

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 1553**

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DATE	D-PG	OFFICIAL STATUS
01/26/2012	3644	Introduction and first reading Referred to Health and Human Services
03/15/2012	4482a	Comm report: To pass as amended and re-refer to Finance
03/28/2012	5230a	Comm report: To pass as amended
	5233	Second reading
04/03/2012	5614	Special Order
	5614	Third reading Passed
04/16/2012	5851	Returned from House with amendment
	5852	Senate concurred and repassed bill
	5852	Third reading Presentment date 04/17/12
04/20/2012	5964	Governor's action Approval 04/18/12
	5964	Secretary of State Chapter 180 04/18/12 Effective date 07/01/12 See SF2093, Art. 5, Sec. 13 (base adjustment)

A bill for an act

1.1 relating to health; changing provisions for dental licensing; providing for  
1.2 guest licensing for volunteer services for dentists, dental hygienists, or dental  
1.3 assistants; making a base adjustment in the state government special revenue  
1.4 fund in 2015 for Board of Nursing Home Administrators; amending Minnesota  
1.5 Statutes 2010, sections 150A.06, subdivisions 1c, 2c, 3, 4, 6; 150A.09,  
1.6 subdivision 3; 150A.105, subdivision 7; 150A.106, subdivision 1; 150A.14;  
1.7 Laws 2011, First Special Session chapter 9, article 10, section 8, subdivision 8.  
1.8

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

1.10 Section 1. Minnesota Statutes 2010, section 150A.06, subdivision 1c, is amended to  
1.11 read:

1.12 Subd. 1c. **Specialty dentists.** (a) The board may grant a specialty license in the  
1.13 specialty areas of dentistry that are recognized by the American Dental Association.

1.14 (b) An applicant for a specialty license shall:

1.15 (1) have successfully completed a postdoctoral specialty education program  
1.16 accredited by the Commission on Dental Accreditation of the American Dental  
1.17 Association, or have announced a limitation of practice before 1967;

1.18 (2) have been certified by a specialty examining board approved by the Minnesota  
1.19 Board of Dentistry, or provide evidence of having passed a clinical examination for  
1.20 licensure required for practice in any state or Canadian province, or in the case of oral and  
1.21 maxillofacial 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  
1.23 United States government service at least 2,000 hours in the 36 months prior to applying  
1.24 for a specialty license;

1.25 (4) if requested by the board, be interviewed by a committee of the board, which  
1.26 may include the assistance of specialists in the evaluation process, and satisfactorily

2.1 respond to questions designed to determine the applicant's knowledge of dental subjects  
2.2 and ability to practice;

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

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

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

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

2.12 (9) abide by professional ethical conduct requirements; and

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

2.14 (c) The application must include:

2.15 (1) a completed application furnished by the board;

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

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

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

2.23 (5) a nonrefundable fee; and

2.24 (6) a notarized, unmounted passport-type photograph, three inches by three inches,  
2.25 taken not more than six months before the date of application.

2.26 (d) A specialty dentist holding a specialty license is limited to practicing in the  
2.27 dentist's designated specialty area. The scope of practice must be defined by each national  
2.28 specialty board recognized by the American Dental Association.

2.29 (e) A specialty dentist holding a general dentist license is limited to practicing in the  
2.30 dentist's designated specialty area if the dentist has announced a limitation of practice.  
2.31 The scope of practice must be defined by each national specialty board recognized by  
2.32 the American Dental Association.

2.33 (f) All specialty dentists who have fulfilled the specialty dentist requirements and  
2.34 who intend to limit their practice to a particular specialty area may apply for a specialty  
2.35 license.

**S.F. No. 1553, 3rd Engrossment - 87th Legislative Session (2011-2012) [S1553-3]**

3.1 Sec. 2. Minnesota Statutes 2010, section 150A.06, subdivision 2c, is amended to read:

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

3.4 (1) the dentist, dental hygienist, or dental assistant is currently licensed in good  
3.5 standing in ~~North Dakota, South Dakota, Iowa, or Wisconsin~~ another United States  
3.6 jurisdiction;

3.7 (2) the dentist, dental hygienist, or dental assistant is currently engaged in the  
3.8 practice of that person's respective profession in ~~North Dakota, South Dakota, Iowa, or~~  
3.9 ~~Wisconsin~~ another United States jurisdiction;

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

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

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

3.19 (b) A guest license must be renewed annually with the board and an annual renewal  
3.20 fee not to exceed \$75 must be paid to the board. Guest licenses expire on December  
3.21 31 of each year.

3.22 (c) A dentist, dental hygienist, or dental assistant practicing under a guest license  
3.23 under this subdivision shall have the same obligations as a dentist, dental hygienist, or  
3.24 dental assistant who is licensed in Minnesota and shall be subject to the laws and rules of  
3.25 Minnesota and the regulatory authority of the board. If the board suspends or revokes the  
3.26 guest license of, or otherwise disciplines, a dentist, dental hygienist, or dental assistant  
3.27 practicing under this subdivision, the board shall promptly report such disciplinary action  
3.28 to the dentist's, dental hygienist's, or dental assistant's regulatory board in the ~~border state~~  
3.29 jurisdictions in which they are licensed.

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

3.34 The board shall issue a guest license for volunteer services license if:

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

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

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

4.5 The guest license for volunteer services shall limit the licensee to providing dental  
4.6 care services for a period of time not to exceed ten days in a calendar year. Guest licenses  
4.7 expire on December 31 of each year.

4.8 The holder of a guest license for volunteer services shall be subject to state's laws  
4.9 and rules regarding dentistry and the regulatory authority of the board. The board may  
4.10 revoke the license of a dentist, dental hygienist, or dental assistant practicing under this  
4.11 subdivision or take other regulatory action against the dentist, dental hygienist, or dental  
4.12 assistant. If an action is taken, the board shall report the action to the regulatory board  
4.13 of those jurisdictions where an active license is held by the dentist, dental hygienist,  
4.14 or dental assistant.

4.15 Sec. 3. Minnesota Statutes 2010, section 150A.06, subdivision 3, is amended to read:

4.16 Subd. 3. **Waiver of examination.** (a) All or any part of the examination for dentists  
4.17 or dental hygienists, except that pertaining to the law of Minnesota relating to dentistry  
4.18 and the rules of the board, may, at the discretion of the board, be waived for an applicant  
4.19 who presents a certificate of ~~qualification from~~ having passed all components of the  
4.20 National Board of Dental Examiners Examinations or evidence of having maintained an  
4.21 adequate scholastic standing as determined by the board, in dental school as to dentists, or  
4.22 dental hygiene school as to dental hygienists.

4.23 (b) The board shall waive the clinical examination required for licensure for any  
4.24 dentist applicant who is a graduate of a dental school accredited by the Commission  
4.25 on Dental Accreditation of the American Dental Association, who has ~~successfully~~  
4.26 ~~completed~~ passed all components of the National ~~Dental Board Examination~~ Dental  
4.27 Examinations, and who has satisfactorily completed a Minnesota-based postdoctoral  
4.28 general dentistry residency program (GPR) or an advanced education in general dentistry  
4.29 (AEGD) program after January 1, 2004. The postdoctoral program must be accredited  
4.30 by the Commission on Dental Accreditation of the American Dental Association, be of  
4.31 at least one year's duration, and include an outcome assessment evaluation assessing  
4.32 the resident's competence to practice dentistry. The board may require the applicant to  
4.33 submit any information deemed necessary by the board to determine whether the waiver is  
4.34 applicable. The board may waive the clinical examination for an applicant who meets the

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5.1 requirements of this paragraph and has satisfactorily completed an accredited postdoctoral  
5.2 general dentistry residency program located outside of Minnesota.

5.3 Sec. 4. Minnesota Statutes 2010, section 150A.06, subdivision 4, is amended to read:

5.4 Subd. 4. **Licensure by credentials.** (a) Any dentist or dental hygienist may, upon  
5.5 application and payment of a fee established by the board, apply for licensure based on  
5.6 the applicant's performance record in lieu of passing an examination approved by the  
5.7 board according to section 150A.03, subdivision 1, and be interviewed by the board to  
5.8 determine if the applicant:

5.9 (1) has passed all components of the National Board Dental Examinations;

5.10 ~~(1)~~ (2) has been in active practice at least 2,000 hours within 36 months of the  
5.11 application date, or passed a board-approved reentry program within 36 months of the  
5.12 application date;

5.13 ~~(2)~~ (3) currently has a license in another state or Canadian province and is not subject  
5.14 to any pending or final disciplinary action, or if not currently licensed, previously had a  
5.15 license in another state or Canadian province in good standing that was not subject to any  
5.16 final or pending disciplinary action at the time of surrender;

5.17 ~~(3)~~ (4) is of good moral character and abides by professional ethical conduct  
5.18 requirements;

5.19 ~~(4)~~ (5) at board discretion, has passed a board-approved English proficiency test if  
5.20 English is not the applicant's primary language; and

5.21 ~~(5)~~ (6) meets other credentialing requirements specified in board rule.

5.22 (b) An applicant who fulfills the conditions of this subdivision and demonstrates  
5.23 the minimum knowledge in dental subjects required for licensure under subdivision 1 or  
5.24 2 must be licensed to practice the applicant's profession.

5.25 (c) If the applicant does not demonstrate the minimum knowledge in dental subjects  
5.26 required for licensure under subdivision 1 or 2, the application must be denied. When  
5.27 denying a license, the board may notify the applicant of any specific remedy that the  
5.28 applicant could take which, when passed, would qualify the applicant for licensure. A  
5.29 denial does not prohibit the applicant from applying for licensure under subdivision 1 or 2.

5.30 (d) A candidate whose application has been denied may appeal the decision to the  
5.31 board according to subdivision 4a.

5.32 Sec. 5. Minnesota Statutes 2010, section 150A.06, subdivision 6, is amended to read:

5.33 Subd. 6. **Display of name and certificates.** (a) The initial license and subsequent  
5.34 renewal, ~~or current registration certificate,~~ of every dentist, a dental therapist, dental

6.1 hygienist, or dental assistant shall be conspicuously displayed in every office in which that  
6.2 person practices, in plain sight of patients. When available from the board, the board shall  
6.3 allow the display of a wallet-sized initial license and wallet-sized subsequent renewal  
6.4 certificate only at nonprimary practice locations instead of displaying an original-sized  
6.5 initial license and subsequent renewal certificate.

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

6.9 Sec. 6. Minnesota Statutes 2010, section 150A.09, subdivision 3, is amended to read:

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

6.17 Sec. 7. Minnesota Statutes 2010, section 150A.105, subdivision 7, is amended to read:

6.18 Subd. 7. **Use of dental assistants.** (a) A licensed dental therapist may supervise  
6.19 dental assistants to the extent permitted in the collaborative management agreement and  
6.20 according to section 150A.10, subdivision 2.

6.21 (b) Notwithstanding paragraph (a), a licensed dental therapist is limited to  
6.22 supervising no more than four ~~registered~~ licensed dental assistants or ~~nonregistered~~  
6.23 nonlicensed dental assistants at any one practice setting.

6.24 Sec. 8. Minnesota Statutes 2010, section 150A.106, subdivision 1, is amended to read:

6.25 Subdivision 1. **General.** In order to be certified by the board to practice as an  
6.26 advanced dental therapist, a person must:

6.27 (1) complete a dental therapy education program;

6.28 (2) pass an examination to demonstrate competency under the dental therapy scope  
6.29 of practice;

6.30 (3) be licensed as a dental therapist;

6.31 (4) complete 2,000 hours of dental therapy clinical practice under direct or indirect  
6.32 supervision;

6.33 (5) graduate from a master's advanced dental therapy education program;

- 7.1 (6) pass a board-approved certification examination to demonstrate competency  
7.2 under the advanced scope of practice; and  
7.3 (7) submit an application and fee for certification as prescribed by the board.

7.4 Sec. 9. Minnesota Statutes 2010, section 150A.14, is amended to read:

7.5 **150A.14 IMMUNITY.**

7.6 Subdivision 1. **Reporting immunity.** A person, health care facility, business, or  
7.7 organization is immune from civil liability or criminal prosecution for submitting a report  
7.8 in good faith to the board under section 150A.13, or for cooperating with an investigation  
7.9 of a report or with staff of the board relative to violations or alleged violations of section  
7.10 150A.08. Reports are confidential data on individuals under section 13.02, subdivision 3,  
7.11 and are privileged communications.

7.12 Subd. 2. **Program Investigation immunity.** (a) Members of the board, persons  
7.13 employed by the board, and board consultants retained by the board are immune from  
7.14 civil liability and criminal prosecution for any actions, transactions, or publications in  
7.15 the execution of, or relating to, their duties under ~~section 150A.13~~ sections 150A.02 to  
7.16 150A.21, 214.10, and 214.103.

7.17 (b) For purposes of this section, a member of the board or a consultant described in  
7.18 paragraph (a) is considered a state employee under section 3.736, subdivision 9.

7.19 Sec. 10. Laws 2011, First Special Session chapter 9, article 10, section 8, subdivision  
7.20 8, is amended to read:

7.21 Subd. 8. **Board of Nursing Home**  
7.22 **Administrators**

2,153,000                      2,145,000

7.23 **Rulemaking.** Of this appropriation, \$44,000  
7.24 in fiscal year 2012 is for rulemaking. This is  
7.25 a onetime appropriation.

7.26 **Electronic Licensing System Adaptors.**

7.27 Of this appropriation, \$761,000 in fiscal  
7.28 year 2013 from the state government special  
7.29 revenue fund is to the administrative services  
7.30 unit to cover the costs to connect to the  
7.31 e-licensing system. Minnesota Statutes,  
7.32 section 16E.22. Base level funding for this  
7.33 activity in fiscal year 2014 shall be \$100,000.

8.1 Base level funding for this activity in fiscal  
8.2 year 2015 shall be \$50,000.

8.3 **Development and Implementation of a**  
8.4 **Disciplinary, Regulatory, Licensing and**  
8.5 **Information Management System.** Of this  
8.6 appropriation, \$800,000 in fiscal year 2012  
8.7 and \$300,000 in fiscal year 2013 are for the  
8.8 development of a shared system. Base level  
8.9 funding for this activity in fiscal year 2014  
8.10 shall be \$50,000.

8.11 **Administrative Services Unit - Operating**  
8.12 **Costs.** Of this appropriation, \$526,000  
8.13 in fiscal year 2012 and \$526,000 in  
8.14 fiscal year 2013 are for operating costs  
8.15 of the administrative services unit. The  
8.16 administrative services unit may receive  
8.17 and expend reimbursements for services  
8.18 performed by other agencies.

8.19 **Administrative Services Unit - Retirement**  
8.20 **Costs.** Of this appropriation in fiscal year  
8.21 2012, \$225,000 is for onetime retirement  
8.22 costs in the health-related boards. This  
8.23 funding may be transferred to the health  
8.24 boards incurring those costs for their  
8.25 payment. These funds are available either  
8.26 year of the biennium.

8.27 **Administrative Services Unit - Volunteer**  
8.28 **Health Care Provider Program.** Of this  
8.29 appropriation, \$150,000 in fiscal year 2012  
8.30 and \$150,000 in fiscal year 2013 are to pay  
8.31 for medical professional liability coverage  
8.32 required under Minnesota Statutes, section  
8.33 214.40.

8.34 **Administrative Services Unit - Contested**  
8.35 **Cases and Other Legal Proceedings.** Of

9.1 this appropriation, \$200,000 in fiscal year  
9.2 2012 and \$200,000 in fiscal year 2013 are  
9.3 for costs of contested case hearings and other  
9.4 unanticipated costs of legal proceedings  
9.5 involving health-related boards funded  
9.6 under this section. Upon certification of a  
9.7 health-related board to the administrative  
9.8 services unit that the costs will be incurred  
9.9 and that there is insufficient money available  
9.10 to pay for the costs out of money currently  
9.11 available to that board, the administrative  
9.12 services unit is authorized to transfer money  
9.13 from this appropriation to the board for  
9.14 payment of those costs with the approval  
9.15 of the commissioner of management and  
9.16 budget. This appropriation does not cancel.  
9.17 Any unencumbered and unspent balances  
9.18 remain available for these expenditures in  
9.19 subsequent fiscal years.

9.20 **Base Adjustment.** The State Government  
9.21 Special Revenue Fund base is decreased by  
9.22 \$911,000 in fiscal year 2014 and ~~\$1,011,000~~  
9.23 \$961,000 in fiscal year 2015.