

(1) a licensed hospital, ~~or~~

(2) ~~confinement in~~ a residential ~~primary~~ treatment program as licensed by the state of Minnesota pursuant to diagnosis or recommendation by a doctor of medicine,

(3) a non-residential treatment program approved or licensed by the state of Minnesota.

Provided, however, that the restrictions and requirements of this subdivision shall not apply to any plan or policy which is individually underwritten or provided for a specific individual and the members of his family as a non-group policy.

Subd. 2. Coverage under subdivision 1, clauses (1) and (2), shall be for at least 20 percent of the total patient days allowed by the policy and in no event shall coverage be for less than 28 days in each ~~calendar~~ 12 month benefit year. Coverage under subdivision 1, clause (3), shall be for at least 130 hours of treatment in a 12 month benefit year.

Sec. 2. This act is effective on September 30, 1976.

Approved April 13, 1976.

CHAPTER 263—H.F.No.1847

[Coded in Part]

An act relating to dentistry; providing for registration of dental assistants; changing the membership of the board of dentistry; providing for continuing education; amending Minnesota Statutes 1974, Sections 150A.01, by adding a subdivision; 150A.06, Subdivision 6, and by adding subdivisions; 150A.08; 150A.09, Subdivisions 1 and 2; and 150A.10, Subdivision 2; and amending Minnesota Statutes, 1975 Supplement, Section 150A.02, Subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 150A.01, is amended by adding a subdivision to read:

Subd. 8. DENTISTRY; REGULATIONS. "Registered dental assistant" means a person registered pursuant to section 3 of this act.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 150A.02, Subdivision 1, is amended to read:

150A.02 **BOARD OF DENTISTRY.** Subdivision 1. There is hereby created a board of dentistry whose duty it shall be to carry out the purposes and enforce the provisions of sections 150A.01 to 150A.12.

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The board shall consist of two public members as defined for purposes of ~~Laws 1973, Chapter 638 and section 214.02~~, five qualified resident dentists, one qualified resident registered dental assistant, and one qualified resident dental hygienist appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. Each board member who is a dentist, registered dental assistant, or dental hygienist shall have been lawfully in active practice in this state for five years immediately preceding his appointment; and no board member shall be eligible for appointment to more than two consecutive four year terms, and members serving on the board at the time of the enactment hereof shall be eligible for reappointment provided they shall not have served more than nine consecutive years at the expiration of the term to which they are to be appointed. ~~The Minnesota state dental association;~~ At least 90 days prior to the expiration of the terms of dentists, registered dental assistants, or dental hygienists, the Minnesota dental association, Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor for each term expiring not less than two dentists, two registered dental assistants, or two dental hygienists, respectively, who are qualified to serve on the board, and from the list of dentists so recommended the governor may appoint members to the board for the term of four years, the appointments to be made within 30 days after the expiration of the terms. Within 60 days after the occurrence of a dentist, registered dental assistant, or dental hygienist vacancy, prior to the expiration of the term, in the board, the Minnesota ~~state~~ dental association, the Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor not less than two dentists, two registered dental assistants, or two dental hygienists, who are qualified to serve on the board and from the list of dentists so recommended the governor, within 30 days after receiving such list of dentists, may appoint one member to the board for the unexpired term occasioned by such vacancy. Any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy. The first four year term of the dental hygienist and of the registered dental assistant shall commence on the first Monday in January, 1977.

Sec. 3. Minnesota Statutes 1974, Section 150A.06, is amended by adding a subdivision to read:

Subd. 2a. REGISTERED DENTAL ASSISTANT. Application for registration as a registered dental assistant shall be made in writing to the board upon a form furnished by the board, accompanied by satisfactory evidence that the applicant is of good moral character and is a graduate of a training program approved by the board by rule. The application shall be accompanied by a fee set by the board by rule. Upon filing the application, the board, if satisfied, shall examine the applicant on his skills, and his knowledge of the laws of Minnesota relating to dentistry and the rules of the board. An applicant who successfully

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passes the examination shall be registered as a dental assistant.

Sec. 4. Minnesota Statutes 1974, Section 150A.06, is amended by adding a subdivision to read:

Subd. 2b. EXAMINATION. When the examination of persons applying for licensure or registration is given by board members, it shall be administered by those board members qualified for the particular examination being given.

Sec. 5. Minnesota Statutes 1974, Section 150A.06, Subdivision 6, is amended to read:

Subd. 6. DISPLAY OF NAME AND CERTIFICATES. Every licensed dentist ~~or~~, dental hygienist, or registered dental assistant shall post and keep conspicuously displayed his name, license certificate and annual registration certificate in every office wherein he practices, in plain sight of his patients and if there is more than one dentist ~~or~~, dental hygienist, or registered dental assistant practicing or employed in any office the manager or proprietor of such office shall post and display or cause to be posted and displayed, in like manner the name, license certificate and annual registration certificate of each dentist ~~or~~, dental hygienist, or registered dental assistant so practicing or employed therein. In addition there shall be posted or displayed near or upon the entrance door to every office wherein dentistry is practiced, the name of each and every dentist practicing therein and such names shall be the name of the person inscribed upon the license certificate and annual registration certificate of each dentist.

Sec. 6. Minnesota Statutes 1974, Section 150A.08, is amended to read:

150A.08 SUSPENSION OR REVOCATION OF LICENSE. Subdivision 1. **GROUND.** The board may by order suspend or revoke, in the manner hereinafter provided, any license to practice dentistry or dental hygiene or the registration of any dental assistant issued heretofore or hereunder upon any of the following grounds:

(1) Fraud or deception in connection with the securing of such license or annual registration certificate;

(2) Conviction of the holder in any court of a felony;

(3) Conviction of the holder in any court of an offense involving moral turpitude;

(4) Habitual indulgence in the use of narcotics or habitual overindulgence in the use of intoxicating liquors;

(5) Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant, or conduct contrary

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to the best interest of the public, as such conduct is defined by the rules and regulations of the board;

- (6) Gross immorality;
- (7) Advanced physical or mental disability;
- (8) Failure to maintain adequate safety and sanitary conditions for a dental office in accordance with the standards established by the rules and regulations of the board;
- (9) Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry; or
- (10) Violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12 or the rules and regulations of the board of dentistry. Suspension or revocation shall not be based upon any judgment as to therapeutic or monetary value of any individual drug prescribed or any individual treatment rendered, but only upon a repeated pattern of conduct.

Subd. 2. **PROCEDURE.** Before the board shall order any such suspension or revocation it shall on its own motion cause an investigation to be made and a citation to issue under the seal of the board, signed by the secretary-treasurer, requiring the holder to show cause on a certain date why his license to practice dentistry or dental hygiene or registration as a dental assistant should not be suspended or revoked on the grounds specified therein. The holder of such license shall have 20 days' notice of the hearing and be entitled to be represented by an attorney.

A stenographic record shall be kept of all such proceedings. A certified copy of the conviction of any licensee shall be conclusive evidence as to the conviction in any proceeding before the board. The action of the board in suspending or revoking a license shall be subject to a review by a writ of certiorari brought in the district court of Ramsey county. The action of the board shall stand until otherwise directed by the district court or by the supreme court upon appeal.

Subd. 3. **REINSTATEMENT.** Any licensee or registrant whose license ~~to practice dentistry or dental hygiene or registration~~ has been suspended or revoked may have his license or registration reinstated or a new license or registration issued ~~to him~~, as the case may be, when in the discretion of the board such action is warranted and the board may require the licensee or registrant to pay all costs of proceedings resulting in his suspension or revocation of license or registration and reinstatement or new license and, in addition thereto, the fee for reinstatement established by the board.

Subd. 4. **RECORDS.** The secretary-treasurer of the board shall keep a record of all licenses and registration certificates issued, sus-

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pending, or revoked.

Sec. 7. Minnesota Statutes 1974, Section 150A.09, Subdivision 1, is amended to read:

150A.09 ANNUAL REGISTRATION OF LICENSE. Subdivision 1. **ANNUAL INFORMATION AND PROCEDURE.** On or before the first day of January each year every licensed dentist ~~and~~, dental hygienist, and registered dental assistant shall transmit to the secretary of the board, upon a form prescribed by the board, his signature, office address or addresses, the number of his license or registration certificate, whether such ~~licensee-person~~ has been engaged during the preceding year in ~~the active practice of dentistry or dental hygiene~~, whether within or without the state, and such other pertinent information as may be required by the board, together with the fee established by the board and, in default of providing such information or payment of such fee, the board may, upon hearing and upon 30 days' notice, suspend or revoke the license ~~of the dentist or dental hygienist~~ or registration during such default, but the providing of such information as requested by the board and the payment of such fee on or before the date of hearing, with an additional sum equal to that of the renewal fee, shall excuse the default and the suspension proceeding shall thereupon terminate. The board may collect such fee by civil action. At least 30 days before January 1, the board shall cause a written notice stating the amount and due date of the fee and the information to be provided ~~by the licensee~~, to be sent to every licensed dentist ~~and~~, dental hygienist, and registered dental assistant.

Sec. 8. Minnesota Statutes 1974, Section 150A.09, Subdivision 2, is amended to read:

Subd. 2. FIVE YEAR EDUCATIONAL REQUIREMENT FOR DENTISTS, DENTAL HYGIENISTS AND REGISTERED DENTAL ASSISTANTS. Five years from June 6, 1969 or upon the fifth anniversary of the issuance of his license, whichever occurs last, and each five years thereafter, each person licensed to practice dentistry or dental hygiene or registered as a dental assistant in this state shall provide the state board of dentistry evidence, of a nature suitable to the board, that such licensed person has attended, or participated in such amount of continuing education in dentistry as shall be required by the board; however, for dentists this requirement shall be not less than ~~20-75~~ hours during the preceding five years of licensure. The board may accept for compliance with this requirement any of the following which, in the opinion of the board, contributes directly to the dental education of the licensee or registrant :

(1) Attendance at lectures, study clubs, college postgraduate courses, or scientific sessions of conventions; and

(2) Research, graduate study, teaching, or service as a clinician; and

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(3) Any other such evidence of continuing education the board may approve.

Any licensed person who shall fail to comply with this requirement shall, at the discretion of the board, be re-examined to determine his competency to continue licensure. If, in the opinion of the board, such licensed person does not qualify for further licensed practice, the board shall suspend such license until such time as the dentist or dental hygienist shall provide acceptable evidence to the board of his competency to practice.

Sec. 9. Minnesota Statutes 1974, Section 150A.10, Subdivision 2, is amended to read:

Subd. 2. **DENTAL ASSISTANTS.** Every licensed dentist who uses the services of any unlicensed person for the purpose of assisting him in the practice of dentistry shall be responsible for the acts of such unlicensed person while engaged in such assistance. Such dentist shall permit such unlicensed assistant to perform only those acts which he is authorized to delegate to unlicensed assistants by the board of dentistry. Such acts shall be performed under supervision of a licensed dentist. The board may permit differing levels of dental assistance based upon recognized educational standards, approved by the board, for the training of dental assistants. The board may also define by rule the scope of practice of registered and non-registered dental assistants. The board by rule may require continuing education for differing levels of dental assistants, as a condition to their registration or authority to perform their authorized duties. Any licensed dentist who shall permit such unlicensed assistant to perform any dental service other than that authorized by the board shall be deemed to be enabling an unlicensed person to practice dentistry, and commission of such an act by such unlicensed assistant shall constitute a violation of sections 150A.01 to 150A.12.

Approved April 13, 1976.

CHAPTER 264—H.F.No.1866

[Coded in Part]

An act relating to tort liability; raising the liability limits of political subdivisions; limiting the liability of individuals employed by political subdivisions; extending time for notice; amending Minnesota Statutes 1974, Sections 466.04, Subdivision 1, and by adding subdivisions; and 466.05, Subdivisions 1 and 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 466.04, Subdivision 1, is amended to read:

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