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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1463**

03/11/2013 Authored by Morgan and Ward, J.A.,

The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; making changes to dental licensing provisions; amending
1.3 Minnesota Statutes 2012, sections 150A.06, subdivision 3; 150A.091,
1.4 subdivision 16; 150A.10, subdivisions 2, 4.

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

1.6 Section 1. Minnesota Statutes 2012, section 150A.06, subdivision 3, is amended to read:

1.7 Subd. 3. **Waiver of examination.** (a) All or any part of the examination for
1.8 dentists or dental hygienists, except that pertaining to the law of Minnesota relating to
1.9 dentistry and the rules of the board, may, at the discretion of the board, be waived for an
1.10 applicant who presents a certificate of having passed all components of the National Board
1.11 Dental Examinations or evidence of having maintained an adequate scholastic standing
1.12 as determined by the board, in dental school as to dentists, or dental hygiene school as
1.13 to dental hygienists.

1.14 (b) The board shall waive the clinical examination required for licensure for any
1.15 dentist applicant who is a graduate of a dental school accredited by the Commission on
1.16 Dental Accreditation of the American Dental Association, who has passed all components
1.17 of the National Board Dental Examinations, and who has satisfactorily completed a
1.18 Minnesota-based postdoctoral general dentistry residency program (GPR) or an advanced
1.19 education in general dentistry (AEGD) program after January 1, 2004. The postdoctoral
1.20 program must be accredited by the Commission on Dental Accreditation of the American
1.21 Dental Association, be of at least one year's duration, and include an outcome assessment
1.22 evaluation assessing the resident's competence to practice dentistry. The board may require
1.23 the applicant to submit any information deemed necessary by the board to determine
1.24 whether the waiver is applicable. ~~The board may waive the clinical examination for an~~

2.1 applicant who meets the requirements of this paragraph and has satisfactorily completed an
2.2 accredited postdoctoral general dentistry residency program located outside of Minnesota.

2.3 Sec. 2. Minnesota Statutes 2012, section 150A.091, subdivision 16, is amended to read:

2.4 Subd. 16. **Failure of professional development portfolio audit.** A licensee shall
2.5 submit a fee as established by the board not to exceed the amount of ~~\$250~~ \$1,000 after
2.6 failing two consecutive professional development portfolio audits and, thereafter, for each
2.7 failed professional development portfolio audit under Minnesota Rules, part 3100.5300.
2.8 In addition to the fee, the board may initiate the complaint process to address multiple
2.9 failed audits.

2.10 Sec. 3. Minnesota Statutes 2012, section 150A.10, subdivision 2, is amended to read:

2.11 Subd. 2. **Dental assistants.** Every licensed dentist and dental therapist who uses the
2.12 services of any unlicensed person for the purpose of assistance in the practice of dentistry
2.13 or dental therapy shall be responsible for the acts of such unlicensed person while engaged
2.14 in such assistance. The dentist or dental therapist shall permit the unlicensed assistant to
2.15 perform only those acts which are authorized to be delegated to unlicensed assistants
2.16 by the Board of Dentistry. The acts shall be performed under supervision of a licensed
2.17 dentist or dental therapist. A licensed dental therapist shall not supervise more than four
2.18 ~~registered~~ licensed or unlicensed dental assistants at any one practice setting. The board
2.19 may permit differing levels of dental assistance based upon recognized educational
2.20 standards, approved by the board, for the training of dental assistants. The board may also
2.21 define by rule the scope of practice of licensed and unlicensed dental assistants. The
2.22 board by rule may require continuing education for differing levels of dental assistants,
2.23 as a condition to their license or authority to perform their authorized duties. Any
2.24 licensed dentist or dental therapist who permits an unlicensed assistant to perform any
2.25 dental service other than that authorized by the board shall be deemed to be enabling an
2.26 unlicensed person to practice dentistry, and commission of such an act by an unlicensed
2.27 assistant shall constitute a violation of sections 150A.01 to 150A.12.

2.28 Sec. 4. Minnesota Statutes 2012, section 150A.10, subdivision 4, is amended to read:

2.29 Subd. 4. **Restorative procedures.** (a) Notwithstanding subdivisions 1, 1a, and
2.30 2, a licensed dental hygienist or licensed dental assistant may perform the following
2.31 restorative procedures:

2.32 (1) place, contour, and adjust amalgam restorations;

2.33 (2) place, contour, and adjust glass ionomer;

- 3.1 (3) adapt and cement stainless steel crowns; ~~and~~
- 3.2 (4) place, contour, and adjust class I and class V supragingival composite restorations
- 3.3 where the margins are entirely within the enamel; and
- 3.4 (5) place, contour, and adjust class II supragingival composite restorations on
- 3.5 primary teeth.
- 3.6 (b) The restorative procedures described in paragraph (a) may be performed only if:
- 3.7 (1) the licensed dental hygienist or licensed dental assistant has completed a
- 3.8 board-approved course on the specific procedures;
- 3.9 (2) the board-approved course includes a component that sufficiently prepares the
- 3.10 licensed dental hygienist or licensed dental assistant to adjust the occlusion on the newly
- 3.11 placed restoration;
- 3.12 (3) a licensed dentist or licensed advanced dental therapist has authorized the
- 3.13 procedure to be performed; and
- 3.14 (4) a licensed dentist or licensed advanced dental therapist is available in the clinic
- 3.15 while the procedure is being performed.
- 3.16 (c) The dental faculty who teaches the educators of the board-approved courses
- 3.17 specified in paragraph (b) must have prior experience teaching these procedures in an
- 3.18 accredited dental education program.