

way and shall erect the appropriate signs. The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway.

Sec. 3. Minnesota Statutes 1994, section 161.14, is amended by adding a subdivision to read:

Subd. 40. **JOHN RILEY MEMORIAL BOULEVARD.** The segment of old county road 21 from its intersection with trunk highway marked No. 73 to the Moose Lake Minnesota Psychopathic Center, is designated the "John Riley Memorial Boulevard." The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway.

Presented to the governor February 15, 1996

Signed by the governor February 16, 1996, 10:00 a.m.

#### CHAPTER 273—H.F.No. 1926

*An act relating to occupations; regulating the practice of dental hygiene; amending Minnesota Statutes 1994, sections 150A.05; 150A.06, subdivision 2; and 150A.10, subdivision 1.*

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

Section 1. Minnesota Statutes 1994, section 150A.05, is amended to read:

150A.05 **LICENSED DENTAL PRACTICE OF DENTISTRY.**

Subdivision 1. **DEFINITION PRACTICE OF DENTISTRY.** A person shall be deemed to be practicing dentistry within the meaning of sections 150A.01 to 150A.12:

(1) who uses a dental degree, or designation, or card, device, directory, sign, or other media whereby the person represents an ability to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw, or adjacent or associated structures; or

(2) who is a manager, proprietor, operator or conductor of a place where dental operations are performed; or

(3) who performs dental operations of any kind gratuitously, or for a fee, gift, compensation or reward, paid or to be paid, to any person or agency; or

(4) who uses a roentgen or X-ray machine for dental treatment, roentgenograms or for dental diagnostic purposes; or

(5) who extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; or

(6) who offers and undertakes, by any means or method, to diagnose, treat or remove stains or accretions from human teeth or jaws; or

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(7) who takes impressions of the human tooth, teeth, or jaws or performs any phase of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated tissues by means of a filling, a crown, a bridge, a denture or other appliance; or

(8) who furnishes, supplies, constructs, reproduces, or repairs, or offers to furnish, supply, construct, reproduce or repair prosthetic dentures or plates, bridges or other substitutes for natural teeth, to the user or prospective user thereof; or

(9) who performs any clinical operation included in the curricula of recognized dental schools and colleges.

Subd. 1a. PRACTICE OF DENTAL HYGIENISTS. A person shall be deemed to be practicing as a dental hygienist within the meaning of sections 150A.01 to 150A.12:

(1) who provides care that is educational, preventive, and therapeutic through observation, assessment, evaluation, counseling, and therapeutic services to establish and maintain oral health;

(2) who evaluates patient health status through review of medical and dental histories, assesses and plans dental hygiene care needs, performs a prophylaxis including complete removal of calciferous deposits, accretions and stains by scaling, polishing, and performs root planing and debridement;

(3) who administers local anesthesia and nitrous oxide inhalation analgesia; or

(4) who provides other related services as permitted by the rules of the board.

**Subd. 2. EXEMPTIONS AND EXCEPTIONS OF CERTAIN PRACTICES AND OPERATIONS.** Sections 150A.01 to 150A.12 do not apply to:

(1) the practice of dentistry or dental hygiene in any branch of the armed services of the United States, the United States Public Health Service, or the United States Veterans Administration;

(2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate dental students, dental hygiene students, and dental assisting students of the University of Minnesota, schools of dental hygiene, or schools of dental assisting approved by the board, when acting under the direction and supervision of a licensed dentist or a licensed dental hygienist acting as an instructor;

(3) the practice of dentistry by licensed dentists of other states or countries while appearing as clinicians under the auspices of a duly approved dental school or college, or a reputable dental society, or a reputable dental study club composed of dentists;

(4) the actions of persons while they are taking examinations for licensure or registration administered or approved by the board pursuant to sections 150A.03, subdivision 1, and 150A.06, subdivisions 1, 2, and 2a;

(5) the practice of dentistry by dentists and dental hygienists licensed by other states during their functioning as examiners responsible for conducting licensure or registration examinations administered by regional and national testing agencies with whom the board is authorized to affiliate and participate under section 150A.03, subdivision 1, and the practice of dentistry by the regional and national testing agencies during their administering examinations pursuant to section 150A.03, subdivision 1;

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(6) the use of X-rays or other diagnostic imaging modalities for making radiographs or other similar records in a hospital under the supervision of a physician or dentist or by a person who is credentialed to use diagnostic imaging modalities or X-ray machines for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing agency other than the board of dentistry; or

(7) the service, other than service performed directly upon the person of a patient, of constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic, or other dental appliance, when performed according to a written work order from a licensed dentist in accordance with section 150A.10, subdivision 3.

Sec. 2. Minnesota Statutes 1994, section 150A.06, subdivision 2, is amended to read:

Subd. 2. **DENTAL HYGIENISTS.** A person of good moral character not already a licensed dental hygienist of this state, who has graduated from an accredited high school or its equivalent, and has submitted a dental hygiene program established in an institution that is accredited by an accrediting agency recognized by the United States Department of Education to offer college-level programs may apply for licensure. The dental hygiene program must provide a minimum of two academic years of dental hygiene curriculum and be accredited by the American Dental Association Commission on Dental Accreditation. The applicant must submit an application and fee as prescribed by the board and the a diploma or equivalent awarded to the person by a training school for dental hygienists or its equivalent approved by the board, may be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in a manner to test the applicant's fitness to practice dental hygiene certificate of dental hygiene. Prior to being licensed, the applicant must pass the National Board of Dental Hygiene Examination and a board approved examination designed to determine the applicant's clinical competency. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination before applying to the board for licensure. Each The applicant shall must also be examined on pass an examination testing the applicant's knowledge of the laws of Minnesota relating to the practice of dentistry and of the rules of the board. An applicant is ineligible to retake the clinical examination required by the board after failing it twice until further education and training are obtained as specified by the board by rule. A separate, nonrefundable fee may be charged for each time a person applies. An applicant who passes the examination in compliance with subdivision 2b and meets all the other requirements of the board shall be licensed as a dental hygienist and supplied with a license by the board.

Sec. 3. Minnesota Statutes 1994, section 150A.10, subdivision 1, is amended to read:

Subdivision 1. **DENTAL HYGIENISTS.** Any licensed dentist, public institution, or school authority may use the obtain services of from a licensed dental hygienist. Such licensed dental hygienist may perform provide those services which are educational, diagnostic, therapeutic, or preventive in nature and are authorized by the board of dentistry defined in section 150A.05, subdivision 1a. Such services shall not include the establishment of a final diagnosis or treatment plan for a dental patient. Such services shall be performed provided under supervision of a licensed dentist. Any licensed dentist who shall permit the performance of any dental service by a dental hygienist other than those

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authorized by the board of dentistry, shall be deemed to be violating the provisions of sections 150A.01 to 150A.12, and ~~performance of any~~ such unauthorized dental service by a dental hygienist shall constitute a violation of sections 150A.01 to 150A.12.

**Sec. 4. INSTRUCTION TO REVISOR.**

The revisor shall change the headnote to Minnesota Statutes, section 150A.10, to read "ALLIED DENTAL PERSONNEL."

**Sec. 5. EFFECTIVE DATE.**

Sections 1 to 3 are effective the day after final enactment.

Presented to the governor February 20, 1996

Signed by the governor February 21, 1996, 10:16 a.m.

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**CHAPTER 274—H.F.No. 2634**

*An act relating to local government; providing for one additional chief deputy sheriff in the unclassified service in Hennepin county; amending Minnesota Statutes 1994, section 383B.32, subdivision 2.*

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

Section 1. Minnesota Statutes 1994, section 383B.32, subdivision 2, is amended to read:

Subd. 2. **UNCLASSIFIED SERVICE.** The unclassified service comprises:

- (a) Officers chosen by election or appointment to fill an elective office.
- (b) Members of boards and commissions appointed by the county board.
- (c) Physicians, medical residents, interns, and students in training.
- (d) Nonsalaried attending medical staff.
- (e) Special deputies serving without pay.
- (f) Seasonal, temporary, provisional, intermittent, and emergency positions.
- (g) Positions funded by specific governmental or nongovernmental grants of intermittent or limited funding duration.
- (h) The head or principal administrative officer of a bureau or department appointed pursuant to sections 383B.101 to 383B.103; or appointed by the county board; or appointed for a term pursuant to statute. Notwithstanding any contrary provision of other law, any person coming within this provision, who, on August 11, 1980, is in the classified service, shall remain in the classified service until vacating the position. Thereafter, any appointment hereunder shall be in the unclassified service.

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