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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3560

02/17/2022 Authored by Her
The bill was read for the first time and referred to the Committee on Health Finance and Policy
03/30/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

- 1.1 A bill for an act
- 1.2 relating to health; modifying requirements for specialty and guest dentist licensure;
- 1.3 modifying requirements for display of and procedure for licenses and registration
- 1.4 certificates; providing dental therapy licensure by credentials; modifying application
- 1.5 and initial fees; providing civil penalties; amending Minnesota Statutes 2020,
- 1.6 sections 150A.06, subdivisions 1c, 2c, 6, by adding a subdivision; 150A.09;
- 1.7 150A.091, subdivisions 2, 5, 8, 9, by adding subdivisions; repealing Minnesota
- 1.8 Statutes 2020, section 150A.091, subdivisions 3, 15, 17.
- 1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.10 Section 1. Minnesota Statutes 2020, section 150A.06, subdivision 1c, is amended to read:
- 1.11 Subd. 1c. **Specialty dentists.** (a) The board may grant one or more specialty licenses in
- 1.12 the specialty areas of dentistry that are recognized by the Commission on Dental
- 1.13 Accreditation.
- 1.14 (b) An applicant for a specialty license shall:
- 1.15 (1) have successfully completed a postdoctoral specialty program accredited by the
- 1.16 Commission on Dental Accreditation, or have announced a limitation of practice before
- 1.17 1967;
- 1.18 (2) have been certified by a specialty board approved by the Minnesota Board of
- 1.19 Dentistry, or provide evidence of having passed a clinical examination for licensure required
- 1.20 for practice in any state or Canadian province, or in the case of oral and maxillofacial
- 1.21 surgeons only, have a Minnesota medical license in good standing;
- 1.22 (3) have been in active practice or a postdoctoral specialty education program or United
- 1.23 States government service at least 2,000 hours in the 36 months prior to applying for a
- 1.24 specialty license;

(4) if requested by the board, be interviewed by a committee of the board, which may include the assistance of specialists in the evaluation process, and satisfactorily respond to questions designed to determine the applicant's knowledge of dental subjects and ability to practice;

(5) if requested by the board, present complete records on a sample of patients treated by the applicant. The sample must be drawn from patients treated by the applicant during the 36 months preceding the date of application. The number of records shall be established by the board. The records shall be reasonably representative of the treatment typically provided by the applicant for each specialty area;

(6) at board discretion, pass a board-approved English proficiency test if English is not the applicant's primary language;

(7) pass all components of the National Board Dental Examinations;

(8) pass the Minnesota Board of Dentistry jurisprudence examination;

(9) abide by professional ethical conduct requirements; and

(10) meet all other requirements prescribed by the Board of Dentistry.

(c) The application must include:

(1) a completed application furnished by the board;

~~(2) at least two character references from two different dentists for each specialty area, one of whom must be a dentist practicing in the same specialty area, and the other from the director of each specialty program attended;~~

~~(3) a licensed physician's statement attesting to the applicant's physical and mental condition;~~

~~(4) a statement from a licensed ophthalmologist or optometrist attesting to the applicant's visual acuity;~~

~~(5)~~ (2) a nonrefundable fee; and

~~(6)~~ (3) a notarized, unmounted passport-type photograph, three inches by three inches, taken not more than six months before the date of application copy of the applicant's government issued photo identification card.

(d) A specialty dentist holding one or more specialty licenses is limited to practicing in the dentist's designated specialty area or areas. The scope of practice must be defined by each national specialty board recognized by the Commission on Dental Accreditation.

(e) A specialty dentist holding a general dental license is limited to practicing in the dentist's designated specialty area or areas if the dentist has announced a limitation of practice. The scope of practice must be defined by each national specialty board recognized by the Commission on Dental Accreditation.

(f) All specialty dentists who have fulfilled the specialty dentist requirements and who intend to limit their practice to a particular specialty area or areas may apply for one or more specialty licenses.

Sec. 2. Minnesota Statutes 2020, section 150A.06, subdivision 2c, is amended to read:

Subd. 2c. **Guest license.** (a) The board shall grant a guest license to practice as a dentist, dental hygienist, or licensed dental assistant if the following conditions are met:

(1) the dentist, dental hygienist, or dental assistant is currently licensed in good standing in another United States jurisdiction;

(2) the dentist, dental hygienist, or dental assistant is currently engaged in the practice of that person's respective profession in another United States jurisdiction;

(3) the dentist, dental hygienist, or dental assistant will limit that person's practice to a public health setting in Minnesota that (i) is approved by the board; (ii) was established by a nonprofit organization that is tax exempt under chapter 501(c)(3) of the Internal Revenue Code of 1986; and (iii) provides dental care to patients who have difficulty accessing dental care;

(4) the dentist, dental hygienist, or dental assistant agrees to treat indigent patients who meet the eligibility criteria established by the clinic; and

(5) the dentist, dental hygienist, or dental assistant has applied to the board for a guest license and has paid a nonrefundable license fee to the board ~~not to exceed \$75~~.

(b) A guest license must be renewed annually with the board and an annual renewal fee ~~not to exceed \$75~~ must be paid to the board. Guest licenses expire on December 31 of each year.

(c) A dentist, dental hygienist, or dental assistant practicing under a guest license under this subdivision shall have the same obligations as a dentist, dental hygienist, or dental assistant who is licensed in Minnesota and shall be subject to the laws and rules of Minnesota and the regulatory authority of the board. If the board suspends or revokes the guest license of, or otherwise disciplines, a dentist, dental hygienist, or dental assistant practicing under this subdivision, the board shall promptly report such disciplinary action to the dentist's,

4.1 dental hygienist's, or dental assistant's regulatory board in the jurisdictions in which they
4.2 are licensed.

4.3 (d) The board may grant a guest license to a dentist, dental hygienist, or dental assistant
4.4 licensed in another United States jurisdiction to provide dental care to patients on a voluntary
4.5 basis without compensation for a limited period of time. The board shall not assess a fee
4.6 for the guest license for volunteer services issued under this paragraph.

4.7 (e) The board shall issue a guest license for volunteer services if:

4.8 (1) the board determines that the applicant's services will provide dental care to patients
4.9 who have difficulty accessing dental care;

4.10 (2) the care will be provided without compensation; and

4.11 (3) the applicant provides adequate proof of the status of all licenses to practice in other
4.12 jurisdictions. The board may require such proof on an application form developed by the
4.13 board.

4.14 (f) The guest license for volunteer services shall limit the licensee to providing dental
4.15 care services for a period of time not to exceed ten days in a calendar year. Guest licenses
4.16 expire on December 31 of each year.

4.17 (g) The holder of a guest license for volunteer services shall be subject to state laws and
4.18 rules regarding dentistry and the regulatory authority of the board. The board may revoke
4.19 the license of a dentist, dental hygienist, or dental assistant practicing under this subdivision
4.20 or take other regulatory action against the dentist, dental hygienist, or dental assistant. If an
4.21 action is taken, the board shall report the action to the regulatory board of those jurisdictions
4.22 where an active license is held by the dentist, dental hygienist, or dental assistant.

4.23 Sec. 3. Minnesota Statutes 2020, section 150A.06, subdivision 6, is amended to read:

4.24 Subd. 6. **Display of name and certificates.** (a) The renewal certificate of ~~every dentist,~~
4.25 ~~dental therapist, dental hygienist, or dental assistant~~ every licensee or registrant must be
4.26 conspicuously displayed in plain sight of patients in every office in which that person
4.27 practices. Duplicate renewal certificates may be obtained from the board.

4.28 (b) Near or on the entrance door to every office where dentistry is practiced, the name
4.29 of each dentist practicing there, as inscribed on the current license certificate, must be
4.30 displayed in plain sight.

4.31 (c) The board must allow the display of a mini-license for guest license holders
4.32 performing volunteer dental services. There is no fee for the mini-license for guest volunteers.

Sec. 4. Minnesota Statutes 2020, section 150A.06, is amended by adding a subdivision to read:

Subd. 12. Licensure by credentials for dental therapy. (a) Any dental therapist may, upon application and payment of a fee established by the board, apply for licensure based on an evaluation of the applicant's education, experience, and performance record. The applicant may be interviewed by the board to determine if the applicant:

(1) graduated with a baccalaureate or master's degree from a dental therapy program accredited by the Commission on Dental Accreditation;

(2) provided evidence of successfully completing the board's jurisprudence examination;

(3) actively practiced at least 2,000 hours within 36 months of the application date or passed a board-approved reentry program within 36 months of the application date;

(4) either:

(i) is currently licensed in another state or Canadian province and not subject to any pending or final disciplinary action; or

(ii) was previously licensed in another state or Canadian province in good standing and not subject to any final or pending disciplinary action at the time of surrender;

(5) passed a board-approved English proficiency test if English is not the applicant's primary language required at the board's discretion; and

(6) met all curriculum equivalency requirements regarding dental therapy scope of practice in Minnesota.

(b) The 2,000 practice hours required by clause (3) may count toward the 2,000 practice hours required for consideration for advanced dental therapy certification, provided that all other requirements of section 150A.106, subdivision 1, are met.

(c) The board, at its discretion, may waive specific licensure requirements in paragraph (a).

(d) The board must license an applicant who fulfills the conditions of this subdivision and demonstrates the minimum knowledge in dental subjects required for licensure under subdivision 1d to practice the applicant's profession.

(e) The board must deny the application if the applicant does not demonstrate the minimum knowledge in dental subjects required for licensure under subdivision 1d. If licensure is denied, the board may notify the applicant of any specific remedy the applicant

could take to qualify for licensure. A denial does not prohibit the applicant from applying for licensure under subdivision 1d.

(e) A candidate may appeal a denied application to the board according to subdivision 4a.

Sec. 5. Minnesota Statutes 2020, section 150A.09, is amended to read:

150A.09 REGISTRATION OF LICENSES AND OR REGISTRATION CERTIFICATES.

Subdivision 1. **Registration information and procedure.** On or before the license certificate expiration date every ~~licensed dentist, dental therapist, dental hygienist, and dental assistant~~ licensee or registrant shall ~~transmit to the executive secretary of the board, pertinent information~~ submit the renewal required by the board, together with the applicable fee established by the board under section 150A.091. At least 30 days before a license certificate expiration date, the board shall send a written notice stating the amount and due date of the fee and the information to be provided to every licensed dentist, dental therapist, dental hygienist, and dental assistant.

Subd. 3. **Current address, change of address.** Every ~~dentist, dental therapist, dental hygienist, and dental assistant~~ licensee or registrant shall maintain with the board a correct and current mailing address and electronic mail address. For dentists engaged in the practice of dentistry, the postal address shall be that of the location of the primary dental practice. Within 30 days after changing postal or electronic mail addresses, every ~~dentist, dental therapist, dental hygienist, and dental assistant~~ licensee or registrant shall provide the board written notice of the new address either personally or by first class mail.

Subd. 4. **Duplicate certificates.** Duplicate licenses or duplicate certificates of license renewal may be issued by the board upon satisfactory proof of the need for the duplicates and upon payment of the fee established by the board.

Subd. 5. **Late fee.** A late fee established by the board shall be paid if the ~~information and fee~~ required by subdivision 1 is not received by the ~~executive secretary~~ of the board on or before the registration or license renewal date.

Sec. 6. Minnesota Statutes 2020, section 150A.091, subdivision 2, is amended to read:

Subd. 2. **Application and initial license or registration fees.** Each applicant shall submit with a license, advanced dental therapist certificate, or permit application a

7.1 nonrefundable fee in the following amounts in order to administratively process an
7.2 application:

7.3 (1) dentist, ~~\$140~~ \$308;

7.4 (2) full faculty dentist, ~~\$140~~ \$308;

7.5 (3) limited faculty dentist, \$140;

7.6 (4) resident dentist or dental provider, \$55;

7.7 (5) advanced dental therapist, \$100;

7.8 (6) dental therapist, ~~\$100~~ \$220;

7.9 (7) dental hygienist, ~~\$55~~ \$115;

7.10 (8) licensed dental assistant, ~~\$55; and~~ \$115;

7.11 (9) dental assistant with a ~~permit~~ registration as described in Minnesota Rules, part
7.12 3100.8500, subpart 3, ~~\$15;~~ \$27; and

7.13 (10) guest license, \$50.

7.14 Sec. 7. Minnesota Statutes 2020, section 150A.091, subdivision 5, is amended to read:

7.15 Subd. 5. **Biennial license or ~~permit~~ registration renewal fees.** Each of the following
7.16 applicants shall submit with a biennial license or permit renewal application a fee as
7.17 established by the board, not to exceed the following amounts:

7.18 (1) dentist or full faculty dentist, \$475;

7.19 (2) dental therapist, \$300;

7.20 (3) dental hygienist, \$200;

7.21 (4) licensed dental assistant, \$150; and

7.22 (5) dental assistant with a ~~permit~~ registration as described in Minnesota Rules, part
7.23 3100.8500, subpart 3, \$24.

7.24 Sec. 8. Minnesota Statutes 2020, section 150A.091, subdivision 8, is amended to read:

7.25 Subd. 8. **Duplicate license or certificate fee.** Each applicant shall submit, with a request
7.26 for issuance of a duplicate of the original license, or of an annual or biennial renewal
7.27 certificate for a license or permit, a fee in the following amounts:

8.1 (1) original dentist, full faculty dentist, dental therapist, dental hygiene, or dental assistant
8.2 license, \$35; and

8.3 (2) annual or biennial renewal certificates, \$10; ~~and~~.

8.4 ~~(3) wallet-sized license and renewal certificate, \$15.~~

8.5 Sec. 9. Minnesota Statutes 2020, section 150A.091, subdivision 9, is amended to read:

8.6 Subd. 9. **Licensure by credentials.** Each applicant for licensure as a dentist, dental
8.7 hygienist, or dental assistant by credentials pursuant to section 150A.06, subdivisions 4 and
8.8 8, and Minnesota Rules, part 3100.1400, shall submit with the license application a fee in
8.9 the following amounts:

8.10 (1) dentist, ~~\$725~~ \$893;

8.11 (2) dental hygienist, ~~\$175; and~~ \$235;

8.12 (3) dental assistant, ~~\$35;~~ \$71; and

8.13 (4) dental therapist, \$340.

8.14 Sec. 10. Minnesota Statutes 2020, section 150A.091, is amended by adding a subdivision
8.15 to read:

8.16 Subd. 21. **Failure to practice with a current license.** (a) If a licensee practices without
8.17 a current license and pursues reinstatement, the board may take the following administrative
8.18 actions based on the length of time practicing without a current license:

8.19 (1) for under one month, the board may not assess a penalty fee;

8.20 (2) for one month to six months, the board may assess a penalty of \$250;

8.21 (3) for over six months, the board may assess a penalty of \$500; and

8.22 (4) for over 12 months, the board may assess a penalty of \$1,000.

8.23 (b) In addition to the penalty fee, the board shall initiate the complaint process against
8.24 the licensee for failure to practice with a current license for over 12 months.

8.25 Sec. 11. Minnesota Statutes 2020, section 150A.091, is amended by adding a subdivision
8.26 to read:

8.27 Subd. 22. **Delegating regulated procedures to an individual with a terminated**
8.28 **license.** (a) If a dentist or dental therapist delegates regulated procedures to another dental
8.29 professional who had their license terminated, the board may take the following

9.1 administrative actions against the delegating dentist or dental therapist based on the length
9.2 of time they delegated regulated procedures:

9.3 (1) for under one month, the board may not assess a penalty fee;

9.4 (2) for one month to six months, the board may assess a penalty of \$100;

9.5 (3) for over six months, the board may assess a penalty of \$250; and

9.6 (4) for over 12 months, the board may assess a penalty of \$500.

9.7 (b) In addition to the penalty fee, the board shall initiate the complaint process against
9.8 a dentist or dental therapist who delegated regulated procedures to a dental professional
9.9 with a terminated license for over 12 months.

9.10 Sec. 12. **REPEALER.**

9.11 Minnesota Statutes 2020, section 150A.091, subdivisions 3, 15, and 17, are repealed.

APPENDIX
Repealed Minnesota Statutes: H3560-1

150A.091 FEES.

Subd. 3. **Initial license or permit fees.** Along with the application fee, each of the following applicants shall submit a separate initial license or permit fee. The initial fee shall be established by the board not to exceed the following nonrefundable fee amounts:

- (1) dentist or full faculty dentist, \$168;
- (2) dental therapist, \$120;
- (3) dental hygienist, \$60;
- (4) licensed dental assistant, \$36; and
- (5) dental assistant with a permit as described in Minnesota Rules, part 3100.8500, subpart 3, \$12.

Subd. 15. **Verification of licensure.** Each institution or corporation shall submit with a request for verification of a license a fee in the amount of \$5 for each license to be verified.

Subd. 17. **Advanced dental therapy examination fee.** Any dental therapist eligible to sit for the advanced dental therapy certification examination must submit with the application a fee as established by the board, not to exceed \$250.