient record must document the time each immobilization began and ended.
 - 2. The status and progress of the treatment and the plan for future or remaining treatment with treatment options shall be reported at least hourly, or

more frequently if appropriate, to the parent or legal guardian. After each such hourly report, renewed consent for continuation of the immobilization must be specifically obtained. Such consent may be verbal but shall be documented in the record.

- g. If the treatment plan changes during the procedure from that presented to the parent or legal guardian in the initial informed consent discussion, the parent or legal guardian shall be notified and consulted immediately.
- h. Dental hygienists and dental assistants shall not use medical immobilization by themselves, but may assist the dentist as necessary.

Rule XVI. Infection Control

(Effective August 1, 2000; Amended January 5, 2001; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

- A. Failure to utilize generally accepted standards of infection control procedures may violate 12-35-129 (1)(k), C.R.S.

Rule XVII. Advertising

(Effective August 1, 2000; Temporarily Expired December 2, 2002; Effective July 1, 2003; Amended October 27, 2004; Amended October 26, 2006, Effective December 30, 2006; Amended April 25, 2007, Effective July 1, 2007; Amended October 24, 2007, Effective December 31, 2007; Amended October 22, 2008, Effective November 30, 2008; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

This Rule applies to advertising in all types of media that is directed to the public. No dentist or dental hygienist shall advertise in any form of communication in a manner that is misleading, deceptive or false.

- A. Misleading, deceptive, or false advertising includes, but is not limited to the following, and if proven is a violation of section 12-35-129 (1), C.R.S.:
 - 1. A known material misrepresentation of fact;
 - 2. Omits a fact necessary to make the statement considered as a whole not materially misleading;
 - 3. Is intended to be or is likely to create an unjustified expectation about the results the dentist or dental hygienist can achieve;
 - 4. Contains a material, objective representation, whether express or implied, that the advertised services are superior in quality to those of other dental or dental hygiene services if that representation is not subject to reasonable substantiation. For the purposes of this subsection, reasonable substantiation is defined as tests, analysis, research, studies, or other evidence based on the expertise of professionals in the relevant area that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results. Individual experiences are not a substitute for scientific research. Evidence about the individual experience of consumers may assist in the substantiation, but a determination as to whether reasonable substantiation exists is a question of fact on a case-by-case basis;

5. Claims that state or imply a specialty practice by a general dentist in violation of section (B) hereof;
6. The false or misleading use of a claim regarding Board certification, registration, listing, education, or an unearned degree;
7. Advertisement that uses patient testimonials unless the following conditions are met:
 - a. The patient's name, address, and telephone number as of the time the advertisement was made must be maintained by the dentist or dental hygienist and that identifying information shall be made available to the Board within ten (10) days of a request for the information by the Board.
 - b. Dentists or dental hygienists who advertise dental or dental hygiene services, which are the subject of the patient testimonial, must have actually provided these services to the patient making the testimonial.
 - c. If compensation, remuneration, a fee, or benefit of any kind has been provided to the person in exchange for consideration of the testimonial, such testimonial must include a statement that the patient has been compensated for such testimonial.
 - d. A specific release and consent for the testimonial from the patient shall be obtained from the patient which shall be made available to the Board within ten (10) days of request of that information.
 - e. Any testimonial shall indicate that results may vary in individual cases.
 - f. Patient testimonials attesting to the technical quality or technical competence of a service or treatment offered by a licensee must have reasonable substantiation.
8. Advertising that makes an unsubstantiated medical claim or is outside the scope of dentistry, unless the dentist or dental hygienist holds a license or registration in another profession and the advertising and/or claim is within the scope authorized by the license or registration in another profession;
9. Advertising that makes unsubstantiated promises or claims, including but not limited to claims that the patient will be cured;
10. The use of "bait and switch" in advertisements. "Bait and switch" advertising is defined as set forth in the Colorado Consumer Protection Act, section 6-1-105, C.R.S.;
11. The Board recognizes that clinical judgment must be exercised by a dentist or dental hygienist. Therefore, a good faith diagnosis that the patient is not an appropriate candidate for the advertised dental or dental hygiene service or product is not a violation of this rule;
12. If an advertisement includes an endorsement by a third party in which there is compensation, remuneration, fee paid, or benefit of any kind, the endorsement by the third party must indicate that it is a paid endorsement;
13. Inferring or giving the appearance that an advertisement is a news item without using the phrase "paid advertisement";
14. Promotion of a professional service which the licensee knows or should know is beyond the licensee's ability to perform;

15. The use of any personal testimonial by the licensed provider attesting to a quality or competence of a service or treatment offered by a licensee that is not reasonably verifiable;
16. At the time any type of advertisement is placed the dentist or dental hygienist must in good faith possess information that would substantiate the truthfulness of any assertion, omission or claim set forth in the advertisement;
17. A licensed dentist or dental hygienist shall be responsible and shall approve any advertisement made on behalf of the dental or dental hygiene practice. The dentist or dental hygienist shall maintain a listing stating the name and license number of the dentists or dental hygienists who approved and are responsible for the advertisement and shall maintain such list for a period of three (3) years;
18. Advertising that claims to provide services at a specific rate and fails to disclose that the patient's insurance may provide payment for all or part of the services.

B. Specialty Practice and Advertising.

1. A licensed dentist has the legal authority to practice in any and all areas of dentistry and also the authority to confine the areas in which he or she chooses to practice.
2. Dental specialties are recognized as only those defined by the American Dental Association and dental specialists are those dentists who have successfully completed a Commission on Dental Accreditation specialty program.
3. Practitioners who have successfully completed a Commission on Dental Accreditation accredited specialty program may advertise the practice of that specialty. Practitioners who have not completed an accredited specialty program, and have limited their practice to a specific Commission on Dental Accreditation defined specialty, must clearly state in all advertising and/or public promotions, that he or she is a general dentist who has limited his or her practice to that field of dentistry and must disclose "General Dentistry" in print larger and/or bolder and noticeably more prominent than any other area of practice or service advertised.
4. It is misleading, deceptive or false for general practitioners to list their names, advertise, or promote themselves in any area or location that implies a specialty. A general practitioner who advertises in any medium under a specialty heading or section may be considered as having engaged in misleading, deceptive or false advertising and may be in violation of section 12-35-129 (1), C.R.S.
5. Those group practices which include general dentists and specialists must list the phrase "General Dentistry and Specialty Practice" larger and/or bolder and noticeably more prominent than any service offered in an advertisement. Names and qualifications shall be made available to the public upon request.

C. Acronyms

In addition to those acronyms required by law pertaining to one's business entity such as Professional Corporation (P.C.) or Limited Liability Company (L.L.C.), dentists or dental hygienists may only use those acronyms earned at a program accredited by a regional or professional accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation.

Rule XVIII. Protocol for Termination of Practice upon Revocation, Relinquishment, or Suspension for More than 90 Days of Dental License

(Amended December 2, 2002; Re-numbered December 30, 2011; [Amended October 23, 2013, Effective December 15, 2013](#))

- A. Upon revocation and relinquishment of the dental license, the licensee shall immediately stop the practice of dentistry and shall tender his/her license to practice dentistry to the Board within twenty-four (24) hours from the effective date of revocation or relinquishment. The licensee shall notify all patients within 30 calendar days that the licensee has ceased the practice of dentistry and that the patient must make arrangements for the transfer of patient records. The licensee shall make the patient records or copies of the patient records available to the patient, to a dentist designated by the patient, or if the licensee's practice is sold, to the dentist who purchases the practice. The transfer of patient records must be completed within 60 days. These terms may be set forth in the revocation or relinquishment order.
- B. Any request to deviate from this rule must be set forth in writing to the Board. The Board may review the request and may, upon good cause shown, issue an amended termination order. The decision to amend the terms for the termination of practice is final with the Board. A failure to comply with the provisions of the termination order may be grounds for disciplinary action for violation of a Board Order.
- C. Written notice by first class mail of the termination of practice must be made to all patients of the practice to the patient's last known address, or by notice by publication as set forth in Rule ~~XXXX~~ [VII.E](#).
- D. The suspended practitioner cannot employ any licensed dentist, hygienist, or assistant and cannot be on the premises of the dental office to observe, monitor, or participate in any way in care given. The suspended practitioner may derive no income from the dental practice either directly or indirectly during the period of suspension, except for treatment provided before the beginning of the suspension. The suspended practitioner may provide administrative duties alone to the practice.

Rule XIX. Protocol upon Suspension of Dental License for Less than 90 Days (Summary Suspension and Suspension of Less than 90 Days)

(Effective December 2, 2002; Re-numbered December 30, 2011)

- A. Upon suspension of license, the licensee shall immediately stop the practice of dentistry and shall tender his/her license to practice dentistry to the Board within twenty-four (24) hours from the effective date of the suspension.
- B. The licensee shall assure the continued care of patients and must make arrangements for the transfer of patient records. The licensee shall make the patient records or copies of the patient records available to the patient, to a dentist designated by the patient, or if the licensee's practice is sold, to the dentist who purchases the practice.
- C. Any request to deviate from this rule must be set forth in writing to the Board. The Board may review the request and may, upon good cause shown, issue an amended termination order. The decision to amend the terms for the termination of practice is final with the Board. A failure to comply with the provisions of the termination order may be grounds for disciplinary action for violation of a Board Order.
- D. The suspended practitioner cannot employ any licensed dentist, hygienist, or assistant and cannot be on the premises of the dental office to observe, monitor, or participate in any way in care given.

The suspended practitioner may derive no income from the dental practice either directly or indirectly during the period of suspension, except for treatment provided before the beginning of the suspension. The suspended practitioner may provide administrative duties alone to the practice.

Rule XX. Compliance with Board Subpoena

(Effective December 31, 2007; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

- A. When the Board requests a patient's complete patient record, pursuant to subpoena, the patient chart or record shall include all medical histories for the patient, all patient notes, all labeled and dated radiographs, all billing and/or all insurance records that are compiled for a specific patient.
- B. It is the responsibility of the licensed dentist or dental hygienist to assure that all records submitted are legible and, if necessary, to have records transcribed to assure legibility.
- C. Failure by a licensed dentist or dental hygienist to submit the complete patient record to the Board, or any relevant papers, books, records, documentary evidence, and/or other materials, as requested pursuant to subpoena is a violation of § 12-35-129(1)(i), C.R.S.

Rule XXI. Declaratory Orders

(Re-numbered December 30, 2011)

Adopted in accordance with the requirements of 24-4-105(11).

- A. Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.
- B. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:
 - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to the petitioner of any statutory provision or rule or order of the Board.
 - 2. Whether the petition involves any subject, question or issue which is the focus of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.
 - 3. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - 4. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- D. Any petition filed pursuant to this rule shall set forth the following:

1. The name and address of the petitioner and whether the petitioner is licensed pursuant to the provisions of C.R.S. 12 35 101, et seq., as amended.
2. The statute, rule or order to which the petition relates.
3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.

E. If the Board determines that it will rule on the petition, the following procedures apply:

1. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case, any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
2. The Board may order the petitioner to file a written brief, memorandum or statement of position.
3. The Board may set the petition, upon due notice to the petitioner, for a non evidentiary hearing.
4. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
5. The Board may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition. The Board may take administrative notice of the facts pursuant to the Administrative Procedure Act (C.R.S. 1973 24 4 105(8)) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
6. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
7. The Board may, in its discretion, set the petition for hearing, upon due notice to the petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition.
8. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire.
9. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.

F. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section D. of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.

Rule XXII. Practice Monitor Consultant Guidelines

(Amended February 1, 1998, May 15, 1998, December 2, 2002; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011)

- A. Licensees requiring monitoring must pay the monitor for service. Remuneration for such service will be a reasonable fee negotiated by the parties.
 - B. Monitors must be approved by the Board and shall submit their application for practice monitor on form(s) supplied by the Board.
 - C. Monitors are responsible for periodic assessment of a licensee's practice as directed by the Board or its agent(s).
 - D. Monitors shall have access to all patient records, files, and materials to effectively monitor a licensee's practice.
 - E. The monitor may elect to observe the licensee in the execution of certain procedures.
 - F. Monitors shall be required to submit practice monitor reports on form(s) supplied by the Board and on a schedule to be determined by the Board.
 - G. Monitors approved by the Board shall be deemed to be consultants of the Board.
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Editor's Notes

History

Rules XVII, XXVI eff. 07/01/2007.

Rules XXVI, XXIX, XXX eff. 12/31/2007.

Rule XXVI eff. 11/30/2008.

Rule III eff. 05/30/2009.

Rule III eff. 12/30/2009.

Rules III, XIV - XXX eff. 03/30/2010.

Rules I - IX, XI - XIII, XV - XXII eff. 12/30/2011.

[Rules III and XVIII eff. 12/15/2013.](#)