

# MINNESOTA CODE OF AGENCY RULES

## RULES OF THE BOARD OF DENTISTRY

1982 Reprint



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Prepared by

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## BOARD OF DENTISTRY

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## Chapter One: General Provisions

**7 MCAR § 3.001 Tenses, gender and number.** For the purposes of these rules and regulations, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

**7 MCAR § 3.002 Definitions.** For the purpose of these rules and regulations, the terms:

A. "Act" shall mean Laws of 1969, ch. 974, codified as Minn. Stat. §§ 150A.01 through 150A.12, as from time to time amended.

B. "Applicant" means a person who has submitted an application to become a licensee, registrant, or a CDE sponsor.

C. "Assistant" means a person who assists the dentist in carrying out the basic duties of a dental office.

D. "Auxiliary" means a dental hygienist, registered dental assistant, assistant, and dental technician.

E. "Board" shall mean the Board of Dentistry.

F. "CDE" means continuing dental education.

G. "Commission on Accreditation" means the Commission on Accreditation of the Dental and Dental Auxiliary Education Programs.

H. "Course" means an educational offering, class, presentation, meeting, or other similar event which is offered by a sponsor and qualifies for CDE credit or for which a licensee or registrant requests CDE credit pursuant to 7 MCAR § 3.053.

I. "Dental technician" means a person other than a licensed dentist who performs any of the services described in § 150A.10, subd. 3 of the Act.

J. "Dentist" means a person holding a license issued by the Board pursuant to the Act.

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K. "Hygienist" means a person holding a license as a dental hygienist issued by the Board pursuant to Section 150A.06, subd. 2 of the Act.

L. "Licensee" means a dentist or hygienist.

M. "Minnesota Professional Corporation Act" shall mean Minn. Stat. § 319.01 through 319.22 as from time to time amended.

N. "National Board" shall mean an examination administered nationally and acceptable to the Board.

O. "Person" includes an individual, corporation, partnership, association or any other legal entity.

P. "Registered dental assistant" means an assistant registered by the Board pursuant to § 150A.06, subd. 2.a., of the Act.

Q. "Registrant" means a registered dental assistant.

R. "Registry" means the centralized recordkeeping service of the American Dental Association, Continuing Education Registry.

S. "Sponsor" means an organization approved by the board pursuant to 7 MCAR § 3.052 to offer CDE courses.

T. "Supervision" shall be defined in one of the following classifications:

1. "Direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient, evaluates the performance of the auxiliary.

2. "General supervision" means the dentist has authorized the procedures and they are being carried out in accordance with his diagnosis and treatment plan.

3. "Indirect supervision" means the dentist is in the office, authorizes the procedures and remains in the office while the procedures are being performed by the auxiliary.

4. "Personal supervision" means the dentist is personally operating on a patient and authorizes the auxiliary to aid his treatment by concurrently performing supportive procedures.

#### **7 MCAR § 3.003 Meetings.**

A. The Board shall hold at least two regular meetings each year. It may hold special meetings at such other times as may be necessary and as it may determine. Meetings conducted by the Board shall be open to the public except that those for the purpose of investigating and adjudicating charges against persons licensed or registered by the Board shall be closed to public attendance unless the person or persons under investigation request that such meetings be open to the public.

B. A majority of the members of the Board shall constitute a quorum for the conduct of business. When not otherwise provided, Sturgis Standard Code of Parliamentary Procedure shall govern the conduct of all business meetings of the Board.

**7 MCAR § 3.004 Officers.** The officers of the Board shall consist of a President, a Vice-President, and a Secretary, as provided in § 150A.03, subd. 1,

of the Act. Election of officers may be held at any regular or special meeting.

**7 MCAR § 3.005 Fees.**

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A. Application fees. Each applicant for licensure as a dentist or dental hygienist or for registration as a registered dental assistant shall submit with his license or registration application a fee in the following amounts:

1. Dentist applicant—\$70.00.
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2. Dental hygienist applicant—\$25.00.
3. <sup>registered</sup> Dental assistant applicant—\$15.00.

B. Annual license or registration fees. Each dentist, dental hygienist and registered dental assistant shall submit with his annual license or registration renewal application a fee as established by the Board not to exceed the following amounts:

1. Dentist—\$38.00.
2. Dental hygienist—\$15.00.
3. Registered dental assistant—\$10.00.

C. Licensure by credentials. Each applicant for licensure as a dentist or dental hygienist by credentials pursuant to § 150A.16, subd. 4 (reciprocity) of the Act and 7 MCAR § 3.022 C. and 26 B. shall submit with his license application a fee in the following amount:

1. Dentist—\$250.00.
2. Dental hygienist—\$75.00.

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D. Annual license or registration late fee. Applications for renewal of any license or registration must either be reviewed by the Board or postmarked no later than January 1 of each calendar year. Applications received subsequent to that date are subject to a late fee equal to 50 percent of the annual renewal fee.

E. Duplicate license or registration fee. Each licensee or registrant shall submit with his request for issuance of a duplicate of his original license or registration or of his annual renewal thereof a fee in the amount of \$5.00.

F. Reinstatement fee. No dentist, hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his license or registration reinstated or a new license or registration issued until he has submitted to the Board a fee in the following amount:

1. Dentist—\$70.00.
2. Hygienist—\$25.00.
3. Dental assistant—\$15.00.

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G. No fee shall be refunded for any reason except in those cases where the applicant for licensure or registration is found to be ineligible to take the examination.

7 MCAR §§ 3.006-3.010 Reserved for future use.

**Chapter Two: Applications for Licensure, Registration and Annual Renewal Thereof**

**7 MCAR § 3.011 Applications to practice dentistry.** Any person desiring licensure to practice dentistry within the State of Minnesota must first present to the Board an application and credentials, as prescribed by the Act, and shall conform to the following rules of the Board:

A. An application on a form furnished by the Board must be completely filled out.

B. The applicant shall furnish satisfactory evidence of having graduated from a school of dentistry which has been accredited by the Commission on Accreditation.

C. The applicant must furnish certification of having passed all parts of a national board examination as defined in 7 MCAR § 3.002 N.

D. The Board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota.

E. Graduates of dental schools not accredited by the Commission on Accreditation shall furnish the following information to the Board:

1. Applicants must show evidence of training equivalent to the requirements of the Commission on Accreditation.

2. Applicants must furnish the Board with the following notarized credentials in English translation:

- a. diploma or evidence of graduation from dental school,
- b. evidence of being licensed or admitted to practice in the country of graduation,
- c. complete transcript of all academic grades in dental school with courses completed, along with pre-dental school transcripts, and
- d. birth certificates (or equivalent).

3. After successful completion of steps 1 and 2, the applicant must complete such pre-clinical and clinical testing procedures at the School of Dentistry, University of Minnesota, or its substantial equivalent, as the board shall approve, to determine whether the applicant has the clinical proficiency in dentistry comparable to that of a student who has graduated from the University of Minnesota, School of Dentistry.

4. Only after successful completion of steps 1, 2, and 3 will the board certify the applicant's eligibility to take a national board examination as defined in 7 MCAR § 3.002 N.



5. Only upon completion of the first four steps may the applicant make application to the board to take the examination for licensure.

F. For identification purposes, the applicant shall furnish one notarized unmounted passport type photograph, 3" x 3", taken not more than six (6) months before the date of application.

G. The applicant shall furnish a testimonial of good professional character from an authorized representative of the dental school from which the applicant graduated and a certification by the secretary of the Board of Dental Examiners of the state or Canadian Province in which he is licensed. Provided, however, the board may in its discretion and for good cause waive the certification of good professional character by an authorized representative of the dental school.

**7 MCAR § 3.012 Application to practice dental hygiene.** Any person desiring licensure to practice dental hygiene must present an application and credentials as prescribed by the Act and shall conform to the following rules of the Board:

A. An application on a form furnished by the Board must be completely filled out.

B. Applicants must furnish certification that they have passed the National Board Examination as defined in 7 MCAR § 3.002 N.

C. The Board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota.

D. The applicant shall furnish satisfactory evidence of having been granted a diploma or certificate in dental hygiene from a school which has been accredited by the Commission on Accreditation.

E. For identification purposes, the applicant shall furnish one notarized unmounted passport type photograph, 3" x 3", taken not more than six (6) months before the date of the application.

F. The applicant shall furnish evidence of good professional character satisfactory to the board and certification from the Board of Dental Examiners in the state or Canadian Province in which he is already licensed.

**7 MCAR § 3.013 Application for registration as a registered dental assistant.** Any person desiring to be registered as a dental assistant shall submit to the Board an application and credentials as prescribed by the Act and shall conform to the following rules:

A. An application on a form furnished by the Board shall be completely filled out in order to be considered.

B. The applicant shall furnish a certified copy or its equivalent of a diploma or certificate of satisfactory completion of a training program approved by the Commission on Accreditation or other program which, in the judgment of the board, is equivalent. If the curriculum of the training program does not include training in the expanded duties specified in 7 MCAR § 3.032 A., applicant must successfully complete a course in these functions which has been approved by the board.

C. Submission of evidence of satisfactorily passing the Minnesota Registration Examination approved by the Board.

D. For identification purposes, the applicant shall furnish one notarized unmounted passport type photograph, 3" x 3", taken not more than six (6) months before the date of the application.

E. The applicant shall furnish evidence of good moral character satisfactory to the Board.

**7 MCAR § 3.014 Application for licensure by credentials.** Any person, who is already a licensed dentist or dental hygienist in another state or Canadian Province desiring to be licensed to practice dentistry or dental hygiene in Minnesota, must present to the board an application and credentials, as prescribed by the Act. The application shall conform to the following rules of the board:

A. The applicant shall complete an application and credential verification questionnaire on forms furnished by the board.

B. The applicant shall furnish satisfactory evidence of having graduated from a school of dentistry, or dental hygiene, whichever the case may be, which has been accredited by the Commission on Accreditation.

C. An applicant for licensure as a dentist must have been in active practice in another state or Canadian Province for at least three years immediately preceding application, United States governmental service may be included, and submit at least three references from other dentists. The application must include a physician's statement attesting to the applicant's physical and mental condition.

D. An applicant for licensure as a dental hygienist must have been in active practice in another state or Canadian Province for at least one year immediately preceding application, and must submit at least two character references from dentists and two references from practicing hygienists.

E. Each applicant must submit with the application a fee as prescribed in 7 MCAR § 3.005 C.

F. For identification purposes, the applicant shall furnish one notarized unmounted passport-type photograph, 3" x 3", taken not more than six (6) months before the date of application.

G. An applicant must appear before the board for a personal interview to determine the applicant's fitness to practice dentistry or dental hygiene pursuant to § 150A.06, subd. 4.

H. An applicant shall successfully complete an examination designed to test knowledge of Minnesota laws relating to the practice of dentistry and the rules of the board.

**7 MCAR § 3.015 Requirements for all applicants.**

A. Every applicant shall provide evidence of having fulfilled all the requirements of the Act.

B. Every applicant shall sign his application and shall swear to the truth of the statements contained therein before a notary public or other person authorized by law to administer oaths.

C. Incomplete applications shall be returned to the applicant with the tendered fee, together with a statement setting forth the reason for such rejection.

D. Nothing contained in these rules shall be construed to limit the board's authority to seek from an applicant such other information pertinent to the character, education, and experience of the applicant insofar as it relates to the applicant's ability to practice as a licensee or registrant as the board may deem necessary in order to pass on the applicant's qualification.

**7 MCAR § 3.016 Expiration of license and registration and renewal thereof.** Each dentist, dental hygienist and each registered dental assistant shall submit an application for renewal of his license or registration together with the necessary fee no later than December 31, of the year preceding that for which the license or registration renewal is requested. The application form shall provide a place for the renewal applicant's signature and shall solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether such licensee or registrant has been engaged during the year preceding the year for which renewal is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the board.

**7 MCAR §§ 3.017-3.020 Reserved for future use.**

### Chapter Three: Examinations

**7 MCAR § 3.021 Written examination procedures: dentists, dental hygienists, and registered dental assistants.** The following rules govern the conduct of examination given to those applicants for licensure as a dentist or hygienist or for registration as a registered dental assistant and must be strictly adhered to throughout the entire examination. An examinee who violates any of the rules, regulations or instructions applicable may be declared by the Board to have failed the examination.

A. The Board may employ qualified persons to serve as proctors to assist members in the conduct of the examinations.

B. The Board shall assign each applicant a number, and said applicant shall be known by that number throughout the entire examination.

C. The ability of an examinee to read and interpret instructions and examination material is a part of the examination.

D. Any examinee who gives or receives assistance in any portion of the examination may be dismissed from the examination.

E. An examinee shall not leave the examination room without permission of an examiner or proctor.

F. Notes, textbooks or other informative data shall not be brought to the examination rooms.

G. An examinee shall not alter questions or write explanations to answers on the examination paper.

H. Copying of examination questions is forbidden.

I. Question sheets must be returned with the answer sheets.

J. An examinee shall occupy the space assigned throughout the entire examination.

K. When finished writing during an assigned period, the examinee shall turn in the complete papers to an examiner or proctor and leave the room.

L. Under no circumstances shall an examination paper be returned to an examinee once it has been submitted as in paragraph K. above.

M. No persons other than those directly connected with the examination shall be admitted to the examination rooms.

**7 MCAR § 3.022 Scope of clinical examinations: Dentists, dental hygienists, and registered dental assistants applicants.** Every dentist and hygienist applicant shall give a demonstration of skill in those operations appropriate for his

level of licensure or registration prescribed by the Board. Registered dental assistant applicants may also be so examined. All operations shall be performed in the presence of a Board member qualified for the particular examination being given or consultant appointed by the Board for that purpose.

**7 MCAR § 3.023 Scope of written examination, dentists.**

A. The Act provides that the examination of applicants for a license to practice dentistry in this state, shall be sufficiently thorough to test the fitness of the applicant to practice dentistry. Each applicant must pass a national board examination. Additional written theoretical examinations may be administered by the Board for licensure.

B. All applicants shall be examined for general knowledge of the Act, the Rules of the Board and the Minnesota Professional Corporations Act.

C. At the discretion of the Board, any dentist who has lawfully practiced dentistry in another state for five years may be exempted from taking the National Board examination.

D. The Board may administer any other examination it deems necessary to determine qualification for continued licensure.

**7 MCAR § 3.024 Oral diagnosis and treatment planning, dentists.** All dentist applicants may be examined in oral diagnosis and treatment planning. Such examination shall be formulated to test the applicant's ability to recognize and institute treatment of common oral pathologic conditions as well as to test his knowledge, understanding, and judgment relative to all types of dental health service.

**7 MCAR § 3.025 Scope of written examination, dental hygienists.**

A. The Act provides that the examination of applicants for a license to practice dental hygiene in this state shall be sufficiently thorough to test the fitness of the applicant to practice dental hygiene. Each applicant must pass National Board examination. Additional written theoretical examinations may be administered by the Board.

B. At the discretion of the board, any dental hygienist duly licensed to practice as such in another state which has and maintains laws regulating the practice of dental hygiene by dental hygienists, equivalent to this state's, who is of good professional character and is desirous of licensure in this state and presents a certificate from the examining board of the state in which the applicant is licensed so certifying, may be exempted from taking a National Board examination provided the applicant has been licensed for five or more years.

C. All applicants shall be examined for general knowledge of the Act and the Rules of the Board.

D. The Board may administer any other examination it deems necessary to determine qualifications for continued licensure.

**7 MCAR § 3.026 Scope of written examination, registered dental assistant applicants.**

A. The Act provides that the examination of applicants for registration as dental assistants in this state shall be sufficiently thorough to test the fitness of the candidate to practice the skills that a registered dental assistant is authorized to perform. All applicants must pass a registration examination approved by the Board.

B. All candidates shall be examined for general knowledge of the Act and the Rules of the Board.

C. The Board may administer any other examination it deems necessary to determine qualifications for continued registration.

**7 MCAR §§ 3.027-3.030 Reserved for future use.**

**Chapter Four: Auxiliary Personnel****7 MCAR § 3.031 Assistants. Assistants may:**

A. Retract a patient's cheek, tongue or other parts of tissue during a dental operation; assist with the placement or removal of a rubber dam and accessories used for its placement and retention; as directed by an operating dentist during the course of a dental operation; remove such debris as is normally created or accumulated during the course of treatment being rendered by a licensed dentist during or after operative procedures by the dentist by the use of vacuum devices, compressed air, mouth wash and water; provide any assistance, including the placement of articles and topical medication in a patient's oral cavity in response to a specific direction to do so by a licensed dentist who is then and there actually engaged in performing a dental operation as defined in the Act and who is then actually in a position to give personal supervision to the rendition of such assistance. In addition, assistants may aid dental hygienists and registered assistants in the performance of their duties as defined in 7 MCAR § 3.032 B. and 7 MCAR § 3.034.

B. Perform all those duties not directly related with performing dental treatment or services on patients.

C. No assistant may perform any other dental treatment or procedure on patients not otherwise authorized by these rules.

**7 MCAR § 3.032 Registered dental assistants.**

A. Registered dental assistants in addition to services performed by the assistant may:

1. Take radiographs.
2. Take impressions for study casts and opposing casts.
3. Apply topical medications and cavity varnishes prescribed by dentists, not to include pit and fissure sealants.
4. Place and remove rubber dam.
5. Remove excess cement from inlays, crowns, bridges and orthodontic bands with hand instruments only.
6. Perform mechanical polishing to clinical crowns only and not to include any instrumentation. Prior examination for calculus and instrumentation must be done by the dentist or hygienist.
7. Pre-select orthodontic bands.
8. Remove and replace ligature ties on orthodontic appliances.

9. Place and remove peridontal packs.

10. Remove sutures.

11. Monitor a patient who has been inducted by a dentist into nitrous oxide-oxygen relative analgesia.

B. A dental assistant, who by virtue of academic achievement which is equal to or greater than that of a registered assistant and is currently qualified in Minnesota in related health profession may, at the Board's discretion, be permitted to take dental radiographs after successful completion of an approved course. Such permission shall not be granted until such dental assistant shall have filed with the board an application for permission, along with proof of successful completion of such course.

In categories A. and B., the licensed dentist must be physically present within the confines of his office and exercising indirect supervision.

C. No registered dental assistant may perform any other dental treatment or procedure on patients not otherwise authorized by these rules.

**7 MCAR § 3.033 Repealed.**

**7 MCAR § 3.034 Dental hygienists.** Dental hygienists may perform:

A. All services permitted under 7 MCAR § 3.032.

B. Complete prophylaxis to include scaling, root planing, soft tissue curettage, polishing of fillings, and temporary replacement of restorations.

C. Preliminary charting of the oral cavity and surrounding structures to include case histories, and peridontal charting; this does not infer the making of a diagnosis.

D. Dietary analysis, salivary analysis and preparation of smears for dental health purposes.

E. Placement and changing of peridontal packs if the dentist is present.

F. Application of pit and fissure sealants.

G. Procedures A., B., C., D., and F. may be carried out under the general supervision of a dentist. Examination and diagnosis must be accomplished only by a dentist.

**7 MCAR § 3.035 Dental technicians.** As prescribed by § 150A.10, subd. 3 of the Act, dental technicians may only upon a written authorization prepared and signed by a licensed dentist, construct, alter, repair, reline, reproduce or duplicate any prosthetic device or other structure to be used in the human mouth.



A. A dentist may not use the services of a technician without written authorization, and a carbon copy thereof shall be on printed forms and shall include:

1. The date and city where the authorization was issued.
2. The name of the laboratory or technician to whom the authorization was issued.
3. The name of the patient, or an identifying symbol.
4. A description of the work authorized.
5. The signature of the dentist in his actual handwriting.
6. The dentist's license number issued to him by the Board.

B. A duplicate copy of each such written authorization issued by the dentist shall be retained by the dentist for not less than two years.

C. The original of each written authorization issued shall be retained by the technician or dental laboratory to whom it was issued for not less than two years.

D. The Board or its agents may inspect the original and the duplicate copy of all written authorizations retained by either the dentist issuing the same, or the technician or dental laboratory to whom it was issued.

E. The Board or its agents may inspect any devices being fabricated by a technician or dental laboratory, as well as the casts, impressions, interocclusal records, other materials sent to the technician or dental laboratory by the dentist, and the written authorization accompanying the same.

**7 MCAR § 3.036 Unlawful practice by auxiliary personnel.** Any assistant, hygienist, or dental technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor, who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor, or director of a dental office as a guise or subterfuge to enable such assistant, hygienist, or dental technician to engage directly in acts defined by the Act as the practice of dentistry, or who performs dental services within the meaning of § 150A.11, subd. 1, of the Act for members of the public, other than as an employee or independent contractor for an employing dentist shall be deemed to be practicing dentistry without a license.

**7 MCAR § 3.037 Responsibilities of licensed dentist.** Nothing contained in these rules relating to the scope of services rendered by assistants, technicians, or hygienists shall diminish or abrogate the professional and legal responsibilities of employing dentists to their patients, to their profession, and to the State of Minnesota. Dentists employing assistants, technicians, or hygienists shall be fully responsible for all acts or omissions of such personnel per-

formed or omitted if within the normal scope of their employment; i.e., acts or omissions of such personnel whether or not omitted or committed by such personnel at the instance and request of the employing dentist if the omission or commission thereof is within the normal scope of their employment.

**7 MCAR §§ 3.038-3.040** Reserved for future use.

**Chapter Five: Suspension or Revocation of Licenses and Registrations**

**7 MCAR § 3.041 Grounds.** In general terms, the grounds for suspension or revocation of licenses of dentists and dental hygienists and of the registration of dental assistants are set forth in § 150A.08, subd. 1 of the Act.

**7 MCAR § 3.042 Definition of conduct unbecoming a licensee or registrant or conduct contrary to the best interests of the public.** "Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant or conduct contrary to the best interests of the public" as used in § 150A.08, subd. 1(5) of the Act shall include:

**A. The act of a dentist, hygienist, or registered dental assistant in:**

1. Engaging in personal conduct which brings discredit to the profession of dentistry.

2. Gross ignorance or incompetence in the practice of dentistry and/or repeated performance of dental treatment which fall below accepted standards.

3. Making suggestive, lewd, lascivious or improper advances to a patient.

4. Charging a patient an unconscionable fee or charging for services not rendered (applicable to dentists only).

5. Performing unnecessary services.

6. Performing services not authorized by the dentist, the Act, or these rules (applicable to hygienist or registered dental assistants only).

7. Accepting rebates, split fees, or, applicable to dentists only, commissions from any source associated with the service rendered to a patient; provided, however, that the sharing of profits in a dental partnership or association, or dental professional corporation approved by and registered with the Board, shall not be construed as splitting fees nor shall compensating dental auxiliaries on the basis of a percentage of the fee received for the overall service be deemed accepting a commission.

8. Falsifying records relating to:

a. payment for services rendered;

b. participation in a CDE course; or

c. other records with respect to licensure, registration, CDE, and the practice of dentistry.

9. Perpetrating fraud upon patients, third party payers, or others relating to the practice of dentistry.

B. The indiscriminate and repeated prescribing or dispensing of any drug which, under the circumstances has no therapeutic value.

C. The failure to maintain adequate safety and sanitary conditions for a dental office. The following are minimum safety and sanitary conditions:

1. Premises. The premises shall be kept neat and clean, and free of accumulations of rubbish, ponded water, or other conditions of similar nature which would have a tendency to create a public health nuisance.

2. Housekeeping facilities and services. Housekeeping facilities and services necessary to assure comfortable and sanitary conditions for patients and employees shall be utilized.

3. Control of insects, rodents, etc. The premises shall be kept free of ants, flies, roaches, rodents and other insects or vermin. Proper methods for their eradication or control shall be utilized.

4. Refuse disposal. Refuse shall be kept in approved containers and emptied at frequent intervals.

5. Heating, lighting and other service equipment. The heating of offices shall be by heating systems conforming to State and local heating codes and regulations. Individual room heaters shall be so located as to avoid direct contact with any combustible material. Installation and maintenance of electric wiring, motors, and other electrical equipment shall be in accordance with applicable State and local electric codes and regulations.

6. Water supply. An ample supply of water of a safe, sanitary quality, from a source that is approved by the local health officer, shall be piped under pressure, and in an approved manner, to all equipment and fixtures where the use of water is required.

7. Plumbing. Plumbing shall be in accordance with all applicable plumbing codes. Adequate hand washing facilities, of an approved type, shall be provided convenient to the work area. Hand washing facilities shall be equipped with soap and towels, and the drain from such facility shall be properly trapped and connected directly to the waste disposal system.

8. Disposal of liquid and human waste. All liquid and human waste, including floor wash water, shall be disposed of through trap drains into a public sanitary sewer system in localities where such a system is available. In localities where a public sanitary sewer system is not available, liquid and human waste shall be disposed of through trapped drains and in a manner approved by the local health officer.

9. Clean rooms. Floors, walls and ceilings of all rooms, including store rooms shall be clean and free of any accumulation of rubbish.

10. Sterilizers and sterilization. Every dental office shall be equipped

with adequate sterilizing facilities for instruments and supplies. Sterilization procedures shall be adequately and regularly employed.

**7 MCAR § 3.043 Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry, defined.**

A. The phrase "employing, assisting, or enabling in any manner an unlicensed person to practice dentistry" as found in § 150A.08, subd. 1 (9) of the Act shall include the practice by a licensed dentist in the same premises occupied by a dental laboratory or technician if such dental laboratory or technician advertises, solicits, represents, or holds itself out in any manner to the general public that it will sell, supply, furnish, construct, repair or alter prosthodontic, orthodontic, or other devices or structures to be used as substitutes for, or as a part of natural teeth or jaws or associated structures or for correction of mal-occlusions or deformities, or who in any way violates the provisions of § 150A.11, subd. 3, of the Act.

B. "In the same premises" as used in subsection (a) above shall mean public facilities used in common, such as office door, reception room, receptionist, files, telephone, telephone number, address, post office box, etc.

C. Permitting persons to perform services for which they have not been registered or licensed.

**7 MCAR § 3.044 Names.** Any name which incorporates the use of the name of a state, city or other political subdivision in whole or in part or which connotes unusual or superior dental ability, or which is likely to create a false or unjustified expectation of favorable results shall be in violation of § 150A.11, subd. 1, of the Act and Minn. Stat. § 319A.07.

NOTE: The amendment to this rule is effective July 1, 1981, the effective date of Minn. Stat. § 150A.11. Prior to that date, the text of the current rule will apply.

**7 MCAR § 3.045 Professional advertising.**

A. A person shall not, on behalf of himself, a partner, associate or any other dentist affiliated with him through a corporation or association, use or participate in the use of any form of public communication containing a false, fraudulent, misleading or deceptive statement or claim.

1. A false, fraudulent, misleading or deceptive statement or claim is one which:

- a. Contains a misrepresentation of fact;
- b. Is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;
- c. Is self-laudatory or is intended or is likely to create false or unjustified expectations of favorable results;

d. Implies unusual or superior dental ability;

e. Contains other representations or implications that in reasonable probability will cause an ordinary, prudent person to misunderstand or be deceived.

B. A person shall not compensate or give anything of value to a representative of the press, radio, television, or other communicative medium in anticipation of or in return for professional publicity unless the fact of compensation is made known in such publicity.

C. A person shall not directly or indirectly offer, give, receive, or agree to receive any fee or other consideration to or from a third party for referral of a patient in connection with the performance of professional services.

D. Fees may be advertised for routine services only.

1. A routine service is defined as one which is performed frequently in the dentist's practice; is usually provided at a set fee; is provided with little or no variance in technique; and includes all professionally recognized components within generally accepted standards. If the following routine dental services are advertised, they must adhere to these minimum standards (which are examples of the comprehensiveness required to satisfy the above definition):

a. Examination—a study by the dentists of all structures of the oral cavity, including the recording of the condition of all such structures and appropriate history thereof, including as a minimum the charting of caries, identification of periodontal disease and occlusal discrepancies, and the detection of oral abnormalities. If an examination fee is advertised, the same advertisement must include the following additional diagnostic procedures and their fees:

(1) Radiographs (x-rays)—x-rays of the oral structures to be used for purposes of diagnosis and which included either: 1) a panograph and four bitewings, or 2) intraoral full mouth review utilizing a minimum of fourteen periapical and four bitewing films. Any films must be adequate to provide a complete radiographic study.

(2) Diagnosis—a written opinion of items found in an examination.

(3) Treatment planning—a written itemized treatment recommendation and written itemized fee estimate provided to the patient.

b. Denture—either a full upper or full lower replacement of the natural dentition with artificial teeth. If the service advertised is for a denture which is partially prefabricated or is intended to be used as an emergency or temporary denture, such fact shall be fully set forth in the text of the advertisement. The fee shall include a reasonable period for readjustment.

1. The following special areas of dentistry are recognized as suitable for the announcement of specialty dental practices:

- Endodontics (Endodontist);
- Oral and Maxillofacial Surgery (Oral Surgeon/Oral and Maxillofacial Surgeon);
- Oral Pathology (Oral Pathologist);
- Orthodontics (Orthodontist);
- Pedodontics (Pedodontist);
- Periodontics (Periodontist);
- Prosthodontics (Prosthodontist);
- Public Health

a. Only licensed dentists who have successfully completed a post-doctoral course approved by the Commission on Accreditation in one of the specialty areas, or who announced a limitation of practice prior to 1967, or who have been approved by one of the following specialty examining boards, may announce specialty practice and may advertise as a specialist: American Board of Dental Public Health, American Board of Endodontics, American Board of Oral Surgery, American Board of Oral Pathology, American Board of Orthodontics, American Board of Pedodontics, American Board of Periodontology, and American Board of Prosthodontics.

b. 7 MCAR § 3.045 I. a. does not prohibit a dentist who does not meet the above education or experience criteria from restricting his practice to one or more specific areas of dentistry. Such individuals may not use the terms specialist, specialty, specializing, or limited to. The advertising must state that the services are being provided by a general dentist.

J. Failing to respond within 30 days to written communications from the Board of Dentistry or failure to make available to the board any relevant records with respect to an inquiry or complaint about the licensee's advertising practices shall constitute a violation of § 150A.08, subd. 1 (5) of the Act and 7 MCAR § 3.045. The period of 30 days shall commence on the date when such communication was sent from the board by certified mail with return receipt requested to the address appearing in the last registration.

#### **7 MCAR § 3.046 Display of name and certificates.**

A. Every licensed dentist or dental hygienist shall post and keep conspicuously displayed his name, license certificate and annual registration certificate in every office where he practices, in plain sight of his patients, and if there is more than one dentist or dental hygienist 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 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.

c. Prophylaxis—the removal of calculus (tarter) and stains from the exposed and unexposed surfaces of the teeth by scaling and polishing.

d. Extractions—this service is for the removal of non-impacted teeth and includes necessary x-rays, anesthesia, preoperative and post-operative care.

2. At the request of the board, the licensee, office or professional corporation shall bear the burden of proving that any advertised services are, in fact, “routine dental services” as defined.

3. Related services which may be required in conjunction with the advertised services, and for which additional fees will be charged, must be identified as such in the advertisement.

E. Advertising a range of fees for a given service is prohibited.

F. Advertised fees must be honored for those seeking the advertised services during the entire time period stated in the advertisement, whether or not the services are actually rendered in that time. If no time period is stated, the advertised fees shall be so honored for 30 days or until the next scheduled publication, whichever is later.

G. Any advertising must include the corporation, partnership, or individual dentist's (dentists') name and address.

H. Advertisements shall not:

1. Include descriptive words or phrases which are qualitative representations or comparative claims such as, but not limited to: painless, high quality, low prices and reasonable;

2. Include testimonials and endorsements; including but not limited to character references, statements of benefits from dental services received, or expressions of appreciation for dental services;

3. Include the use of celebrities;

4. Use dramatization or graphic illustrations to imply patient satisfaction;

5. Reveal a patient's identity or personally identifiable facts, data, or information obtained in a professional capacity;

6. After one year, include the name of any dentists formerly practicing at or associated with any advertised location;

7. Indicate or imply affiliation with any organization other than the dental practice being advertised.

I. Advertising of a practice in a dental specialty:



B. Every licensed dentist, upon changing his place of business, and every dental hygienist and registered dental assistant upon changing his address, shall within 30 days thereafter, furnish the Board with the new address. A practicing dentist shall inform the Board of the office address(es).

**7 MCAR §§ 3.047-3.050** Reserved for future use.

**Chapter Six: Continuing Dental Education****7 MCAR § 3.051 Continuing dental education.**

A. Each licensee and registrant shall each year provide the Board evidence on forms provided by it\* that such person has attended or participated in CDE as required by this chapter.

B. The minimum number of hours of approved CDE for each five years shall be:

1. For dentists—75 hours.
2. For hygienists—40 hours.
3. For registered dental assistants—25 hours.

C. The five year cycles shall be established as follows:

1. Each person licensed prior to the effective date of this chapter shall remain within the five year time cycle already assigned to him under § 150A.09, subd. 2 (1974).

2. Each person registered on or before June 30, 1977, shall commence the first five year cycle on July 1, 1977.

3. Each person initially licensed after the effective date of this chapter and each person initially registered after June 30, 1977, shall commence the first five year cycle on July 1 following the date of initial licensure or registration.

D. The anniversary date for completing CDE credits shall be June 30.

**7 MCAR § 3.052 Approval of sponsors; revocation of approval; sponsor responsibilities.** The Board adopts a sponsor approval CDE system except as provided for in 7 MCAR § 3.053.

A. The procedure for applying for approval as a sponsor of CDE courses shall be as follows:

1. Persons or organizations intending to offer courses for CDE credit shall apply to the Board in advance for approval and shall supply all information specified in 7 MCAR § 3.052 B. as well as any other information which

**\*Note of explanation.** At the present time the Board cooperates with and is part of the Registry which provides a centralized record-keeping system using computer facilities. Thus, the forms provided by the Board for reporting participation in CDE courses are computer cards sent to each licensee and registrant by the Board through the Registry. See 7 MCAR § 3.052 E. and 7 MCAR § 3.055 D. for rule provisions relating to reporting.

the Board may reasonably require consistent with the purposes of this chapter. The Board may use as consultants a committee appointed for such evaluation.

2. The following information shall be submitted to the Board by an applicant:

- a. The name and address of the applicant.
- b. The name of the person associated with the applicant responsible for the application.
- c. The names and addresses of the officers of the applicant.
- d. A description of the types of courses which the applicant plans to sponsor.
- e. A statement as to the applicant's policy with respect to the qualifications of speakers, lecturers and others making presentations.

B. The Board shall approve as a sponsor those applicants which meet the following standards:

1. The applicant is formally organized as a corporation (for profit or not for profit), partnership, or other formal association and has as one of its principal purposes the sponsoring of CDE courses.
2. The proposed types of courses to be sponsored shall have significant intellectual or practical content which deals primarily with matters directly related to the practice of dentistry or auxiliary functions or with the professional responsibility or ethical obligations of licensees or registrants.
3. The applicant shall permit only those who are qualified by practical or academic experience to teach, speak, lecture, or make presentations at CDE course sponsored by it.

C. The Board shall state in writing its reasons for denying any sponsor application.

D. Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit that they submit to the sponsor a computer card supplied by the Board through the Registry within two weeks of completion of the course. The sponsor shall submit all computer cards to the Registry within three weeks after completion of the course.

E. Sponsors shall submit the information required by 7 MCAR § 3.052 A. 2. annually.

F. The Board may revoke its approval of any sponsor for failure to comply

with provisions of 7 MCAR §§ 3.052 B., D., E., and 3.054, for falsification of any information requested or required by the Board relating to the application for approval as a sponsor or to the administration of courses of a sponsor, or for other just cause.

G. The Board may deny approval of a specific course offered by an approved sponsor if such a course does not meet the standards of courses as specified by 7 MCAR § 3.053 C.

**7 MCAR § 3.053 Approval of courses.**

A. Licensees or registrants may apply individually for approval of CDE courses which are sponsored by organizations which have not applied and been approved as sponsors pursuant to 7 MCAR § 3.052. Information as specified in 7 MCAR § 3.053 B. as well as any other information which the Board may reasonably require for the purposes of evaluating the course for which approval is sought shall be submitted to the Board. The Board may use as consultants a committee appointed for such evaluation.

B. The following information, along with the form supplied by the Board for reporting participation in CDE courses with the back side of it completed, shall be submitted to the Board by a licensee or registrant:

1. The name and address of the organization sponsoring the course for which credit is requested.
2. The name and address of the person in the sponsoring organization with which the Board may correspond with respect to the course for which credit is requested.
3. A detailed description of the content of the course.
4. The name of each instructor or person making a presentation and his credentials.
5. The location including the name and address of the facility at which the course will be conducted.

C. The Board shall grant CDE credit for any course which meets the following standards:

1. The course shall have significant intellectual or practical content dealing primarily with matter directly related to the practice of dentistry or auxiliary functions or to the professional responsibility or ethical obligations of the participants.
2. Each person making a CDE course presentation shall be qualified by practical or academic experience to teach the subjects he covers.
3. Participants shall attend courses in a classroom, laboratory or setting

suitable for the course. Video, motion picture or sound tape presentations may be used provided a qualified person is present to verify attendance.

D. No course will be approved which involves TV viewing in the home, correspondence work, or self-study only.

E. Ordinarily credit will not be given for speeches given at luncheons or banquets.

F. The Board shall state in writing its reasons for denying any application for approval of a course for CDE credit hours.

**7 MCAR § 3.054 Failure to comply with CDE requirement; reinstatement.**

A. Licensees or registrants who fail to comply with the CDE requirement of this chapter may nonetheless avoid disciplinary action under § 150A.08, subd. 1(10) (1974) of the Act, as amended by Laws of 1976, ch. 263, Minn. Stat. § 6 and qualify for relicensure if they successfully complete part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

B. Any licensee or registrant who has his license or registration suspended (pursuant to Minn. Stat. § 150A.08, subd. 1(10) (1974), as amended by Laws of 1976, ch. 263, Minn. Stat. § 6) for failure to comply with the CDE requirement of this chapter may be reinstated if he successfully completes part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

C. Any licensee or registrant who has his license or registration revoked (pursuant to Minn. Stat. § 150A.08, subd. 1(10) (1974), as amended by Laws of 1976, ch. 263 Minn. Stat. § 6) for failure to comply with CDE requirement of this chapter may be relicensed or re-registered if he meets the reasonable conditions imposed by the Board, as in other revocation cases, to determine eligibility for licensure or registration.

**7 MCAR § 3.055 General provisions.**

A. Sponsors may offer for and licensees and registrants may request continuing dental education for the following which shall also comply with the requirements of 7 MCAR § 3.052 B. and 7 MCAR § 3.053 C.

1. Lectures.
2. Study clubs.
3. College postgraduate courses.
4. Scientific sessions of conventions.
5. Research.

6. Graduate study.

7. Course presentation made on behalf of an approved sponsor.

8. Home study with a testing mechanism supplied by the sponsor. (In order to receive CDE credit, the licensee or registrant must successfully complete and pass the test.)

B. The Board may also approve other forms of CDE if the approval standards as specified in 7 MCAR § 3.052 B. and 7 MCAR § 3.053 C. are met. Examples of such other forms of CDE are:

1. Successfully passing part II of the National Board examination for dentists if taken five or more years after graduation. (This will fulfill the five year requirement for dentists.)

2. Satisfactory completion of an advanced education program such as an internship or residency accredited by the American Dental Association Commission on Accreditation and approved by the Board. (Such programs will fulfill the five year requirement for dentists.)

3. Successfully passing the National Board examination for dental hygiene if taken five or more years after graduation. (This will fulfill the five year requirement for hygienists.)

4. Satisfactory completion of an advanced education program approved by the Board. (This will fulfill the five year requirement for hygienists.)

5. Publication of articles or books. (CDE credit will be granted on an individual consideration basis.)

C. The Board, for courses approved pursuant to 7 MCAR § 3.053, after evaluating the information submitted, and sponsor shall fix the number of hours of CDE credit for each course based upon the following criteria:

1. Multiday convention type meetings such as state or national dental conventions or their equivalent shall be given five clock hours credit only.

2. Scientific or educational meetings or courses or similar offerings shall be credited on an hour for hour basis.

3. Home study with a testing mechanism shall be awarded hourly credit if the examination is successfully completed based upon a determination by the Board or sponsor of the reasonable amount of time necessary to cover the material and take the examination and not on the basis of the individual time taken to study or review the material.

4. Presentation of a course made on behalf of a sponsor shall be credited on an hour for hour basis.

D. Within two weeks after completing a course given by a sponsor approved pursuant to 7 MCAR § 3.052, the licensee or registrant shall fill out the form supplied by the Board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the Board under 7 MCAR § 3.052, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under 7 MCAR § 3.053 within two weeks after completion of the course. If course approval is granted, the Board shall send to the Registry the completed form for reporting participation in CDE courses submitted by the licensee or registrant with his application for course approval. (See 7 MCAR § 3.053 B.). The Board, for failure of a licensee or registrant to comply with the time limits specified in this section, may refuse to grant CDE credit for the applicable course.

**7 MCAR § § 3.056-3.060 Reserved for future use.**

**Chapter Seven: The Minnesota Professional Corporation Act**

**7 MCAR § 3.061 Annual reports.** Annual reports of professional corporations organized under the provisions of Minn. Stat. §§ 319A.01 to 319A.22, inclusive, shall be submitted upon forms furnished by the Board and shall require submission of the following information under oath:

A. Name and registered office of the corporation.

B. Address or addresses at which the corporation is providing dental services.

C. Name and address of each director, officer and shareholder.

D. A certification as to the licensure status of each shareholder, director, officer, employee and agent as required by Minn. Stat. § 319A.21(b).

E. A filing fee of \$100.00 for the first such annual report and a filing fee of \$25.00 for each such annual report thereafter.

**7 MCAR § 3.062 Issuance of certificate.** The Board shall review its licensure records and conduct such further investigation as it may deem necessary, and if it finds that the annual report conforms to the requirements of the Minnesota Professional Corporation Act and the rules promulgated thereunder, it shall issue a Certificate of Registration to the applicant.

A. The Board may delegate the review and investigation of annual reports and the issuance of Certificates of Registration to the secretary-treasurer so that annual reports will be acted upon in a timely manner in the intervals between meetings of the full Board.

B. Any annual reports which are not approved by the secretary-treasurer shall be considered by the full Board at its first meeting following such disapproval.

**7 MCAR § 3.063 Corporation names.** After July 1, 1981, the names of professional corporations shall be governed by Minn. Stat. § 319A.07 and 7 MCAR § 3.044.

NOTE: See footnote appended to 7 MCAR § 3.044.

**7 MCAR § 3.064 Admission of new shareholders or members.** Whenever a professional corporation intends to admit to the corporation a new shareholder or member, the corporation shall, at least 20 days prior thereto, notify the Board in writing of its intended action, indicating the identity; licensure status, and residence address of such proposed new shareholder or member.

**7 MCAR § 3.065 Revocation of certificate of registration.** The Board shall revoke (or if appropriate, refuse to renew) the Certificate of Registration of any corporation which no longer meets all the requirements of the Minnesota



**Professional Corporations Act.** The corporation's eligibility to receive or to continue to hold a Certificate of Registration shall be adjudicated under the applicable provisions of the Administrative Procedure Act (Minn. Stat. ch. 15) and the Rules of the Office of Hearing Examiners, 9 MCAR §§ 2.201-2.222.

**7 MCAR §§ 3.066-3.070** Reserved for future use.